

A regular meeting of the Town of Victor Planning Board was held on June 28, 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; Ernie Santoro, Heather Zollo, Al Gallina

ABSENT: Joe Logan, Vice Chairman

OTHERS: Silvio Palermo, Town Board Liaison; Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Dan Crowley, Councilman; Mike Guinan, Councilman; Joe Limbeck, Conservation Board Chair; Bob Cantwell; Peter Weishaar; Ryan McElhiney; Kate Finn-McElhiney; Julie Doyle; Amanda Siciliano; Harry and Veronica Flanders; Deb McCarthy Decook; Mary McCarthy; Sharon Kuzia; Chuck Witmer; Gene and Nancy Pratt; Marsha Senges; Patrick Liberti; Cheryl McLaughlin; Janice and Robert Kelly; Ken Curry; Robert and Patricia Haggett; David Welsh; Sandra Sweet; Tom and Nan Hooker; Jim Mason; Dara Mason; Kaya Mason; Luba Mason; Sara Piscani; Peter Maslanka; David Hahn; Ed and Olita Povero; Ruth and David Nellis; Gordy Phillips Jr.; Don Corcoran; Anthony Schepis; Joan Bruckel; Gary Hadden; John Knapp; Ron and Debbie Rossolo; Kevin Fleig; Sydney Reed; Betsy Randolph; Nick Myer; Arthur Burcham; Jim and Diane Bold; George Beckinghausen; Joe Palella; Joshua Arquette; Maureen Arquette; Allen Ibrisimovic; Meg CHaides; David Nankin; Leona G. and David R. Hawkins; Brian and Joanne Chappell; Cherie Dragomani; Norma and Edward Halbleib; Asmer Sabic; Mujo Sabic; Harry D. Heuer; Garen J. Sinden Esq.; Debbie Palumbo-Sanders; Tom Sanders; Nick Bodine; Eldron White; Jeffrey A. Knapp; Matt Buell; Lauren Iloth; Jordan Susa; Roland Dauber; John Farar; Bill Connell; Margaret and Gary Wood; Walt LaRaus; Margo and Steve Maybeck; Charles Maves; Melody Burri; Ann Aldrich; Tom Kurilovitch; Diane Miller; Deb Charlebois; Tim Austin; Wayne Sweet; Kathy Rayburn; Monica Barry-Hamann; Tracy Eifert; Mary Phillips; Kathleen B. Nichols; Joe Corsi; Eric Lake; Brenda and Tony O'Malley; Donna Smith; Jean Laitenberger; Dan Williams; Anthony Anguish; David Kiddie; Charlotte Calabrese; Daniel C. Kelley; Mr. & Mr. Keith Thompson; Cheryl Jones-Richter; Henry Bair; Hugh Quinn; Andrea Rohr; Joyce Richards; Matt Graney; Craig Hughes; Kevin & Jeanne Christman; Greg Jameson; Melissa Gertner; Matthew Oates; Mark Bodensteiner; Mark Crane; Scott Harter; Debby Trillaud, Secretary;

The meeting was opened and the Flag was saluted.

#### APPROVAL OF MINUTES

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

#### CORRESPONDENCE RECEIVED

- Re: Gullace Project
  - Robert Ivey 6/15/16 & 6/17/16 email
  - Henry Bair 6/13/16 letter
  - Luba Mason 6/15/16 email to the Village

- Kim Chizuk 6/22/16 email
- Joe Pallella 6/28/16 letter

### BOARDS & COMMITTEE UPDATES

Town Board reported by Silvio Palermo, Town Board Liaison, on the June 27, 2016 meeting: Last evening there were two public hearings:

1. The first public hearing was to amend the Victor Town Code to permit prior non-conforming single and two family homes in Commercial/Light Industrial Districts to have customary accessory uses and structures.
  - The reason it came to the Town Board several months ago was because we had a resident who lives at 1308 East Victor Road in a residential home, in a District zoned Commercial/Light Industrial so he went to the ZBA for a variance.
  - Only handful of residential houses in non-residentially zoned Districts.
  - Town Board felt it was unfair living in a dwelling and not being able to have the same rights as homes in a residential area.
  - No one spoke against the amendment at the Public Hearing.
2. The second public hearing was regarding the PDD for Eastview Commons to allow for the construction and operation of the self-storage facility.
  - No one spoke against the PDD.
  - The Town Board thought it was a good use of the site. The public hearing was closed but the Board is waiting for comments from the Ontario County Planning Board before action is taken.
3. Councilman Palermo stated that it was a pleasure to serve as the Planning Board liaison. He also thanked the Planning Board members for serving on their Board for the community of Victor and doing what was best for the community. He also recognized that it was a huge commitment. The six month rotation for the Town Board liaison is coming to an end and Councilman Guinan will take over for Councilman Palermo for the second half of the year.

Ms. Zollo – Do we have a representative at the Ontario County Planning Board yet?

Mr. Palermo – We do, it's Tim Maher. It has been advertised for a new member. I think he is willing to serve until a new member comes aboard, but he is still actively serving. It was posted as a position and we are looking for applicants.

Chairman Dianetti announced that Joe Logan has been excused from the meeting so the Board is operating as a four member Board this evening.

Chairman Dianetti – If you are going to speak tonight, or want to speak tonight on the Gullace Project, just the Gullace Project, you need to sign in outside in the hallway. There is a spot to sign in and put the slip of paper in the box. It's my understanding that the group has hired an

attorney and has asked if he can speak first, which I have agreed to. After that we will follow up with any comments from the public that they feel the attorney has not touched upon during his presentation. You won't be cut off from speaking by letting him go first but he may touch on the topics that you want to discuss. I also have something else that I'll read a little later before we start the public hearings so that everyone is aware of how we're going to run the meeting tonight. The Conservation Board will speak when Mark's Pizzeria comes up on the agenda as will the Historic Advisory Committee.

Planning Board reported by Kim Kinsella for July 12, 2016 meeting:

- Public Hearings
  - Schoff's Garage – 7126 Valentown Road  
Expansion to existing garage that would put it over 1,000 square feet
- Tabled Items from the June 14, 2016 meeting:
  - East Victor Road Subdivision – Applicant is requesting preliminary final subdivision approval for the development of 57.77 acres of an overall 137.5 parcel into 28 single family dwellings. The application has been before the Board as an informal concept plan as well as for the preliminary subdivision application. At the last meeting the Part II of the EAF was reviewed so that will be continued and move forward from there.

Chairman Dianetti – Before we begin the public hearings I just want to read a statement regarding the public hearing and how we are going to be handling it this evening.

We are going to have three public hearings tonight because the first one has been withdrawn from the agenda.

The final application is the proposed Gullace Subdivision and due to the interest in that proposal we ask that anyone wishing to speak tonight sign up by filling out the small sheets of paper with your name and address and place them into the basket. They are on the table out in the hallway. This is only needed for the Gullace agenda item due to the interest this application has drawn. The first public speakers for the Gullace public hearing will be those individuals who signed up to speak. When that list is exhausted, we will then ask if there is anyone else who would care to add comments. The Town has also hired a stenographer for the Gullace Project public hearing to capture all comments made here this evening. Please note that the Board will not be making any decisions on the proposed Gullace Subdivision this evening. There are no resolutions drafted for the Gullace subdivision and there will be no decisions regarding approval of the subdivision at tonight's meeting. The intent of this public hearing is to build a record from the public, the Board members, and consultant's comments for Board members to use during their public deliberations prior to a decision on the proposed subdivision.

The public hearing procedures: Because many residents do not normally frequent public hearings I would like to describe the procedures of a public hearing in the Town of Victor. First the public hearing is opened by a motion of the Board, a first and second is required to open a meeting. Then the Director of Development, Katie Evans, will read the public hearing notice and introduce the agenda item. When approaching the podium, we ask that each speaker please use the microphone when speaking and provide your name and address for the record and to make your comments. It will be picked up by the recorders and hopefully the stenographer will be able to hear your comments more clearly. Public hearings are meant to provide the Board with

constructive comments, from the public, to help guide them with their decision making. Comments, both pro and con, should be delivered in a professional and civil manner. Profanity or personal attacks by anyone will not be tolerated by the Chair and the individual responsible will be asked to leave the room. Public hearings regarding Planning Board applications are not question and answer periods or a time for open debate. Speakers are asked to address their comments to the Planning Board and not the applicant or the applicant's representative. This includes questions that they would like the Planning Board or Planning Department Staff to ask the applicant regarding the proposed application. At the conclusion of the public hearing period the Chair will ask each Board member if they have any comments or questions for the applicant. When the Board has concluded their comments and questions there will be a motion to either close the public hearing or keep it open until the next meeting. My suggestion to the Board tonight is that the public hearing will be kept open until the next Planning Board meeting and that written comments and questions will be accepted during that time period and included in the official record of the public hearing minutes. We ask that you attempt to keep your comments to three minutes so that others will have an opportunity to speak. If you exceed that limit you will be asked to discontinue your comments at five minutes. We realize that many of our speakers here this evening have probably spent a considerable amount of time developing their comments. We also realize that speaking in a public hearing is not an easy exercise for many people to engage in. I have done it many times and am not comfortable doing it even today. We are here to listen to your concerns and suggestions. We respect the time you have taken to prepare, but please attempt to minimize the repetition of comments made by speakers that have gone before; i.e. "I agree with everything he or she just said and would like to add the following" is one way to keep the length of comments down. Please recognize that not everyone's beliefs coincide with your own. We ask the members of the audience to treat each speaker with the same respect that you would expect from others if you were speaking.

At this time I would like to ask for a motion to open the public hearing from the Board.

On a motion by Ernest Santoro, seconded by Heather Zollo, the public meeting was opened.

Chairman Dianetti – The meeting is now open and Katie Evans, the Director of Planning, will read the legal notice and introduce the second item on the agenda.

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

### PUBLIC HEARING

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

**MUJO SABIC - Shed**  
7036 Dryer Road  
Appl No 18-SP-16  
Owner: Mujo Sabic

Zoned: Commercial

Applicant is requesting site plan and special use permit approval to construct a 12'x16' wooden shed to be utilized for storage of working material. The property is owned by Mujo Sabic and is zoned commercial. It consists of 2.4 acres. This is the first time this application has been before the Board.

Asmer Sabic addressed the Board on behalf of his father.

Mr. Sabic – We're just looking to construct a 12 foot by 16 foot shed as of right now at 7036 Dryer Road.

Chairman Dianetti – Is that it? (Yes) Ok, Al did you have a chance to go by and look at the shed?

Mr. Gallina – Yes, I've actually driven by it a few times wondering why it was partially finished and when I saw the agenda I understood. I don't have any questions.

Ms. Zollo – Our notes say that you are just planning to store tools and materials for...?

Mr. Sabic – It's for our business, Gold Stone Masonry. We're just looking to store tools such as shovels, rakes, for our business.

Ms. Zollo – Thank you, that's all I have.

Mr. Santoro – It's pretty straightforward, it's a shed.

Chairman Dianetti referred to the images of how the shed looks now and how it will look when it will be finished.

Chairman Dianetti – Will there be any landscaping around it, dress it up a little bit so that it looks like more than just a building?

Mr. Sabic – Yes, we are going to clean it all up, plant grass. Right now there was hay and straw there and we are cleaning that up as of right now. It hasn't been cleaned up in 20 years or so.

Chairman Dianetti – This is a public hearing. Is there anyone in the audience tonight who had any comments or questions about this proposal to put up the shed on Dryer Road? If not, we will close the public hearing on the shed. I will read the resolution that the staff has prepared and take a vote on it.

Ms. Evans – Debby, are there two different resolutions or are they combined?

Ms. Trillaud – Two different.

SITE PLAN RESOLUTION:

On a motion by Ernest Santoro, seconded by Heather Zollo,

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

1. A Site Plan application was received on May 27, 2016 by the Secretary of the Planning Board entitled Lands of Mujo Sabic.
2. It is the intent of the applicant to construct a 12'x 16' wooden shed to store working material and tools.
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 June 28, 2016 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 28, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Mujo Sabic shed 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 Mujo Sabic Site Plan entitled Lands of Mujo Sabic drawn by O'Neill-Rodak Land Surveying Associates, P.C. dated May 25, 2016, received by the Planning Board May 27, 2016 Planning Board Application No. 18-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 June 15, 2016 be addressed.
3. That a sprinkler waiver be granted from the Zoning Board of Appeals.

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

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

Motion passed 4 in favor, 0 opposed

SPECIAL USE PERMIT RESOLUTION:

During the reading of the Special Use Permit Resolution the following discussion ensued:

Chairman Dianetti – What do you anticipate your hours of operation would be?

Mr. Sabic – Probably just mornings to get our material and tools from the shed to work.

Chairman Dianetti – So you would be there at 7?

Mr. Sabic – Seven in the morning.

Chairman Dianetti – How late would you be returning?

Mr. Sabic – 7:00 PM

Chairman Dianetti – So 7:00 a.m. to 7:00 p.m. That gives you enough time even if you work late?

Mr. Sabic – Yes, that's enough.

Chairman Dianetti asked the other Board member if that seemed reasonable to them and all members were fine with it.

Chairman Dianetti – How many vehicles at any one time do you anticipate?

Mr. Sabic – Two vehicles.

Ms. Evans – So this is written into the resolution so we need to make sure that there really are only two.

Chairman Dianetti – A trailer would not be a vehicle right?

Mr. Sabic – There is a trailer there right now on the property.

Chairman Dianetti – A trailer and two vehicles, would that cover you?

Mr. Sabic – Yes, that’s OK. There’s not going to be more than two vehicles on the property at one time anyway.

On a motion by Al Gallina, seconded by Heather Zollo,

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

1. A Special Use Permit application was received on June 27, 2016 by the Secretary of the Planning Board for Mujo Sabic.
2. It is the intent of the applicant to construct a 12’x 16’ wooden shed to store working material and tools.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail.
4. The Planning Board held a public hearing on June 28, 2016 at which time the public was permitted to speak on their application.
5. The proposed use of the property is not listed as a permitted use in Chapter 211-22, therefore, a Special Use Permit is required.
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.

NOW, THEREFORE BE IT RESOLVED that the application of Mujo Sabic for a Special Use Permit received by the Planning Board on June 27, 2016 Planning Board Application No. 4-SU-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated June 15, 2016 be addressed.
2. That the hours of operation be 7:00 am to 7:00 pm.
3. That there not be more than two vehicles and one trailer parked on site at any one time.

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

Jack Dianetti	Aye
Joe Logan	Absent
Ernie Santoro	Aye

Al Gallina           Aye  
Heather Zollo       Aye

Motion passed 4 in favor, 0 opposed

Mr. Sabic – Thank you, have a good night.

Ms. Evans – You can come back in for your building permit tomorrow morning.

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

6499 St Route 96

Appl No 19-SP-16

Owner: Mark Crane

Zoned: Commercial/Light Industrial and Route 96/251 Corridor

Applicant is requesting approval to demolish existing building and construct a new 60 foot x 68 foot building, for a total of 4,080 square foot building with associated site improvements on same site. The property is owned by Victor Property Holdings LLC. and is zoned Commercial/Light Industrial and is within the Route 96/251 Corridor. It consists of 1.27 acres.

Ms. Evans – The property recently changed hands, so we wanted to make sure the record accurately reflected the ownership. This application was previously approved by the Board on February 23, 2016 as a modification to the existing building, however, after further structural analysis the applicant has returned to request demolition and to construct a new building. Additionally, the applicant has appeared informally twice before the Board since the February approval to discuss proposed architectural elevations.

Scott Harter, engineer, addressed the Board

Mr. Harter – I'm engineer for Mark Crane who is on my left here. We've been before the Board several times now and most recently with a revised application for a new building versus using the old building for which we were approved. He received a Code review from Al Benedict and we also received comments from Wes. We responded in writing back, hopefully in advance enough so that you could see our responses. We understand that as part of Al's review that we need to return to the Zoning Board of Appeals for a front setback variance because the new building foot print doesn't agree exactly with the old building footprint. We are positioning the building just slightly behind the footprint of the existing building.

The scope of the project is to construct a 4,000 square foot, plus or minus, restaurant on a 1.25 acre land parcel with associated parking. We responded to the parking question concerning additional spaces should we need them. We identified that Mark owns the property to the east and should it become necessary to achieve additional parking, we have the ability to do so. That's the overview. I don't know if you'd like to add anything to that. I know that Mark handed you building elevations that were done up recently. I believe he spoke with you informally at your prior meeting regarding that. I'll open it up to any questions you may have for us.

