

A regular meeting of the Town of Victor Planning Board was held on July 12, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

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

**OTHERS:** Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Joe Limbeck, Conservation Board; Glen & Joyce Thon; Art Buckhorn; Dan Crowley, Town Board Liaison; Shannon Sperrnza; David McLaughlin; David Nankin; Sandra Sweet; David & Ruth Nellis; David & Leona Hawkins; Gerald Birmingham; Mary McCarthy; Robert Kelly, Victor Historic Advisory Committee Liaison; Nan & Tom Hooker; Gina Thomas; Phillip Thomas; Margaret Wood; Ken Curry; Jim & Diane Bold; Bill Conner; Allen Ibrismovic; Kent Kiikka; Patrick Liberti; Jeanne Christman; Bob Cantwell; Jean Laitenberger; Ed Povero; Jim & Dara Mason; Julie Doyle; Marsha Senges; Kaya & Luba Mason; Chene Dragomani; Joann Chappell; Chuck Smith; David Welsh; Kate Finn-McElhiney; Ryan McElhiney; Brian Emelson, Director of Parks & Recreation; Andrea Rohr; Henry Bair; Gordy Phillips; Kevin Christman; Chuck Witmel; Joan Brucks; one illegible name

### **APPROVAL OF MINUTES**

On motion of Joe Logan, seconded by Jack Dianetti

RESOLVED that the minutes of be approved.

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

Approved 5 Ayes, 0 Nays

### **BOARD & COMMITTEE UPDATES:**

TOWN BOARD had no report.

CONSERVATION BOARD reported by Joe Limbeck

- Mr. Limbeck indicated he would have some comments on the Schoff garage application that he would mention at that point on the agenda.

VICTOR HISTORIC ADVISORY COMMITTEE had no report.

TOWN OF VICTOR PARKS & RECREATION had no report.

FIRE DEPARTMENT had no report.

PLANNING BOARD reported by Kim Kinsella

- July 26, 2016 meeting
  - Public Hearings
    - Dillman Subdivision, County Road #41 for a 3 lot subdivision
    - Boughton Hill Road Subdivision, County Road #41 – Preliminary/Final Subdivision of 2 lots
    - City Tavern, State Route 96 – Modification of site plan for a landscaped berm
    - Victor Self Storage East, 7607 Commons Blvd. – Site plan for modification for several self-storage buildings
    - Mark’s Pizzeria, State Route 96 – Site plan for the construction of a new 4,000 square foot building
    - Burger King Building Modification, 600 Rowley Road – Building elevation modifications to the existing building.

The legal notice for the public hearings appeared in “The Daily Messenger” on December 8, 2015. 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.*

#### **SCHOFF'S GARAGE**

7126 Valentown Road

Appl. No. 22-SP-16

Owner: Wm & Susan Schoff

Zoned: R2 with a B overlay

Applicant is requesting approval for an expansion of a second floor totaling 864 sf to the 892 sf first floor that is presently being constructed for a total of 1756 sf detached garage. Applicant is requesting a variance from the Zoning Board of Appeals as garage would be located in front of existing house.

Mr. Chuck Smith appeared before the Board representing Mr. William Schoff.

Mr. Smith – My name is Chuck Smith. I’m an architect with Design Works Architects representing Bill & Sue Schoff tonight. First thing I wanted to let you know is that we were granted an area variance on April 18<sup>th</sup> for building this building in the front yard which was a little strange in that there’s 26 acres and its way back and it’s just kind of a funny situation with the way the whole lot was subdivided.

So, what we would like to do is build a story and a half garage. Upstairs we are asking for a 5’ knee wall and when we put that 5’ knee wall up which raises the roof up, we end up with an

approximately 17' high building which triggers Planning Board approval and when we add that 5' knee wall, the loft area becomes usable which bumps our square footage above the 1,000 square foot threshold.

We did get some comments back from your various consultants. I will go through those. Comment #1 from Labella, the Town Engineer, about putting a culvert pipe at the entrance to the new driveway to the garage has been accomplished. There is a 12" plastic culvert installed. The roof drainage, we are not planning on using any gutters because the garage is located in a heavily wooded area and we are going to accomplish drainage with a French drain around the perimeter and the drip line of the roof. That runoff will drain into the soil. There was a question about soil elevation. The east wall of the building is, indeed, designed to hold the soil from – because we buried this building into the side of the hill – so the east side is a basement wall. It has two abutments on it which help to support that wall and it is designed to handle the loads. There was a correction in spelling on our application so I appreciate that. And finally the driveway geometry, not quite sure how to address that other than to say in the drawing we show a bit of a sharp curve coming up the hill but that's already been corrected by the excavator. He was smart enough to realize that we can't have too sharp of a curve to maneuver up the hill. The driveway does go straight up the hill. We come to a plateau in front of the garage and then we can turn and go into the garage.

Comments from the Conservation Board to address are indeed the slopes are steep. I just stopped by the construction site. A lot of the grading around the foundation which is there has been done. There hasn't been any stabilization of that soil so if we were to get a heavy rain, there would be some erosion so I'm going to recommend to the contractor to address that. He's taking advantage of a drought right now so we are benefitting from that.

Tree removal – the clients do indeed want minimal tree removal so when you drive up to the property, you can't see the building right now because it is covered by trees so I would say we are accommodating that recommendation.

We did not define an area of disturbance specifically so that's a true statement and there is no drain plan inside the building, which I think the board was referring to oil or gas being sent right into the sub-soil if you have a drain and it's not going into an oil separator. But the slab is pitching out towards the exterior door so we are not putting in a drain in that building. I believe that point is moot.

I will answer questions.

Mr. Dianetti – This is a public hearing so we have to open it up for public comment. Is there anybody here tonight from the public that is here to speak on this project?

Mr. Joe Limbeck – Good evening. The architect has addressed the Conservation Board's comments. Would you like me to read them anyways or are we good with his responses to everything?

Mr. Dianetti – Go ahead.

Mr. Limbeck – We recognize the slopes to the north of the house are steep and suspect the soils are going to be unstable. We find that where they cited this building on the property is acceptable. It seemed to be the optimal site for the building. We did recommend that the extent of the disturbance be marked on the plan and addressed during construction to minimize that potential soil movement. We did recommend that tree removal be kept to a minimum and that any architectural plantings that are made that they select materials or plants from the Native Plant Manual and that did address our concerns about potential drains from the sites. Those are our comments. Do you have any questions?

Mr. Dianetti – No.

Mr. Limbeck – Thank you.

Mr. Dianetti – Does anyone on the board have questions for the applicant?

Mr. Santoro – No, I think he answered all my questions during his presentation.

Mr. Dianetti – Heather?

Ms. Zollo – Just that you did acknowledge that you hadn't identified the areas of disturbance but I'm assuming you are keeping them to a minimum?

Mr. Smith – Yes. As I mentioned, I'm going to discuss the protection of erosion control with the contractor. Because if we did get a heavy rain storm, some soil would go into an area that we don't intend on being disturbed and that would cause a problem. Right now we are good but if we get a heavy rain storm, I'm afraid it could be a problem. So, I'll address that.

Ms. Zollo – Okay, at the earliest possible time.

Mr. Smith – Yes, like tomorrow.

Ms. Zollo – Great. Thank you.

Mr. Dianetti – Joe?

Mr. Logan – No, no comments.

Mr. Dianetti – Al?

Mr. Gallina – Just one question. What is the purpose of the second floor? Is it just storage or...

Mr. Smith – Yes, it's for additional storage. It's for dry storage. The house that was built is a walk-out situation so the house doesn't have – it's second story is the living floor and it's basement is the guest bedrooms so most of the basement was occupied by living space and they

don't have a lot of dry storage in the house. It benefitted with the house tucking into the hillside nicely but they do need some dry storage. That's the purpose of it.

Mr. Gallina – Just a comment from an architectural perspective, I think you did a very good job with the elevations.

Mr. Smith – Yes, thank you.

Mr. Dianetti – Wes, any comments regarding engineering?

Mr. Pettee – No additional comments. The applicant has addressed our comment letter and none of our comments were show stoppers and we are happy with the responses.

Mr. Dianetti – Thank you. If there is no objection, I will close this public hearing for Schoff's garage and read the draft resolution that has been prepared and ask for a vote.

Mr. Dianetti read the draft resolution.

#### DECISION:

On motion of Joe Logan, seconded by Ernie Santoro:

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

1. A Site Plan application was received on June 7, 2016 by the Secretary of the Planning Board entitled Schoff Out Building.
2. Applicant is requesting approval for an expansion of a second floor totaling 864 sf to the 892 sf first floor that is presently being constructed for a total of 1756 sf detached garage. The applicant is also requesting approval for the roof height which is greater than 15 ft to grade.
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 July 12, 2016 at which time the public was permitted to speak on their application.
5. The Conservation Board reviewed application June 21, 2016.
6. An area variance was received April 18, 2016 from the Zoning Board of Appeals permitting garage to be forward of the front line of existing principle structure.
7. 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 July 12, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Schoff's Garage, will not have a significant impact on the environment and that a negative declaration be prepared; and, be it further

RESOLVED that the application of Design Works Architecture Site Plan entitled Sue and Bill Schoff Detached Garage drawn by Design Works Architecture dated June 6, 2016 received by the Planning Board June 7, 2016 Planning Board Application No. 22-SP-16 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated July 12, 2016 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer dated July 6, 2016 be addressed.
4. Applicant clearly defines the area of disturbance.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. The building design/site plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled Sue and Bill Schoff Detached Garage, as prepared by Design Works Architecture dated June 6, 2016 and received by the Planning and Building Department on June 6, 2016.

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

The resolution was put to a vote with the following results:

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

Adopted Ayes 5, Nays 0.

Mr. Dianetti recused himself from this application. Mr. Logan presided over this part of the public hearing.

**EAST VICTOR ROAD SUBDIVISION** East Victor Road Appl. No. 1-PS-16

Owner: Five J Enterprises Zoned: Residential

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

Mr. Robert Cantwell, BME Associates, appeared before the Board on behalf of Riedman Associates. Jerry Watkins, Riedman Development, was also present.

Mr. Logan – The action that we are expecting to take this evening is to act on the SEQR resolution and in order to do that, we need to take a look at Part 3 of the Full Environmental Assessment Form. Previously this board had reviewed the Part 2 and identified some potential impacts and we have since then better defined the responses to that Part 2 in detail with Labella Associates and I think what I'll do, Mr. Cantwell, is have Mr. Pettee review the items that are in greater detail for Part 3 and if there are questions that come up, certainly you are welcome to respond to those. Did you have anything that you needed to present before we start?

Mr. Cantwell – Yes, just really quick. One of the questions that came up at the last meeting was with regard to the lighting district. The applicant has decided not to do a lighting district and street lights and is proposing individual post lamps. I just wanted to relay that to the Board.

