

A regular meeting of the Town of Victor Planning Board was held on May 10, 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; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Silvio Palermo, Town Board Liaison; Kate Crowley, Conservation Board; Harry Heuer, Roger Ironi, Jim Hendler, Mark Landers, Michelle Landers, Dave Nankin, Bonnie Waters, David Cox, Melody Burri, Sue Stehling, Katie Coyne, Harriett Neville, Rick Mitchell, Gary Van de Water, Douglas Fisher, Linc Swedrock, Bob Cantwell, Spencer Read, Joe Murphy, Jerry Goldman Rosemary Graham, Mike Tascione, Alan Russell

BOARDS AND COMMITTEE UPDATES

Town Board reported by Silvio Palermo on the May 9, 2016 meeting:

1. Last evening we held a public hearing to establish the Town of Victor Drainage Improvement Area.
 - We had two individuals speak in favor of this and no one against it.
 - Following the Town Board public hearing, we passed a resolution that a SEQR review was conducted and a Negative Declaration was issued in connection to the DIA
 - Town Board passed a resolution Authorizing the Establishment of the Town of Victor Drainage Improvement Area.
 - Our Goal of this Drainage Improvement Area will most effectively manage storm water runoff within the Town's borders given the current and future conditions.
2. Last evening Town Board approved the Annexation of 2.2 acres of land to the Village in regards to the Gullace single family home development.
 - Village Board had already approved the annexation at their board meeting last week.
 - This development will soon be coming back to the Village and Town Planning Board.

Conservation Board reported by Kate Crowley

- After last Planning Board had brief conversation with Katie Evans regarding conservation easement markers.
- Conservation Board put together recommendation and sent to Ms. Evans to update markers to indicate the type of easement that is being marked. They will also be different colors and will tie to the title of the easement along with phone # and email address on it.

Planning Board reported by Kim Kinsella on May 24, 2016 meeting:

- Public Hearings
 - Pooler Park located at 7575 Hannan Pkwy – Change of Use
 - Burger King located at 600 Rowley Rd for building modifications
- Board Deliberation
 - Fishers Ridge – Draft FEIS

Ms. Zollo asked about the Under Review sign at Championship Hills. Ms. Kinsella stated it was for Phase 2, resubdividing them into individual blocks and would be on a future agenda.

The legal notice for the public hearings appeared in “The Daily Messenger”. 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.

PUBLIC HEARING

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

CITY TAVERN (former TGI Fridays)

App No 11-SP-16

7635 St Route 96

Owner: Widewaters Route 96 Co II LLC Zoned: Commercial

Applicant is requesting approval for construction of a +/- 2,000 sf outdoor patio and the redevelopment of the former TGI Fridays restaurant.

Mr. David Cox from Passero Assoc, Civil Engineer for project addressed the Board along with Alan Russell and Mike Tascione from City Grill

Mr. Cox – We are here this evening for final site plan approval for the outdoor patio. This site is the old TGI Friday’s building that has been vacant for a little bit and we have a project that wants to come in and rehab that restaurant to City Tavern, dress it up a little bit, put in an outdoor patio and put it back into use and service.

Patio design originally as proposed was 30 ft deep but since then, we have revised that to 20 ft deep. It’s a little bit further from the road now and really lines up with the parking lot. There isn’t any further encroachment towards the right of way or Route 96 than what the parking lot already is.

One of the things that we did is look at the Route 96 Corridor overlay district. It talks about brick and stone materials. As you can see that is what we’re using here. Also one of the recommendations of that is for the patio to be between the building and the street which we have placed as well. There is also a retaining wall that outlines and goes around the seating area which also provides an additional buffer for anything that might come from Route 96, it would

hit the retaining wall. It would still have to travel quite a distance, over a berm and trees and poles but its there. It is about 70 ft off the edge of pavement.

The patio in the current location also works very well with the internal building plan. We can't move everything around (referring to inside the existing building). It's not a complete rip out so the kitchen had to stay in the current location. So based on the layout, it really works well for the patio location.

As far as parking, we have adequate parking. We went to the Architectural Review Committee and they were in favor of the design and the look of the building. We have also addressed all of the Town comments and the Town Engineer. I would like to have Alan Russell come up and talk about the City Tavern.

Mr. Russell – I'm from City Tavern in Hooligan's in Webster. I grew up in Rochester and moved to South Florida for 20 years. When you go to South Florida, dining is more indoor/outdoor and that is where we got used to doing this. Our whole plan, our sliding glass doors and patio makes it instantaneous so if you have one bad day that it's snowing, then next day you can slide open the doors and have indoor/outdoor beautiful dining.

You would think in Florida, that you could indoor/outdoor dining too but you can't because it gets too hot, like it's too cold here, it's too hot there. So you only have a certain time of year that you can go but the technology has caught up where you can have a fire pit, that's affordable now. Our process is casual, upscale dining. You come in and think this place is beautiful but it's affordable to all ranks of life. You can get a pizza and a bottle of wine for \$25 or you can get a \$50 steak and a \$200 bottle of wine. You'll see all walks of life here.

The patio is going to be made of stamped concrete with a 20" knee wall all the way around it and it's conforming to two fire exits with gates. It's totally enclosed for NYS Liquor Law.

It's like nothing that Victor has ever seen. The reason we are putting a City Tavern out here is because about 50% of our clientele from City Grill downtown, I don't know if you've been there, lives out this way, they live in Cobblestone.they come on the weekends because they have plans to have someone drive and take turns coming back. So they are super excited for us to move out here so they can have city dining during the week. There's not a lot of things out here; there's Chili's and everything but there's not many independents.

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

Mr. Gallina – No questions. I would say in general, I'm in favor of using an existing building as opposed to seeing it sit vacant and it's a similar use. I think some of the architectural modifications are probably more in keeping and more traditional to the rest of the corridor versus to what is there today. I don't have any questions or issues with it.

Mr. Logan – This is exactly why we pushed Fridays to do what we did back then. I think Ernie will agree having a box and something that was less manageable in terms of modifications to the architectural style was not desirable but with the sloped roofs and the opportunity for the stones, I think you guys did a nice job. I appreciate the architect and the Architectural Review Committee's input and what you've come up with. It's a nice positive improvement to the building.

Ms. Zollo – There was a mention that the wall around the patio would be 20” high and I believe our Fire Marshal made comments that it should be 36” high.

Mr. Cox – It is 36” high.

Ms. Zollo – So that will be remedied. There was mention that the Architectural Review Committee saw this. Did we see this AI?

Mr. Gallina – No we didn’t, I think he meant LaBella’s architectural review.

Ms. Zollo – I think it’s a good reuse of the property. I wish you luck with it.

Mr. Santoro – I do too, it’s looking better than TGI Fridays did. I look forward to it.

Carol Ponte from Carousel Lane, Canandaigua, NY - It’s the greatest place and you’re going to be surprised and you’ll frequent it as much as I do and I’ve been there quite a bit. I really like it. Everything they do is great. The food is great, the staff is wonderful.

Mr. Pettee – I don’t have anything further beyond our May 5, 2016 letter had indicated. The applicant has responded to our letter and their responses are satisfactory and we have no concerns with that.

Ms. Zollo – Will there be the charcoal filter fans as part of the kitchen set up?

Chairman Dianetti – Filters for odor control. You’re aware of the Town’s code for odor control?

Mr. Russell – Yes and we are also aware that Fridays used so much frying. Our menu is only 20% frying so that will help there. We’ve already extinguished the terrible smell in the building. There shouldn’t be an issue. City Grill is almost the same menu and we’re right downtown in an urban area and you can’t smell anything from it.

Ms. Zollo – There is a western prevailing winds and residential right across Route 96 from there so I just wanted to make sure that the residents will be protected.

Mr. Russell – There won’t be any issue at all.

Chairman Dianetti didn’t have any additional comments. The public hearing was closed.

RESOLUTION

On motion made by Joe Logan, seconded by Ernie Santoro

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

1. A Site Plan application was received on March 29, 2016 by the Secretary of the Planning Board entitled City Grill Canopy.

2. It is the intent of the applicant to construct a 20 ft x 112 ft outside patio and the rehabilitation of the former TGI Friday's building.
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 May 10, 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.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. On April 13, 2016, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. LaBella Associates Architectural Consultant reviewed application and made comments dated April 14, 2016 and May 5, 2016.
9. The Fishers Fire Dept reviewed application April 16, 2016.
10. Zaretsky and Assoc. reviewed landscape plan and made recommendations received March 12, 2016 which applicant responded to on April 1, 2016.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 10, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, City Tavern 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 East Coast Tavern, LLC – Mike Tascione Site Plan entitled City Grill Canopy drawn by Passero Associates dated March 2016 received by the Planning Board March 29, 2016, Revised April 1, 2016 and entitled City Tavern received April 28, 2016 Planning Board Application No. 11-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 May 5, 2016 from LaBella Associates be addressed.
- 3. That comments from Code Enforcement Officer dated May 5, 2016 be addressed.
- 4. That the comments in a letter dated May 6, 2016 from Zaretsky and Assoc. 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. That at the request of the Planning & Building Department, a pre-construction meeting shall be held prior to the start of construction.
- 3. 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.
- 4. The building design/site plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled City Tavern as prepared by Passero Associates and received by the Planning and Building Dept on April 28, 2016.
- 5. All screening shall be similar in material and color and integrate with the proposed building materials and subject to the review and approval of the Planning Board. This shall include but not be limited to mechanical equipment, dumpster enclosures, transformers, meters, or RPZ vaults.

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

KEYSTONE FIREWORKS –

Appl No 12-SP-16 and 2-SU-16

7161 St Route 96

Owner: BB Route 96, Leonard Hunt Zoned: Commercial/Light Industrial

Applicant is requesting to put up a temporary tent on the Hunt Property on Rt 96 (former Snuffy’s Fruit/Vegetable stand) to sell fireworks during the weeks of June 23 to July 9.

Mr. Roger Irons from Keystone Novelties addressed the Board.

Chairman Dianetti – We learned late today that the driveway access into the location where you'll be setting up the tent and the sheds is not owned by Hunt, it's owned by the owner of the Hoffend's Plaza. So no one has permission that we're aware of to use that driveway for access into that location. We can proceed with the public hearing and get input but you'll need to address that issue with the owner of the plaza who controls the entrance way.

The implication from the application was that Mr. Hunt who owned the property that the tent and the sheds would be located also owned the entrance and gave permission to park in front of the stores for overflow parking but no permission from the owner of that plaza had been granted. So until we get something saying you can use that driveway or another driveway is constructed to get into that area, we're at a stand still with the process.

Mr. Young wanted to know how we found this out.

Ms. Kinsella – I talked with the owner of the Hoffend's plaza and he had indicated that he had given permission to Dale Hunt for Snuffy's Fruit & Vegetable stand, nothing in writing though. Dale Hunt owns the property where the tent and the sheds will be located. I don't believe he has anything in writing. I thought that he might be here tonight and he may be in the audience, I'm not sure but he was going to talk to Dale Hunt about that. He has a concern with cars coming in and out of there and where it is right now is paved and then goes to gravel and the pavement is starting to break away. So the owner of the Hoffend's building has a concern with the maintenance of his driveway.

Chairman Dianetti stated that the Board would go ahead with the public hearing.

Mr. Irons – I'm out of Windber, PA and our home office is in Lancaster, PA. We are a family owned business. This is our 29th year of business and we'll operate over 600 locations this year, from Rhode Island to North Carolina.

Just a little background on the company. With well over 10,000 seasonal tents that we have operated over the years, we've never had an accident, we've had the occasional complaint about a bad clerk which happens occasionally but no accidents, no injuries or problems like that. We try to work with the municipalities that we are in and also with the businesses that surround our locations.

I believe you already have a pretty extensive view of what it is we are looking for. There are just a couple of things that I'd like to make light of. There was a last minute change in the site plan and I believe you have received the new site plan (referring to the location of the tent). There are no measurements on the plan but I went and actually did a physical measurement today. The roadside edge of the tent will be 40 ft from the edge of the property. We'll also be more than 12 ft from the right of way which was a concern also. I've been in contact with the owner of the Outdoor Accents which is the other proposed application and we have agreed that the issues of separation from the tent to the sheds will meet the 20 ft requirements. I believe that parking is also an issue here. I don't think that he has more than one car occasionally at any one time. Most of our parking requirements are in the evening from 7:00 to 9:00 pm. Prior to July 3rd and 4th, not usually more than two vehicles at any given time. The 3rd and 4th are obviously

our busiest days and expect to see maybe 6 to 8 cars at the peak business hours. I believe the lot is large enough to provide parking for our customers without any ingress/egress problems.

