

A regular meeting of the Town of Victor Planning Board was held on April 26, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Jack Dianetti, Chairman; Joe Logan, Vice Chairman; Ernie Santoro, Heather Zollo, Al Gallina

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Silvio Palermo, Town Board Liaison; Joe Limbeck, Conservation Board; Ann Aldrich, Historical Advisory Committee Liaison; Ronald Courtney, Spencer Read, Rick Mitchell, Dave Nankin, Jeff Claus, Mark Stoll, Frank & Jane Botelho, Kent Kiikka, Frank Affronti, Ron Delany, Jerry Goldman

### BOARDS & COMMITTEE UPDATES

Town Board reported by Silvio Palermo

1. Held a joint Village and Town Board PH on the Gullace property Annexation to the Village. We had about a dozen citizens speak against the Annexation, citing a variety of different concerns, from drainage, to traffic, density, and not having a completed site plan review, etc. We are continuing accepting comments regarding this and will work with the developer to have them address some of the concerns they heard from the citizens. There will be more to follow in the near future.
2. TB approved a resolution to authorize the Town Supervisor to execute a Memorandum of Understanding between the Village and the Town of Victor regarding the Maple Avenue Reconstruction Project in the Village of Victor.
3. The Village is preparing to complete the Maple Ave reconstruction project which will result in road closure to complete this work in a timely and effective manner. Traffic will be detoured onto School Road in the Town. With the additional traffic on School Road there are some concerns that some road damage will result. The purpose of this Memorandum of Understanding is to identify that the Village of Victor will make any improvements to this area as a result of this detour.

Historical Advisory Committee reported by Ann Aldrich stated she had no report.

Conservation Board reported by Joe Limbeck

- April 19<sup>th</sup> meeting
  - Bob Cantwell from BME was at meeting to discuss Boughton Hill Rd Subdivision
  - Bob Cantwell and Jerry Watkins talked about East Victor Rd Subdivision
  - Reviewed Ballerina Court
  - Conservation Markers - Reviewing how they are put on resident's property

- Are they useful?
- Have gone through a process of revising markers both in color coating and verbiage.
- Explain what type of easement is on property
- Waiting for approval

Planning Board reported by Kim Kinsella

May 10<sup>th</sup> meeting

- Public Hearings
  - City Tavern – Patio area (TGI Friday’s location)
  - Keystone Fireworks located at 7161 Route 96
  - Outdoor Accents at 7161 Route 96
  - Boughton Hill Road Subdivision located on County Rd 41
  - East Victor Road Subdivision located on East Victor Road
- Informal Discussion
  - Royal Car Wash located 607 Rowley Road (Cole & Parks location)
    - Applicant is requesting feedback on demolishing the existing building and putting in a car wash.
    - They met with the Historic Advisory Committee

The legal notice for the public hearings appeared in “The Daily Messenger” and Post Cards were mailed to property owners within a minimum of 500 ft from location of each application along with “Under Review” signs being posted on the subject’s parcels.

*The legal notices were read into the record.*

### PUBLIC HEARING

*Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.*

EASTGATE SQUARE – PARTY CITY      44 Square Drive      Appl No 9-SP-16

Mr. Matthew Oates from Benderson Development addressed the Board.

Mr. Oates – We are requesting a modification to the previously approved façade for the 17,000 sf addition next to Michaels. This is the façade that was previously approved for the building. We submitted and initial a revision because we are working with a tenant Party City to take approximately 12,900 sf of the building. We received comments from LaBella on this and they had asked us to try to look at getting better symmetry with the building, if we could tie the rest of the theme into the remainder of the plaza. They also mentioned that there was no east elevation provided as well.

So based on those comments, we have modified the building and this shows it in context of the overall plaza. We added back in the second standing seam green metal roof back on the other

side and reduced the size of the proposed sign ban. This now maintains symmetry of the building that was missing previously.

The basic change on this side is this sign ban is raised up slightly from what was previously approved. The reason being is the frontage that we are working on Party City with is the left 2/3 of the building adjacent to Michaels. We are now looking at a second smaller tenant on this side as well. To provide a sign ban and to get some height on the sign, we were just looking to increase the sign ban. These are the same standing seam roofs that were previously approved and do match the remainder of the plaza as well. The sign that is shown for Party City is co-compliant as well.

Going back, this is the east side of the building as well. It is the same as what was previously approved and just to confirm what LaBella had mentioned, this does tie back into the side of the building. Overall we think it maintains the theme of the center and is pretty much in conformance with the previous elevation that was approved as well. Does the Board have any questions?

*Chairman Dianetti asked the public for comments and there were none.*

Mr. Frank Botelho from 1111 Cunningham Drive – I've been a resident for about 10 years. I would just like to see how that fits in with the front. I don't see any....I'd like to see how that sign fits in.

*Mr. Oates and members of the Planning Board showed Mr. Botelho pictures of the sign and the elevations of the building.*

Mr. Oates – We have not changed the physical look of this plaza. All we have done is framed out the Party City proposed signage but it's the exact same arch that was previously approved. Looking at it visually, the only difference is there is a slightly larger sign ban section on this side and ours is out a little farther to match up with the left over tenant space on the right side to provide symmetry with the building. The arch on this element is the same as what was previously approved by the Board.

Ms. Zollo – Do you have an image that shows this relationship to the entire plaza?

