

A regular meeting of the Town of Victor Planning Board was held on May 24, 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; Bob Storie, Chris Videan, Bryan Powers, Dave Nankin, Roger Irons, Gary Pooler, Nilde Passanesi, Hamilton Passanesi, Melody Burri, Babett Huber

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Joe Logan

RESOLVED that the minutes of April 12, 2016 be approved.

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

Approved 5 Ayes, 0 Nays

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.

BURGER KING – Building Modification

600 Rowley Rd

Owner: L&D Victor LLC Zoned: Commercial

SBL #6.00-1-63.000

Applicant is requesting approval for modifications to the existing building.

Ms. Evans - Burger King requests site plan approval to modify the existing building at 600 Rowley Rd. The property is now or formerly owned by L&D Victor LLC and is zoned commercial and is within the Route 251, Route 96 overlay and consists of 3.6 acres. Application

number 15-SP-16 and just for reference for the public the applicant met with the Architectural Review Board which consist of representatives of this Board before the meeting started at 7:00 but this is the first time this particular application has appeared before the board.

Mr. Bob Store from Carroll's Corp addressed the Board.

Mr. Storie - My name is Bob Storie. I am construction manager for Carroll's Corporation that owns Burger King.

Ms. Evans – Can you describe for the Board what you are proposing to do and for the public?

Mr. Storie – We are remodeling the outside and the inside of the Burger King and I met with a couple of the Board members earlier and we are going to come back with another drawing other than what you see on the board here, to try to get closer to what you people would like.

Chairman Dianetti – Anything else? Ok, should we give this to the Architectural Review Committee? Al would you like to comment on it.

Mr. Gallina – Yes. As the applicant indicated we had a fairly lengthy discussion including our Architectural Consultant and made several recommendations which the applicant was amenable to, so they are going to come back with a set of revised drawings for our review. Obviously, the direction was to keep it more consistent with the other businesses in the area and we gave them some examples and talked about material selection and color selection. We are optimistic the next round will be closer to what the Board would find acceptable.

Chairman Dianetti – Heather, do you want to comment?

Mrs. Zollo - Yes, I agree with everything that Al said. The applicant is really agreeable to going in the direction our code requires and we are looking forward to seeing the next version.

Chairman Dianetti – Joe?

Mr. Logan – I was wondering if he could elaborate a little on some of the modifications or some of the things that you guys talked about in terms of what you saw and what you didn't like and where the applicant is going with the architecture.

Mr. Storie - We did talk about taking off the parapet roof all the way around, but now we would keep it on. We would put a standing seam silver roof on it, similar to that, maybe put it in the front where we have that black tower with the red. We were going to try to keep that a little bit but we will put a dormer, not a dormer but a peak on the top of it, a gable on the top of it. Try to get some sort of gable to bring into that thing, we take the red tile and try to tone it down a little bit. Maybe put a red brick or something in that area.

Mr. Logan - I'm looking at the elevation that you submitted for review on my computer.

Mr. Storie - That's just fine.

Mr. Logan - When you say the black tower which elevations are you talking about? The one in front?

Mr. Storie - The front elevation.

Mr. Logan - Ok so the cars will be going across that. That's the front and then you have the drive through to the right?

Mr. Storie - Yes

Mr. Logan - Ok, and currently you think there's a mansard roof?

Mr. Storie - Yes, there is a mansard roof. We would keep that mansard roof.

Mr. Logan - I was reflecting back with Wes Petty earlier this afternoon on elevations and how the discussion went in 2012, I think it was.

Mr. Storie - Well that was another owner all together. Carroll's bought them, I think it was about a year and a half ago or so.

Mr. Logan -- I was wondering why we had never gone any further with that, but I know that's business.

Mr. Storie - We bought actually all their stores in Rochester.

Mr. Logan- I'm looking forward to seeing some improvements on that building. I think one of the comments also for the site plan back then was looking where people exit your drive through onto the cross street, the internal cross street that goes to the bank, having some stop signs put there.

Mr. Storie - I think there is one there now. I'm trying to think when I was there before. I think there is one there but I'm not positive but one could be put up very easily, that's minor.

Mr. Logan - I've gone through that drive through occasionally, and it's hard to see around the corner for someone coming to the bank. So we felt at that time putting a stop sign for traffic entering the bank would ...

Mr. Storie - Actually it's not only hard to go through there but actually when they built the thing they went straight out with that corner too, so you can't really make a proper turn out of there either. We would probably round that a little so you don't drive all over the curb.

Mr. Logan - I would like to see that as part of your improvements to the site.

Mr. Storie - All right.

Mr. Logan - I appreciate that.

Ms. Templar stated that she had given Mr. Storie the past meeting minutes for his review.

Ms. Zollo - One item that we didn't discuss was where the HVAC equipment would be located. Would that be on the roof?

Mr. Storie – Yes, it's all on the roof.

Ms. Zollo – Ok.

Mr. Storie - It is usually high enough that you don't see it from the road.