Mr. Logan – That's great. Thank you. One of the other items of discussion that has come up is the response from Parks & Rec and I know Brian Emelson is in the room. Brian, we'll call you up in a few minutes and discuss the features on the site and what your response is to our request for review.

Unless there is any objection, I guess what I'd like to do is turn it over to Wes and he can review each of the detailed items. As a general description and if there is something you want to dig into, we certainly can do that. Wes, if you wouldn't mind taking it away.

Mr. Pettee – Sure. Part 2 in front of you – it hasn't changed since the last meeting. It is essentially the same. There are a couple of blanks that we filled in. Specifically with question #1, the impact on land. I've got some additional information so we were able to fill in those blanks. The Part 3, I've been able to articulate the evaluation of the magnitude and importance of the project impacts. And just give a narrative description as to if there was anything that could use a little bit more substantial narrative back up, we were able to provide some language here.

So, for example, the impact on land, the proposed action may involve construction on slopes of 15% or greater. We've indicated that there's no or small impact that may occur. Existing slopes

that are 15% or greater within the vicinity of the proposed 28 homes were created as part of a previous gravel pit operation and are man-made. Only a small portion of the site contains slopes of 15% or greater. Mass grading will take place to allow for construction of homes, thereby reducing concerns of constructing on slopes of 15% or greater. Cut and fill will be done with the appropriate erosion control measures as described within the proposal and depicted in the plan set. The Planning Board recognizes that the existing slopes within the development area were man made as part of the gravel pit operations so physical alteration of these slopes is being considered as a small impact.

Unless you want me to go through each and every one of these, I'll just go and hit the highlights here.

Mr. Logan – So, as we finish each section of each part, I'll just ask if there are any questions and then we'll move on with that.

Mr. Pettee – D. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. We have indicated no or small impact may occur. The Planning Board notes that the applicant has indicated the following in Part 1 of the EAF. Topsoil will be stripped and stockpiled and reclaimed for lawn areas. Excess topsoil will be filled on site and/or exported from the site as necessary for removal. The Planning Board recognizes that excavation, cut and fill, will be required during construction phases of the proposed project and any potential for material to be trucked off site is minimal. No additional gravel pit operations will occur as a part of this project.

Mr. Logan – Any questions for Wes? Okay.

Mr. Pettee – Impact on surface water. The proposed action may create a new water body. No or small impact may occur. The proposed project will include installation of storm water management pre-treatment fore bays and an infiltration basin. The Planning Board notes that the applicant's engineers report indicates temporary ponding may occur in the pre-treatment fore bays as well as the infiltration basin. The new water body will be small and the impact is isolated to the project site. The temporary instances where ponding may occur will not adversely affect rare or unusual or listed species, habitats or critical environmental areas.

H, the proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. No or small impact may occur. Approximately 11.5 acres is proposed to be physically disturbed. The proposed stormwater management plan will include an infiltration basin, grass swales, road gutters, inlets and storm sewers. As indicated in the engineer's report, temporary ponding may occur in the pre-treatment fore bays as well as in the infiltration basin. Although stormwater will be directed to the on-site management facility and include green infrastructure practices for water quality, there is potential for soil erosion and sedimentation during the construction process. Runoff will be temporary and controlled with erosion control devices so the Planning Board finds that a small impact may occur.

Mr. Logan – Any questions for Wes? Okay.

Mr. Pettee - #4, impact on groundwater. Other impacts. No or small impacts may occur. Although the project will create a new demand for water, the source will not come from ground water and will be from a public supply. The project will also generate liquid waste in the form of wastewater. The project includes extension of the Victor Consolidated Sewer District and the project will be provided with connection to the public sewer system. No adverse impacts to groundwater are anticipated.

Mr. Logan – Unless I see a hand, I'll stop Wes so keep going.

Mr. Pettee - #7, impacts on plants and animals. The proposed action may cause a reduction in population or loss of individuals of any threatened or endangered species as listed by New York State or the Federal government that use the site and are found on, over, or near the site. No or small impact may occur. There are no known threatened or endangered species on or near the project site as listed by the New York State or the Federal government.

B, the proposed action may result in a reduction to degradation of any habitat used by any rare, threatened or endangered species as listed by New York State or the Federal government. No or small impact may occur. As there are no known threatened or endangered species on or near the project site as listed by NYS or Federal government, the proposed action will not result in a reduction or degradation of any such habitat.

C, the proposed action may cause reduction in population or loss of individuals of any species of special concern or conservation need as listed by the New York State or Federal government that use the site or are found on, over or near the site. No or small impact may occur as there are no known species of special concern or conservation need as listed by the New York State or Federal government. The proposed action will not result in a reduction of population or loss of individuals of such species.

D, the proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need as listed by the New York State or Federal government. No or small impact may occur.

E, the proposed action may diminish the capacity of a registered national natural landmark to support the biological community it was established to protect. No or small impact may occur. As there are no know registered national natural landmarks to support a biological community, the proposed action will not diminish the capacity of such a community.

F, the proposed action may result in the removal of or ground disturbance in any portion of a designated significant natural community. No or small impact may occur as there is no known designated significant natural communities on or near the project site. The proposed action will not result in removal of or ground disturbance in any portion of such a natural community.

G, the proposed action may substantially interfere with nesting, breeding, foraging, over wintering habitat for the predominant species that occupy or use the project site. No or small impact may occur. The Planning Board does not anticipate that the proposed action would

interfere with nesting, breeding, foraging or over wintering habitat despite the project resulting in vegetation removal. The existing conditions on the project site reflect gravel pit operations and the site is not entirely vegetated. It is noted that the overall site is 137.5 acres in size and a total of 11.5 acres is to be disturbed. The Town's Natural Resources Inventory includes a wildlife habitat inventory map which depicts the project area as being within a category identified as urban areas and gravel mine. The project site is adjacent to co-occurrence FC4 as described in the Town's Natural Resources Inventory, however, the project impacts to this area is anticipated to be minimal. Co-occurrence FC4 is approximately 22 acres in size and includes habitat areas that will not be disturbed.

H, the proposed action requires the conversion of more than 10 acres of forest, grassland, or any other regionally or locally important habitat. No or small impact may occur. As the area to be developed contains less than 10 acres of forest, grassland or any other regionally or locally important habitat, the proposal will not result in a conversion of such lands. The proposed action, commercial, industrial and recreation project only involve the use of herbicides or pesticides. The project is not commercial, industrial or recreational in nature.

Impacts on historic and archeological resources. The proposed action may occur wholly or partially within or substantially contiguous to an area designated as sensitive for archeological sites on the NYS Historic Preservation Office Archeological Site inventory. No or small impact may occur. A portion of the project area lies within an archeologically sensitive area according to NYS Office of Parks Recreation and Historical Preservation as identified in Part 1 of the EAF. The applicant's engineer received a letter from NYS Office of Parks, Recreation and Historical Preservation dated April 4, 2016 that states, in part, the following: "There are no known historic properties wholly or partially within or substantially contiguous to the project area that are recommended or listed in the State and/or National Registers of Historic Places. Therefore, under SEQR, we have no comments regarding potential impacts to architectural or archeological resources. However, our review does not include potential impacts to architectural or archeological resources that may be eligible for the registers. If the Lead Agency concludes that additional studies would be beneficial to identify and/or address potential impacts to archeological and historic resources eligible for the registers, the Office of Parks Recreation and Historical Preservation will be pleased to provide additional guidance." As the area in which the project will occur has undergone extensive site disturbance due to the formal gravel pit operations, the Planning Board finds that it is unlikely that adverse impacts would occur to archeological resources as a result of the proposed project.

Finally, #17, consistency with community plans. So, the question in Part 2 of the EAF or the statement in Part 2 of the EAF indicates the proposed action is not consistent with adopted land use plans. The drafted response for your consideration is that there is no adverse impact here and the Planning Board feels that the proposed action is consistent with community plans and offers the following with regard to the objectives identified within Section 184-19, Clustered Project Objectives of the Victor Town Code. The creative use of land so as to establish a more desirable environment then would be possible through the strict application of certain Town Zoning requirements. The existing zoning district within which the development is proposed is the Residential 2 zoning district and Residential "B" Overlay district which requires a minimum lot area of 2 acres per unit, otherwise known as 1/2 a unit per acre. As 28 lots are proposed, the

zoning generally requires that the development be spread across 56 acres. However, the clustering proposal is allowing the development to proceed on approximately 14 acres. The proposed clustered development establishes a desirable environment by preserving a linear open space area consisting of approximately 44 acres of conservation easement area which encompasses a stream and buffer areas to the stream. The proposed residential development is concentrated on the eastern 14 acres of the existing 137.5 acre parcel. The residences will be in an area that was formally a gravel pit. The preservation of surface water, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding topography and glaciated features. Other areas to be preserved include areas of scenic and ecological values including open spaces and other environmentally sensitive areas.

The project adjoins the Town's Natural Resources Inventory co-occurrence area FC4 which is 22 acres in size and contains 5 resources, wetlands, woods, streams, flood plain and slopes. The portion of the co-occurrence area within the project parcel is depicted to be within a proposed conservation easement. Therefore, the cluster project is preserving these natural resources.

C, to prevent soil erosion, minimize negative environmental impacts and control development in flood hazard areas. The proposed project will use erosion and sediment control practices during construction to avoid and minimize adverse impacts due to erosion. The development will not occur in a flood hazard area.

Paragraph D in the Town Code or the section of Town Code indicates to provide an alternative method of development to allow all of the development which could occur on a particular parcel of land to be developed on a portion of said parcel provided, however, that in no case shall the number of building plats or dwelling units exceed the number which could be permitted if the land were subdivided into lots conforming to the minimum lot sizes and density requirements of the applicable zoning ordinance or local law. The proposed 28 lots are being proposed in a 14 acre area as opposed to the 56 acres that would generally be required under the existing zoning. As the parent parcel is 137.5 acres in size, a total of 68 building plats or dwelling units would be allowed. The applicant has indicated that their intent to reserve the right to develop additional units not to exceed 40 in another area of the parent parcel at a future date and any such future development shall not exceed a total of 68 building plats or dwelling units.

Paragraph E, to permit development that reflects the legislative intent of Article 16, Section 278 of the Town Law of the State of New York. As Section 278 of the NYS Town Law identifies the purpose of a clustered development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of the land. The Planning Board finds that the proposed East Victor Road clustered subdivision reflects the legislative intent of Section 278 of NYS Town Law.

Paragraph F, to create a development that is in harmony with the character of the area and the environmental sensitivities of the site. The proposed project is in harmony with the character of the area as it will develop residential homes in an area that was formally a gravel pit. The adjoining natural resources which are identified in the Town's NRI as co-occurrence FC4 are being preserved. Therefore, the proposed cluster development protects the environmental sensitivity on the parcel.

Mr. Logan – Does anyone have any questions for Wes regarding the information in front of you? That's a lot to absorb but we've also discussed this quite a bit at length and this is a lot of detail.