We also got a letter from Al Benedict who had some concerns regarding the lighting. I have been in conversation with him over the last few days. The only lighting that we'll have in the tent will be internal and it will be above the level of the flaps that go down around the sides of the tent and pointed up towards the canopy. So there won't be any lighting whatsoever that can directly interfere with traffic or visibility from anyone else.

Another issue that he raised was the signs and I believe you have a copy of our proposed signs in the packet and we'll leave that to your decision. Item #8 and that was *the sale of sparkling devices and location required to comply with rules and regs set forth by the NYS Office of Fire Prevention and Control*. That is a \$250 permit that we need to apply for and it is non refundable. So we are holding off making that application until we know that we can receive all of the local permits. It's about a 2 week process and would have that in hand at the opening of the tent.

That's really all that I have and would be happy to answer any questions.

Chairman Dianetti asked the Victor Fire Chief to comment.

Mr. Joe Murphy who stated he is the past Chief but is representing the Fire Dept. this evening. At this point we don't have any comments on the fireworks at all. I know that this law has been in effect allowing the sale in the County for the last year. To the best of my knowledge, we have not had any issues with them in the County.

Chairman Dianetti – Are you aware of the regulations that the Fire Marshal Bob Graham provided to us? (Vaguely)

Chairman Dianetti asked for public comment and there were none.

Mr. Santoro – There was some comment about the sanitary facilities for the employees.

Mr. Irons – We will provide a port a john on the site.

Mr. Santoro – Your hours are 9:00 – 9:00 except July 2, 3 and 4 it goes to 11:00 pm.

Mr. Irons – Until 10:00 on the 2nd and 11:00 on the 3rd and 4th.

Mr. Santoro – How many employees will you have?

Mr. Irons – Probably 2.

Mr. Santoro – Will they be there 24 hours a day? (Yes)

Ms. Zollo – I was concerned being fireworks in a tent but you said you were going to have someone there 24/7. So you haven't had any issues with theft or anything at your locations?

Mr. Irons – No, that's the way we've operated since the very beginning and it's been good for us.

Ms. Zollo – The other comment that I had, you have the sign proposals in here, are you planning on all of these signs or 1 of them?

Mr. Irons – Normally we would have all 5 of those displayed around the tent. They would be hung from the tent itself.

Ms. Zollo – I would like to keep the signs to 2 if we can. I know they are only temporary but that would be my recommendation.

Mr. Logan – I think I had similar concerns expressed about the tent and having fireworks and security in general. What is the code to protect the public, to separate the fireworks from the public?

Mr. Joe Murphy stated he would need to refer back to the Fire Marshal on that.

Mr. Logan – It seems to me that a vinyl canvas...lightening, you'd think that would be a challenge for a tent with fireworks in it. We're not in tornado alley but we do get lightening storms and I'm not sure how that is dealt with.

Mr. Irons – Regarding that I would have to say that we've never had a fire. That's not to say that we've never had a tent blow down in a micro burst. Those things have happened in the past but none have ever resulted in a fire.

Mr. Logan – I don't worry about the heavy rains or micro bursts, I worry about lightening.

Mr. Gallina – Just to reiterate Heather's comments on the signage. I would prefer to see the limitation of 1 to 2 signs maximum on the exterior of the tent. The credit card sales and those types of things can go inside the tent which would be more appropriate instead of posted on your main entrance to the Village. Other than that my other questions were answered.

Chairman Dianetti – Everyone's talked about everything that I had written down. You said in your letter something about a stake out down for utilities so that there are no structures over any of the utilities. If you look at those letters and make sure you comply with all of the items brought up by Code Enforcement and the Fire Marshal. I'm assuming you've done some homework and have seen the traffic on Route 96 and the number of people that are going by. (Yes) Are you still comfortable of your estimate of 1 or 2 cars being in the parking lot?

Mr. Irons – That's our average with 3 times the volume of traffic.

Chairman Dianetti – I don't have anything else at this time.

Mr. Young – I imagine you have a pretty decent liability insurance policy?

Mr. Irons – We have 10 million dollars.

Mr. Young – If you would provide that to the town.

Mr. Irons – I believe you already have it.

Mr. Young – The Building Dept has it? (Yes) We will need to resolve the access issue and you're going to talk with the owner about that. When we adopt our resolution, we should specify in it which signs are going to be on the outside as conditions and which can be on the inside. Also condition identifying the bathroom facilities. The last thing I was thinking, you have this fireworks application for you and the next application is for the sheds, I'm having a hard time putting those together. I think it would be useful to see the whole site.

Mr. Gallina – An overall site that shows the site with the sheds and the tent and the parking area.

Mr. Young – Because both applications are using the same site, we could see one picture of the site for both uses.

Mr. Irons – When I was here last fall, the manhole wasn't there. I was surprised when I saw it. That was the reason for the relocation of the tent.

Mr. Young – So the recommendation is for you to come up with the same drawing and both of you put that into your application showing the sheds, your tent and then the parking area for both uses. (OK) Then hopefully you can submit that information promptly and then we can process this at our next meeting.

The public hearing was left open until the May 24th meeting.

Mr. Logan – Is there some clearing that needs to be done for this tent?

Chairman Dianetti- It looks like there needs to be some done.

Mr. Irons – No, the tent is set at the edge of the clearing.

Ms. Templar stated the Fire Marshal met Mr. Irons at the site and had Mr. Irons stake out the location of the tent and was satisfied.

Mr. Santoro – I drove by there a couple of days ago and there was a dump truck dumping dirt in that spot.

Mr. Irons – Since my last visit, that was all rough where they installed the underground utilities and someone has come back in and graded it and planted it.

OUTDOOR ACCENTS

Appl No 14-SP-16 and 3-SU-16

7161 Route 96

Owner: BB Route 96, Leonard Hunt Zoned: Commercial/Light Industrial

Applicant is requesting to have a display of sheds at the former Snuffy's Fruit/Vegetable stand.

Mr. Gary Van De Water, owner addressed the Board.

Mr. Van de Water - I've been in the business for about 20 years in the area, on Panorama Trail. I also have another shed location out in Ontario on Route 104. I purpose to display some sheds on the property. I know that Keystone is only going to be here for 3 weeks and during that period I will clear the area for him. Meanwhile I'd like to use that space for display.

Mr. Young – Just so we are all clear, when you come back give us your plan minus those 3 weeks and then give us what it's going to look like for the 3 weeks that the fireworks is there. Right now, we have what it's going to look like not including the fireworks display but we want to see what it'll look like with them there.

Chairman Dianetti – Are you going to pull the sheds out when he's there? Are you going to move them and where are you going to move them to?

Mr. Van de Water – I'll move the one that is going to be where his tent is located.

Chairman Dianetti – What is the average size of the sheds? (8'x10') So there'll only be one shed on

Mr. Van de Water – Well the other areas, there is a utility pole where he wants to put his tent. To the roadside of the utility pole, I believe it's.....in the back perimeter over to.....you can see the circle around the utility pole (referring to overhead screen), the trees are overgrown there (referring to the photo), there's enough room to go up to the tree line. Where the arrow starts is that corner of the property and I want to use that line all the way over, just before the dumpster to display sheds.

Chairman Dianetti – How many sheds would you have on display there at any one time?

Mr. Van de Water – They are all different sizes, I would imagine not more than 6 or 8.

Chairman Dianetti asked for public comments and there were none.

Ms. Zollo – I'm assuming we have the same entrance issue with this project that we had with the other one. (Yes) We've already expressed our concern about how it's all going to lay out so we'll see that the next time.

Mr. Logan – I'm just looking at the plan with the "L" shape layout and there's a 70 ft off set from Hoffend's bldgs which appears to be 10 or 15 ft from the red line which I assume is the property line.

Mr. Van de Water – There is a railroad rail there. There is a little elevation drop from that rail down to the dumpster side.

Mr. Logan – I can sort of see it on the photo when you zoom in on it.

Mr. Van de Water – There is 70 ft from there to the building so anyone parking on the side (inaudible).

Mr. Logan – So that's delineated where your buildings are going to end. (Yes) So there wouldn't be an issue with one of your sheds spilling over the property line or be too close to it because there is a physical marker there.

Mr. Gallina – Is your intention to have any signage?

Mr. Van de Water – Yes I don't know the size or what I'm allowed to have. I haven't gone that far yet.

Chairman Dianetti – Most of the time you won't have anyone there?

Mr. Van de Water – On the weekends...

Chairman Dianetti – They'll just be able to get information? (Yes)

Mr. Santoro – The Building Dept can give you some information on the size of the signs that are permitted.

The discussion ended.

Chairman Dianetti left the public hearing open.

Chairman Dianetti recused himself from the next two applications. Vice Chairman Logan ran the meeting.

BOUGHTON HILL ROAD SUBDIVISION

Appl No 1-MS-16

County Rd 41

Owner: Jack Dianetti Zone: Residential

Applicant is requesting to subdivide Lot 4 which consists of +/- 55.6 acres. Lot A will consist of 1.414 acres and Lot B will consist of 1.572 acres leaving +/- 52.5 acres

Mr. Linc Swedrock with BME Assoc. addressed the Board.

Mr. Swedrock – We are requesting final subdivision for the two proposed lots along Boughton Hill Rd. We are proposing to subdivide as you said, the 55.6 acre parcel into two single family

residential lots. The remaining lot leaves an 80 ft right of way to Boughton Hill Rd with access to the remaining lot.

There was a question from someone in the public regarding the 80 ft right of way. Vice Chairman Logan asked that all comments or questions hold until presentation is done by the applicant.

Mr. Swedrock – We are proposing to subdivide both of these lots and the lots will meet the standards of the zoning and they also will have one point of access off of Boughton Hill Road to serve both lots. The water would be served with two separate single services and proposed septic systems which are proposed for the development. We have already gone out and done perk holes and deep holes have been witnessed by LaBella and we've worked with them to design the layout and location of those to meet the Health Dept requirements.

A Federal wetland also exists on the site and we've delineated it and shown it on the plans. It is probably an isolated wetland as there is no outlet to it, however, this proposed plan, we proposed not to disturb the wetland area.

We've been to the Conservation Board, we've provided written responses to comments received from the Conservation Board and written responses received from LaBella as well as comments received from Al (Benedict). We went to the County Planning workshop today and they are going to review it as a local action of two lots of division.

With that, I know that Al had a few questions that were pretty detailed. I think I provided a detailed response to those but if the Board has any comments on those, we can discuss them.

Mr. Logan asked for public comments.

Ms. Kate Crowley, Vice Chairman of the Conservation Board – We did submit several comments on this. There is an NWI and it appears left intact according to the information that was provided to the Board. We also asked that there be less disturbance to the trees on the east boundary of the east parcel. There is also elevation changes on both of those parcels that you don't see on this type of a map.

The response from BME Assoc was that they would consider our comments. The other thing that we noted is that there is a requirement to request that there is no archeological sensitivity on this site and that is in process right now. The other thing we noted when doing our research is that there are soils on the site that are of state wide importance. They are in an insignificant quantity. They are also highly erodible. That and the change in elevation, the applicant should take care when they are planning and entering construction so that there is not a lot of unintended soil shift.

Mr. Logan asked Mr. Swedrock for a response.

Mr. Swedrock – I would just add that they are trying to save trees on the eastern part of the site near the wetland. I think we can try to keep the trees there as much as we can. The only thing, I just want to maintain that drainage swale that is down along the east because it drains into the wetland. We can try to keep as many trees in that area as we can. We're willing to look at that more.

Also, regarding the SHPO, we hired a consultant and they will be out there on Thursday. SHPO required us to look at it but they are not requiring a whole Phase 1 A and B. They are requiring a review from the archeologist and then a formal letter back to SHPO. But the job has been started. We need to also make sure that that is all inclusive, part of our SWPPP and Stormwater to get our permit as well.

Mr. Harry Heuer from 6854 Route 42 – *Mr. Heuer borders along the east edge of the 80 ft wide access bordering the western side of Parcel A.* Let me preempt my comments tonight by saying Jack (Dianetti) has been a good neighbor over the last 25 years. I probably know that property better than Jack does because I see it every day, I deal with it everyday and all of the run off that is there. Unfortunately for Jack, he's had his pockets picked by a number of different people over the years because of what's happened to that piece of property. Years ago when we first moved there, that wetland was not there. It wasn't until the next door neighbor built a raceway for his horses, a runway, exercise area and he blocked any run off areas and raised it to level, then we started to get the water.