Ms. Zollo – Fully screened, ok.

Mr. Storie - The parapet walls are up 40 some inches so you usually don't see that, especially when you're, the only time you see it is when you are up above coming down a hill somewhere you might see it.

Ms. Zollo – OK just wanted to clarify that and then the dumpster enclosures, are they existing on the site?

Mr. Storie – Yes, they are on the back on the other side of that right-a-way road. That will be cleaned up and new gates would be put on it, painted and whatever else we have to do to it.

Ms. Zollo – Ok, excellent. All, right thanks.

Chairman Dianetti – Ernie any questions?

Mr. Santoro – When they were here last time, I suggested a mirror for vehicles exiting Burger King.

Mr. Storie – We have done that before at other places, when it is hard to see around a corner. We have done that so it could be done. We will take a look at it, maybe see where it is to pull out and how much room you got there.

Chairman Dianetti - Anybody in the public here tonight to comment on this application, anybody from the public? If not, Wes do you have any comments? .. No? Don? ... No?

Ms. Evans summarizes comments.

Ms. Evans –So the applicant is indicating that they will be working on modifying the proposed façade and will be re-submitting architectural renderings. I'm following the Architectural Review Committee meeting today. A stop sign shall be incorporated and that's where I left off. Where is the stop sign going?

Mr. Logan - The exit from the drive-through onto the internal driveway.

Ms. Evans – Thank you, and all roof top equipment will be screened and that will be shown on the elevations submitted. I think I heard the Board ask for you to provide the dumpster enclosure details, to submit them to the Board for their review.

Mr. Storie – Dumpster enclosure details like, I mean it's there, what kind of details are we, we probably won't be changing it. All we want to do is clean it up, like put new gates on it and stuff like that.

Ms. Evans – Ok.

Mr. Storie – I'm not sure – you want us to show that on the drawing and put new gates or something like that?

Ms. Evans – Just a photograph of a gate you intend to replace it with would suffice.

Mr. Storie – Ok.

Ms. Evans – If you plan on painting it or whatever, just indicate that.

Mr. Storie – These days we have been using the Treks' boards on the gate and not painting them. That way you don't have to worry about it down the road. The less paint you have to use the less you have to go back and fix it.

Mr. Logan - And maybe one of the comments to the dumpster enclosure would also imply that we generally require the dumpsters to match the architecture of the building, the same surface treatments so that it kind of blends in.

Mr. Storie – That's what we do most of the time.

Mr. Logan - Ok. So if you just indicate that's what you are doing on the plans. That's probably what we are looking for I think.

Chairman Dianetti – Can we review the time table for the applicant to be on the next meeting.

Ms. Evans – Yes, and then one more to add and to consider adding a mirror for vehicle existing to improve safety. So in order to be considered at the next Planning Board Meeting, Cathy would need any materials you would like to Board to review by noon on June 8th.

Mr. Storie – I'm going to have a hard time getting the architect to move.

Ms. Evans – And again if you can't get them done we would just put you on the next available agenda, but we do need them by noon the Wednesday before the meeting, so the Board has time to review.

Mr. Storie – That’s fine.

Chairman Dianetti – If there are no other comments or objections we will close the public hearing for Burger King. There are no resolutions for this applicant right now, so we will move on to the next application which is Pooler Park.

The Public Hearing was closed for Burger King.

POOLER PARK

7575 Hannan Pkwy

Appl No 13-SP-16

Owner: Rolling Iron Assoc Zoned: Light Industrial & Route 251/96 Overlay District

SBL #: 15.01-1-22.210

Acres: 3.12

Applicant has requested site plan approval for Change of Use to accommodate Any Time Towing for storage and light auto repair in the existing building. Applicant is also requesting to place a 6 ft high security fence around the 3100 sf bldg. This is the first time this application has been before you.

Mr. Gary Pooler, owner addressed the Board.

Mr. Pooler – Good evening. I would like to correct something that was just read. I am the owner, I bought the property, Pooler Enterprise owns the property. *The introduction indicated that Rolling Iron Assoc owned the property.*

Mr. Pooler passed out a response letter to Codes comments.

Mr. Pooler - I bought the building and thought that I could just pick up a permit to put a security fence up and thought I was doing a great thing. It’s been a month and I’m still trying to get this thing rolling. I don’t believe it’s a *change in use* but I’m not going to fight City Hall. I’m going to try to move this along and get my tenant into the building.

I have two tenants in my facility at 749 Wangum Road, I put up a new building and have 2 tenants in there, they’ve both outgrown their space and both want out of the building. So this building has been for sale for awhile and they are having a hard time getting it sold, I made him an offer and ended up buying it. I have one of those tenants that would like to move in there, a towing company. It was known as Any Time Towing but they have changed their name to MTM Automotive Inc. Max had bought this towing company from another guy and I guess there was a bad reputation with it so he changed the name.

