

A regular meeting of the Town of Victor Planning Board was held on June 14, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

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

**OTHERS:** Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Kate Crowley, Conservation Board; Sue Stehling, Historic Advisory Committee; Terry & Barb Cotton, Scott Hare, Paul Kane, Mike Kauffman, David Connelly, Michael Trippe, Bob Kelly, Dave Nankin, Bob Cantwell, Jerry Watkins, Diane Merrill

The meeting was opened, the Flag was saluted, and the Pledge of Allegiance was recited.

### **APPROVAL OF MINUTES**

Chairman Dianetti – We have no meeting minutes to approve tonight.

### **BOARDS & COMMITTEE UPDATES**

Planning Board reported by Cathy Templar for the June 28, 2016 meeting:

- Public Hearings
  - Boughton Hill Road Subdivision  
Two lot subdivision on Boughton Hill Rd - Second time in front of the Board.
  - Mujo Sabic, 7036 Dryer Road  
Requests to build a 12'x16' shed on commercial property. (Site Plan)Kum
  - Kumpf Subdivision,  
Two lot subdivision on County Road 9
  - Mark's Pizzeria, 6499 State Route 96  
They have decided to demolish existing building and build a new building.
  - Gullace Subdivision, 995 County Road 9  
Proposing 69 ranch for-sale townhomes each with two car garages. The townhomes would be a combination of 3 and 4 unit blocks for a total of 53 units on the eastern portion of Town lands and 16 units consisting of 2 and 3 unit blocs on the western portion of Town lands. A stenographer will be present for this.
- Discussion:
  - Victor Crossing– Chipotle Mexican Grill sign
  - Warfield's Bistro – Modification of the monuments sign

### **DISCUSSION**

#### **HOME DEPOT – SEASONAL CORRAL**

7600 Commons Blvd

App No 5-SP-13

Owner: HD Dev of Maryland Inc.

Zoned: Planned Development District & Route 251/96 Corridor  
SBL # 6.00-1-3.210

Scott Hare, Assistant Store Manager is requesting an extension to the Home Depot March 27, 2013 approval for a temporary plant corral located in parking lot outside the garden center of store. The original approval was for a 73' x 36' corral and was for 3 years. The property is zoned as a Planned Development District and is located in the Route 251/96 Corridor and is owned by HD Development of Maryland Inc.

Mr. Scott Hare addressed the Board.

Mr. Hare – My name is Scott Hare, I am the assistant store manager at the Victor Home Depot, and we would just like an extension of that for five years for the plant corral. Essentially what that is going to do is clear up the inside of our inside garden area to make it more customer friendly and safer for our customers. We bring more plants out to the parking.

Mr. Dianetti – Anybody on the Board have anything?

Mr. Santoro - It's been there all this time and there have been no problems?

Mr. Logan - No complaints, it is kept clean. This is fine.

Mr. Santoro - Are you going to have patio furniture out there again?

Mr. Hare – Just plants. No tents, I think they did away with that.

Mr. Santoro - I don't see any problem.

Mr. Dianetti – Wes any comments? (No)

Chairman Dianetti - Anybody here in the public tonight want to comment on this proposal? If not and there is no further discussion or objection by the Board, then we do have a resolution prepared for Home Depot.

### RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina:

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

1. A written request was received on May 17, 2016 by the Secretary of the Planning Board from Scott Hare, Assistant Store Manager of The Home Depot.
2. It is the intent of the applicant to request an extension of time to the March 27, 2013 approval for a 36' x 63' temporary plant corral for the display of trees and shrubs to be located in parking lot.

3. All property owners within 500' of the application were notified by U.S. Mail.
4. The Planning Board held a discussion June 14, 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 on March 26, 2013.

NOW, THEREFORE BE IT RESOLVED that the request of Scott Hare, Assistant Store Manager of the Home Depot received by the Planning Board Secretary May 17, 2016 BE APPROVED WITH THE FOLLOWING CONDITIONS:

There was a discussion on which date the five year extension should extend to.

Chairman Dianetti – Should the condition read five years from this date, June 14, 2021?

Mr. Logan – How long do you leave the plant corral up during the season?

Mr. Hare – Typically it's just going to be April through September and then we start winding down.

Mr. Logan – Can we approve this through late September of that year so you don't have to come back?

Mr. Santoro – I don't have a problem with that.

The Board members all agreed to extend the date to September 30, 2021.

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

1. That the extension of time on the 2013 site plan approval is good until September 30, 2021 with same conditions.
2. That the extension of time on the 2013 site plan approval will be rescinded within 30 days of filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 30 day period.

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

**TABLED ITEMS FROM 5/10/16 MEETING**

Ernie Santoro recused himself from this application.

**POOLER PARK**

7575 Hannan Pkwy

Appl No 13-SP-16

Owner: Pooler Park, LLC                      Zoned: Light Industrial

SBL #: 15.01-1-22.210

Pooler Park is requesting site plan approval for a change of use to accommodate Any Time Towing for storage and light auto repair in the existing building at 7575 Hannan Parkway. The applicant is also requesting to place a 6' high security fence around the 3,100 square foot building. The property is now owned by Pooler Park, LLC, formerly owned by Rolling Iron Assoc., is zoned light industrial, is within the Route 251/Route 96 Overlay and consists of 3.12 acres. This is the second time this particular application is before you.

Mr. Gary Pooler addressed the Board.

Mr. Pooler – The first thing I'd like to bring to your attention on my original plans, the gates were shifted over a little bit to line up with this driveway. We aligned this gate up. There is a pipe going across in that easement and we just lined that up so that the gates open in case there is ever a problem. We had to shift it slightly so we could dig right through. It just simplified everything and it worked out great.

You sent me to the Zoning Board of Appeals for 2 variances; one for the black top at the entrance. After driving 800 feet on millings, they agreed that millings were dust free and gave me a go on that. Then there was the distance from the building to the residential property line. We were 800 feet and it was supposed to be 1,000 ft. There is another business that is closer so they granted me that variance also.

There was an issue with a utility line; there is a pole about here and here so the corner of my fence is just underneath the RG&E easement. So I have agreed to send a letter to RG&E and agreed to put a knock box for the fire department on this building and you'll have keys to the building and we'll put a key to the gate in there so if anybody wants to come in, they break the box and use the key.

I think those are the highlights. I got a letter from Al Benedict and I believe we addressed all of the issues. There was an issue with drums or oil that were stored outside. There's not going to be any drums or oil stored outside. I do have a full disclosure of a waste oil burner inside and we're going to deal with that with Sean or Al when they come out and do a new tenant inspection.

With that, I think we're up to date with all of the issues that were brought to my attention. Do you have any questions?

Mr. Logan had no questions. Ms. Zollo had no questions and Mr. Gallina had no questions. Mr. Pettee had no questions.

Mr. Young – I just wanted to point out the fact that it's going to be conditioned on a license agreement with the Town because the fencing is going to encroach on the Town's easements. So essentially it's an agreement that says we'll let you put your fence up but if we need to get under them then it's at your own risk. *Mr. Pooler agreed.*

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

### RESOLUTION

On motion made by Heather Zollo, seconded by Joe Logan:

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

1. A Site Plan and Change of Use application was received on April 14, 2016 by the Secretary of the Planning Board for Pooler Park LLC, 7575 Hannan Parkway.
2. It is the intent of the applicant to lease part of property to a tenant for storage and light auto repair and to construct a security fence.
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 asked 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 Town of Victor Planning Board reviewed the Unlisted Action on June 14, 2016 and identified no significant impacts.