Mr. Oates – It's not in color but this is the overall elevation of the plaza on the bottom. I know that it's not in color but the standing seam is on either side as you go down as well. It's got the EFIS, it's got the brick so it continues the same characteristics. We're not proposing any new materials as well, it's still the same materials as previously approved and reviewed by the Board as well.

Ms. Zollo – All the other signage is white. What color is DSW and Bed Bath & Beyond?

Mr. Oates – Bed Bath & Beyond is white with black background which is their standard. The Verizon is with their red and white, the Distillery as well with their branding. It's pretty consistent with signage throughout Victor and in the area that is kept with the tenant's branding.

Ms. Zollo – I think the resident was just looking to see it all.

Mr. Oates – It would be the best way to see it, although it's not in color, is this bottom elevation. It doesn't have the other signage but that is the elevation that ties it all in. The overall signage is just under the allowable based on the frontage that Party City would be taking of the building as well.

Mr. Gallina – I think what we are looking at now is consistent with the rest of the plaza.

Mr. Logan agreed with Mr. Gallina. Mr. Santoro had no comments.

Mr. Pettee – I don't have any further comments. I can check with Mark Kukulka to see if he has an updated comment letter (Architectural Consultant from LaBella). The only comment letter that I have in my file is dated April 1<sup>st</sup> which is what the applicant has responded to.

Mr. Oates – Yes, we responded to that recently.

There were no other comments and Chairman Dianetti closed the Public Hearing.

RESOLUTION:

On motion made by Al Gallina, seconded by Joe Logan

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

1. A Site Plan application was received on March 16, 2016 by the Secretary of the Planning Board for a Site Plan entitled Eastgate Square façade change.
2. It is the intent of the applicant to modify the 17,108 sf approved addition into a +/-12,000 sf and a +/-5,108 sf tenant space.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail.
4. The Planning Board held a public hearing on April 26, 2016 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on April 26, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Eastgate Square proposed façade change will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Benderson Development Company, LLC Site Plan entitled Eastgate Square drawn by Benderson Development Company, LLC dated March 11, 2016 received by the Planning Board March 16, 2016 revised April 15, 2016 Planning Board Application No. 9-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions to be addressed prior to the chairman's signature on the site plan:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated April 1, 2016 from LaBella Associates Architectural Review Consultant be addressed.
3. That comments from Code Enforcement Officer dated April 19, 2016 be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. The building design shall be consistent with the architectural details as shown on the elevations, entitled Party City Elevation as prepared by Benderson Development dated March 3, 2016, revised April 15, 2016 received by the Planning Department April 15, 2016.

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

Jack Dianetti	Aye
Joe Logan	Aye
Ernie Santoro	Aye
Heather Zollo	Aye
Al Gallina	Aye

Approved 5 Ayes, 0 Nays

OTTO TOMATTO'S – OUTDOOR SEATING Phoenix Mills Plaza Appl No 10-SP-16

Mr. Jeff Claus from JC Construction addressed the Board.

Mr. Claus – I'm the one that will build the patio. You have everything that you need don't you?

Mr. Young – In reviewing your application, first of all things aren't terribly clear because we don't have a full engineered site plan. We have maybe a tax map with some highlighting on it and that presents an issue for us because there are some easements and other filed agreements in the area that might have an impact on the approval process for this application including what looks to be but can't tell because it's not a site plan that we have before us. It looks like some sort of sanitary sewer easement as well as a sidewalk building agreement. I see liber and page on there but we haven't actually seen the agreement.

Because we suspected that this is a sanitary sewer easement, we reached out to Farmington Sewer who advised that they were concerned about some potential drainage improvements in the area which also aren't shown on this plan or mentioned in your application. At this point, we feel that we don't have the information that we need to properly consider this application given those issues.

What we would ask is for a site plan that indicates whatever easements and agreements that are recorded and indicate them on the map. Also indicate any proposed drainage improvements such as a catch basin and then providing us with any easements or recorded agreements that are in the area of the proposed work. In that way, we can assure everything is properly considered. The main issue, given all of the things that seem to be going on in this area, you're building a patio which is a relatively simple application. The issue is you've got some sewer stuff going on over there and we want to make sure that whatever you're doing doesn't impose upon the Town's easement because this area is a pretty important area, this is the main line that the Town needs to get to.

Mr. Claus – The property owner said there is no sewer underneath there. You don't have that on the Town drawing?

Mr. Santoro – Have you seen the comments from Farmington Sewer? (No)

*Mr. Santoro gave him a copy of the comments to review. Chairman Dianetti stated that we had just received the comments from Farmington Sewer earlier in the day. Mr. Claus stated he would give the comments to the owner of the property to respond to.*

Mr. Young – My suggestion would be to come back with a proper site plan and then the engineer could explain.

Mr. Pettee – Before I get to that, is it the intent for this project to include a drainage improvement? (No) Would there be a catch basin installed or constructed on the property? The reason I ask is because the discussion with the Town of Farmington Water & Sewer Superintendent Dave Degear, he seemed to believe there was going to be a drainage structure constructed in the parking lot area above the existing sanitary system.

Mr. Claus – I don't have any information on that. That's something that the property owner would know. I was just applying for this for the restaurant owner.

Chairman Dianetti – There were some lines drawn on the pavement leading from the catch basin back to the rear of the building.

Mr. Claus – I'm not sure what that is.

Chairman Dianetti – Just marking where the line is or where the line is going?

Mr. Claus – I have no idea what it is. The owner said that the sewer does not run under his building.