I can go down the list or just hit the highlights *referring to the Codes comment letter*. I believe there are really two major issues that AI has asked a variance for. The first one, *the facility is approximately 680 ft from a residential district to the property line. It indicates that a motor vehicle repair facility should be 1000 feet away.* We are 1350 ft from a residential building. There is a hill behind us that is wooded and it goes up and drops down on the other side. You can’t even see the residential area. This has been Industrial/Commercial, it’s been a

construction equipment repair facility, Jim Northrup bought it, Rick -- in 1986 put up the building and did construction equipment repair and maintenance, the same as I do at Pooler Park. I actually was the mechanic in the building for a long time. He sold that building in 1992 to Fred Huff. It was garbage trucks repair, picked up cars, everything was worked on. Even when Rick had it, we'd pick up cars and everything. That's why I can't see the logic over a change of use.

The garbage company was sold several times; American Disposal, CDI and then it came to Rolling Fields and Rolling Iron. What Rolling Iron did was compactors that you see sit behind Home Depot. They put a compactor in and put cardboard or garbage in there and compact it. So these are all portable units they put on a 10-wheeler with a winch and they pick these up and move them around. So they did all kinds of repairs and stuff on that.

Hannan Parkway is a private drive approximately 800 ft long. It runs east/west, east off of Phillips Rd. There are 4 lots. The first lot is Danny Bree Sealands Construction and they do the same thing that we do. The next building is a cabinet maker and he is in the building right beside me. Then another lot just past me that Danny owns and keeps all of his outside storage for his construction company as I do just south of this property.

In the Town Code for the private drive, they list a paved road. This has been gravel/blacktop millings for as long as it's been there. There is an Association and when you buy a lot here, you automatically become a member of the Association LLC. So when I bought the lot, I become a member and that gives me rights to access from Phillips Road to my property no matter who owns the property.

There are some drainage easements; there is a water line that is on the edge of the right of way, there's a 20 ft easement. I do have some stormwater drainage crossing the property. The fence is going to be put up over these drainages. We have no problem getting a letter to the town and getting a letter from our neighbors because we are taking the water from those first 2 lots.

I spoke to them today and yesterday after receiving Al's comments. They have no desire for a paved road, they have no desire to improve the road, they have no desire to share in any cost and that is how the Association is written up, that we will share maintenance and cost. I don't know where we can go with this other than needing a variance because it's in the Town code that all private drives are black topped. I'll go to the Zoning Board of Appeals and ask for a variance. I can't see how they can reject me; this has all been pre-existing forever.

Ms. Evans – Mr. Pooler I have some good news for you. In speaking with our Code Enforcement Officer who issued the comments yesterday and just reviewing what was issued so that I understood it, he has no issue with Hannan Parkway due to the parcel configuration, you don't have control over it, you don't own Hannan Pkwy. The comment was the access road into the property. John (Shields) dropped off your Zoning Board of Appeals application and explained that there are millings down. After he left I asked our Code Enforcement Officer if millings would be an appropriate material to suffice the standard within the code and he said yes.

Mr. Pooler – That makes sense to me; I'm driving 800 ft on millings and come into my property on blacktop.

Ms. Evans – It's a non issue now.

Mr. Pooler – Thank you. I think I'm down to 1 variance for the distance to the residential house. Was there anything else?

Ms. Templar – I think that was it. The variance would need to be granted before the Planning Board can give you any decision. You are on the next Zoning Board of Appeals meeting and then come back to our next meeting.

Mr. Pooler – I'm hoping to get this done in 3 weeks.

Chairman Dianetti – We can take care of the public hearing portion tonight.

Chairman Dianetti asked for public comments and there were none.

Ms. Zollo had no questions.

Mr. Logan- We approved the Horse Power Motor Works, I don't want to call it a Change of Use but they were doing similar work there and they are a lot closer to the residential property than Mr. Pooler's property. We allowed that use in their building nearby. Sealand has been doing work there for a long time. I don't see why this is a distraction from their work in terms of the use. I would have no problem recommending that the Zoning Board of Appeals consider his application for a variance.

Chairman Dianetti stated the Planning Board is giving a positive recommendation to the Zoning Board of Appeals to grant the variance.

Mr. Gallina – I would agree with Joe's comments. The Conservation Board had looked at this application and recommended they have a plan of action for spills or containment. I know that you wrote you'd be responsible but if you would like to comment on that.

Mr. Pooler – This was something I was going to address in the lease anyway. I had him address the issues because I'm concerned about it too. If a vehicle comes in with a leak, the first thing it's going to do is go right in the building and all of the fluids will be taken out of the vehicle. Outside they have spill kits on the tow trucks and they will address that and take care of everything properly. With that, the building is set up pre-existing within the shop is waste oil heat. They have a heater in there with a tank and he's going to be burning the oil in the building for heat. So there is a use for it.

Mr. Pettee had no comments.