The other thing that happened a couple of years ago when they redid County Rd 41 and they put culverts all the way from the top of the road all the way down and right on the corner of my property which would be the southeast corner, they've got culverts that go under the road and culverts that come from all the way up the hill, down to that road and now we get constant water in there all year long. The last two years, the mosquitoes in there have been unbearable.

We've talked to the people...there was an engineer that came when they were doing that job and he wanted a right of way to the corner of my property to put the culverts in and I agreed. I didn't want any compensation; I only wanted them to protect that pine tree that was there. When you do your site inspections, take a look at that pine tree because it looks like a cactus now. It's about 30 ft tall. That's how they protected it. All the salt that comes off of the road, goes down into the culverts, drains right into that corner and it kind of poisoned that tree, that's neither here nor there.

What I'm concerned about is that in this proposal that this company put together on Page 2 dated April 5th to the Planning Board and on question #17 (referring to the Short EAF that applicant filled out) *Will the proposed action create storm water discharge, either from point or no-point sources* and he says "Yes". Then it says, *Will storm water discharges flow to adjacent properties?* He says "Yes", that means "me". If you answer yes, they want to have an explanation of what it's going to do. It basically says the *existing culverts and wetlands on the site* are going to handle that. Well it's not doing it now. The thing that further disturbs me is that one of the action items in the building plan is a major rearrangement and grading of the earth and the installation of a driveway that goes right on top of where that culvert is that goes under the road and over into Monica Hamman's property. She left a letter and wasn't able to make tonight's meeting.

On a rainy day, on the other side of the road from me, that's all filled with water, sometimes 6"-8". On my side, you've got the large culverts and then there are the smaller one about 4"-6" that's perforated that runs along the edge of the road that comes all the way down. So you've got this big culvert coming out and you've got this little one coming out and then you have another very large one that goes over the road and that's right at the corner of my property. Plus when the builder put up my house, my sump pump goes shooting out there and it's right in the same spot. This excavation of leveling off the site, I don't know how they are going to do it because that property is all higher than mine. When Jack put in the 9 holes that are behind me on

the golf course, this area at the back of my property, he's got listed pine trees that go up in here and when he graded that, he graded it in such a way that it's much higher than my yard. So consequently if I take one step off of my property on a rainy day and I've got 6" of water that lays there. They are higher on the other side of me and they are higher in Jack's area.

I look at this as an excellent opportunity to "fix" some of the things that have happened by the State of NY. They claim in this plan that they are going to be an active project and proposal. I just hope the same engineer who did the County Rd 41 renovation doesn't handle this one because they didn't do it right. This needs some care and attention to the drainage.

Mr. Logan – It would be Ontario County Highway Dept, not the State of NY. I appreciate those comments.

Mr. Heuer – I hope you'll look at this thing on a rainy day.

Mr. Logan – Is there anything else you wanted to comment on?

Mr. Heuer – I'd love to have some new neighbors back there. That land has been vacant for far too long. Jack has tried in the past to put houses in there. He failed the perk test the first time around, then they floated the concept of putting sewers in there...nobody wanted to spend all of that money to put a sewer system down there. I'm assuming because the guys were out there in March that he must have passed these perk tests now.

Mr. Logan – So capturing observations, I just want to be sure that Linc you look at those, I think that its important to answer those observations and maybe Wes, LaBella can also discuss that with the applicant as well and see if we can come to a "meeting of the minds" to how this might affect this drainage flow. Perhaps you might need to talk to Ontario County Highway or Public Works.

Mr. Logan asked for other comments from the public.

Ms. Sue Stehling – Can you tell me why SHPO was consulted? What is the archeological thought there?

Mr. Pettee – If I understand correctly, the site is in what is known as an archeologically sensitive area. So SHPO has mapped archeologically sensitive areas, given a general geographical depiction where there could be archeologically sensitive artifacts. Maybe it's close proximity to Ganandagon. There are other parts of town that are in archeologically sensitive areas, this just happens to be one of them. I think because the Conservation Board identified that fact, the applicant wanted to take that a step further to be sure that if there was a concern there, they would consult with the appropriate State agency to resolve any issues.

Ms. Stehling – Thank you, I thought that was the case and I'm happy that was done.

Ms. Zollo – I just want to make sure that we deal with these drainage issues that were raised and protect the existing property owners because I know that in the past we've had issues where construction has detrimentally affected the neighboring properties. So I want to make sure that is

corrected. I also am glad that SHPO has been consulted and I want to make sure that we don't disturb anything that is archeologically sensitive when building the homes there.

Mr. Santoro- I was concerned about the wetlands. I've driven by there very often and you can see it from the road.

Mr. Gallina – We didn't really talk much about the actual site plan of the two houses. Is the intent to have one common drive?

Mr. Swedrock stated from the audience that it was intended to be one road cut on Boughton Road that will go into two driveways. He also stated it was Ontario County Department of Public Works and they have reviewed these plans and sent the application to get a permit. They are in favor of the one access point. They are proposing a culvert to connect all of the pipes to and bring it under the driveways to the wetland areas. BME would continue to work with LaBella to make sure the drainage patterns are acceptable. There are swales that will pick up run off from the lots and bring it to the culverts and bring them under the pipe and to the wetlands. The driveway through the first parcel will have access and utility easement to the other parcel to allow for the water service and the access to the other parcel.

Mr. Gallina – I'm certainly in favor of the single access which is a fairly busy road but I don't know if there is anything you can do to configure it so there is less driveway on parcel A. Whoever has that, has a lot of pavement or stone in their front yard. I don't know if there is anything you can do reconfigure it to center the common drive between the two parcels.

Mr. Swedrock – We can look at that and we also were trying to minimize the disturbance and limit how far we are pushing towards the wetlands. We can look into pushing it a little bit further possibly towards to the road to give them a little more front yard on the first parcel.

Mr. Gallina – Just to reiterate all of the concerns around the general drainage and standing water in the area. So whatever we do here, not only to maintain but hopefully improve the current site situation.

Mr. Logan- I'm going to echo what Al was saying about the driveway line. That inlet appears to be right where the 18" corrugated drain pipe comes across County Rd 41 from the south up to the parcel. If it's going to catch all of the flow coming down from Boughton Hill and cuts across here, it could back up or spread out onto Heuer's property, just on how close it is. You don't have any retention at all, it's just going to back up there, it's a large flow and work its way across. The other question is where is it going to go once it gets there? Does it sit in the pond? Does it drain out beyond? It looks like a lot of stuff drains down to that pond and doesn't go anywhere.

Mr. Swedrock – There are two; the first one is this wetland and there is another one. It's basically, like you said they've sort of blocked the drainage twice and it's got two areas where it can flow over and be detained. It's going to infiltrate unless we direct it. But it's going to go to the property that is not under Jack's control to the east after it overflows into that which has

another low detention area which is just a huge storage area as well. We can look at that and provide more information on volumes, etc.

Mr. Logan – You're taking the water from the northwest and Parcel A and running down the driveway and then down into the ditch where all of the water comes from both sides of County Rd 41 to that point underneath the driveway and then over to the pond. I'm a little concern about that and you need to take another look at that.

Mr. Pettee – Some of the comments we've heard, we've touched upon in our Town Engineer review letter dated May 5, 2016. It sounds like from the applicant's written response that they are going to get us some additional information that will help progress this discussion and maybe resolve some of the issues that have been identified as concerns tonight. We'll look forward to additional information that comes from BME in that regard.

Mr. Logan – Codes had some comments about the size of the subdivision and the fact that in Codes' May 6th letter regarding the minor subdivision versus major subdivision due to it previously being subdivided into 4 lots. This would be part of Lot 4 and now you're subdividing it again into 2 lots instead of a single. So that would push it, in Codes opinion, towards a major subdivision which is usually an extra step of review and other things come into play for instance the 50% open space requirement.

Mr. Swedrock – I've provided written responses to that. The first one was regarding the minor subdivision. My question on that was the other 4 subdivisions go back to 1987. I don't know if there is a statute of limitations for how long you go back. Do you go back to the Phelps and Gorham for subdivisions? With that being said, I did talk with Jack and the thought is if you're looking for the major subdivision, then ultimately I think it comes down to the 50% open space. We could delineate the 1.4 acres on the remaining golf course land like we did on the East Victor Road Subdivision parcel. You can do that now or just reserve that for the future development of the remaining 52 acres to take into account the 50% open space for these lots. I would leave that up to the Board's discretion. Ultimately, I don't know if you need to go through more steps or just think about the 50% open space.

Mr. Logan – Similar steps but just a little more rigorous in making sure that we have all of our "i's" dotted and "t's" crossed.

Mr. Young – If it's a major subdivision, we'll need to process it as a major.

Mr. Swedrock – I don't know if there is a statute of limitations as to how long the parcels have been created.

Mr. Logan – I think it goes back to when the major and minor subdivision definition was created.

Mr. Young – Yes, that's usually when they look back to.

Mr. Logan – That's sometime in the 70's I think.

Mr. Young – Al (Benedict) usually identifies the origin of the parent parcel and looks back into the records and figures out how far it's been subdivided and makes a determination if it's major or minor. We usually go with that.

Vice Chairman Logan asked for any additional comments.

Mr. Heuer – Just a couple of quick questions and one addition. Perk tests have been done on this property before and have not passed. This time what they did is move the houses up on the highest part of the property and it comes down, I would venture 10 to 15 ft difference between the water level and the pond and where the ground is now. The septic tanks will be between that. I noticed 100 ft separation between the actual water and the thing, you've got to wonder where all of that's going to go especially with the construction that was done on County Road 41 where every bit of water that hits that road winds up in that pond now. That would be my first question, how can you pass a perk test when you add more water to an area that has already failed?

The second thing that concerns me a little bit is that we've had a whole lot of problems with the watermain that is on County Rd 41 and the last time they had a break and where they are getting the break is about half way down the hill. I went out and talked to them because we didn't have any water, I went out and talked to the guy from Monroe County and he was the Forman of the work crew and asked him about how long it was going to take to fix this. He said that this was the worst water main that he's seen in his career. It is so old that its falling apart and they've been in there 5 or 6 times in order to replace the same section every time and it just keeps breaking in a different spot. I've had some conversations with Ken Wilson about that being in the same spot again, there are all kinds of water load there where it appears as though it's broken again. I don't know what the status of that is.

Now you've got money that the Town has paid Monroe County in order to pump into the pipe that is going down there. It's going into these culverts that is going down to that pond on the other side. It's just one more fly in the ointment, if you will, as to where all this water is coming from. I'll just leave that with you.

Mr. Logan – Something else for you to look at.

Vice Chairman Logan asked for any other comments and there were none. The public hearing was closed and the discussion ended.

Mr. Logan stated that a letter was received just before the meeting from Monica Barry-Hamann regarding the Boughton Road Subdivision. This will be given to all Board members in their next packet.

EAST VICTOR ROAD SUBDIVISION

Appl No 1-PS_16

East Victor Road

Owner: Five J Enterprises Zoned: Residential

Applicant is requesting approval for the development of a 57.77 acre portion of the overall +/- 137.5 acres into a 28 lot clustered subdivision.

Mr. Bob Cantwell from BME Assoc. addressed the Board along with Linc Swedrock from BME and Jerry Watkins from Reidman Development Corp., Developer.

Mr. Logan stated that a letter was received just before the meeting from Monica Barry-Hamann regarding the Boughton Road Subdivision. This will be given to all Board members in their next packet.

Mr. Cantwell – As was mentioned, we are looking to develop approximately 58 acres of the overall 137 acre site to allow the construction of the 28 single family lots. Those would be done in accordance to the clustering provisions of the Town of Victor Code. The property is currently zoned as Residential 2 and is also in the B overlay district which allows a maximum density of 1 unit per 2 acres. Therefore for the overall property, 68 lots are allowed and this is a major subdivision and therefore 50% open space is required for the overall project.

As was mentioned, Reidman is purchasing 13.8 acres outright from Five J and that is where essentially the 28 lots are shown which is on the east side of the overall parcel and is “affectionately” referred to as the “gravel pit” on the overall site. The remaining lands of the parent parcel as shown on the photo currently contain the 18 hole golf course of the Victor Hills.

In addition to the outright acquisition of the 13.8 acres from Five J, the applicant is also acquiring essentially a permanent deed restricted conservation easement and that is 44 acres. So with the 13.8 acres and the 44 acres of permanently deed restricted open space, that justifies the 28 lots from a density standpoint. That also does comply with the minimum 50% open space for the initial property acquisition.