Mr. Pettee – We know the sewer doesn't run underneath the building but it appears there is a sewer line between the two buildings. Some how the Town of Farmington understood this patio project would include some drainage improvements. So that's what the hold up is.

Mr. Claus – There was nothing, we weren't going to add anything, just the pavers to the area you see right there. The stone would come out of there and the pavers filled right in from the corner of the building where that siding is back to the bay window

Mr. Pettee - Would the sidewalk remain intact as a sidewalk or does the patio encroach on the sidewalk area?

Mr. Claus - The patio would encroach on the side walk area.

Mr. Pettee – So I think there are some questions relative to the handicap access from a sidewalk prospective, so that's in the comments. Typically what we are looking for in the site plan drawing would be a drawing produced by a PE stamped and signed by a PE rather than a copy of a map with some scratches and a pen drawing here. Assembling your site plan if you look to the Town's Design and Construction Standards and the Town's staff we can help you with looking at what those requirements are to get your site plan to a degree that would be sufficient for review, we can help you with that. Then I think you will have something formal that will really reflect what easements are on the property and we can take into consideration whether any of this project is going to interfere with any of these easements and that would be helpful for us.

Chairman Dianetti - So at a minimum we are asking for a site plan and I would like to go ahead and give the public a chance to comment. Is there anyone in the audience here tonight to comment on this project? It doesn't appear to be so I ask the board for their comments.

Mr. Santoro - I think we have already gone through it.

Ms. Zollo - I think we have made the applicant aware of what we need to review the project.

Mr. Logan - The challenge I have with this altogether is you are eliminating the sidewalk access from front to back of building and you are forcing anyone who is on the sidewalk to walk around in the street and I know it is not an active thorough fare but it is something we need to seriously look at to make sure that, first of all it can accommodate anyone that needs to use that sidewalk or if there is a way to bump it out or move the curbing or things like that to allow for sidewalk access around this, we should be looking at it. I think you should see what's available, what can

be done and then the sewer easement is a big issue. I like the concept, it's nice to have a patio and all that, I'd like to see it.

Chairman Dianetti – Did you get the letter from Al Benedict regarding his concerns, the Code Enforcement Officer? If not you can take my copy. He had concerns about the lighting.

Mr. Claus - I got it but I don't know if it said the lighting was an issue (inaudible)

Mr. Young - Just to reiterate and close this out what we would like to see is a site plan that is consistent with the Design and Construction Standards and that takes into consideration any drainage improvements and obviously you are going to get with the owner on that to make sure we have the facts right. A copy of and any reference to any easements running through the area, including the sewer easement as well as any other recorded agreements, again there's one referenced here, a sidewalk and building agreement.

Chairman Dianetti – We will close the public hearing for Otto Tomatto's and we will move onto the third public hearing Ballerina Phase II final subdivision.

BALLERINA COURT, PHASE 2

Erica Trail

Appl. No. 1-FS-16

Mr. Frank Affronti appeared before the Board.

Mr. Affronti – Frank Affronti of Affronti Development. I think we have answered all the questions that LaBella had, as far as I know. Walt couldn't make it tonight, he is out of town.

Chairman Dianetti – Did you want to add anything tonight?

Mr. Affronti – No. It's pretty simple, all the earth work has pretty much been done except for a little in the back. Everything seems to be working fine. I just decided to do the rest of the 48 lots. The front section sold out fairly quick so I would just as soon get it all done.

Chairman Dianetti – Anyone in the public, in the meeting tonight that would like to comment on this application?

Mr. Ronald Courtney – Hi, Ronald Courtney from 1151 Ridge Crest Drive. I am the President of Phase III Homeowner's Association which Cunningham Drive is one of the streets that are boarded by this development. If I was a homeowner buying a home there for \$240 on up and have the townhouses backing up to it, I think I would want something more than a 25 foot forever wild or whatever you want to call it easement between the two properties. That's not much. We have a least a dozen children in that area that as soon as somebody moves in and puts in a swing set you are going to find kids over there playing on the swings so I don't know what the developer is going to do but I think he will get complaints from homeowners if they move in and this happens. That's all I got for me. Thank you.

Chairman Dianetti – Anybody else? Board members?

Mr. Santoro – We have seen a lot of this. This is just continuing on.

Ms. Zollo – We have gotten some comments, I think from code enforcement about a timeline for the conservation easement markers to go in and that would be my only comment.

Mr. Affronti – I would be happy to put them in as soon as he wants to meet me over there to show me where he wants them. I have already discussed it with him prior to this and I would be happy to. He said he would be more than happy to walk it with me and I will put them right in. It's no problem.

Mr. Logan – No comments. This is not deviating from the original plan, correct?

Mr. Gallina – I'm all set. Thank you.

Chairman Dianetti – Joe you had some comments.

Mr. Limbeck, Conservation Board Chairman - We had several comments. The first, the Conservation Board noted that the development is in its final phase. We saw no additional impact on existing natural resources. They were not expected or called out on the site plan and that is what Mr. Affronti is saying. We did note that there are three types of conservation easements that have been agreed upon and that we request that the easements are filed prior to parcel sales. We accept and agree to the recommendation #3 in LaBella's comments. I think that is relative to lots 13 through 19. It made sense if the easement gaps were adjusted or removed and seems to facilitate a wildlife corridor through there. So recommendation #3 from LaBella we support. We did note that the eastern boundary markers are located within wooded areas and felt that the conservation easement markers might be unnecessary at this point in time. The western demarcations we agree that the markers should be placed according to code. We had, as I mentioned earlier in this discussion, about changing the appearance of the conservation easement markers to be more specific to the type of easements that are indicated on the markers and that we are hopeful that the time does work out such that they are available and ready for placement on this project.

