

A regular meeting of the Town of Victor Planning Board was held on August 9, 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

ABSENT: Heather Zollo, 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; Rudy Kumpf, Ed Martin, Pamela Allen, Richard Allen, Jerry Rampe, David Nankin, John Blawski, Randolph Lee, Jerry Goldman, Rich Mitchell, Colin Bachman, Daryl Perodcarlo, Susan Shepard, Richard Klein, Brett Morgan, Mark Davitt, Melanie Sheahan, Ann Aldrich, Debra Hogan, Linc Swedrock, M McCarthy, Ruth Nellis, Peter Vars, Jared Lusk, Doug Ellsworth, Karen Polidori, Mauro Polidori

Chairman Dianetti noted to the public that due to having 2 members of the Board absent, that although there is a quorum anything being voted on this evening would need a unanimous outcome in order to be approved.

CORRESPONDENCE RECEIVED

- Jerry & Cheryl Rampe re: Kumpf's Subdivision

BOARDS/COMMITTEES UPDATES

Historical Advisory Committee reported by Ann Aldridge

- Dillman Subdivision – Wanted to have the Planning Board aware that there is a family cemetery on one of the lots.

Planning Board reported by Kim Kinsella

- August 23rd meeting
 - Public Hearings
 - Mike Draveck on Falmouth Lane – 1900 sf accessory garage
 - Damico on Phillips Rd – Subdivision to include a commercial driveway
 - Burger King on Rowley – Building modification
 - Crown Castle (Verizon) on Brownsville Rd – 140 ft monopole for antennas
 - Glacier Hill Solar System on Glacier Hill Road
 - Carry Over
 - East Victor Road Subdivision – Final approval of 28 lots

Mr. Logan asked about Glacier Hill and whether they wanted to replace solar panels that are there now or add to it. *They are adding to the existing panels.*

Chairman Dianetti requested an attorney client session to include Planning Board members,

Town Attorney Don Young and Director of Development Katie Evans at 7:10 pm

Chairman Dianetti called the open meeting to reconvene at 7:20 pm.

Chairman Dianetti – I just wanted to advise the public this evening and the applicants that I will be recusing myself from the item on the agenda which is an informal discussion. There will only be 2 members of the Board to take part in that discussion as I will be leaving the room. This is related to some comments that came up at the last Planning Board meeting where there were some questions regarding me ruling on any projects that were brought forward by BME Assoc. because they are finishing up a couple of projects for Victor Hills and for my mother and as long as we are engaged with them in a contract, I will be recusing myself from any of the projects that they bring to the Board. Once my projects are complete and have been approved then I will be able to participate again in those projects. This was an advisory opinion from the Town of Victor Ethics Board who I asked to give me an advisory opinion the morning after that last meeting. So right now I'll ask for a motion to open the public hearing meeting.

On motion made by Ernie Santoro, seconded by Joe Logan, the public hearing was open.

Legal notice was posted in the Daily Messenger and post cards were mailed to property owners at a minimum of 500' from the subject parcel along with "Under Review" signs being posted on the subject's parcels for the public hearing applications.

PUBLIC HEARING

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

DILLMAN SUBDIVISION

Appl No 4-MS-16

7523 – 7525 County Rd 41

Owner: Allie, Donald, Kurt, and Patricia Dillman Zoned: R2 w/B overlay

SBL #39.00-1-3.100

Kurt Dillman is requesting approval for a 3 lot subdivision of 182.47 acres. Lot 1 will consist of +/- 50.9777, Lot 2 will consist of +/- 40.385 and Lot 3 consists of +/- 91,770 acres. There are no changes or development proposed in the use of this property. This is the first time this application has been before the Board.

Mr. Kurt Dillman addressed the Board.

Mr. Dillman – What it is, is the family farm with the 3 owners; my Uncle Donald, Allie, Aunt Pat and myself. We would like to divide the farm up between the 3 families. The concern about the cemetery, it is also noted in the abstract and it gives rights for people to come on there and do what they wish at the cemetery. There really isn't anything there that I know about. I know about where it might be since as a kid I knew about some stones over there. I don't believe there are any graves there. From what I was told, they had been moved to a site in Mendon.

The property is not going to be changed. The use of the property is still going to be agricultural. We have no development plans whatsoever with it. It's just dividing lines between family members, that's it. Thank you

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

Mr. Santoro – I understand it.

Mr. Logan – Ann were you going to make a comment on the cemetery?

Ms. Ann Aldridge – Members of the committee went a week or two ago and I don't know if you knew that Kurt and looked at the cemetery and they did find stones there. The committee is going to be working with the Cemetery Committee and investing further on history. So we just wanted you to be aware that it is located on one of the parcels.

Mr. Logan – Do you know where approximately?

Mr. Dillman pointed it out on the overhead screen.

Ms. Aldridge – It's behind the houses up on a knoll. I was not able to go on that field trip but I know that Babette, Bonnie and Bob Kelly were there. There were 3 or 4 of them.

Mr. Logan – Is it a very large area do you know? (I don't know)

Mr. Dillman – It's up on a knoll about 80 yards from the house, southwest of the house.

Mr. Logan – Is it like a family plot type of thing? About a dozen or so?

Mr. Dillman – I don't know what stones they found.

Ms. Aldridge – The Murray family plot is there and I can't remember the other family. They found several stones. They aren't standing, they're down. They took some pictures of them.

Mr. Logan- You're not planning on doing anything on the site anyways. (No) What made you think that they might have been moved at some point?

Mr. Dillman – That's what my parents and my Uncle Allie told me which was told from his mother.

Mr. Logan – Okay, there's a way to survey it if you really wanted to in the future. I'm not suggesting anything like that needs to be done.

Mr. Dillman – That parcel would be on Allie and Aunt Pat's. I believe he's the one that has been talking to them. He knows more of the history on that.

Ms. Aldridge – I know Bonnie did write up some things on the history of the cemetery before they went. I can have a copy of it sent to you.

Mr. Logan – That’s fine. It’s interesting, there’s obviously a lot of history there.

