

**A regular meeting of the Village of Victor Planning Board was held on Wednesday, July 13, 2016, at the Victor Town Hall, 85 East Main Street.**

**MEMBERS PRESENT:** Chairperson Meg CHaides  
Member Charles Criss  
Member Steven Van Dyke  
Member Peter Kowal  
Member Jeffrey Swan  
Planning Clerk Roseanne Turner-Adams

**OTHERS PRESENT:** Amy DiPrima, Mike Gardula, Martin Willix, John Knapp, Al Benedict, Jason Ashton, Douglas Scarson, John Lewandowski, Ruth Nellis, Dave Nellis, Cheryl McLaughlin , George Beckinghausen, Dot Norsen, Sara Piscani, Ken Curry, Patrick Leyden, Deb Nagarro, Sandra Sweet, David Hawkins, Leona Hawkins, Mitch Donovan, Mike Mills, Tom Hooker, Nan Hooker, Norma Halbleib, Edward Halbleib, David Nankin, Allen Ibrisimovic, John Holden, Jim Bold, Diane Bold, Marsha Senges, Michael Bliss, Nancy Pratt, Gene Pratt, Bill Ferris, Jean Laitenberger, Kate Finn-McElhiney, Ryan McElhiney, Diane Miller, Gerald Birmingham, Luba Mason, David Welsh, David Haken, Andrea Rohr, Douglas Fisher, Bob Cantwell, Dante Gullace, Chris Gullace

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

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**Resolution #15-16PB**  
**Acceptance of Minutes**

On a motion made by Charles Criss, seconded by Jeffrey Swan, the following resolution was ADOPTED 5 AYES 0 NAYS

**Resolved,** to accept the minutes dated June 22, 2016.

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**2 West Main Street/Millsy's Barber Shop**  
**Sign Application**

Mr. Michael Mills stated that he owns Millsy's Barber Shop at 2 West Main and he proposes to put a sign on the Moore Avenue side of the building. Mr. Mills stated that there are holes where the previous business had a sign and that his sign will be the exact same size as the previous panel. Mr. Mills stated that he spoke with Code Enforcement who told him that he already has a sign on that side of the building but

Mr. Mills explained that it is a neon sign in the window which he is borrowing and it won't be there for much longer. Mr. Mills stated that he would like to use that window for lighting.

Ms. CHaides asked Mr. Mills if he is applying for one sign. Mr. Mills stated that he was going to apply for an A-frame sign but that he has decided not to use an A-frame sign. Ms. CHaides stated that the barber pole that Mr. Mills has on the front of the building is too low and that the clearance must be 8 feet to grade. Ms. CHaides stated that the barber pole must be moved up.

Ms. CHaides stated that the proposed sign is 3' x 5' and the colors are red, white and blue.

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**Resolution #16-16PB**  
**Planning Board**  
**2 West Main Street/Millsy's Barber Shop**  
**Sign Application**

On a motion made by Steven Van Dyke, seconded by Peter Kowal, the following resolution was ADOPTED 5 AYES 0 NAYS

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

1. A sign application was received on June 21, 2016, by the Secretary of the Planning Board for 2 W. Main Street consisting of a 3' x 5' mounted sign facing Moore Avenue.
2. It is the intent of the applicant to advertise Millsy's Barber Shop.
3. The signs shall be as illustrated in plans received June 21, 2016.

**NOW, THEREFORE BE IT RESOLVED** that the application of Michael Mills, for a 3' x 5' sign facing Moore Avenue at 2 West Main Street, received by the Planning Board June 21, 2016, **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the sign receive a Certificate of Appropriateness from the Architectural Preservation Review Board (APRB) prior to installation.
2. That the barber pole be moved up 8 feet from grade to the bottom of the pole.

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**Resolution #01-16APRB**  
**Architectural Preservation Review Board**  
**2 West Main Street/Millsy's Barber Shop**  
**Sign Application**

On a motion made by Charles Criss, seconded by Peter Kowal, the following resolution was ADOPTED 5 AYES 0 NAYS

**WHEREAS**, the Architectural Preservation Review Board made the following findings of fact:

1. A Certificate of Appropriateness application was received on June 21, 2016, by the Secretary of the Planning Board for a 3' x 5' mounted sign facing Moore Avenue.
2. The sign will be red, white and blue.