Mr. Santoro – We have discussed this quite at length.

Mr. Logan - Heather, do you have something?

Ms. Zollo – I just wanted to clarify what you were reading in paragraph D. So, a total of 68 building plats....

Mr. Pettee – So, I paused there at the end because I'm not sure that – so the total additional units they are reserving would be 40 and maybe I should say the total. That should be clarified, I agree with you, Heather.

Ms. Zollo – You say any such future development shall not exceed a total of 68 building plats or dwelling units. So, for both parcels.

Mr. Logan – For 137.5 acres.

Mr. Pettee – For 137.5 acres there should be no more than 68 building plats.

Mr. Young – Just add a comma after that period and put including the 28 lots proposed herein.

Mr. Logan – Yes, I like that.

Ms. Zollo – Okay.

Mr. Logan – Anything else Heather?

Ms. Zollo – That was all I had. Thank you.

Mr. Logan – Al?

Mr. Gallina – I'm all set.

Mr. Logan – All right. So, it sounds like we are in general agreement with the position that the Board had taken and that Wes has artfully portrayed. There is a couple of things we would like to do tonight. One, as I said, there is a SEQR resolution and the other thing is really for planning the next step forward and that would be for a preliminary subdivision approval and if we are comfortable advancing that at the next meeting, then we can prepare accordingly to bring that forward to the Board. With that in mind, we have gotten correspondence from Parks & Rec and I know Brian Emelson is here. Brian, if you wouldn't mind stepping up and we can discuss the comments that you made. That would be appreciated.

Mr. Emelson – Good evening. Brian Emelson, Director of Parks and Recreation. Yes, I submitted some comments to the Planning Board which are actually follow up comments to comments that we forwarded in October 2015 as well as November of 2015 when the sketch plan was up for review. I met with members of Victor Hiking Trails and our Parks & Recreation Citizens Advisory Committee.

The comments that are detailed in my memo are as follows:

We'd request that the applicant provide the Town with a 25' wide dedicated parcel of land on the northern portion of their project site. We are recommending, after talking with Katie and Wes the other day, we are recommending that 25' wide land to be dedicated for a future trail. There is currently and unimproved trail in most of this section. It would be for a future improved trail to be ADA compliant as well as ASHTO compliant. It is a former railroad bed so we'd like to make sure that it is accessible as possible. We'd like it to be contiguous throughout the whole current project site as well as the future project site. So, my October memo outlined that we prefer it to be on both and then getting council from Katie last week, she said that would probably be best to put it on the whole project site. It would help accomplish goals of our Parks & Recreation Master Plan which looks for neighborhood connectivity. We are looking to essentially connect the two neighborhoods in this project. That's one item that we'd be looking for from the Planning Board and the applicant.

Mr. Logan – I have a question about that Brian. I know that Hiking Trails is currently planning a bridge on the creek which is right about there on Fish Creek. You ask for a 25' swath but I have a feeling that the bridge may be wandering off of that the way that it is currently laid out.

Mr. Emelson – Right.

Mr. Logan – So, would it make sense then to have the applicant discuss that with your office and perhaps Victor Hiking Trails to make sure that the right-of-way is adjusted? That the easement accommodates that. I don't want you to have to come back and re-set it.

Mr. Emelson – Yes.

Mr. Logan – Bob, I don't know if you have any comments to that. I think what Brian is basically saying is this strip right along here, at least to the...as far as it goes to the future development, the goal is really to provide connectivity through there since the railroad bed is not available. It's in private hands.

Mr. Jerry Watkins, Riedman Development – Our contract is for the 14 acres plus development rights. So, where the creek is, we'll have to talk to the owner of that. But we certainly would talk with Brian about giving the 25' strip across from where we are going to put the 28 lots in. We are going to grade it too.

Mr. Logan – So, that would be something that you need to bring forward in your final subdivision approval plans. We'd like to see it addressed one way or another. Don, maybe

that's something you can weigh in on. Is that something that we could require right now to put on the entire parcel or just show a future easement and address it that way?

Mr. Young – I don't actually completely follow where the bridge is and the particulars of the connection point.

Mr. Logan – The parcel is right here that they are proposing. This is a future subdivision here but the Auburn Trail travels along the rail corridor until it daylights at Break of Day Road which I think is right there. I think the idea is to provide permanent easement along the north side all the way to connect to here on the parcel including a bridge crossing, because you can't get across that creek right now without going on the golf course itself.

Mr. Young – How long is that bridge?

Mr. Logan – 40' plus 20' approaches.

Mr. Young – Who is going to build the bridge?

Mr. Logan – Victor Hiking Trails.

Mr. Emelson – It's being built right now.

Mr. Logan – It's a Scout project.

Mr. Emelson – It's an Eagle Scout project.

Mr. Young – Is it being built on Town land?

Mr. Emelson – We have an easement for this trail. We'd like something wider because there's a lot of grade changes there. We wouldn't actually go with a 25' trail. A typical design for something like this is a 10' wide trail and then 2' mowable shoulders and then a 3' clear zone so people have a chance to get off the trail is there is overtaking of a bicyclist or pedestrian or dog walkers. But we follow the typical path that's the easiest to construct. So, if you have something that is 25' wide and you want to not take down a large tree because you want to maintain a canopy, then it gives you the flexibility to work with what the land is instead of trying to shoe horn something in that the land doesn't want to do. It also helps the applicant with their grading, I feel. It makes it a little more interesting, as well. But it's important to have this not only from a Victor standpoint, but because right now the Town of Farmington is just finishing up final design on their portion of the Auburn Trail connector project which will go from Mertensia Park to Route 332 and there's a couple of large developments that are in that town, as well. We want to take everything into account when we do these types of projects and the traffic will only increase with the 68 homes here.

Mr. Young – So, right now, you are only dealing from the road to the start of the creek?

Mr. Logan – Right here.

Mr. Young – That's it.

Mr. Emelson – That's what we are asking for if there's the feasibility and if you are looking at the whole project, we'd like to help us do this now and so he can incorporate it in his design into that future site and if the lands in the middle are going to remain in a conservation easement or something to that effect, it's appropriate with not only legally to have a hiking/biking trail in a conservation easement but I think it's most appropriate to have it out in front of everything.

Mr. Young – So, let me ask the applicant's agent. Do you know is the applicant willing – you are saying you don't know because you are only dealing with that small area.

Mr. Watkins – Yes, we have it on our plans to give the 25' to the Town. The rest of the property, the additional 40 potential units there, we have a right of first refusal to buy that property. But what is highlighted in the color there, we don't own.

Mr. Young – Would you object in your right of first refusal to the provision that the Director is talking about right now?

Mr. Watkins – No.

Mr. Young – So, one thing we could do is we could, since all we are doing tonight is issuing a Neg Dec and then after that we are going to deal with the subdivision, it doesn't really affect the process schedule at all if we do it at our next meeting. One thing we could do is hold off on issuing the Neg Dec and have someone get in touch with the applicant to figure this issue out and if the applicant is willing to deal with it up front, we can cite that in our SEQR document. That way, at the next meeting, if it is resolved, we can adopt the SEQR document and move on.

Mr. Logan – With the preliminary subdivision?

Mr. Young – Right. Regardless, the next meeting we deal with this, either we are going to start talking about preliminary subdivision or if we delay this, we are going to adopt this one page resolution first and then deal with the preliminary subdivision. It doesn't really affect our process schedule, in my opinion, to wait on this.

Mr. Watkins – We can talk to the owners of the property that the easement you are looking to acquire but to hold us to that, I'm sure they will be reasonable and try and work something out, but it's not our property.

Mr. Young – Part of the interesting thing here though is the development site is 14 acres but we are encumbering 40 additional acres that you don't have really anything to do with. So, it makes it a little more complicated.

Mr. Watkins – Contractually we do.

Mr. Young – So, we are kind of at a decision point here. Would the applicant be willing to wait on the SEQR determination until the next meeting when we deal with this?

Mr. Watkins – We'd really like to get SEQR because we would really like to get planning approval at the next meeting. We have a tight schedule. We really need to start grading in August. I would suggest that we get SEQR approved. We will meet offline with the owners to see what they might be willing to do with getting what Brian is looking for. But it's not up to us. It's up to the owner. Which they have worked with Brian and they have already allowed him to cross the creek. So, I'm sure they'll be willing to work with it. But it's not something that you are sort of holding us to the fire on this with a piece of property we don't have control over.

Mr. Santoro – I don't see why we should have to put this decision off.

Mr. Logan - The SEQR?

Mr. Santoro – Yes.

Mr. Logan – I agree.

Mr. Young – We can deal with it through the preliminary subdivision process. We don't have to force it now.

Mr. Logan – We know what the intent is. Brian has certainly expressed the desire and how it fits in with the community plans for the hiking trails. I'm fine with advancing it further.

Mr. Young – We'll deal with it at the point in time when we make the clustering decision in the preliminary approval.

Mr. Watkins – We'll come back in two weeks and try to get something put together. I'll call Brian tomorrow.

Mr. Young – Okay.

Mr. Logan – Okay. Thank you. Brian, is there anything else?

Mr. Emelson – The only other comments we had – we had asked at the sketch plan just that the applicant put a trailhead marker at the end of the cul-de-sac between lots 14 and 15 at that time. They are numbered 16 and 17 now. So I made that change on the memo. In talking with Katie, she recommended that we also request that some evergreen screening along those two property lines because the trail will back up to their yards. That's something that we typically ask.

Mr. Logan – We can take a look at that in the preliminary plan.

Mr. Emelson – Anything in my memo speaks for itself.

Mr. Logan – Okay. Thanks Brian. I think we’ve certainly discussed well enough what we need to run through the SEQR resolution. Does anyone have any objection to that?

Mr. Logan read the draft SEQR resolution.

S.E.Q.R. RESOLUTION:

On motion of Al Gallina, seconded by Ernie Santoro:

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

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

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

WHEREAS, the Planning Board initiated a Lead Agency coordination process, and resolved to be SEQR Lead Agency by resolution on June 14, 2016; and,

WHEREAS, the Town of Victor Planning Board has evaluated the Project and the Long Environmental Assessment Form using the criteria for determining significance identified in 6 NYCRR Section 617.7 (c) (1) and in accordance with 6 NYCRR Section 617.7 (c) (2) and (3), and although potential environmental impacts were identified with this Action, none of the impacts were found to be significant;

NOW, THEREFORE BE IT, RESOLVED, that the Action, East Victor Road Subdivision, will not have a significant adverse environmental impact and the Town of Victor Planning Board hereby issues a Negative Declaration of Environmental Significance, as indicated in the attached SEQR Full Environmental Assessment Form, Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.

This resolution was put to a vote with the following results:

Joe Logan	“Aye”
Al Gallina	“Aye”
Heather Zollo	“Aye”
Ernie Santoro	“Aye”

Adopted Ayes 4, Nays 0.