Mr. Pooler asked to discuss the fence he is proposing – This will be a wooded fence with a gate (located behind building on the west side of property) and a chain link fence (located south and east side of building) will go the rest of the way to the building. *Mr. Pooler showed the Board a picture of the fencing to be used.* I do understand that there is a retention pond here and a storm pipe that goes across to a manhole (inaudible). We have no problem giving you a letter that we understand the liability and are responsible so if the fence has to come down..... there is also electric that comes in from the back, there's a telephone pole there and the electric line just runs across the corner to another pole on the western side supplied to the back of the building.

Chairman Dianetti – I have a note here that says if we discuss and approve the fence as part of the site plan approval that you wouldn't need a building permit. Does that sound reasonable to you? (Yes) Don't you have a problem with it? (No, that's what Al had in his comments).

Mr. Young – With respect to the easements, are these Town easements?

Mr. Pooler – I included them in the package.

Mr. Young – I know there is something with RG&E, right? (Yes) Is there anything else there?

Mr. Pooler – There is an easement for stormwater, *Mr. Pooler showed the Board the locations on the plan.* There is drainage coming onto my property into this pond from the two lots (to the west) and I'll have a letter from the neighbors saying it's okay. There is storm pipe going across here and the town has an access easement which we have no problem with. If there is a problem and they need to take care of a problem, the fence is mine and if I've got to take it down and put it back up, I'll do whatever.

Ms. Evans – We'll capture that in a *Whereas* paragraph in a resolution should the Board decide to go forward with an approval, we'll capture that the Town does not hold any liability to the fence that is being installed with the understanding that should they need to go in and maintain or do repairs, it's at the property owners expense to repair the fence.

Mr. Pooler agreed.

Ms. Evans reviews the comments – We have written responses for the Code Enforcement Officer's comments. Staff will send a memo to the Zoning Board of Appeals indicating the Planning Board supports the variance request. We will wait to see what the Zoning Board of Appeals will do.

Chairman Dianetti asked for public comment again and there were none. The Public Hearing was closed. The discussion ended at this time.

FAIRWAYS PHASE II - LOTS 201-211

Championship Drive

Appl No 2-FS-16

Owner: The Fairways Townhomes LLC Zoned: R2 C overlay

SBL# 6.20-1-201.000

Applicant is requesting approval for resubdivision of Lots 201-211 into individual townhomes.

Ms. Evans – Fairways Phase II request re-subdivision of lots 201 through 211 into individual lots at 650 through 654 Championship Drive. This is the first time this re-subdivision has appeared before you.

Mr. Powers - Thank you and good evening. My name is Bryan Powers and I am here on behalf of the Fairways Townhomes LLC. As previously mentioned, the re-subdivision of lots 201 to 211. These again are located within the Phase II area of the development. Our site is located off of Championship Drive which appears on the graphic here. Championship Drive intersects with High Street between Aldridge Road and Gillis Road. This is the second phase of our townhouse development, ultimately there will be three phases.

Thanks to our relatively light winter we were able to install the sanitary sewers, storm sewers, water mains within this phase of the development and recently we laid down the blacktop binder throughout this phase. If you haven't you can drive all the way through this phase of the development now. You can also see as you drive in there we have started construction of the townhouse buildings on lot 211. That one is substantially framed. Do you want me to point at it?

Mr. Logan - The first one on the right into this phase. Correct? (Yes)

Mr. Powers – 211 is this series of lots here, there are five lots there. Then we also have the foundation installed on lot 210 which is a four unit lot. As conditioned by this Planning Board when this phase of the development, actually when all phases of the development were approved, we are required to re-subdivide the overall lots. Currently, there are 11 lots in the project and those encompass 11 townhouse buildings proposed for this phase. We are required as part of the approval to subdivide those into individual lots, the individual townhouse units prior to issuance of C of O for the development.

However, things have changed as relative to the building department and their desire that we subdivide all these lots now, and they are actually making or requiring that we do that before any further building permits are issued. I don't know the exact reason why but in their mind it is easier to manage the issuance of building permits and track the inspections and so forth, with individual lots versus these overall lots. Again they are requiring we do this as part of any further issuance of any building permits. We do have a building permit waiting for lot 201 which is these three lots here and with this Boards approval this evening, hopefully, we can get that building permit from the building department this week to commence that building.

We have review comments from both the Code Enforcement Officer and from LaBella Associates. I didn't see any comments that were significant, actually the Code Enforcement Officer just had two comments relative to the fact that because this is in the residentially zoned property the subdivision of these individual lots is required and what the Building Department has told us is, if we do need to make any shift or moving of these lot lines after we build the units, for those who have never built a townhouse building, we do have a little bit of room to build within the greater lots and if we don't line the lot line up perfectly with the common wall, I guess there's a new administrative process with the Town that we can shift that lot line if necessary, after the unit is built. I can't wait to try that process out, because I think we are going to.

LaBella had a comment about adding another notation to the plan relative to the zoning district and also the overlay district that this project is located in and we will do that prior to Planning Board signature on this map and prior to Town Engineer signature on this map. And with that if you have any further questions or comments I would be happy to address them.

Chairman Dianetti – We will ask the public that might be here tonight as part of the public hearing, if anybody in the audience would like to get up. Can you please come up to the microphone and state your name and address?