It should be noted that golf courses are considered a use that satisfies open space requirements per the Town of Victor’s definition of Code. So again, the remaining lands as well as the lands that are contained within the conservation easement are proposed to comply and satisfy that 50% open space.

We did meet with the Conservation Board last month and did go through the review of the overall project. We also conducted a site walk about a year and a half ago. I would note that the property does contain from the NRI a co-occurrence which is known as FC4 and that is essentially in the Fish Creek area of the property along the eastern portion of the golf course.

As far as the configuration of the conservation easement lands that are deed restricted, they are shown on the aerial photo and highlighted in yellow. Essentially, they not only include the Fish Creek corridor but also an unnamed tributary along the western portion of the golf course as well. The limits of that conservation easement were used to satisfy the stream corridor, the 75 foot as a minimum stream corridor as well as to provide the conservation easement steep sloped areas, wooded areas and other sensitive areas such as that.

I would also point out that that conservation easement does include some of the existing golf course so the specific language and permitted use of that conservation easement will certainly have to be worked out between the Conservation Board and the Planning Board and the applicant as well as the current owner such that the golf course lands can continue to be maintained in a manner that is as it is now.

As we included as part of this application, the project is proposed to be a clustered project. We identified with the application a number of benefits to the community for the clustering. Certainly the ability for the 28 lots to be served by existing utilities including sanitary sewer and water service which are both available in proximity to the gravel pit area and East

Victor Road is also a Town dedicated road as well. The proposed dedicated road also includes a sidewalk on the eastern and northern sides. It also includes ultimately a cul-de-sac with pedestrian connection to the future relocated reconstructed Auburn Trail which will be done by the Town at such time funds are made available for the continuation of the trail all along the entire property.

One of the things that we talked to the Board about when we went through the Sketch Plan review was the grading of the Auburn Trail through that portion of the property. As you recall if you attended the site walk, and per the discussions, the existing trail kind of meanders in and out around trees so as part of the proposed application, for the area all along the north property line, we are proposing that parcel which is approximately .6 of an acre would be dedicated to the Town of Victor and the applicant has also agreed to grade that strip of land as part of the grading for the site work such that grade of that future trail is more suitable and the alignment is also more suitable along that north property line. I think that was some good input that we received during the Sketch Plan phase not only from the Planning Board but also the Citizens Advisory Committee and the Parks & Recreation Dept.

The lot standards that are proposed as part of the clustering will include 80 ft minimum wide lots, 25 ft setbacks, 8 ft side setbacks and request for a 5 ft driveway setback to allow for the possibility of end load garages where appropriate. As part of the Planning Board's purview and/or clustering provisions, we are also requesting a waiver of the maximum of 25 lots being served by one access point as 26 lots are being proposed to be served by that dedicated road.

With that I would like to mention, the existing East Victor Road right of way, if you look at the subdivision plan, it has a very irregular right of way configuration. So we did talk to the Highway Superintendant and as part of the subdivision plan, he was in agreement to create a more uniform right of way around the East Victor Road occupation so that it's more standard as opposed to having that irregular and triangular parcels of lands.

Finally, I would just comment relative to stormwater management. We have shown a stormwater management area on Lot 28 and it would include a maintenance easement around the limits of that because that is essentially in the location of the gravel pit, the soil conditions and the infiltration in that area are absolutely ideal for infiltration purposes. That's essentially where the majority of the water drains within the site.

With that, I would be happy to answer any questions.

Mr. Logan asked for public comment.

Mr. Joe Murphy with the Victor Fire Dept – We did review the plans and came up with two comments and things we'd like to see. First of all the problems we have with clustered development is not so much with the development themselves but the side setbacks with the houses. Back in October we had the fire in Camden Hills because those houses were reasonably close together, we had two houses that were both involved in the fire at the time. One of the issues we ran into that day was water supply. For a short period of time there we didn't have as much water as we wanted available, both fires at the same time. It's a fear the fire service has had for years with these developments that we will have two fires in two separate houses at the same time. Unfortunately, that came true that day.

One of the things that we'd like to see to help us out with that is a looped water main to that street. You talked about grading the trail there and the thought is that they can move that system in and run it along the Auburn Trail to come back out onto East Victor Road. That would

increase the water available to us in the event that there is a fire in that development. So that would be the first request we have from the Fire Dept.

The second request we have and I know because of the topography we have in that area, I'm sure there will probably be some walk out basements for more than 2 stories above grade. Our longest ladder that we have on our trucks as far as the ground ladders is a 35 ft ladder and is only effective for 26 ft in height. We ran into this again recently at a fire on Fox Hunt Dr. On the back of the structure we did not have any ground ladders that could reach the roof. So preferably we would like to have the eaves of the roof no higher than 25 ft above the finished grade. At a minimum, we would ask the Planning Board to require the bottom of the windows on the second floor be no more than 25 ft above grade. On the minimum that would allow our ladders to reach second floor windows if we have to make rescues of the residents or the fire fighters. If we go with the eaves no higher than 25 ft, it would allow us to get up to the roof with our ground ladders and then structure to get the heat and smoke out of the building. Those are the two requests that we would have.

Mr. Logan – The windowsills being 25 ft, is that all windows? Is there one spot that could be an emergency egress or doesn't it matter because you might have a problem getting to that one spot from another room.

Mr. Murphy – It really doesn't matter, it would have to be all the second floor windows. The reason being, we don't know which window someone will be at. If it's a resident, it could be the bedroom window, if it's a fire fighter that needs to get out in an emergency because there is a collapse inside, they may be at a bedroom window or a hall window or office window.

Mr. Logan – So maybe on the backside of one of these, you could get up to the top but it might slope away so that you'd at least be able to get to a windowsill on the other side of the house. (Correct) I just want to be clear what you're looking for.

Ms. Crowley – We did meet with Bob Cantwell and Jerry Watkins at the last Conservation Board meeting. Bob asked me to repeat my comment at this Board meeting. This is dense and we acknowledge that. When we talked at the Conservation Board about the larger site that also includes the golf course, we wondered if this is one of the places that clustering and having some density in one area actually will benefit the Town and the people who use this area when you look at the larger site. If you go back to our 11/17/15 comments, what we looked at is the total area that was being discussed at the time to be placed into a conservation easement. The Conservation Board would like to respectfully ask that those conservation easements be set up when this development is approved. It would also require legal council to be involved as we would want the parcels that are in a conservation easement to be able to continue to be served as the Victor Golf Course until such time the family decides that they are no longer going to run that business and then they would be converted into a most restrictive conservation easement. That is to protect the steep slopes and the co-occurrences that exist on that larger parcel.

With regards to Fish Creek, it's a perennial stream, dually noted. There is a 75 ft buffer required. It is directly on the west side of that slope so we would want it mapped out well and designated both on the site plan and during constructions.

The other thing that we noted is in terms of how the development is being laid out. There are slopes that are from 12% to I believe 67% is the steepest and that's because of previous

grading right at the edge where the mining occurred. The developer is working with the different elevation levels that occur on that site.

Mr. Logan – Did you get a chance to see their proposed future subdivision on that property? It's labeled "possible future development area", 40 single family lots in the northwestern area.

Ms. Crowley – It's the northwest corner of the parcel.

Mr. Logan – It would ultimately tie into Break A Day Road.

Ms. Crowley – So the Conservation Board has talked about that at a number of meetings and we do recognize that there will be other development at the top left hand corner of the parcel (looking at the site plan). One of the things that we threw out for consideration when we were speaking with the two applicants, is there are some pockets that have been left for potential future development. One of the things that we asked for them to consider is to either eliminate or reduce those. I refer to it as development fragmentation. There are two areas that would make an amazing home site but it also takes away from the wild life corridors that will be created when those conservation easements are put in place. I know from walking that area over years, that it's loaded with wild life with it being a golf course.

Mr. Logan asked for any other public comments and there were none.

Mr. Logan- The only action that we're taking this evening is to declare the intent of the Planning Board to act as Lead Agency and the Town Board is also an involved Agency.

Ms. Zollo – I think my question was answered by Kate. I was looking at the grading on this map and the fact that some of the houses are positioned on some really steep slopes and is that because of the previous mining that was done on the site? (Yes)

Ms. Crowley – If I could add one other thing that Bob asked me to repeat. They've done a pretty thorough analysis of where the landscaping should be because you're also going to be able to see the back of those houses from East Victor Road. We're assuming they are using the Native Plant Manual!

Mr. Santoro – We saw this a couple of years ago and had a site walk two years ago. I really don't have any questions that I didn't have back then. It's pretty much the same project.

Mr. Logan wanted to know if there were any questions for the Fire Dept.

Mr. Santoro – I note the Fire Dept's comments. They weren't before us the last time. I can understand their concern.

Mr. Logan – I did appreciate the comment about the looped waterline. Does that mean also that you'd have to either size up or retain the same size waterline?

Mr. Murphy – I think that's more for the engineer's to design. But I'm assuming it would be the same size throughout. If I remember correctly, it's an 8" line. So it's an 8" line from one end of East Victor Road, looped around to the other end of East Victor Road.

Mr. Logan – The issue you had at Camden Hills was because it was only coming from one direction?

Mr. Murphy – That was before they tied in the new water line through the Village so we only had one feed coming in. Even though it was looped through Camden Hills, there was only one feed coming in down Lynaugh Rd.

Mr. Logan – Okay, so it could have been a pipe size issue?

Mr. Murphy – I think it was more of a supply issue at that time. Again, they have now put in that new line which will feed that from both areas.

Mr. Swedrock – There is also a pressure reducing valve down the road on East Victor Road that we've been coordinating with the Water Authority through the design of this project to see what they can do to increase pressure in this area. We've been working with them and we've done several assimilations with their model to figure out what we can do to get the water pressure better in this area. We'll continue to work with them but we have submitted to them for review and have worked with them on the pressure reducing valve down the road.

Mr. Gallina – As I understand it, in order to meet the density requirements and the open space requirements, you put a deed restriction on a portion of the golf course. Would that be just to meet the open space requirements on Phase 1 or the open space requirements for the entire potential build out?

Mr. Cantwell – There is a total of 44 acres within that conservation easement so the overall project site as a minimum would need 68 acres which is 50% of the 138. So the 44 acres that is proposed with this application, satisfies about 2/3 of the overall required. So going back to the disposition of the remaining lands that would be totally up to Five J's whether they continue to operate it as a golf course or at some point down the road, decide to develop it. At that time as Kate stated, the open space configuration could change based on the plan that would come before the Planning Board.

Mr. Logan – That open space, the existing golf course to remain, ultimately if you built this alternative subdivision, I think that would be the max for the whole site, correct?

Mr. Cantwell – The second piece would be the maximum build out of 68 lots, that's correct.

Mr. Logan – That would be all you could do with the entire east golf course.

Mr. Cantwell – As far as the number of homes, yes, unless there was another Transfer Development Rights at some point that the Town has implemented with whatever formula there could be. So that would certainly have to comply with that.

Mr. Logan – That whole open space existing golf course, for the most part is beautifully manicured except for obviously the water ways. I wonder if there are some future opportunities here that the Town might look to the Conservation Board to contribute the impacts of if we were to go that way. I'm just throwing that out there; I'm not saying its part of this discussion but would like to keep that in the back of our minds as we plan through this particular development. This is a huge parcel and there are some beautiful wetlands and waterways on there and open green space and it might be nice recreationally, I'm not talking structures but as a park.

Ms. Crowley – If I could chime in on there. One of the reasons I wanted to point out to the Planning Board the isolated areas being left because if you lower the density in that upper left corner and move some houses around, you'll lose that park like value for the community.

Mr. Logan – If we can focus the development on the extremities of this parcel and leave the whole internal piece in a more natural setting, it would go with the perspective of the Conservation Board.

Ms. Crowley – Agreed and we'd also be able to preserve more of the hydric soils that exist there today.

Ms. Zollo – So you're saying the proposed development piece would be better if it were less dense to preserve more of the co-occurrences?

Ms. Crowley – No actually it's just the opposite. As I started my comments, the development that is in front of us this evening is a very dense development. I would think that from a planning perspective it would be odd that the Conservation Board would be in support of that. What we were trying to do is say, here is why. It is to protect the rest of that parcel. If the same density is in that upper corner, great...then you can preserve the bulk of that golf course. If they lower the density in that upper corner, homes will shift into strategic locations because when you walk that course, there are some high points and it would be wonderful to look down over the water on a steep slope.