NOW THEREFORE BE IT RESOLVED, that the project, Pooler Park, 7575 Hannan Parkway will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the Site Plan and Change of Use Permit application of Pooler Park, LLC entitled Pooler Park LLC received by the Planning Board Secretary April 14, 2016, Planning Board Application No 13-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 comments from Code Enforcement Officer dated May 20, 2016 and June 7, 2016 shall be addressed.
3. That road millings be provided to all areas where vehicles will travel.
4. That the applicant execute a License Agreement subject to the approval of the Town Attorney relating to the Town easements encroached upon by the proposal.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That the proposal not interfere with drainage on the Site.

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	Recused
Al Gallina	Aye
Heather Zollo	Aye

Motion passed 4 in favor, 0 opposed

**EAST VICTOR ROAD SUBDIVISION**

Appl No 1-PS\_16

East Victor Road

Owner: Five J Enterprises Zoned: Residential

The applicant Riedman Acquisitions, LLC is requesting subdivision approval for the development of a 57.77 acre portion of the overall +/- 137.5 acres into a 28 lot clustered subdivision. The property is owned by Five J Enterprises and is zoned Residential with a B overlay. This application has been before the Board as an Informal Discussion, a complete Concept Plan as well as a Preliminary Subdivision application.

Chairman Jack Dianetti recused himself.

Mr. Logan – This project is before us for a lead agency determination. We have gotten all the comments/notifications back from the involved agencies. We have a draft resolution for the Board to assume lead agency status. We'll wait until Ernie gets back in here.

Last we'll be reviewing Part 2 of the EAF with the Board if you have a copy. Then we will compile the information on it and on June 28, 2016 we'll present the Final Draft EAF for the

Board to review. This is pretty much a review meeting of that. So we'll review Part 2 of the Environmental Assessment Form and also do the resolution for the lead agency.

With that, Mr. Cantwell, do you have anything you'd like to present before we start discussions here?

Bob Cantwell from BME Associates addressed the Board on behalf of Riedman Acquisitions. Mr. Jerry Watkins from Riedman Companies was also present.

Mr. Cantwell – Just to acknowledge the fact that we did respond to LaBella's comments; Conservation Board comments; Building Department comments; and Fire Chief comments. Our intent was to include about revising each successive time, we would include the technical comments that we receive on the plans as well as if there is any additional feedback from the Board this evening, we can incorporate those and then submit the final plans in a couple of weeks and request final review as well. I just wanted to update the Board on that.

Again, we'd be happy to address any of those specific comments from Wes, LaBella.

Mr. Logan – Wes, do you want to wade into this?

Mr. Pettee – It might be worthwhile do the resolution first to establish that the Planning Board is the 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 Planning Board proceeded with coordinated review; and,

RESOLVED, that the Town of Victor Planning Board declared its intent to act as lead agency and directed 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 was 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 were also notified of the pending application as interested agencies; and

WHEREAS, the involved agencies submitted responses indicating that they concurred with the Planning Board acting as Lead Agency; and,

WHEREAS, the Town of Victor Planning Board has reviewed the environmental record, including, but not limited to the Long Environmental Assessment Form and associated attachments,

NOW, THEREFORE BE IT, RESOLVED, the Town of Victor Planning Board assumes Lead Agency status.

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

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

Motion passed 4 in favor, 0 opposed

Mr. Logan – Now we have established lead agency for this project. Wes, I don't think we need to go item by item unless someone wants to, but if you can review it for more specific points, that would be great.

Mr. Pettee – Just for some background information, as you know, the project is a proposed 28 single family residential lot subdivision on about 14 acres of land. The proposal includes development of 56 acres portion of the overall 138 acre parcel owned by Five J Enterprises. The overall site allows for a total of 68 lots. Therefore the applicant is requesting that a reservation be made for 40 additional lots that might be created at a future time.

They indicated on the Environmental Assessment Form that 42.4 acres would be permanently designed as deed restricted open space lands to be retained by Five J Enterprises. Just so that it is clear for the record, the action also includes conveyance of lands to and from the Town. The Town would be conveying some land adjacent to East Victor Road to unify or kind of make the right-of-way a little more uniform. There is an area that's a jogged area and they are going to be transitioning some land there. This also includes the creation or the extension of the Victor Consolidated Sewer District. Currently the property is not in the sewer district, so the environmental assessment form and SEQR also takes that into consideration.

As a starting point for Part 2 of the EAF we did have the draft prepared previously by the Conservation Board. While the majority of the responses that we have indicated on this draft, dated June 10<sup>th</sup>, the majority of their responses are consistent with what the Conservation Board

has said. There are probably a couple that are a little bit different. I don't think it's a significant deviation. I don't think the impacts of the discrepancies are significant but we can go over those.

We'll start off with question number one on Part 2 of the Long Environmental Assessment Form and the impact on Land. The question is if the proposed action may involve construction on or physical alteration of land surface of the proposed site. The Conservation Board indicated yes and we have also indicated yes on this draft. There are two sub-questions in there that I left blank. We want to presume, on behalf of the Planning Board, that the answers would be automatic, but I want to take a look at sub-question b, d and f. Otherwise, everything else is indicated that it would be no or small impact.

Sub-question b asks, the proposed action may involve construction on slopes of 15% or greater. The relevant question in Part 1 of the EAF that you turn to is E.2.f. In that question on Part 1, the approximate portion of proposed action of the site is slopes – it's indicated on the EAF that 20% of the site is on slopes of 15% or greater. The Conservation Board has indicated that there would be no or small impact may occur as a result of the project. If you would like, I can read the on-line guidance, but if you feel that you already have an inclination of what your answer would be there, we can fill that out.

Ms. Zollo – What does the guidance provide?

Mr. Pettee – It indicates construction on steep slopes greater than 15% can result in adverse impacts including land slippage; erosion; changes to stormwater runoff quantity and location; visual impacts; safety issues for vehicular access. Upstream and downstream habitats and resources can be affected by erosion and sedimentation. Unstable soils can cause landslides or slippage after construction creating ecological damage as well as unsafe conditions. Construction on steep slopes can change the pattern of runoff and the quantity of runoff, thus impacts soil stability and downslope areas. Steep slopes are usually part of the significant landscape characteristic, including the ridgelines, that when altered can change the visual quality of the area. Providing access for sites to steep slopes can cause any of the above issues as well as being a safety issue.

So under analysis, are there any portions of the site having slopes 15% or greater; I think the answer is yes. Will any destruction or land disturbance take place on those steep slopes? Are you able to answer that?