Chairman Dianetti – I think the Architectural Review Board was very receptive to the changes. The variance is required because of the demolition of the old building and putting up a new building. The old variance doesn't carry over to the new building?

Mr. Harter – We were unable to agree with the exact footprint.

Chairman Dianetti – Just so everybody realized the need for the variance. Is there anyone in the public tonight that wishes to comment on the application for Mark's Pizzeria.

nn Aldridge, High Street Victor, addressed the Board representing the Historical Advisory Committee.

Ms. Aldridge – The historic resource inventory done by the Landmark Society has the property at 6499 State Route 96 as having low historic value. It has lost much of its integrity as the original 1926 cider mill built by Barney Goldfarb. Demolition will not be an issue at this time. Two historic advisory committee members have met with Mark Crane and he has furnished them with historic beams from the building and wants to have photos of the past history of the structure in his new building.

Chairman Dianetti – Thank you. Mark you had mentioned that you were going to maybe have some displays with some....

Mr. Crane – ....Yes, we were going to do as we did in Penfield, we were going to put some pictures up and some of the historical materials in the building. We are waiting to get some more notes from the Historical Society. Once we get all the information, we will get together a display.

Mr. Santoro – Do you have a time to go before the ZBA?

Mr. Crane – I think we are going on the 18<sup>th</sup> of July.

Ms. Zollo – I have a question about the HVAC, where that will be mounted.

Mr. Crane – That will be mounted right on the roof and it will be hidden behind those false walls so you won't see it.

Ms. Zollo – OK, thanks.

Mr. Gallina – No questions, we've looked at this quite a few times.

Chairman Dianetti – One of the questions was that the building is visible from two roads. Is it going to be screened from both sides, the HVAC?

Mr. Crane – Yes, because those roofs go up pretty high on the sides.

Mr. Pettee – We have no additional comments beyond our June 24, 2016 letter. One of the items that we are looking at them to address is that the impervious surface area proposed with this new

plan is about 2,500 square feet more than what was on the previous plan. So we are looking for additional verification that the stormwater management facility that they are proposing can accommodate that increased square footage. I don't think it's going to be a problem. They anticipate getting us some calculations in the near future.

Mr. Harter – We intended to submit those calculations along with the final plans. We did design it so that it had additional abilities.

Ms. Evans – Is the Board interested in making a recommendation to the Zoning Board? It's completely up to you. Again, they need a variance for a front setback.

Chairman Dianetti – Are we anticipating a problem?

Ms. Evans – It's completely up to you.

Mr. Gallina – I am not opposed to the request.

Ms. Zollo – Nor am I because you are pretty close to the building footprint, in fact you said you were actually behind it.

Mr. Harter – One foot behind it.

Ms. Zollo – All right great thank you.

Mr. Santoro stated that he didn't have a problem with it either and Chairman Dianetti stated that there was a consensus to make a recommendation for approval.

Joe Limbeck, Chair of the Conservation Board addressed the Board.

Mr. Limbeck – We did a review of the modified plans and there are just a couple of notes. First is that the property is in a 100 year flood plain and we are assuming that that is going to be addressed in demolition, construction, and long term use of the building and just be aware of it. More importantly we wanted to note that we appreciate the fact that the applicant is using the Native Plant Manual for trees and shrubs. Mark has some distinctive landscaping elements that he enjoys with his facilities and his willingness to work with the Conservation Board and the Town on the landscaping utilizing that Plant Manual is worthy of note.

Chairman Dianetti close the public hearing for Mark's Pizzeria.

Ms. Evans – So the direction back to staff is to provide a recommendation to the Zoning Board for the Zoning Board application. If you'd like we can prepare a resolution for your consideration at the next meeting following the Zoning Board's decision.

Mr. Crane – Thank you.

**GULLACE SUBDIVISION**

995 County Road 9

Appl No 2-PS-16

Owner: Lynaugh Road Properties LLC

Zoned: Multiple Dwelling

The applicant is requesting subdivision approval under the cluster provision for 69 for -sale ranch style townhomes, each with two car garages. The townhomes are proposed to be a combination of three and four unit blocks for a total of 53 units on the eastern portion of the Town lands and 16 units proposed to consist of two and three unit blocks on the western portion of the Town lands located just north of the Town/Village boundary, west of County Road 9 and east of County Road 9 extending to Lynaugh Road. The property is owned by Lynaugh Road Properties LLC and is zoned Multiple Dwelling.

Ms. Evans – This application has appeared before the Town Planning Board on numerous times including but not limited to – and I put that disclaimer on there because I only went back to September 23, 2014 – but I found the following references in meeting minutes. There was a joint Town and Village Planning Board informal discussion on September 23, 2014. The Town Planning Board passed a resolution on May 27, 2014 expressing the intent to serve as Lead Agency for the State Environmental Quality Review which is also referred to a SEQR. There was a joint Town and Village Planning Board informal discussion on April 21, 2015. There was a Town Planning Board discussion on May 12, 2015 to review the Parts 2 and 3 of the Environmental Assessment Form otherwise referred to as the EAF. There was a Town Planning Board discussion on May 26, 2015 to review the Part 2 and 3 of the EAF and to discuss the determination of significance. The Town Planning Board discussed the same on June 9, 2015. It was the Parts 2 and 3 of the EAF, and to consider the determination of significance. On June 23, 2015 the Town Planning Board had a discussion on the Parts 2 and 3 of the EAF and finalized that EAF and passed a negative declaration resolution. Just for reference, the Town Board and Village Board of Trustees held a joint public hearing on the proposed annexation associated with this project on April 25, 2016. For the Board's, the applicant's, and the public's reference, there were 247 postcards mailed to property owners within 1,000 ft of the subject parcel. We posted three under review signs, including on County Road 9 and one on Lynaugh Road. Planning Department staff also created and email distribution list to include anyone who has emailed comments in or requested to be added to the list to inform those interested parties when this project is pending before the Town Planning Board. For those here tonight, there is also a sign up form out in the hallway for the email distribution list if you are not already on it.

We welcome you to submit comments to [planning@town-victor-ny.us](mailto:planning@town-victor-ny.us) and if you want to be added to the email list just indicate "add to the Gullace list" in the subject line.

The following minutes for the Gullace public hearing were done by a stenographer from the Alliance Court Reporting, Inc.

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 TUESDAY, JUNE 28, 2016;  
3 (Proceedings in the above-titled matter

4 commencing at 7:40 p.m.)  
5 \* \* \*  
6 MS. EVANS: Agenda Number 4, Gullace  
7 Subdivision.  
8 The applicant is requesting  
subdivision  
9 approval under the cluster provision 69 for-sale,  
10 ranch-style townhomes, each with two-car garages.  
The  
11 townhomes are proposed to be a combination of  
three  
12 and four-unit blocks for a total of 53 units on  
the  
13 eastern portion of the Town lands, and 16 units  
14 proposed to consist of two and three-unit blocks  
on  
15 the western portion of the Town lands, located  
just  
16 north of the Town/Village boundary, west of County  
17 Road 9 and east of County Road 9 extending to  
Lynaugh  
18 Road. The property is owned by Lynaugh Road  
19 Properties, LLC, and is zoned Multiple Dwelling.  
20 Application #2-P-16.  
21 This application has appeared before  
the  
22 Town Planning Board numerous times, including but  
not  
23 limited to -- and I put that disclaimer on there  
(only  
24 because I didn't go back further than September  
23,  
25 2014), but I found the following references in  
meeting

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 minutes:

3 There was a joint Town and Village  
4 Planning Board and informal discussion on  
5 September 23, 2014.

6                   A Town Planning Board passed a  
resolution  
7    on May 27, 2014, expressing intent to serve as  
lead  
8    agency for the State Environmental Quality Review,  
9    which is also referred to as SEQR.

10                   There was a joint Town and Village  
11    Planning Board discussion on April 21, 2015.

12                   There was a Town Planning Board  
discussion  
13    on May 12, 2015, to review the Parts 2 and 3 of  
the  
14    Environmental Assessment Form, otherwise referred  
to  
15    as the EAF.

16                   There was a Town Planning Board  
discussion  
17    on May 26, 2015, to review the Parts 2 and 3 of  
the  
18    EAF and to discuss the determination of  
significance.

19                   The Town Planning Board discussed the  
same  
20    on June 9, 2015. It was the Part 2 and 3 of the  
EAF  
21    and considered a determination of significance.

22                   And then on June 23, 2015, the Town  
23    Planning Board had a discussion on the Parts 2 and  
3  
24    of the EAF, and finalized that EAF and passed a  
25    negative declaration resolution.

1                   PUBLIC HEARING - GULLACE SUBDIVISION

2                   Just for reference, there was a joint  
Town  
3    Board and Village Board of Trustees joint Public  
4    Hearing on the proposed annexation associated with  
5    this project on April 25, 2016.

6                   So for the Board, the applicant and  
the

7 public's reference, there were 247 postcards  
mailed to  
8 property owners within 1,000 feet of the subject  
9 parcel. We posted three "Under Review Signs,"  
10 including two on County Road 9 and one on Lynaugh,  
and  
11 the Planning Department staff created an email  
12 distribution list to include anyone whom has  
emailed  
13 comments in or requested to be added to the list  
to  
14 inform those interested parties when this project  
is  
15 pending before Town Planning Board.

16 For those here tonight, there's also a  
17 sign-up form out in the hallway for the email  
18 distribution list, if you are not already on it.

We  
19 welcome you to submit comments to the  
20 [planning@town-victor-ny.us](mailto:planning@town-victor-ny.us), and if you wanted to  
be  
21 added to the email list, just indicate, "add to  
22 Gullace list" in the subject line.

23 MR. CANTWELL: Thank you. Mr.  
Chairman,  
24 my name is Bob Cantwell. I'm with BME Associates.  
I  
25 am here tonight on behalf of Lynaugh Road  
Properties,

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 LLC, to present the overall preliminary  
subdivision  
3 plans for the, again, the town portion of the  
Gullace  
4 property. I will attempt to be brief, and thanks  
to  
5 Katie's report, it can be even briefer than what I  
was  
6 expecting, so thank you for that. I will try to  
get

7 through this very quickly in my allocated three  
8 minutes of time.

9 The proposal is for the three-phased  
10 residential development of the 17 acre town  
portion of  
11 the overall project planned, again, as was  
mentioned,  
12 for 69 for-sale single-story ranch-style  
townhomes,  
13 each with two-car garages. The property includes  
14 approximately 13 acres on the east side of Church  
15 Street that would include 53 townhomes with access  
to  
16 both Lynaugh Road and Church Street, and  
approximately  
17 four acres on the western portion of the property  
18 which would include 16 townhomes. The property is  
19 currently zoned Multiple Dwelling, which it has  
been  
20 since 1985, which allows for the proposed use, as  
well  
21 as density.

22 The overall project also includes  
23 approximately six acres in the Village of Victor  
for  
24 the construction of 17 single-family homes. That  
25 property is zoned R-2 Residential which also  
allows

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 for that use, as well as density.

3 As Katie indicated, a Public Hearing  
was  
4 held last week by the Village of Victor Planning  
Board

5 which was for the Village preliminary subdivision  
6 plan, and that hearing was well attended.

7 Relative to the context of the  
project, it  
8 includes Ravenwood Golf Course directly to the  
east,

9 Harlan-Fisher Park, single-family homes on East  
10 Parkway, frontage homes to the south, residential  
11 homes fronting along Church Street, and Hillcrest  
12 Drive to the west, and large-lot single-family  
homes  
13 and undeveloped plans to the north.  
14 The Town and Village municipal  
boundary  
15 line, which Katie indicated, does run generally  
east  
16 west through the site, and was also mentioned,  
17 approximately 2.2 acres was annexed to the Village  
18 from the Town last month with both Town and  
Village  
19 Board's approving that annexation.  
20 As was also mentioned, SEQR for the  
21 project was completed in June of 2015 with a  
negative  
22 declaration determination of significance issued  
by  
23 the Town Planning Board as the lead agency. That  
24 process did include both joint -- include both  
Village  
25 and Town Planning Board and numerous meetings with  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 both Town and Village representatives.  
3 As was previously mentioned, the  
property  
4 was rezoned to Multiple Dwelling in 1985. That  
5 included a plan for 92 condominium townhomes,  
which is  
6 well below the allowable yield permitted per the  
7 existing zoning, which allows for ten units per  
acre  
8 or a total of 170 total units. The current  
proposal  
9 includes 69 townhomes or approximately 40 percent  
of  
10 what is allowed, and the current proposal is also  
11 approximately 25 percent less than the referenced

12 rezoning plan density yield by 23 units.  
13 The recent project history -- I won't  
14 mention the dates. I'm assuming that Katie has  
15 those nailed down pretty well. I just did want to do a  
16 real quick history, though, of the last three or four  
17 years relative to the project planning and numerous  
18 communication meetings and reviews by both the  
19 Town and the Village officials.

20 Again, in early 2013 the applicant  
21 presented informally a proposal for 146 apartments  
22 on the east side of the Town parcel, eight single-  
23 family homes for future development on the west side of  
24 the Town parcel, and nine single-family homes in the  
25 Village.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 In May of 2013, due to input received,  
3 the applicant modified the plan to reduce the density  
4 to 120 apartments and 23 single-family homes, as well  
5 as a club house. In March of 2014 a revised plan  
6 included the apartments being further reduced to  
7 100 units on the east side, future seven lots to the  
8 west side of the Town parcel, as well as 15 lots in the  
9 Village.

10 In the fall of 2014 the applicant  
11 presented different options for the development of  
12 the Village's lands to both Town and Village officials  
13 to

13 discuss alternatives for potential annexation of  
14 Village lands in order to allow for, not only the  
15 lining up of Hillcrest Drive for the proposed  
access  
16 road, but also for the reconfiguration of the lots  
17 within the Village section to all be contained as  
one  
18 neighborhood and be served by Village services,  
19 particularly on the north side of that proposed  
road.

20 As a result of that dialogue and  
21 discussion, the sketch plan for 72 for-sale  
townhomes  
22 on the Town parcel and 22 single-family homes in  
the  
23 Village was proposed. The revision to that plan  
to a  
24 for-sale product versus a for-rent product was  
based  
25 on input received consistent with response and  
input

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 received to target a yield similar to what the  
3 original rezoning of the property back in 1985  
was,  
4 that being, not only the townhouse, and at that  
time

5 it was townhouse-condominium, but it was  
townhouses as  
6 well as the yield and the approximate yield of 92  
7 homes on the Town's property.

8 In February 2015 the plan was further  
9 reduced to 71 townhomes in the Town and 17  
10 single-family lots in the Village. This proposal  
was  
11 the basis for the review of the SEQR process which  
was  
12 completed in June 2015, as I mentioned, with a  
13 negative determination of significance.

14                   So in summary, over the last three to  
four  
15 years we have gone from a for-rent apartment  
project  
16 of 163 total units to a for-sale -- and that  
includes  
17 both the Town and Village lands -- for-sale  
townhouse  
18 product with the Village lands of 86 total units,  
19 again, in that three years of going back and forth  
20 with the meetings and the discussions that Katie  
had  
21 mentioned with the dates.

22                   My point in mentioning this is  
twofold:

23 Number 1, I believe that the Town and the Village  
24 Planning Boards have been very thorough in the  
review

25 of the build out of this project relative to its  
1                   PUBLIC HEARING - GULLACE SUBDIVISION  
2 compatibility with many factors for consideration  
in

3 what we typically go through in the review and  
4 approval for projects. Those factors are:

5 Consideration of land planning and land use,  
zoning,

6 neighborhood connectivity and context, consistency  
7 with the Comprehensive Plan, traffic safety and  
8 accessibility, pedestrian walkability, property  
9 rights, impact on schools, consideration of

innovative

10 zoning tools, such as clustering, to provide for  
the

11 housing needs of the community, the environment,  
12 architecture, visual aesthetics, community  
services,

13 storm water drainage and management, among others.

14                   My second point and reason for  
mentioning

15 kind of that quick summary is to reinforce the  
point  
16 that the applicant has certainly been very  
responsive  
17 in their consideration of input, received by both  
the  
18 Town and the Village and neighbors, over the last  
19 three years and has invested considerable time and  
20 money to get to the point where the SEQOR  
environmental  
21 review process was completed, including potential  
22 traffic impacts, as well as to develop a plan in  
23 response to the input received.