Ms. Zollo – I thought you meant in that future development it should be less dense. Not spread out, just fewer homes.

Ms. Crowley – We want to preserve those natural resources. You're right, the adjacency to the Village and Ganadagon, also cries to look at this.

Mr. Pettee – We're still working on our comment letter. We wanted an opportunity to listen to the public comments prior to finalizing our letter. With regards to SEQR the Planning Board is not the only involved agency on this project. The Town Board is also an involved agency due to the need for the extension of the sanitary sewer district. One of the questions that we do have, we wanted to ask the applicant about a time frame as to when they might submit the map plan and report for the sanitary sewer extension.

Mr. Cantwell – There is no reason not to get involved early on that. The applicant is committed to proceed with this project. We're ready to give you what you need in a timely fashion.

There were no other comments. The Lead Agency resolution was read.

LEAD AGENCY RESOLUTION

On motion made by Ernie Santoro, seconded by Al Gallina

WHEREAS, on April 5, 2016, the Secretary of the Planning Board received a Preliminary Subdivision application entitled East Victor Road Subdivision located on East Victor Road; and,

WHEREAS, it is the intent of the applicant to develop a 57.77 acre portion of the overall 137.5 acre parcel into 28 single family residential lots under clustering provisions of the Town of Victor Code; and,

WHEREAS, the application is a Type I Action under State Environmental Quality Review Act; and,

WHEREAS, the Town of Victor Planning Board intends to proceed with coordinated review and a lead agency must be established prior to determination of significance; now, therefore, be it

RESOLVED, that the Town of Victor Planning Board declares its intent to act as lead agency and directs the Planning Board Secretary to mail the EAF, with Part I completed by the project sponsor, and a copy of the subdivision application to all identified involved and interested agencies, notifying them that a lead agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) was mailed to them expressing the Town Planning Board's intent to act as lead agency. Notification will be sent to the Town of Victor Town Board, NYS DEC, Monroe County Water Authority, and the NYS Department of Health.

The Ontario County Planning Department, Town Highway, Town of Farmington Water & Sewer Department, and the Town of Victor Parks & Recreation Department will also be notified of the pending application as interested agencies.

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

Approved 4 Ayes, 0 Nays

On motion of Ernie Santoro, seconded by Al Gallina, the public hearing was closed

Jack Dianetti	Abstained
Joe Logan	Aye
Ernie Santoro	Aye

Heather Zollo Aye
Al Gallina Aye

Approved 4 Ayes, 0 Nays

Chairman Dianetti returned to meeting.

TABLED ITEMS FROM 4/26/16 MEETING

BOARD DELIBERATION

EASTVIEW COMMONS – PDD MODIFICATION (VICTOR SELF STORAGE EAST)

7607 Commons Blvd

Owner – Victor Self Storage East LLC

Zoning – Planned Development District

Applicant is requesting to relocate 1,305 sf of an existing on site bldg and construct new ministorage buildings of 35,834 sf. Applicant is also dedicating approx 77,000 sf to RV and boat storage. The Planning Board will send recommendations to the Town Board.

Chairman Dianetti made the announcement that this would be a discussion among the Board members only.

Mr. Young – Tonight you are making a recommendation with respect to the Planned Development District based on the 11 criteria. I believe Wes coordinated with the developer to talk about those points and incorporated the Board's feedback with respect to some of the items discussed at our last meeting. I examined what Wes put together and he did a good job. You should take a look at that and consider whether you agree with what's in the resolution and whether you should move forward with it.

Chairman Dianetti asked if everyone had a chance to review it.

Chairman Dianetti – I made a couple of notes. Generally I am very favorable to the proposal and think it's a good use for the property. I think Wes has touched on all of the reasons why.

I know we're going to deal with this again on the site plan portion. I know that the County had some issues with potential traffic impacts at the intersection on Route 96 and the access road to Eastview Commons. I was wondering if there were any comparable numbers available showing what the traffic is for a storage facility versus another type of retail or commercial use.

I know there continues to be concerns by the Conservation Board concerning potential runoff because of the RVs that are stored there and the vehicles.

Under lighting, security lighting, after hours lighting and how that was going to be treated. It's a 24 hour facility, what kind of lighting needs will there be and how will it impact people in the area.

Otherwise, having a storage area is a real benefit to the community because it gives people a place to store their RVs, maybe not have a storage shed in their backyards, get them out

of the driveways and backyards. There are a lot of positives with it, not necessarily the tax revenue but that is part of it.

The Board members took a few minutes to review the document.

Mr. Gallina – I think Wes has done a good job of capturing the Planning Board's position. I'm comfortable with the document.

Mr. Logan agreed.

Mr. Santoro – I would just comment that we already have an RV storage place at Ballantyne so this isn't going to add very much to that.

Chairman Dianetti – I'm getting the feeling that everyone is comfortable with the document. *Everyone agreed.* I would just like the Town Board to address those issues when they are doing their Planned Development District. It may not change anything but just be aware that those concerns were expressed.

Mr. Pettee – I can add the information that you have identified to the resolution. #9; I would add that the applicant should address potential for contaminating fluids from stored park vehicles into the stormwater facility

As far as traffic, #8.....

Chairman Dianetti – There's nothing specific stated. There is no specific number mentioned as to what the normal traffic would be versus what would be generated.

Mr. Pettee – So perhaps we could say the applicant shall provide a quantitative analysis identifying traffic numbers for storage use and that they provide that to the Town Board prior to the Town Board acting. So we are looking for the numbers of storage use versus other types of commercial or other types of uses.

Chairman Dianetti – What the traffic is there now for retail. I'm guessing that it's going to be much lower.

Mr. Gallina – We make the statement that the proposed project will generate substantially less traffic and to quantify what that is. I don't think that we disagree with the hypothesis.

Chairman Dianetti – The other is the after hours lighting and security lighting. I know that we've talked about this before with other auto dealerships. After hours, do the lights dim down or not? I know they have to meet the lighting code and is that covered sufficiently for this type of facility.

Mr. Gallina – Maybe just document what their after hours lighting plan is.

Mr. Logan – I don't know whether their lighting is anywhere near the intensity of a car dealership or even a Mall. Just state what it is, like stating what the traffic is. Whether it's

reduced, smaller or less. Honestly, if they left them on all night, I don't know where that would affect anybody. It's not near a residential, it's near a Mall area that has much more lighting than they would intend to have and it's better for security. Personally, I would support that.

Ms. Zollo – Do we really want the light left on all night?

Mr. Logan – If I had an RV there.....

Ms. Zollo - ...I thought you were all about being “green”.

Mr. Logan – They would function as what is affective but I can't see restricting it. Certainly you would think they would be LEDs and low power lighting.

Ms. Zollo – Why don't we wait and hear what their after hours lighting plan is before we recommend them keeping them on all night.

Mr. Santoro – All dealers do it now. They keep it on for security.

Ms. Zollo – And weren't they supposed to be turning them off as per our recommendation. We asked them not to.

Mr. Logan – I'm just saying this kind of facility, where it is, what it does is much more security conscious and it has nearly no impact to anybody lighting wise as long as it's following the code. I would support that.

Chairman Dianetti – Your feeling is the current code handles it. (Yes)

RESOLUTION

On motion made by Joe Logan, seconded by Ernie Santoro

WHEREAS, the Victor Town Board has received an application for rezoning of lands within the Town located within the Eastview Commons Planned Development District, specifically, 7607 Commons Boulevard, tax map number 006.00-1-3.1, which application is identified in Town records as 1-RZ-16; and,

WHEREAS, the application proposes to amend the Eastview Commons Planned Development District regulations associated with the project parcel due to existing PDD regulations being relatively silent with regard to use of land, density of use, intensity of development, and dimensional criteria that would otherwise provide a framework for development; and

WHEREAS, in Resolution #170 adopted by the Town Board on April 11, 2016, the Town Board resolved that the application for rezoning of 7607 Commons Boulevard be forwarded to the Town of Victor Planning Board pursuant to Section 211-27 of the Victor Town Code; and,

WHEREAS, the Planning Board has reviewed the proposed rezoning action as well as a concept site plan and other supporting information submitted by the project sponsor; and,

WHEREAS, the Planning Board makes the following findings with regard to the proposed rezoning:

1. The need for the proposed development.

Evaluating the need for the proposed development in this instance is different than evaluating the need for a development in an area that has not been previously developed. As the project area is currently underutilized, and was formerly used as an asphalt plant, the redevelopment of the site would accommodate the applicant's objectives in providing a self-storage facility and professional office space. The applicant has identified a need for a self storage facility that would accommodate recreation vehicles such as boats, trailers, RV's, campers, cars, as well as climate controlled storage units and general storage units. The Planning Board feels that the proposed use is appropriate given the current site conditions. Moreover the Planning Board feels that the proposed use would seem to have low impact on the surrounding neighborhood.

The applicant contends that this criterion is not applicable to their application because the proposal does not create a new Planned Development District. Rather, the proposal would make minor modifications to the zoning regulations to an already established PDD.

2. In what respects the plan is or is not consistent with the stated purpose of the Planned Development District.

Per Section 211-27.A of the Victor Town Code, the stated purpose of the PDD is to provide a means for developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use or a satisfactory combination of these uses in an economic and compatible manner which encourages innovative planning without departing from the extent of these zoning regulations. The plan has been prepared to allow for the redevelopment of a commercially viable property already zoned as a Planned Development District. The project would be compatible with the surrounding neighborhood.

3. The extent to which the plan departs from the zoning regulations formerly applicable to the property in question (including bulk, density and permitted uses).

The proposed development would result in a less intensive land use than what previously existed on site, and the proposed use is consistent with other allowable uses within the existing Eastview Commons Planned Development District. The Planning Board's understanding is that the Town Zoning Board of Appeals interpreted that the proposed self storage facility and professional office space should be permitted use in the underlying Commercial Zoning District. The self storage use, while not explicitly listed as a permitted use, is consistent with the commercial uses in the area and therefore does not depart from that portion of the zoning regulations

Regarding dimensional criteria of the existing Planned Development District, the area, setback and building size restrictions would be defined to better accommodate the specific needs of the proposal. The Planning Board notes the following:

- The project density proposed is below the allowable in the Zoning Code (proposed = 14.5%, allowed = 40%).
- The proposed building height of the 3-story building would be approximately 35-feet which is the allowable building height in both the Commercial and Light Industrial Zoning Districts. Although the building would be 3-stories it would not be taller than that allowed of a 2-story building in similar Zoning Districts. The Planning Board also notes that the existing PDD allows 65 -feet in building height.
- The existing green space on the site is 37.72% and the project proposes 35% be allowed (the 35% would be if the land banked parking were to be constructed). 35% is the allowable green space in both the Commercial and Light Industrial districts, so the proposal is in character with former zoning regulations applicable to the site.
- Although the project proposes a 10-foot high chain link fence, whereas 8-feet in height is the current zoning limitation, other uses within the Planned Development District also have fencing that is either 10-feet in height or greater. The Planning Board's understanding is that there are 10-foot high fences currently located on the 84 Lumber and Home Depot Properties, and the Home Depot property also has a 16-foot high fence. The proposal includes a 10-foot high fence with privacy slats to provide security and to shield viewing of stored items from neighboring properties.
- The project proposes signage located at the end of the access road, and signage in this location would be the only signage visible to traffic. This signage would direct users of the project to the site. The Planning Board's understanding is that such signage wouldn't conform to the underlying zoning standards, as the signage would not be on the project site. The Planning Board acknowledges that this would not be out of character with the neighborhood because there is an existing sign from the site's previous tenants, in the approximate location of the sign proposed. This appears to be the only location feasible to indicate how to properly access the site.

4. The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.

The predominant land uses within the vicinity of the project are commercial, and the proposed use is a good re-use of the site. As stated previously, the proposed use is a less-intensive use than what previously existed on the site. The proposed commercial use is more in line with neighboring land uses than the industrial asphalt plant.

5. The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.

Due to the unique location of the project site, there is only one adjacent site with a building (Home Depot) which is slightly over 300-feet away because of an existing easement to the New York Power Authority which runs through the project site.

The adjacent properties and uses are dense commercial and the project site is similar to other businesses in the area with regards to bulk and height. The proposed 3-story building would be approximately the same building height as what is allowed in commercial and industrial uses (35-feet) and therefore would not be out of character.

6. The provision for pedestrian circulation and open space in the planned development.

The applicant contends that this criterion is not applicable to the application because they are not creating a new Planned Development District. Rather, the proposal would make minor modifications and clarifications to the zoning regulations in the existing PDD. The project area has an existing ingress and egress drive via the existing access road. The proposed use is a low-intensity land use and is not a use that would be accessed by pedestrians.

