

A regular meeting of the Town of Victor Planning Board was held on July 26, 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

ABSENT: Al Gallina

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Mike Guinan, Town Board Liaison; Joe Limbeck, Conservation Board; Spencer Read; Rick Mitchell; Jerry Goldman; David Nankin; Bob Kelly; Bob Cantwell; Linc Swedrock; Kent Kiikka; Monica J. Barry-Hamann; Brandon Morgan

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

There were no meeting minutes to approve nor correspondence submitted for this meeting.

BOARDS & COMMITTEE UPDATES

It was announced that Mike Guinan was the new Town Board liaison.

Joe Limbeck presented for the Conservation Board.

Mr. Limbeck – Good evening everybody. The Conservation Board has issued comments on all the matters before you tonight. If anything comes up we're meeting again on August 2nd, we'll be glad to take them up at that point.

There was no report from the Historic Advisory Committee but there was a representative at the meeting.

Planning Board reported by Kim Kinsella for the August 9, 2016 meeting:

- Public Hearings
 - Dillman Subdivision, County Road 41
Applicant is requesting approval for a 3 lot subdivision of a 182.47 acre subdivision. Lot 1 will consist of +/- 50.9, Lot 2 will consist of +/- 40.3 and Parcel A consists of +/- 91.7 acres. There are no changes proposed in the use of this property. They are subdividing it as part of their estate.
 - Kumpf Subdivision, 670 County Road 9
Applicant is requesting approval to subdivide 5.2 acres into two lots. Lot #1 would consist of 2.5 acres and contain existing barn and Lot #2 would consist of 2.7 acres and contain existing house. The applicant did receive an area variance for the barn which would stand alone on its own on the one parcel.
 - Verizon Wireless, Cobblestone Court Plaza

- Applicant is requesting approval to upgrade the existing wireless telecommunications located on the building. Replacing six antennas and adding three additional antennas.
- Sunrise Manor Subdivision, 826 County Road 9
Applicant is asking for approval to subdivide five acres into five building lots. There is an existing two family house and barn located on Lot 1. The existing house is proposed to have an in-law apartment added to it.
 - East Victor Road Subdivision Project
You are looking at preliminary tonight and final would be in front of you at the next meeting and any carryovers from tonight's meeting.
 - New Applications
 - Timberview Estates– Sketch Plan on Cline Road
26 single family lots on 74.4 acres. The subdivision would be done in three phases.

PUBLIC HEARINGS

Chairman Dianetti asked for a motion to open the public hearing which was moved by Ernie Santoro and seconded by Heather Zollo.

Katie Evans, the Director of Development introduced the applications.

Ms. Evans – For the record and our audience here this evening, the legal notice was posted in the Daily Messenger, Postcards were mailed to property owners at a minimum of 500 feet from the subject parcels and an “under review” sign or signs have been posted for the public hearing agenda items.

Ms. Evans introduced the Victor Self-Storage Application.

VICTOR SELF-STORAGE EAST

7607 Commons Blvd

Appl No 26-sp-15

Owner: Victor Self Storage East LLC

SBL #6.00-1-3.100

Zoned: Planned Development District

Approximately 6.98 acres

Applicant is requesting site plan approval to demolish an existing building and add approximately 5,466 square feet of business/office space; 4,370 square feet of storage/warehouse and approximately 49,470 square feet of a combination of drive-up and interior access storage with associated improvements. Applicant is also providing outdoor storage for 109 RV and boat storage parking. This application has been before the Board a number of times. The Board reviewed the PDD (Planned Development District) criteria on May 10, 2016.

The Town Board approved amendments to the East View Commons PDD, of which the subject parcel is located within, last night to permit the use of the property for self-storage, office, as depicted on the site plan dated February 23, 2016. For the Board's reference the Town Board action also incorporated a sprinkler waiver based upon comments received from the Fishers Fire Chief and the Town Fire Marshall.

Mr. Jerry Goldman, the attorney and agent for Victor Self-Storage East LLC and its principals addressed the Board.

Mr. Goldman – Thank you Mr. Chairman and members of the Board. Rick Mitchell is here tonight and Spencer Read from Mitchell Design Build which is their primary business and in addition which will be housed at this location.

Katie read off most of what my introduction normally would be. I'll summarize some of the salient points. Just to orient everyone as to where this is. It is lot #8 of the East View Commons subdivision and is right behind Home Depot. It replaces the asphalt plant at which will be gone. This allows for a proper utilization of the overall property. The one really good thing about this is that we're not only able to use the area which is outside the NYS Power Authority lines but we're in the process of finalizing and receiving a permit from the Power Authority to allow us to store outside in the area which is shaded on the map, outdoor units. So to that extent we are really able to utilize the site. That having been said, that is a low intensity use. Self storage uses on their own do not generate a whole lot of activity, people put their things there, they don't visit it that often and that was pretty much the key and why we went through the process of the Planned Development District amendment was nothing really addresses all of the normal elements of self storage so rather than try to explain it all in various forms and various ways, we were able to get that all through the Town Board and this Board had the opportunity to see it and make a recommendation and the Planning Board's recommendation was really the key to having this all wound up and completed.

This project also visited the Ontario County Planning Board, and they had no real substantive comments with regards to this matter. There also were reviews and response letters which hopefully you've seen; responses to the Fire Chief Andy Stromfeld from Fishers Fire District as well as the Planning Board comments and comments from the Planning and Building Department. All of which are pretty straight forward. In addition, we've received comments from the Town Engineer this evening and they have been reviewed by our client and they don't see any problem with any of them. In that sense, we're prepared to say that if the Board were inclined to grant and take initial approval, conditioned upon compliance with comments, we're prepared to do so.

There really is not a whole lot to say about this. We have put in our stormwater pollution protection plan on the site. All of the rest of the details have been addressed. So to that extent, we are looking for whatever input the Board may have and hopefully move forward and wrap up this process. Thank you.

Chairman Dianetti asked for public comment and there were none.

Mr. Logan had no comments.