**NOW, THEREFORE BE IT RESOLVED** that the application of Michael Mills for a 3' x 5' mounted sign facing Moore Avenue that is red, white and blue at 2 W. Main St., received by the Planning Board June 21, 2016, BE APPROVED.

**AND, BE IT FURTHER, RESOLVED**, that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

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**33 West Main Street/Prima Pop  
Sign Application**

Mr. Mike Gardula of Prima Pop introduced his partner, Ms. Amy DiPrima and stated that they are looking for approval of signage for the building located at 33 West Main Street. Mr. Gardula stated that the first sign would be a 5' x 6' mounted sign on the back of the building between the shutters facing the Library. The second sign would be 4' x 4' at the top of the staircase railing on the outside. Mr. Gardula stated that they would like a 30 day temporary sign which would say 'grand opening' and hang from the gutter on the left of the staircase. Mr. Gardula stated that the last sign would be a sandwich board sign in the front portion of the property that will only be out during business hours.

Mr. Kowal asked if there will be a sign on Main Street. Mr. Gardula stated that the sandwich board sign will be on Main Street. Ms. DiPrima stated that there is already an existing sign advertising Finger Lakes Legal and she would like to discuss having Prima Pop, Chamber of Commerce and Finger Lakes Legal all on one permanent sign at a later time.

Ms. CHaides stated that they may want to have a directional arrow on the sandwich board sign so people know that the business is in the back and that it should not be in the right of way.

Mr. Criss asked if the sandwich board sign would be discontinued if they get on a permanent marquee sign. Mr. Gardula stated that the sandwich board sign would be removed once a permanent sign is erected.

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**Resolution #17-16PB**  
**Planning Board**  
**33 West Main Street/Prima Pop**  
**Sign Application**

On a motion made by Charles Criss, seconded by Steven Van Dyke, the following resolution was ADOPTED 5 AYES 0 NAYS

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

1. A sign application was received on June 22, 2016, by the Secretary of the Planning Board for a sign program at 33 W. Main Street consisting of a 5' x 6' mounted sign on the back of the building between the shutters facing the Library, a 4' x 4' at the top of the staircase railing on the outside, a 30 day temporary sign which would say 'grand opening' and hang from the gutter on the left of the staircase and a sandwich board sign in the front portion of the property that will only be out during business hours.
2. It is the intent of the applicant to advertise Prima Pop.
3. The signs shall be as illustrated in plans received June 22, 2016.

**NOW, THEREFORE BE IT RESOLVED** that the application of Amy DiPrima, for a sign program at 33 West Main Street, received by the Planning Board June 22, 2016, **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the sign receive a Certificate of Appropriateness from the Architectural Preservation Review Board (APRB) prior to installation.

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**Resolution #02-16APRB**  
**Architectural Preservation Review Board**  
**33 West Main Street/Prima Pop**  
**Sign Application**

On a motion made by Peter Kowal, seconded by Jeffrey Swan, the following resolution was ADOPTED 5 AYES 0 NAYS

**WHEREAS**, the Architectural Preservation Review Board made the following findings of fact:

1. A Certificate of Appropriateness application was received on June 22, 2016, by the Secretary of the Planning Board for a sign program at 33 West Main Street.
2. The sign will use Devoe Historical Colors Corn Silk and Mystery Sound.

**NOW, THEREFORE BE IT RESOLVED** that the application of Amy DiPrima for a sign program that uses Devoe colors Corn Silk and Mystery Sound at 33 W. Main St., received by the Planning Board June 22, 2016, BE APPROVED.

**AND, BE IT FURTHER, RESOLVED,** that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

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**Tim Horton's Retaining Wall - 260 West Main Street**  
**Site Plan Modification**

Mr. Martin Willix of Engineering Firm Erdman Anthony stated that he is representing the new owner of 260 West Main Street which is Tim Horton's/Audubon Properties, LLC. Mr. Willix stated that he proposes to construct a new, safer retaining wall of galvanized steel pylons and pressure treated timbers in front of the existing retaining wall behind Tim Horton's as the old wall is failing. Mr. Willix went into detail about the proposed retaining wall and explained that the drive thru will be easier to navigate as there will be a wider, gentler curve. Mr. Willix showed a color rendering of the proposed retaining wall and talked about how it will be constructed.