Ms. Evans asked Ms. Aldridge to send what information the committee had in order to place it in the project file. If there was a future building permit application, it would be in the file. Ms. Aldridge would let Babette Huber know.

Mr. Pettee – The only comment that we had was in a letter dated August 2, 2016. We were just looking for an update on the subdivision drawing itself, zoning data note and minimum lot size note. Nothing further.

The public hearing was closed.

Chairman Dianetti asked council if something should be put into the resolution regarding the cemetery. Mr. Logan suggested a statement in the *Whereas* portion. Discussions went back and forth on what to be put into the resolution.

RESOLUTION

On motion made by Mr. Santoro, seconded by Mr. Logan

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on June 14, 2016 by the Secretary of the Planning Board for a Minor Subdivision entitled Lands of Kurt Dillman, Donald Dillman, Allie W. & Patricia Dillman.
2. It is the intent of the applicant to subdivide 182.47 acres creating Parcel “A” of 91.7 acres to be conveyed to Kurt & Sherry Dillman and to be combined with their existing lot. Also to create and convey Lot #2 of 40.38 acres to Allie & Patricia Dillman and create and convey Lot #1 of 50.98 acres to Donald Dillman.
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 August 9, 2016 at which time the public was permitted to speak on this application.
5. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
6. On July 25, 2016, Ontario County Planning Board referred the application back to the referring agency as an AR-6 (Administrative Review) Class 1 making no formal

recommendation to deny or approve single family residential subdivisions under five lots.

7. In a letter dated August 2, 2016, LaBella Associates stated that technical aspects remain to be addressed.
8. In a letter dated August 8, 2016, the Department of Public Works requested the opportunity to review any future site development plans to assure that any negative impacts to County Road 41 are mitigated as appropriate.
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.
10. 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.
11. The Planning Board reviewed the Unlisted Action on August 9, 2016 and identified no significant impacts.
12. The Historical Advisory Committee has identified that there is evidence a cemetery may be located on Lot 2 and should be taken into consideration if future development is proposed.

NOW, THEREFORE, BE IT RESOLVED, that the project, Dillman Subdivision, will not have a significant impact on the environment and that a negative declaration be prepared; and be it further

RESOLVED, that the application of Kurt Dillman, 7431 County Road #41, Victor, New York, Minor Subdivision entitled Lands of Kurt Dillman, Donald Dillman, Allie W. & Patricia Dillman, drawn by Babcock Land Surveying & Planning, dated October 9, 2012, received by the Planning Board June 14, 2016, Planning Board Application No. 4-MS-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the minor 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 August 2, 2016 from LaBella Associates be addressed.

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

1. That the minor 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	Aye
Joe Logan	Aye
Ernie Santoro	Aye
Heather Zollo	Absent
Al Gallina	Absent

Approved 3 Ayes, 0 Nays

KUMPF SUBDIVISION

670 County Rd 9

Owner – Rudy & Janet Kumpf Zoned: R2 w/B overlay

SBL # 16.00-1-1.110

Rudy Kumpf is requesting approval for a minor subdivision to subdivide 5.288 acres into two lots. Lot #1 would consist of 2.559 acres and contain existing barn and Lot #2 would consist of 2.729 acres and contain existing house. Applicant received variance for the stand along barn on July 18, 2016. This is the first time this application has been before the Board.

Mr. Rudy Kumpf addressed the Board.

Mr. Kumpf – Are there any questions on that?

Mr. Santoro stated he had none. Mr. Logan stated he had none and Chairman Dianetti stated he had no questions.

Chairman Dianetti asked the public for comments and there were none. The public hearing was closed.

Mr. Pettee – We have a comment in the file on a letter dated June 8, 2016. We are just looking for a couple of minor revisions to the subdivision map which can be addressed when they submit a mylar; to correct the spelling of Colyer Crossing, and a zoning district note. The Short EAF I believe it's already been revised. That's all we have.

RESOLUTION

On motion made by Mr. Logan, seconded by Mr. Santoro

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on May 9, 2016 by the Secretary of the Planning Board for a Minor Subdivision entitled Kumpf Subdivision.
2. It is the intent of the applicant to subdivide 5.288 acres into two lots. Lot #1 would consist of 2.559 acres and contain existing barn and Lot #2 would consist of 2.729 acres and contain existing house.
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 August 9, 2016 at which time the public was permitted to speak on this application.
5. An area variance was granted on July 18, 2016 from the Zoning Board of Appeals to allow an accessory structure on Lot #1 without a primary structure.
6. In a letter dated June 8, 2016, Labella Associates stated that technical aspects remain to be addressed.
7. 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.
8. 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.
9. The Planning Board reviewed the Unlisted Action on August 9, 2016 and identified no significant impacts.

NOW, THEREFORE, BE IT RESOLVED, that the project, Kumpf Subdivision, will not have a

significant impact on the environment and that a negative declaration be prepared; and, be it further

RESOLVED, that the application of Rudy Kumpf, 670 County Road 9, Victor, New York, for a Minor Subdivision entitled Kumpf Subdivision, drawn by Freeland-Parrinello, dated May 6, 2016, received by the Planning Board May 9, 2016, Planning Board Application No. 2-MS-16 BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the minor 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 from Al Benedict, Code Enforcement Officer, dated June 7, 2016, be addressed.
5. That the comments in a letter dated June 8, 2016 from Labella Associates be addressed.

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

1. That the minor 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 of new house, 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 appropriate standard conditions with the Planning Board's approval letter.

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

Al Gallina Absent

Approved 3 Ayes, 0 Nays

VERIZON WIRELESS

100-109 Cobblestone Court

Appl No 23-SP-16 & 5-SU-16

Owner – Cobblestone Victor NY LLC

Zoned – Commercial & Route 96/251 Overlay District

SBL # 1.02-1-8.000/PLZA

Nixon Peabody on behalf of Verizon Wireless is requesting approval to upgrade the existing wireless telecommunications located on the existing building. Applicant is requesting to replace 6 AWS antennas and the addition of 3 PCS remote radio heads to be painted to match the building facade. This application also requires a Special Use Permit. This is the first time this application has been before the Board.

