

A regular meeting of the Village of Victor Planning Board was held on Wednesday, January 27, 2016, at the Village Hall, 60 East Main Street.

MEMBERS PRESENT: Chairperson Meg CHaides
Member Charles Criss
Member Steven Van Dyke
Member Peter Kowal
Member Jeffrey Swan
Planning Clerk Roseanne Turner-Adams

OTHERS PRESENT: Carlo Callea, Tom Fromberger, Vince Pettrone, Rick Mitchell, Laurie Lavery, Philip M. Lavery, Glenn Cooke, Michael Bliss, Tricia Bliss, Bryan Powers, Rebecca Melton, Robert Melton, Will Morgan, Sean McAdoo, Gary Hadden, Mauro Polodori, Karen Simonds, Tom Simonds, Tim Maher

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

Resolution #01-16PB
Acceptance of Minutes

On a motion made by Charles Criss, seconded by Steven Van Dyke, the following resolution was ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Peter Kowal was absent)

Resolved, to accept the minutes dated December 16, 2015.

61 School Street/Stumblin' Monkey Brewery
Site Plan Modification

Rebecca Melton distributed a presentation packet (Exhibit A) to each Planning Board member and thanked them for the opportunity to present the site plan. Ms. Melton began by showing an approved site plan from October 2013 for 27 parking spaces on the property owned by 61 School Street and an approved build out plan for a dance studio. Ms. Melton stated that in order to show what a traffic pattern would look like if a dance studio were in that space a chart was drawn with a maximum of 22 parking spaces needed. Ms. Melton stated that on September 4, 2015 Code Enforcement Officer Sean McAdoo was doing an inspection in the space and it was brought to his attention that the dance studio tenant had fallen through and that they were entering into a lease with a microbrewery for the same space. Ms. Melton stated that Mr. McAdoo had concerns about the parking for a brewery and to cease work in the space as he would be referring the concern to the Planning Board.

Ms. Melton stated that in September of 2015 a build out plan was submitted to Code Enforcement for a microbrewery with an occupancy of 24 which included 5 picnic tables and 4 chairs. Ms. Melton stated that in Mr. McAdoo's report he calculates seating for 5 96" picnic tables at 40 people, 10 people at the bar and 2 behind the bar and 2 in the brewing area with a total occupancy of 54. Ms. Melton stated that it was never the intent of Stumblin' Monkey to have more than 34 people in the microbrewery and that they were unaware that the change to 54 people would have such a profound impact on future development of the property.

Ms. Melton stated that at the October 28, 2015 Planning Board meeting Mr. Melton told the Planning Board that he had a handshake deal with his neighbor Mr. (James) Spencer for extra parking. Ms. Melton then stated that they would like to officially withdraw any overflow parking ideas and just review the space available and owned by 61 School Street LLC. Ms. Melton stated that the 54 occupancy was an oversight and that tables on the plan were not intended to seat 40 people. Ms. Melton states that the maximum occupancy should be 34. Ms. Melton showed a parking comparison chart for the maximum occupancy between a dance studio and a microbrewery which shows that a dance studio would need a maximum of 22 spaces and a microbrewery would need a maximum of 23 spaces.

Ms. Melton stated that Stumblin' Monkey received approval for a sign at the November 18, 2015 Planning Board meeting.

Ms. Melton stated that at the December 16, 2015 Planning Board meeting the public hearing continued and concerns were heard from the Lavery's who own the Day Care parking lot across the street. Ms. Melton stated that once the plan is approved the parking lot will be striped and signs which clearly direct people where to park should help address the concerns.

Ms. Melton reads through notes from the December 16, 2015 minutes

Discussion between Mr. Swan and Mr. & Ms. Melton regarding Stumblin' Monkey occupancy

Ms. Melton showed municipal parking walking calculations showing that it is a short walk of 132 steps from Library parking via sidewalks to Stumblin' Monkey Brewing.

Ms. Melton presented a drawing showing a maximum occupancy of 34. Ms. Melton stated that she has searched for a code pertaining to the number of parking spots based on occupancy and could not find anything and that Deputy Mayor Pearson e-mailed her that "a code does not exist that calls for a ratio of parking spots in relation to the number of square feet a business has nor does a code exist that calls for a ratio of parking spots commensurate to the maximum occupancy of a business as determined by the Fire Marshal."