24 Other features of the current proposal  
25 include Town and Village dedicated roads to serve  
the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 neighborhoods, internal project sidewalks, and a  
3 sidewalk extension along the east side of Church  
4 Street that came about through discussions with  
Town  
5 and Village officials. There is currently a  
sidewalk  
6 on the west side of Church Street, so obviously  
that  
7 doesn't need to be extended, but on the east side  
the  
8 sidewalk would be extended all the way up to the  
9 north, the northern corner of the property, on  
10 Victor-Egypt Road.

11 In addition, connections to existing  
12 public utilities are being proposed. We have  
13 submitted detailed preliminary plans for all of  
those  
14 improvements with the application. We have also  
15 provided significant storm water drainage grading  
16 system improvement design details to handle both  
old  
17 land drainage relief, as well as sub-service  
runoff,

18 and we have also included green infrastructure  
19 practices that are in accordance with Town and  
20 Village, Ontario County and New York State DEC  
21 regulations.

22 As I mentioned before, access to the  
23 project includes three connections to Church  
Street,

24 and then Victor-Egypt Road crossing the line, and  
one

25 access point to Lynaugh Road with interconnections

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 through the site in order to maximize circulation  
3 among the site and neighborhoods which, again, is  
one

4 of the primary considerations I know for the Town  
5 Planning Board in terms of reviewing proposed  
6 subdivisions that we've been involved with at our  
7 office.

8 We've also included peripheral  
landscaping

9 buffering and street trees on landscape plans as  
well

10 as provided lighting plans.

11 The application also includes a  
request

12 for approval to develop the project as a clustered  
13 subdivision, per Section 278 of New York State  
Town

14 Law, as well as Article 5 of the Town of Victor  
Code,

15 Town and Village Code, with the following benefits  
to

16 the community. These have been outlined as part  
of

17 our application to the Planning Board.

18 Number 1. Is a reduction in the  
allowable

19 project yield from 171 apartment units under the  
20 existing zoning at ten units per acre to the  
proposed

21 69 townhomes which represents a 60 percent  
22 reduction.

23 Number 2. A corresponding reduction  
24 in  
25 the projected traffic generations between those  
26 two  
27 yields by comparison to allowable project yield.

28 Number 3. Is greater amount of common  
29  
30 PUBLIC HEARING - GULLACE SUBDIVISION  
31 open space through the creation of a Homeowners'  
32 Association who will be responsible, not only for  
33 the  
34 maintenance of the open space and grounds, but  
35 also  
36 for the plowing and maintenance of the individual  
37 units.

38 Number 4. Is the greater peripheral  
39 rear  
40 building setback and the required minimums.

41 Number 5. Is to enable and encourage  
42 flexibility of design and development to allow for  
43 a  
44 diversity of housing, again, the for-sale  
45 townhomes,  
46 as well as in the Village, the patio homes to meet  
47 goals and objectives of the Town's and Village's  
48 Comprehensive Plan that was just adopted for  
49 properties in close proximity to the Village core.

50 And finally, to facilitate the  
51 economic --  
52 streets and utilities consistent again with Town  
53 Law  
54 278.

55 In exchange for the benefits, the  
56 requested zoning waivers under clustering include  
57 --

58 and, again, I just want to emphasis this is for  
59 the

60 townhomes, townhouses -- each of the townhomes has  
61 actually a lot around it that would be part of the

24 subdivision plan that would be filed with the  
County,

25 and then the peripheral area around those blocks  
and

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 around the homes would be part of that common open  
3 space that would be maintained by the Homeowners'  
4 Association.

5 So the requested waivers are outlined  
in

6 our application, and they include a reduction in  
the

7 lot area to 2,400 square feet, a reduction of  
frontage

8 to 0 feet because of the Zero-Lot-Line townhouse  
9 common walls, a reduction in lot depth to 67 feet,  
lot

10 setbacks to 25 feet on the proposed right-of-way,  
and

11 30 feet for primary roads, side setback to 0 feet  
--

12 which essentially they're Zero Lot Line homes --  
rear

13 setback to 0 feet, which is to the individual  
property

14 line that is owned by the homeowner. It doesn't  
15 necessarily mean that it's 0 feet to the exterior  
16 limits to the property. And then a reduction in  
the

17 center line tangent dimension of a dedicated road.

18 And I think the point of those standards is that  
those

19 lot standards are generally consistent with  
probably

20 one of the most recent projects that the Town has  
21 approved that's similar to this project, that  
being

22 Silverton Glenn. Those lot standards are similar  
to

23 what was ultimately approved under clustering for  
that  
24 project as well.

25 The project targeted market is toward  
an

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 empty nester demographic profile, and it is  
expected

3 that very few, if any, school-age children will  
reside

4 in the community. That's one of the questions  
that

5 was raised at the Village's Public Hearing last  
week.

6 We called the Victor School District  
7 today, and out of the 90 homes that are  
constructed in

8 Silverton Glenn, there's exactly zero children  
that go

9 to the Victor schools, according to the  
Transportation

10 Department there. So that's, again, to address  
the

11 issue about the targeted market and demographic of  
12 this project.

13 As I mentioned and I just alluded to,  
a

14 Public Hearing was held last week to the Village  
15 Planning Board. Again, that was primarily just  
for

16 the 17 single-family lots within the Village.  
There

17 were -- I would like to just make a number of  
comments

18 in response to those, because some of the issues  
that

19 were raised did relate to the overall project.

20 Among the comments that were  
mentioned,

21 there was excellent input and comments, one of  
which  
22 was with regard to the purpose of clustering.  
That's  
23 why I went through the explanation of the purpose  
here  
24 tonight, as well as included that with our  
25 application. Again, the purpose is that there has  
to

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 be a community benefit.

3 There was question relative to  
phasing.

4 Again, I mentioned there's four total phases which  
are

5 included in the project. Three are in the Town.  
6 Those are all the townhomes. And then I'm going  
to

7 say the fourth section, even though it's shown as  
8 Section 3, are the single-family homes in the  
Village.

9 There was a question relative to the  
10 traffic study and proposed traffic intersections  
on

11 Church Street as to whether or not those were  
reviewed

12 as part of the traffic report. Site distance was  
13 reviewed as part of that, and not only was it  
14 addressed as part of the applicant's traffic  
study,

15 but it was also addressed as part of the Town and  
16 Village review, as well as DOT's.

17 I touched on the school impacts.

Again,

18 that was a question last week.

19 A comment about property values. The  
20 intended targeted sales price of the project is  
that

21 the townhomes would be in the low 200s. The patio  
22 homes in the Village would be in the mid-250s, so

23 that's -- again, that's kind of driven by the  
market.

24 I think those numbers are very consistent with the  
25 product that is currently being constructed and  
sold,

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 and actually very successful, in Silverton Glenn.  
3 There was a question relative to who's  
4 going to live in this project, who wants to live  
in  
5 this project. I think the reality and the success  
and  
6 the reception of Silverton Glenn is probably a  
great  
7 answer to the desirability of this type of housing  
8 that the Town and Village's Comprehensive Plan  
9 addressed the diversity of housing as goals and  
10 objectives. So I think that, you know, the  
template  
11 has just, to a certain extent, proven the people  
want  
12 to live in the Town and Village of Victor. It's a  
13 wonderful community.

14 There was a question relative to the  
how  
15 the construction and quality of construction, for  
16 example, roads, be guaranteed. Our response to  
that  
17 is certainly that the Town engineer and Town  
18 inspection and Building Department would certainly  
19 have inspection responsibilities. A letter of  
credits  
20 would be established for the improvements that  
would  
21 ultimately be dedicated, as well as drainage and  
22 grading improvements. Things of that nature. So,  
23 again, that is kind of a level of comfort that the  
24 residents would have just like any other  
development  
25 project.

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 And then, finally, I guess a couple of  
3 things. There was a comment made last week about  
--  
4 at the Village Planning Board meeting -- to stand  
up  
5 for the residents and two developers. I think  
that,  
6 Mr. Palermo actually, in his remarks to the Board  
this  
7 evening, echoed some of the sentiment that I would  
8 have for your thankless job that you have. And I  
9 think I ran through the history of this project to  
10 demonstrate that you've thoroughly reviewed, to  
this  
11 point, many of the options that have been proposed  
and  
12 been reacted to.  
13 I want to also just finish by reading  
you  
14 a quote, and I'll go through this quickly.  
15 (As read): I want to go on record I'm  
not  
16 opposed to this development. I believe people  
have a  
17 right when they own property to build on that  
18 property. We bought property, and we had a home  
built  
19 on it. I've attended many, many, many meetings in  
the  
20 Town of Victor, and the sad thing is that people  
come  
21 when it's something that affects them and only  
affects  
22 them. They don't seem to be interested in what's  
23 going on around them. That always disturbs me.  
It's  
24 the attitude of, do it, but don't do it next to  
me. I

25 think that's a bad attitude. I believe everybody  
has

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 a right to live in a home and maintain a home in a  
3 community which they want to live. Naturally, I'd  
4 love to have it empty behind my house, but when I  
5 moved there, we knew that we didn't own that  
property.

6 We knew someday something would be built there.  
The

7 time has come and we accept it.

8 Again, that's a quote. Those are not  
9 necessarily my comments. That comment was not  
made at

10 last week's Village Planning Board. It was  
actually

11 made, and is included in the meeting minutes, from  
12 back in 1988. I think that it's very reflective  
and

13 very relevant to conditions today as well.

14 So with that, I appreciate the time  
and

15 the extra time. Thank you.

16 MR. DIANETTI: Thank you, Bob. We  
have a

17 request from the Victor Cares Group to have their  
18 attorney, Peter Weishaar, present for them, but  
before

19 we do that, I need to ask if there's any other  
members

20 of the public who are not represented by this  
21 individual who would like to speak before letting  
him

22 come up?

23 If not, we'll ask Peter to come up.

24 MR. WEISHAAR: Good evening. My name  
is

25 Peter and I'm an attorney with Weishaar McConville

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2 Considine Cooman & Morin in Rochester. We  
represent a  
3 core group of the members that call themselves the  
4 Victor Cares, and all of them have some concerns  
with  
5 this project and I want to run through those this  
6 evening.  
7 I submitted -- unfortunately I was  
just  
8 retained officially yesterday, so I've been  
spending a  
9 lot of time reading Meeting Minutes and plans and,  
you  
10 know, going back over the almost, well, actually  
over  
11 30 years of this project, and trying to get myself  
up  
12 to speed. But one of the -- I was not able to get  
all  
13 the information that I think we ought to look at  
in  
14 order to really give a good presentation, and I  
did  
15 submit a FOIL request. I submitted a letter, an  
16 email, to Ms. Evans to forwarded it to the Town  
staff  
17 to treat as a FOIL request, and I'm hoping to  
receive  
18 some of the key documents to continue my review.  
19 That being said, I'm happy to hear  
that  
20 the possibility exists that this may -- the Public  
21 Hearing may be left open for the purpose of  
hearing  
22 some additional written material. I think that's  
23 necessary here, and I hope that the Board decides  
to  
24 do that.  
25 Now, I submitted written materials and  
I

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 want to just let the record reflect that I gave an  
3 original and a copy to each Board member, and I  
also  
4 gave a copy to Mr. Cantwell, so he has a copy of  
my  
5 written materials. I'm not going to read through  
6 everything in there, and I'll submit to the Town  
7 electronically so that makes it easier to respond  
to  
8 FOILS and distribute it to whoever needs it.  
9 So as Mr. Cantwell said, this project  
is a  
10 proposal to develop 69 large townhome projects  
with  
11 two-car garages located on just over 17 acres of  
Town  
12 land, plus an additional almost six acres of  
13 single-family homes in the Village of Victor. All  
of  
14 the land that's located within the Town is zoned  
15 Multiple Dwelling, MD, and the developer is  
seeking to  
16 have this subdivision be treated as a cluster  
17 subdivision under Section 278.  
18 My client opposes the treatment as a  
278  
19 and has a number of issues. I'm going to go  
through  
20 them, about five or six items, and try to hit on  
the  
21 high points relying primarily on the information  
in  
22 our papers.  
23 So as I said, the developer is  
requesting  
24 approval to develop this project as a cluster.  
And  
25 one of the main -- that is specifically allowed in  
the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 Victor Town Code, obviously, but one of the main  
3 purposes of doing a cluster subdivision is really  
to  
4 preserve open space.  
5 As I look at this project, it's hard  
to  
6 see where all the open space is in this project if  
it  
7 is treated as a cluster. I'm assuming this is the  
8 cluster and not the conventional plan. And the  
issue  
9 of the amount of open space is something that is  
10 concerning, because there's some discrepancies in  
some  
11 of the papers, so it's hard to tell how much open  
12 space is really proposed to be preserved.  
13 There's a Letter of Intent, I think  
most  
14 recently, submitted in connection with the  
Preliminary  
15 Subdivision Application which refers to a 40  
percent,  
16 I think, preservation of open space. But if you  
look,  
17 I was able to -- you can barely read it in the  
PDF,  
18 but you can blow it up and still almost make out  
what  
19 the notes are in the subdivision plan for the  
coloring  
20 rendering of the plan. So under the notes they  
list  
21 what the code requires, what is proposed, and then  
one  
22 of the confusing things there is it mentions that  
23 25 percent is the minimum and 25 percent is  
proposed,  
24 but then there's a parenthetical reference to

25 52 percent. So I'm not sure how much open space  
is

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 proposed to be preserved, and that's something  
that  
3 the Planning Board ought to be concerned with as  
it  
4 considers whether or not to grant cluster status  
for  
5 this subdivision. If there is no real open space  
6 preserve, then I don't really see what the benefit  
to  
7 the Town is by treating this as a cluster instead  
of a  
8 traditional plan.

9 Perhaps the most important issue, the  
10 biggest issue that we see with this project, is  
the  
11 question of density. There was a remark earlier  
about  
12 how the 17-plus acres could yield 171 units, and  
13 that's according to the code which would allow a  
14 maximum of ten units per acre. But that isn't  
really,  
15 I think, what ought to be done for this particular  
16 property, and that's because this property is  
zoned  
17 MD, or Multiple Dwelling, and that's a zoning  
18 district, as I understand it, in the Town. It's  
not a  
19 mapped district generally. And the only way you  
can  
20 get an MD district is when you apply for it, and  
you  
21 apply with a specific proposal in mind.

22 And there's been some recent changes  
in  
23 the code to really further, you know, the emphasis  
on,  
24 hey, if you don't develop what's proposed, you're

25 going to lose that right if you don't come and get  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 subdivision approval.

3 And what we have here is that in 1985  
when

4 the applicant came in to have this developed, they  
5 were proposing to develop a quadruplex condominium  
6 development. And there are two sections in the  
7 minutes, which are attached to my papers as

Exhibit A

8 and Exhibit B, which are the minutes from the  
meetings

9 from the two Public Hearings that were held in  
1985.

10 And so during the initial Public  
Hearing

11 on April 8, 1985, Mr. Gullace described the  
proposed

12 development as a quadruplex project with, quote,  
13 "somewhere around 3.6 units per acre." Then two  
14 months later when they came back to continue the  
15 hearing, Mr. Gullace again confirmed that the  
density

16 of the then proposed project, quote, "would be  
roughly

17 four units to the acre. A little less than four  
units

18 to the acre," end quote. And that's Exhibit B.

19 So based on this specific proposal,  
which

20 is language right out of your code for this type  
of

21 development, the Town Board ultimately granted the  
22 request to rezone the land, which at that time  
23 actually included a little more land than we  
currently

24 have today, because that's been now annexed out  
into

25 the Village, as you know.

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2                   But the 1985 decision by the Town  
Board to  
3     permit the property to be rezoned from R-2 to MD  
was  
4     based on the express lower density representation  
that  
5     the developer made in support of the specific  
proposal  
6     then under review. And there's a finding in the  
7     resolution of the Town Board granting the  
approval,  
8     which is attached as Exhibit C, where the Town  
Board  
9     says, quote, "a multi-family housing project is  
not  
10    exactly in character with the existing single-  
family  
11    neighborhood, however, the low density of the  
12    development proposed mitigates this impact." And  
then  
13    they go on to talk about buffering.  
14                   So after the land was rezoned to  
multiple  
15    density, it remained undeveloped for more than 30  
16    years, and today it sits as an island of MD zoned  
land  
17    surrounding by residential land. And I've  
attached  
18    also copies of the both Town and Village zoning  
maps  
19    so you can see that for yourself.  
20                   So having obtained the zoning from the  
21    Town Board based on this specific proposal using a  
22    density less than half of the maximum density  
23    permitted in the MD district, the Planning Board  
can't  
24    now permit this developer to use a theoretical  
maximum  
25    density conventional plan that never would have

2 supported a rezoning of the Town land as a basis  
for  
3 this density calculation it now seeks as a basis  
for  
4 its cluster subdivision.