Mr. Jared Lusk with Nixon Peabody addressed the Board.

Mr. Lusk – I think the application is pretty simple and self explanatory. Verizon Wireless seeks to upgrade its existing antennas on the facility to more modern antennas as well as add 3 remote radio heads that will increase the overall productivity of the antennas they are installing. It's just like upgrading a computer, it's new technology that will make the system operate better. That's the long and the short of it. You will not see the radio installed on the facility, just the antennas and they are almost the same size. We're just replacing in kind to basically antennas that are just upgraded models of existing facility.

Chairman Dianetti asked for public comment and there were none.

Mr. Santoro – We always favor co-location and replacement as is.

Mr. Logan had the same comment. The colors will match the building? (Yes)

Mr. Pettee – We did make a couple of comments on this application. However, it is straight forward. Our comment letter is dated August 5th. They've already responded to our two comments and we're satisfied with their responses. They were very minor; one was the address on the application form and the other comment was in regards to a couple of the labels on the proposed site plan which they have on their now.

The public hearing was closed.

RESOLUTION

On motion made by Ernie Santoro, seconded by Joe Logan

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

1. A Site Plan and Special Use Permit application was received on July 8, 2016 by the Secretary of the Planning Board that would allow Verizon Wireless to upgrade and replace 6 AWS antennas and add 3 PCS remote radio heads to be located at 200 Cobblestone Court Drive. The antennas will be painted to match the façade of the shopping plaza.
2. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On July 14, 2016, Ontario County Planning Board reviewed the application as an Administrative Review and determined the application to be a Class 1 and stated they would make no formal recommendations on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers or sites.
3. In a letter dated August 5, 2016, Labella Associates stated that technical aspects remain to be addressed.
4. The project proposes a modification to an approved Special Use Permit and Site Plan, for which SEQR was completed and a Negative Declaration was issued for an Unlisted Action on February 14, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby re-affirms the State Environmental Quality Review Act Negative Declaration, as the proposed modifications are consistent with the scope of the previously approved project, and

BE IT FURTHER RESOLVED, that Site Plan and Special Use Permit applications of Bell Atlantic Mobile of Rochester, L.P., d/b/a Verizon Wireless, 1275 John Street, West Henrietta, New York, to allow modification of their existing permit to upgrade and replace 6 AWS antennas and add 3 PCS remote radio heads at the existing building located at 200 Cobblestone Court, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That no final signatures will be given until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That per Section 211-47, paragraph C of the Victor Town Code, the Special Use Permit is subject to renewal at the expiration of five years from the date of issuance, and each five years thereafter, and shall be automatically renewed by the Code Enforcement Officer for each such five-year period upon submission of a written renewal application to the Code Enforcement Officer at least 90 days prior to the expiration of the current special use permit.
3. That comments in a letter dated August 5, 2016 from Labella Associates be addressed.

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

DISCUSSION:

Mr. Logan – Before we vote I have a question for the applicant. I made the comment that you would be painting the new antennas the same color as the building. My question is if the building owner decides to recolor the building, do you have an agreement with them to match the colors on the antennas that they might decide to paint their building with?

Mr. Lusk – We would work with them and if they changed the color to green and the existing was tan, we wouldn't allow the tan to stay. We would paint them to match.

Mr. Logan – I just wanted to make sure there was an agreement with the building owner that all of that was done simultaneously.

Mr. Lusk – Actually, they don't go anywhere near the equipment without contacting us first.

Discussion ended and the resolution was voted on.

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

Approved 3 Ayes, 0 Nays

SUNSET MANOR SUBDIVISION

826 County Rd 9

Appl No 2-SK-16 and 4-PS-16

Owner- Victor Community Church Zoned – Residential 2 w/C overlay

SBL # 16.00-1-7.100

Applicant is asking for approval to subdivide 5 acres into 5 bldg lots. There is an existing 2 family residence and barn located on Lot 1. The existing house is proposed to have an in-law apartment added to it. This is the first time this application has been before the Board.

Mr. Ed Martin from Land Tech addressed the Board.

Mr. Martin – The project is fairly straight forward. Its 5 acres on the west side of County Rd 9, immediately north of the NYS Thruway. The proposal is to serve 4 new builds with a shared driveway with the existing farmhouse, 4 new taps of the sanitary sewer, 4 new taps of the public water supply system, maintaining drainage from east to west. We have received comments from Mr. Pettee (LaBella Assoc). I don't see any that concern me. I think I can work them out directly with him, some utility clean up issues, things of that nature.

There are a couple of issues that I would ask for some feedback from the Board. The first has to do with an issue with a protective species that is potentially on the site. It's a Marsh Valerian. We performed a survey on site and this time of year none were discovered on the site so we would ask that you formally accept that so we can cross that off our list.

The second issue has to deal with a Federal wetland that we noted at the northwest corner of our property. We show that based on some record mapping that I believe is beyond the Federal acceptance from mapping, I think its 2 or 3 years, Wes maybe you can correct me if I'm off on that. We are asking for a waiver to doing any further delineation of that for the following reasons: we note on the plans that our nearest disturbance is over 100 ft from that mapped wetland and about 10 ft above it. So let's say that delineation is 5 years old, I can assure you that it hasn't grown to the point, where our development is going to impact it and we propose to include it in a conservation easement. So it's not like we are trying to sidestep the protection, we just don't see the value of doing an updated delineation.

As I said, I did receive Mr. Pettee's comments and I'm confident that I can work those out directly with him. I'd be happy to answer any questions you may have.

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

Mr. Santoro had no comments.

Mr. Logan – I'm looking how close it is to Duck Hollow and trying to determine where you are relative to this pond. It looks like you are far enough away from it.

Mr. Logan and Mr. Martin reviewed the plan

Mr. Logan – Other than that it looks pretty benign. I know the church at one time had designs to locate there. I'm fine with this.