Chairman Dianetti - This will have to be coordinated between the Conservation Board and Code Enforcement office and the developer to try and expedite that because I think there is a condition in here that says they have to be in place before a certificate of occupancy will be issued for the house. So that is something that there will have to be some kind of agreement.

Mr. Pettee - LaBella did have an opportunity to review the final plans for Phase II. Our letter is in the file dated April 8, 2016. The majority of our comments although we had a couple different pages of comments, the majority of them are really just cleaning up the plans. The plans are largely consistent with what was reviewed and approved at the preliminary stage, so we are very happy with the way things have gone there.

The two comments I wanted to touch upon tonight are number one, the conservation easement markers. My comment was about the conservation easement markers – there is a note on the plan which is consistent with what was approved for Phase I final subdivision, and

the note indicated conservation easement markers will be installed by the developer the exact locations and type will be coordinated with the Conservation Board Chairperson. So, at the time of Phase I final approval, that is how it was left. I guess the Conservation Board Chair has changed at this point and I guess we just need to decide. I am wondering if there is a way for the applicant to meet with the Conservation Board in a timely fashion so that they can decide where these conservation easement markers are going and to depict them on the mylars prior to signature.

Mr. Affronti – We are amenable to that.

Mr. Pettee – The Design & Construction Standards generally requires that they be located at various points on the map and that they be depicted on these plans prior to final signature. So, that would be helpful if we could get the two parties together just to finalize the location of where those markers are going to be.

Mr. Dianetti – So, a note on the plans that they will be in place where you want them on the plans – the location of the markers?

Mr. Pettee - Yes that would be great. That would be very helpful.

Mr. Young – That’s a condition, actually.

Mr. Pettee – The other item is the SWPPP. And it’s not something that needs to be addressed prior the Planning Board approval, but prior to final signature on the plans, we need to have an updated SWPPP or an amendment to the existing SWPPP.

Mr. Affronti – The SWPPP included the whole parcel, because we did the earth work for the whole parcel. So, the SWPPP that was filed was for the whole piece because we did the earthwork on the whole piece because we did the ponds and all the ponds are done, seeded and grassed now. But the SWPPP included the whole property.

Mr. Pettee – Okay. I’ll take that information back to our stormwater person and if there’s any further need there, I’ll have them get in touch with your engineer.

Mr. Affronti – I’m sure it included the whole piece because we did the earthwork on the whole piece. And we had to do that for that.

Mr. Pettee – Okay. All of the other comments that Labella has, the developer’s engineer did submit a response letter and they said they are going to address these on the updated set of plans which is fine. We are happy with that and we’ll just verify that they have been addressed once the plans or mylars have been submitted. If they want to submit it electronically prior to submitting mylars, we are happy to take a look at that.

Mr. Gallina – Jack, I did have one more question. Al Benedict had called out the height of the lamp posts as depicted on the drawing as 15’ which is “a” typical so I don’t know if there was some discussion about that.

Mr. Affronti – They would just be regular house lamp posts at each house.

Mr. Dianetti – That’s a miss-print?

Mr. Affronti – I think they are 5’ or 6’.

Mr. Gallina – So, maybe that’s just a matter of correcting that dimension on page 7 of the drawings.

Mr. Dianetti – So, addressing Al’s comments is in the resolution. Any other Board members? Okay, Don?

Mr. Young – I saw somewhere, I don’t know if it was in Labella’s comments, I don’t recall where, but in relation to the conservation easements, that they be recorded prior to sale of lots. Do we have any issue with just recording them prior to final signatures on the subdivision map?

Mr. Affronti – I thought it was prior to getting a C/O. I’ll get them filed as soon as possible, as soon as he gets them I’ll bring them over to the Town and get them taken care of. I thought it was already done already, to be honest with you. I’ll make sure.

Mr. Young – Sometimes when we start pushing it, you get sold lots and then you have a problem. So, I’d like to get it all cleaned up ahead of time. Wes do you have a problem with that?

Mr. Pettee - Not at all. That would be fine with LaBella.

Mr. Young - I don’t know if you have been provided with the easements or what the status of those are.

Ms. Kinsella – Typically, we get the easement description, we would get them from Walt. Then we would forward them to Boylan Code to draft the language. I haven’t seen the descriptions yet. I think Frank was under the impression that all of the easements had been filed. Cathy did some research and determined that the easements for section one had been filed but not for section two, so section one is all set. He is under construction building houses and has C of O’s on some of those lots already. Section two we would need the descriptions, we can get those from Walt and then forward those to Boylan Code.

Mr. Young - Do you think it is atypical to have them or would it be an issue in your mind?

Ms. Kinsella – I think he is already working on those, if he doesn’t already have the descriptions.

Mr. Young - Ok. Do you think it is appropriate to require them before the signatures?

Ms. Kinsella - The descriptions to get to you guys? I have to get the descriptions, send them to you (Boylan Code) and it depends on how quickly you can turn the language around, for him to then sign.

Mr. Young - Ok. I think they are just standard easements, the standard lease sites specific.

Ms. Kinsella - Typically they are, yes.