Ms. Zollo – Are you providing the access door that the fire department is asking for? (Yes) Okay because I don't have anything in my paperwork that indicates that.

Mr. Goldman stated it was submitted today.

Mr. Rick Mitchell – In our discussions with the fire service and speaking about the sprinkler waiver and just so you know, if you wanted to look at the plans, the four buildings that go up and

down, those are self storage bldgs, all metal construction, non combustible, single story. Those are the buildings and the only buildings that had a waiver for the sprinklers. The rest of the buildings will have sprinklers. In discussing this with the fire service, both Fire Chief and the Fire Marshall, they agreed that the difficulties of putting sprinklers in there and trying to maintain them because its unheated space and its controlled space which we will not have a key to so if there is a problem, you can't get in there without busting things down. Operationally it's a nightmare. So we talked about substantive alternatives and we're putting in, as a result of our discussion, we're putting in additional hydrants and they asked about having inspection courts in the ends of the bldgs so they can open them up, shine lights down and see if there is smoke. We will have smoke and heat alarms. We planned on doing this as a result of that meeting. The comments that came back from our Planning Board submission is they were looking for them on the building elevations and they are pretty little. We didn't show them on the building elevations. That by no means meant that we weren't going to provide them because obviously that is part of the whole arrangement. So the submission that we brought down today simply showed the ends of the bldgs and where the inspection doors are. As far as fire truck access, the building that goes across, to the right of that you'll see a stone drive, that is a gate that will have fire truck access, a fire dept padlock on that as well as a padlock for the NY Power Authority which is part of the discussion with them. *Mr. Mitchell pointed out the different items that were just mentioned.* There is also a gate for the Power Authority to get up on the hill to service their tower lines as well as the main gate which will have a Knox box which will provide them access through the main gate which is a lift gate. We had that arrangement with the fire service at our facility in the Village as well.

Ms. Zollo – I also had some questions about the building height. Is it 35 or 40 feet?

Mr. Mitchell – It's 35. The code calculates building heights by the average between the peak and the eave on a sloped roof. The peak is 40 and the eaves are 30 so the average is 35 and that's how you determine building heights.

Ms. Zollo – Are there other elevations that have changed since we looked at this in October?

Mr. Mitchell – I believe the only substantive change is the fact that building went from one story to three stories.

Ms. Zollo – You are indicating that you are going for four signs. Did you go to the Zoning Board of Appeals?

Mr. Goldman – That was part of our submission for the Planned Development District.

Mr. Mitchell – We were initially looking to put signs on the fence that faced the parking lot of Home Depot because that is the only visible direction that you can actually see the site from. That was not received well. So part of our solution to that because you can only have a business sign on a building was to build a taller building because a one story building you couldn't see from anywhere. So we are building a taller building to get it high enough to put signage on it. The four signs that we submitted do meet the allowable sign area.

Mr. Santoro had no comments. Chairman Dianetti had no comments.

Mr. Petty – Initially we issued a September 18, 2015 letter with comments and the applicant has responded to those comments, the majority of which they have addressed. We also just issued a letter today, July 26, 2016 with some technical comments related primarily to the SWPPP. We're happy to work through those issues with the applicant going forward.

Ms. Evans – I'd like to request the applicant to update the site plan to remove the zoning code information with the different districts that are on there now given that its just the Planned Development District to reflect what the Town Board approved. Additionally, it would be very helpful for you to inventory the square footage and the associated use. I had a very difficult time coming up with those numbers that I introduced and actually got them off of the parking calculations but did not verify them. Plus it doesn't indicate what buildings will be used for which type of use. So if you could update your notations on the plans that would be very helpful.

Would the Board like to review the elevations for the three story building or are you comfortable with the elevations that were last reviewed in October?

Mr. Logan – I don't have a problem with what they look like and don't have a need to review them again. It's not a very exposed site to begin with.

Ms. Zollo – I would like to see it especially since we are going with 3 stories so they can put on a sign. I would definitely like to see it.

Mr. Mitchell – This is the existing building that is currently on the site that you really can't see. This is the proposed addition for our warehouse and this will be office. This area will be offices for Victor Self Storage East. So all of the offices will be contained in this existing building. There is a little connector building which will be where the Self Storage starts and this is the 3 story climate controlled self storage area. Basically we picked up on the architectural theme that is currently on the existing building, blending some of the elements that I utilized in the facility in the Village, the arch pattern and it's done in drivit like the one in the Village. We wanted the two to be able to relate.

The end of the building which again, you'll see this elevation....you might see this much of it because there is a 10 ft high fence close to the road so when you're driving along, its going to be a 10 ft high wall if you will, kind of a visual barrier. From a distance, Home Depot's parking lot, you probably could see that much of the end of the building but that's where the entrance is for the 3 story climate controlled main entrance. Again, we tried to carry the aesthetic theme around the corner to continue that. The back of the building is invisible from everywhere.

Ms. Zollo – So the back faces the expressway or JC Penny's?

Mr. Mitchell – The back faces the expressway.

Mr. Goldman – We have one other element of signage to talk about also and that is the entry sign and it's Sheet S-106 of your packet. Right now there is a little sign at the entry of the driveway

which is for the current use of the property. What's proposed is a 20 square foot sign face with an element around it to direct people to utilize that driveway.

Chairman Dianetti – What style of fence did you decide to use?

Mr. Mitchell – It will be a chain link fence with inserts, very similar if not identical perhaps to the Home Depot fence that they have around their gardening area.

Chairman Dianetti asked for any other questions and there were none. The public hearing was closed.

Ms. Evans – The intention is to review the LaBella letter and incorporate any technical comments related. Update the site plan but I don't think we need that in order to prepare a draft approval unless the Board feels differently but we can review that at the pre-mylar stage. In the draft approval resolution, we'll reference the architecture that was shown this evening. The square foot inventory will be updated on the site plan and the removal of the zoning block.

Mr. Goldman – Is our plan now to get all of this in place and ready to go at the next meeting?