Mr. Dianetti returned to the meeting.

Owner: Lynaugh Road Properties LLC  
Zoned: Multiple Dwelling

Mr. Robert Cantwell, BME Associates, appeared before the Board. Also present were Dante & Chris Gullace and Alan Knauf, Attorney for the applicant.

Ms. Evans read introduction to application.

The proposed Gullace preliminary subdivision's public hearing has been carried over from the 6/28 Planning Board meeting. Those that are on the distribution listing for the Gullace project were notified by email.

Applicant is requesting approval for 69 for-sale ranch style townhomes, each with 2 car garages. The townhomes would be a combination of 3 and 4 unit blocks for a total of 53 units on the eastern portion of the Town lands and 16 units consisting of 2 and 3 unit blocks on the western portion of the Town lands. The property is zoned Multiple Dwelling.

If you would like to be on the distribution listing, there is a sign up sheet on the table in the hallway.

Chairman Dianetti – This public hearing was kept open at the last meeting (June 28). The public hearing for the preliminary site plan application for the Gullace project was not closed after our last meeting and has remained open for tonight's meeting. There are no resolutions prepared for this application tonight and there will be no action taken on the application at this meeting. Our procedure this evening will be as follows:

- First the Board will provide the applicant and their attorney an opportunity to provide updates to their comments from our last meeting.
- The attorney for the Victor Cares group will then have an opportunity to provide updates to his comments from our last meeting.
- I would ask that we keep the comments as brief as possible and that we concentrate on new information on insights that have not already been captured in the record.
- After these presentations are finished, the Board will ask for public comments related to this application.

Again, the Board asks that you concentrate on new information or observations regarding the proposed project. We also ask that you direct your comments to the Planning Board and not the applicant. The purpose of the public hearing is for the Planning Board to gather information from residents about the impacts of the proposed project so that we can identify issues of concern or support. The Board asks that your comments be made in a civil and professional manner without personal attacks or innuendos. It is very likely that we will keep the public hearing open after tonight's meeting and there will be opportunity to provide written comments and speak again at the next meeting. That meeting may not be the next Planning Board meeting, it may be the meeting after that.

We are still gathering information and have more information that is being vetted tonight. We will allow that and then open it up to the public for their comments.

Mr. Don Young – I just wanted to follow up with a little more information. The Chairman noted that the public hearing likely will not be closed tonight and that is partially due to the Planning

Board members and consultants have yet to receive the transcript from the June 28<sup>th</sup> public hearing that was held. Once they have received that information, they will need time to review the transcript. The likelihood is that this application will not be on the July 26<sup>th</sup> but perhaps the meeting in August as we don't know how long it will take to go through the transcript.

If you want to find out more information about where the Board and consultants are in their review, you can add yourself to the distribution listing if you haven't already or you can email the Planning Dept or call the Planning Dept or check the Town of Victor's website.

Mr. Alan Knauf from Knauf Shaw – I'm the attorney for the applicant. I did submit a letter dated July 8, 2016. I don't want to be repetitious but did want to go over some of the high points and some other issues. We do believe that given the fact that this site has been zoned Multiple Dwelling for three decades almost and a single family detached is not an allowed use. The plan meets code requirements and the Board should approve the plan obviously because I know in my letter there are suggestions on things like landscaping or whatever, we are certainly willing to make adjustments or whatever. Overall, the plan, the density is far below what would be allowed by code. We have clustered which is a positive. My letter mainly responded to some of the objections of Victor Cares attorney's letter. This is a clustered development and as a result, we have a lot more open space than under a conventional plan. The minimum is 25% and our plan indicates approximately 41%. We've actually recalculated and it's actually closer to 46% and that doesn't even include the fact that there is parkland that was annexed to the Village, that doesn't go into the calculus but that's additional open space. The purpose of clustered development is to have a better plan that allows for open space and we believe that we've done that with this plan.

The density again with cluster development you present the conventional plan and figure what could be allowed. We've done that. We show that we could do 168 units, 24 bldgs on 17 acres. We are far below that. There is no question that we have appropriate density.

The question was raised as to what happened back in 1985. I wasn't here, I did read the minutes though, and Mr. Gullace obviously was. First of all, I looked at the 1992 Code, I actually don't have the benefit of your 1985 code but the 1992 code while it does say that when you present a plan for multi family, you want to show that its feasible and present a plan, nothing in the present code says that you're wed into that exact plan or that there is a limitation in density. The Town Board could have put conditions on restricting density when they rezoned it but they did not do that. But when you go through what Mr. Gullace said and I won't go into detail, but we are below the density. The Town Board recited in their resolution that the plan was for 92 units. The resolution isn't totally clear, they might have been referring to 80 units in the town and 12 in the Village, we can't really tell from their language. But either way, we are below that density because that density would be in excess of 4 per acre and we're just below 4 per acre. So we are actually below what was contemplated by the Town Board at the time. Granted there is a little less acreage because some was moved into the Village so that is why we are using "per acre". Basically even taking the 80 units over the acres, figuring the per acre density, we are below that.

Also point out and I guess I can submit this later, there actually was a subdivision, and apparently it was approved in 1988 for 92 units in the Town, outside the Village. So that was an approved plan. Apparently, the plat was never filed so presumably it expired but that was what was contemplated at the time. So we are below that kind of density.

There was an objection with respect to the buffering or landscaping. We feel we are in compliance with the code but again, if the Board feels that we need more dense screening along the road or whatever, we are certainly willing to make adjustments as the Board feels would be appropriate.

With regards to drainage, apparently there is a claim, there is a pre-existing problem in the Village, south of the site. It's not our responsibility to fix a pre-existing problem on another street but we will say that the drainage system that we are installing actually, if anything, would make the situation better because if water was draining towards our development, it would be sent through our state of the art stormwater system and would make everything better. I really think that it's an irrelevant issue.

Traffic issues were raised; we already went through this a year ago with the traffic studies. Comprehensive traffic studies really show insignificant or unnoticeable changes. The Town's Traffic Consultant agreed. Even at peak, this is only generating about 1 car per minute. As far as the one intersection, the F failing intersection at Lynaugh and Lane and County Route 9, there is only going to be generating a car with 2-4 minutes, depending on whether its morning or evening, very minor. There was a suggestion that we spend 1 Million dollars to put in a rotary that someone had proposed. We don't have any kind of impact on that intersection but I do note that Stantec and their 2013 traffic study said that intersection could be brought to a B or C level with a four-way stop which to me sounds sensible. But there may be a problem at that intersection that the Board found, we're not contributing to it and the Board made the Negative Declaration.

As you know, this development has a long history. You've made the Negative Declaration and we believe we are in compliance with the code, we're below the density that would be allowed. We've tried hard to make this a sensible and a positive development and we think it will be but we're open to suggestions especially on things like landscaping.

Mr. Robert Cantwell with BME Assoc. – Just to clarify what Alan had mentioned, the 1987 plan the 92 units were just in the Town of Victor. There were 75 townhouse units on the eastern portion of the site which is approximately 14.4 acres and 17 townhomes on the western portion of the site which is approximately 4.1 acres. On that plan there was also a note referencing the fact that the proposed density was 5 units per acre. I just wanted to clarify that.

Chairman Dianetti asked if the attorney of Victor Cares was present and was told that he was out of town and would not be attending.

Patrick Liberti from 996 Kensington Court – *Mr. Liberti passed out a letter dated May 5, 2015 from Stantec Consulting Services.* I won't reiterate some of things that I put in a letter that was submitted and we talked about before except I still believe firmly that the west side of Church Street is a complete single family surrounding and the multi dwelling simply does not belong there. That's just the worst part of the whole project.

What I want to do, I went over a couple of things, I was on vacation last week and had some time to kind of go over some of the paperwork in a little more detail. The Stantec study that was referred to, a couple points in traffic I wanted to bring out. Page 1 is just you know coming off of that study. Page 2 I've highlighted for you a couple of quotes to show how I don't think the traffic impact was really studied properly. I've highlighted a section here that says; *once a movement is failing, the delay curve becomes exponential and the mere addition of*

*another car can show up as a significant increase in delay. Delay is not a good measure of impact under saturation conditions.* What they are saying is, the affect that the new traffic has which is to create a greater delay is actually not an affective measurement of the intersection. If we don't measure the delay imposed on an intersection, how are we measuring an intersection? Are we basing it on the color of the paint in the crosswalk or the acuteness of the curve? What we are worried about here isn't necessarily the number of cars per minute or per hour, it's the affect that it has and how long it takes to get through these intersections. And they've said right here *it's an expediential increase* it's not one car/one minute, it builds on itself and just one car makes an expediential difference, it makes it so bad that in fact we're not going to measure the intersection effectiveness on that, it doesn't make any sense.

I think it might have even been Joe (Logan) that followed up with a question that said *how can we determine when something fails, it's failing worse, can we show how much worse it's failing?* On Page 4 I've highlighted a section that says *the left turn movements are operating at Level F with delays in excess of 80 seconds.* Meaning it can be measured in excess of 80 seconds, it's a quantifiable number, it can be measured. *However the delay curve is expediential and with any minor change the delay will increase rapidly; hence, (under saturation conditions) delay should not be used as a performance measure.* Again, how are we measuring intersections if not how long these extra cars take to go through. What they did instead of doing that, they said *look it we're just going to show you how many cars per intersection.* But they are openly admitting that even a few cars have an expediential increase and if you're the guy that is 5 or 10 cars back, waiting an extra 10 or 15 minutes. The intersection I'm sure at 3:00 in the morning is awesome, I'm sure it is. We need to measure the intersection when we are all using it and we need to measure it in terms of how long it takes us to get through. If you add 1,000 cars to an intersection and the intersection can handle it, that's fine. If the intersection can't handle it, that's what we need to know and we already know it can't handle what it's currently getting but it is measurable. When you asked how much more it would be failing, it is measurable because they have an 80+ second mark right now. I think a study needs to be done that shows what is that expediential increase in time, not how many cars per minute or per hour. The actual time affect it has on that. I wanted to bring that point.

Page 5 the NYS Department of Transportation sight distance charts. I just put in a top page so you know what I was looking at. On Page 7 I've highlighted a couple of distance charts. This is in relationship to the new four way intersection that would be created on County Road 9, between Hillcrest and Kensington, the new four way that basically crosses between the two sections. I've highlighted a couple of things here and I'll come back to that in a second.