Mr. Affronti - We would like to get started right away on the pipe work because basically we are out of lots, and I don't want them to stop.

Ms. Kinsella – So he still has to work through any conditions you would place on the approval before any signatures could happen and before construction he would have to post his letter of credit also.

Mr. Young - So we should get those easements taken care of now.

Ms. Kinsella – So as soon as he gets me the descriptions we will forward them on.

Mr. Dianetti – If the Board is comfortable with acting on this application tonight, I'm going to close the public hearing. First of all are there any other comments before I close the public hearing? No other comments so I'm going to close the public hearing and I'll read the resolution for Ballerina Subdivision, Erica Trail.

#### DECISION:

On motion of Ernie Santoro, seconded by Al Gallina:

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

1. An application was received on March 22, 2016 by the Secretary of the Planning Board for a Final Subdivision entitled Ballerina Court Final Subdivision Plans Phase Two.
2. It is the intent of the applicant to receive final approval for the remaining 48 lots.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on April 26, 2016 at which time the public was permitted to speak on their application.
5. The Conservation Board reviewed the project on April 19, 2016.
6. Pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation for each family unit, in lieu of park land shall be paid

to the Town before issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of Affronti Development Major Subdivision entitled Ballerina Court Final Subdivision Plans Phase Two drawn by DSB Engineers and Architects, PC, Sheets 1 through 9, dated March 15, 2016, received by the Planning Board March 22, 2016, Planning Board Application No. 1-FS-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the final subdivision plan:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments in a letter dated April 8, 2016 from LaBella Associates be addressed.
5. That the comments from Code Enforcement Officer dated April 18, 2016 be addressed.
6. That all filed easements including liber and pages be depicted on the final subdivision plan.
7. That the final subdivision plan depicts all conservation easement markers per direction from the Town of Victor Conservation Board.
8. That all conservation easements reflected on the final Subdivision Map be recorded and time stamped copies thereof be provided to the Planning Department prior to final signatures.

**Conditions that are on-going standard conditions that must be adhered to:**

1. That the major subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the town for all improvements to be offered to the Town for dedication. Maintenance Bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten percent (10%) of the final construction cost, as determined by the Engineer for the Town.

3. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
4. That a pre-construction meeting shall be held prior to the start of construction.
5. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

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

Jack Dianetti	Aye
Joe Logan	Aye
Ernie Santoro	Aye
Al Gallina	Aye
Heather Zollo	Aye

Motion passed 5 in favor, 0 opposed

RECOMMENDATION TO TOWN BOARD:

EASTVIEW COMMONS – PDD MODIFICATION                      7607 Commons Blvd.

Mr. Jerry Goldman appeared before the Board. Also present was Rick Mitchell & Spencer Read from Mitchell Design Build.

Mr. Goldman - Good evening Chairman and members of the Board, my name is Jerry Goldman, I am the attorney agent for Mitchell Design Build and with us here tonight is Rick Mitchell, who is principal as well as Spencer Read from Mitchell Design Build. What is being proposed is to take a look at Lot 8 of the Eastview Commons PDD. For those who are on the Board, there may be one who was on the Board back in the 1990's when this was first established. Lot 8 became the relocated home for the asphalt plant which used to be in the area which currently is occupied by Home Depot and some of the retail uses. That back area was utilized for the asphalt plant and was ultimately discontinued as that use and Mr. Mitchell is proposing to use this property for a self storage facility similar to the self storage facility that he currently has in the Village of Victor as well as for his design build business at that location. In order to effectuate that change there is a need to deal with the PDD which for that particular lot was tailored and designed for the asphalt plant itself and literally for no other use. So to that extent an application has been made to the Town Board for a PDD modification for Lot 8 to address this unique use, it is a use which isn't really addressed by the code and that is why there are some issues with regard to parking which aren't really specifically defined for self storage and some other types of things

for example fencing around the perimeter, is something which is necessary for security purposes and the like. Those are all addressed in the letter that I believe the Board received, as well as, on the right side of the site plan dealing with PDD modifications and in some cases just clarifications with regard to some of the issues on the original PDD that was granted.

As you take a look at the site plan you see where this property is accessed by a road which literally cuts behind and around the retail uses on the site itself, it is adjacent to the Home Depot and in the back. It is a site that is generally invisible from view, from almost anywhere including the expressway unless you crane your neck. Perhaps it is visible in part if you are in the Home Depot parking lot but that would be about it. The use itself is far less intense than the prior use of the property which was approved as part of the PDD initially being the asphalt plant which had trucks bringing aggregate in and asphalt out. The use of the property for self storage is one which is a very low intensity use. At any one time, if there are more than two or three people on the site for self storage use that would be a lot. The design build business right now, Mr. Mitchell is operating primarily out of a property in the Town of Perinton and again a low intensity type of use, both its design side and then construction. With that this is a minor introduction of the site and what we intend to do. If you want me to get into the buildings and the like I can do that, but I will leave that to the Board, how much information you are looking for by way of presentation.

Mr. Logan – So, I have a question Mr. Goldman, it's always a pleasure to see you. When did you say the first application was?

Mr. Goldman – The first application, first use?

Mr. Logan - The first use of this.

Mr. Goldman – The first use of that lot was for the asphalt plant.

Mr. Logan – 1990?

Mr. Goldman – In the 90's I believe was the PDD. The asphalt plant was there before.

Mr. Logan - Ok. The impression was that I might have been on the Board that long!