Ms. Evans – Yes, because there is no additional information being asked of you as the applicant. Staff is being asked to prepare a draft approval and for you to address the outstanding issues at the pre-mylar review.

The discussion ended at this time.

Chairman Dianetti has recused himself from the next application.

Chairman Dianetti – Before I leave, I need to announce that Al Gallina is necessarily absent tonight and I'll be recusing myself from the next 2 items so we will have a 3 member Board. This will change the dynamics about anything that gets voted on tonight. Vice Chairman Logan will be acting Chairman.

BOUGHTON HILL ROAD SUBDIVISION

Appl No 3-PS-16 Preliminary Subdivision

Appl No 3-FS-16 Final Subdivision

County Rd 41

Owner: Jack Dianetti Zone: Residential

Applicant is requesting subdivision approval to subdivide Lot 4 which consists of +/- 55.6 acres. Lot A will consist of 1.414 acres and Lot B will consist of 1.572 acres leaving +/- 52.5 acres. The property is owned by Jack Dianetti and is zoned Residential with a B overlay. Both the preliminary and the final subdivision will be reviewed.

Ms. Evans - Jack Dianetti is requesting preliminary and final subdivision approval for a two lot subdivision on a 55.6 acre parcel. Parcel A is proposed to be 1.41 acres and Parcel B is proposed to be 1.57 acres with a single common driveway. The subject parcel is located on County Rd 41

and is know as the Boughton Hill Road Subdivision. The property is zoned Residential 2 with a B overlay and the Sketch Plan was deemed complete by the Board on May 10, 2016.

Mr. Linc Swedrock from BME Associates appeared before the Board on behalf of Audrey Dianetti.

Mr. Swedrock – We are requesting preliminary and final subdivision approval for the two lot subdivision on Boughton Hill Road as Katie called out. The last time we were here we were actually here for a Sketch Plan and we had a few items and comments that we needed to work out and address with town staff as well as consultants. We had submitted for a major subdivision as the two lots had been subdivided over the years, therefore with the contemplation of all the lots that had been subdivided, we had to do a two step major subdivision application which we have submitted. We have also provided the conservation easement areas to meet the open space requirements and we worked as well to address drainage comments and concerns that the neighbor had. We've met with LaBella at the site. We are proposing an infiltration basin on the site to infiltrate the run off developed from the two parcels as well as the driveway area and we've done testing on the property as well for that and have provided an engineer's report to LaBella for review. We have also revised the driveway layout based on some of the Planning Board comments, trying to open up Lot A and give them more of a front yard. We've gotten SHPO approval which was a big part of what we needed to do. Phases 1A and 1B and got SHPO approval on the site. We've also verified the percolation test which was part of the comments we received from the Sketch Plan review.

The plans have been revised to address all of the comments that we've received from staff as well as the consultants through the process. We are requesting the two lots and the other comment regarding the frontage. The existing parcel that was left there previously was an 80 ft front out onto Boughton Hill Rd. The new plan and application show 100 ft strip of land out to Brace Road to meet the 100 ft requirement so that we didn't need a variance from the Zoning Board of Appeals, therefore, meeting the 100 ft requirement frontage and the lots created and meeting all of the requirements for the subdivision.

We've done quite a bit of homework since we were here last time. I'm here to answer any questions that you might have regarding the revised information.

Mr. Logan asked for any public comments.

Ms. Monica Barry-Hamann from 6861 Boughton Hill Rd – I think I'm across from where he is going to subdivide. I don't understand the drawing but that's not surprising to anyone since I'm not a construction person anyways. Where does the driveway go for the two extra houses? Is it off of Boughton Hill Rd and can you explain that to me?

Mr. Swedrock showed Ms. Hamann an aerial pointing out where the driveway will be.

Ms. Hamann – My other question and thinking about it, with these two homes going up across the street, I'm spoiled, I used to live on Boughton Hill Road when there was just me and it keeps building and building and I'm getting a little used to it, but my question is with one or two homes going up over there, are there plans to extend it and put homes all along the golf course? At this

time I would think no, but I think it's a possibility because you have 52 acres there still and maybe I just need to deal with it in my mind.

Mr. Logan – At this point, there are no applications and there has been no indication from the developer that there are any plans to break up the golf course to sell properties near your home.

Ms. Hamann – And the other two questions are from my neighbors who are people in Victor and I don't know if you even have the answer to this and you probably don't but one of our concerns is living here is how many homes do you expect to keep building in Victor? Many of us when we drive down the many roads find one development after another. Our taxes go up every year and as a retired person, it's sort of hard to keep up with the taxes on our homes.

The other question was from someone else also who feel with all of the development in Victor, are there any places for the community to meet and get to know one another because its just growing so fast. My answer back to them was there is the school, the church, the VI, there are many places, but they weren't content with that answer. That's my second question.

Mr. Logan – Thank you for questions. What may help you or your neighbors is to take a look at the Town's Comprehensive Plan. It's a very comprehensive document on what the development is currently and what can be developed in the Town. The Town has done a great job in my opinion in adding parks and recreation areas all over the community. The Victor Municipal Park has new shelters, etc. Those are great meeting areas. There is Dryer Road Park amongst several. You mentioned a few, the school, even here in the Town Hall for gathering spaces.

Ms. Hamann – Can we just go on-line and find the Comprehensive Plan?

Mr. Logan – Katie, can you give her the address.

Ms. Evans – Sure, I'm actually looking at the Plan right now. We actually have identified a residential build-out number under existing conditions, actually how many homes could possibly be built in the Town of Victor. I believe we are approximately half-way there, however, through a transportation project that we are just now kicking off, focusing on the Route 96 corridor; the Ontario County Planning Department agreed to do a build-out analysis for us. So, we'll have additional information coming in addition to what is available in the Comprehensive Plan. If you contact our office I would be happy to walk you through that. The Comprehensive Plan is also available in the library, so can actually go and take a look at it.

Ms. Hamann – Oh, really?

Ms. Evans – Yes, it's also available on a flash drive. You can view it in the Town Clerk's office, the Village Clerk's office, the library is probably the easiest place to go, or we can provide you with a link directly to the website to find the document.