5 So when the 1985 density figure is  
used,

6 which we believe it should be in this project,  
that's

7 what should govern here. Not the ten. Because  
this

8 was, you know, under that MD the way it gets  
rezoned,

9 it's for a specific plan, that density figure of  
3.6

10 units per acre, when that's applied, the remaining  
11 Town lands of just over 17 acres, would yield no  
more

12 than 61 units. And even then the developer would  
have

13 to still establish that those 61 units could be  
14 developed on this property within the current code  
in

15 order to afford the cluster treatment.

16 Another point I wanted to make about  
the

17 MD district, it's my understanding that even  
though

18 the developer wishes to use that ten-unit maximum  
19 provided in the code, it's my understanding that  
there

20 are no MD districts within the Town that have ever  
21 been approved with a density of more than six or  
seven

22 units per acre. But, again, you've got to look at  
23 what was the specific proposal at the time you  
were

24 seeking the MD designation, because the Town law,  
25 Section 278, requires a consideration of what the

--

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 of what the density would be in a conventional  
plan.

3 And they talk in terms of under the existing  
zoning  
4 code, but they also use language in there about  
all

5 other applicable requirements. We think that  
would

6 include the restriction imposed when it was  
rezoned.

7 So that to us is one of the most  
important

8 issues is density calculation. So the 69 units  
9 proposed today even exceeds what the maximum would  
be  
10 under conventional zoning.

11 Another issue we want to talk about is  
12 buffering. So as I said earlier, this plan, this  
13 multi-density project sits smack in the middle of  
a

14 residential sea, let's say, and there are  
residents to

15 the south, and then part of the north has some  
16 residents that are all single family. I think  
they

17 are mostly R-2, but certainly not zoned multi-  
density  
18 dwellings.

19 The code provides for the Town of  
Victor

20 that a 10 foot wide landscape buffer must be  
provided

21 along all property lines in an MD district.  
That's

22 Victor Code, Section 211-25B4e. So this buffer,  
as

23 the code goes on to say, (as read): The buffer  
shall

24 be densely planted with a mixture of shrubs and  
trees  
25 and shall be no less than 6 feet high to create an  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 opaque screen.  
3 This project does not appear to have  
any  
4 such buffering. And as the project gets further  
5 consideration by this Board, that's something  
that's  
6 very important that needs to be considered because  
of  
7 where this is surrounded by all the single-family  
8 residential properties.  
9 Now, this is in my paper, but I was  
going  
10 to skip this about the Town Code also requires  
11 preservation to the fullest extent possible of all  
12 trees and shrubbery shall be preserved by the  
13 subdivider, and that's in Section 184-16.  
14 And I was driving here tonight and I  
took  
15 County Road 9, and I drove by the property and I  
was  
16 surprised to see it's not an open field. It's  
woods,  
17 at least as far as you can see from County Road  
9. So  
18 that's something. Again, it looks like all those  
19 trees are going to be cut, and looks like there  
was no  
20 intention or attempt to preserve any of the  
existing  
21 greenery, which also would seem to fly in the face  
of  
22 the Town's open space and green space requirement.  
23 So one of the things that Mr. Cantwell  
24 mentioned this evening was about the setback  
25 requirements, talking about the Zero Lot Lines for  
the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 townhome units. But one of the things we think is  
3 very important is that this plan ignores what  
would  
4 ordinarily be the buffering for probably even a  
5 residential single-family district, but certainly  
in a  
6 multi-density district, MD district. I'm saying  
it  
7 wrong. I think it's multi-dwelling, I think.  
8 But those townhomes are going really  
close  
9 to the property line along the perimeter. So my  
10 client, while my client would oppose the granting  
the  
11 clustering or variance or waivers of any of the  
12 requirements that can be done in a clustering, if  
a  
13 cluster is approved or authorized here, then we  
would  
14 ask the Planning Board to require the developer to  
go  
15 back and put in the buffering that's required  
under  
16 the code already, and also require them to adhere  
to  
17 the setbacks that are in the code, at least on the  
18 perimeter of the property, because those townhomes  
are  
19 coming awfully close to the residential property  
lines  
20 and that is unacceptable.  
21 One of the things also to remember is  
to  
22 go back and look at the Town Board rezoning  
23 resolution. And in that resolution the Town Board  
24 made several findings and imposed several  
conditions  
25 that are still germane today, and in my view can't  
be

1                   PUBLIC HEARING - GULLACE SUBDIVISION  
2     waived by the Planning Board. They have to be  
waived  
3     by the Town Board. They include conditions such  
as  
4     considering buffering to mitigate the impacts.  
Well,  
5     I mean, I guess as long as you've considered that,  
6     you've complied with that condition, but certainly  
we  
7     think it's warranted here.  
8                   The Town Board also incorporated the  
9     Conservation Board concerns about the visual  
impact of  
10    this proposed development on the neighbors finding  
11    that the then proposed project, quote, "Was not  
easily  
12    screened from the north side of Hillcrest Drive  
and,  
13    therefore, the Town Board imposed several  
conditions  
14    on the zoning including a requirement -- a  
requirement  
15    that adequate screening to significantly lessen  
the  
16    visual impact of adjoining residential  
properties."  
17    So these are Town Board conditions on the rezoning  
18    back in 1985 that need to be still adhered to as  
part  
19    of the development.  
20                  Another issue that is closely related  
to  
21    buffering relates to the units, the portion of the  
22    Town lands that are on the west side of County  
Road 9.  
23    Those, while all of the townhomes seem out of  
place,  
24    those homes there, those townhomes seem  
particularly

25 out of place because they are already surrounded  
by  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 single-family homes. And I think originally at  
one  
3 point, I'm not sure when, but I believe that at  
some  
4 point the developer had proposed using single-  
family  
5 homes there, and then discovered that the code  
does  
6 not allow that in an MD district. So they are  
7 returning to townhomes which are a little bit less  
8 dense than on the other side, because they are  
three  
9 and two-unit buildings. But, I mean, our  
preference  
10 would be that it either gets rezoned back to R-2  
or  
11 that it gets annexed into the Village where it  
would  
12 then apply to the Village's zoning requirements,  
which  
13 I believe is R-2, and that parcel is immediately  
14 adjoining the Village lands to the southwest.  
15 If that is not going to be rezoned or  
16 annexed and still going to be multi-density, then  
17 perhaps a better transition, akin to buffering,  
would  
18 be to have those units be limited to duplexes  
instead  
19 of also including the three units, because that  
would  
20 provide for a better transition from the single-  
family  
21 homes over to what you have across the street.  
But  
22 hopefully, you know, that's not our preferred  
option.  
23 We would prefer single-family homes there.

24                   So traffic has also been mentioned as  
an  
25   important issue, and I know that was dealt with in  
the

1                   PUBLIC HEARING - GULLACE SUBDIVISION  
2   SEQR review, but I just want to highlight a couple  
3   things in the rezoning resolution of the Town  
Board.

4   I mean, traffic was bad 30 years ago, so you can  
image

5   how much worse it got today. But they even said  
back

6   in 1985 that the intersection -- they made a  
finding,

7   the intersection of Hillcrest Drive and County  
Road 9

8   is dangerous.

9                   And then they said, well, they also --  
10   consideration needs to be given to these other  
11   conditions that the Town Board imposed including,  
you

12   know, requiring a location of ingress-egress  
points to

13   be at a location providing maximum visibility and  
14   minimum risk, traffic hazard. And they also  
indicate

15   consideration should be given to a one-way street  
and

16   more sophisticated traffic control device at the  
17   intersection. I think the intersection they're  
18   talking about there is Hillcrest Drive, County  
Road 9

19   or -- yeah, I think that's the intersection  
they're

20   talking about. More recently the County Planning  
21   Department has also noted that traffic is a  
concern.

22                   Finally, the last major issue that we  
see

23 is with respect to drainage, and it's a  
significant  
24 concern that's been expressed over the years  
25 repeatedly. The Ontario County Planning Board  
just

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 recently noticed earlier this month attached draft  
3 minutes from the June 8th meeting, where County  
4 Planning is noting these concerns with basements  
5 flooding, and the concern that this project is  
going

6 to exacerbate the drainage problem that the  
neighbors  
7 are experiencing, particularly, I think Parkway is  
the  
8 primary location of that problem, but I think it  
goes  
9 beyond that perhaps.

10 And so they have imposed a condition  
in  
11 their minutes that they want this Board to require  
the  
12 applicant, the developer, to have the engineer do  
a  
13 study to determine the effect on the water in the  
14 basements. And we think that given the  
significance  
15 of this issue and the concern that the neighbors  
have,

16 that this drainage issue ought to also be  
addressed by  
17 Town staff and the Town engineer, perhaps, to give  
it  
18 just that extra sense of knowing that it was done  
19 objectively with the neighbors' interests in mind.

20 And, of course, the County Planning  
21 retained jurisdiction, and they did unanimously  
22 classify it as a Class 2 action because -- or  
Class 2

23 project -- because it will have the municipal  
impacts

24 relating primarily to traffic and drainage.

25 One of the things I wasn't going to

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 mention tonight, but it came up earlier, is the

3 question of schools. This comes up, I think, to  
the

4 extent that it was considered in the SEQR  
analysis.

5 And there are a number of issues that, you know, I

6 think a lot of neighbors believe were not -- a  
hard

7 look wasn't fully taken at all of the issues in  
the

8 SEQR analysis.

9 But I know I've looked at the Part 3  
and I

10 know there was extensive work done. But there's

11 still, you know, some issues that, you know, may  
come

12 up in the course of this review, and I want to let  
you

13 know that, in my view, I think you do have the  
ability

14 to rescind a negative declaration if something  
comes

15 up in the course of the review that would warrant

16 looking at the SEQR issue.

17 There was a case recently decided in  
the

18 Fourth Department involving the District Canalside

19 Properties case where in that case the Village  
Board

20 of Trustees sought to rescind a negative  
declaration,

21 and that was overturned by the court and then  
upheld

22 by the Appellate Division. And the main reason  
that

23 was the case was because in that case the Village  
24 didn't have any application before it. They'd  
already

25 issued their "neg dec" and granted a Special Use  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 Permit. And then when it was before the Planning  
3 Board and Village of Pittsford, they changed the  
plan

4 such that the Trustees wanted to rescind the  
negative  
5 declaration.

6 That's not the case here and the  
language

7 of that case talks in terms of there being an  
8 application still before you as lead agency. So  
if

9 something should come up during the process of  
review

10 that would warrant, you know, relooking at that,  
then

11 you do have that ability.

12 Finally, I want to thank you for the  
13 opportunity to talk tonight. I know a lot of  
people

14 have things they want to say, and I appreciate you  
15 giving me more than my three or five minutes. I  
know

16 my clients are willing to meet and work with the  
17 developer to come up with a plan that is, you  
know,

18 going to fit the character of the neighborhood.  
And

19 I'm not sure if the developer is interested in  
doing

20 that, but certainly my clients would be interested  
in

21 working with them to do that. So thank you very  
much.

22 MR. DIANETTI: Thank you for your  
23 presentation.

24                   Okay. So we'll move to the people who  
25    have signed up to speak.

1                   PUBLIC HEARING - GULLACE SUBDIVISION

2                   RYAN McELHINEY: 169 Church Street.

3                   I'll be very brief. This is my  
daughter

4    Colleen. I agree with everything the attorney  
said

5    tonight on our behalf of the Village. There's  
not,

6    you know, a lot to add to that. I think I  
understand

7    a lot of concerns there. I think it's great to  
see a

8    lot of children out here from the Village and from  
the

9    Town. And my big concern is I just would hope  
you, as

10   the Planning Board, advocate for the Village  
members,

11   for the Town members, for the future of Victor,  
for

12   our children, so that they have a good place to  
grow

13   up in, and that hopefully my children will want to  
14   move back to this area, that it won't be so

15   overcrowded by the time she is an adult, gets  
married

16   and wants to raise her family here.

17                   I don't have anything more to say than  
18   that, but advocate for the people who live here.

19   Thank you so much.

20                   MR. DIANETTI: Thank you for your  
21   comments.

22                   JULIE DOYLE: 37 Hillcrest Drive.

23                   I'd like to reiterate and thank

Attorney

24   Weishaar for his comments, which I also hold the  
same

25   views. I'd like to clarify just a couple things.

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 Mr. Cantwell mentioned something about  
the  
3 benefits of clustering, which from my  
understanding of  
4 the Village and the Town procedures, clustering is  
not  
5 a right. It's a variance given for certain  
projects  
6 when they can prove that that variance is in the  
7 benefit of the public. Everything I've heard thus  
far  
8 from all these meetings, the benefit has been to  
9 mostly the future residents of Victor who live in  
this  
10 project and not to the residents of Victor who are  
11 here now.  
12 When he says that the reduction in  
density  
13 and traffic is a benefit to the current residents,  
14 it's kind of like telling me we're going from a  
15 horrible, horrible idea to a very bad idea.  
Saying  
16 that there is 171 units down to 86 units really  
17 doesn't seem like a benefit to me as a current  
18 resident. So I'd just like to point that out in  
19 regards to your decision on looking at clustering  
as a  
20 variance.  
21 Originally, also, this was zoned  
22 Multi-Dwelling back in 1985 to be, from what I  
23 understand, a senior development which I don't  
believe  
24 Victor had at that point. That would have been a  
huge  
25 benefit to the community if there was nothing like  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 that already in Victor. Now we have senior  
3 developments. This, from my understanding, has  
4 comparison to Silverton Glenn which does have a

5 restrictive covenant limited to senior. This  
project  
6 would not have those restrictive covenants  
limiting it  
7 to seniors. So when he says the benefits to the  
8 schools would be negligible, I have a hard time  
9 believing that. Because in other meetings we've  
had,  
10 he said there won't be restrictive covenants  
11 restricting to seniors. Anybody can buy that.  
12 Clearly I'm very personally invested  
in  
13 Victor Schools. I have three children there. My  
14 husband works there as a teacher and so we love  
the  
15 schools. They've done an amazing job keeping up  
with  
16 the high demand that has been put on them as a  
single  
17 campus. From what I heard they were the second  
18 fastest growing school district in New York State.  
19 The fact that they've kept our taxes so low has  
been  
20 phenomenal.  
21 From what I understand the state has  
22 capped us at our 2007-2008 enrollment levels, so  
the  
23 school is not getting paid per pupil anymore.  
I'll  
24 defer to anybody on the Board that has experience  
with  
25 the school, because I know some of you do, but  
from my

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 understanding of the last budget proposal, we've  
been  
3 capped and we're owed something like \$88 million  
4 dollars from the state in back aid. They're not  
5 raising our enrollment. Our enrollment numbers  
are

6 raising, but they're not raising the aid that we  
get.

7 At some point that's going to be an issue for the  
8 school.

9 And so large developments like this  
one  
10 could be a problem eventually down the road. So I  
11 just did want to note that as something that was  
12 different from Silverton Glenn.

13 Lastly, I live on Hillcrest. If you  
see  
14 the lots on Hillcrest, they are about a third of  
an  
15 acre lot. So if you look at the rest of project,  
16 you'll see what small lots are going to be  
proposed.

17 I'm very concerned with the way that Quailridge  
will

18 be used as possibly a thoroughfare for cars  
cutting

19 through the traffic in Victor to avoid 96. People  
20 already speed quite significantly through our  
21 neighborhood.

22 Quailridge, when I first moved here, I  
23 called and asked about my assessment and I was  
told --

24 asked why it had gone up so much. I was told, you  
25 know, you live in Quailridge. That is some of the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 most desirable location in Victor. I was new to  
the

3 area 12 years ago. Now I see what enormous  
benefit I

4 have living in Quailridge. I have a beautiful  
5 one-third of an acre lot, a quiet street. It's  
6 wonderful. Something like putting in 86 units is  
not

7 going to help my neighborhood much, and it would  
8 really be a shame for that beautiful development  
that

9 is one of the highlights of Victor to be destroyed  
by  
10 a lot of traffic going down there by a lot of  
these

11 multi-dwelling units.

12 I have no problem with the developer  
13 developing his land, but I would like to be kept  
to

14 single family in character with the rest of the  
15 neighborhood. Thank you for your time.

16 AMANDA SICILIANO: 235 Church Street.

17 I'm Amanda Siciliano. This is

Bristol.