I want to go to Page 8 that is the BME Engineer's Report on this project. Page 9 you see the three major intersections, what they've done is taken the posted speed, the design speed which is called the *in use speed* of a road, it's based on the grading and whatnot but it's the true measured speed that you're going to use on that road. The required sight and required stopping distance available at these intersections; the first intersection is 25mph and that's the Village portion of Church Street where it's going to come out onto Hillcrest. 25mph design speed of 30 mph requires 200 ft of sight and they have 800 ft either way which makes sense, you're on top of Hillcrest you can see perfectly. The last one on Lynaugh, is 50mph, a greater speed. It requires about 610 ft and they've got more than that covered as well. But look at the middle intersection, this is the --- intersection. The Town portion onto Victor Egypt Rd or what I call County Road 9, southbound 55 mph/northbound 25 mph. How does one intersection have two different speeds? And how does it have such significantly different speeds? Does a car suddenly come to

this intersection and go from 55 to 25 and off it goes? Of course it doesn't. Now you can say the speed changes somewhere and it does, at Hillcrest, the Village line. It goes from 25 to 55 mph. The sight distance they measured was from the top of Hillcrest where it's 55 mph, back here we're still 25. So at 25 down to the new intersection, they need about 335 ft and they've got 440 I believe by their own measurements and that's fine. The problem and you need to go back to Page 7 for this, is at the new intersection, when you have a left turn from a stop, that new intersection, unlike where they measured from, is 55 mph in both directions. At 55 mph which gives you design speed of 60 and that's what I've highlighted, DOT says you need 665 ft of line sight both ways. The one way they have it going north, there is plenty of room there, but going south and up that hill and I've included a couple of pictures, you can't see anything over the hill, its only 440 some odd feet away by their own measurements. That new intersection is where a sight line also needs to be measured from and it doesn't meet, it's not even close, it's 660 ft down to 420 ft. It's significantly different. The pictures that I took and paper clipped to the back shows the 55 mph sign pretty much right where that road is going to go. That view is on the side of County Road 9 looking north, it's got the 55 mph sign in it and for fun, I turned around and took a quick picture. The second picture looking at the Village of Victor sign, you see the 25 mph sign at the top of Hillcrest, you also see the new radar speed checker they installed and just on a whim can anyone see what it reads when I took the picture? 43 mph at the time I took the picture and I swear to God this was a true click and I looked at it when I zoomed and oh my God a car had gone over that. Its 25 mph, it hit that crest at 43 mph which we know everyone does that. The second thing I'll ask is where is the car? You can't see it because it's gone over that hillcrest. That sight line is more important there than anywhere else because it is a blind line of sight. This new intersection is actually at the base of that hill. It's even worse. We have a problem and I know this because I make left turns out of Kensington Court and I've had people come over that hill at 60 mph.

I was on vacation last week and I didn't look to hard at this stuff but I kept thinking about it and there had to be some laws and regulations because where I live, I've made that left turn and some guys have come down and passed me rather than slow down and anybody from the Kensington area knows that. If I understand this correctly, that 55 mph which applies there means 665 ft, they don't have enough, and it's a complete unsafe situation. Now I don't know if that is a recommendation or a law but currently the measurement is simply from the top of Hillcrest looking down, that's not what matters. What matters is when you're coming from a stop, making a left turn at that new intersection. You need 660 ft of sight and you only have 420 and I think that's a problem. It's also going to be an intersection where you're going to have children crossing. You're going to maybe have friends from our side to go from the new development, one side or the other. You're creating an intersection where you're actually going to create a walk way, you'll have people crossing the road there; they're going to put sidewalks on the other side. Now you have 6, 7, 8 year olds walking or riding a bike across that! It's a nightmare waiting to happen and I know that because we've had close calls and where another 300 ft down the road. It's dangerous and I'm not sure what the answer is. One answer is simple; the original proposal did not have that four way intersection there. The idea was if maybe you spread out, have two or three extra intersections, it would move the traffic around. It's actually created a more dangerous situation there. Another option could be, how to get in and out of that west side of Church Street property but as it stands right now, I don't think they have the room right now that is legal to put that intersection there and it's a high speed intersection, I'd say 55mph and we all know that folks are going 60 to 65.

I've an extra copy of that and appreciate your time but I wanted to drop that off to you guys because I think that's something that was not looked at, at all and I think it should have been.

Mr. Phil Thomas from 44 Hillcrest Drive – I've been here 18 years. We all know the history of this. In 1985, let's be honest Quail Ridge wasn't around, it was farm land. We wanted a lot of people moving into Victor. Right now, they don't have an option to put single family homes in, that's a problem. Perhaps instead of persisting in an error, not allowing them to have single family dwellings, we should change that and give them the option to instead of having multiple family dwellings, put single family dwellings in. Most people would be fine with that. It's really not an issue. He has the right to develop his land but it should be in accordance with the local development that is there, everybody would be happy with that.

The other issue is that you're charged with looking out for the best interest of the people of Victor, not for a non resident who wants to develop land that he is not going to be living there. Thank you.

Ms. Ruth Nellis from 93 East Parkway – Thanks for the opportunity to come back. I deliberated over what I can say at this golden opportunity. My husband and I have lived here since 1972 and we have been dealing with this since 1985 as you've heard. I've looked at all of the plans; the first one looked like this, it went behind us, the townhouses and around into the park. Copies were not that good back in 1989. I looked at all of them and just tagged elements that are not going to work. I went through all of them, some were townhouses that are in an R2 development, formally R2. Here is another road going into Lynaugh Road.....another street.....we have three intersections going into County Road 9, you've heard this before and on the east side, the street and the townhouse come really close to the park's border. It just went on and on and I just tagged a couple on each one. *Ms. Nellis had photo copies of different layouts for this development that she was referring to and holding up for the Planning Board to see but did not give the Board a copy.*

I got to thinking, what is the current one and the current one has tags like that and I feel like we're juggling. After all of these years, we're really tired of it and I'm sure you are too. I know numbers speak but so does the attitude and consumer tendencies and let's look around Victor and see what has worked all these years. I feel like we're trying to put a square peg in a round hole.

When you're considering this, like I said the last time, consider Medley Center, that looked really good on paper but look where it is now. There are other little things that I brought up like the overflow parking that is needed. You can just imagine the empty nesters coming to these homes with all sorts of boxes of stuff they can't part with so it ends up in the garage and the cars end up in the driveway and where are all of the other cars going to go? Or the son and daughter that graduate from college and can't seem to find any work so they move back home with their stuff and their car that's been resold three times. It goes on and on and I haven't heard anything about provisions for this. I think it would help the emergency vehicles getting through.

Also, walks or pedestrian ways to the park. That appeared on one plan but disappeared, that's absent again. Once again, we're juggling. So I say look at what exists, what works and I do have a question. At some point will you tell us what the process is, what's going to happen next? I understand the public hearing will continue, does that mean just letters or.....

Chairman Dianetti – The public hearing will remain open after tonight. That means it will be open the next time it's on the agenda. Hopefully after that public hearing, we will be able to close the public hearing but we'll take written comments between now and the next time it's on the agenda and there will be an opportunity to speak at the next meeting that it is on the agenda. It will be a public hearing. How will we announce that?

Ms. Templar stated she would mail the postcards out and also the distribution listing and that there is a sign up for the distribution list on the table outside the meeting room. 247 cards were sent out the last time. It is also on the website or stop into our office or call our office.

Chairman Dianetti – We are going to do our best to notify everyone that wants to be notified when this will be on the agenda again. The easiest way is to give Cathy your email address to get onto the distribution listing.

Ms. Luba Mason from 120 Church Street – I have several random thoughts. One of them is that the more stop signs that we have, the more accidents we will have and nobody will disagree, right? That's known that more stop signs equal more accidents. If you take a defensive driving course, that is the very first thing they tell you.

I think if we had an opportunity to vote, all of us residents, I think you know what the answer would be. Do you know what the answer would be? Did you figure it out already? Please look around and see what is already there, like ---- and other people said. Why do you need to be cramming more than is even possible to put in? If you take a plastic or paper bag and put so many things in it, it will not handle it, it will rip. The same thing with this, it's too much, it's just too much. Thank you for listening.

Mr. Tom Hooker from 57 East Parkway – I want to thank you for your service and I appreciate the opportunity to be heard on the record. We feel badly that our attorney couldn't be here but he's on vacation and as you know, we got him on very short notice.

Zoning article 211-25 multiple dwelling district regulations clearly states where appropriate and for a specific proposal as opposed to purpose. We, in the community, maintain that the current proposal is neither appropriate in the current community nor anything like the specific proposal for which this rezone was granted back in 1985. I'd like to reaffirm my conviction that Mr. Gullace has the right to develop his property, just not in a way that is completely out of character with the community nor completely dissimilar to the specific proposal for which he was arbitrarily and capriciously granted his spot Multiple Dwelling rezone in 1985, 31 years ago.

In his 1985 presentations for rezoning, Dante Gullace himself made many promises. Among them 3.5 units to the acre and less than 1 building per acre. That means 3.5 units or less than 1 quadruplex on each individual acre. No mention of average or clustering nor was clustering ever been approved to my knowledge. He says, "a tremendous amount of green area" which in my opinion means he's showed the required 25% or more of open greenspace. We are talking open space, not space between the buildings. He says "2 bedroom units, nothing larger than that" so it would be targeted to seniors and would have no impact on the schools. The current proposal with walk out or egress basements which is what they put in these bldgs now would have 3200 sf of living space. These are going to be large family homes, not for empty nesters and they would have a large impact on our schools, something we need to consider.

He compared to the local Victor Woods development which has small less than 900 sf ranches, raised ranches and capes and these are on minimal 11,000 sf R2 lots in townhouse style meaning they are up and down, two level bldgs. With 900 sf units, that would have a 450 sf footprint each for an 1800 sf footprint per quad. There was no mention of garages or basements back in 1985.

The current proposal is for 1600 sf ranch style units with 400 sf garages which equates to 2,000 sf footprint each or over 4.5 times of the lot coverage of the original 1985 rezone proposal. These long rows of massive 8,000 sf plus bldgs do not belong here and are not in any way reasonably similar to the specific proposal to which the rezone was granted.

“There will be no rental project, it would be strictly a for sale project” quote from Mr. Gullace. His 2013/2014 proposals were just that, a massive rental apartment complex completely contrary to what he promised and was given a rezone for. This is what he is trying to use for his “conventional plan comparison for clustering”.

He said that there would be “no speculative building” and he said “it will be built on an as sold basis”. How long will that build out be? Remember this is now a developed residential neighborhood. He specified “condominium” ownership where all exterior and ground maintenance were included in the fees as opposed to the proposed townhome ownership where individual owners are responsible for exterior building and ground maintenance which is a potential problem in future years. I’ve seen some townhome projects that the neighbors don’t take care of it like they should and they just go to hell.

If they don’t sell, can you rent them? And maybe that’s his actual goal. There must be a restriction against rentals in the HOA docs or the deed restrictions to prevent this from becoming a rental complex. We submit to you and we believe that Mr. Gullace had no intention of building his project as proposed. He manipulated the 1985 Board to get this rezone which he fully intended to use at a later date and many Board cycles later for a much higher density project than that for which he received his rezone. We pray to God that you do not put us through the same nightmare the Drumlins community went through 15 years ago when a rezone was granted 10 years earlier for a specific proposal and the developer tried to use it later for a much higher density and profitable project. The conventional plan used to determine any clustering request must come from the above described original 1985 rezone description not what the Multiple Dwelling zone allows today.