Village Code Enforcement Officer, Douglas Scarson asked if calculations have been done for the amount of stone behind the new wall as far as resistance or weight. Mr. Willix stated that they have and the design is 100% completed.

Mr. Kowal asked if the existing wall will remain and the new wall will be in front of the old wall with stone in between. Mr. Willix explained that 80% of the old wall will remain but a portion on the East and West will be demolished. Mr. Criss stated that his concern is that the old wall is leaning the wrong way and how will this be mitigated with the new wall. Mr. Willix stated that the old wall has experienced some movement but that the portion that is being removed has experienced the most movement. Mr. Willix stated that the new wall is a very robust wall and has been foundation designed for global stability.

Ms. CHaides read the comments from Code Enforcement:

1. Any work is required to comply with Chapter 14 of the NYS Fire Code including references to chapter 26 regarding any hot cutting of materials. The applicant shall also be aware that F1410 requires access to within 100 feet of the Fire Department Connection if one exists.
2. The applicant's signature is missing from the Site Plan application and the SEAF.

3. The plans indicate the elimination of 4 parking spaces. Chapter 170 does not provide a required number of parking spaces in the business district. The guidelines on the site plan application indicate that 1 parking space is required for every 2000 square feet of structure. 16 parking spaces is required whereas the proposed site plan provides 20 parking spaces.
4. Some landscaping will be eliminated.
5. In reviewing the file, it appears from statements that failure of the existing wall may be due to water not adequately draining from behind the wall. Will this design relieve this issue or has it been determined that water retention is not the issue?
6. The Planning Board is to consider the guidelines in §133-13(A-K) when reviewing a site plan.
7. It appears that some of the lighting will be moved or changed. This would be an opportunity to make sure that lighting is compliant with §50-17B. Not enough information is provided to determine compliance.

Mr. Willix answered each question and stated that they will comply with each comment.

Mr. Holden stated that there have been issues in the past with Tim Horton's customers parking in C&R Vision's lot and suggested that Tim Horton's look at expanding their lot to the East and to address the issue with C & R Vision and resolve it.

Mr. Van Dyke asked how long the construction will take. Mr. Willix stated that it would take less than 2 months.

Mr. Swan asked if signs will be posted to keep people out of the neighboring parking lot. Mr. Willix stated that it is not part of the plan but it can be.

Ms. CHaides stated that Village Engineers asked that if the construction work is to be done while the business is in operation, that a plan to protect the public and employees should be provided. Mr. Willix stated that the public and employees will be very well protected by barricades on both sides and that a condition of the building permit can be signage keeping people from parking at C&R Vision.

Mr. Willix stated that he will coordinate construction hours with Code Enforcement.

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**Resolution #18-16PB**  
**Tim Horton's Retaining Wall - 260 West Main Street**  
**Site Plan Modification**

On a motion made by Peter Kowal, seconded by Steven Van Dyke, the following resolution was ADOPTED 5 AYES 0 NAYS

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

1. An application was received June 15, 2016 by the Secretary of the Planning Board for a site plan modification at 260 West Main Street.

2. The applicant proposes to repair/replace the existing retaining wall located in the rear of the property.
3. The applicant presented to the Planning Board a rendering of the proposed site plan modification. Rendering is now on file.
4. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and this Unlisted Action was deemed to be a Negative Declaration with the original project.

**NOW, THEREFORE BE IT RESOLVED** that the application of David Goldberg for Audubon Properties, LLC, Site Plan Modification for 260 West Main Street, dated June 10, 2016 **BE APPROVED**:

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

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## **PUBLIC HEARING**

### **Dr. William Ferris-Ferris Terrace**

#### **Preliminary Subdivision Plan & Site Plan Review – Ferris Terrace**

Mr. Doug Eldred of BME Associates stated that he represents Dr. William Ferris and is please to present a significant and important project for the Village both for the community and for economic development. Mr. Eldred stated that they propose consolidating 6 small parcels into one 2.9 acre parcel across from High Street on Rt. 96. Mr. Eldred stated that the project itself contains about 27,500 square feet of retail area with 10-15 square feet of that to be for a grocery store. Mr. Eldred stated that 44 apartments are proposed on the second and third floors of the building and that the Zoning Board of Appeals granted three variances for the project. Mr. Eldred showed several 3-D photo simulation renderings of the proposed project and went into detail about the parking plan. Mr. Eldred explained that the project will be developed in two phases and is working with Ontario County to develop an access road from Adams Street to School Street keeping the railroad tracks intact.