18 We live -- you might need to work with me. She  
might

19 get fussy -- 235 Church Street, actually right on  
the

20 corner. And there's another individual -- I think  
he

21 left. Sorry. I don't like speaking in public --  
that

22 I would just like to add onto. He lived at 169, I  
23 think, Church Street.

24 I'm the third generation to be moving  
back

25 to Rochester and Victor. And the reason why I did  
was

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 because of the scenery, the people, the small  
3 community, and I want her to be able to do that,  
is to

4 be a part of a little area that isn't over  
congested

5 or being robbed. Because I know there's a lot of  
6 robberies on my street now because of all the  
7 buildings that are being put in.

8 I actually lived at Saratoga Crossings  
9 right around the corner, and those are actually  
10 usually vacant. And in the search of finding a  
house

11 in Victor there are so many houses that need a  
12 little  
13 TLC and are beautiful that are available to so  
14 many  
15 people. We're not in lack of homes right now at  
16 all.  
17 You just need to find that gem in the rough. And  
18 I  
19 think if we focus more on those in this community,  
20 and  
21 the future, it's absolutely beautiful. And I hope  
22 Bristol would be the fourth generation to stay  
23 there.

24 Now, being on the corner, living on  
25 the  
26 corner of Church Street and Hillcrest, I've  
27 witnessed  
28 quite a few things actually. The traffic is  
29 horrendous. I've witnessed people getting in  
30 multiple  
31 car accidents, almost, pulling out of Hillcrest. I  
32 bet actually that 85 percent to 95 percent of  
33 people  
34 are not doing the speed limit. Not even close.  
35 They  
36 are flying through that. That makes me nervous  
37 just

38 PUBLIC HEARING - GULLACE SUBDIVISION  
39 for her to be playing in the yard that we love  
40 right  
41 now if we add all these communities in the  
42 location  
43 that they're looking to do so.  
44 Sorry. I was trying to take care of a  
45 baby and take notes while listening. Just give me  
46 a  
47 quick second.  
48 Oh. One of the points also that I'd  
49 like

9 to make is my grandparents now look around Victor  
and  
10 say, "How sad. How sad," because everything is  
being  
11 so just bulldozed over all the beauty, the natural  
12 beauty of Victor. And I don't want say that to my  
13 grandchildren, to her whatsoever, because I  
absolutely  
14 loved growing up in Victor. And the school  
district  
15 is phenomenal, but getting so overpopulated. I  
agree  
16 with that woman, everything she said. I'm  
considering  
17 home schooling because it is so big now, and I  
don't  
18 want to consider that because I loved Victor. I  
loved  
19 going to Victor.

20 And I hope you guys just consider  
21 everything. I know you've probably heard this  
22 multiple times being repeated to you, but I really  
23 hope you take into consideration the future of the  
24 location that you are considering or going over.

25 I think that's all. Thank you.

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 HARRY FLANDERS: 26 Latchmere Drive.  
3 I'd like to talk to you a little bit  
about

4 traffic control, and I'd like to ask you as our  
5 representatives that you don't approve anymore  
6 developments until you look at that and get  
together

7 with the DOT. Trying to get from Church Street  
onto

8 96 or Lynaugh, you're taking your life into your  
hands

9 to try to make a left-hand turn to get out of  
there.

10 If you've ever taken an ARP driving course, 50  
percent  
11 of people over 50 have accidents trying to turn  
left.

12 And I'll give you a little story  
happened

13 Sunday morning on Lynaugh Drive. I hope he's not  
in  
14 here. It's about the Sunday-morning bully. Very  
15 possibly he was going to church, I don't know, but  
it  
16 was quarter to 11 Sunday morning. And I was down  
17 there was five cars ahead of me waiting to turn  
right  
18 or left. And as I was sitting there waiting for  
the  
19 other two cars to clear the people in front of me,  
I  
20 could clearly could see a guy clear down to

Advanced

21 Auto. His right-hand turn signal was already on  
22 blinking. The guy in the pickup truck behind me  
also  
23 saw that, and he thought it was my turn to get out  
24 there, and he started blowing his horn, waiving  
his  
25 hand, go on, go on. He finally yelled out the  
window,

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 "What are you waiting for? Christmas?" I didn't  
3 move. I don't bully easily, but some people do.

4 Well, as you know, I didn't go out and  
the

5 guy was just taking a ride Sunday morning, and his  
6 right hand blinker was blinking but he wasn't  
turning

7 up Lynaugh Road. If I'd been bullied out there,  
8 there'd have been a T-bone.

9 I don't want to lose any of my Victor  
10 neighbors. So that's why we need a traffic light

11 either at Lynaugh so we can get out, or at Church  
12 Street -- and probably Lynaugh is better because  
it's  
13 farther up. And that's why I go up that way all  
the  
14 time now, because it is spread out so that you can  
15 usually try to get out if you have to.

16 And so that's what I want you to  
really

17 look at and think about and get with the DOT and  
18 figure out which one of those you can get a  
traffic

19 light on. So that's what I wanted to say.

20 DEB MCCARTHY DECOOK: 21 East Parkway.

21 Hello. And I'm at 21 East Parkway. I  
22 agree with everything, and thank you to the  
attorney

23 who covered so many things.

24 One of the things I picked up was the  
25 proposed pricing of about 250,000 for these  
townhomes,

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 which I might be out of touch a little bit, but I  
3 think that is a little pricey for a multi-dwelling  
4 townhome. Does this mean that the homes that are  
5 surrounding this are going to be going for more,  
6 because I know just a little ways down on East  
Parkway

7 I think that's a little iffy.

8 So my question is what happens if  
these

9 don't sell at the proposed price he's trying to  
get.

10 Then will Mr. Gullace be back in front of the  
board

11 trying to get these rezoned into rentals? That's  
just

12 something I'd like to know because, again, it just  
13 seems like we keep rehashing and rehashing, and  
the

14 people at the Town do not want this. They've  
elected  
15 officials to try to stop this, and I just wanted  
to  
16 say going forward, I want to make sure that all  
basis  
17 are covered. Thank you.

18 MARY MCCARTHY: 21 East Parkway.  
19 I guess my daughter touched on a  
couple  
20 things that I was going to mention, but my biggest  
21 concern is the water. And I have three sump  
pumps, as  
22 I've told many people before, to keep the water  
under  
23 control in my house. The underground springs that  
are  
24 causing this problem have been there for eons.  
This  
25 is not something that's going to be taken care of  
by

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 swales or ponds, holding ponds and that type of  
thing.  
3 Underground springs will do what underground  
springs  
4 do, and they're going to cause a problem. This  
has  
5 supplied Victor for many decades with their  
drinking  
6 water for seven to 10,000 people until finally we  
got  
7 so big that we had to tap onto the Monroe County  
8 Authority.  
9 But that water is there and it's not  
going  
10 to go any place except when they start digging.  
Then  
11 it's going to create a problem. And it's already

12 creating a problem enough so that most of the  
houses

13 on the Parkway do not have basements because of  
that.

14 Many houses in Victorwood do not have basements  
15 because of the springs. This is a mammoth  
problem.

16 You can try piping it. That doesn't work, as you  
17 found with sink holes. Geneva just this past week  
had

18 that trouble.

19 The second thing that I want to  
address,

20 and it's been addressed before, is the traffic  
between

21 Forest Avenue and the edge of the Gullace  
property.

22 If it is carried forth the way it is, there will  
be

23 seven exits onto Church Street. That's more than  
you

24 get in a city block, and that is completely  
25 unacceptable to have seven streets coming out in a

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 quarter of a mile.

3 There was a traffic study done by the  
New

4 York State Department of Transportation that said  
both

5 of the intersections at Church and Lynaugh Road  
were

6 failing. Mr. Gullace took it upon himself to do  
his

7 own research, hired someone to do a study.  
Naturally

8 that study paid for by Mr. Gullace found  
completely

9 the opposite of what the Department of  
Transportation

10 found out. I don't know how you can have two

11 completely separate opinions about something like  
12 that. That just kind of boggles my mind a little  
13 bit.

14 I also want to say that I'm concerned  
15 about the buffer zones. Are we talking about is  
16 he  
17 going to put up 12 inch trees that are going to  
18 take  
19 15 years to grow? Or is he going to build a 2  
20 foot  
21 berm when it should be a 6 foot berm? That I  
22 think

23 should be addressed by the Board.

24 I think there should be a sunset  
25 clause so

26 that he either finishes the project in a certain  
27 number of years, whether it's five years, seven  
28 years,

29 whatever you consider a fair amount of time, and  
30 if he

31 doesn't complete it, then I think it should halt  
32 and

33 he should have to come before the Board and  
34 reapply.

35 Look what has happened because of there not being  
36 a

37 PUBLIC HEARING - GULLACE SUBDIVISION  
38 sunset clause on his request, and it's 30 years  
39 later

40 and I think this is something else the Board has  
41 to

42 address.

43 He also has said that -- to address  
44 the

45 time element as far as building these homes -- he  
46 said

47 we'll develop it as the need arises. And does  
48 that

49 mean if the need is not there and he has built  
50 some,

9 is he going to rent them instead of selling them  
10 because the need is no longer there? So where  
does  
11 that leave us? Right back to the apartments that  
we  
12 worked so hard to get rid of?

13 And, you know, my father-in-law helped  
14 write the zoning laws for the Town of Victor, and  
at  
15 that time I said, "John" -- and that was John  
16 McCarthy. You can find it in your records. "Why  
do  
17 we need zoning laws in Victor?" I said, "It's a  
small  
18 Town. Everybody gets along. What is the purpose  
of  
19 zoning laws?"

20 He says, "Someday this Town is going  
to  
21 grow," and he said, "There are going to be people  
who  
22 don't give a darn about what happens to other  
people.  
23 They're just in it for the money."

24 Thank you.

25 SHARON KUZIA: 4 Forest Avenue.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 She's a tough act to follow.

3 I'm Sharon Kuzia, 4 Forest Avenue.

The

4 attorney for Lynaugh Properties, the Gullace  
project,

5 he did a wonderful job presenting his case and  
6 everything, however, I'm sorry. I don't agree.

7 You know, he read a quote or saying  
that a

8 person bought a home with the realization that  
9 eventually construction was going to take place  
and

10 that building of new homes was going to take  
place.  
11 We all have that realization. You know, we all  
hope  
12 for, oh, the trees are going to remain and all  
that  
13 stuff, which I do hope the trees remain because  
when I  
14 look at that, I just get, oh, my gosh. That's way  
too  
15 much.

16 You know, I don't have a problem with  
the  
17 single homes or anything like that, but when you  
see  
18 all those buildings just compacted together, it's  
not  
19 realistic. It's just not realistic. And I just,  
I  
20 really just don't understand what Mr. Gullace is  
21 thinking. You know, you have all these beautiful  
22 single-family homes in that neighborhood.

23 If I was on that property line, I  
would  
24 not want to stay there. I would want to move,  
even  
25 though I love the area and stuff. I couldn't  
handle

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 that. I just would be like, okay, we got to go.  
3 I do have one question. We've noticed  
4 that, I guess storm sewer drains and stuff, are  
being  
5 installed on the east side of County Road 9.  
There  
6 was a home there that is now vacant, just kitty  
corner  
7 to Hillcrest.

8 MR. DIANETTI: Storm drains or water  
9 lines?

10 SHARON KUZIA: Water lines, storm  
drains.

11 My question is why are these being installed  
already?

12 If the project is not a go, why are these storm  
drains

13 and stuff being installed?

14 MR. DIANETTI: Monroe County Water is  
15 doing a lot of work in the Town to boost pressure  
on

16 the south side and the southeast side of the Town,  
so

17 it may be tied to that. I'm not sure what the  
actual

18 reason for those lines are, but they're trying to  
do

19 things to improve the water service in the Town.

And

20 one of the goals when they took over was replacing  
21 lines that are deteriorating. Other times they're  
22 extending lines that they had every intention of  
23 extending to provide more service. I don't really  
24 know what the story is there.

25 SHARON KUZIA: Okay. We were  
concerned.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 MR. DIANETTI: Or whether or not it's  
3 related to the project.

4 SHARON KUZIA: Okay. And going back  
to

5 my, you know, other statement about this project  
here.

6 I don't think any of us have a problem with new  
7 construction and stuff, but it has to be within  
8 reason. I mean, I'm sure each and every one of us  
9 when we look at these pictures, you know, of the  
10 sketches here, and it's like, I just don't  
understand

11 what the man is thinking. Really? It's all I  
have to

12 say. Thank you.

13 CHUCK WITMER: 10 West Parkway.

14 Hi. I live at 10 West Parkway in  
Victor.

15 It's right on the corner of Church Street and West  
16 Parkway. Okay? I have two concerns: Traffic and  
17 children. The place is a racetrack. All right? I  
18 mean, I'm telling you, I would invite any of you  
to

19 come up and stand with me in the morning at my  
place

20 and watch the cars going down by.

21 Several years ago my wife and I went  
down

22 to the Village and voiced our concerns, and they  
did

23 have the police up there checking. All right?

And

24 they did ticket quite a few people. All right?

It's

25 not improving. All right? And with all these new

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 homes and everything, you're going to see more and

3 more traffic.

4 And the next thing with the children.

For

5 heaven sake, Church Street there's all kinds of  
little

6 kids. Two doors down from me there's three little

7 kids; across the street there is two little kids.

8 Well, it would be West Parkway right across from  
me.

9 And then down I know on Church Street there's  
several

10 other little kids. Okay? And it just keeps  
getting

11 worse and worse and worse. I don't have any kids

12 myself, but it sure is scary seeing all these cars

13 zooming down Church Street.

14                   And by the way, we were told that --  
and I  
15    can't remember who told me but -- they'll probably  
16    never put a traffic light down on either Lynaugh  
Road  
17    or Church Street. And we did ask they put a four-  
way  
18    stop sign at West Parkway and Church. We were  
told  
19    that it's not going to happen. All right? So  
anyway,  
20    I've spoken enough. Thanks a lot.  
21                   GENE PRATT: 12 Andrews Street.  
22                   Thank you. I'm Gene Pratt. I live at  
12  
23    Andrews Street, which is, on a good day, I might  
be  
24    able to hold throw a baseball up and hit the  
corner.  
25    It's about 75 yards up from Main Street on the  
1                   PUBLIC HEARING - GULLACE SUBDIVISION  
2    right-hand side. And my wife and I have lived  
there  
3    now for 38 years, and over that time frame we've  
seen  
4    all the changes in the Village and in the Town  
that  
5    everyone is talking about.  
6                   I had the opportunity to, and this has  
7    been referred to before, I attended the review of  
the  
8    Gullace project at the Ontario Planning Board  
meeting  
9    on June 8th, and I assume that you got notes or  
10   whatever from that meeting. And what's of  
specific  
11   interest and concern to me is traffic. And this  
will  
12   probably be -- you'll hear this a few more times -  
-

13 but it's traffic. And Maria Rosinski, who is the  
14 Ontario County Senior Planner, I think offered  
some  
15 very appropriate comments regarding Victor's  
current  
16 circumstances. Now it's difficult for me, because  
of  
17 where I live, to separate the Town and the Village  
18 component because of traffic. It's all one.

19 Her comments were that the  
intersections  
20 of Lynaugh -- "Lynaugh," whatever you want to call  
21 it -- and Main Street, and Church and Main, are  
22 classified as failing by the New York State  
Department  
23 of Transportation. In her mind what has led us to  
24 this point in terms of the traffic situation are  
all  
25 of the incremental projects that have occurred  
over

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 the years where maybe all of the information was  
not  
3 understood in terms of traffic impact. But all of  
4 those incremental projects have led us to the  
point  
5 where we are now.

6 Her comment was at some point we need  
to  
7 say, "time out, stop," until traffic solutions are  
put  
8 in place in order to enable additional  
development.

9 Think about this. We've got a total  
of 86  
10 residents there, and with the average home now of  
two  
11 vehicles per home, we're talking another 172  
vehicles

12 that could be exiting from this project here. And  
if  
13 they happen to be heading south, heading towards  
Main  
14 Street, or needed to head east, there's only two  
ways  
15 that they can get there. It's through those two  
16 intersections that, by the DOT standards, are  
regarded  
17 as failing. I've seen many instances where  
traffic is  
18 backed up. And I think you may hear a little bit  
more  
19 about this from others on Church Street. I'm 75  
yards  
20 up and traffic is backed past that point.  
21 Mr. Cantwell used the word  
22 "compatibility." I think that's an oxymoron for  
this  
23 project. I don't see anything about this that is  
24 compatible with the infrastructure that's in place  
25 currently, or the compatibility of the existing  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 neighborhoods. This looks more like a married  
student  
3 housing project on some campus somewhere where you  
4 need to have, you know, that density in order to  
house  
5 students. It's a different scenario.  
6 Mr. Cantwell also read something from  
one  
7 of the residents saying, well, we can't all, you  
know,  
8 give a straight arm to, you know, to projects like  
9 this because people want to move into this area.  
Did  
10 you notice the date associated with that? It was  
11 1988. In 1988 I had almost a full head of hair. I  
12 mean, it's an entirely different circumstance  
these

13 days.