7. The traffic circulation features within the site, including the amount of, location of and access to automobile parking and terminal loading areas. This is a critical issue to base approval of the proposed site.

The site has an established ingress and egress access road and established internal site circulation and only minor changes are proposed to the circulation and parking within the site.

The interior of the site has been designed to accommodate the turning radius of larger vehicles for loading/ unloading and for the parking/ storage of RVs.

8. The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards, such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.

The site has an established ingress and egress access road and no changes are proposed to that system.

The proposed project will generate substantially less traffic as compared to the previous tenants who had trucks entering and exiting the site continually throughout the day. The proposed uses on the site (office and self storage) are both low traffic uses.

The applicant shall provide quantitative information on traffic to the Town Board for the proposed use and compare the quantitative measures with the traffic from a use similar to the previous use.

9. The provision for storm, sanitary and solid waste disposal and other utilities on the property adjacent to the site, as well as the site itself.

The site has established utilities located on the site from the previous tenants. The intensity of the proposed use is low and therefore should not yield any increase in utility consumption and may yield a decrease in consumption.

The site has been planned with regards to storm water with the entire PDD as well as the adjacent Eastview Mall complex. The proposed project will be completing a SWPPP which will ultimately be reviewed and by the Town Engineer to address any changes to the storm water.

The applicant should address the potential for contaminating fluids from storage of parked vehicles within the facility.

10. The proposed landscaping and signage.

The project is proposing mounted signage which is compliant with the Town's Zoning Code. The project is also proposing a small monument sign located at the end of the access road to the project which is similar in size to the existing sign (in approximately the same location) from the previous tenants.

The project will be adding new landscaping along the entire front (south) portion of the site. This landscaping will be reviewed as part of the site plan review process and will ultimately be approved by the Planning Board at a later date.

11. The manner in which the physical design makes adequate provision for service demands (water, sewer, fire, etc.), adequate traffic control and the amenities of light, air and visual enjoyment.

The demands on water and sewer should be similar, if not less than the previous tenants to the site.

The demand on fire should be low impact and again less than the previous tenant. The four (4) free standing, non-heated, non-combustible construction buildings which are

proposed to be non-fire sprinklered have been reviewed by the Fire Marshal and Fire Chiefs and (with some additional items requested) were not seen as an issue. The remaining buildings, including the 3-story building, will be fully sprinklered as they are climate controlled.

All new lighting proposed will be full cut off, dark sky compliant light fixtures. Air quality should be greatly increased from the previous tenant which was an asphalt plant.

The visual and aesthetics of the site and buildings should be very well received as there will be new landscaping and the buildings facades will have dryvit or other aesthetically pleasing materials. Again we feel that the visuals of the site will be greatly improved from the previous tenant which was industrial in nature.

NOW THEREFORE BE IT RESOLVED that the Town of Victor Planning Board recommends **APPROVAL** of the 7607 Commons Boulevard Rezoning (PDD Modification) application, and offers the following points:

1. The Planning Board wishes to affirm its understanding that development within the PDD zone, will remain subject to a subsequent site plan review and approval process to be conducted by the Planning Board.

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

Approved 4 Ayes, 0 Nays

APPLICATION

OTTO TOMOTTO

Phoenix Mills Plaza

Appl No 10-SP-16

Owner – Hendler & Assoc Zoned – Commercial/Light Industrial

Applicant is requesting approval on construction of a 15 ft wide x 32 ft long outdoor patio dining area made from brick pavers along with stone columns and an iron railing. Seating will be for approx 24 people.

Mr. Jim Hendler, owner and developer of Phoenix Mills Plaza addressed the Board.

Mr. Hendler – I'm here to answer your questions about the proposed patio at Otto Tomotto's. The reason for this patio is somewhat similar to City Grill or City Fire up in the City that people are gravitating to outside seating areas, Bistro style and they have these heated, propane like trees they set out there and make it comfortable during the off weather. It's important to have this to cap off their wonderful restaurant. So I'm here to answer your questions about the proposed patio.

Mr. Santoro – I think the issue last time and why you are back again is to resolve that sewer issue.

Mr. Hendler – What about the sewer?

Mr. Santoro – There was some comment from Farmington that it was being built over their sewer line.

Mr. Hendler – What's the sewer got to do with it? There's nothing being built over the sewer line.

Mr. Santoro – That is why you are here, to resolve that. I see you have a map.

Ms. Kinsella – I think the last time this application was in front of the Board, Jim had done some work into the driveway next to the sidewalk that Farmington had a concern about the work that he was doing. We determined that that was outside the sewer easement based upon some additional information that Jim had provided. Al Benedict and I looked at that and determined it was outside of the sewer easement and that it really didn't affect the patio that he is proposing for Otto Tomotto's.

Mr. Santoro – The issue appears to have been resolved.

Ms. Kinsella – I believe so, yes and I think he provided some additional information as it related to seating. I think you have that in your packet, along with the doorway. It shows as a covered doorway and Jim had explained that originally when that space was created, it was intended to be two different tenants and it was never built that way. The interior was never built out for a second tenant but that door was left there and used as an exit. As Jim explained, they will be using that door from the kitchen to come out on the patio that they are proposing instead of coming all the way through the restaurant, out the front door and around to the patio, the kitchen staff will be able to come out that door and serve the tables.

Mr. Gallina – The other question was pertaining to the sidewalk and that the patio will encroach on the existing sidewalk. Is that sidewalk required for any type of pedestrian traffic?

Mr. Hendler- Since its inception, since 1987, there hasn't been any front or back in that location. It was China Court years ago and they took the whole thing so there wasn't any reason for that sidewalk or any reason for that door. So by Otto's who took the front and the back and having use of that sidewalk which they need for their patio because otherwise it's just not cost affective

to do it as it's too narrow. Nobody goes down that sidewalk, it doesn't go anywhere. It's not going to be a loss.

Mr. Gallina – For example, it's not required for parking in the front or any type of store front.

Mr. Hendler – No, you drive through there anyway, there's no parking.

Mr. Logan – So as long as there are no regular pedestrian circulation from front to back, it's not necessary is what you're saying. We wanted to confirm that that's not required for safety because if you're forcing people to walk out into the road, it's not a good situation. That helps answer my question about the sidewalk.

Chairman Dianetti – And part of the sidewalk has barriers on it because vehicles can go through there right? (Yes)

Mr. Logan – As long as there's a way for people to go from inside the restaurant to the patio.

Chairman Dianetti – No one has a problem with it being a patio. I just wanted to make sure it wasn't affecting the sewer or utilities or egress to the restaurant and you've explained that.

Ms. Zollo had no comments.

Mr. Pettee – Maybe this has already been addressed, the light pole that is in the photo where the landscaping is and where the patio is proposed, is that going to be removed?

Mr. Hendler – The light pole stays, the patio ends at the front corner of the patio. There will be a green area before the light pole and after and then the patio.

Chairman Dianetti stated there was a condition in the resolution that the lighting would be code compliant and approved by the Codes dept. Chairman Dianetti also explained that there was confusion over the easements that were shown on the plan and not about putting the patio in.

Mr. Young reviewed the resolution being proposed and made an addition to read: *That there is attorney approval relating to consistency of the proposal with sidewalk and building agreement and utility easement.*

Mr. Young – Just to explain, the last time they were here, we discovered that there was a sewer easement or some sort of a utility easement. We asked for a copy of that. We also noted on the map that there was an indication of a building and sidewalk agreement which we asked a copy of. We still don't have copies of them. We want to make sure that those easements are not in conflict of what they are proposing. We hate to approve this and see there are some overlap or that the building and sidewalk agreement some how prohibits this or is in conflict with it. We can go ahead and approve it tonight subject to us taking a look at that and making sure there are no issues.

Mr. Hendler – Are you suggesting a Hold Harmless Agreement?

Mr. Young – No, I just want to see the recorded easements that are indicated on the map.

Mr. Logan – Is that something you're doing research on or are you asking the applicant to provide?

Mr. Young – The applicant can coordinate with the Building Dept. to provide us these documents, we haven't seen them yet. We asked the applicant for them the last time.

Mr. Logan – We can't do anything until you guys sign off on that technically.

Mr. Young – Yes, you can't do anything until all of those conditions are met and this is one of the 5 conditions that need to be met.

There were no other comments.

RESOLUTION

On motion made by Heather Zollo, seconded by Ernie Santoro

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

1. A Site Plan application was received on March 22, 2016 by the Secretary of the Planning Board entitled Otto Tomotto's Patio Deck.
2. It is the intent of the applicant to construct a 15 ft x 32 ft outdoor patio dining area.
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 Town of Farmington Water and Sewer Superintendent reviewed application and returned comments dated April 26, 2016.
6. 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 May 10, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Otto Tomotto's Patio Deck 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 Jeffrey R. Claus received by the Planning Board March 22, 2016 Planning Board Application No. 10-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That comments from Code Enforcement Officer dated April 18, 2016 and April 26, 2016 be addressed.
2. That any storm drainage or storm structures are not installed within the sewer easement.
3. That all lighting be code compliant and approved by Code Enforcement Officer.
4. That the outdoor eating area and amenities shall not be located within the sewer easement.
5. That there is attorney approval relating to consistency of the proposal with sidewalk and building agreement and utility easement.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That at the request of the Planning & Building Department, a pre-construction meeting shall be held prior to the start of construction.
3. 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
Heather Zollo	Aye
Al Gallina	Aye

Approved 5 Ayes, 0 Nays

INFORMAL DISCUSSION

ROYAL CAR WASH

607 Rowley Rd (Cole & Parks location)

Owner: WDC Properties LLC Zoned: Commercial/Light Industrial

Applicant has requested to address the Planning Board informally to receive feedback before making a formal application. Applicant would like to construct an automated car wash at the location of Cole & Parks restaurant.

Mr. Jerry Goldman, Attorney for applicant addressed the Board.

Mr. Goldman – Mr. Chairman and members of the Board, for the record, my name is Jerry Goldman, I am the attorney agent for Mardanth Enterprises and its principals, as part of the Daniele family companies. Mario Daniele, who is here this evening, Danny Daniele, who is here this evening, and Anthony Daniele, who is the “anth” on the end of Mardanth is not here, unfortunately, this evening.

The three principals wanted to come before the Board and talk about a proposal to redevelop what is commonly known as the Cole & Parks property, located at the corner of Route 96 and Rowley Road. Also, with us tonight and primary presenter is going to be Dave Cox from Passero Engineering. I am here just to provide a little background and then it’s going to be pretty much a discussion that Dave is going to carry, as well as the Daniele family relative to this property. The property, as you know, is located in the commercial light industrial district and is an irregularly shaped parcel which is probably a fair statement to make. There has been some interest from a historic prospective relative to this property and relative to the house on this property, which is number 58 on the walking tour of History Victor according to the website. A lot of things have happened to this area over the course of time, certainly since this house was built in 1813. We hadn’t had the expressway over there and we hadn’t had a Burger King and an M&T across the street, nor a Denny’s diagonally across the street, nor a Chili’s or a Planet Fitness across the street from the site. For those of us who have business interests and those who are familiar with the property within the Town, and who have been in the building, the building may be currently functional but it’s sometimes scary to walk on some of the boards in the house itself. In taking a look at the property, the Daniele’s who have been doing in addition to the restaurant business have done three car washes of the sort they are talking about here successfully within the Rochester area are proposing another car wash to service the Victor community. I think at this point in regards to discussion on site development, I want to turn this over to Dave and then the Daniele’s can talk a little bit about their business and operation.

Mr. Cox - I’m Dave Cox with Passero Associates, civil engineer for the project. The site is a very odd shaped lot and it has two front setbacks and they are both 80 feet setbacks, so you are really only left with this very thin triangular shape of actual developable area. In fact, the existing house doesn’t even fit within the developable area at all. It is completely outside it. Pretty much any development that comes on to this property would need to get variances. There are also some buffer variances and such.

Currently there are two curb cuts on Rowley and as part of this proposal we would actually be closing the one closest to Route 96. The site provides 40 cars stacking which based

on their other sites would never need that much. We just wanted to see what the maximum potential would be. One of the things this site, you know a lot of people are familiar with Delta Sonic and at Delta Sonic you don't see any line at all and then you drive around the corner and then you realize there are tons of cars there and then you have to wait, this is not that. This is displayed out there for people to see how long the wait is. If the cars do get back up too far, people mostly will just come back another time. Another thing about what's great for car washes is that we all know Route 96, there's a lot of traffic on Route 96, and a car wash is not a traffic generator. It operates more like a gas station, which is bypass traffic. People that are already on Route 96 are going to work or wherever, oh there's a car wash, I would like to get my car washed and they will pull in, get their car washed, pull out and continue on their way. As far as a restaurant, which is a destination spot, the car wash will reduce the amount of trip generations created. Which is obviously a plus for the Route 96.