My name is Nilde Passanesi and I live at 610 Yale Court, ... next to the project. My question is really, we were traveling so we just got this note and we were a bit surprised. Just trying to understand what the difference between what you had before and what is the implication for the neighborhood of moving to the townhouse subdivision? Do you understand my question?

Chairman Dianetti – We will let Brian explain.

Mr. Powers – Essentially, there is no change to what the Planning Board had originally approved for this project. This is just a step in the process, although we are taking it a little earlier than we normally would. The alignment of the street, the positioning of the townhouses, the number of townhouses, etc. are all the same and in accordance with the approved plan. We are simply just carving the lot lines between the individual townhouse units at this time.

Mr. Logan - I believe the Planning Department probably has the approved plans that if the residents are interested in coming to see it, what was originally approved in the final layout that you could come in and take a look at it. Call ahead of time so she can pull it out probably. I was talking with Wes and asked if it was consistent with the original application and it is exactly consistent with it. These are formalities I think getting the lot lines exactly where they need to be for the buildings.

Chairman Dianetti – Do we have any background on how this evolved? Did it actually start out this way that it's a larger lot that then gets split up once the units are built?

Mr. Logan - As I have heard explained in the past, they have a big lot and they generally know how many buildings are going to go on each. They have that many lots but they don't know exactly where the lot lines are and they have to define them at the end. This way it forces their surveyors to do a little better job I guess at laying out the foundation and there are still tweaks, as you said, in the process administratively.

Chairman Dianetti – It's really lot line adjustments, it's not creating a lot.

Mr. Powers – It's a re-subdivision because you have eleven lots out there right now that we are going to re-subdivide into 45 lots because there are eleven buildings but there are 45 individual units if we count up...

Chairman Dianetti –There wasn't a lot with four rental units on that lot that is now being subdivided into for sale units?

Mr. Powers – Correct. In this project we currently rent all those units, although with the subdivision process they are essentially ready to sell with one caveat, there would have to be an owner's association created. Mark IV who technically owns or Fairways Townhomes own the development, we do all the maintenance currently. If we started selling lots there would have to

be an owner's association created and that's a step that you have to complete with the Attorney General's office.

Chairman Dianetti – But there is a potential there for them to become owner occupied dwellings. Correct?

Mr. Power – Correct.

Ms. Evans – I was just going to simplify it a little bit because it sounds scary to go from eleven to 44, but in reality State Environmental Quality Review was completed on this project, looking at all the potential significant adverse environmental impacts and that has been completed, that very thorough review by the Board. Then it was preliminarily approved with a set number of units, so they have all these lots, now they are creating their units. It is consistent, to the best of our knowledge, to what has been previously approved. Not proposed but approved.

Ms. Zollo - With the original approval was it understood that these were rental units or for sale units?

Mr. Powers - Well, we've done this already in phase I of the project and there wasn't a distinction as to what they were going to be, rental or for sale. Both allowed by code. As the market has changed substantially since this project even was first heard by a Planning Board in this Town, the rental market is alive and healthy and that is the direction this project is going in right now. That's not to say that it won't be for sale some day when that market turns back around again then we probably will re-examine that. We are setting ourselves up for the future. We are creating these individual lots for these individual units because that's a part of Town homeownership, you have to own the lot that your individual unit sits on. We are taking that step to further comply with the approved plan for this project.

Mr. Logan - Who owns the golf course ultimately, if all these are sold as townhomes?

Mr. Powers – That is on a separate piece of property. Separate entity.

Mr. Logan - It could be sold to another entity to manage the golf course or Mark IV could keep it.

Mr. Powers – The townhomes don't make or break the golf course. The golf course survives on its own, although it's nice having those residents nearby because they do take advantage of the golf course. The bulk of our membership is outside of this community.

Chairman Dianetti – All any comments? Wes? Don? No. Everyone is good with it? We are going to close the public hearing for Fairway Phase II.

The Public Hearing was closed.

RESOLUTION

On motion made by Ernie Santoro, seconded by Al Gallina

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

1. An application was received on April 19, 2016 by the Secretary of the Planning Board for a Final Subdivision entitled Fairways Phase 2 Townhomes, Lots 201-211 Resubdivision.
2. It is the intent of the applicant to resubdivide Lots 201-211 into individual lots for each individual townhouse unit.
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 24, 2016 at which time the public was permitted to speak on their application.
5. The application was deemed to be a Type I Action and required a coordinated review pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations pursuant to approval granted on September 13, 2005.
6. Pursuant to Section 27-8J of the Town Code, a recreation fee of \$1500 for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit as identified in the Planning Board approval resolution dated October 9, 2012.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of The Fairways Townhomes, LLC Final Subdivision entitled Lots 201-211 of the Fairways – Phase II, drawn by Zerkel Land Surveyors, Drawing #06121R2, dated April 18, 2016 received by the Planning Board Secretary April 19, 2016, Planning Board Application No. 2-FS-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments from Code Enforcement Officer dated May 20, 2016 be addressed.