14 So I think in summary, approval of  
this  
15 project in its current scale is a mistake that  
will  
16 have a lasting negative impact to the Village and  
its  
17 homeowners in the areas of concern that you will  
18 either have heard about or will hear about  
tonight.

19 Now is the time to say stop and time  
out  
20 until specifically the traffic situation is  
addressed.

21 Thank you.

22 MARSHA SENGENS: 1231 Wellington Drive.

23 I shared this the other night with the  
24 Village Board, and I think it's worthwhile to  
share

25 with you folks tonight.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 "Déjà vu: Experiencing something  
that's

3 happened before."

4 This particular project goes back 31  
years

5 to a specific proposal in 1985. A want to give  
you

6 some history about a project that was approved  
four

7 years later in 1989, the Drumlins. Much like the  
8 original Gullace project the Town and the Village  
had

9 to find joint effort for single-family homes and  
10 for-sale townhomes.

11 Approved in 1989 were townhomes in the  
12 Village up at the top of the Drumlins, 15

13 single-family homes on Wellington, 33 homes on

14 Burlington, Silver Hill Path, and then there were

50

15 acres between the two main streets. And in these  
50  
16 acres were to be townhomes, reasonably similar to  
the  
17 Village townhomes already planned. The entire  
18 Drumlins project was planned and had been  
approved.

19 In 1999 a developer from Cortland  
wooed  
20 the Town having been told these 50 acres under  
21 developed acres were zoned MD. Our elected and  
22 appointed Town Board and Planning Board members  
were  
23 not familiar with what had been approved ten years  
24 earlier. These Cortland fellows came in with a  
plan  
25 for eight Hampton Inn-sized boxed buildings for  
177

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 for-rent apartments.

3 It's hard to believe that residents  
spent  
4 three and a half years, \$65,000 of our own money,  
to  
5 defend and define what was already approved.  
6 Additionally, our attorney, our engineer and our  
own  
7 planner donated \$35,000 because they knew we were  
8 right and there was a plan already there.

\$100,000  
9 was expended needlessly. The documentation our  
10 specialist, our engineers, our planners presented  
for  
11 the EAF and SEQR, et cetera, were actually  
ultimately  
12 used for almost 95 percent verbatim by the Town  
for  
13 the final documents. "Déjà vu."

14 Today with Gullace's project there  
already

15 is a plan from back in 1985. A specific proposal,  
as  
16 mentioned by the Victor Cares' attorney here this  
17 evening. I understand many of the documents from  
that  
18 1985 Gullace project from 35 years ago seem to be  
19 among the missing. How can that be? Purging of  
20 records takes place. But when I contacted the  
Ontario  
21 County Planning Board, I was told that rezoning  
22 documents and information such as that are never  
to be  
23 purged. Where are these maps? Where are the  
specific  
24 details of that specific proposal? The Town or  
the  
25 Village doesn't seem to have them.

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 It's truly disappointing and very  
3 depressing when I see what these residents are  
having  
4 to go through when there was already a specific  
5 proposal. It happened sadly from 1999 to 2003,  
and I  
6 never ever expected it to happen again.  
7 Ultimately 13 years later up here in  
the  
8 Drumlins we have reasonably similar four-sale  
9 townhomes that are built on these 50 acres. It  
was a  
10 crime the amount of money and the amount of time  
that  
11 had to be extended to have our local government  
12 acknowledge what was right there.  
13 Residents of the Town and Village have  
14 elected our Town Board and Village Council as our  
15 representatives, and we would hope the folks  
who've  
16 been appointed as Planning and Zoning Board  
members

17 would also represent our tax paying voting  
18 residents.

18 In conclusion, I thank you for keeping  
19 the

19 Public Hearing open until the next Town public  
20 board

20 meeting. This is too important a project to be  
21 reviewed quickly.

22 Déjà vu? Sadly it's happening again  
23 and

23 doesn't have to be. There's so much already in  
24 place.

24 Please acknowledge and respect what has already  
25 been

25 approved and the for the good of our Village and  
for

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 our Town residents. Thank you.

3 PATRICK LIBERTI: 996 Kensington

Court.

4 My name is Patrick Liberti, 996

Kensington

5 Court. Again, I'll touch on a high points because

6 it's going to be difficult everyone repeating the  
7 same

7 thing.

8 I do want to highlight and emphasis  
the

9 1980 plan that was just talked about. The basis  
and

10 the quote from Don himself about the 3.6 acres was  
the

11 designed premise on that, and I hope for something  
in

12 that range matters. That land was specifically  
13 rezoned for that specific project, and we are so

far

14 from that project, I believe the land should  
require

15 rezoning. I think that was the specific plan and  
we  
16 no longer have that specific plan, therefore, that  
no  
17 zoning longer holds --

18 Currently what we have here shows  
19 clustering. Where is the non-clustering plan? I  
20 imagine we are looking at this or that, and in  
this

21 situation we're asking for this, we've got this  
and

22 don't have that. I would like to see what a  
23 non-clustering plan looks like. Again, these  
terms

24 are new to me. And what would it look like  
without

25 that special provision? I'd like to know that.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 The west side of Church Street which  
is

3 where I'm affected. I live in Kensington Court.  
You

4 can tell by looking at that map that is literally  
the

5 backyards of single-family homes. That whole  
parcel

6 is completely surrounding -- maybe you can make  
the

7 arguments you've got two roads on one side and a  
park.

8 You can make a bit of an argument there. But that  
9 west side is really -- and the developer admitted  
that

10 themselves in their plan last year, I think it  
was, or

11 maybe a year ago, year and a half ago, when they  
had

12 single-family homes there as well.

13 One of the reasons I was nervous about  
the

14 Town and Village annexation taking place so  
quickly  
15 was because I thought a better idea would be to  
annex  
16 that land -- and have single-family homes go  
there.  
17 It just sticks out like a sore thumb right there.  
18 It's literally people's backyards and doesn't  
belong  
19 there on the west side.  
20 One last thing I'll bring up real  
quick.  
21 Everybody talks about the traffic studies and  
22 intersections of Church and Lynaugh and Church,  
and  
23 everyone knows how bad it is. I get that. I  
don't  
24 believe anywhere in the traffic studies in the  
25 meetings I've attended took a look the County Road  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 9 -- east and west side of the development.  
That's a  
3 full intersection actually going at the base of  
County  
4 Road 9 and Hillcrest. Hillcrest by its name is a  
5 crest with a hill. It's a blind hill.  
6 I make a left turn probably 100 yards  
7 further down, and if you catch it wrong and don't  
see  
8 that car coming over the crest, like everyone  
says, it  
9 goes from 25 to 55 right there. People are  
already at  
10 55, 60 miles per hour cresting that hill. You  
make  
11 that left-turn arrow from Kensington, and if you  
don't  
12 gun it and miss someone coming over the hill,  
they're  
13 on you in a second.

14                   This new intersection is 100 yards  
closer.  
15    It's only about 40 yards down at the bottom of the  
16    hill.  It's going to take less than a second to  
come  
17    over Hillcrest and hit the new intersection.  Who  
goes  
18    from 0 to 55 in a second?  You could be making a  
left  
19    turn coming out or left turn going in -- I just  
don't  
20    see those speeds how anyone with a blind hill --  
and I  
21    don't think the traffic study looked at that.  I  
22    didn't hear anybody talk about the blind hill  
right  
23    there.  That concerns me greatly, because I  
experience  
24    that myself and I've got an extra hundred yard  
buffer  
25    before I've got to do that.

1                   PUBLIC HEARING - GULLACE SUBDIVISION

2                   So that being said, those are the  
points  
3    I'd like to make.  And I appreciate your time and  
4    appreciate keeping the Public Hearing open so we  
can  
5    get a little more information on this.  
6                   CHERYL MCLAUGHLIN:  77 East Parkway.  
7                   I've been there for 46 years and I've  
8    lived in Victor my entire life.  I've seen changes  
9    that are absolutely unbelievable.  I have two  
children  
10   and when they come back to Victor, to home, they  
don't  
11   believe the changes.  
12                   I have all the same concerns and  
issues  
13   that have been voiced repeatedly before the board:

14 Traffic, loss of trees, drainage. My backyard is  
all  
15 trees all on the Gullace property. It would be  
nice  
16 if they left a buffer there where the trees are.  
17 What I'd like to address tonight has  
to do  
18 with drainage, and it's on a personal note. My  
house  
19 was built in 1951 with a gravity drain from my  
20 basement out onto Gullace property. The right-of-  
way  
21 for this drain is written into my deed of my  
house.  
22 Many houses on East Parkway have multiple sump  
pumps  
23 to handle our drainage issues. My drain has  
always  
24 worked well. The only time I've had water in my  
25 basement is when we've had rain for several days  
and

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 there's water standing in my backyard. Maybe a  
3 half-dozen times in 46 years.  
4 When this project came up, I notified  
both  
5 the Village and the Town of Victor of my drain. I  
6 provided them with a copy of my deed as well. I  
was  
7 told that all the information had been forwarded  
to  
8 the Gullaces and Mr. Cantwell.  
9 After attending a Town meeting, I  
10 approached Mr. Cantwell and Mr. Chris Gullace  
about my  
11 issue and was told not to worry about it, it would  
be  
12 taken care of. I don't know these people and I  
have

13 no reason to trust them. I have never been  
contacted

14 by anyone about exactly what would happen to my  
drain.

15 Thank you.

16 JANICE KELLY: 10 Valley View Drive.

17 Last week after the Planning Board

18 meeting, the Village Planning Board meeting, I  
asked

19 Mr. Cantwell who would be overseeing the project,  
this

20 Gullace project, and he said, "Why the Gullaces."

21 I'm going to tell you from my personal

22 experience why that's a very frightening idea. 23

23 years ago my husband and I toured Victor to find a

24 house, a lot, where we could build a house. We

came

25 up to Valley View Drive and Valley View Circle,

picked

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 out a lot, purchased it, built a house.

3 When we purchased the lot they said,

"Now,

4 this is the Gullace development. This is Valley

View

5 Drive and Valley View Circle and you have been

6 promised sidewalks and streetlights."

7 We built our house. I'm going to say

six,

8 eight years went by. We kept asking the Village,

9 "Where are the sidewalks? Where are the

10 streetlights?"

11 And they said, "We've contacted

12 Mr. Gullace and he just won't put them in."

13 It finally took Mr. Morrell taking

over

14 that development, which failed by the way, and

then he

15 put them in, and I believe at part his expense.

And

16 maybe some of Mr. Gullace's expense, he finally  
put in

17 the sidewalks. No streetlights.

18 Mr. Gullace did not cooperate or take  
an

19 interest in his Valley View development. He did  
not

20 care enough to make -- even make sure even that  
the

21 roads met the Village planning stipulations. They  
22 still don't.

23 In general, he did not care about his  
24 project, the property owners, the builders, two of  
25 which came and went, and finally Morrell finished  
the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 project. The promises he made to the residents or  
the

3 Village officials whom he angered.

4 Mr. Gullace's brother knew a man in  
our

5 development and knew what problems we were having  
with

6 Mr. Gullace trying to get him repeatedly, year  
after

7 year after year, to put in sidewalks as he had  
8 promised. The brother of Mr. Gullace knew one of  
our

9 neighbors and he called him one day and said, "I'd  
10 like to take you out to coffee."

11 They went and at that meeting he  
12 apologized. He said, "I know what struggles  
you've

13 had with my brother. I just want to apologize for  
his

14 behavior and his lack of keeping his promises to  
you

15 and to the Village."

16 This is the type of person that's  
going to

17 be overseeing your project.

18 KEN CURRY: 63 East Parkway.

19 All my concerns have been addressed  
20 already. Thank you everyone.

21 MR. DIANETTI: Thank you, Ken.

22 ROBERT HAGGETT: 22 Duxbury Circle.

23 Good evening. My name is Robert  
Haggett.

24 I live at 22 Duxbury Circle in the Village of  
Victor.

25 Thank you for this privilege.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 Just as a little follow-up to the lady  
who

3 preceded me. These things go on time and time  
again.

4 Not necessarily -- I have no idea Mr. Gullace's  
5 representation or his intentions -- but I think we  
6 should all be very careful and make sure that we  
get

7 performance bonds, make sure that the specs are  
8 followed if this project goes forward.

9 I don't want to see, as an example,  
the

10 hotel on Canandaigua Lake. It's a skeleton. Not  
11 going any place. As a local resident I don't want  
to

12 see this building project go on for another 30  
years.

13 I'd like to see a sunset clause built into this  
thing,

14 and performance gets done and move on.

15 And I'd also ask that we not have any  
16 approval of the cluster development. You know,  
this

17 cluster, stated earlier by Mr. Cantwell, frees up  
18 green space. The green space he refers to is a  
swamp,

19 and we all know about buying Florida swamp land  
and

20 that kind of deal.

21 With that, I thank you for your time.

22 Thank you.

23 DAVID WELSH: 80 Church Street.

24 I spoke last week at the Village Board  
25 meeting and a lot of people up here today gave the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 same comments now that they did at that meeting.

If

3 you want a summary, I just said the Board needs to  
4 take action. They need to be the ones to step up.

5 The young lady that walked up with a  
cane

6 and made a comment about having a time frame when  
the

7 project is started, that it'd be completed within  
8 that, well, it's a great idea, but I would say

that's

9 over. Done.

10 The first presenter that came up here  
and

11 was talking about the site plan and the west side  
of

12 Church Street, which is showing up there as  
clusters,

13 was shown as originally, if I remember right, as  
14 homes.

15 Now what I don't understand if that's  
a

16 multi-dwelling parcel, why was he showing homes?  
Why

17 can't he put a multi-dwelling parcel and make  
single

18 homes on the other side of the street too? He  
already

19 showed it once. Why can't he just -- one of the  
other

20 things I said to the Board, did they ever ask

21 Mr. Gullace to change it to all residential? And  
I

22 didn't get any comment. I have not heard  
anything.

23 I ask you guys to do the same thing.  
Ask

24 him to change it to residential. When he first  
25 designed that, I gave credit to him. It was an  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 excellent idea 30, 40 years ago. The Village was  
3 small and, you know, it needed growth. Now we

have

4 the growth. Now we need to control the growth.  
5 That's where you guys come in. You need to step  
up  
6 and stand up for us residents, each and every one  
of  
7 you.

8 The only other comment I got on that  
9 particular plan is that if you have an exit on

Lynaugh

10 Road, I'd put it to the north side, not the south  
11 side, only because Somerset is just down below  
that,

12 and in close proximity to the two intersections  
could

13 cause a problem. You know about the traffic  
problems.

14 They're horrendous, especially in the Village.

You

15 guys need to keep pushing whoever you got to talk  
to

16 about changing this traffic flow.

17 I heard rumors one time that the state  
18 won't put lights in. Whatever that is, I don't  
know.

19 But that's in your hands and it is very risky. I  
live

20 on Church Street, so I don't always use that  
street.

21 There's lots of times I can pull out on 96, no

22 problem, but there's times I have to wait, I have  
to  
23 wait, I have to wait. And worse, once you have to  
24 wait on is when you have to cross traffic, and  
25 sometimes you got to get risky and you hope the  
guys

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 going high 30 speed limit through the Village is  
going

3 to slow down for you. So that is a real, real  
concern

4 and that's for all of us residents. That's not  
just

5 this project. It has nothing to do with the  
project.

6 I would address that traffic issue ahead of time  
7 before any of this stuff gets addressed.

8 An example I want to give to you is in  
the

9 Village of Seneca Castle. Is that the one on  
County

10 Road 4? All right? They got a 55 that when they  
get

11 there there's a branch that goes off into the  
Village,

12 and then the County Road 4 goes straight by it and  
13 they go from 55 to a 35 in like -- I traveled that  
to

14 Geneva many, many times. I'm going, like, why  
would

15 the State or the County put a traffic from 55 to  
35

16 and then back up to 55 as soon as you get to the  
other

17 side? Makes no sense. Because there's very few  
18 residents that have driveways, and I thought speed  
19 limits were based on the number of residents'  
20 driveways in particular areas.