Ms. Hamann – Ok, thank you.

Ms. Evans – Chapter one is very fascinating. There are all kinds of demographic data associated with how many parks we have; miles of trails; all kinds of very interesting information. I really

encourage you to reach out to the Parks and Rec Department because there are multiple opportunities for activities through that department.

Ms. Hamann – I probably know that because I have some grandchildren and we have been going to the parks, but thank you.

Ms. Evans – That's great. There are senior lunches actually hosted here in the Town Hall which is why the tables are set up the way they are. We just haven't broken them down yet. I'm not sure who organized that but you can contact the Town Hall and we can provide you with that information. I just don't know it off hand.

Ms. Hamann – Thank you.

There was no one else from the public to comment on the application.

Mr. Santoro – Linc you said there was a connection to Brace Road here someplace?

Mr. Swedrock – Yes, we created a 100 foot strip.

Mr. Swedrock showed Mr. Santoro on the image projected where the road was.

Mr. Santoro – It doesn't connect directly from these two lots though does it?

Mr. Swedrock – No, this is the parent lot. The concern was once we created the two lots the only frontage that was left in the 52 acres was *inaudible as Mr. Swedrock was not at the microphone*, which didn't meet the 100 foot lot minimum width. So this included a subdivision of the other parcel of the remaining lands of the golf course. What we did was subdivided the remaining lands of the golf course to provide a 100 foot strip in addition to the 80 foot strip, there is a 100 foot strip out to Brace Road here so that that lot meets Code for a minimum lot width of 100 feet.

Ms. Zollo – You said that you met all the comments, I think LaBella had a couple that were still open; the swale uphill of the leach field, has that been dealt with?

Mr. Pettee – We've had an opportunity to review some information that came in last week, on the 20th. We are in the process of closing out those comments. We have a couple of questions for Linc and BME Associates but they are technical in nature and I don't think our comments would stand in the way of the Planning Board moving forward on this application.

One of the questions that we did have after looking at the updated information; Linc would you be able to describe the rationale for the proposed separation distance between the infiltration basin and the on-site septic system? I think you have a 25 foot separation distance.

Mr. Swedrock – That 25 feet is required between a basin and the septic. That's a health department distance that we checked on.

Ms. Zollo – Is that a minimum distance?

Mr. Swedrock – That’s a minimum distance, yes.

Ms. Evans – It’s really no different than saying there is a minimum requirement of a 100 feet of frontage.

Mr. Swedrock – You have to have 100 feet from a well. You have to be 20 feet from a basin. It’s basically just a requirement from the leaching.

Ms. Zollo – I’m just clarifying that it is a minimum distance at which we are locating it.

Mr. Swedrock – Right, because we have added it in-between the existing wetland which we are maintaining and we have the septic next to the house. We’ve tried to maintain the wetlands area as well as propose the house, the septic, and then put in a drainage basin which we are required to do now.

Ms. Zollo – Could you clarify the Stormwater Pollution Prevention Plan regarding LaBella’s question about Great Brook. You are in the watershed and how are you dealing with the discharge into Great Brook?

Mr. Swedrock – Basically because we’re in the Great Brook watershed we’re required to do the pond. The original submittal that we came back to, we were trying to say that the drainage from this development is not making it all the way to Great Brook. The DEC and LaBella’s comment was if you are in the same watershed you have to do the pond. That’s why we did the pond, to meet LaBella’s condition. It’s for infiltration, it’s not a pond. (Infiltration basin)

Mr. Pettee – So does that mean there will be no water leaving the project site?

Mr. Swedrock – Right now the calculations are showing that the water might spill out of that wetland at the 50 year rain event and go to the east. Because of the way the DEC interprets the watershed, we have to show the calculations that we are reducing the water and the post development condition from the two lots. So I had to quantify and put numbers to it so I can fill out the NOI and submit the SWPPP. That’s why we went out and did the infiltration testing and because there is an off-site drainage area coming down the road that is going into that wetland detention area, I had to separate it so that I can quantify the run-off from both the site and what’s coming down Boughton Hill Road right now, which is coming into that area and just sitting in that wetland area. I had to be able to quantify it so that I could give LaBella numbers so that we can fill out the NOI and the SWPPP as Heather is referencing.

Mr. Pettee – For LaBella, we will provide an updated comment letter to help close the loop on all of our previous comments. Before the Town Engineer would sign any mylars, before the Planning Board Chair signs any mylars, we would be sure that the comments in our previous letter have been addressed. That’s what we are in the process of doing.

Mr. Swedrock – In the revised plan that I submitted on the 20th, it was the intent to address all of the comments. We incorporated all the comments in the revised set back to LaBella. We just need them to verify that we have done it to their satisfaction.

Ms. Zollo – I believe I heard you say earlier that you were addressing some of the drainage concerns that the residents had brought up earlier about the water coming down Boughton Hill Road and so on.

Mr. Swedrock – We are doing what we can with our two lot subdivision to try and reduce what we can from our drainage. That's discharging on the property and its being conveyed away to that property to the east. It should not be backing up westerly. If anything we're improving.

Mr. Logan – I have a question regarding the conservation easement, that's not on these properties, it's on the remaining property, correct?

Mr. Swedrock – Correct it's on the parent parcel so it's coming out of the same property that the 2 lots are coming out of.

Mr. Logan – Is that on the current mowed section of the course or is in the grasses uphill from that?

Mr. Swedrock – Some of it's in the mowed area and some of it is not. You can see the fairways delineated up there where it's mowed. The smaller one behind those 2 lots is mostly not maintained.

Mr. Logan – For the future, I assume that's going to be placed on the property mapping of the remaining parent parcel for any future plans. It's not manicured is what you're saying for the golf course.

Mr. Swedrock - Some of this part is mowed. You can see the sand trap from that hole. It's mowed out to here, so part of this is mowed. This I believe is pretty much not maintained. I'd have to take a look and see how close it gets but the intent was to get these two sites more buffer to the golf course.