*Mr. Eldred presented the 3-D photo simulation boards to the audience and explained the proposed project*

Mr. Eldred stated that the plans have been adjusted and will be formally resubmitted addressing Chatfield and Fire comments in writing.

Mr. Eldred introduced the architect, Mr. Rich Linder from Barkstrom & LaCroix Architects who went through the drawings and explained details about the architecture.

Chairperson CHaides read the legal notice into the record:

“A public hearing will be held before the Village of Victor Planning Board on Wednesday, July 13, 2016 at 7:00 p.m. at the Victor Town Hall, 85 East Main Street, Victor, New York 14564, to consider:

The application of Dr. Bill Ferris for the Preliminary Subdivision Plan and Site Plan for Ferris Terrace. The applicant proposes to demolish the residential structures at 127, 131, 157 and 163 West Main Street in the Village of Victor and combine said lots with two adjacent vacant lots to form one lot totaling 2.65 acres. The project proposes a 3-story mixed-use building to include approximately 28,600 sq. ft. gross retail/grocery on the first floor and 44 upscale apartments on the second and third floors. The project is located within the Business Zoning District and the Central Business Overlay District.”

*On a motion by Charles Criss and seconded by Jeffrey Swan Ms. CHaides opened the Public Hearing*

**Kathy Rayburn- Director of Economic Development Town & Village of Victor**

Ms. Rayburn stated that she is in support of the Ferris Terrace project and that significant retail development is happening all around the Village of Victor and that she emphasizes around. Ms. Rayburn stated that Ferris Terrace is going to bring retail and residents to the center of the Village of Victor which will increase foot traffic to existing businesses and increase walkable amenities that residents want while improving the overall footprint and landscape in the Village of Victor. Ms. Rayburn stated that a survey was conducted in the fall of 2015 which revealed that people want more restaurants, amenities and things to do in downtown Victor. Ms. Rayburn stated that the 4 homes that are proposed to be demolished with the project have been on the market on and off for quite a while and in her 10 years in Local Development this is the first time that a project of any significance has been brought to the table. Ms. Rayburn stated that this is a viable project and she hopes that it will be taken into consideration and that she would be happy to share the survey results or any other information with the Planning Board.

**Mayor Jason Ashton-6 Valley View Drive**

Mr. Ashton thanked past Mayor John Holden for coming up with the idea to request 3-D renderings of the project as it truly displays what the project would look like. Mr. Ashton stated that he is here to speak on behalf of the Ferris Terrace project and that in the survey that Ms. Rayburn spoke about it was identified that the Village needs a synergy. Mr. Ashton stated that past Mayor Holden started that synergy with the Bruckner building and that now it is his generations turn to move that ball forward. Mr. Ashton stated that he believes that this business will start that next redevelopment project. Mr. Ashton stated that when he was campaigning for Mayor he spoke with many senior citizens who said they did not have a place to buy groceries in the Village. Mr. Ashton stated that it has been a stress on him to try to bring a grocery store into

the Village and that in October of 2015 he attended NYCOM (New York Conference of Mayors and Municipalities) in which he took a class on how to revitalize a community. Mr. Ashton stated that the class talked about mixed-use developments and how they are economical generators and also bring synergy. Mr. Ashton stated that the Village Board is in the process of adjusting the codes in order to entice businesses to move in. Mr. Ashton stated that he believes that this project would bring synergy with more residents, foot traffic and people stopping at the grocery store. Mr. Ashton stated that he is in support of the project and thinks that Dr. Ferris is committed to the Village and has done a great job with the architectural and business plan.