We hope you can resolve this issue once and for all and if he can’t produce a reasonable acceptable plan which this is not, you should move to rescind the Multiple Dwelling zone designation which was never appropriate in a single family home neighborhood in the first place. We residents depend on you to protect the community from manipulative developers, protect home values of existing residents and to protect the quality of life in Victor. As suggested by the Mayor and the Supervisor, some of us are willing to meet with the developer and the Town to hash out a plan that might be more acceptable to all. Again, I thank you for your time, your service and consideration. Are there any questions I can help you with?

Chairman Dianetti – Not right now, maybe later on.

Mr. Gary Wood from 15 Latchmere Drive – I’m a proud resident with my wife Margie of Victor Village and Victor Town. We live at 15 Latchmere Dr. I’m proud because of the way folks who spoke at the last meeting conducted themselves and the folks that spoke tonight conducted themselves. I’m proud of the fact that the Planning Board allowed everyone who had something

to say speak, some more than once. I'm proud that I live in a community and a state and a country where we have the opportunity to voice our opinions without fear of reprisal. I have a few comments to make.

First, the intersection at Hillcrest is, I'm pretty sure, within 100 yds of the 55 mph speed limit on County Rd 9. A car traveling at 55 mph, travels 26.89 yds per second. That means it takes 3.7 seconds to cover 100 yds. 1001...1002....1003, I've covered 100 yds at 55 mph. It takes 1.9 seconds to cover 50 yds at 55 mph...1001...1002, I've covered 50 yds. I look at this plat, that top intersection is probably at 55 mph speed limit. There is a similar situation at the eastern egress at Lynaugh Road. It's not 55 right there, I think its 45 actually but same situation. This is unsafe not only for the proposed residents for this development but for all residents of Victor that use County Rd 9/Victor Egypt Rd and any visitors that come to Victor that use County Rd 9/Victor Egypt Rd.

Secondly, this development is not congruent or within the character of the surrounding neighborhood. Setbacks from property lines are less than adequate. The distance between building clusters and the lack of on street parking will make it difficult for fire and other first line responders to travel inside the proposed development.

Stormwater drainage; now you understand I'm not an engineer or architect but it seems to me that this proposed development removes a significant amount of natural stormwater absorption and replaces it with roads, sidewalks and buildings, none of which absorb stormwater.

Finally, I suggest whatever decision the Planning Board makes, I would urge you to place milestone requirements with severe penalties on the development. We should not have to come back in 30 years or even 5 years to renegotiate a review. Thank you.

Ms. Mary McCarthy from 21 East Parkway – I want to thank all the people who spoke before me, they did it much more eloquently than I can. I had an occasion this week to read the zoning code from cover to cover. Smarter people than I have certainly talked here tonight but I do want to emphasize I do understand the written word. In paragraph 211-2 it says that when this zoning code went into effect, one of the items was to *encourage the most appropriate use of land throughout the Town*. I hardly think this is an appropriate use of this land that we are discussing. Control the density was Item C. Item D8 was *control traffic on all streets, roads and highways*. Item D10 said *facilitate the adequate provision of transportation*. We're hardly facilitating the transportation on Route 96. We've got all the truck traffic, whatever that is going to come out of this development. I don't know which direction they are going to go in but probably both directions depending upon their supplier. That certainly is not going to facilitate the traffic on Route 96.

We're supposed to *conserve and enhance environmentally sensitive land and land values and to protect existing properties*. That is Item E under 211.

211-6B says *Special uses shall not adversely affect the character of the district*. Item 6 says *it will not create excessive traffic*. Some how I'm wondering if perhaps all of you have not read all of the code entirely.

Under townhouses 13A it says the Town Board *may* require but it does not say *must*, suitable recreational areas, for example playgrounds and parks. It was my understanding back a few years ago when this was discussed that the builder was going to supply a clubhouse and a swimming pool and those have gone by the wayside and how he's not even providing playgrounds they're going to take advantage of the playground at the end of East Parkway instead.

I had occasion to serve on the South Bristol Planning Board for six years, I know what a job it is but I also know that you should be doing your due diligence to check everything that is going on. I walked property after property after property in South Bristol to see what was happening on that property. I felt that was my job as a member of the Planning Board to do that and prevented a very serious situation which I won't go into. If this Board has thoroughly read the zoning laws, you can not possibly let this development go through. Thank you.

Chairman Dianetti – Mary I just want to put your mind at ease a little bit. If they do not put in recreational facilities, they have to pay a fee per unit to recreation to help with all of our recreational areas in the rest of the Town. That wasn't overlooked, that's an addition to the code.

Mr. Hooker – If that is the case, can we be sure that that is designated for our local park which is kind of an orphan park?

Chairman Dianetti – That determination is made through the master plan through Parks & Rec as is developed by Parks & Rec Advisor Committee. How that money gets spent is based on that master plan which was developed by residents over the years. When they are budgeted, it's usually already decided how it will be spent.

Ms. Sandra Sweet from 981 Kensington Court – As far as everything goes, now that it's 90 degrees out, people aren't thinking about snow removal. What I'm concerned about is last winter, I live up in Kensington Court which is a circle type area, the snow removal for two days did not exist. We had to park our cars at the bottom and whoever had the best car drove us to our house or we walked to the house because of the snow removal. Now I don't know in the small areas of the townhouses, I lived in a townhouse in Walworth and it was up to yourself to shovel or remove the snow. Many times there was not anywhere to put that snow. When the fire dept has to go or an emergency type situation, how are they going to get these people out of here or how are they going to get down those roads and turn around and come back? I fear for the people that own and live in those townhouses. I've been there. I've seen an elderly couple almost pass away because the emergency people couldn't get down there. The roads weren't kept up, the driveways, there were broken down cars in the street. In October, November, December you can go on any street in Victor and there are cars on that road. You have to drive on the wrong side of the road to go up and down these streets. Who are going to police these streets? Especially streets like that? It's dangerous. I don't want to say could of/should of/would of when somebody has passed away. Thank you.

Ms. Shannon Speranza from 6682 Pond Side Circle – Thank you for giving me some of your time. I would like to say that I've been living in the Victor area for the past 18 years and I love it. We moved out of Fairport because the schools were too large and I wanted to be in a town that was a little bit smaller. We've heard from our neighbors this evening some amazing points on what's going to be, what's being proposed, safety number 1 coming down Victor Egypt Rd, Route 96, Church Street. I drive that road every single day whether it's down Church Street or whether it's down Lynaugh Road, whether it's on my bike or whether it's myself or my daughter who is a new driver driving. It's not safe. When you say the traffic is only going to be another car per minute, when you're sitting at the end of Lynaugh Rd and you want to take a left hand turn to head down Route 96 into Farmington, 1 more car is 1 more car too many, it's a dangerous

intersection as it is there to begin with. When you are turning right out of our development which is Village on the Park, heading towards Fairport and then you need to make a left onto Aldridge Road at traffic times, it gets backed up and then people are out on the side of the road. That's great for anybody in the car, you feel you're safe but then you put yourself on a bike or on foot, it's not safe even though the traffic studies say its not going to be that much of a difference, it is, especially for those of us who live there.

With that said, I'm surprised at how hard the Board for the Town of Victor has worked for 2 years as we heard earlier tonight put a round peg into a square hole. This should not be a clustered plan; this should be single family homes. It fits that area of Victor and what it is. I don't want to drive down that road nor do my neighbors and see that. I just don't.

I also say as someone else said, give us the opportunity to vote because I think you know what that would be if it was going to be a clustered development versus multi family homes. I don't want Victor to become Henrietta. You can not get anywhere in Henrietta no matter where you are. So please, I implore you, please make decisions on our best behalf. The Village people, the residents that are currently here rather then revamping something that we tried to do in the past and it didn't work then. Thank you.

Mr. Ken Curry from 63 East Parkway – I want to talk tonight a little bit about character and I want to start with the character of this proposal. As Ruth pointed out, this has been going on for 31 years, there's been a dozen proposals and not one of them has been popular. This one isn't popular either as you can well understand. In order to visualize what it's going to look like and --- it, I took a satellite photo off of the internet of the area ---- Ravenwood, Camden Hills, Quail Ridge. I imposed a scaled version of that on it and you can take a look and see how well it fits. I know you guys are very concerned with aesthetics, you've shown it time and time again especially I've noticed it with commercial properties. You ask really good questions about what kind of roofing material are you going to use, what color are you going to make it? Are you complying with signage regulations? You're really attentive to detail and we're hoping that you are here as well.

Next I'd like to talk about the character of the Town Board. As you know, this has been going on for several years and residents have been quite frustrated with the lack of communications. We haven't had an opportunity to speak until tonight. You've probably received more emails and letter around this proposal than any other for some time. I myself resorted to writing three editorials and putting them in the paper because we didn't feel correspondence directly with the Board was affective. There's acknowledgement that we received an email from person x, y and z, it's never published, it's never discussed, it's never read into the record so we don't know what everyone else is thinking unless we talk to them directly. I think we need to work on that. We shouldn't have to have a FOIL request just to see letters sent to the Board. You should respond to them. We've all heard about the communication workshop that happened in Town a couple of months ago. We need to strive for timely, transparent, two way communications. You've received petitions signed by over 1200 residents about this proposal (*after researching names/addresses of petition signers, it was found that there were approximately 650 signers that were residents of Victor*). It's in your hands. We need you to represent us.

Lastly, I'd like to talk about the character of the developer. It starts with honesty and integrity. I went to an Ontario County Board meeting a month ago and one of his representatives

made the claim that SEQR had passed and gone through a public hearing. I never heard about a public hearing. Was there a public hearing for SEQR?

Chairman Dianetti stated he thought there was.

Mr. Curry – So you see, there are untruths.

Mr. Pettee – I'd like to clarify. My recollection was that SEQR was done about a year ago as part of the rezoning process but it also included the conceptualization of the proposed development. As part of the rezoning process, the Town Board did hold a public hearing on the rezoning. Is that correct Don?

Mr. Young – I need to research that.

*There was not a public hearing for the SEQR but there was a public hearing for the annexation process with the Town Board and the Village Board.*

Mr. Curry – I'm not trying to put you on the spot here. All I'm saying is, I believe there are a lot of untruths that we need to look through. For someone to tell me there is 46% greenspace in that plan...we're not stupid and I know that you're not stupid. So I hope you challenge statements like that. But thanks for the job you're doing.

Mr. David Welsh from 80 Church Street – I didn't sign up but I did send in some correspondence but I never got any kind of acknowledgment or response on it.

Ms. Templar wanted to know where he had sent it to.

Mr. Welsh – I brought it down here. I had it addressed to the Director.