Ms. Melton showed a chart that she created which showed the average parking percentage for restaurants and bars in the Village. Ms. Melton stated that Stumblin' Monkey has up to 46% more parking than the Village average.

Ms. Melton stated that on January 8, 2016 Mr. McAdoo let her know that the site plan must be approved by the Planning Board prior to permit issuance for Stumblin' Monkey.

Ms. Melton stated that that they are no longer asking for no additional parking, no easements or shared parking as part of the site plan approval. Ms. Melton stated that the facts presented should remedy the concern about parking.

Ms. Melton summarized her presented findings.

Chairperson CHaides thanked Ms. Melton for her presentation.

Ms. CHaides asked if the 27 parking spaces are all on the property at 61 School Street. Ms. Melton stated that all 27 parking spaces are on their property.

Discussion and review of Mylar's dated October 1, 2013 which were approved on November 20, 2013.

Ms. CHaides stated that the maximum occupancy of 34 is different than the maximum occupancy of 66 that the Fire Marshal rated the space. Mr. McAdoo stated that he saw the new plan today and has agreed to the maximum occupancy of 34. Mr. McAdoo stated that because they are dropping to 34 people as a maximum occupancy they can have 1 door rather than 2 which the code requires for 54 people. Mr. McAdoo stated that with the plan that he saw today, which needs to be formally submitted, the occupancy has been changed to 34.

Ms. CHaides asked if all of the space on the site plan is for Stumblin' Monkey. Mr. Melton stated that the space allotted for Stumblin' Monkey is 800-900 square feet. Ms. CHaides asked where the entrance to Stumblin' Monkey is. Mr. Melton stated that the entrance will face School Street.

Mr. Criss asked Mr. McAdoo if he has concerns at this point. Mr. McAdoo stated that he does not have any concerns and that all of his comments have been addressed.

Ms. CHaides stated that Chatfield Engineers stated that 617.5(c)(7) of SEQR regulations says "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" is a Type II

(exempt) action is not subject to review. I believe that this project meets that requirement.

Ms. CHaides stated that this case was referred to the Ontario County Planning Board who classified it as a #1 class and Ms. CHaides read their comments:

"Site plan approval for parking plan containing 33 spaces primarily within existing asphalt limits. Approx. 370 sq. ft. of new asphalt pavement is proposed. Cross access easement with adjacent parcel was submitted as part of the referral documentation. According to ONCOR data; No State or Federal wetlands are present on the property. The property is not located within a FEMA floodplain. The property is not located within 500 ft. of an Agricultural District."

Ms. CHaides stated that a motion was made and approved to retain the referral as a Class 2 and returned to the Village of Victor Planning Board with the recommendation of approval with the comments that they have issued. Ms. CHaides explained that this is due to the fact that an easement was previously proposed.

Ms. CHaides stated that in order for the Planning Board to overturn this they would have to approve it with a super majority.

Resolution #02-16PB
61 School Street- Stumblin' Monkey Brewery
Site Plan Modification/Final

On a motion made by Steven Van Dyke, seconded by Peter Kowal, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. An application was received September 28, 2015 by the Secretary of the Planning Board for a site plan modification at 61 School Street.
2. The applicant proposes the addition of a microbrewery with a parking plan 61 School Street.
3. The applicant presented to the Planning Board a rendering of the proposed site plan modification. The Board agreed to the data presented at the meeting:
 - a. Maximum occupancy of 34 for Stumblin' Monkey tenant.
 - b. The parking plan of 27 spaces on the parcel of 61 School Street which was originally approved on November 20, 2013.

NOW, THEREFORE BE IT RESOLVED that the application of Robert Melton, Final Site Plan Modification for 61 School Street, **APPROVED WITH THE FOLLOWING CONDITIONS:**

- That all Code Enforcement and Engineer issues are complied with, with the exception of the Cross Access Agreement

- That a final site plan is submitted for signatures

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

200 School Street
Site Plan Review- Concept

Mr. Rick Mitchell of Victor Self Storage stated that he is requesting Planning Board approval to expand Victor Self Storage. Mr. Mitchell stated that it took about a year to get through the process of purchasing an acre of property from the neighbor. Mr. Mitchell stated that the Village didn't have a mechanism in place to do a lot line adjustment so it took a while. Mr. Mitchell stated that the lot line adjustment was recently filed. Mr. Mitchell stated that Victor Self Storage is currently at 98.2% occupied and proposes to add a building with several storage unit sizes to match the current buildings. Mr. Mitchell stated that the proposed layout would allow space for plowed snow to be piled up out of the way.