21 So the reason I brought that up is on

22 Church Street on the outside of the Village it  
goes  
23 into the Town. That may be something that needs  
to be  
24 addressed, and that's something you guys can look  
at  
25 and make a recommendation and pass it along  
because

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 traffic is a problem. They do speed down Church  
3 Street. The traffic is heavy on Church Street and  
we  
4 had a lot of great comments and a lot of this  
stuff  
5 was stuff that was said right from the very  
beginning.

6 So this thing has gone on for so long.  
I  
7 really would suggest you ask Mr. Gullace to change  
it  
8 to residential. I mean, none of us oppose him  
9 building on it. It's just that we don't want to  
see  
10 the density of homes on that property and we  
prefer to  
11 see single-family homes. And he did it once in  
the  
12 original plan on that little section up on the  
west  
13 side, so you guys got control. It's up to you  
guys to  
14 stand up for us. Thank you.

15 SANDRA SWEET: 981 Kensington Court.  
16 Sandra Sweet, 981 Kensington court.

I'm

17 not used to doing this so if I choke up...

18 MR. DIANETTI: Relax.

19 SANDRA SWEET: What everyone has said  
20 tonight is absolutely amazing. I think all of you  
are

21 amazing for going through this time and time  
again.

22 I'm just sorry that some people felt  
that

23 they had to hire a lawyer to talk to you. I'm a  
24 little ashamed of that. You've been listening to  
us.

25 You know what we want. You know the facts. And  
if

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 you don't know them, you're researching them. I  
pay

3 my taxes. I voted for you people. I don't need a  
4 lawyer to know that you're going to do the right  
thing

5 for us. Thank you.

6 TOM HOOKER: 57 East Parkway.

7 Hi. My name is Tom Hooker. I live at  
57

8 East Parkway. Hi, Katie.

9 Not her favorite person.

10 KATIE EVANS: I never said that.

11 TOM HOOKER: Anyhow, a lot of things  
have

12 been said, especially we appreciate having the  
13 attorney here. A lot of people went through a lot  
of

14 effort to find him, and we only found him --  
literally

15 hired him yesterday, so he did a great job.

16 I myself drove in from Lake Okoboji,  
Iowa.

17 Left yesterday morning and got here 5 o'clock this  
18 morning, so it's quite an effort to be here. But  
we

19 appreciate all the work you're doing and that  
you're

20 considering all the concerns. Okay?

21 One of the main ones that hasn't been

22 talked about, all right, and it was touched on by  
a  
23 few people, including the attorney, is the  
original  
24 plan, okay, that was approved. There was a  
specific  
25 proposal, not a purpose, okay, but a proposal for  
this

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 property in the Town portion back in '85.

3 We have a tremendous amount of  
information

4 on the Minutes from that, okay, the description:  
Less

5 than 3.6 units per acre or 3.5 units per acre --  
and

6 that's to the acre. This is quoting Mr. Gullace.  
Not

7 clustered but to the acre. The inference very  
8 strongly is they were going to be small units,  
9 townhouses, four-plex townhouses. We do not have  
the

10 plan. We really feel strongly that we need to see  
11 that plan because that is what determined what  
that  
12 would look like.

13 He talked about -- incessantly about  
all

14 kinds of open, "an enormous amount of green space"  
I

15 believe is one quote. "No more than two-bedroom  
16 units," was another quote. I could go on and on,  
but

17 the bottom line is this proposal is absolutely  
nothing

18 like what the description in those minutes is, and  
we

19 do not have the map.

20 Last year a bunch of the residents put

21 together a petition that was presented, and I  
believe

22 it was June of last year. I don't know if you all  
23 have that, but if you'd like, I'll read it, it  
said --

24 do I have the time to this?

25 MR. DIANETTI: Yes, you do, sir.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 TOM HOOKER: (As read): We believe  
the

3 proposed project does not fit in in any way with  
the

4 current character of the single-family  
neighborhood.

5 It simply does not belong there, and it is nothing  
6 like what the property was arbitrarily and  
7 capriciously spot rezoned Multiple Density for in  
8 1985.

9 Should Town Planning Board decide to  
move

10 forward on this irresponsible, misplaced project,  
we

11 the undersigned demand that the Board ensure that  
the

12 project be designed to fit the existing single-  
family

13 home neighborhood in terms of density, including  
14 spacing of the buildings and various setbacks in  
15 architecture, less than 3.6 units on any one acre  
--

16 these are all things that he promised, okay --  
with no

17 clustering options or variances and with true  
green

18 space, drainage, including subsurface drainage,  
19 sidewalks, buffers, appropriate landscaping,  
traffic

20 including during construction -- a huge concern  
for

21 the people living around there if this is taking  
years

22 to build -- limited construction duration and  
23 approving in phases -- which I agree with.

24 Comply with the original 1985 plan,  
25 including promises and requirements for which the  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 rezoning was granted as a starting point.

3 In other words, is it even appropriate  
4 today? We don't know because we do not have that  
5 plan, but this certainly is not it, and referring  
to

6 the plan map referred to in the 4/8/85 and others  
7 Victor Town Board meetings.

8 Include sunset clauses, which have  
been  
9 mentioned. A backup plan and accountability  
should

10 something go wrong. Rejustify the multiple  
density  
11 zoning done 30 years ago in light of the current  
12 community.

13 And the second part of the thing was:  
We

14 demand the opportunity for public comment and  
15 questioning at all Victor Town Planning Board  
16 meetings -- okay, which people have been very  
17 frustrated about, and apparently you're starting  
to

18 open that up a little bit.

19 And we expect you to represent the  
best

20 interest of the existing community as is your  
21 responsibility, not primarily acting in the  
interest  
22 of the developers.

23 I didn't write this. It was a whole  
24 committee that put it together. I'm just the  
25 messenger. But the bottom line is we're very,  
very

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 concerned how you have a developer here who has  
not

3 the greatest reputation --

4 MR. DIANETTI: Careful.

5 TOM HOOKER: -- and we really would  
6 appreciate anything you can do to try to protect  
us.

7 A couple other things. A lot coverage  
in

8 that is way, way, way more. That's even more lot  
9 coverage of buildings than was in the apartments.  
10 And, frankly, I would like to see those two  
sections

11 back to the original plan when they had  
apartments.

12 The west side and the housing there, appears to be  
13 legal R-2 lots. We didn't measure them exactly,  
but

14 they were certainly more realistic, and it was a  
15 better plan than they have now for those two  
parcels.

16 And the plan that they have in the  
middle

17 of that is just way, way too dense. And, you  
know,

18 we're going to have a lot of problems. And I love  
19 what she said about the Drumlins, and we do not  
want

20 to have that nightmare here and we're heading for  
it.

21 So please, please put off -- really  
check

22 and vet this carefully. Okay? Thank you so much.

23 JIM MASON: 2120 Church Street.

24 I'll try to be quick. From Victor's  
Code

25 R-1 and R-2 Districts to be so situated and  
organized

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 as to provide maximum privacy and low traffic  
volume

3 for residents.

4 I understand the Town land, this  
project

5 is zoned MD, but it's also surrounded by  
residential

6 young districts. This development is going to  
provide

7 maximum -- for current residents.

8 The Village of Victor code provides  
for

9 minimum of 40 feet between multiple dwelling  
10 buildings. Fortunately the Town has no such  
minimums,

11 however, there are many Village residents that  
share a

12 lot line with this development, so they'll  
experience

13 these stacked buildings in their open backyard.

14 Again, from the Victor Code, there's a  
15 legal definition of a townhouse which is a  
residential

16 building consisting of a series of non-  
communicating

17 one-family units having a common party wall  
between

18 units. Each unit has a private outside front and  
rear

19 yard, separate utilities and located on a separate  
20 recorded lot.

21 This developer is proposing 0 front  
feet

22 lot frontage, 0 feet rear setback, 0 feet side  
23 setback. Sounds to me like no yard at all.

24 Does this development have separate  
25 recorded lots, separate from rear yards, or is it

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 really an apartment complex?

3 I have a map here I'll leave with you. It  
4 shows, you know, the developers talked a lot  
about,  
5 you know, 170 units would be the limit. I added -  
-  
6 basically put 170 units on this map to scale. I  
could  
7 only fit 163 on the lot so, you know, the  
remaining  
8 eight are, you know, off the map.  
9 A big part of the argument for  
clustering,  
10 and so on, by code there's 171 units permissible,  
so  
11 71 is reasonable. But you can see that 170 would  
12 never get built. They don't fit. So let's not  
13 pretend the -- 70 units we're at ten units per  
acre,  
14 less than 20 feet between buildings and no yards  
for  
15 anyone. These are apartments.  
16 I also have a map that I will leave  
with  
17 you that shows one-acre squares on it and the  
18 developer claims 52 and a half percent green  
space. I  
19 have an acre square drawn around the green space  
that  
20 I see on the map. So I see an acre drainage  
ditch; I  
21 see an acre of green space and a whole lot of  
22 pavement. That's it. Thanks.

23 MR. DIANETTI: Is there anyone who  
arrived  
24 late who would like to speak or who did not --  
step  
25 right up, give us your name and address.

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2 SARA PISCANI: 1 Valley View Drive.

3 I'm right on the corner of Hillcrest  
and  
4 Valley View. We live in Victor because we choose  
to  
5 live in a single-family community. The comments  
here  
6 tonight point to the various issues that currently  
7 exist that have yet to be addressed, issues that  
8 negatively impact the citizens of Victor.

9 MR. DIANETTI: Relax.

10 SARA PISCANI: I'm trying.

11 We teach our children character. We  
do

12 this well in Victor. We teach integrity,  
13 responsibility, community conservation, the  
careful

14 placement of our footprint. We teach these values  
15 over revenue. How can we teach these such values  
and

16 not live them ourselves? What kind of example are  
we  
17 setting for the very children that we have chosen  
to  
18 raise in your beautiful community?

19 Recently my own mother passed away and  
my

20 Generation-X sister and brother-in-law have moved  
in

21 with my father who needs care, not in this  
community

22 but in another community. My sister will deliver  
her

23 first baby in July. If they resided in this  
24 development, the number of children would go from  
zero

25 to one. Would they be asked to leave the home  
they

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 own?

3                   There will be little, if any, ability  
to  
4   control the demographics of a population of this  
5   community. I have been an educator for 20 years.  
My  
6   experience is that any community that contains  
7   high-density housing experiences the strains the  
8   resources of the district. If funding has been  
kept,  
9   those resources will be taken away from all the  
10  students of the district. All the students will  
11  suffer at some point, something that they need may  
not  
12  be available to them, including the one that now  
lives  
13  in the senior citizens' community.

14                   Attorney Cantwell addressed the board  
15  stating that your job was thankless. I disagree.  
We,  
16  the citizens of Victor, are thankful that you are  
here  
17  tonight listening to our concerns. I implore you  
to  
18  consider responsibility before revenue. Thank  
you.

19                   MR. DIANETTI: Is there anyone else  
here  
20  tonight that would like to speak?

21                   PETE MASLANKA: 16 Somerset.  
22                   This is not a question, but a  
statement.

23                   Nothing has been said about the sewer  
24  system. Is that treatment plant that we have now  
25  going to be able to cover the addition to all  
these

1                   PUBLIC HEARING - GULLACE SUBDIVISION  
2   other units down the road? If it doesn't cover it  
and  
3   it's going to need an expansion, who's going to  
pay

4 for it? Thank you.  
5 DAVE HAWN: 6795 Valley Rise.  
6 I bought my house in February of 2013,  
and  
7 four months after I purchased it I got a memo in  
the  
8 mail about this monstrosity here. I am one of the  
9 most affected homes in this entire project. My  
10 backyard ends and those monstrosities begin. I  
would  
11 have never bought my house if I ever thought  
anything  
12 like that would be in my backyard.  
13 This, as we know, we've heard a  
million  
14 times tonight was rezoned 30 years ago when most  
of  
15 the homes that are around here now, that we live  
in  
16 now, didn't even exist. Now they do. And we're  
going  
17 forward with the project that was approved back  
then  
18 that doesn't fit now? And I just find it  
absolutely  
19 stunning that something like this would be dropped  
in  
20 the middle of 100 percent single-family homes and  
move  
21 forward with a high-density facility like this.  
22 So, you know, obviously the area has  
23 changed a tremendous amount, and that was my  
24 understanding in 1985 this was a very  
controversial  
25 rezone. And if these plans, these plans that  
somehow  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 are evaporated, don't even exist, how can this  
project  
3 even move forward? How is this even possible? It

4 ought to be completely started back over and  
rezoned.

5 And I think the only responsible thing  
to

6 do, considering all the homes around it, is for  
this

7 thing to be R-2 Residential homes. And, you know,  
8 especially -- and even last year I was at the

Planning

9 Board meeting when everybody, or most of the  
Planning

10 Board people here agreed, that certainly the west  
side

11 for sure should be single-family homes. Now it's  
now

12 back to those Hampton Inn buildings.

13 So I just hope that you do the right  
thing

14 and keep the character of this beautiful  
neighborhood.

15 Thank you very much.

16 ED POVERO: 150 Church Street.

17 I think everybody that spoke tonight,  
you

18 know, said almost everything. The one thing that  
I

19 would like to kind of reiterate is the fact that  
when

20 it was rezoned back in '85, there has been enough  
21 things since then that have changed, that are

missing,

22 things that have changed that I really don't see  
why

23 that zoning should be scraped. Should be  
converted

24 back to original zoning, and it should be voted on  
25 again if this project, you know, vote on this

project

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 rather than taking a project from 1985, using that

3 zoning condition to work on this project. Let's  
scrap  
4 that, have a meeting, let them present their case  
to  
5 rezone it now, vote on it now. And that's  
basically  
6 it. Thank you.

7 MARY MCCARTHY: There's one thing I'm  
8 concerned about. As they have never shown the  
front  
9 elevation of these multiple dwellings, are they  
going  
10 to be a nice, little single entrance to each one  
or  
11 are they going to look like an Army barracks --  
not  
12 that I have anything against the Army.

13 The only other thing I do want to  
discuss  
14 is something that Mrs. Kelly mentioned about  
15 Mr. Gullace not taking care of business, and I  
have a  
16 brief story -- and some of you have already heard  
it.

17 I had an occasion to use a laundromat  
in  
18 East Bloomfield and I lost multiple coins in the  
19 machines. Because there was no attendant there I  
went  
20 next door, asked who owned the Laundromat. And I  
21 said, "Do you have the phone number that I could  
reach

22 him?"

23 She said, "Mr. Gullace in Victor owns  
it."

24 I said, "Well, I know him." And I  
said,

25 "or I know the family." So anyway I asked for the

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 phone number. She didn't have one. And I said,

3 "Well, I think I can reach him."  
4 She said, "Good luck." She said, "He  
5 hasn't been around for weeks and weeks and weeks  
and  
6 doesn't care if you lost your money or anybody  
else  
7 that's lost their money."  
8 It was in a horrible condition. It  
wasn't  
9 clean. And if this is an example of what Mr.  
Gullace  
10 does, then I think we should question how he's  
going  
11 to run this development.  
12 I have nothing against the Gullace  
family.  
13 In fact, I went to his brother's wedding and I  
helped  
14 marry him at St. Patrick's Church, both he and his  
15 wife, Tony and Mickie. I always thought of them  
as  
16 being very nice people, but I don't know what's  
17 happened to Dante. He certainly has changed the  
rest  
18 of the vision.  
19 MR. DIANETTI: We've got to be careful  
20 here.  
21 MARY McCARTHY: Yep.  
22 RUTH NELLIS: 93 East Parkway.  
23 The last house on the left next to the  
24 park. We've been there since 1972, and something  
that  
25 I noticed as I sat and looked at this, I notice  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 there's a lot of things that are there and some  
things  
3 that are missing, and that is something that  
sounds  
4 simple: Overflow parking. What's going to happen  
to

5 all the cars when somebody has a party, prolonged  
6 staying guests.  
7 They have two-car garages. You know,  
they  
8 can put their cars in the garage and company parks  
in  
9 the driveway. How many of you have only in your  
10 garage your car? The cars end up outside the  
garage.  
11 So the company will have no place to stay or park  
12 except on the street. For a short period that  
works,  
13 but what if you have a party, they stay longer, it  
14 happens on the other side of the street? Are the  
15 emergency vehicles, the snowplow, the garbage  
truck,  
16 are they going to be able to get through? So this  
is  
17 something I think you ought to look at.