Mr. Pettee – We'll follow up with an updated letter and if we've got any questions, we'll contact you.

On motion of Ernie Santoro, seconded by Heather Zollo the Public Hearing was closed.

RESOLUTION – PRELIMINARY SUBDIVISION

On motion of Ernie Santoro, seconded by Heather Zollo

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on June 7, 2016 by the Secretary of the Planning Board for a Preliminary Subdivision entitled Boughton Hill Road Subdivision.

2. It is the intent of the applicant to subdivide a +/- 55.6 acre parcel into two (2) single family lots. Parcel A will consist of 1.41 acres and Parcel B will consist of 1.57 acres.
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 26, 2016 at which time the public was permitted to speak on their application.
5. The Planning Board as Lead Agency found that there were no significant impacts to the environment as a result of the action and directed that a negative declaration be prepared.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. Ontario County Planning Board referred the application back to the referring agency on May 11, 2016 as a Class AR-1, Administrative Review with no comments.
8. The Conservation Board reviewed the application on April 19, 2016 during Sketch Plan and again on June 21, 2016 for Preliminary review.
9. The project has been submitted as a Clustered Subdivision under Section 278 of Town Law and the Clustering Provisions (Article V) of the Town of Victor Code.
10. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED, that the application of Jack Dianetti, Preliminary Subdivision entitled Lands of Jack Dianetti Drawing No. 2271A 01 through 04, drawn by BME Associates, dated January 2016, revised June 2, 2016 received by the Planning Board June 7, 2016, Planning Board Application No. 3-PS-16 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.

3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated June 27, 2016 from LaBella Associates be addressed.
5. That the comments from Code Enforcement Officer dated June 6, 2016 be addressed.
6. That the comments from Conservation Board dated June 21, 2016 be addressed.
7. That the limits of disturbance be clearly marked on plan.

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

1. That the preliminary subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

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

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

Motion passed 3 in favor, 0 opposed

RESOLUTION – FINAL SUBDIVISION

On motion made by Ernie Santoro, seconded by Heather Zollo

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on July 20, 2016 by the Secretary of the Planning Board for a Final Subdivision entitled Boughton Hill Road Subdivision.
2. It is the intent of the applicant to subdivide a +/- 55.6 acre parcel into two (2) single family lots. Parcel A will consist of 1.41 acres and Parcel B will consist of 1.57 acres.
3. On July 26, 2016 the Planning Board approved the Preliminary Subdivision and site plan entitled Lands of Jack Dianetti Drawing No. 2271A 01 through 04, drawn by BME Associates, dated January 2016, revised June 2, 2016 received by the Planning Board June 7, 2016, Planning Board Application No. 3-PS-16.
4. 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.

5. The Planning Board held a public hearing on July 26, 2016 at which time the public was permitted to speak on their application.
6. The Planning Board as Lead Agency found that there were no significant impacts to the environment as a result of the action and directed that negative declaration be prepared.
7. The project has been submitted as a Clustered Subdivision under Section 278 of Town Law and the Clustering Provisions (Article V) of the Town of Victor Code.
8. That the conditions within the Preliminary Subdivision approval resolution granted on July 26, 2016 are hereby incorporated.
9. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED, that the application of Jack Dianetti, FINAL Subdivision entitled Lands of Jack Dianetti Drawing No. 2271A 01 through 04, drawn by BME Associates, dated January 2016, revised July 12, 2016 received by the Planning Board July 20, 2016, Planning Board Application No. 3-FS-16 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That all conservation easements show placement of markers on final plans.
5. That the comments in a letter dated June 27, 2016 from LaBella Associates be addressed.
6. That the comments from Code Enforcement Officer dated June 28, 2016 be addressed.
7. That the limits of disturbance be clearly marked on plan.

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

1. That the final subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).
3. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

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

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

Motion passed 3 in favor, 0 opposed

TABLED FROM 7/12/16 MEETING

EAST VICTOR ROAD SUBDIVISION

Appl No 1-PS-16

East Victor Road

Owner: Five J Enterprises Zoned: Residential

Applicant Reidman Acquisition, LLC 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 2 with a B overlay. This application has been before the Board as an Informal Discussion multiple times, the Board deemed the Sketch Plan complete on December 1, 2015, a Public Hearing was held for a Preliminary Subdivision on May 10, 2016. The Board passed a Negative Declaration completing a SEQR review on July 12, 2016. Per Town Code 184-24C *when lands are proposed to be dedicated to the town as a part of a clustered subdivision, the Planning Board shall refer such offers and related details to the Town Board for necessary action prior to final approval.* I just wanted to update the Board as well as the applicant and audience, last night I presented the lands proposed to be dedicated to the Town of Victor associated with correcting the obscured right of way on East Victor Road as well as the lands intended to advance the Auburn Trail improvements to the Town Board. They indicated that they had no objections. So this evening, the Board will be deliberating comments on the proposed preliminary subdivision and following the preliminary subdivision approval, the applicant will return for a final subdivision approval.

Mr. Bob Cantwell from BME Assoc addressed the Board on behalf of Reidman Acquisitions along with Jerry Watkins of Reidman and Linc Swedrock, Project Engineer from BME

Mr. Cantwell – As was mentioned, we were before the Board 2 weeks ago for the SEQR satisfaction. I think the only comment and response that I would like to make and clarify is relative to the discussion and the dialog that was mentioned relative to the trail. I did distribute to the Board an exhibit of the overall project, being the entire 137 acres as well as the portion of the 28 lot subdivision. That reflects the highlighted area of lands to be conveyed to the Town of Victor. That would be 2 separate parcels; 1 immediately to the north of the 28 lot subdivision and that would include a variable width for the most part across that section. It also includes a connection to the sidewalk system within the project itself. So that is land to be dedicated to the town.

On the overall plan that was distributed tonight, we have highlighted a second parcel which would go from this point due west and that would extend to the limits of the conceptual overall development area. That includes a 25 ft strip of land and would again, be a separate parcel that would be transferred from the Five J's to the Town of Victor.