Mr. Pettee – We had quite a few comments in our letter dated August 5th. The majority of them were technical comments and things that you would expect to see through the course of a preliminary subdivision review. Some of these will be answered when they have the opportunity to submit an engineering and drainage report. There's not too much that I wanted to chat about. I don't know that the wetland is going to be a big concern for us. I'll double check with our wetland expert in our office. Ed you may be right, there may not be a need for another delineation to be done especially if there's not going to be any impact. If we can confirm that project would have no impact on what's already been delineated, if we can verify that, I think we're okay. I'll look into that a little bit further with our people in the office.

Mr. Logan – I'm looking at the drawing a little more carefully. It's hard to read but it says "Aldridge Road" on your driveway that you are proposing. It's a shared use driveway and it's within the

Mr. Santoro – No, it says so many feet from Aldridge Road. It's hard to read.

Mr. Martin – It's a ----- distance.

Mr. Logan- But you are on County right of way with that strip of drive, correct?

Mr. Martin – It is kind of an unusual situation. It's an existing driveway that will become a shared driveway. There will be a de minimis HOA, I think that's the correct term, council can correct me if not, that will be formed to address the maintenance of that, to make sure that is perpetually maintained. There has been preliminary conversation with Tim McElligott of the County DOT and he understands the situation and he's going to handle it exactly as though it was a shared driveway.

Mr. Logan – Okay and if there were ever an opportunity for the County to widen Victor Egypt Road and the Thruway to actually have a place to bridge so you could get under it for pedestrians, that would impact that particular driveway, I would assume.

Mr. Martin – Yes, I think it would be.

Mr. Polidori made a comment from the audience that was inaudible.

Mr. Logan – I was just looking at the drop off, it's a pretty good drop off from there.

Mr. Martin – I think the point is there's a driveway there today. So if it were to be widened it would have to be addressed anyway so whether we're dealing with 1 property owner or 5, it's still an issue. He's aware of it and prepared to deal with it with the HOA.

Mr. Pettee – Do you know if the existing house on that property obtains there water from a well or from a public source?

Mr. Martin – It does have public water. I believe someone had a comment about the curb box symbol we had out there. It does have water service and it's hooked up to the sewer also.

Mr. Polidori confirmed this statement.

Chairman Dianetti – I want to remind everybody in the audience that this is the first step of a 3 step process for approving a major subdivision. This is the sketch plan application and tonight what we'll be voting on is deeming this complete and ready to move onto the next phase which is the preliminary plan.

Ms. Evans – We have the preliminary tonight as well but I don't think we're ready to consider that. But we're having the public hearing for the preliminary step. One of the questions Ed was asked about was the endangered species. What is the Board's desire relative to the possible endangered species?

Mr. Santoro – They said they did a survey and didn't find any. Did the Conservation Board look for any?

Chairman Dianetti – Joe, did the Conservation Board walk the site and look for the endangered species?

Mr. Joe Limbeck - We had concerns about the Marsh Valerian but paperwork has been submitted that the site has been examined and it's not present. So we're good.

Mr. Pettee – I can also note that the short EAF provided, question #15 *Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?* The indication there is no and that response comes from the DEC's EAF mapper. So that's actually a good response generated by the DEC's website.

Ms. Evans summarized the feedback

- We will reach out to the County Public Works for comments on the private drive. Noted applicant stated it would be built to Town specifications.

Ms. Evans asked the Board members if they were ready to deem the sketch plan complete. Mr. Santoro had no further questions for the sketch plan.

Mr. Logan – I was just asking Wes about the driveway and the turnaround and he stated they had addressed the turning radius at the base of their driveway.

Mr. Pettee - #13 of our comments of August 5th, we asked the applicant to confirm that there is an adequate turning radius for northbound emergency vehicles on Cty Rd 9 to make the approximately 180 degree turn into the common driveway. We would expect to see some sort of response at some point on that.

Mr. Logan – This is just a sketch plan so we'll get into those details in the preliminary plan.

Mr. Young stated what was being done this evening is stating the application is complete.

Mr. Young – Joe did you make a statement that we need to look more closely at the driveway?

Mr. Logan – Yes, I assume that will be addressed and LaBella did address it in their comment letter. We can vet that out not only with their response but with the County's as well.

Mr. Young – I just wanted to be sure the applicant was on notice that to me that appears to be a substantial issue given the fact that I'm not sure you have the right to put anything there as it is right now. This will be an issue that we need to work closely with the County on.

Mr. Martin – Absolutely

Mr. Logan was ok with moving ahead with the sketch plan.

Chairman Dianetti asked the public again for comments.

Ms. Ruth Nellis from 93 East Parkway – I just had a question; what happened to the church....was there a church to be built in this vicinity?

Mr. Santoro – They bought property on Route 251 and moved the church there.

There were no other comments. The public hearing remains open.

RESOLUTION

On motion of Joe Logan, seconded by Ernie Santoro

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

1. A sketch plan application was received on August 2, 2016 by the Secretary of the Planning Board for a Major Subdivision entitled Sun Rise Manor Subdivision.
2. It is the intent of the applicant to subdivide 5 acres into 5 single family lots.
3. Property owners within 500' of the application were notified by U.S. Mail that the subject property is currently under sketch plan review. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Conservation Board reviewed the sketch plan on July 19, 2016 and August 2, 2016.
5. In a letter dated August 5, 2016, LaBella Associates commented technical aspects to be addressed.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of Mauro Polidori, P.O. Box 406, Victor, New York, Major Subdivision entitled Sun Rise Manor Subdivision, drawn by Landtech, dated June 27, 2016, received by the Planning Board August 2, 2016, Planning Board Application No. 2-SK-16, the Planning Board **acknowledges receipt of a complete sketch plat application;**

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary forward a copy of this resolution to the applicant.