### **Deb Najarro-Finger Lakes Railway**

Ms. Najarro stated that this looks like a great project but that Finger Lakes Railway operates on the tracks that are currently owned by Ontario County and are currently renegotiating a long term lease to continue operations on that line. Ms. Najarro stated that the rail bed has been referred to as abandoned but that it is not. Ms. Najarro stated that one of the main concerns with rail lines is drainage and the proximity of this project and the amount of surface area will drop a lot of water. Ms. Najarro stated that it would be curious to the railroad to know if the water would go to the County swale which would undermine the integrity of the rail line. Ms. Najarro stated that it is part of the railway's lease to maintain the rail line and the additional storm water discharge along the corridor will increase the amount of maintenance required by Finger Lakes Railway. Ms. Najarro stated that safety is of concern with the proximity of the proposed project to the railroad. Ms. Najarro stated that the number one cause of railroad related deaths are trespassers and the railroad would like to see a fence separating the properties and some signage indicating "no trespassing". Ms. Najarro stated that she is glad to hear that the Adams Street extension does not kick start the removal of the railroad as the importance of maintaining the national rail network is imperative due to the federal anticipated growth of 45% in freight shipments in the next 30 years. Ms. Najarro stated that the rail line has been there for over 100 years and Finger Lakes Railway wants to maintain rail options in Ontario County.

### **Dot Norsen-11 Duxbury Circle/owns 157 W. Main**

Ms. Norsen stated that she and her Husband Terry own 157 West Main Street which is one of the homes that would be demolished with the project. Ms. Norsen stated that they have lived in the Village for over 30 years and that their children and grandchildren live in the Village and they are invested in what is going to happen to the property. Ms. Norsen stated that they are excited about the project and the idea of having a grocery to walk to in the Village with the ability to park and go to the shops is wonderful also. Ms. Norsen stated that they are impressed by the board and how careful they are being with the project as it will impact her grandchildren. Ms. Norsen stated that she and her Husband have talked about renting one of the proposed apartments. Ms. Norsen stated that she hopes the board will consider the project and she is very much in favor.

### **David Welsh-80 Church Street**

Mr. Welsh stated that the curb cuts onto Rt. 96 would be really detrimental as the amount of traffic going to the building will not easily get safely onto Rt. 96 and if you are going to have one curb cut just for deliveries a tractor trailer would have to make an illegal turn by swinging out into oncoming traffic. Mr. Welsh stated that he likes the idea of having access off of School Street and suggests making it double access and the permanent access to the whole property and if he has to downsize the building to accommodate parking so be it. Mr. Welsh stated that the building should have a flat roof to meet the height requirements of the code. Mr. Welsh stated that he is concerned with walkers crossing Rt. 96 as it is very dangerous with the amount of traffic coming through the village Mr. Welsh suggests lit pedestrian crossing signs.

### **Mary McCarthy-21 East Parkway**

Ms. McCarthy asked what is going to happen to the historic carriage shop at the end of High Street near the proposed project. Ms. CHaides stated that the carriage house will not be touched as that building is not part of this project.

### **Gene Pratt-12 Andrews Street**

Mr. Pratt stated that he is the Chairman of the Victor Tree Board and there is a tree ordinance in place that in part describes the requirements relative to vegetation for new sites like this. Mr. Pratt read: "all new development including but not limited to residential, commercial, industrial and parking lots will include the planting of such trees at such density as shall be determined by the Planning Board." Mr. Pratt stated that he did not see many trees in the proposal. Ms. CHaides stated that there will be a landscape plan as it is a requirement of the site plan. Mr. Pratt stated that approval by the Village of Victor Planning Board for new developments is contingent upon submission of a tree planting plan approved by the tree board. Ms. CHaides stated that the tree planting plan will be given to the tree board for review. Mr. Pratt stated that from an architectural perspective there are some federal homes from the early 1800's in this section of Main Street that have oval fans in the gable that look like a squashed sunburst and if there were some of those put into the gabled end above some of the windows it would keep within the rest of the neighborhood and minimize the height between the peak of the roof and the top of the windows.

### **Doug Fisher-PO Box 30592 Rochester, NY**

Mr. Fisher stated that he applauds the positive goals being expressed with the project and how it could add to the vitality of the Village but Mr. Fisher questions whether this is the project to achieve those goals. Mr. Fisher stated that a grocery store would be wonderful but asks why previous grocery stores have not survived here. Mr. Fisher stated that he hopes that this project is not approved just based on having a grocery store. Mr. Fisher stated that he used to patronize Constantino's Grocery Store in College Town in Rochester and that the project was pushed forward because of the grocery store and the store only lasted a year. Mr. Fisher stated that the Village of Victor is a charming community with residential character which can remain by achieving the goal of retail in other ways. Mr. Fisher stated that other communities have regretted

changing the character by taking out what has made them appealing and putting in some blank building, which this project would do. Mr. Fisher stated that we need to see a site plan which retains the character of the Village Main Street.