Ms. Templar – If you send an email to me, I automatically answer every single email that comes to me.

Ms. Kinsella stated that we had received his letter and it was in the packets that the Planning Board members received and she pulled it out of her packet and showed Mr. Welsh.

Ms. Templar – Copies of everything that I receive go into the Board's packets for their review. It also goes to the applicant, the Village.....

Mr. Welsh – So it does go to the applicant?

Ms. Templar – Absolutely

Mr. Cantwell – Just to clarify a couple of the questions that were raised earlier. The table of sight distances at the intersections are included on Page 14 in the Engineer's Report that was submitted in May of this year. All of those intersections are shown, both the required and the provided for stopping distance as well as visual sight distance.

As far as the access to the park, that was simply an omission on the plan. The intent, again we're at the preliminary stage, we have shown and have stated in the past that there would be access to the Harland Fisher Park from the project. That would include either a sidewalk or a trail. So I just wanted to clarify that and apologize for the confusion on that.

There was a comment about the maintenance and snow removal. All of the proposed roads within the project are proposed to be dedicated to either the Town or the Village so they would have maintenance responsibilities for snow removal as well as all other maintenance within the project itself.

As far as the individual driveways, there is a proposed HOA that would be created as part of this project and as part of the legal documentation of the HOA, maintenance responsibility would be provided under separate contract for snow removal, plowing a driveway, grass cutting, overall landscape maintenance, such as that. Again, that would be for the land within the townhouse portion of the project in the Town of Victor.

Mr. Knauf – I just wanted to add a couple of points. Again it seems like most of the objections are to the zoning which was changed 30 years ago. This is in compliance with the zoning and that's not really the issue for the Board. The issue for the Board is; does the subdivision meet the code requirements. Also, I'm not sure if Bob mentioned, there was a question about the impact on the school. We anticipate that there would be very few kids of school age in this development, which would actually be a positive. Silverton Glen which is a similar development had about 90 townhomes, Bob Cantwell inquired and apparently there are 0 kids going to the schools and we expect this to be a similar situation. They will be for-sale units which is the intent here. As far as, I think you mentioned the sight access, the sight access distances are clearly adequate.

There was a comment about the traffic study about delaying --- an expedient calculation. I did talk to the traffic engineer about that and basically what they said is their computer model kind of bombs out when you're at saturation. So they don't use it...it's not an appropriate calculation at that point and it's very minimal impact on the existing conditions. Again, their recommendation was to put a four way stop at the one intersection but it was only like 2 or 3 an hour on that failing left turn at Lynaugh and Lane Road.

So we ask that the Board review our letter but again there was no condition on density and we are under the density that was presented. Are the units exactly the same as presented 30 years ago? No they're not but I don't think you'd want them to be the same as 1985 designs. We've got modern stormwater management, things have changed in the 30 years and we have a better design probably then was presented but it was approved for 92 units back in 1988. Thank you.

Mr. Ed Povero from 150 Church Street – I wasn't planning on speaking so I might ramble a little bit. A few of the points the gentleman just made; I believe that somebody spoke at the last meeting about Silverton and said that there is some sort of a form or something that you signed that you're over a certain age or something or other which would make sense that there are no school aged children there. I don't think they are planning on making anybody over a certain age to live here so I think that is kind of a falsehood, to put it a nice way. *(Staff contacted the owners of Silverton and there is no form that is signed for not having children and for a requirement of being 55 or older)*

The traffic, the snow just brings up great visualizations of what's its going to be like especially if we have winters like we did a couple of years ago. Where is it all going to go? The woman was speaking earlier about guests but I haven't heard anybody speak about service people, ancillary vehicles that are going to be going in there. We're talking about, I don't know there are 80 bldgs here or 80 families. Everyday, you got to figure at least 25% to 35% of these houses are going to have a contractor, a delivery, UPS, not to mention emergency personnel, lawn mowers, just you name it, did the traffic study take that into consideration that we're going to have all of these extra people coming in? I find it extremely hard to believe, I haven't seen the numbers so this is bad to speak without seeing the numbers but I can't believe the traffic study would say that. I live on Church Street, I deal with traffic everyday. We were just speaking about it the other day. My wife sat for 4 minutes at the end of Church Street waiting to turn on Church Street...4 minutes! I think that is a little bit long to wait as it is now. 80 families, roughly, 2 cars, that's 160 cars. Now if they took that traffic study and divided it over 24 hours, sure you're going to get 1 car a minute. I don't know how they do it! So like the guy who said earlier, at 3:00 in the morning, traffic is great. But at 8:00 in the morning/5:00 at night, I'm trying to back a trailer into my driveway and now I have to wait 2 minutes for the cars until I get an opening enough so that I can actually get my trailer in my driveway. More than half of those cars are going to be going down Church Street towards Route 96, so you're looking at 80 vehicles and an extra 80 vehicles at 7:30/8:00 in the morning....I don't buy it!

It kind of brings me back to the point. I understand, I've been on both sides of this issue for what I do. I understand what your role is. This is America and you should be able to develop your property but also on the other hand, there has to be some guidelines. They stressed very vigorously that they are abiding by the letter of the code. I'm not a lawyer and our lawyer is not here but I would say that it's...I understand that you have to deal within what the code says. It's not up to you to say that I don't like this guy, I'm not going to let him build a house here. We wouldn't want that but we also don't want to see crazy growth or things like this put in places they don't fit. So I would hope that there is some legal way to revisit that code zoning designation possibly review it, possibly make them reapply to put the zoning back to what it was originally before it was changed and then let's see how the chips fall. Rezone it back to R2 or whatever it is, build single family houses, spaced appropriately and I don't think anyone would have a problem with it. I rambled a bit, thanks for listening, thank you.

Chairman Dianetti asked for any other public comment.

Ms. Julie Doyle from 37 Hillcrest – You heard me talk last time so I'm not going to be long. I did just want to point out, I love that you did the East Victor Subdivision first because I got to sit here and look at a proper use of clustering, beautiful use of clustering. In fact, I like that so much I may just sell my home and move there. I love that there was 100 acres, there's a little corner that the houses were put on. Then you have some beautiful streams in between and then there is another little corner where a whole bunch of houses was put on. You read the code for clustering which said that *the purpose of clustering is to preserve open spaces*. The first project, East Victor Road is a beautiful use of clustering. Then this monstrosity comes up and you look at that and you say there is no possible way I can find 46% greenspace in that. In the clustering provisions you read, I believe it specifically stated that you can't count unusable areas and roads. I don't know how you get 46% unless you count the roads. I'm not great in math but it just doesn't look like that's 46%. The first project on East Victor Road, certainly, excellent use of

clustering. I think it exactly fits into the provisions of the code for clustering. This project, I don't feel it does and I think on that basis I would deny the clustering.

The other point I want to bring up, the Gullace's keep saying that they could build a much bigger project, but I really think if they put up 166 unit project there, that would never pass the SEQR. There is just way too much impact on the surrounding area. I seriously worry that wouldn't pass the SEQR at all and I think that is why you see the project here, this one fits a little bit better and really the whole neighborhood is single family. I would argue that it would be wonderful if this was kept somewhere and somewhat scaled down into the single family surrounding it. Thank you

Chairman Dianetti asked for any other comments.

Mr. Henry Bair from 180 Church Street – I sent you a letter which I said about all I was going to say about it. I had to let one little thing go that I did not hear challenged today. Mr. Gullace said 1 car per unit. Do any of you in you house have 1 car? How many have 3 cars? Any of you? Gee that's funny, I do. So obviously, it was a total misrepresentation about how many cars you expect to have, total misrepresentation. You've heard enough about the traffic that I don't intend to reiterate anymore about it just simply it was a complete misrepresentation of how many cars this is going to create. I'll just take a second to tell you what everybody has said, it's very valid, I just don't think ...I can't understand from what I've heard tonight, I can't even understand why there is even a consideration. Apparently, there is a lot of and I'm no engineer or anything, but apparently there is a lot of violations of the zoning rules for the Town as far as the greenspace and all the other stuff. It just seems to me there shouldn't be any question. Thank you.

Chairman Dianetti asked for any other comments.

Mr. David Hahn from 6795 Ally Rise – Kind of a question. Earlier Jack, you mentioned that you recused yourself over the East Victor Subdivision (that's right) and Mr. Cantwell represents you there? (Yes) Would this be a conflict of interest for you?

Chairman Dianetti – That's why I recused myself from them.

Mr. Hahn – No from this because he represents you on East Victor and he represents the Gullace's here.

Chairman Dianetti – Not that I'm aware of.

Mr. Hahn – Okay, it sounds like a conflict of interest and I just want to get some clarification on that.

Chairman Dianetti – I'm not taking part in any of the conversations about East Victor Road.

Mr. Hahn – I'm talking about this project because Mr. Cantwell represents Gullace on this project and he also represents you on your project.

Chairman Dianetti – I've not been advised that it's a conflict.

Mr. Hahn – It seems like a conflict of interest and I'd want to get some clarification on it.

Chairman Dianetti – I'm not going to be deciding on Mr. Cantwell's project, I'm going to be deciding on Mr. Gullace's project.

Mr. Hahn – Well okay, do you get my point? There is a.....the same person representing.

Chairman Dianetti – I appreciate the point that you're making.

Mr. Hahn – Okay. Beyond that, I'm one of the most affected houses on this thing. I mentioned last time that I was here, I bought my house in 2013, 4 months after I became aware of this, I received something in my mailbox. Now I've got one of those giant monstrosities in my backyard. My backyard ends, the large building begins. Do any of you want that in your backyard? It's insane that this would be in this community. Maybe 30 years ago when it was farmland, nothing existed except a couple of farm homes, maybe it made sense. Do you really think that this makes sense? Does anybody on this Board think this makes sense dropped into the middle of 100% single family homes? Okay it was rezoned 30 years ago. 30 years ago...it may as well been a different planet. It doesn't fit at all at this time. People had suggested a vote, would any of you object to that? I think that there is enough outcry of this that it really needs further looking into. Thank you for your time.

Chairman Dianetti – Thank you

Ms. Joanne Chappell from 49 West Parkway – I was just noticing, even though it's not a child friendly neighborhood, if someone does have to raise a child, a grandchild, the buses cannot get down those roads to get to the students. And, even if you're not raising them but providing childcare because the Victor Central School District is door to door on that west side, I don't know how a bus would negotiate that road. Just something to think about.

Chairman Dianetti – Thank you. Anyone else wish to comment tonight?

Mr. Pat Liberti from 996 Kensington Court – I just really quickly want to make one point. The lawyer briefly said that the issue before you is whether or not this is to code. I'm praying that you all know that's not true, right? The issue before you is not...of course it has to be something within code, but your decision, the reason we don't have computers making these choices is whether or not something is within the character of the community as well. Is it safe? Is it appropriate? Not simply whether or not it's code. There's been a lot of discussion about what the code should have been or what it was specified for but fundamentally that's not the issue before you. I assume you know that but I just wanted to challenge that point because he actually said that is the issue before you, is this to code or not and I hope you all agree, that's just not the case and that's right in the Town Code. Your job is to see whether or not this is within the community, is it safe, does it belong there? Of course it has to be within code but that's not the decision factor. I just wanted to bring that up. Thank you.