Mr. Goldman – No, no I wasn't looking in your direction when I said that.

Mr. Young - You kind of were.

Mr. Goldman – I'm sorry, I'm sorry

Mr. Logan – I suppose Ernie and I are kind of bookending the table with Al.

Mr. Santoro – I wasn't here in 1990.

Mr. Logan – In the late 1990's?

Mr. Santoro - Time flies when we are having fun.

Mr. Goldman - I just thought I would state the benefit for those who may have been on the Board.

Mr. Logan - I digress.

Mr. Dianetti – Casting a broad net trying to catch somebody. The role of the Planning Board in this process do you want to address that?

Mr. Young – Sure. Right now the Planning Board has this PDD actually as a request for a recommendation to the Town Board, because what happens with the Planned Development District, sometimes is there will be a re-zone and then there will be a subsequent site plan approval. You might recall we have done that a few times. So right now the Town Board has to decide whether or not it will agree to re-zone or modify the zoning and the applicant has asked you to look at this site the way it is designed to be zoned consistent with the way it is designed here. The unique thing about this PDD, and some of the older PDDs there are no narrative zoning regulations for them. In this case, it is just a map so the applicant has given us a map with some notations that tend to mimic more traditional zoning regulations. Really what you are doing tonight and at the next meeting, is you are going to offer recommendations based on this proposal in front of you, the way that it is depicted on the map, and the way that it is consistent with those notations which would typically be zoning regulations, consistent with twelve factors that are set forth in the code.

You have done this a few times before. Here are the twelve factors. I think Wes is prepared to go through those factors and I think tonight we just want to consider and think about them, and then at the next meeting we will have prepared for you, based on your comments tonight, an elaboration on these factors that would go to the Town Board. The Town Board will consider those and make a determination on the zoning aspect and it will come back here for a site plan, which in this case, since it is such a unique PDD because it is based on a map, will be pretty much what you are seeing right here, right now. Right now is probably a good time to, at least in respect to the factors you are looking at, to put forth your comments so the Town Board can shape the zoning, which again is the map, in such a way to address these particular factors. Wes, can get into those factors for you.

Mr. Pettee – Thanks Don. I think there are eleven points of criteria. We have to go through these eleven criteria. I will just read the introductory paragraph, then I think I might just want to open it up to Planning Board discussion and get your feedback on the preliminary development plan that you have before you before we get to the eleven criteria. The code mentions here, the Planning Board shall review such application and may require such changes in the preliminary plans as are necessary to meet the requirements of this section to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community. In evaluation the proposal and reaching its decision regarding the preliminary plans the Planning Board shall consider and make findings regarding the conditions set forth below. Before we go through one through eleven, I just wanted to listen to the Planning Board members if they had any comments on the preliminary development planning questions that maybe the applicant could address, just to get the discussion going.

Mr. Dianetti – I can start it off, I have been approached about traffic at the intersection and I know that the asphalt trucks generally work during the summer season, and the warmer seasons. Has there been any study or indication that during the Christmas season that it may create a problem with traffic at that intersection?

Mr. Goldman – Our indication is not. Rick has indicated it can speak to his experience at the Victor Self Storage facility in the Village and as I pointed out we are talking about the same amount of numbers, basically no more than three, three to five at best on site as any time. Traffic we don't consider to be an issue.

Mr. Dianetti – One other question, was regarding storage of recreation vehicle and larger vehicles being able to get in and out of that intersection. They have the right out way there for the people coming out of the mall onto the stop sign by the main exit to the mall.

Mr. Goldman – That is correct and I think that historically there have been large trucks that have gone there and the vehicles that we are talking about, I don't think, will be much bigger even if they are towing and bring vehicles out. I think people who have those types of vehicles on trailers and everything else are used to maneuvering in tight spaces to be able to deal with traffic.

Ms. Zollo - I was curious about the three story self storage and how that was going to work. You said this would be invisible from all roadways and I'm curious how much more visible the three story.

Mr. Goldman – Well, the height which is allowed in the current PDD as drafted is 65 feet in height. All we are looking at is a three story building which in all likely would be not greater than 35 feet in height, it certainly wouldn't exceed 40, so it would be less than what was permitted in the prior iteration. Being a storage building, it doesn't necessarily have to be a whole lot higher and doesn't require floor of incredible depth. The three story building is meant to be a climate controlled building on this site. To that extent, it will be self contained as opposed to the other building that will not be climate controlled. That is why we wanted to have as energy efficient layout as possible to allow for the three stories. Now again, we don't think that is going to be particularly visible from anywhere and it is at a height where very often two story buildings are at.

Ms. Zollo - So how will the people using the facility access it. Is it an interior access?

Mr. Goldman - There is an interior access, there are two stairwells as well as one elevator which will allow people to access within that building. There will also be access as you look at it from the..... if we take North as being over here, it will be from the East. That is a paved area so people may have access from that area. We have provided for, as you take a look the site plan, land bank parking along the East of the building. We don't think that parking is going to be necessary for either the self storage or for the Mitchell Design Build offices which are located on the site, but if there is deemed to be a need for parking, for people utilizing that building then we can certainly provide it but our experience would indicate that, again, we won't have a lot of people there at one time.

Ms. Zollo – So, it's all interior access?

Mr. Goldman – That's correct.

Ms. Zollo – Except for the ground floor on the one side?

Mr. Goldman – On the one side, I'm sorry, on the west side of the building there is first floor access. On the east side of the building, you'll see landscaping there, that is not going to have any access at all and I believe on the north side there is no access.