18 And if you go to the Victoria Woods,  
they  
19 are sort of like two phases to that. The first  
phase  
20 they didn't have these extra little parking lots,  
but  
21 the newer phase does. They have this provision,  
this  
22 extra space, for those extra cars. I think this  
is  
23 definitely needed here.

24 And the last thing I want to say is  
our  
25 attorney as he drove down County Road 9, looked at  
the  
1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 property under review and saw trees. He expected  
a  
3 field, and we have even better trees at the east  
end.

4 We have the large Oak, Hickory, Maples. Not what  
they  
5 call, I guess, shrub trees maybe that you see on  
6 County Road 9. So you get a lot of habitat for  
7 animals, and those roots really help absorb the  
water.

8 It will be a shame, just a shame, to  
see

9 those cut down. And they would provide a lot of  
extra

10 money, I guess, for the houses that are being  
built.

11 Who doesn't want a nice tree in their yard?

12 Lastly, you have before you stacks and  
13 stacks of plans and papers, and it's like looking  
at

14 this, you don't see the trees. There's a lot you  
15 don't see just by looking at maybe even a  
beautiful

16 colored sheet with all the neat drawings and all.  
And

17 it looks good. But consider two prime examples of  
18 this not working: The Edsel and Medley Center.

19 Now there are factors not on paper and  
you

20 don't have control over. There's weather, the  
21 economy, consumer tastes. So we ask you to go for  
the

22 best now. What fits in now? And as so many of  
the

23 people have already said, you're entrusted with  
the

24 care of Victor. And remember that we all are here  
not

25 by accident, and whatever happens we're not  
through.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 GORDON PHILLIPS: 948 Lynaugh Road.

3 I wanted to correct something that

4 Mr. Cantwell said in his presentation. He stated  
that

5 the entire northern boundary of the project  
bordered

6 vacant land and, in fact, the entire northern  
border

7 of the project borders single-family homes, one of  
8 which I own. Owners are opposed to a project of  
this

9 density, and I just didn't want the Board to make  
any

10 decisions based on that map or on the inaccurate  
11 information that was given earlier. Thank you.

12 MR. DIANETTI: Anyone else that would  
like

13 to speak?

14 DON CORCORAN: 45 Church Street.

15 I have two comments. The first  
comment is

16 to everybody that's presented. There's been a lot  
of

17 time spent by the residents of this community  
because

18 of this project. It's huge. It is amazing.

19 The only thing I have to say is two  
20 things. They've said just about everything I have  
to

21 say. 11 o'clock this morning cars were parked in  
22 front of my driveway because they couldn't get  
onto

23 96. And there was a couple children up here  
earlier.

24 I've been passed on Church Street  
twice

25 coming down the road because I was doing 25 miles  
per

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2 hour. I have a picture of the car that passed me  
in

3 my phone. I also have a picture of the cars in  
front

4 of my driveway. You don't really need to see  
those,

5 but the traffic is terrible. And your job is to  
6 protect those children because somebody is going  
to  
7 get hurt, and that's all I have to say.

8 MR. DIANETTI: Anyone else that would  
like

9 to make a comments? And thank you, Bob.

10 Anyone else that hasn't spoken?

11 ANTHONY SCHEPIS - NYS Route 444.

12 And you heard a lot of folks here  
tonight,

13 and mostly they're adjacent to this property being  
14 built. But I'm in the opposite direction and I  
think

15 it's important to get perspective of other  
homeowners

16 in the Victor area of what this is going to do to  
the

17 character of our community.

18 I moved here about a year ago and I  
love

19 the people here and I love my neighbors, and I  
just

20 couldn't image what some of these people are going  
21 through. I don't know if they could be reasonably  
22 expected, when they moved into a single-family  
23 neighborhood, to have this magnitude of people  
living

24 in their backyard. And I just don't know what I  
would

25 do if I was in their shoes. I'd feel helpless.  
But

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 I'm hoping you as a Board will consider everything  
3 they brought to you tonight. And I just wanted  
these

4 people to know that Victor is thinking about you,  
even

5 if they don't live adjacent to the property.

Thank

6 you.

7 MR. DIANETTI: Anyone else?

8 JOAN BRUCKEL: 10 West Parkway.

9 Our driveway faces Church Street.

It's

10 just directly across from Forest Avenue, and then  
East

11 Parkway is just one more house up, and we have a  
12 driveway wide enough toward the garage to park two  
13 cars. But as we have to back out or drive out of  
it,

14 it narrows a bit. And we desperately tried this  
15 summer -- with their cars they're both in the  
16 driveway, but it's pretty hard to turn a car  
around

17 there if there's another one sitting next to it.

18 However, if we don't try to do that,  
the

19 situation is so bad on Parkway that we can't even  
back

20 out of our own driveway without somebody who  
hasn't

21 come to a complete stop coming around the corner  
ahead

22 of us. They come to the stop sign, and in the  
time it

23 takes us to back out, they are already there. If  
they

24 are turning right, they're in our face, and it  
could

25 slam into us because they don't really stop.

Okay.

1 PUBLIC HEARING - GULLACE SUBDIVISION

2 So somebody here was advocating a  
four-way

3 stop. I'm advocating a traffic light there  
because  
4 the whole complex back there on West Parkway is  
5 emptying only a couple three streets. When they  
redid  
6 our street we had to go back by Sagamore or  
something  
7 and up on Lane Road. And there's no way to get  
out of  
8 there without coming by our house, in the front of  
our  
9 house. But I say our driveway is on the side, but  
10 it's a nightmare because there's East and West  
Parkway  
11 and Forest Avenue right across our driveway and  
nobody  
12 can see over or under it. We take our lives in  
our  
13 hand every time we try to get in or out.

14 And by the way, we went with names of  
15 seven of the eight neighbors on East and West  
Parkway  
16 to that Village Board, and they never listened to  
us.  
17 The most they did was redid the crosswalk here at  
18 Church and 96, but they didn't really care. We  
had  
19 little children living across the street. So the  
20 situation is very, very bad and it's not getting  
any  
21 better. It's getting worse.

22 MR. DIANETTI: Anyone else?

23 MARSHA SENEGES: I was just wondering  
if,

24 respectfully, we could ask if future Village  
meetings

25 that have anything to do with this project might  
be

2 able to be held in here? Last week it was really  
jam

3 packed. The amplification system is so much  
better.

4 It would just be something if perhaps it could be  
5 considered. That's all I want to say.

6 KATIE EVANS: For your reference and  
7 everybody else, the Village has asked to use this  
room

8 for the next meeting, and the Town is more than  
9 willing to host.

10 GARY HADDEN: 70 Latchmere Drive in  
the  
11 Village.

12 I just want to say thanks to the Board  
for

13 your professionalism and your patients in a very  
14 difficult situation, and hearing everything we've  
15 heard tonight. You don't have an easy job. So I  
16 would like to make sure that everybody in this  
room

17 understands what these people go through, and  
we're

18 very lucky to have a board like this. Thanks.

19 KEN CURRY: 63 East Parkway.

20 About two months ago the Town Board  
had a

21 workshop, a communication workshop. What can we  
do to

22 improve communications? And the mission statement  
23 that they wrote was, "Always drive for timely,  
24 transparent and two-way communications." So  
25 everything's going well except we're looking for  
the

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 two-way.

3 MR. DIANETTI: We will take some time  
to

4 digest what we've heard tonight and have some

5 responses. Hopefully the applicant will do the  
6 same.

7 Our consultants will have some time to  
8 address issues that have come up, and hopefully at  
9 the  
10 next meeting in two weeks, July 12th, you'll get  
11 some  
12 answers and a better understanding of what the  
13 Board  
14 can and can't do during this process.

15 So we appreciate -- I appreciate the  
16 way  
17 you've presented yourselves tonight, the  
18 professional  
19 way you've done it, being very civil, being very  
20 cooperative and following all the rules. So we  
21 look  
22 forward to next week. We will keep the meeting  
23 open,  
24 the Public Hearing open.

25 MR. SANTORO: We have not heard  
everything  
yet.

MR. DIANETTI: I think we kind of want  
to  
get all the input before we respond to much or say  
too  
much, because we really need to take some time to  
digest it. Then we will have a discussion  
publicly.

We'll deliberate a little bit. That will be a  
time  
when we talk among ourselves in front of all of  
you,  
but we won't be taking additional input at that  
time.

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 We'll be discussing it among ourselves, and then  
at

3 some point after that we'll come to a decision.  
It  
4 may not be at that meeting. I'm certain it won't  
be  
5 at the next meeting, but the following meeting if  
6 we're lucky.

7 So this is going to continue for a  
little  
8 while and we will have additional opportunities to  
9 participate.

10 KATIE EVANS: If I could add? So if  
maybe  
11 the public is not aware of this, the Town Hall is  
12 closed on July 1st. It's our floating holiday.  
So  
13 the Town Hall is closed on Friday, and we have the  
4th  
14 of July on Monday, so the Town Hall will be closed  
15 then. So we have two short weeks.

16 So I don't want to represent to anyone  
17 that we're going to have answers for everything  
that  
18 was commented on tonight at the next meeting. I  
don't  
19 know. We await direction from the Board members,  
and  
20 I've been watching Mr. Cantwell take notes, so I  
know  
21 that they will come back with additional  
information  
22 for the Board and the public to consider.

23 MR. DIANETTI: And we'll take written  
24 comments between now and the next meeting, so if  
you  
25 think of something that you didn't think of  
tonight

1 PUBLIC HEARING - GULLACE SUBDIVISION  
2 and want to jot it down and send it into the  
Planning

3 Board or Planning Department, they will make sure  
we  
4 get copies of it in a timely fashion so we can  
have it  
5 before the next meeting. But we look forward to  
it  
6 and we look forward to the open and candid  
discussion.

7 KATIE EVANS: The only requirement is,  
for  
8 your comments to be part of public record not  
provided  
9 during a Public Hearing, it needs to be provided  
in  
10 writing. So that could be faxed even if you  
wanted to  
11 do that. But you could hand it into the Planning  
12 Department. You can mail it in, attention  
Planning  
13 Department, or you could email it. Our email  
address  
14 that we request that you use is  
15 planning@town-victor-ny.us. And all those  
comments  
16 that we receive we provide to the Board and the  
17 applicant, and they become part of the public  
record.

18 With that...

19 MR. DIANETTI: We'll keep the Public  
20 Hearing open, and we can move onto the next item  
on  
21 the agenda.

22 (TIME: 9:55 p.m.)

23 \* \* \*

24

25

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2

C E R T I F I C A T I O N

STATE OF NEW YORK:

3

COUNTY OF ONTARIO:

4

I, TAMMY B. FIGLER, do hereby certify that

5 I reported in machine shorthand the above-styled  
6 cause; and that the foregoing pages were produced by  
7 computer-aided transcription (CAT) under my personal  
8 supervision and constitute a true and accurate record  
9 of the testimony in this proceeding;

10 I further certify that I am not an  
11 attorney or counsel of any parties, nor a relative or  
12 employee of any attorney or counsel connected with the  
13 action, nor financially interested in the action;

14 WITNESS my hand in the City of Farmington,  
15 County of Ontario, State of New York.

16  
17  
18  
19  
20  
21

TAMMY B. FIGLER  
24 Freelance Court Reporter and  
Notary Public No. 01FI4573724  
25 in and for Ontario County, New York

## **DISCUSSION**

### **VICTOR CROSSING -CHIPOTLE MEXICAN GRILL SIGN**

401 Commerce Dr

Appl No 17-SP-16

Owner: Main Street Stop, LLC

Zoned: Commercial and Route 96/251 Corridor

Applicant is requesting approval on a coordinated sign plan which includes Chipotle. Sign is code compliant. The property is owned by Main Street Stop, LLC and is zoned Commercial and is in the Route 96/251 Corridor. This is the first time this application has been before the Board.

Ms. Evans – The Board is required to review all proposed signage in the Victor Crossing complex as a condition of the original approval.

Matthew Oates with Benderson Development addressed the Board.

Mr. Oates – Good Evening. I'm here for coordinated sign plan review. We are proposing two signs for the Chipotle restaurant that would be going on the west and south elevations on the tower element at the corner of the 6,000 square foot building that is currently under

development. The signs are Code compliant. They are proposed at 31 square feet each, where 32 is allowed by Code. They are also of the same construction as the other signs within in the plaza with internally illuminated channel letters.

The proposal is for the corporate logo and colors of the Chipotle. If the Board has any questions, I would be happy to answer them.

Chairman Dianetti asked the Board members the Town Engineer consultant if they had any comments or objections. There were no objections. It was also asked if there was anyone in the audience who would like to speak on the application. There was no one. The Chairman read the resolution.

RESOLUTION:

On a motion by Ernie Santoro, seconded by Heather Zollo,

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

1. In a letter dated May 20, 2016, James A. Boglioli, Esq. for Benderson Development, requested site plan review of the Coordinated Sign Plan for Chipotle.
2. The application is a Type 2 Action pursuant to Section 8 of the New York State Environmental Quality Review Act therefore no further action is required under SEQR's implementing regulations.

NOW, THEREFORE BE IT RESOLVED that the application of Benderson Development Company, LLC Site Plan entitled Coordinated Sign Plan – 6K Outbuilding drawn by Benderson Development dated May 5, 2016, revised May 20, 2016 received by the Planning Board May 24, 2016 Planning Board Application No. 17-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer dated June 15, 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	Absent
Ernie Santoro	Aye
Al Gallina	Aye
Heather Zollo	Aye

Motion passed 4 in favor, 0 opposed

Mr. Oates – Thank you very much and have a nice evening.

**WARFIELD'S BISTRO - MONUMENT SIGN**

207 High Point Dr

Appl No 20-SP-16

Owner: Rainaldi Brothers, Inc

Zoned: Planned Development District/Route 96-251 Overlay district

Applicant is requesting approval to modify the existing monument sign at the entrance to High Point Drive to incorporate the Warfield's Bistro sign and illuminated signage box. The property is owned by High Point Parking Associates LLC and is zoned as a Planned Development District and is within the Route 96-251 Overlay District. This is the first time this application has been before the Board.

Ms. Evans – The Board is required to review all proposed signage because it is within the PDD District.

Mark Bodensteiner from HB Cornerstone addressed the Board.

Mr. Bodensteiner – Hello, I'm representing Bob Woodward. Your graphics are slightly different than what I have here. This one has more of the whole sign and shows how it's going to be constructed and how it's going to be lit. May I approach?

Ms. Evans – The Board has that.

Mr. Bodensteiner – Oh, you do have that, OK, good. As I see it everything complies to the area of the sign. It's going to be lit by tapping into the existing sign there. I'll answer any questions you may have.

Mr. Santoro – Is that sign on Route 96 going to stay there?

Mr. Bodensteiner – Yes, it's going to be added to. It's going to be sleeved on. It's like if you were to take a paper clip and put it on it.

Mr. Santoro – You have a small freestanding sign on Route 96.

Ms. Kinsella – It's temporary. Are you talking about the temporary sign? (Yes) It's coming down.

Mr. Bodensteiner – If it's temporary it won't stay. Temporary is temporary.

Mr. Santoro – Oh that's going, OK, very good.

No other Board members had any questions and there was no one from the audience that wanted to speak regarding the application. Chairman Dianetti read the resolution.

**RESOLUTION:**

On a motion by Al Gallina, seconded by Heather Zollo,

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

1. In a letter dated May 20, 2016, Fred Rainaldi of Rainaldi Brothers, Inc. requested review of the monument sign modification for Warfield's Bistro Monument sign.
2. It is the intent of the applicant to modify the existing monument sign at the Route 96 entrance to High Point.
3. The application is a Type 2 Action pursuant to Section 8 of the New York State Environmental Quality Review Act therefore no further action is required under SEQRA's implementing regulations.

NOW, THEREFORE BE IT RESOLVED that the application of Warfield's Bistro monument sign modification dated February 8, 2016 received by the Planning Board Secretary June 1, 2016 Planning Board Application No. 20-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer dated June 22, 2016 be addressed.
2. That the temporary signage be removed.

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

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

Motion passed 4 in favor, 0 opposed

Mr. Bodensteiner – Thank you.

Motion was made by Chairman Dianetti, seconded by Al Gallina and unanimously agreed upon, RESOLVED the meeting was adjourned at 10:05 PM.

Cathy Templar, Secretary  
Minutes typed by Debby Trillaud