Mr. Cantwell – Yes, thank you for the opportunity. I wanted to point out to the Board that the disturbance to the 15% slopes, those are manmade slopes that are a result of the gravel mining that occurred on the site. Those are not natural slopes. I just wanted to point that out to the Board. It's primarily on the east side of the proposed road that those slopes occur and even on the road that comes off on East Victor Road up into the site itself. *It was shown on the plan.*

As part of our grading plan we have utilized walk out basements as much as possible just to minimize the disturbance. Actually, I think it's worked out very well to do the proposed grading. I just wanted to clarify that that is the nature of the 15% slopes. I don't know if that answers the question.

Ms. Zollo – But you indicated in the previous version of the EAF that 20% of the slopes will be affected by the construction.

Mr. Pettee – No, so Part 1 of the EAF, question E to subparagraph F indicates that 20% of the project site, the parcel in question, 20% of that site has slopes of 15% or greater. That doesn't mean that 20% of the slopes would be impacted. That is just stating the approximate percentage that has those significant slopes.

Ms. Zollo – Do we know what percentage will be affected by the construction?

Mr. Cantell – I can venture a guess, maybe it's half of the 20%. Again, Heather, on this part of the property there are additional greater than 15% slopes, however, we've located the homes here, far enough back, actually to the west of those 15% slopes to not propose disturbance there. Just to reiterate the existing site, probably from East Victor Road to the location of the proposed road is probably 30 or 470 feet difference in elevation. So there is a transition in elevation from here moving towards East Victor Road. That was looked at on a very cold February day a couple of years ago. I'm sure Ernie would remember that as well as with the Conservation Board.

Mr. Pettee – There is also some guidance here to help the Planning Board determine whether there is no impact, small impact or moderate to large impact. If I could just get into that it would probably help us.

Mr. Gallina – Is the Part 2 that we are going through just for Phase I or would this apply to the entire potential subdivision?

Mr. Pettee – That's a very good question because I was thinking of that question as I was doing this. It's just applying to the 28 homes. Conceptually they've shown the 40 additional lots there but we don't have detailed plans for grading, etc.

Mr. Gallina – For consistency when we've looked at larger developments in the past we've assessed it on the whole development.

Mr. Logan – Although, Al, in this particular case the application is, I believe, strictly for the 28 parcels now. That is a concept that they are showing that they may be able to bring before the Board and that would be completely subject to any review independent of this.

Mr. Gallina – The only caveat there is that we are encumbering a portion of that for Conservation Easement.

Mr. Logan – A portion of which?

Mr. Gallina – The 137 acres.

Mr. Logan – Right. Anything that would be, I believe, Bob, anything outside of that other footprint as well?

Mr. Cantwell – The Conservation Easement basically follows the two streams. The remaining lands, there is no plan in the Riedman Acquisitions, that's not part of their contract to acquire, so

the remaining lands are all part of Five J. Whether the future development is for 40 lots here or a number of lots there, they are no more specific than that.

This is an attempt to show what could be done with the idea that the protection relative to the natural features would be protected with Conservation Easements with the initial 28 lot section.

Mr. Gallina – By the way, I don't necessarily have any issue with the concept that's up there, I'm just looking for consistency. Are we going to be consistent with the way we do the parcel or not. There may be reasons why we don't in this case but we should be more articulate then.

Mr. Logan – Fair question, anything else Al? I just wanted to point out, before we move on with the rest of that discussion, or maybe ask the question to you Bob, the 15% - 20% steep slopes, is that all the result of quarrying or manmade activities or is some of that naturally occurring steep slopes?

Mr. Cantwell – On the 28 lot question, yes. There are some steeper slopes on the western back end of those lots, but basically the lot line has been pretty much determined at those limits for establishing where that conservation easement would go.

Mr. Logan – So the steep slopes that would be disturbed, a very large majority if not all of it, have been created by the quarry activities on that site.

Mr. Cantwell – Yes, I think that is an accurate statement.

Mr. Logan – It think at some point we ought to know, during this process, if there are any areas that are steep slopes that are being disturbed that are naturally occurring. That may be a question that ...

Mr. Gallina – I guess where I was going with this is that we're trying to define the percentages and if it is small or large. I think worst case scenario we would consider it moderate and all that would require is the applicant to come back with a more detailed plan or a mitigation plan; just to ensure it is not an oversight.

Mr. Logan – We'll have to look at that, and maybe Bob, in the interim you can check that out.

Mr. Cantwell – Actually we would happy to do that. As part of the overall preliminary application with the existing conditions plan, we did identify the steep slopes on all of the maps in addition to all the stream setbacks and those things. So you have those in the application but we would be happy to address those.

Mr. Pettee – For Al, because I think it is an important point, I added a note here so that any future resolution can articulate why we are looking at the specific proposal here and maybe why we are not including the conceptual part of the plan. I think we can coordinate with the Town Attorney on that to make sure we are covered there.

With regard to impact. Proposed projects that disturb limited areas of land and having slopes greater than 15% are likely to have only a small impact. Examples would be: Only a small

portion of the site contains slopes of 15% and building is limited. Any cut and fill needed can be done without creating slopes greater than 15% with appropriate erosion control measures. Visibility will not be increased due to position on a slope. Underneath moderate to large impacts: Proposed projects that are much larger in scale, where there are extensive areas of slopes greater than 15% that are unavoidable; where there is a higher risk of stormwater runoff and erosion impacting valleys, streams and waterbodies and where the project is on a site that is highly visible could have a moderate to large impact. Examples that might fall into this category are: extensive excavation on steep slopes with cut and fill that leave slopes steeper than exist now. Removal of large areas of vegetation on steep slopes from the site; building on steep slopes next to streams or riverbanks with a history of unstable soils: invisibility will be increased due to the position on the soil.

That might give you a flavor on whether or not it's no or small impact or moderate to large impact.

Mr. Gallina – It's hard to answer that analytically without the drawings and figures in front of us.

Mr. Logan – So the take away would be let's look at the percentage being disturbed of the entire lot versus the percentage being disturbed as part of the subdivision on this lot itself. That's what you are asking, right?

Mr. Gallina – I'm OK with we are going to focus on just the 28 home parcel. We can zero in on that and understand specifically what slopes are being disturbed and what percentage it is. Then we can answer if it is small or not small.

Mr. Pettee – The next sub-question – The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. If I look at questions D.2-a in Part 1 of the EAF. So actually I think we need to get some additional information from the applicant here. The question in Part 1 asks how much material, including rock, earth, sediments, etc. is proposed to be removed from the site? It's asking for the volume. That questions was left blank so I think in order to be able to answer sub-question D in part 2 we need to coordinate with the applicant to figure out how much material might be removed from the site. There is really not much we can do with that right now. Maybe we can have an update at the next meeting.

Mr. Cantwell – I have an answer for that. We are not planning on moving any material from the site. We'll spoil it all on site.

Mr. Gallina – If you could give us a simple statement to that effect.

Ms. Zollo – Will you be excavating that much?

Mr. Logan – I'm sure you will be moving it. Excavation, but not removal.

Mr. Pettee – Maybe for the file we could have the Town's Part 1 EAF, add a note indicating that the applicant doesn't intend to move any material from the site.