**Dr. William Ferris-Applicant-Ferris Terrace Project**

Dr. Ferris thanked the Planning Board for listening to his proposal again and for the support he has received from his team, the Mayor and the homeowners as well as the varying opinions. Dr. Ferris stated that he has existed as a Chiropractor for 10 years in the Village and he has largely helped people with pain and what he began to hear over a decade that there is more than just the physical pain but also heard residents talk about the need for a grocery store, walkability and some amenities which has led to this project. Dr. Ferris stated that this project began to develop around the Village comprehensive plan with the strong team he has assembled of Barkstrom & LaCroix and BME Associates. Dr. Ferris explained that he wants to make sure that the project is done right and Barkstrom & LaCroix designed Packets Landing in Fairport and Corn Hill in which the parking is under water. Dr. Ferris stated that this is probably the most experienced team around when it comes to storm water management and BME has a great reputation and lots of experience. Dr. Ferris stated that he looks forward to hopefully a favorable decision and that he respects the Planning Boards decision.

**Marsha Senges-1231 Wellington Drive**

Ms. Senges stated that she is thrilled that the two needs of the Village, the grocery store and apartments are part of this plan. Ms. Senges asked for clarification on the height of the building compared to the Bruckner building and how many would fit into the footprint of the proposed building. Ms. Senges stated that the Village has done a beautiful job architecturally with Dr. Lowenguths building, Papa Jacks Ice Cream and the Town Hall as they blend beautifully but she does not see that beauty in what has been presented with this project. Ms. Senges also asked about the 64 proposed parking spaces and wonders if there will be a parking space per bedroom.

**Pat Leyden- 64 Hillcrest**

Mr. Leyden stated that he would like to make a left hand turn in the Town without putting his life in danger.

*On a motion by Steven Van Dyke and seconded by Peter Kowal Ms. CHaides closed the Public Hearing*

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**PUBLIC HEARING (continued)  
Lynaugh Road Properties, LLC  
Preliminary Subdivision Plan Review – Gullace Project**

**David Welsh-80 Church Street**

Mr. Welsh stated that the main concern with this project is with the density and requests rezoning of the multi dwelling district back to residential. Chairperson CHaides stated that that is a Town issue which would need to be brought up at a Town Planning Board meeting.

**Gene Pratt- 12 Andrews Street**

Mr. Pratt stated that as Chairman of the Tree Board he requests a landscaping plan be presented to the Tree Board for review. Mr. Pratt stated that they have a certified arborist who works with the Tree Board that can assist with improving the appearance of the location to benefit future residents.

Mr. Pratt stated that broken intersections are a problem in the Village but with the addition of more people and cars with this project becomes a Town issue that cannot be ignored. Mr. Pratt stated that broken intersections are inconvenient, dangerous and classified as failing by the D.O.T. Mr. Pratt stated that at what point do things go from failing to broken and with the density proposed in this project this could potentially be the project that causes that to happen.

**Edward Halbleib-36 Andrews Street**

Mr. Halbleib stated that he and his Wife have lived at 36 Andrews Street for 36 years and his Uncle lived there for 20 years before that. Mr. Halbleib stated that he has a concern with traffic as he has issues getting out of his driveway. Mr. Halbleib stated that he cannot turn left anymore and he used to turn right to go to Lane Road but that more people are taking that route. Mr. Halbleib stated that this project with increase traffic and make the situation even worse.

**Thomas Hooker– 57 East Parkway**

Mr. Hooker stated that he appreciates the Planning Board keeping the public hearing open. Mr. Hooker stated that the clustering option is a huge blanket variance that would allow 1600-2000sf homes on 8,000 sf lots which is significantly under the 11,000sf that it is currently zoned for. Mr. Hooker stated that the residents think that what the Gullace's are trying to do is wrong as they are trying to trade 7/10 of an acre of unbuildable swamp area for the ability to have much smaller lot sizes. Mr. Hooker presented a rendering of correctly scaled homes on the plan and stated that the submitted plan is not accurately scaled and that their deception is not appropriate. Mr. Hooker asked the Planning Board to look at the quality of the developer that is proposing this project.