5. That the comments from LaBella Associates dated May 20, 2016 be addressed.
6. That the developer of Legacy at Fairways Townhomes is directed to pay a recreation fee per family unit in the amount of \$1500 established by the Town Board in lieu of the requirement of any additional park land facility before receiving a building permit.

DISCUSSION:

Mr. Powers – May I interject. Do you know off the top of your head what the standard rec fee is?

Ms. Evans – I do not but I'll tell you we took the verbiage directly out of the last resolution. So that was whatever resulted...took it verbatim.

Mr. Powers – Alright, I just want to make sure because the project is old enough, if there is a newer rec fee that the Town has currently where the older rec fee is being applied to this project.

Chairman Dianetti - \$1500 is the one that was in effect when you made the application.

Mr. Powers – I think so. I just don't remember the amount but now both the findings of fact and the conditions sited that amount. I just don't want to trip over it later on.

Ms. Evans – It was topic of great debate I understand in the past so we literally verbatim took the verbiage out of the previous resolution so that its consistent.

Mr. Santoro – The original one provided for \$2500 I believe per lot and that was judicially declared to be too much. So that is why it is \$1500.

Mr. Powers – Okay, I just wanted to make sure.

Mr. Pettee – Jack, I just wanted to make a suggestion on the conditions that must be meet prior to the Chairman signing the final subdivision plan. #6 with regards to the recreation fee; I would move that underneath the second group of conditions, that it be a condition that would be an on going standard so they don't have to necessarily comply with that before the plans are signed.

Mr. Powers – Thank you because we are actually paying the rec fee every time we draw a building permit for one of these townhouse bldgs. We are paying the rec fee for those series of lots that we are pulling the permits where this is being interpreted that we are paying the rec fee before we get this mylar signed for this phase.

Mr. Santoro asked that staff check to be sure the amount of the fee is correct. Chairman Dianetti stated that \$1500 was his understanding.

Mr. Santoro – When was this in dispute, when was it litigated?

Chairman Dianetti – I thought the dispute was a lower amount or that there shouldn't be any

amount because the golf course or something....

Mr. Powers – I don't know the particulars. I just know we tripped over this when we got our first building permit for the first phase.

Chairman Dianetti – I remember there was a lot of discussion about whether or not the recreation fee was owed at all and I think there was a point in time that it was much lower than the \$1500.

Ms. Templar stated she would research the past minutes.

Mr. Santoro wanted to know who handled the litigation for the Town. Michael Wolford was the attorney for the town.

Ms. Evans – We actually consulted with him. It was just after I started you came in and said that you were interested in continuing and we pulled him in for consultation.

Chairman Dianetti – I think this was all litigated.

Ms. Evans – It was, we just wanted his counsel on how to proceed with future phases considering everything that had happened in the past. I want to say that was mid 2014. I should say Kim Kinsella is not here this evening, however, she is intimately familiar with this project and she did review the resolution before providing it to the Board.

Discussion ended and resolution continued with the changes made.

6. That the Subdivision which was approved on May 22, 2007, be modified and the Application of the Fairways Townhouses, LLC dated April 19, 2016 for a modification of the approved subdivision be granted, provided that the Developer comply with all conditions stated in the prior Final Subdivision Approval, dated May 22, 2007, and further complies with the requirements herein.

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

1. That the final subdivision complies with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
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. That in the event the created lot lines, do not coincide with the constructed buildings, an administrative lot line adjustment is possible providing all regulations are complied with.

5. That the Developer of Legacy at Fairways Townhouses is directed to pay a Recreation Fee per family unit in the amount of \$1500 established by the Town Board in lieu of the requirement of any additional park land facility before receiving a building permit.

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

HISTORIAN REPORT – reported by Babette Huber

Ms. Huber - I am here to report on a meeting I had Monday, May 16. Brian Emelson and myself met with two representatives from Bass Pro and Paul Colucci, Bill Derdel and Tony DiMarco, from the DiMarco Group.

We met at Ganandagon, the goals for this were to learn about Seneca history and culture, to discuss how an interpretive trail could be part of Fisher's Ridge, if given Planning Board approval, and discuss how Bass Pro could incorporate Seneca history into their store if also they were given Planning Board approval.

It was also understood that the overall plan of Fisher's Ridge is still subject to final review and that this field trip didn't constitute a pre-determined decision by the Planning Board. It was strictly an educational field trip, we went to Ganandagon and Peter Jemison did probably about an hour, hour and a half tour of the interpretive center. He showed the history and culture of the Seneca Nation that was here, as well as, the Denonville campaign. As part of the educational piece, Peter again shared his reservations with having a road in the ravine where the Denonville ambush *possible* could have been, but he also admits that it's just oral tradition, we have not found anything. After the tour, we sat and talked about the Seneca history and how possibly those two entities could tie it into their projects.