Sub question f – The proposed action may result in increased erosion whether from physical disturbance or vegetation removal. D.2-e to D.2-q: Part 1 of the EAF that the applicant

provided, question D.2-e, it's a multi-part question. It asks will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources or non-point sources. They have indicated yes. If yes, how much impervious surface will the project create in relation to total size of the project parcel? Those blanks have been left blank, so we don't have an answer there, but they have indicated that point sources made through stormwater swales, residential downspout drainage, and roadway gutters ... So I guess that one we want to coordinate with the applicant as well to be able to provide an answer. Again, the Conservation Board didn't seem to have too much concern with the impact on land. They indicated that they were all no to small impacts. So that's it for question number one.

Question two I don't think we need to go over. It's on geological features. The proposed action may result in modification or destruction of, or inhibit access to any unique or unusual landforms on the site. No.

Impacts on Surface Water: Although we have checked yes here, each of these sub-questions we've indicated there would be no or small impact. That's based on looking at the online guidance we've gone through on your behalf to prepare these draft responses.

Mr. Logan – Any questions? *There were none.*

Mr. Pettee – Question Four: Impact on Ground Water: The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer. Although the Conservation Board has indicated no here, based on the online guidance we've indicated that yes, that would be the case, however, each of the sub-questions, the guidance led us to no or small impact.

Question number Five: Impact on Flooding: We've indicated no which is consistent with what the Conservation Board had drafted.

Question Six: Impacts on Air: We've indicated no as has the Conservation Board.

Question Seven: Impacts on Plants and Animals: The proposed action may result in a loss of flora or fauna. Both the Conservation Board and LaBella has checked yes here. Both entities have indicated that each of the sub-questions would have no or small impact on the environment.

Question Eight: Impacts on Agricultural Resources: The proposed action may impact agricultural resources. We've indicated no, the action would not have an impact on agricultural resources which is consistent with the Conservation Board.

Question Nine: Impacts on Esthetic Resources: We've indicated that there would be none as has the Conservation Board.

Impact on Historic and Archeologic Resources: The proposed action may occur in or adjacent to a historical or archeological resource. Although the Conservation Board had drafted no, we did indicate yes as the project did appear on the State Historic Preservation Offices website, on their mapping system. Although they were on the SHPO mapper, there is a letter in the applicant's information from the State Historic Preservation Office indicating no concerns. So they have reached out to SHPO in that regard.

D - other and E – any of the above So they are intended to be left blank.

Mr. Logan – What's this mean. It says in E, if any of the above, A to D are answered yes, ... but technically is says no or small, does that mean yes? Because you checked yes? Just throwing it out there.

It basically leads you to look at E and answer those three questions. It may be no or small but they sort of force you to answer it if you are saying yes right up top.

I don't know what destruction or alteration of all or part of the site or property is. It seems to me destroying a quarry might be...

Mr. Pettee – The online guidance is indicating here that once a historic or archeological resource is altered or destroyed it is impossible to replace. All of these sub-questions, 1-3, assume there will be some impact to the resource being evaluated. It is up to the reviewing agency to determine whether or not it will be a small impact or a moderate to large impact. I'm not sure that helps. Why don't I look into that?

Mr. Logan – In a way you could probably intuitively say that there is no or small in all of these because the impact is you are improving the site in terms of landscape, greenery, etc. You are putting some building and roads on it, but right now it's a disturbed quarry. So in most people's eyes you are probably improving it with the exception of maybe removing a site that would be available to wildlife otherwise, but that's not historic which is what the theme of this is. It's just odd the way they ask it. If you answer any of them yes, there is no yes answer except at the very top. Good point Al.

Mr. Pettee – Question 11 – Impact on Open Space and Recreation: The Conservation Board drafted a no response, as did we. The impact on critical environmental areas, the answer there is no, there are no critical environmental areas in the Town of Victor according to the DEC.

Impact on Transportation: The question asks, the proposed action may result in a change to an existing transportation system. We've drafted a no response as did the Conservation Board.

Impact on Energy: The proposed action may cause an increase in the use of any form of energy. We've indicated yes, however, with all of the sub-questions we felt there would be no or small impact.

Impact on Noise, Odor & Light: We've indicated yes, as did the Conservation Board.

Mr. Santoro – Is that during construction that you are talking about?

Mr. Pettee – That would include during construction as well as after completion of construction.

Mr. Logan – Lights shining onto adjacent property if you have lights on the outside of houses, things like that. I assume Bob, you're not planning on street lights? Are they residentially controlled street lights, I assume, not a district.

Mr. Pettee – They are in the right-of-way.

Mr. Cantwell – It would be a district.

Mr. Logan – I thought the Town was trying to avoid that, having a lighting district. We can go into that in site plan review.

Ms. Zollo – Construction noise, you still consider that as small?

Mr. Pettee – Let me take a look, this is question 15, right? Projects that do not involve construction or land use activities may not affect the ambient noise level. Ambient noise level is the total background noise in an area. The physical disturbances to a property are part of the proposed project then it is possible that the construction activities will, at least temporarily, result in noise levels that exceed ambient conditions. After construction some projects will no longer affect ambient noise levels, but others may significantly alter those levels. A small impact could occur under one or more of these circumstances: If the project produces noise, but those levels are below regulation levels; if the project produces noise, but those levels are below or even above regulated levels, and they are temporary and will occur only during a short term construction phase.

A moderate to large impact could occur under one or more of the following circumstances: The project will generate regular or sporadic noise throughout its operating phase above any regulated level; noise will be generated continuously during day and or nighttime hours even if the overall ambient noise levels do not change; noise will be generated sporadically or continuously and there are residences, businesses, hospitals, clinics, daycare centers, or other receptors adjacent to the proposed project.; noise levels above ambient conditions will produced long term and noise will exceed established standards.

The reason why I indicated no or small impact for noise is due to the example of the small impact and the guidance which indicates that if the project produces noise that those levels are below or even above regulated levels and they are temporary and will occur only during a short term construction phase.

Ms. Zollo – OK, that makes sense.

Mr. Pettee – Question 16 – Impact on Human Health - The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. We've indicated no. as did the Conservation Board.

Question 17 – Consistency of Community Plan – The Proposed action is not consistent with adopted land use plans. We have also indicated no.

Question 18 – Consistency with Community Character - The proposed project is inconsistent with the existing community character and we have also indicated no.

That concludes the review of the draft, Part 2 of the EAF at this point. Are there any questions?

Mr. Logan – So the task is to refine some these responses and fill in the blanks. Bob you were going to talk to the grading I believe. I was mistaken about the lighting because I see we do have the lighting plan here.

So there is a lighting plan on your previously submitted plan set as a lighting district. Is that something that the neighborhood retains control of and maintenance of or is this a Town lighting district?

Mr. Cantwell – I would be a Town lighting district.

Mr. Logan – Because it's in the right-of-way, correct?

Ms. Kinsella – They would have to make application to the Town Board.

Mr. Logan – That’s kind of where I was going is that the Town Board needs to sign off on those before we could approve that so we certainly want to have that as part of our planning Review input from the Town.

Anyone from the public have any comments on what they’ve heard or any questions? It’s not a formal public hearing, I believe, but the floor is open. We’ll have other chances to get public comment for planning review further on.

Thank you Wes. Kim if you could grab Jack, our fearless leader and tell him to come back in.

Mr. Cantwell – Thank you very much.