Mr. Mitchell – Correct. Actually the drawing that is up on the screen isn't the current drawing that you have in front of you, I don't believe.

Mr. Logan – No, it's different. The small building on the south end is a "T" to the existing building and it's much bigger.

Mr. Mitchell – This is the 3 story building and from this side, which would be the west side, that is set up for the car aficionado who wants a climate control space, no one else in their space, can't touch their car. They are very particular about their cars. So, it is set up for access on this side, on the ground floor for automobiles, basically.

Mr. Santoro – Is there an elevator that is supposed to accommodate the lifting of automobiles on the end?

Mr. Mitchell – No. There is no automobile accommodations above the ground floor.

Mr. Santoro – What is going to be on the next two floors?

Mr. Mitchell – The next two floors would be basically 5' x 10', 10' x 10' and 10' x 15' climate controlled spaces. There is a loading dock at the end of the building. That's for the upper spaces.

Mr. Dianetti – Heather, anything else?

Ms. Zollo – That was my question for now.

Mr. Dianetti – Ernie?

Mr. Santoro – I'm good.

Mr. Dianetti – Joe?

Mr. Logan – Just as a general comment, I think this is an excellent low impact use for the site given what was previously there and frankly there is already a lot of bermming that hides just about everything there and I think as Mr. Mitchell said early on when he first proposed this or

came before the Board that there's a lot of security available with the setup that there is with the fencing that he wants to add and stuff like that.

The large area for storage of larger equipment, it's gravel. How would you address any kind of oil leakage or things like that from equipment? I think that might be a concern that might need to be addressed. If you don't have an answer right now, that's fine.

Mr. Mitchell – I wasn't anticipating there being oil leakage and hydraulic fluid. Actually the equipment will be housed predominantly inside.

Mr. Logan – I'm just thinking about big RV's that are usually covered over for the winter.

Mr. Mitchell – You are talking underneath the high tension wires?

Mr. Logan – Yes.

Mr. Mitchell – Well again, if someone has an oil pan overflow, what would you do?

Mr. Logan – Well, you are talking about a permeable surface rather than an impervious surface which there's a difference and that's what you are proposing here. I would say immediately you may have some vehicles that drip a little oil here and there and might need to be captured in some way.

Mr. Goldman – That's a good question and I think that's something we should look at and something we should ensure, when we come back, that the engineer is going to be very intent on taking a look at. The one thing that is unique about this, which is great, is that it's not often that you can utilize the area under high tension wires with something like that. We are able to do that. Those three hundred foot easements that goes all the way through has been part of my career in Victor as long as I have been here. It seems like we have had to avoid it but now we are able to do something, but that's a good question and we ought to figure how we would deal with that.

Mr. Logan – So your comment about the easement reminded me of another comment I had thought of. You have a three story building at literally the edge of that easement. How tall are those wires over that area? How much higher is the lowest cable from the top of that building?

Mr. Goldman – We will measure it but it is substantially higher.

Mr. Logan – Usually you need to be 20 or 30 feet away minimum.

Mr. Read – I would comment that we have had the power authority in, they have seen our drawings. They actually have a permit filled out for this. We have hesitated to sign it yet, because we haven't gotten all the approvals on this side, but their totally happy with what's being proposed here.

Mr. Logan – Ok, good.

Mr. Read – Joe, the first conductor wire on those high tension wires is, I don't know the exact, it is about 30 feet in from the edge of the easement already, horizontally. That building projecting up, they actually didn't have any problem with the building height. There were some stuff in the asphalt plant, it was a little further away, but was much higher.

Mr. Logan – Yes, there were some tall structures in there.

Mr. Read – It's quite a ways in and I believe the conductors sag but when I was out there with the Power Authority it was 80 some feet from ground, 85 something like that.

Mr. Logan – Thank you.

Mr. Read – Also you will find that the Home Depot building is built right on the easement line as well on the other side. You can go up to but you can't go beyond it.

Mr. Logan – The Home Depot building is taller than 35 feet.

Mr. Read - Yes, it probably is.

Mr. Logan – So those are my general comments. I am in favor of the project. I think it's a good use and as long as we can vet some of the other incidental issues here. I don't have a problem with it.

Mr. Gallina – I largely agree with Joe's comments. In general it is a good re-use of the site, so I'm generally in favor of the proposal.

Mr. Dianetti – I was over there today and all the times I was at Home Depot, I never really noticed the asphalt plant back there when I was back there. Today I went over there specifically to look at the site and you can see the site pretty well from Home Depot parking lot.

Mr. Goldman - From the parking lot is the only place you can see it.

Mr. Dianetti– You have to pull over where they have the equipment stored and sit there and then the security guy drives up and wants to know what you are doing. I have the problem a lot wherever I go.

I know there are a lot of comments that I had heard in the past about the height of the fence and making it opaque, putting the slats in it. So I did drive around, 84 Lumber does have a tall fence, chain link, has banners on it and things like that, and the Home Depot has more than a ten foot fence. So there's precedence there for that type of screening for different things.

Mr. Goldman – We believe the 84 Lumber's fence is ten feet, I believe Home Depot's is twelve.