**Ruth Nellis- 93 East Parkway**

Ms. Nellis stated that she and her Husband have lived at 93 East Parkway since 1972 and she understands that the Planning Board has heard the issues with this project which have been recycled over and over. Ms. Nellis stated that she brought the Town Planning Board her collection of maps which started in 1985 and has progressed to 8 or 9 different plans and she wonders what can be conceptualized from all of this. Ms. Nellis stated that the 3-D renderings presented by BME for the Ferris Terrace Project

are wonderful as they showed realistic pictures of the community from different angles but she has not seen anything like that for the Gullace Project yet it is the same engineering company, BME. Ms. Nellis asked why there have not been renderings showing the character of the proposed development. Ms. Nellis stated that she is a former teacher of the blind and visually impaired and those students who had a history of being able to see in the past made a huge difference in their success. Ms. Nellis explained that they could conceptualize what a house is but imagine if you were blind and have never seen a house. Ms. Nellis stated that we are ordering a community but are not seeing the neighborhood. Ms. Nellis stated that she would like to invite the Planning Board to see from her back yard where the proposed project will be. Ms. Nellis stated that the trees are a necessity to absorb the water from the soil and she hopes the Planning Board will take her up on her invitation to come to 93 East Parkway.

### **Mayor Jason Ashton-6 Valley View Drive**

Mr. Ashton stated that he understands that the Village Planning Board cannot do anything about the Town portion of the project but that he believes as a resident of the Village of Victor that the Village portion of the project should remain R2 sticking with the setbacks that were designed for that area. Mr. Ashton explained that it goes to the character of that neighborhood and when Victorwood was developed it was specific and anything additional to that neighborhood would be out of character. Mr. Ashton stated that at the end of the day it is his opinion that there is no reason why this project should not move forward in the R2 fashion.

### **Allen Ibrisimovic-6792 Valley Rise**

Mr. Ibrisimovic stated that he has attended most of the meetings regarding this project and last night at the Town Planning Board meeting he found himself getting very angry and wants to point out a couple of things that bothered him. Mr. Ibrisimovic stated that there was a question on whose responsibility it would be for snow removal and the response was that the roads were Town and Village roads so both would be responsible. Mr. Ibrisimovic stated that this is a punt by the person designing the project and he does not feel that that is a satisfactory answer. Mr. Ibrisimovic stated that he was blown away by the 3D renderings presented for the Ferris Terrace Project and nothing like this has been done for the Gullace Project. Mr. Ibrisimovic stated that he is tired of seeing the same flat rendering and it would be nice to see something more photo realistic. Mr. Ibrisimovic stated that it would also be good to see a no clustering option and just keep hearing that they are under the maximum allowable units per acre but would love to see someone come up with the maximum allowable but still have the green space required. Mr. Ibrisimovic stated that the new thru street sounds like an accident magnet as there is no space on that blind drive from Hillcrest if people are coming at 55mph to make a left or a right onto Rt. 9.

### **Ken Curry-63 East Parkway**

Mr. Curry stated that he wants to reiterate one simple point "please don't be bamboozled by this clustering request". Mr. Curry stated that the gift of land is 7/10 of

an acre of swamp and asks "what are you going to do with it". Mr. Curry asks that the Planning Board demand that the developer provide one plan in 31 years that conforms to the zoning code.

### **Luba Mason-120 Church Street**

Ms. Mason stated that she attended the Town Planning Board meeting where intersections were discussed. Ms. Mason stated that if you take a defensive driving course they tell you that if you have a lot of stop signs, there are more accidents. Ms. Mason explained that the more stop signs you have, the more accidents happen and with this project there are many more stop signs planned and that is not good.

### **Bob Cantwell-BME Associates**

Mr. Cantwell stated that as a clarification relative to the conventional plan there was a conventional plan that was submitted with the application for subdivision review with the preliminary application that does comply with the lot standards under the R2 zoning code requirements.