### **INFORMAL DISCUSSION**

#### **EASTVIEW MALL – LIGHTS**

672 Eastview Mall

Owner: Eastview Mall LLC      Zoned: Commercial and 96/251 Corridor

Applicant Mike Kauffman, General Manager of Eastview Mall would like to discuss the improvement of the overall quality of the site lighting on the Eastview Mall property and is requesting comments from the Planning Board. The applicant would like to change out the fixtures on the existing poles but has been advised by Codes that to use the same poles they would need a variance due to the existing height of the poles which are not code compliant. The property is owned by Eastview Mall LLC and is zoned Commercial.

Mike Kauffman, General Manager of Eastview Mall addressed the Board along with Mike Trippe from Point Source Group, Inc. and David Connolly the Wilmorite Energy Manager.

Mr. Kauffman introduces everyone and stated that Mike Trippe from Point Source Group is an unpaid consultant that is used when there are questions of this nature.

Mr. Kauffman – Our goal is to finish what was started in 2013 which was the retrofitter to change out to LED lighting from existing high pressure sodium lighting. Our goal is to phase in the changes over the course of several years. Probably change out 8 to 10 fixtures, poles, per year. Then hopefully within the next 8 to 10 years we’ll have a property that has LED lighting all the way around the property.

We’re looking for comments and suggestions as we have to go to the ZBA for approval on this. Our thought was to come here this evening and answer any questions you may have and for some support. Back in 2012 when Von Muar’s site plan was under discussion, the idea and the comments from the Planning Board to do this type of thing came up and we’d like to do it.

Mr. Santoro – Why change from two fixtures to four fixtures?

Mr. Trippe – It has to do with the performance of LED versus the sodium that are on the site. The sodium lights actually have a lot more light output in them so actually changing to four is an improvement on several levels. One is actually half of the power consumption of the two existing heads. The existing heads are over 1,000 watts each, approximately 1100 watts a piece.

You're looking at somewhere between 2200 and 2400 watts per pole set up. The new lights use less than 270 watts per fixture. So by the time you put all four of those together, we're about half of the consumption of the current ones. Also, LED isn't quite as concentrated a source as sodium lights are. What it's actually doing is, instead of being hot spots throughout the parking lot under the poles, it's actually a more uniform light level. The light level stays lower and generally speaking across the board, they do not go up. But it's just a performance characteristic of LED, when you get them that high in the air, you don't have that intense light like you do with the sodium light. So sometimes you just need to put more heads up there but it doesn't create more power consumption, it doesn't create more light on the surface, it actually, because of the way LED works, it creates more uniform and less hot spots in the parking lot.

Mr. Santoro – Are they full cut off? (Yes) There won't be any orange glow? (No orange glow) They are white.

Mr. Logan – If you look at Von Maur, It's like it's dark over there when you're on the expressway compared to all of the other facility sodium lights. That's the first thing that hit me as soon as they finished Von Maur and I was thinking why you don't do that for the rest of the mall.

Mr. Kaufman – That's the plan and we're also planning from a security standpoint with our security cameras, we're going to pick up a lot more in those areas where we have LED lighting.

Mr. Logan- When the mall was expanded forward, before Von Maur, I recall having a discussion on those poles that were put closer to Route 96 because they were the same height but moved closer so you have more light shed out onto 96. So before they are replaced with just fixtures, I'd like to see that the light shed doesn't spill out to 96. If you could pull that back even if means three fixtures instead of four on the ones closest to 96. I would suggest that would be a reasonable compromise.

Mr. Trippe – It's easy enough, I've gotten CAD drawings from Wilmorite before doing any calculations to show the light levels. Even if that means we only use three to keep them from directing towards the road.

Mr. Logan – It's very noticeable when you're driving on 96 because of all of that light. I know that they are recessed back in, full cut off but they are very tall and so I'd like to see that more directionally focused towards the mall, away from 96 in those areas.

Mr. Connolly – The fixtures themselves are actually more directional, right?

Mr. Trippe – That's one of the real benefits of the LED, it really directs light way better, much more significant, than standard HIDs. It's just not as intense and it's kind of a block, a reflector. *Mr. Connolly's comments were inaudible but he was explaining how the reflectors or blocks worked.*

Mr. Santoro explained that he lives about 3 miles away and when it's foggy there is a glow. Mr. Connolly stated it could be due to the moisture in the air.

Mr. Trippe – The existing lights have a slight drop lens on them and a vertical lamp, so part of the lamp is below the fixture. When Von Maur changed out their lights, they changed to full cut off and there is no light spill at all. What you get a lot of the times in those cases is reflection of light off of the ground which can create the sky glow as well. Again, the LEDs are less intense. So that phenomenon is lessened.

Ms. Zollo was also concerned about the light spillage onto Route 96 and the height of the poles. She stated she understood about the full cut off and the three instead of four lights. After dark when driving on Route 96, the lights that are not full cut off are blinding. Ms. Zollo wanted to know when they would be before the Zoning Board of Appeals.

Mr. Kauffman – Within the next month or two. Our goal is to do 8 to 10 poles sometime in the fall.

Mr. Gallina and Mr. Pettee had no questions.

Chairman Dianetti stated the Ernie and Joe commented on what the major concerns were. There is light being shed outside the area and observed by nearby residents. Heather alluded to the traffic traveling down Route 96. Whatever you could do to demonstrate that there would be less light spillage and it will be a more effective and more sustainable light source and save on energy are all pluses.

Mr. Logan – I was just looking at a Google map and the light by the Citizens Bank and all the lights along Route 96, if there was a way, instead of just replacing them, take a look at lowering those poles, it would be less light onto 96 and frankly there isn't that much parking around a couple of these poles, it's more the entrance drive and by the valet parking. I think there are a few opportunities with some of these poles along Route 96 to reduce the height. They are 50 feet now but if you could go to 35 feet (*Code requires the poles to be 25 feet*) or down enough to keep it from blinding some of the cars on 96, all of the reasoning's for changing the LED lights, notwithstanding, you could still get that from a pole like that.

Mr. Trippe – One of the other things that gives us an advantage with the LED lights because it's all a bunch of little point sources, has to do with putting shields on them. Unlike what you see on the shoe boxes, a piece of metal on the back. We don't do that with this model fixture and this model fixture is being used all over Victor. I've given information to Al Benedict for different projects all over the place. This is the same fixture. They actually have a little shield, it's just a bunch of little louvers and that goes up and actually obscures direct view of the LEDs. What I can possibly do for the lighting calculations, I may be able to put those shields on them and you won't be able to see the light source at all. Even at a higher height, you may not see it at all and the whole point is to just obscure the direct view of the LED. That's something that we'll pay attention to. Thank you.

#### **MARK'S PIZZERIA REVISION/MODIFICATION**

6499 St Route 97

Appl 19-SP-16

Owner – Victor Property Holdings, LLC

Zoned – Commercial/Light Industrial and 96/251 Corridor

This application was approved to use the existing building 2/23/16. Due to condition of building, applicant has made the decision to demolish existing building and construct a new bldg on same site. The applicant is before the Planning Board informally to discuss the building elevations before submitting a completed application. The property is owned by Victor Property Holdings, LLC and is zoned Commercial/Light Industrial and is in the 96/251 Corridor.