Ms. CHaides asked if any of the storage units are climate controlled. Mr. Mitchell said that they are not.

Ms. CHaides asked Mr. Mitchell if he has received Chatfield Engineer comments. Mr. Mitchell stated that the site plan was updated to comply with Chatfield's comments.

Ms. CHaides stated that this site plan will be referred to the Ontario County Planning Board and the SEQR will be reviewed at the February meeting. Ms. CHaides asked why 'yes' was checked in question #12 which asks if the proposed action is located in an archeological sensitive area. Mr. Mitchell stated that the DEC website automatically checks certain boxes if it is located within a certain number of feet of an archeological sensitive area. Mr. Mitchell stated that he has requested to get maps of where these things are but that they will not tell you. Mr. Mitchell stated that the matter will get resolved and he is contacting the appropriate authority.

Mr. Criss asked if there have been any problems with drainage. Mr. McAdoo stated that there are no drainage areas at 200 School Street.

Mr. Mitchell gave a history of the drainage pond at 200 School Street.

Ms. CHaides stated that at the February Planning Board meeting there will be a Public Hearing, SEQR and Ontario County Planning Board comments.

Resolution #03-16PB

200 School Street
Site Plan Review- Concept

On a motion made by Peter Kowal, seconded by Charles Criss, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact

1. An application was received December 29, 2015 by the Secretary of the Planning Board for a site plan at 200 School Street.
2. The applicant proposes to expand Victor Self Storage.
3. The applicant presented to the Planning Board a rendering of the proposed site plan. Rendering is now on file.

NOW, THEREFORE BE IT RESOLVED that the application of Frederick Mitchell, Site Plan Concept for 200 School Street, dated October 21, 2015 **BE APPROVED**.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

100 Rawson Road
Site Plan Review- Concept

Mr. Tom Fromberger stated that back in 2000-2001 the site plan/subdivision which proposed 66,000 sf industrial with commercial office space was approved. Since that subdivision approval the parcel has been re-subdivided. Mr. Fromberger stated that in 2015 lot #2 was merged with a larger piece of land increasing the parcel size to 18.9 acres. Mr. Fromberger stated that the applicant is requesting re-approval of this plan. Mr. Fromberger stated that comments from Chatfield Engineers have been received and can be addressed. MS. CHaides asked Mr. Fromberger to address the comments from Chatfield, Fire and Code Enforcement.

Mr. Fromberger addressed each concern verbally and stated that each concern will eventually be resolved.

Mr. McAdoo stated that with the original application there was a portion of the property in the Town and that the Town has reviewed it and stated that any changes that occur do not need to go back to the Town.

Ms. CHaides stated that at the February Planning Board meeting there will be a Public Hearing, SEQR and Ontario County Planning Board comments.

Resolution #04-16PB
100 Rawson Road
Site Plan Review- Concept

On a motion made by Charles Criss, seconded by Jeffrey Swan, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

4. An application was received January 5, 2016 by the Secretary of the Planning Board for a site plan at 100 Rawson Road.
5. The applicant is seeking re-approval for a site plan approved jointly between the Town and the Village in 2001 to build a 66,000 sf industrial/office building at 100 Rawson Road.
3. The applicant presented to the Planning Board a rendering of the proposed site plan. Rendering is now on file.

NOW, THEREFORE BE IT RESOLVED that the application of Rawson Road Partners LLC, Site Plan Concept for 100 Rawson Road, dated January 31, 2001 **BE APPROVED**.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

Member Reports

Mr. Criss stated that he heard from a friend that Bow Wow Salon has doggie day care and overnight boarding and they were not supposed to have dogs overnight. Mr. McAdoo stated that this has been investigated twice and that no dogs are kept overnight. Mr. McAdoo stated that she does bring dogs to her home overnight but that is not in contrary to the agreement and conditions of the approval. Mr. McAdoo stated that he has been to the location 4 times at night and that there are no dogs boarded there overnight.

ADJOURNMENT

Meeting adjourned on a motion at 8:28 PM

Roseanne Turner-Adams, Planning Clerk