The car wash is not a typical car wash. The Daniele's really like to have things look nice, they put in a lot of landscaping, it has really nice brick, more colonial type, it really fits in with the character of the neighborhood of a lot of the other buildings with the brick, in nature. I think it's in a commercial light industrial which is an allowed use. More it meets the green space requirements, it does have a bypass that if the car wash were to need to be shut down they could open up that lane and people would be able to sneak on through. They will be providing vacuum stations which are free to the community. It is a nice amenity that anyone in the community can come and vacuum their car for free without having to use the car wash.

And then to give you a little more feel for the Royal Car Wash, I will have Danny Daniele come up and give a brief talk on that. Do we have any of the other images that were submitted by chance? I believe there was one image that was superimposed the building onto that property showing some of the areas.

Mr. Danny Daniele – Are any of these on the computer?

Mr. Templar – No, I don't have them on the computer, sorry.

Mr. Danny Daniele – We spent some time on those pictures, which superimposed this building on top of what currently exists. I will give you a quick history of our car wash. We got into the car wash business approximately five or six years ago. We opened our first wash on Monroe Avenue in the Pittsford Brighton area. We became very successful and we ended up opening a second location in Henrietta on Jefferson Road across from Home Depot. Most recently we opened a third location in Greece across from the Greece Town Mall, knock on wood they have been very successful. Successful enough that we now get a lot of requests from different areas of the Town of Victor that come in and use our wash. We have a tremendous amount of clients that pay on a month basis for our wash that actually live in Victor and this site was actually brought to us by a resident of Victor, who was aware of the situation of the property, that it had been on and off the market for approximately the past three or four years. The gentleman who currently runs the facility, outstanding gentleman, I know when he purchased the facility he wanted to do some different remodeling to it and I know there was some push back from the town because it's such a beautiful building and to maintain the historic value of that building. Whether that has helped or hindered, no one really knows but fast forward to today and I believe there is a financial hardship for that gentleman. It's been an awkward moment for him because he doesn't want to market this property too much because he does currently have an ongoing business with

current employees. It's a very difficult situation where you can't just put up a for sale sign. And already by doing this in public has been difficult for them, as we all know nothing has been set in stone yet, but that's why we are discussing today. We have met with the Historic Boards as well, to kind of give them a heads up of the ideas we have. I assume they are here to represent that. I'm sure their goal is not to have it demolished and built with a new facility. The reason why we have decided to move forward given the historic value of that building is based on the history that has led us today based on the financial aspect of what they have been able to use that building for when it was created in 1813, obviously it was a different use.

What we see when we walk around that corner is, like Jerry mentioned, there is a Burger King, a Taco Bell, there's Denny's, there's a Planet Fitness. There's a tremendous amount of commercial activity and this corner stands out as the one non-commercial activity, and it does give it a certain panache, it gives it a certain feel to it, which is a beautiful aspect of Victor, much like you have in the Town, where we are right now, the Village area. When we decided to put our first car wash in the Town of Brighton, one of the big concerns was, what is this building going to look like? We don't want a big car wash like Delta Sonic or some other national brands that are out there to kind of taint the look of the town. We have Handlin Architects and a few other architects have a look at it and our goal was to create a model of a car wash that represented a very colonial style, neighborhood friendly, kind of a high-end bank look which is what you see and one of the comments that we've gotten from new customers. For a while they didn't know it was a car wash, it didn't look like a car wash, it looks like a really nice bank and that's actually what we wanted it to look like. We want it to look like a really nice building that happens to wash cars.

That philosophy has helped us in putting in different locations. This is a very delicate location and what we'd like to do is maintain that look of the building where it is lots of brick, it's got nice architecture on the roofing rather than just a flat roof. There are a few bldgs around the area, there's a Wendy's recently built that has a tremendous amount of brick, it's got that same feel to it.

We operate with anywhere from 2 to 3 employees mostly. It's not a full service car wash. I keep saying Delta Sonic, it's not a commercial for Delta but they do gas, they do interior, they do waxing. Ours is strictly what they call an "exterior only" car wash, no one ever gets out of their car except to vacuum at the free vacuums. The majority of the people drive in, pay at the terminal, go through the car wash and exit. We have a system that takes advantage of a tremendous amount of technology so that we don't have to have individual drying the cars at the end which alleviates the tipping process as well and it keeps the line moving. You'll see over here stacking for approximately 35 to 40 vehicles. It's rare that we ever fill our stacking and a lot of that is we make sure you can see the stacking. We try not to be a "cockroach motel" where you come in and make that turn and by the time you see this long line of cars, you can't get out. That doesn't happen with us. Our goal is to make sure you feel very comfortable and happy when you come in and when you leave the facility. You'll see that our staff members are all dressed the same. They wear light blue oxford shirts with bowties. We pride ourselves from the restaurant business to maintain a very high end look and keeping that culture of the staff smiling and happy.

I think we would be a tremendous fit for the Town of Victor. There are other car wash facilities. I believe there is another family representing a car wash here today. We hope to give the residents a few more options for the car wash industry and look forward to this discussion to see if this is a viable option. Thank you.

Mr. Goldman – Just a brief comment. We are here this evening as much to listen as to talk. We appreciate the opportunity to present informally as part of this process. We understand that from a Board approval point of view, we would be talking about site plan approval for both demolition of the building and for the new construction. In addition, as Dave pointed out, this will require variances from the Zoning Board of Appeals to literally do anything on this site.

The one thing and I'm sure we'll be talking about it, the history of the property as part of this process as it should be pointed out, this property is not on any registers for historic places, does not have any formal protection, if you will, in that regard. It is a property that has been around for a long time but it hasn't really risen up to the level of requiring or commanding that type of protection. What we are looking to do is to do something consistent with the development in the overall neighborhood and that's our objective in regards to the site. With that, we'll be more than glad to engage in any discussion or receive any input from the Board. All of us can respond to questions in our specific areas as they relate to this.

Mr. Santoro – I was on the Board when Cole & Parks came in and literally saved the building. But I know at that time, the Historical Society was very anxious to buy it and if it had to go any place, it would go to Valentown I believe. They unfortunately couldn't get the funding. But Cole & Parks did a very nice job and we are very pleased with it. There aren't many houses in this country that were built in 1813 that are still standing and we have one here in Victor. I quite frankly would have to listen to an awful lot of convincing before I could support this.

Ms. Zollo – I agree with what Ernie said. I think it's been one of our better projects in the Town and I think most of the residents are pretty proud of that building and have enjoyed many lunches and coffee there. I agree with what Ernie said.

Mr. Logan- Any other place in this town that car wash would look gorgeous. The architecture that you have selected, you're very sensitive to it, I see the one on Monroe Ave. Clearly you do a first class job but I have to reflect on the fact that when Ernie and I were on the Board approving Cole & Parks, they spent an awful lot of time finding the historical look of that building; historical photos, railings, siding features. The Town has gone to great lengths to identify that as a historic building in Town. There is actually a State Historic marking in front of it. It talks about Parks Place which is on a trail road (couldn't remember the name). It's a signature of the town in terms of architecture, historical heritage that this building represents. It's kind of nice when you are driving along in a Commercial district and all of a sudden you see some history there.

We've tried to enhance significantly the historical areas with some designation as you are well aware of Jerry (Goldman); at Valentown and that historical overlay district. Unfortunately, this one didn't fit in a historical overlay district as you properly identified with a Burger King, Wendy's and other restaurants. But the fact is, it very nicely stands out with a good setting even though the Thruway is sitting right there. People see it, the town has chosen to make that intersection a gateway to the town. There's signs going up, there's already been landscaping done. If there was nothing on that site, this building would be beautiful but unfortunately to tear it down, I don't think I could support. You'd have to do an awful lot of convincing to move me otherwise unless you can somehow relocate that building, I don't see how it makes sense to replace that facility. I don't know where you've felt a risk in walking around inside that building

but I certainly have never had that feeling. I live in a house that was built in 1860's and the floors slope 2" front to back, I'm use to it! I don't really have a problem with that and I'm one that enjoys the ambiance and setting of that place which unfortunately, I guess is not doing well enough to support. Starbucks came into the cobblestone building and did a gorgeous renovation to that and it's functional and usable. I still think there is something that could come into that site that could take advantage of that and perhaps put an addition on to make it more commercially viable but I don't think demolishing it and putting anything up there would make sense. That's my opinion.

Mr. Gallina – I would tend to reiterate anything to the historical value with the existing house to the Town of Victor is very significant and personally I would be challenged to see demolishing it. To Joe's point, I think the architecture to the building is very appropriate to the Town of Victor. I think the general location as far as a commercial operation, that part of the Town of Victor is a fine fit but it's the demising of the existing building I struggle with.

That being said, I don't know if you need queuing for 40 or 50 cars because I won't wait if there is any more than 2 cars. So if there is anything that could be done to preserve the existing building on that location and maybe flip it so the car wash is on the backside of the property and you could have a coffee shop and a car wash co-exist, maybe that's a win-win for everybody. I would personally struggle with the demolishing of the existing building.

Mr. Goldman – I think in fairness to say we wouldn't be here if this was a thriving and real viable business at this location right now. It wouldn't be available to us.

Chairman Dianetti asked the public for comments

Ms. Katie Coyne, Chair of the Victor Historical Committee – Babette was not able to make the meeting so she asked me to read what she was going to say. She gives a short history of Cole & Parks. *This federal style home had its original footprint built in 1813 by a prosperous farmer Simon Parks. The Parks family was an integral part of Victor's history because they married into the Boughton family, original buyers of the Town of Victor. The Hart family, the original pioneer family; the Vale family, Glen Roy Vale was the NYS Librarian; the Gallop family, prosperous merchandisers who sold out of a cobblestone building in the Village. The Lock family, makers of the Porcelain Insulators; Dr Lora Lane, pioneering cancer researcher at the University of Michigan; the Reeds, leading seed potato grower making Fishers the largest shipping port in NY Central until WWII. Also, John Newton Parks was a successful landscape artist, Alice Parks was a renowned china painter and Lottie Parks Reeds became well known for her work in oil and also in china painting. Members of the Parks family are buried across the street in the recently restored Parks family cemetery which is being dedicated on May 30th. The owners of Cole & Parks have received a preservation award from the Ontario County Historical Society for their work with preservation consultants to restore the Parks homestead.*

In our recent Historic Resources Inventory done by the Landmarks Society this structure was listed as high in importance. We should work together to preserve this very important piece of Victor history and not let it be demolished for a car wash.

I submitted a letter to you and I just wanted to talk about a meeting that we had with the Daniele's at the suggestion of Katie Evans, Director of Development for the Town of Victor. Anthony and Danny Daniele requested a meeting with Babette Huber to discuss the historic

background of the property in the Town of Victor at 607 Rowley Road and the plans that the Daniele's had for the property. This happened on Monday, April 11, 2016 and 2 members of the Historic Advisory Committee, Ann Aldrich the Vice Chair and myself as Chair and the Town Historian Babette Huber met with both Anthony Daniele and Danny Daniele. This was an informal courtesy meeting with an informal discussion. I understand that the Daniele's have filed a letter of intent with the Victor Planning Board and in reading the letter, Ann Aldrich, Babette Huber and I are concerned with the informal discussion we had in April was taken out of context. We want to clarify that the Daniele's did not meet with the entire Victor Historic Advisory Committee and that no way was a resolution or a formal determination made on what to do with this historical property made at that discussion by the representatives of the committee. Thank you

Chairman Dianetti asked again for public comments.

Mr. Douglas Fisher – I want to applaud what each of you has said tonight. I'm in total agreement. Any other place, that's a different story. We are faced with the loss of the gateway to the community. As you know, last night the Victor Town Board approved thousands of dollars for a nice gateway sign to be set in a flower bed at this intersection welcoming people to Victor. This is where people go off to Fishers or the Village of Victor. Yes, unfortunately going into the Village of Victor, it's all automobile culture with all kinds of franchised operations. This is just one more automobile oriented cultural. Just because we have a Burger King nearby and a Best Western and all of the others doesn't mean we have to have another franchise here, that would be very unfortunate.