Nothing was finalized, we barely scratched the surface, we talked about it. With the exception of Mr. DiMarco, we went up to Valentown and had another immersion into local history at Valentown.

Just to review, the goals of the day were to learn about Seneca history and culture, to discuss how an interpretive trail could be part of the Fisher's Ridge development, if in fact it did become a reality, and how Bass Pro could incorporate Seneca history into their store, if given Planning Board approval. I just wanted to be sure we kept the History on the table. Can I ask a question?

Chairman Dianetti – Sure.

Ms. Huber - You are going over the FEIS, you are not going to do it tonight?

Ms. Evans – The applicant has requested to be removed from the agenda at this time and we will be rescheduling for a future agenda. For the Board’s reference, I had asked Babette to come tonight to share what happened because I wanted you to hear it directly from her.

Ms. Huber – It was strictly educational but I want to keep them understanding, even though SHPO has signed off on this, if new evidence comes about, I think that the Board needs to be aware of any new evidence and also Peter Jemison’s request that if possible, that the road not go through the ravine. Thank you.

TABLED FROM 5/10/16 MEETING

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

Acres: 1.2

Applicant is requesting site plan approval and a Special Use Permit to install a temporary tent to sell fire works during the weeks of June 23 to July 9 on the Hunt Property at 7161 Rt 96, (former Snuffy’s Fruit/Vegetable stand) to sell fireworks during the. As noted before this application is a carryover from the May 10 meeting.

Mr. Roger Irons from Keystone Novelties, LLC addressed the Board.

Chairman Dianetti – So we had two primary issues with this; signage and access. Correct?

Mr. Evans – Cathy would be able to verify.

Chairman Dianetti – Have we resolved those two issues.

Mr. Templar – Yes, the access was resolved. I have a letter of authorization from the owner of the plaza and Dale Hunt, Andy Suppo from the Plaza giving permission to use it there and according to the letter, he’s talk to, I don’t know if he talked to you Roger or not, but he’s talked to the applicants and it was explained to them what he’s going to do and he’s fine with it.

Chairman Dianetti – Ok, and the letter from Al regarding the signage?

Ms. Evans –Cathy has details on that one.

Ms. Templar – The signage, they were asked to remove the flag parts, I don’t know what you call them on the ropes and if it has nothing to do with the actual product that it be displayed

inside, for instance the credit card one display that inside and there is another one, I can't remember what it was that didn't have something to do with the fireworks that would have to be displayed inside, but as temporary signs they are fine.

Mr. Santoro - Buy one get one free? (referring to one of the signs) It looks like there are at least three of them.

Mr. Irons - Two

Mr. Santoro - I see three on this picture.

Mr. Gallina - I think the third one is if you spend so much you get \$10 off.

Mr. Irons - Yes, the third one is a \$25 discount.

Ms. Evans – That is something the Board can deliberate on, what you feel is an appropriate number of signs.

Chairman Dianetti – Al left that up to us?

Ms. Evans – Yes, there is a blank should you decide to consider a resolution this evening there is a blank to fill in how many you feel is appropriate for the duration of this proposal. Cathy wasn't hours of operation another item?

Ms. Templar – I put that in there, hours of operation so the Board could decide what they wanted.

Mr. Logan - What is being requested for hours of operation?

Mr. Irons - Normal hours are 9 to 9. The second we stay open until 10, and the third and fourth until 11.

Mr. Santoro - I have no problem with that. Mr. Logan agreed.

Chairman Dianetti – The number of signs on the tent. Anybody have an opinion?

Mr. Gallina - My opinion would be to stick to two. Fireworks and open.

Ms. Zollo - I agree and then the other ones inside.

Chairman Dianetti – The consensus is two?

Mr. Logan - Yes.

Ms. Evans – I think it would warrant indicating one sign being fireworks and the other being open, so that there isn't any confusion when we go to reinforce your intention, should we need to do that.

Mr. Irons - May I make a request that it's pretty obvious that when we have the sides rolled up on the tent that we are open anyhow. If we could substitute a buy one get one sign for the open sign. They are both the same size.

Mr. Santoro - That's fine.

Mr. Logan - That's fine.

Chairman Dianetti – So fireworks and buy one get one free? So we need a special use resolution and a site plan resolution?

Ms. Evans – Yes.

SPECIAL USE RESOLUTION

On motion made by Mr. Santoro, seconded by Ms. Zollo

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

1. A Special Use application was received on April 7, 2016 by the Secretary of the Planning Board entitled Keystone Fireworks.
2. It is the intent of the applicant to put up a 20' x 40' tent June 16, 2016 to sell fireworks from June 23, 2016 to July 5, 2016, removing tent July 9, 2016.
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 proposed use of the property is a permitted Special Use in Chapter 211-23.
6. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
7. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
8. The proposed use conforms to all applicable regulations in the district which it is located.

9. The Findings of Fact and Conditions of approval for site plan approval granted on May 24, 2016 are hereby incorporated with this resolution.