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

Approved 3 Ayes, 0 Nays

TABLED ITEMS FROM 7/26/16 MEETING

VICTOR SELF-STORAGE EAST – MODIFIED SITE PLAN

7607 Commons Blvd

Appl No 26-SP-15

Owner: Victor Self Storage East Zoned: Planned Development District

SBL #6.00-1-3.100

Acres: 6.98

Applicant is requesting to demolish an existing building and add approximately 5,466 sf of business and office space; 4,370 sf of storage and warehouse space and approximately 49,470 sf of a combination of drive up and interior access storage and 109 outside vehicle storage parking with associated site improvements. This application has been before the Board a number of times. The Board reviewed the Planned Development District criteria on May 10, 2016. The Town Board approved amendments to the Eastview Commons Planned Development District on July 25, 2016 to permit the use of the property for self storage office as depicted on the site plan dated February 23, 2016. This application was also deliberated at the Planning Board's July 26, 2016 meeting.

Mr. Gerry Goldman, Attorney and Agent for applicant addressed the Board along with Rich Mitchell, owner.

Mr. Goldman – We're here hopefully on the last step of a long process which as Katie pointed out has taken us through the Town Board as well as the Planning Board as well as the County Planning. We did receive approval for the Planned Development District amendment which incorporated a number of items at the July 25th meeting. We were here July 26th and discussed it at that time. I don't think a resolution was ready to be entertained.

There has been one issue that has come up relative to a comment which was made by Al Benedict which you may have received dated today and that deals with the signage on the site. The way that we have calculated the signage and it's on the plan that you have, puts us in conformance with code. Al has indicated that since the logo is relatively close to the lettering that he wanted essentially the Planning Board to consider exactly where the logo should be placed relative to the sign and lettering itself to create enough separation so we didn't have to put a box around the entire...because the logo is bigger than the letters which is a necessity in order to see it.

Currently the logo is 30" separated from the sign Mitchell Design Build and 24" separated for the Victor Self Storage. We think those are appropriate distances. If we go much further it's going to look a little bit disproportional relative to how it goes. So we are hopeful that the Board will approve that particular configuration of signage which the Board is authorized to do pursuant to Town Code Section 165-5(d7) in conjunction with your Planning Board review. With that I'll leave that to the Board and staff to discuss and if there is anything more we can offer in that regards, we would be more than glad to.

Chairman Dianetti asked for public comment and there were none.

Mr. Logan – I was looking at the sign and appreciate the explanation. Where is "west" in the verbiage Victor Self Storage East?

Mr. Goldman – The main one is in the Village of Victor. There is no west.

Mr. Logan – Is that east of this location or southeast?

Mr. Goldman – It could be! I think the market that we are looking to attract would be generally for the eastern part of Monroe County and that surrounding area. That’s why we are branding it that way.

Mr. Logan – So what is it called in the Village? (Victor Self Storage). I was just curious as when you put the word “east” it ends up needing to be bigger. Does it really need to be that way?

Mr. Goldman – It needs identification and a branding one way or the other.

Mr. Logan – I can appreciate your interpretation. I’m okay with the presentation that you’ve made. Frankly the building is so far away from anything, I’m not really thinking its offensive looking as it would be if it were right on Route 96 but you’re about 1/4 of a mile away. So I don’t have a problem with the way it’s presented.

Mr. Santoro – I don’t have any problems with this. We’ve really beat this to death and it’s time to move forward.

Chairman Dianetti didn’t have a problem with it either.

Mr. Pettee – We actually had a meeting with the applicant last week to go over some of the LaBella comments from July 26th. We’re continuing to work with them and I think as part of a draft resolution for consideration, there is a condition that indicates that our comments be addressed. So we don’t have anything further.

The public hearing was closed.

RESOLUTION

On motion made by Mr. Santoro, seconded by Mr. Logan

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

1. A Site Plan application was received on August 18, 2015 by the Secretary of the Planning Board entitled Victor Self Storage East.
2. It is the intent of the applicant to demolish an existing metal building, add approximately 15,775 square feet to an existing 5,466 square foot building, construction of a 3,150 sf, 4,050 sf, 5,400 sf, and 10,355 sf free-standing single story non-climate controlled self storage buildings, and outside vehicle storage for boats and RV’s.
3. The Town Board received an application on March 3, 2016 seeking to amend the Eastview Commons Planned Development District in order to redevelop property located

at 7607 Commons Blvd. for the purpose of a self-storage business as well as for Mitchell Design Build.

4. The application to amend the Planned Development District required both a rezoning application as well as a site plan application, and was subject to a full and complete environmental review pursuant to SEQR. The Action had been classified as an Unlisted Action pursuant to SEQR.
5. The Town Board assumed Lead Agency on July 25, 2016 and determined that the amendment to the Planned Development District and related actions would have no significant adverse environmental impacts and thus approved Parts 2 and 3 of the SEQR EAF and issued a Negative Declaration.
6. 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.
7. The Planning Board held a public hearing on July 26, 2016 at which time the public was permitted to speak on their application.
8. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
9. On July 13, 2016 the Ontario County Planning Board referred the application back to the referring agency as a Class 2 with the recommendation of approval with comments regarding the fence height and design should not impede access by emergency vehicles.
10. In a letter dated July 26, 2016 from Labella Associates stated that technical aspects remain to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of Mitchell Construction Contractors, Inc., 5800 Pittsford-Palmyra Road, Pittsford, New York, Site Plan entitled Victor Self Storage East, drawn by Mitchell Design Build, dated August 18, 2015, Sheets S100 – S107 last revised June 21, 2016 and July 26, 2016, including SWPPP drawings prepared by McMahon LaRue Associates, P.C., dated September 2015, Sheets 1 through 3, received by the Planning Board August 18, 2016, and Sheets 107 – 109 received by the Planning Board July 26, 2016, Planning Board Application No. 26-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 26, 2016 from LaBella Associates be addressed.