The history of the building is quite significant. It's one of the earliest bldgs in town; it's certainly one of the earliest surviving. The Parks family that built it were pioneers here. The family was very artistic as was just mentioned. Several members of the family were very artistic, accomplished artists and about a dozen of these paintings my father owned which are in the ownership of the Victor Historical Society now and two of them were photographed for a reproduction to be hanging in the Cole & Parks restaurant. Just after the Civil War, the Parks family operated a school of music and art in that house. So many people were trained there; my own great grandfather learned to play the piano in that house in the school of music. One of the decedents, Erma was the last of the Reed family that lived there married Louie Lock, the son of Fred Lock, the famous inventor of Victor who held over 100 patents himself. Louie Lock operated a radio store in the house for a number of years then his widow died about 1955. The history of the site has always been respected.

I do appreciate what the Daniele family has done in Monroe County and Mario via Abruzzi is a fine restaurant that so many of us are very sorry that you plan to demolish. But crossing the county line to Victor, I hope that you all stick to the statements that you made to preserve our history which I very much appreciate as does the rest of the community.

Mr. Mark Landers – My wife and I purchased the Victor Car wash a couple of years ago and we have put a lot of time and money into that business to try to bring it up to the newer technology of the current day. So it's kind of bitter sweet because you don't want anybody else to come into town and become competition for you. I do appreciate the Daniele's, they do a great job but back in 2008 when we built a car wash very similar in Fairport on 31F, we built that wash and we took the Daniele family through and gave them a tour and as far as Handlin Assoc., they built

our car wash and designed the architect on our car wash in Fairport. So we too know the same model of the free --- that's what we provide in Fairport. Our whole goal is to do the same here in our current location of the car wash we have now. I can't do it at a faster pace as some people do because my wife and I are doing it ourselves. Again, it's bitter sweet because they are a good family, the build a good quality wash because we know as we have the exact same one that they have multiplied through Rochester. So we know the model, we have the same manufacture of equipment, same equipment as far as pay stations and the upper technology that we have, they have the exact same equipment which we do when the time is right, to bring that to our current location in Victor.

Chairman Dianetti asked for any other comments.

Mr. Danny Daniele – I appreciate all of the comments and Mark Landers, we've know them for years and they've been helpful as well. They've been on the other side of town for a long time. We actually reached out to them a few weeks ago, we just weren't able to communicate. I want to get back to the beginning of our presentation; I want to make it very clear that it isn't our intent to railroad a car wash project into a very historic and sensitive area. The reason why I'm standing in front of you today is because several people brought this location to our attention. Several people, more than one gave us a background history of Bill, the owner of the property now, what I'm hearing a lot of today is Cole & Parks is great, we love going there, it's a great place, we'd love to keep it there. The reason why we are talking to you today is because that business will cease to exist at some point in the near future. Without getting into the financial which are at this point private, if Bill would like to share them, he's more than welcome to, the purchase of this property will be below his cost. Bill is loosing money on this purchase. Bill wants to make sure he can take care of his financial obligations. It's not my concern, it's not your concern, it's his own personal concern. We make our own decisions and we are left where we are.

The facts are that that facility will not continue to exist in the future. If we're not going to be in front of you, if the Royal Car Wash is not going to be in front of you, in a couple of months there's going to be someone else that looks a lot like me saying I want to do hamburgers, I want to do hotdogs or I want to do a car dealership. There's going to be someone else up here talking about this awkwardly shaped property that has changed hands now in the past 15 years with a couple of different businesses that just can't seem to make it work because that building is outdated in the sense of a commercial activity. There is a value on that property which people have obligations to pay, a mortgage, property taxes and a business comes with expenses which is why they need revenue so they can pay those expenses and hopefully at the end of the month there is some money left over for your time that you placed into it. I don't know what that's going to be in the future. I know where we are today. We were asked to help that situation out. We didn't seek it, it was brought to us. It happens to be a pretty good corner. It's not the most perfect corner for a car wash. We like to have 30,000 to 35,000 cars which is less than we have here. We like to be very visible on a corner, that's less than we have here. We have customers that are from Victor that would love to have a car wash. Everyone who came here tonight, I believe came via a car. Cars are a big investment. People are very proud of their cars and they like to keep them clean. A car wash isn't very sexy.

When you say we want to take down Cole & Parks and it's a beautiful historic place and put up a car wash, that doesn't sound really sexy and we know that. But it's a service that we all

do use. It's a service that we all use on a product that we all pretty much own. It's a service that we like to put in with a certain amount of dignity that doesn't look like many other car washes. It's a product we feel really fits well in the Town of Victor at this location. Today it doesn't seem like it's a really sexy item to put there but in a couple of months from now, a couple of years from now, if the Board doesn't want to get rid of that building, its going to fall into a disrepair of sorts. So either the current owner can't pay his mortgage obligation to whether he can't pay the tax obligations, at some point there's going to be conversations up here saying "What the heck are we going to do with this building?" We all love the building, *we* love the building. I would rather not be here today talking about...I don't want to be the big bad bear talking about taking down this beautiful building and put up a car wash. I wish there was another piece of property to do it and there are others. We will continue to open up car washes. We would like to open up one in Victor. I was born in Detroit but moved here when I was 3, so I've been here 39 years. We are part of Rochester, part of Monroe County, we have a lot of friends that live in Victor. We don't want to do anything that the Town of Victor doesn't want. That's not what we're going to do but I do think in my heart that this is a good project for here and if the Town doesn't want to put a car wash there, we respect their opinion but the Town's going to eventually have to put something there and mark my word, unfortunately its probably going to have to be a new construction.

One comment that was made in the informal Historic Preservation Committee, one of the members said they would hate to see this place taken down, it's got so much value. But we do understand that the economics have changed and at some point something may happen. It was an off the record remark and maybe it wasn't said exactly the way I just said but the point was we all understand that times do change. We just talked about Mario via Abruzzi, we built that in 1994, it's been 22 years now, and it's been a fantastic business for our family. Our family has changed, times have changed, it requires updates to different types of businesses, and minimum wages have changed. I can give you a litany of excuses of why it's a pain in the butt to run a restaurant today. You can still run a restaurant but we also do other things. Mario's is now closed at that location, it may reopen somewhere else but in 2 ½ years from now, there will be not one business there, there will be several businesses there. There will be 3 or 4 different type restaurants; healthier and not so healthier restaurants. There will be ice cream and there will be fancy vegetables and salads. At some point, my kids are going to drive by this thing and they are 5 and 7. When they get their drivers license, I'll bet they are going to drive by this corner and they are not going to have lunch at Cole & Parks. They will be doing something else; maybe they'll be going through a car wash, maybe they're going to get a new car from a car dealership, maybe they are going to stay in a hotel. I don't know but I'm quite certain it's not going to be Cole & Parks and I'm quite certain its not going to be a business that's going to be able to create a viable revenue source to substantiate the cost of that property in that type of building.

Ms. Rosemary Graham – I think you said they are being very quiet about this and I understand that, the people who are selling the building. So we don't know, since it's not on the open market if someone else would be interested in buying it. We also don't know if the last two owners, it wasn't so much the building as it was poor business practices. So because it's not on the open market, correct?

Mr. Dan Daniele stated that there are two types of markets. It wasn't a building board but a realtor that brought it to their attention. They've been marketing it to other financial markets, franchises, families like theirs. It's known that it's out there.

Ms. Graham – So we don't know who would come in next. Maybe their business practices would be better than the last two. Also, I've used their location on Monroe Ave but he alluded to the fact that the numbers aren't here. What do we do when we take down this beautiful building and put in a car wash and the numbers aren't there and maybe the car wash doesn't work there. So now we are stuck with sort of a tunnel, train type building.

I would like to see it on the open market more to see what else would come in there and to see what else would work because it could be just the people who owned it didn't run it well. I so appreciate your thoughts on it and I agree with all of you and thank you for your thoughtful comments. I also agree with Joe, I do love their building, I use their business all the time, all of their businesses I've been to. I like your building but just not there.

Mr. Gallina – Maybe it would be a nice building for a small Italian restaurant!

Mr. Logan – There are some other properties on that corridor that would fit this building quite nicely.

Ms. Graham – I was on the Planning Board for many years and a Route 96 project came through to widen Route 96. I asked if I could speak to the DOT and I'm very proud of the fact that my 2-cents are those four corners. I said at the time, the Village had their 4 corners, the Town of Victor when you come off of the Thruway, we should have the same. So I felt very proud of having those four corners there, the plantings, and the signs. I understand that across the street is Burger King, Denny's and all of that but we don't have to take a step back on that corner. It is amazing that when you go to another country like Italy and you are standing in bldgs that have centuries of history. That's our slice of Italy on the corner! Thank you.

Chairman Dianetti asked for additional comments.

Chairman Dianetti – Let me say before we go any farther. Someone who is part owner of a family business, I certainly understand where you are coming from and you had a lot of valid points. I think the over whelming sentiment in the community is that we really want to try to save that building. There is also some sentiment that we'd like it to stay in the same location but I think the real sentiment is how do we save that building. That might open up some doors as far as moving forward with a project. I agree with you that at some point in time, that building probably will come down just by nature but that may be 100 years from now if it's taken care of. So if we can find a way to preserve that building then there may be an opportunity but right now, from what I can see from the Board, that it would be very difficult to get even the consensus here that it's something they want to do. But I do understand how the family businesses work and what can and can't happen.

The other thing is, we don't really control the market place and can't really control what this individual does with his business in terms of trying to sell it so he could sell it tomorrow to somebody who comes in and wants to do something totally different and we may loose on that

draw, that's a gamble you take. But if there is an alternative, I think the Board would be willing to listen to it if it involved the preservation of that building somehow.

Mr. Dan Daniele – We did discuss the option of moving the building. A couple of items that came up were; not quite sure the building could substantiate a move as it does have some age to it and it's been remolded 3 or 4 times over the years that we learned through the Historic Committee. The other aspect is financial and where would we put it, who would want to take it? The question was from Rosemary; we chose the site after it was brought to us because of the traffic count. It has enough traffic count for us to do what we need. It's not going to be our busiest of car washes, it will probably be #3 or #4 but it substantiates it. There isn't a whole lot of competition. It will sustain itself. We put almost 2.5 million dollars on top of the property between the construction, the equipment and what not and we have tremendous amount of studies to make sure it's a viable business. That being said, in 20 years maybe the car wash isn't going to be working anymore because all of the cars are flying and there is a different car wash system!

Jack you brought up the aspect of whether there is something else we could do. Moving the building was an option that we aren't comfortable taking on. It's not ----- for us so I don't know if we can add that on top of the bundle aspect. Regarding the current owner, I know after today it will be a turning point because it's more out in the public. Up until now it's been a silent discussion amongst the realtors. I know what Rosemary was saying, it would be nice if it was out in the market and I think at some point, if this doesn't work through, there will be a sign out there which obviously will be a detriment to the owner because it's going to be difficult to run the business at that point. But in the conversations we have had with the realtors, it always comes back to; yes, there are a lot of people who like that corner but nobody wants to deal with getting rid of the building whether it's a Starbucks they redid up the street and it looks really nice. Even Starbucks has looked at this property and they said they had played around with it but they can't use that same building, they choose not to. If we can put a man on the moon, I'm sure they can put a Starbucks in that building but based on the traffic patterns and what not, it may not substantiate what they want to do. There have been other tenants that they have brought because we even said what if we end up buying it and not knowing if we can get a car wash maybe we can put something else there, and we've worked on it for a few months now and it just doesn't seem to make sense. We're not the only ones in the world, maybe there is somebody else that can. I'll just leave today with at some point something is going to have to happen there and we would love to be a part of that. I don't know how we move forward. Do we go to a formal Planning Board meeting or do we just turn around, pack up and never look back? But we're here to clean up Victor one car at a time!

That was the end of the discussion.

DISCUSSION

Chairman Dianetti was asked to discuss Home Depot who would like to come before the Board to renew their Special Use Permit for the outdoor enclosure of the garden area which expires in 2015. They would like direction on renewing it and would the Board like to have them appear before the Board or can it be extended administratively. Mr. Logan didn't know if they could

make past experiences as part of the administrative extension. If was exactly the same as before, he didn't have a problem with it.

Mr. Young stated due to not having anything in front of them to review to wait and have this conversation at the next meeting. The applicant will be asked to provide a letter of request for the next meeting.

Motion was made by Joe Logan seconded by Ernie Santoro RESOLVED the meeting was adjourned at 10:30 PM.

Cathy Templar, Secretary