Mr. Mark Crane, owner addressed the Board.

Mr. Crane brought samples of the material to be utilized on a new building.

Mr. Crane – I'm here because my landlord at Phoenix Mills, gave me a short extension which freed me up to give this another shot. He was very nice after I talked to him about needing about 9 months and he stated after being here for 19 years, I could have 9 more months. That's why I'm back because I was so under the gun before, I have a little flexibility now.

At the last meeting, I listened to what everyone said. Heather asked about the bricks in Penfield and some other questions about Penfield. So I changed from what I had to what I have with me and this is the actual brick that I have in Penfield. They are a full sized, solid brick. This is the Hardie board siding named Autumn Tan.

If you look at the left side view, there is the dark black shingle. This is the gutter color on the back which mirrors the Autumn Tan. This is all the trim color which is a lighter tan. The lights are gooseneck and are black.

At the last meeting, it was asked to doll the windows up so we put the mullions inside the glass. They are not tinted glass.

Joe stated he wanted a gable and so we put one on the front of the building. The building was 66 feet from this side view. We needed to add two more feet in order to get the gable so now it is 68 feet across the front. The overhang now becomes six feet. Everything else, the layout in the store, drainage, dumpster pad, lighting works out exactly the same. The building shrunk from 75 feet to 60 feet so I made the building 15 feet smaller so that the entrance way worked and the curbing worked the way we had it approved.

The planting bed changed just a little bit because the building is smaller. All the plantings pretty much stayed the same.

That is about everything that you had asked for.

Mr. Logan- Is the building footprint going to be in the same place as it is now? (Yes) We talked about possibly moving the building.

Mr. Crane – The building that is there now is 70 feet and this building is 60 feet across the front. So the building will be 10 feet smaller across the front but we picked up a couple of feet because we stretched it a little bit because of the gable and something to do with the sidewalk in the back. So we ended up picking up six or seven feet. It's longer at the sides than the original building but it met all of the setback rules and far enough from the neighbor's property and we are still able to get the drainage in and the pumper system in for the new sewer. I think if we get through this, then Scott will come to the next meeting and explain the site plan.

Chairman Dianetti stated that Mr. Crane was basically here this evening to talk about the building elevations and the site plan will come before the Board at the next meeting for a decision.

Mr. Logan – I appreciate the attention that you’ve done to it. I think it’s a nicer looking building than just the plain western storefront. It still maintains your theme for the business. I’m fine with this.

Mr. Crane – Every town that I go to, we always make a few adjustments because every town is just a little bit different. It still has the sign that we want. I actually like the extra pillars too.

Mr. Logan – It’s nice that people can dash out of the rain and get underneath the overhang.

Mr. Crane – There will be tables under there too. There will be four tables.

Mr. Gallina – It’s a nice improvement.

Ms. Zollo – I agree. Is the main entrance going to be on the side?

Mr. Crane – No, it’s still in the front. Last week I spent a lot of time with the Historic Advisory Committee.

Ms. Sue Stehling from the Historic Advisory Committee – Mark was so kind to show Mike Houser, my husband and myself around. It’s an interesting building but there is really no resemblance of the Cider Mill that was there years ago. Over the years, whatever they did to it, it’s just a mish-mash of reconstruction. There were a few things that maybe could be saved and Mark said he would do all he can to save it. There were some original beams. So if we could find a place to store them in the Town barns and maybe later on find a use for them. I think that if Mark is kind enough to put them aside, if that is possible with the demolition process, then we would be happy to take them.

Mr. Crane – When I’m tearing the building down I can just have the excavator uck out a dozen of them. I told her I would deliver them somewhere I would just need to know where to bring them.

Ms. Stehling – If we can get permission from the Town Board.

Chairman Dianetti – You have to talk to the Highway Department, Mark Years, and see if he has room for them somewhere or Parks & Recreation has room for them somewhere.

Ms. Stehling – I think if Mark had been there years before, probably the building would have been preserved because I think he’s really good to historic preservation and that’s good to see in a developer. We like to see that as part of the committee. Thank you, very nice.

Mr. Crane – The other thing we talked about, is over in Penfield in 1824 there was a twelve year old girl that had a printing press in that building that I knocked down over in Penfield. We took a section of the Pizzeria and displayed her story.

I'm going to get historic information on the Cider Mill and we'll take a couple pieces of wood out of the beams and then we will put it in a frame and write a historic story about the building that was there with help from the Historic Advisory Committee. We'll dedicate that part of the pizzeria to the Cider Mill. That way people will know what it was. It was a Cider Mill back in 1929.

Ms. Sue Stehling – You also have a menu from the Ross Common Inn. That can be put in the display of artifacts.

Mr. Crane – So we will be looking for some artifacts as we move through the process and then as I'm tearing the building apart, who knows what will jump out at us.

Ms. Templar – Sue will you contact the Highway Department and Parks & Recreation regarding the storage of objects?

Ms. Stehling – Yes, I will, I will do that.

Mr. Crane – So what is my next step then?

Ms. Templar – Scott needs to give me the paperwork for the next meeting. It will be June 28<sup>th</sup>.

Mr. Crane – What's going to happen at that meeting?

It was explained that the Site Plan application will be discussed.

Mr. Crane – So if you like the Site Plan application, is that when I can get started?

Chairman Dianetti – It will be a new Site Plan application so we would go through the process.

Ms. Templar – It will be advertised, it will be a Public Hearing just like you did the first time.

Mr. Crane – Then there will be another meeting after the 28<sup>th</sup>.

Ms. Templar – Probably, or the decision can be made that night.

Mr. Crane – What about the demolition permit, when does that process start? Can that start before?

Ms. Templar – We can contact you tomorrow and talk about it because that is the building department.

## **SCOUT CROSSING SUBDIVISION**

Dryer Road  
SBL #27.01-1-62.100

Owner: Kim Lehman Zoned: Residential 2/B Overlay

Applicant Scott DeHollander would like to discuss the development a 9.8 acre site into four residential building lots. The property is owned by Kim Lehman and is zoned Residential with a B overlay and is in the 96/251 Corridor.

Mr. Scott DeHollander of DeHollander design addressed the Board.

Mr. DeHollander – We're in a very, very early stage. We have a contract to buy the property. We've done some preliminary soil tests and we have met with the Conservation Board. We've also met with staff. We've come up with a couple of fundamental questions that we thought we should bring to the Planning Board for some conceptual discussions to help us determine what the next steps of the project might look like.

What we've put together in the sketch that we have submitted with our application shows what we expect to be the maximum number of home sites that we would propose. We're dealing with a 9.8 acre parcel. The proposal respects the overlay's maximum density of two acres per lot. There is a significant deficiency in the parcel and that is in its road frontage; 124 feet of road frontage. It is the primary reason we wanted to come to the Planning Board because we believe that that forces us into one of two options for our project.

Those two options would be a road frontage style development with a private road and presuming variances from the Town Zoning Board for road frontage that would be significantly less than the 100 feet required by Code. We would have three lots at 30 feet and one lot with 34 feet of frontage that would share a private road over a shared access and utility easement. It would terminate in a cul-de-sac style shared private driveway with individual driveways off of that. That is what is represented on this sketch.