3. That comments from Code Enforcement Officer dated July 15, 2016 be addressed.
4. That comments from the Fishers Fire District dated July 5, 2016 and August 9, 2016 be addressed.
5. That a land use permit be obtained from the New York Power Authority.
6. That final plans shall reflect comments made at July 26, 2016 Planning Board meeting.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for 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 (10%) of the final construction cost, as determined by the Engineer for the Town.
3. That at the request of the Planning & Building Department, a pre-construction meeting shall be held prior to the start of construction.
4. 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.
5. The building design/site plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled Building Elevations and Sign Calcs Sheet S105 dated August 28, 2015, Sheet S106 dated June 15, 2016 and Sheet S107 dated November 4, 2015 as prepared by Mitchell Architecture and received by the Planning Board and Building Dept on June 21, 2016.
6. 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, dumpster enclosures, transformers, meters, or RPZ vaults.

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

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

Approved 3 Ayes, 0 Nays

SKETCH PLAN APPLICATION

TIMBERVIEW ESTATES

Cline Road

Appl No 1-SK-16

Owner – Polidori & Ferri Custom Homes Zoned – Residential 2 w/A overlay

Applicant is requesting Sketch Plan approval for 26 single family lots on a 74.40 acres. This is the first time this Sketch application has been before the Board. An Under Review sign has been posted and post cards have been mailed to property owners within 500 ft.

Mr. Ed Martin with Land Tech addressed the Board.

Mr. Martin – This project unlike the previous one we presented is a bit more involved. As you note, we proposed 26 lots on this very steeply sloped area. When you are dealing with steep slopes like this, several issues come into play as you note in the Conservation Board and Town Engineer comments, we have several co-occurrence environments, so to speak, including steep slopes, wetlands, and wood lots. The Conservation Board also did pick up on the Marsh Valerian. We preformed the same survey of this property as we did the other and found no occurrence of it. Mr. Pettee did note in his comments that this type of action requires the long form which we submitted a couple of weeks ago. We have preformed soil testing for all but 5 lots. The 4 served by the private drive and I believe Lot 7, it's along the western central portion of it. We still need to do perc tests for that. The testing went extremely well. They are all in ground systems. What you see on the plans before you are sized septic systems for 5 bedroom homes. If you're familiar with Mr. Polidori, he does not put up small homes so accounted for that in the layout. You'll note in the upper left portion of your display, the gray area is proposed open space which complies with the town code.

We've identified two potential issues that we're going to ask for feedback from you tonight that could either be area variances or perhaps your Section 278 may allow in the clustering law. The first is the private drive; the code said a maximum of 3 lots, we obviously proposed 4. For the Board's benefit, we did design the portion that is shared by all 4 of them in accordance with the Town road's design criteria, maximum slope of 8%. When you get beyond that, we did go to 10% which is the maximum allowed for private drives.

The second issue is; by your zoning the maximum development density is 24 lots. This is for the acreage within the Town of Victor. If we account for the acreage in the Town of Farmington immediately adjacent that is under option by Mr. Polidori, he could obtain up to 27 lots. So you can see how this is kind of a gray area and why we are asking for feedback on that.

The third issue is much like the other project; we'd ask that you accept the survey done for the Marsh Valerian and we can cross that off of the list.

Mr. Pettee did give us some comments. I see none that really concern me except one and we'll be talking more about this off line. The septic systems can not be constructed on slopes exceeding 15%. I've reviewed Appendix 75-A of the State Health Code which directs designs of septic systems and there is wording in there that suggest that grading of the site is permitted

before you do the septic system. I can share that with Mr. Pettee off line. I'm not asking for a resolution of that tonight, I just wanted to kind of initiate that discussion and we can move that back around if this moves forward to preliminary.

So it is a challenging site but as I would say, if you want to do something great, it takes effort. This project is going to take effort but it's definitely doable and I think we demonstrated with our effort to date, that the site can support the lots without question. It's just a matter of how do we get there. So with that, we ask for your feedback.

Mr. Young – With respect to the idea that there is some land in Farmington that we can sort of look to and deal with the required density issues, in theory I like the idea of saying we're not going to evolve on that. But from a legal perspective, from a jurisdictional perspective, this Board can't rule on lands in Farmington to say that you're not going to develop over there. As I thought about this earlier, you could do a deed restriction or something like that. But I still am uncomfortable with having Farmington lands being the subject of one of our applications. So my recommendation would be to deal with it without regarding the Farmington lands. The applicant's agent was correct, things you could do would be look at clustering which we've done for other applications, look for some sort of variance from the density and things of that nature. But I think it starts to get a little bit messy and convoluted and starts to raise questions if we look to lands in Farmington to get this application through the door.

Mr. Santoro – Would you explain a little more about this land in Farmington. It looks like on the map that it's privately owned. Do you have some arrangement or agreement with them?

Mr. Martin – Mr. Polidori does have an option on that.

Mr. Mauro Polidori – We have a 5 acre option and it's below the 4 lots showing there (referring to the power point slide). I purchased the 1.4 acres that's in Farmington which is part of the parcel. It's 6.4 acres roughly, 1.4 we own now, the 5 acres we can purchase and 74+/- is in Victor. I just look at it as 3 parcels; Victor, the 1.4 acres that came with that property and the other 5 that we can buy to make the total 81.50 acres. So we have the amount of property, just some of it happens to fall into Farmington. We're not going to use it at all, we're just using it to have enough property for the 3 acre density.

Mr. Santoro – You're going to drive through it. The private drive center line seems to go right through it.

Mr. Polidori – No.

Mr. Logan – Its bordering the Town of Farmington line on the map.

Mr. Martin – So the Town of Farmington line is just to the left of the private driveway.

Mr. Polidori – The 4 lots access will be through the 1.4 acres.

Mr. Logan – But your lots are being defined by crossing over that Town property all the way to Cline.

Mr. Polidori – Yes. So those 4 lots will each have Farmington and Victor taxes to pay. It'll be one lot. Right now, I'm paying on 70+ acres in Victor and paying on 1.4 acres in Farmington tax. So its one parcel with two tax numbers in two different towns. But the houses will be constructed totally in Victor. There will be no construction minus the little piece of road to get up to the 4 houses and then the rest of it is all Victor.

Mr. Logan – Is there reason you wouldn't just have driveway access right to Cline from 3 of those 4?