Chairman Dianetti asked for any other comments.

Mr. Bill Connell from 998 Kensington Court – I'm right on the corner of Kensington and Victor Road. I may be significantly impacted by this as well, merely for the fact that looking at the west side of the road where those houses are, myself, Dave Hahn, Pat Liberti, we deal with a significant run off that comes through our yards in the spring and any time there is a storm. I don't see anything there that is showing relief that would make....all I'm seeing there is when you start developing that land, if there is runoff and maybe there is some issues and maybe there is an answer to that but I don't think that was ever addressed on the SEQR, if we were ever given a chance to ask that question.

The other issue, I'm just asking the questions, what are the setbacks from the County Road to those units that are bordering the County Road? I don't know if anybody knows what that plan is because there is a requirement for a setback on the County Roads for structures. I had to comply to that when I put a shed up. I was going to put it up in a certain way, the Town came out and said I couldn't do that because you have to comply with the setback on the County Road. I'm just a little guy and said okay fine and I did, I moved my shed, I moved the aesthetic value of how I thought it was going to be. So I think if I was held to that, then they should be held to that as well. We are just looking for fairness here. I know that I'm just a little guy but I think they should also.

Again, on the left hand side of the road and maybe I'm missing it, maybe it's that little tiny piece up in the corner by Dave Hahn's property, maybe that's the greenspace on that side of the road but I'm not seeing any over there. I think we have a lot of work to do on this yet. Again, you're representing all of us as well and I understand that you represent them too, again maybe I'm one of those that realize that people have a right to develop their property but also develop responsible to the people around it as well. They're not going to be living there, we are. Thank you.

Chairman Dianetti asked for any other comments.

Mr. Art Burcham from 82 Hillcrest – I wasn't planning on speaking. We moved in there, bought a house on Hillcrest in 1988. Behind us was a corn field which is now houses. When that project went in, I went to one of the hearings and I asked had there been anything done so far as hydrologic studies? I'm not a real bright fellow, I'm a farmer, I have a degree in agronomy but I know for a fact that water plays a very, very important role. We've heard that there are already water problems along East Parkway. When that development went in behind us, it turned a nice backyard into a soggy mess. We have 6 springs in our yard now. We can't mow the grass in the spring time until its well over knee high and hard to get a mower through it. I don't know what provisions there are for having a hydrologic study done by a hydrologist who knows what they are doing and it is a very specialized field. But I would encourage you to do that so that others don't end up with similar problems that we have now. Thank you

Chairman Dianetti asked for any additional comments.

Mr. Ed Povero from 150 Church Street – It just popped into my head when you were mentioning setbacks and I think I remember from the last meeting, I don't know if this is part of the clustering zoning issue but they were talking about 0 setbacks. What I think that means is

basically the bldgs are very, very close to the back lot lines, to the streets, to all of these things. My question is because I don't know the answer, is that something that Zoning Board of Appeals has to approve? Is that just something that is part of a clustering agreement? I think if typical setbacks aren't enforced, everyone of those bldgs are in violation. It's just way too close to the lot lines, you cut that down by half basically to make them all fit if you were to use standard setback requirements. That's my question. I don't know the answer to that.

Mr. Pettee – The typical setback requirements that are required for this typical zoning district, the applicant is seeking a clustered subdivision approval which gives the Planning Board flexibility to modify those setback requirements. There would be no need for the applicant to go to the Zoning Board of Appeals to get an area variance in that case.

Mr. Povero – So it is a separate approval as part of this clustering. It would have to be granted.

Mr. Pettee – Yes, we have a preliminary subdivision in front of us right now for review and the traditional setback requirements would not be met by this particular proposal but since they are proposing it as a clustered subdivision, that would be part of the subdivision approval, the approval of the modified setbacks.

Mr. Povero – Because I understand that you're working within your guidelines and your zoning code and all of that sort of stuff. I'm looking for ways from our side of it, ways to give you people as the Board some leverage to come over to our side and to see that okay this doesn't fall, this is something that we can vote for, vote against, so on and so forth. That was my point. Thank you.

Chairman Dianetti asked for any other comments.

Mr. Santoro – Can I just say, we're not on anybody's side at this point. So don't think we are.

Ms. Luba Mason – What happens after tonight's meeting? What is going to happen with all of our comments?

Mr. Young – So after tonight, the Board is still waiting to receive comments from the last public hearing (June 28<sup>th</sup>). I think there were comments made that this was the first time that you've been heard. We had a public hearing at our June 28<sup>th</sup> meeting, a lengthy one. So they are still compiling the transcripts for that. We haven't had a chance to look at that and review it. We are going to consider the public comments that were heard tonight. The public hearing is going to be held open so there may be more comments. The Board is going to consider the comments via the transcript from the June 28<sup>th</sup> meeting and tonight's comments as well and any other comments that will be made. The Board may have more questions for the applicant. The Board will likely deliberate and take those comments into consideration. Eventually, the Board will make a decision on this preliminary subdivision application.

Chairman Dianetti – The public hearing will stay open until this is on the agenda again. So there will be another opportunity for you to comment. Until we have gotten all of the information together and had a chance to review it, we probably won't have this on the agenda until that time.

At that meeting, there will be a discussion about what the Planning Board would like to see from the applicant. Some of it will be based on comments that were made here, some will be based on comments by the Town Engineer, Town Attorney, our Staff who has had a chance to review the project. This is the opportunity for public comment, for you to come forward and give us your thoughts, your concerns about what's happening. It's not the only thing that we have to consider in the process of determining what's going to happen with this project. You have an attorney, they have an attorney, we have an attorney. They are going to be involved in this process because each group is making different claims as to what is and isn't code and what can and can't be done. This Board has to sort through all of that and try to make a determination on how to proceed. When that happens, remember that what we pass, our resolutions and what those are is an attempt to bring some consensus to the process and have people in the end agree. You may not like it, every side might be disappointed with the end result but that may be what happens.

Ms. Mason – So who determines the resolution?

Chairman Dianetti – The five (5) people on the Board based on the input that they receive from all of the sources that we have mentioned.

Ms. Mason – So how long will...how much longer will you do this? It's been so long.

Mr. Young – A public hearing may be held open for a maximum of 120 days unless there is an agreement to extend the public hearing. At that point, within about 2 months a decision on the preliminary subdivision needs to be made.

Ms. Mason – Within 120 days?

Mr. Young – 120 days is.....

Ms. Mason -.....is for the public hearing.

Mr. Young – Yes and then 62 days after the close....

Ms. Mason – So when does the 120 days start?

Mr. Young – From the first time the public hearing was open (which was June 28, 2016). That's what NYS law provides.

Chairman Dianetti – We won't rush to judgment. I can pretty much guarantee you that this won't be a rush to judgment. So it will take some time. How much time depends on how complicated some of these discussions become especially between the attorneys. There are technical issues that the engineers will be resolving, many of them have been brought up and there has to be a resolution to that. There has to be a resolution of questions regarding the rezoning. There are questions about traffic. These all need to be resolved, it doesn't happen over night and it's not the only thing that everybody is working on.

Ms. Mason – I understand but is there a limit as to how many years? Is there a clause that says okay if this isn't resolved by December 25<sup>th</sup>, it's going to be closed for good?

Chairman Dianetti asked the Board members what the longest application period of time they had experienced. It was mentioned that Victor Crossing took almost 10 years.

Ms. Mason – And that is legal?

Chairman Dianetti - You asked how long could it take and it took that long.

Ms. Mason – Is there a rule to that? Who determines, is there a limit?

Mr. Santoro – There are time limits but if the applicant agrees to extensions, then extensions are granted. That's what happened with Victor Crossing.

Ms. Mason – Ok....so maybe 30 more years!

Chairman Dianetti – To avoid any further confusion, any further difficulties created by not dealing with all of the issues, we need to proceed carefully and do our due diligence and try to come to a resolution. Like I said, it may not satisfy anybody but it may be the only resolution there is for this.

Ms. Mason – Is there a possibility that there be some third way; not the Gullace way, not the Victor Cares way. Is there some other way this could be resolved?

Chairman Dianetti – That's kind of what usually happens. It's usually not what one side wants or totally what the other side wants. There are very few projects that go that way especially the large projects. We really need to gather all of the information and have it in front of us and be able to review it and study it and get answers to a lot of questions that have been asked. There are a lot of conflicting statements, a lot of conflicting data and somewhere in that is an accurate statement and that's what we have to get to. We have to find out where things are really at and then act on it. This Board is not afraid to act and they are not afraid to make a decision and eventually they will make a decision and some or everybody may not be happy with it but they've made those decisions before.

There are a couple of things that I just wanted to state quickly tonight because I think it's important that the expectations of what the Planning Board does is not unrealistic. The Planning Board's powers are narrowly limited and are set forth at Section 211-9 of the Victor Town Code. They primarily include the following:

- Site Plan review
- Subdivision review
- Consideration of Special Use Permits
- Issuance of Recommendations on specified matters to the Town Board at the Town Board's request and completing SEQR in connection with all of the above.
- The Planning Board's powers are therefore generally limited to the consideration of application by land owners for the use of their land.
- They do not include matters such as

- Revising the Town code which is the Town Board's responsibility
- Rezoning land which is the Town Board's responsibility
- Determining whether the use is compliant with the Town Code or otherwise issuing violations. The Code Enforcement Officer has that responsibility.
- Annexation is the Town Board's responsibility
- Determining membership to the Planning Board is the Town Board's responsibility. We do not select the members for the Planning Board.

I think it's important that everyone understands what our role is and what we can and can't do. We have to take basically what we are given and resolve any issues that exist because of that. I'm going to ask one more time if there is anyone who wishes to speak tonight. The meeting will be held open if agreeable to the rest of the Board. (All agreed) We will accept written comments.

Mr. Hooker – Thank you for doing an excellent job,

Chairman Dianetti – Thank you for being here (applause from the audience)

Mr. Knauf wanted to know when this would be back on the agenda.

Chairman Dianetti stated the earliest would be in August but only if we receive all of the information that we are waiting for. The Planning Board just received the applicant's response today. We're waiting for an additional response from the other attorney. Our attorney is looking for a number of things that he needs to resolve.

Mr. Knauf – Thank you for your attentiveness and consideration in this matter. If you need more information from us, we'd be happy to provide it. We understand that it will take some time.

The discussion and the meeting ended at this time.

Motion was made by Ernie Santoro seconded by Heather Zollo RESOLVED the meeting was adjourned at 9:45 PM.

Cathy Templar, Secretary