The third portion is what's highlighted in pink and that would be a 25 ft wide access easement that would also accommodate the trail through that section.

The owner of the property preferred to provide an easement in lieu of the dedication of those lands until such time as the future development area, if it ever becomes a development area, would be finalized. But their intent was to not get into a dedication through that stretch that would ultimately require a transfer back and forth to the town across a possible future right of way.

Again, just to clarify, I think that was one of the only outstanding items relative to comments that we had received. There were a couple of other Parks & Rec comments to clarify but we believe that we have addressed those as part of the plans that had been provided. So with that I'd be happy to answer any questions.

Mr. Logan asked for public comments and there were none.

Ms. Zollo – I wanted to confirm that the Conservation Board was supportive of this being a clustered subdivision because of the protection of the steep slopes and stream corridors. Is that correct? Is there anyone from the Conservation Board here tonight?

Ms. Evans stated that Mr. Limbeck, Chairman of the Conservation Board had left the meeting due to a previous obligation.

Ms. Evans – That is correct. The first round of comments that they issued demonstrated their support specifically the darker area being shown in order to protect the natural resources.

Ms. Zollo – I just wanted to confirm that that is generally the intent of our clustered subdivision code to protect some piece of naturally occurring situation on a property. That's why we have this clustered division to begin with. Thank you.

Mr. Santoro had no further comments on the application as it had been before the Board many times.

Mr. Logan – I appreciate the delineation of the easement for the trails as we talked last time and I did mention that they were working on a bridge which I think is finished. I didn't know if there was verbiage in the easement that described that crossing because I believe it is not exactly on the 25 ft ROW. Did you talk with Brian Emelson about that?

Mr. Cantwell – I was not aware that the bridge had been completed and don't know where the location of that is.

Mr. Logan – It's adjacent to this right at the crossing to the east.

Mr. Swedrock – I know that that bridge is done and it's not in the 25 ft open space area but Jack (Dianetti) stated he was going to figure out what he needed to do for an easement to make sure they had rights over the bridge. We did recognize it but we still need to draw the line in the sand somewhere. There's a 25 ft open space along the property and we might have to do something with an easement there. Jack is aware of it.

Mr. Logan-The intent is there and I know that piece of it is not part of this application. As long as you are communicating, that's fine.

Ms. Evans – On that topic, one item that I had talked to Brian (Emelson) about and then actually followed up with the Conservation Board Chairman Joe Limbeck this evening is we were hoping that the applicant would come back offering this up for dedication so thank you for that. Just for the public's knowledge; the Town of Farmington is doing substantial progress working on improvements to the Auburn Trail so we expect increase use of this portion. The area to be dedicated, where the open space is we suggest the Conservation Board easement be removed from that dedicated piece and the intention of that is to not have the additional level of review when Brian goes to submit a grant that we don't have that restriction over it and the Conservation Board didn't have an issue with that.

Mr. Logan – Have you also spoken to the applicant about changing that on the plans?

Ms. Evans – It's merely removing a hash along the dedicated strip. So it would count as open space but not natural resource.

Mr. Cantwell – We have to provide the final easement documentation for the town and for LaBella's review so that it will be very clear on the document. We wanted to get through the meeting this evening to make sure that we're all on the same page and we can go ahead and prepare those documents and get them to the Board for final review as well.

Mr. Logan – So that would play into my comment about the bridge. If you show that bridge in the hashed area, it might be a challenge for future work on the approaches. We should better define that location. I'm not sure if you are surveying it or just doing a general 25 ft or 50 ft off of the property line description. You may also want to field measure it off of the property line. I

know it's not huge and Katie brought up a good point that for future work within there, we'd want to make sure that it wouldn't be an increase level of review given all of the hard work the hiking trails and the Parks & Rec do for those things.

Mr. Cantwell suggested using a GPS to locate that area and put on the plans.

Mr. Santoro wanted to know if comments were received from Dave Degear from the Town of Farmington and he had and were in the process of addressing them.

Mr. Pettee – I appreciate the graphics that you provided tonight showing the lands proposed to be dedicated for a potential future trail. That helped clarify things for me. I don't have anything further at this point for the preliminary plans. We did help staff put together a draft resolution and may have some comments on that once we get to it.

Mr. Young – Because we want to be clear about the access easement as well as the proposed dedication, Wes and I had a discussion earlier today about perhaps having it indicated on the map before its signed. I would suggest in addition to that, that a deed for the open space be presented to the Town in a form acceptable by the Town Attorney and then an easement for the remainder be presented to the Town in a form acceptable by the Town Attorney relating to the access along the northern area of the parent parcel. In essence the condition is we want the access, there's three tiers, give us the deed for the dedication, the easement for the part that's going to be given by easement and the third thing is to depict it on the preliminary map before it's signed.

Mr. Logan-So is that something you want before the preliminary subdivision maps are signed or the final plans?

Mr. Young – The preliminary map would include all of this, wouldn't it?

Mr. Cantwell – That whole parcel was included as part of the preliminary plans. We have submitted final plans for the 28 lot subdivision but that also includes an overall. I guess my request, as I indicated before, would be for us to prepare that separately without having to rerun all of the final plans and then provide that to the Town Attorney as well as to LaBella to review the 3 levels of that easement. We have submitted with our final application, all of the other easements on the 28 lot portion of the property. So to answer your question, that would certainly be included on the final plan that would be filed. I guess it would be up to you whether you want to see that on the preliminary.

Mr. Young – So you could say a deed for the 1.04 acres prior to executing the final. The Conservation Board on the remainder prior to executing the final subdivision.

Ms. Evans – So prior to signing the final subdivision plat?

Mr. Young – For this.....

Ms. Evans – It's not just this, it's for the whole parcel because the justification for the clustering includes the remaining acreage. I don't separate those two, it's under review today.

Mr. Young – Do you want this depicted on the preliminary or on the final only?

Ms. Evans – That's a Planning Board decision. I think there's been ample conversation this evening and the intent is clear. We were just told that it would be on the final plans prior to signature.