Mr. Polidori - It was very steep. The only way to get up there is the way we are proposing. It is all pine trees. There will be a conservation easement on this piece. It's not part of our thing because we don't own it yet but it would be a *forever wild* piece.

Mr. Logan- I tend to agree with your train of thought (referring to Mr. Young's statement) and that was my first impression when it was first suggested. I'm still concerned about it. I don't know how you would possibly restrict anything in another jurisdiction unless somehow you deeded a permanent no build conservation easement over to the Town of Farmington which it sounds like you may be headed that way. Would that help at all Don? That would have to be something that the Town of Farmington would have to buy into also, just like if it was Village and Town cross over.

Mr. Young – Even if we tried to do it that way, it still doesn't technically satisfy our code's density requirements because its not lands within the Town of Victor. They don't have X density in the Town because it extends outside of the town.

Mr. Logan- That's a good point and maybe that piece of it, you have to consider when you look at the whole property and sort of defeats the purpose of why you're doing it. But for all intense and purposes, you can't develop those Farmington parcels unless you're building right up to the road because the driveway would be too steep.

Mr. Polidori – The 5 acres are pretty unbuildable.

Mr. Santoro – It doesn't look like there's going to be any construction on that land in Farmington, just the driveway.

Mr. Polidori – The 5 acres will be nothing but pine trees. The 1.4 acres we do need to get the driveway through.

Mr. Santoro – Have you made an application to Farmington in regards to this?

Mr. Polidori – We figured we'd start here and see which way we can go.

Mr. Logan – Where you have the cul-de-sac for that private drive, there's a gray patch west of those 4 parcels, between those and the dedicated road, is that all conservation easement?

Mr. Martin – Yes the shaded gray area satisfies the open space requirement for the zoning.

Mr. Logan – And that's where Don was referring to. You can't just move it out and add a conservation easement and assume that is satisfying the Town of Victor's easement percentage.

Mr. Young asked where Mr. Logan was referring to.

Mr. Logan – There is a strip between the private drive parcels and the Town dedicated road parcels, Timberview Pass. That wide gray strip, not the gray strips east of the private drive. My initial thought was to just move it over and put that all gray but it's in the Town of Farmington.

Mr. Martin – We purposely showed it that way, it's 37.3 acres that meets the code requirement for lands within the Town of Victor.

Mr. Logan – So you're not asking for relief on that requirement by including those other parcels? You're asking for density relief?

Mr. Martin – It's simply a way to meet the density for the requested 26. If those lands were in the Town of Victor by area, we could get 27 lots.

Mr. Logan – So you have 26 on this plan? (Yes) So everything you have here doesn't take into account the extra parcel to satisfy density requirements per acre because some of it is in Farmington.

Mr. Martin – It does in the sense...the lands in the Town of Victor 74 + acres, half of that is grayed, stand alone. In order to get 26 lots, we need more acreage than we own in the Town of Victor. So that is why we included the lands in the Town of Farmington. I guess the question that I would ask the Board; do you think the 74.5 acres in the Town of Victor support that, does it meet your goal, what your vision is of R2 zoning and if you think so, how do we get there? Do we go to the Zoning Board of Appeals or do you handle it through clustering?

Mr. Young – If we are going to cluster, we can only calculate it based on the lands in the Town of Victor. So we would have to calculate the yield based off of the lands in the Town of Victor.

Mr. Martin – Which brings us back to the 24 lots.

Mr. Young – Right, you would either have to go down to 24 or apply for a variance.

Mr. Martin – So you don't have anything in your clustering that allows...I know some towns adopted certain regulations....

Chairman Dianetti –For incentive of preserving more open space and getting additional lots allowed on the parcel. I don't think we have anything like that yet in the code.

Mr. Logan – There is incentive to reduce the lot size with the same number of lots.

Mr. Martin – That’s traditional clustering.

Mr. Logan –Right and I think that is where we are at as a Town. So you would be restricted to 24 lots with exception of the Town of Farmington land.

Mr. Martin – So it seems our only option is an area variance. I would ask if the Board was comfortable giving us a positive referral. If you don’t do that, I know that some towns like to remain neutral and just send us to the Zoning Board of Appeals, we can pursue that.

Chairman Dianetti stated he would ask the public if there were any comments and then return to the discussion.

Mr. Joe Limbeck Chairman of the Conservation Board – We discussed this project at the July 19th and August 2nd Conservation Board meetings. A couple of our concerns have been addressed; I’ll reference the inspection to determine if any Marsh Valerian was present on site. In your packet you should see a packet from Land Tech showing that they did inspect the site on July 26th and none were found. The applicant also discussed the long form versus the short form EAF (Environmental Assessment Form). We discussed that as well and thought that we would do best to wait until a confirmed set of plans were before the Board, so we would like to table that discussion.

It’s an interesting property. It’s a significant natural resource given the co-occurrences on the property. We’ve got steep slopes, drumlins, successional northern hardwoods plus a fresh water shrub wetland all on this property. With respect to the Comprehensive Plan, the Conservation Board would strongly encourage the Planning and the Town Boards to determine how and in what quantity natural features like the drumlins will be protected and/or approached in terms of development styles that preserve these natural ridge lines. These natural ridge lines are characteristics of both drumlins and marines which are present in the Town.

I’d also like to talk about 3.4% of the site is a combination of fresh water and forested wetland which may function as a vernal pool in the spring. Vernal pools are a scarce natural resource in the Town that supports amphibian and reptilian populations. Vernal pools are used as breeding and rearing sites for frogs, amphibians and reptiles.

The soil types and erodibility vary on the site. Some of the soils that are present are considered prime farm lands with some of the Ontario soils classified as farm land that is of State wide importance. Erodibility of soils located in the wetland are high, all the other soils are medium erodibility. We are hoping that the development practices take this into account so the soils are protected and stay within the limits of disturbance. There is an NWI wetland on the site that we recommend to be delineated prior to any site approvals.

Finally a note, Chapter 8 of the Comprehensive Plan indicates this area of Town is planned as a low density area. The Conservation Board wonders if there are steps that will be taken to further define low density areas and if parcels like this will be given or should be given special consideration due to the co-occurrences that are present.