NOW, THEREFORE BE IT RESOLVED that the Special Use application of Keystone Novelties Distributors LLC received by the Planning Board April 6, 2016 Planning Board Application No. 2-SU-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated May 5, 2016 and May 19, 2016 be addressed.

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

SITE PLAN RESOLUTION

On motion made by Mr. Santoro, seconded by Ms. Zollo

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

1. A Site Plan application was received on April 7, 2016 by the Secretary of the Planning Board entitled Keystone Fireworks.
2. It is the intent of the applicant to put up a 20' x 40' tent June 16, 2016 to sell fireworks from June 23, 2016 to July 5, 2016, removing tent July 9, 2016.
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 Findings of Fact and Conditions of approval for Special Use Permit approval granted on May 24, 2016 are hereby incorporated with this resolution.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 24, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Keystone Fireworks 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 Keystone Novelties Distributors LLC received by the Planning Board April 7, 2016 Planning Board Application No. 12-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer dated May 5, 2016 and May 19, 2016 be addressed.
2. That comments from Fire Marshal dated April 26, 2016 be addressed.
3. That a Peddler's/Solicitor's License be obtained from the Town Clerk prior to erecting tent and sales.
4. That if the Peddler's/Solicitor's License is suspended, the tent will be removed at the owner's expense within 10 days.
5. That hours of operation from June 23, 2016 to July 1, 2016 to be 9:00 am to 9:00 pm, July 2, 2016 from 9:00 am to 10:00 pm, July 3 and 4, 2016 to be 9:00 am to 11:00 pm.
6. That the site plan approval will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10 day period.
7. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
8. That any temporary signage be removed from the site entrance during non-business hours and shall not be placed within the State Route 96 right of way per Town Code.
9. That there be a limit of two (2) signs on the tent.

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

OUTDOOR ACCENTS

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

7161 Route 96

Owner: BB Route 96, Leonard Hunt

Zoned: Commercial/Light Industrial and within Route 251/96 Overlay District

Acres: 1.2

Applicant is requesting site plan approval and special use permit to display sheds at the former Snuffy's Fruit/Vegetable stand.

Mr. Roger Irons from Keystone Novelties, LLC addressed the Board.

Mr. Irons – Roger Irons once again. Mr. Vanderwater is out of state on business and asked since I am familiar with the entire project here, that I represent him in this matter.

Chairman Dianetti – If I remember correctly it was just the access that was the issue for this and that has been resolved, and the lay out they would conflict with one another?

Mr. Logan - They just need to remove a few sheds in order to put the tent in for the month and a half or so for the fireworks, correct?

Chairman Dianetti – You have a gentleman's agreement?

Mr. Irons – Yes, we do.

Ms. Evans – Is there anyone in the audience that would like to comment on this?

Chairman Dianetti – We will close both the public hearings for the Outdoor Accents and Keystone Fireworks and if there are no objections I will read the resolution and we will take a vote after I read it.

The public hearing was closed for both Keystone Fire Works and Outdoor Accents.

SPECIAL USE RESOLUTION

On motion made by Ernie Santoro, seconded by Heather Zollo

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

1. A Special Use application was received on April 20, 2016 by the Secretary of the Planning Board entitled Outdoor Accents.

2. It is the intent of the applicant to put display and sell outdoor storage buildings and gazebos.

Discussion: Ms. Zollo wanted to know if there were dates for the display of the storage sheds. Ms. Templar stated the applicant indicated it would be year round.

Continue:

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 proposed use of the property is a permitted Special Use in Chapter 211-23.
6. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
7. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
8. The proposed use conforms to all applicable regulations in the district which it is located.
9. The Findings of Fact and Conditions of approval for site plan approval granted on May 24, 2016 are hereby incorporated with this resolution.

NOW, THEREFORE BE IT RESOLVED that the Special Use application of Outdoor Accents received by the Planning Board April 20, 2016 Planning Board Application No. 3-SU-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated May 5, 2016 be addressed.

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

SITE PLAN RESOLUTION

On motion made by Al Gallina, seconded by Joe Logan

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

1. A Site Plan application was received on April 20, 2016 by the Secretary of the Planning Board entitled Outdoor Accents.
2. It is the intent of the applicant to display and sell storage buildings and gazebos.
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 Findings of Fact and Conditions of approval for site plan approval granted on May 24, 2016 are hereby incorporated with this resolution.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 24, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Outdoor Accents 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 Outdoor Accents received by the Planning Board April 20, 2016 Planning Board Application No. 14-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer dated May 5, 2016 be addressed.
2. That comments from Fire Marshal dated April 26, 2016 be addressed.
3. That a Peddler's/Solicitor's License be obtained from the Town Clerk prior to commencing sales.
4. That if the Peddler's/Solicitor's License is suspended, the sheds will be removed at the

owner's expense within 10 days.

5. That the site plan approval will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10 day period.
6. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
7. That any signage be approved by the Code Enforcement Officer.

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

All discussions ended at this time. Chairman asked the public if there were any further comments on any agenda items and there were none.

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

Cathy Templar, Secretary