*Mr. Hooker asked if the Village Planning Board will be the lead agency for the Village portion of the development. Ms. CHaides stated that the Town was a lead agency for SEQR but that the Village Planning Board is the lead agency for the Village portion of the project. Mr. Hooker stated that the Village Planning Board is doing a super job and is glad that the Village Planning Board is going to protect the neighborhood.*

### **John Holden-172 Maple Avenue**

Mr. Holden stated that when he was Mayor this project first surfaced and that his concern as with any project in the Village is that the code is followed. Mr. Holden explained that the codes are in place for several reasons and one of the most important reasons is that they protect the integrity of the neighborhood. Mr. Holden stated that he feels very strongly that the R2 code in place is the code that the developer should be looking at rather than clustering.

*On a motion by Peter Kowal and seconded by Steven Van Dyke Ms. CHaides closed the Public Hearing*

0 persons spoke in favor of the application and 33 persons spoke against the application.

### **Lynaugh Road Properties, LLC**

#### **Preliminary Subdivision Plan Review/Clustering – Gullace Project**

Ms. CHaides stated that the land that was given to make this project fit the clustering provision is not a useable piece of land. Ms. CHaides stated that the density is of concern and the setbacks of 8 feet on either side are a fire hazard. Ms. CHaides stated that her feeling is that the Village Planning Board should deny the clustering provision and that the developer should conform to the R2 zoning regulations.

Mr. Kowal stated that he is not comfortable with the setbacks and square footage and wants the developer to conform to the R2 regulations. Mr. Kowal stated that the plan shows the sewer district in Farmington and Victor and that if you are in the Village all of the public works should be Village. Ms. CHaides stated that she did receive answers from the Gullace's to all of the Engineers comments but that they match the clustering plan. Ms. CHaides asked that the project be redrawn to scale and that all of the R2 district requirements are met. Ms. CHaides asked for drawings that show proportionality of the proposed development within the surrounding neighborhood. Ms. CHaides requested drawings of the anticipated architecture of the homes and something more 3-dimensional.

Mr. Swan asked about a timeline for the project and requested a timeline for section 3 which is the Village portion of the project. Ms. CHaides asked if a sunset clause should be put on the project. *Residents said yes.*

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**Resolution #19-16PB**

**Lynaugh Road Properties, LLC**

**Preliminary Subdivision Plan Review/Clustering – Gullace Project**

On a motion made by Charles Criss, seconded by Jeffrey Swan, the following resolution was ADOPTED 5 AYES 0 NAYS

**WHEREAS**, the Planning Board made has unanimously decided to deny the clustering provision on the Gullace Project for the following reasons:

1. Clustering does not conform to the integrity of the neighborhood.
2. Homes would be too close together and public safety is of concern if there were to be a fire.
3. The Village does not accept the gift of land, as it is unusable green space that the Village would have to maintain at an unknown cost.

**NOW, THEREFORE BE IT RESOLVED** that the application of Lynaugh Road Properties, Preliminary Subdivision Plan/Clustering for the Gullace Project, dated October 7, 2015 **BE DENIED.**

**AND, BE IT FURTHER, RESOLVED**, that the applicant must follow the R-2 zoning code square footage, front & rear setbacks, and all aspects of the R-2 code requirements.

This is a Village project and all of the utilities should be through the Village.

The Planning Board will submit their decision to deny clustering to the Village Board for their review.

The Planning Board would like to add a sunset clause to the project to be determined at a later date.

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### **MEMBER REPORTS**

Ms. CHaides welcomed the new Village of Victor Code Enforcement Officer, Douglas Scarson and thanked Town Code Enforcement Officer Al Benedict for his help.

Mr. Holden stated that regarding Ferris Terrace, traffic on Main Street is an issue and he agrees that School Street is a better option for tractor trailers trying to turn into Ferris Terrace for deliveries. Mr. Criss stated that there were comments about the architecture of the building and he feels that it could be a whole lot more appealing. Mr. Van Dyke stated that his concern is whether a grocery store yet or is it all talk. Ms. CHaides stated that the project is going to be dependent on them getting a grocery store. Mr. Van Dyke stated that they could get the grocery store but what if it fails and we are left with the empty building. Ms. CHaides stated that she will email the Engineer, Mr. Eldred to see if the truck entrance can be off of School Street.

*Discussion amongst Planning Board about the meeting*

### **ADJOURNMENT**

Meeting adjourned on a motion at 9:38 PM

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Roseanne Turner-Adams, Planning Clerk