Mr. Young – Ok

Mr. Logan – I would be fine with it being on the final plans. They can't touch the property until they get final plan approval correct?

Ms. Evans – Right and the record represents the intention.

Mr. Logan – So if everyone is in agreement we could put that into tonight's resolution.

Mr. Young added the conditions to the resolution to be read.

Mr. Logan asked the public is there were any additional questions from the public and there were none.

RESOLUTION FOR PRELIMINARY SUBDIVISION

On motion of Ernie Santoro, seconded by Heather Zollo

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

1. An application was received on April 5, 2016 by the Secretary of the Planning Board for a Preliminary Subdivision entitled East Victor Road Subdivision.
2. It is the intent of the applicant to develop a 57.77 acre portion of the overall +/- 137.5 acre parcel into 28 residential lots on approximately 13.7-acres, and designating an additional 44-acres of open space lands under the clustering provisions of the Town of Victor Code.
3. The proposed open space is depicted to include a conservation easement area, and a 25-foot wide access to the Town of Victor, where said access has been coordinated as a result of input from a July 10, 2016 memo from the Town's Director of Parks and Recreation.
4. A public hearing was duly called for and was held on May 10, 2016, and whereby all property owners within 500-feet of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.

5. The Planning Board, resolved to be SEQRA Lead Agency on June 14, 2016 after going through the lead agency coordination process, and issued a Negative Declaration of Environmental Significance on July 12, 2016.
6. The Conservation Board reviewed the project on April 19, 2016 and June 21, 2016.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
8. On May 11, 2016, Ontario County Planning Board referred the application back to the referring agency with comments.
9. The Parks and Recreation Department reviewed the plans on July 10, 2016 and requested applicant to provide a 25 ft wide portion of land dedicated to the Town for the future improved trail, as mentioned previously in item 3, above.
10. The applicant's letter to the Planning Board, dated April 5, 2016, requested a waiver from the Town's Design and Construction Standards (Section 2.9.3.4) so as to allow 26 lots on a dead-end street where the Standards generally allow for a maximum of 25 single-family homes on a dead end street.
11. Pursuant to Section 27-11 of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board, authorized by Section 211-48 of the Victor Town Code, grants the following waiver to the Town's Design and Construction Standards:

1. The dead-end street depicted to provide access to the proposed 26 single-family homes is hereby granted.

AND, BE IT FURTHER RESOLVED that the preliminary subdivision application of Reidman Acquisitions, LLC, Major Subdivision entitled East Victor Road Property, drawn by BME Associates, Project 2271RDC Drawing Numbers 11 through 22, dated April 2016, received by the Planning Board April 5, 2016, Planning Board Application No. 1-PS-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.

3. That the comments in a letter dated May 18, 2016 from LaBella Associates be addressed.
4. That the comments in a letter dated June 29, 2016 from Code Enforcement Officer be addressed.
5. That the comments in a letter dated June 29, 2016 from the Highway Dept be addressed.
6. That the comments in a letter dated July 25, 2016 from the Town of Farmington Water & Sewer be addressed.

Discussion took place over the next condition:

Ms. Evans – Just clarification that it's a 25 ft dedicated lands to the Town of Victor proposed from the west side of Lot 16 expanding the length of.....

Mr. Young – I thought some of it was an easement and some of it was dedicated.

Ms. Evans – Yes that's true but its not all just easements.

Mr. Young – Right, that's why I talked about a deed and an access easement.

Mr. Pettee - So at the beginning of that condition, he's indicated that a 25 ft wide access to the Town of Victor be provided and depicted.

The word easement was removed.

Mr. Young – If you want to be clearer, I'll put in *by way of a combination of an easement and a dedication.*

Mr. Pettee – On Finding #3, we did say access easement but perhaps we take out easement and just say 25 ft wide access. *#3 was also reworded.*

Discussion ended and resolution was continued.

7. That comments in a memo dated July 10, 2016 from the Director of Parks and Recreation be addressed, including that a 25 foot wide access be provided to the Town of Victor by way of a combination of conveyance of an easement and a dedication of lands, all as more specifically identified on an map exhibit provided by the applicant depicting the same on the evening of the July 26, 2016 Planning Board meeting, additionally including as follows:

A) that said access, including the access easement and the dedicated lands, be identified and depicted on the Final Subdivision Map;

B) that the applicant provide a deed to the Town for the approximate 1.04 acres to be dedicated to the Town, acceptable to the Town Attorney, prior to Final Subdivision approval; and

C) that the applicant provide an access easement to the Town for the remainder of the 25 foot access, acceptable to the Town Attorney, prior to Final Subdivision approval

8. That the comments made at the May 10, 2016 Planning Board meeting from Victor Fire Department be addressed.

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

1. That the major subdivision comply with Town of Victor Design and Construction Standard Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten percent (10%) of the final construction cost, as determined by the Engineer for the Town.

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

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

Motion passed 3 in favor, 0 opposed

A brief recess was taken at this point. Chairman Dianetti returned to the meeting.

MODIFIED APPLICATIONS

CITY TAVERN – BERM

7635 St Rt 96

Appl No 11-SP-16

Zoned: Commercial Route 96/251 Overlay

Owner: Widewaters Route 97 Co III LLC

SBL #6.00-1-66.100

Acres: 3.45

Applicant has requested a modification to site plan that the Board had approved on May 10, 2016 to construct a 4 ft high landscaped berm between Rt 96 and the outside patio area.

Mr. Brian Amario from Passero Assoc addressed the Board.

Mr. Amario – We received site plan approval May 10, 2016 and now we're going in front of the Board for modified site plan approval. As you mentioned we are proposing a landscaped berm in lieu of the masonry wall and we believe that it will be more aesthetically pleasing and economical and also it will shield the patrons from the noise from 96.

There is going to be a trench drain between the patio and the berm. The patio is going to sheet drain into the trench drain and the trench drain is going to tie into the existing storm sewer on site. It's all going to be privately owned. That's all I have so will open up for questions.