The second scenario that we see available to us would be to pursue a dedicated road following a local road section standard; probably the type B local road section, but we see that as having several disadvantages associated with it. Primarily the size of the right-of-way and the clearing associated with a dedicated road. Also the cul-de-sac style would be different than what we would pursuing if it were a private road section. I'll highlight a couple of those things.

The local road section has a right-of-way with the baby feet and a cul-de-sac that has an 80 foot radius, I believe. The radius of the cul-de-sac would be pavement and one of the features that we see as a particularly important element to our project, to respect the private nature of what we are proposing here, would be something that is scaled back with minimal disturbance of the trees that exist on this site. I should have highlighted that, that for the most part the entire parcel is wooded. It's not with significant hardwoods but more of a softwood type of underbrush and softwood species of trees. We see the private road as being a feature that could be constructed and maintain a private, more intimate if you will, access to the four home sites. The other thing that we careful to respect was in the preliminary home site identification, where we did our testing for septic systems, we were looking for locations that provided a maximum separation from existing homes so that we left in place as much of the mature trees between any new home site and the property lines that surround the property.

The principal question we wanted to talk to the Planning Board about, whether there were strong feelings here to pursue that private driveway, private road style access point off of Dryer

Road or if perhaps there were strong feelings that with a variance of this scale we would be better off asking to pursue a dedicated road type of access point?

I'd be happy to answer any other preliminary questions that you may have. We're very early into the design. We have no expectation that this will be a quick process. We're here to find and work through any challenges that come with the project. We just wanted to start the conversation with the Planning Board.

Mr. Gallina – I did, along with some of the members of the Conservation Board, go on a site walk. I think the applicant has given some good consideration of how to make four lots work well on the site and maintain as much of the land natural as possible and with regard to the placement of adjacent homes. I think he has done a lot of good pre-work. Personally, I would prefer not to go the way of a dedicated road but to work it as a private drive. Again, it's to minimize the pavement required to service our homes. Again, not leave the Town with a little stub road to maintain.

Ms. Zollo – I just wondered if you know what the difference in elevation is from the bottom of the road to the top of your cul-de-sac.

Mr. DeHollander – There is some interesting topography on this site. The grade actually drops from the middle of the site where the cul-de-sac is, it drops towards Dryer Road and then at the back of the cul-de-sac, if you continue north, grades climb. There is a valley, if you will, that veers off towards Hunters Run. There is a similar valley that runs up the east-west portion of the parcel. To answer your question specifically, I would say, it's almost near the same elevation although there is some up and down in between the cul-de-sac and Dryer Road. Our next application will show in better detail the contours and that will specifically answer your question.

Ms. Zollo – So if it were a private drive, it wouldn't be too steep for people to get up there.

Mr. Gallina – Well, you would have to fill.

Mr. DeHollander – There would be some filling, there would also be some cutting, but we would stay far under those 10% maximums. I expect to see grades in the five to seven percent maximum and not really getting into the 10%, but there would be some up and down; ultimately winding up at the same elevation as Dryer Road.

Mr. Logan – I'm kind of with Al, I'm also doing a 3-D fly around here in the sky.

Mr. DeHollander – How accurate am I? I probably should have used the same tool.

Mr. Logan – I'm struggling with small cul-de-sacs that are Town dedicated so I think I'll ask for a private drive. The Town is in need of some relief on the requirement of no more than three buildings or houses on a private driveway. That would preclude a fourth house on a private drive unless you have a separate access which then means you have the problem that your road frontage is very small. I haven't really thought about that too carefully, but, that's the challenge I see. I don't see the Town favoring a dedicated cul-de-sac.

Mr. DeHollander – We found in the design criteria, private driveways, and then a private road. A private driveway is limited to three houses, but a private road is limited to four. There wasn't a typical section in the details of the design criteria for a private road, but we found that difference in the Code, so we would be pursuing a private road.

Chairman Dianetti – My understanding is that a private road has to be built to the same specifications as a dedicated Town road.

Mr. De Hollander – We have no problem with the asphalt sections, if you will. We are kind of fixed on doing something unique with the cul-de-sac, not paving the middle. We would like to talk about what happens with the shoulders, but I don't think there is going to be significant structural difference between what the private road would be built to and a dedicated road section.

Mr. Logan – So the need, like up on Cobblestone, the small patio homes,...

Ms. Kinsella – Highland Green.

Mr. Logan – That was built narrow, but they kind of forced the dedication on it somehow.

Chairman Dianetti – That was after a lot of...

Mr. Logan – There was a lot of heart burn about that. They do have gutters, they have pavement, but the pavement is 20" instead of 24"...

Chairman Dianetti – And they still have problems up there with snow removal and drainage and things like that.

Mr. Logan – So is that where you are coming from as far as the standards go?

Chairman Dianetti – I think that the decision was made, if I'm not mistaken Wes, that even a private road has to be built to standards.

Mr. Pettee – That's correct.

Chairman Dianetti – So if you are not going to build it to that standard what would be the procedure or process? Would it be going to the ZBA, would it be going back to the Town Board?

Mr. Pettee – There is a provision, I think, in the Victor Town Code that allows the Planning Board to waive provisions of the Town's Design and Construction Standards. I believe that it might actually be a Planning Board function, I'd want to have Donnie confirm it.

Mr. Young – That rings a bell to me too, I'm not sure where it is though, but you said you were going to build it to standard, didn't you say that?

Mr. DeHollander – With the exception of the cul-de-sac and *inaudible* some edge treatment. The typical sections in the design criteria are very specific to gutter on either side, type A, or open swales with an 80 foot cleared swathe. We'd like to bring forward what happens outside of the asphalt and talk to you about what you think would help us maintain that private feel that we are going for.

Chairman Dianetti – You would want to talk to emergency services and the fire departments regarding their equipment getting in there and having adequate access to the homes and to turn around if the need arose. They would have to weigh in on it and we should do a little research.

Mr. Pettee – I've got it here, section 211-48 of the Town Code. Town Design and Construction Standards – All development shall be consistent with the current Town Design and Construction Standards unless specifically waived by the Planning Board.

Mr. Gallina – And the other action would be to seek a variance for the number of homes allowed off of a private drive.

Mr. Young – Wes, is that in the Design and Construction Standards, the private drive limitation?

Mr. Pettee – Yes. It might be in the Town Code as well.

Mr. Young – I see something, I think I found what the applicant found regarding four lots.

Mr. Pettee – Yes, that's in the D&C standards as well. It mentions in the Design and Constructions Standards, the private drive or road, as defined in Section 211-12 of the Victor Town Code, uses ingress and egress to four or more properties.

Mr. Young – Which is what he has here.

Mr. Gallina – Yes, four.

Mr. Pettee- That's for private road.

Mr. Santoro – At a later date, if they wanted to seek dedication, they might have a problem with the cul-de-sac. The highway department doesn't care for them.

Mr. Gallina – That's why personally I'm thinking he could get a variance on a private drive. Then you could really minimize the infrastructure you need to get in there. If there were any one home back there, you would have a drive to get back there. I'm of the mind to minimize the destruction and the engineering, just because there are four houses...

Mr. Santoro – As long as emergency vehicles can get in there.