Mr. Dianetti – That's pretty high and it screens most of their chemicals they have outside, which is a better place to have them than in the building. For the most part, I agree it is a good use, it is a less intense use than the asphalt plant was, and it is more fitting for a commercial area. I think generally, the Board looks at this favorably and we will be commenting on it. The one

clarification I had asked for is that the Town Board is taking lead agency because they are going to be changing code and then they are going to be doing a seeker and we are going to be making these recommendations to them for them to incorporate it into the code and they generally do that. They take the suggestions from the Planning Board and they write that right into the PDD regulations and guideline. So we will have our input. It won't be conducting the seeker or a separate seeker for the project but we will be making input into it and it will be significant. We will have our day.

Mr. Goldman - And that's great. But I think generally, everybody feels pretty good about it. I wish Joe (Limbeck) had stayed because I would like to get some input from the Conservation Board because of the wet lands that are nearby and all that.

Mr. Mitchell – We are actually decreasing the amount of impervious surface on the site.

Mr. Dianetti – Ok. I think their concern would be, where is the water going when it leaves your site and what kind of facilities are there to try and keep any potential leakage ending up in the nearby wet land areas.

Mr. Logan – Are you going to have it go into the pond that's there? The collection pond?

Mr. Mitchell – The site drains to the detention ponds. That was the drainage master plan where everything went. That is really not something that we can change. That is ultimately where it all heads.

Mr. Logan - Where it's supposed to go, I guess.

Mr. Dianetti – Wes, anything else to add that we should be thinking about between now and the next meeting?

Mr. Pettee - I can go on with looking at the eleven criteria. The discussion has helped clarify for me a little more about the Planning Boards position and what I would intend to do is put together a draft recommendation based on what I have heard tonight. I guess what I will ask at this point if there is anyone on the Planning Board who has...I won't go through each one of these individually because I think your comments might be minimal at this point if we haven't heard your comments already. So, if anybody has anything they would like to say, with regard to items one through eleven tonight right now, I would be happy to listen to those. Otherwise, feel free to email the Town staff or myself with any additional comments you have on these. One other way we can get some feedback on these items would be to have the applicant submit to Town staff and/or us as Town Engineer, LaBella, their comments on items one through eleven, that's not different from what's transpired in the past with these PDD amendments to the code, we have other applicants submit their comments on items one through eleven as well. That might be very helpful if we can get your comments, Planning Board, if we can get your comments relatively soon via email if you have anything more that would be good, since our next meeting is May 10<sup>th</sup>.

Mr. Goldman - Some of the one through eleven are not necessarily germane because they deal with the creation of a new PDD as opposed to an amendment, for example, the need for the proposed development, but some of them do. We will provide some comments as well.

Mr. Pettee- You're exactly right, Jerry. I couldn't agree more. That was one thing I meant to say, that this is an amendment to an existing PDD and it might be difficult to answer some of these because we are not creating a new PDD.

Mr. Logan - I just want to address again the environmental factor I brought up earlier, Jerry. Feel free to think about this for comment. The pervious areas that could see some sort of dripping of oil from failed equipment, I would suggest if you want to keep it that way, that you have an action plan on what to do in place with the appropriate materials there to do any localized clean up that you might need to do. Frankly, some form of regular inspection of the site, or when an RV pulls out for the year, you look at as soon as it pulls out and say it's clean or no it's not and have a check off as part of your list of what needs to be done to the site as you are bringing vehicles on and off the project.

Mr. Mitchell – It's very similar to what we do with enclosed storage space. We go through it and inspect it, clean it and treat it.

Mr. Logan – It's quite a large area of stone that you could potentially have several spots every year in different places and you want to inform or access it with the owner of the vehicle at the same time as well.

Mr. Mitchell – It's a very good idea.

Mr. Logan - I would like to see that included, how you would address that.

Mr. Mitchell - That's good. We will work on that, makes it easy for the manager. It gives him a how to.

Mr. Dianetti - Anybody else? Wes?

Mr. Pettee – No, I'm all set at this point.

Mr. Dianetti - Don, you have anything?

Mr. Young - Just out of curiosity, is this site services by all the utilities companies in place where they need to be so you can access them?

Mr. Goldman - I believe all public utilities are accessible to the site and we just have to run lateral to anything if it's deemed necessary, that's it. We are serviced by public utilities.

Mr. Young - Is there sanitary out there?

Mr. Goldman – Yes, there is.

Mr. Mitchell – There’s public water, there’s sanitary, there’s storm obviously, there’s gas. The only thing it doesn’t have is high speed internet. (Laughing) We are struggling a little right now.

Mr. Dianetti – You do have a place for the RV’s pumping out their holding tanks, right?

Mr. Mitchell - Yes.

Mr. Dianetti - Then everything is going to come off that round about road, right?

Mr. Mitchell – That’s correct.

Mr. Dianetti – Anything else, anybody? Thank you.

EXTENSION OF TIME:

HERITAGE PACKAGING

625 Fishers Run

Appl. No. 44-SP-14

Mr. Dianetti read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Heather Zollo:

WHEREAS, in a letter dated March 29, 2016, Jerry Goldman requested the second 90-day extension of time for application titled Heritage Packaging, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the **final** 90-day extension of time for Heritage Packaging.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board’s approval letter.

Jack Dianetti	Aye
Joe Logan	Aye
Ernie Santoro	Aye
Heather Zollo	Aye
Al Gallina	Aye

Approved 5 Ayes, 0 Nays

Motion was made by Ernie Santoro seconded by Joe Logan RESOLVED the meeting was adjourned at 8:30 PM.

Cathy Templar, Secretary