Mr. Santoro – It's pretty straight forward. I think it's going to look better than a masonry wall. As someone commented, it will also protect the pedestrians better if a vehicle jumps the curb.

Ms. Zollo – I think it was supposed to be a fully landscaped berm there to begin with from the previous development. As long as the engineers say that its sufficient protection for the patrons, then I think it's great.

Mr. Logan – There is already a formal landscaping berm in front of that building anyway. Your right Heather there is some landscaping that was meant to be separated, clustering of trees I believe but not fully landscaped.

Ms. Zollo – Well there is not much vegetation there now.

Mr. Logan – That's true but they did propose to put them as a cluster on one side or the other. I have no problem with this application.

Mr. Pettee – LaBella did issue a letter dated July 21, 2016 and just had 2 comments. One was regarding the inverts on the trench drain and the applicant has responded to our comments. So we don't have any further concerns.

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

RESOLUTION:

On motion of Joe Logan seconded by Heather Zollo

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

1. A modified Site Plan was received on June 22, 2016 by the Secretary of the Planning Board entitled City Tavern.
2. It is the intent of the applicant to construct a 4 ft high berm outside the patio area.
3. The Planning Board held a public hearing on May 10, 2016 for the construction of a 20 ft x 112 ft outside patio at which time, the application was approved.

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 a Short Environmental Assessment Form was prepared and deemed a Negative Declaration on May 10, 2016.
5. Zaretsky and Assoc. reviewed landscape plan July 7, 2016 and had no further comments.
6. The Town of Victor Code Enforcement Officer reviewed revised plans July 20, 2016 and has no further comments.

NOW, THEREFORE BE IT RESOLVED that the site plan modification for a 4 ft berm, Site Plan entitled City Tavern drawn by Passero Associates dated March 2016, revised June 20, 2016 received by the Planning Board July 7, 2016, Planning Board Application No. 11-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 21, 2016 from LaBella Associates be addressed.

Ongoing conditions:

1. That the plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

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

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

Motion passed 4 in favor, 0 opposed

MARK'S PIZZERIA REVISION/MODIFICATION

6499 St Rt 96
Appl No 19-SP-16

Owner: Victor Property Holdings, LLC
Zoned: Commercial /Light Industrial Route 96/251 Overlay
SBL # 28.12-1-33.000
Acres: 1.27

Applicant is requesting approval to demolish existing bldg and construct a new 60 x 68 bldg for a total of 4,080 sf on same site with associated site improvements. This application was previously approved by the Board February 23, 2016 as a modification to the existing building however after further structural analysis, the applicant has returned to request to demolish and construction of a new building. The applicant has appeared informally twice before the Board since the February approval to discuss proposed architectural elevations. A public hearing was held on this new application for the new building on June 28, 2016. The applicant received a Zoning Board of Appeals approval for a front setback variance on July 18, 2016.

Mr. Scott Harter from Professional Engineering Group addressed the Board.

Mr. Harter – Mark successfully obtained the zoning grants last week which I think is the last thing on our list of things to do. The building was reviewed by the Architectural Review Committee and I think you were okay with it. I did respond to LaBella’s review letter and Codes review letter and addressed the items in the final plans that will be circulated for signature. I believe I sent Wes the drainage calculations and a few contours will change on the pond area and there were a few other minor items as well. They should all be contained in the plans for signature.

Mr. Santoro, Ms Zollo and Mr. Logan had no comments. Mr. Pette had no comments.

Chairman Dianetti asked for public comment and there were none.

RESOLUTION:

On motion of Mr. Santoro seconded by Ms. Zollo

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

1. A Site Plan modification application was received on June 1, 2016 by the Secretary of the Planning Board entitled Mark’s Pizzeria-Replacement Building.
2. It is the intent of the applicant to demolish existing building and construct a new 60’ x 68’ building.
3. All property owners within 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on June 28, 2016 at which time the public was permitted to speak on the application.

5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared and deemed a negative declaration on June 28, 2016.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. On January 12, 2016, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. The Conservation Board reviewed the application June 21, 2016.
9. The Victor Fire Dept reviewed the application June 16, 2016 and had no comments.
10. Zaretsky and Associates Landscaping reviewed the application June 8, 2016 and all comments have been satisfied.
11. The Architectural Consultant from LaBella Assoc. reviewed the application June 13, 2016 and all comments have been satisfied.

NOW, THEREFORE BE IT RESOLVED that the application of Scott Harter, P.E, Site Plan entitled Mark's Pizzeria drawn by Professional Engineering Group, dated June 2016 received by the Planning Board June 1, 2016, Planning Board Application No. 19-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 June 24, 2016 from LaBella Associates shall be addressed.
3. That the comments in a letter dated June 22, 2016 from Codes be addressed.
4. That the applicant's signage be code compliant or a variance shall be obtained from the Zoning Board of Appeals.
5. A note shall be added to the final site plan indicating all sewer laterals and associated buried piping no longer in use shall be properly abandoned with associated inspections by the Town's agent to the satisfaction of the Town Engineer and the Town of Farmington Water and Sewer Department.
6. That the site plan shall include curbing at entrance and exits for the intended purpose of defining said entrance and exits from right of way wrapping around into the first parking stall on both sides of the site.

7. That the sign lighting plans shall be consistent with the January 26, 2016 meeting minutes discussion specifically to include gooseneck lighting.

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 shall be consistent with the architectural details as shown on the building elevations, entitled Mark's Pizzeria Proposed Site Plan Elevations as prepared by Internet & Media Professionals received by the Planning Board Secretary June 2, 2016.
3. All screening shall be similar in material and color and integrate with the proposed building materials and subject to the review and approval of the Planning Board. This shall include, but not be limited to mechanical equipment, refuse enclosures, transformers, meters, or RPZ vaults.
4. That a pre-construction meeting shall be held prior to the start of construction.
5. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

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

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

Motion passed 4 in favor, 0 opposed

Motion was made by Ernie Santoro seconded by Heather Zollo RESOLVED the meeting was adjourned at 8:45 PM.

Cathy Templar, Secretary