Mr. Gallina – Absolutely. Again, if one house were back there, you'd be presented with the same issue. How does an emergency vehicle get back to any one of those houses?

Mr. Logan – They are required to have turn arounds at the houses and things like that. In this case, I don't know what the fire department's limitation would be to park on a cul-de-sac and run their lines up.

Mr. Gallina – I'm not even professing any cul-de-sac, you could do it with a couple of *inaudible* to get back to four different houses.

Mr. Logan – Yes, we've seen that off of Valentown. They wanted to dedicate this little stub and we said no way. So we gave them some relief, maybe we can look to that discussion and see what we can do to compliment that.

Mr. Gallina – Versus engineering to meet a Town Code can we have some flexibility to the *inaudible*.

Mr. Logan – One of the things about the maximum number of homes is there have been traditionally been challenges, the more people you get on a common driveway, the more difficult it is to get everyone to buy in and maintain. It's almost like a Homeowner's Association challenge. With two or three people, one understands, they cooperate more than four, five, six, or more people. I personally don't have a problem with a driveway with a cul-de-sac. It's easier to turn around anything that comes in there, delivery or otherwise. It's better than having to go up in and everyone has to build their own hammerhead or something like that. The Town doesn't plow it, the Town won't be maintaining it, so it's just a matter of can the fire department get around the loop to turn around and have the right access to get to any one of those homes. I'm more in favor of a private cul-de-sac, if you will, and you're not going to plow the middle anyway, so having it green, maybe a nice tree in the middle, I'm OK with any of that.

Mr. Santoro – The bigger you make it...

Mr. DeHollander – The outside diameter of that cul-de-sac is the same outside diameter as a dedicated – the difference is that we've left the center, or intend to do something with the center that's green as opposed to the outside.

Mr. Logan – As long as it's mountable and that sort of thing. You get a big truck getting in there, it might end up...

Mr. DeHollander – Leaving tracks through the middle of it.

Mr. Logan – Well, in an emergency, you'd rather have that.

Mr. Gallina – I'm still saying, if any one house was there, forget that there are four, you have one single private drive, how would you service that house?

Mr. Logan – You'd drive all the way up the driveway...

Mr. Gallina – Try to minimize, that's still going to be a big cul-de-sac whether it's private or dedicated. It's just a lot of infrastructure for four houses I think.

Mr. Logan – It sounds like you are malleable to options; it's a long drive up there, you've got to be able to pass on it, cars in and out, maybe the last house doesn't have to. Once you get into a single house access then it's a normal driveway. Leading up to any multiple number of houses, you've got to have it wide enough.

Mr. DeHollander – We'll do the homework on this and we'll come back with some options that work for us. I'm sort of centered on the cul-de-sac, I think it just functions better for ins and outs and turnarounds, but we'll do the homework and we'll come back with what works best for the project. I'm hearing a common theme that your support for the private feel. What we bring back will emphasize that. We're a little short on the homework part of it.

Although it was not a formal application, Chairman Dianetti asked if there was anyone from the public who would like to speak.

Larry Wilkinson who lives north of the project, 7535 Surrey Lane, addressed the Board.

Mr. Wilkinson – Scott being one of the land owners adjacent to the project, I really appreciate the taking of time to make it private and maintain the wooded area because that really gives the neighborhood a nice private view that they would love to maintain.

Mr. DeHollander – Absolutely, and Larry before you leave, let me give you my phone number and if you want to specifically talk about anything you can reach out.

Barb Cotton, of 1235 Hunters Run addressed the Board.

Ms. Cotton – My property is adjacent to the left side of this project. I appreciate also that you are trying to minimize the number of homes, keep larger acreage, and respect the green that we love there. Something I want to make sure that you think about is I know fairly superficial springs run through that property and you talked about the drainage lines, the low points. There are already some water problems, mostly on the property next to mine. Literally a river has run through on the line between our properties and that's before you have done anything that may add to the water issues.

Mr. Santoro – The Conservation Board did a site walk last week or before and they didn't find any streams. Why would that be?

Ms. Cotton – If it rains, the drainage off the hills with the current vegetation, there is water that has run between my neighbor's property and ours.

Mr. Logan – So it's intermittent.

Ms. Cotton – We probably have pictures of it.

Mr. DeHollander – There is some unique topography on this property and we definitely will be working with LaBella on the drainage issues because we want to make sure we get that right too.

There are some unique issues and we will be talking through that as the process proceeds. Thank you very much, I appreciate the comments.

Kate Crowley from the Conservation Board addressed the Board.

Ms. Crowley – Yes, we did walk this site with Al (Gallina) with Scott and his son, who is also here tonight. We did see that in the northwest corner it does slope down to the other house that's in the upper left hand corner. Scott did note that that does get wet back there. It also gets wet up close to Dryer Road. We found some Skunk Cabbage, we did not find any standing water when we were there. I think Al would concur with that. Fine sandy loam is the predominant and pretty much only soil type that's on the site, highly erodible and also a non-hydric soil. The parcel is located in the Irondequoit Creek Watershed. I also mentioned to Scott that I found a positive response on the environmental resource mapper. It is adjacent to an area where Marsh Valerian (plant) was found at some point in the past century. I also noted that the project site is located near or on top of a primary aquifer and so I did a little research on that. I assume that Wes would also comment on that. It doesn't appear that this type of development is contrary to anything you would do in or around a primary aquifer. A lot of what I found relates to impervious surfaces and use also of asphalt and chlorane. I don't think Scott intends to do anything like that with this property. It's successional northern hardwoods, so at some point in the past it was disturbed. I talked to Scott and I also included in our site comments is that this parcel sits almost due south of the Conservation Easement that has been put in place off Modock Road. It might be fun to consider a conservation easement here because then you could drop onto Dryer and down into Dryer Road park and over to Ganondagon. I also included that for your consideration.

Mr. Logan – I have a think on all of this area, it is over the historic plume. It talks to the aquifer that you are talking about that goes from south to north to Modock Springs, right underneath the property.

Mr. DeHollander – Our mapping show it to the east, but we can compare notes on that.

Mr. Logan – There have been a lot of sampling wells that have been done over the years. The most you probably have to do to address that, other than not drill a well, is perhaps put in venting in basements for radon. We have that done on Modock Road.

Ms. Crowley – The other thing that came back positive was the project is within 2,000 feet of a New York remediation site, also associated with the same occurrence.

Mr. Logan – Over time that will dissipate, but they still have that issue of perhaps migrating up through the ground from that aquifer up to this parcel. You may ultimately have environmental requirements.

Ms. Crowley – The other thing we noted as we were walking through with Scott. He's aware that he wants to keep a lot of the natural vegetation that's there. The homes on the eastern portion of the site would use the elevation, placing them, and he is very aware that it can get wet in certain areas.

Chairman Dianetti asked if there were any more questions for Scott DeHollander's proposal and if anyone from the audience that wanted to comment on any of the applications that were discussed. There was no one who spoke.

On a motion by Ernie Santoro, seconded by Joe Logan, RESOLVED and unanimously agreed, that the meeting was adjourned at 9:00 PM.

Cathy Templar, Secretary

Minutes typed by Debby Trillaud