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

Mr. Pettee – The parcel is within an agricultural district so when they submit their preliminary application, they’ll also need to provide an Agricultural Data Statement. With regards to the

wetlands, we would also look to see that the wetland gets delineated so that we're able to verify whether any impacts would occur to the wetland as part of the proposed subdivision. That's it at this point.

Mr. Logan – I went on the site walk back in May and one of the concerns that I have is someone had cleaned the entire watershed making it look like a ditch. They cleaned out the creek that runs out of the wetland to the south. I'm assuming that is something that is going to have to be maintained long term because it will silt in and become overgrown. Who maintains that and if it is the Town where is the access points? I know there is a road crossing planned part way through the development and I think we crossed over that with a culvert type structure. I'm a little concerned about long term maintenance of that and the fact that if it does start to clog up it can accumulate water and flooding can happen on major events. The lots on the west side of the cul-de-sac area (lots 8-12) are right next to that wetland and as I recall they were quite low and I believe the soils are clay and silt and would retain water and wouldn't drain that well. So that would be an issue for basements, etc.

Having said that, even as valuable as the Conservation Board has indicated the property is, I'm a little reluctant to go denser than the maximum density allowed at the site. So I would not be inclined to go from 24 to 26 homes, trying to stay away from using the Town of Farmington property as Don advised. Those are my general comments for the moment.

Mr. Santoro – I too am concerned about the wetland area. It looks like its some distance away with regards to construction. I guess I'd like to see it fleshed out a little more.

Chairman Dianetti – What I can add to what was already said is it's a challenging site but that's one of the things that makes it attractive for home owners because it has the hills, the open space, the trees. I understand the desire to make it available for a development. As you can see there are a lot of concerns about co-occurrences and the general conditions of the natural resources on the site. I'm sure everyone will be looking for as much protection as possible as you move forward with the project.

Ms. Evans summarized direction to the applicant.

- Heard consensus that Board is not in favor of 26 lots but rather the 24 lots
- Board will be looking for revised drawings demonstrating that density unless the applicant would like to go to the Zoning Board of Appeals and request a variance.
- There was a discussion item about the grading of the site for septic installation per the State Health code. That is something that Ed and Wes will need to work out and report back to the Board.
- Remove the references to the Lands in the Town of Farmington
- In reference to the co-occurrences identified, a question to the Board; would you be looking for the applicant to prepare in the revised maps where those co-occurrences exist? Identify the natural resources that are on the site? (Board indicated they would like this shown on plan)
- Will there be 4 lots on a private drive or 3 which would comply? That is a Design and Construction Standards and the Planning Board has the ability to waive that as we have on other locations. The applicant can decide how to handle that when returning to the Board.

- The creek drainage and the maintenance of it to be captured on the natural resource plan and the grading plan. We would be looking for a separate sheet showing the natural resource/co-occurrences and a separate sheet for grading.

Mr. Logan requested the applicant show how the drainage with the creek connection will be maintained through the site to minimize the risk to the homes. Now its farm property but once buildings are put on it, there is a larger risk for flooding and water damage. As Mr. Logan recalled a conversation with Mr. Polidori on the site walk, he stated that it was presently cleaned out. Mr. Logan's concern is how will it stay cleaned out.

Ms. Evans suggested to expand the stormwater pond and facilities and show how they will handle that.

Mr. Martin – May I suggest an alternative not to commit to that but rather take a look at basement elevations versus that and I can give you a better description of the shape of that and what we can expect to happen over the years and what potential impact to houses.

Mr. Logan – Absolutely, that's all part of the conversation and appreciate that. I think many times we asked the applicant to prepare sections through there to show the road, the property sloping down to the creek, that sort of thing. Taking that data and information that you're preparing and helping us understand it better as how it relates to the location of the homes and the elevations.

Ms. Evans continues:

- Where the conservation easements are located and the open space

The application will be tabled and applicant will supply the revised plan and additional information requested.

Chairman Dianetti recused himself from the next application and Vice Chairman Joe Logan became acting Chairman for the remaining meeting.

INFORMAL DISCUSSION

CONSERVE

Main Street Fishers

Owner – Salzman Realtor LLC

Zoned – Light Industrial and within Route 96/251 overlay district

SBL# 6.00-1-58.310

BME Assoc. on behalf of LeFrois Builders have requested an informal discussion with the Planning Board regarding the proposal to construct a 100,000 sf single story commercial building with parking for 1,000 vehicles and associated site improvements on 18.6 acres located

on the north side of Main Street Fishers, West of Fishers Run. Postcards were mailed to property owners within 500 ft of the subject parcel.

Mr. Logan – I would be glad to give the public an opportunity for comments as we go through the applications.

Mr. Jerry Goldman, attorney and agent for LeFrois Builders and Developers along with Mr. LeFrois addressed the Board.

Mr. Goldman – We are here to present our proposal for development on a parcel of property located north of Main Street Fishers and west of Fishers Run. With us on the application doing the bulk of the presentation will be Peter Vars from BME Assoc. In addition we have Mark David who is the President and Rich Klein who is the CFO of ConServe which is an Accounts Receivable Management Company who will be occupying this office use in the Light Industrial district. This parcel is located in the Light Industrial District and is adjacent to property zoned Residential and for that reason on the west side of the site, we have maintained as required by code 100 ft buffer which is of course we will be expanding on as we move through the full site plan process.

As Katie pointed out, the primary development on the site will be for a single story building, 100,000 sf on the 18+ acre site which is basically a density of less than 6,000 sf per acre which is relatively modest in dealing with office development.

Peter will be talking in detail about the site and site characteristics. I don't want to pre-empt any of his comments, so at this point I'll turn it over to Peter and as you pointed out Joe, we will be listening intently for comments from both the Board and the public.

Mr. Peter Vars from BME Assoc. – Also with us is Linc Swedrock who is the Project Manager on this project. Jerry has given you the overview of the setting of the property just to move into the site planning as it relates to where we are for an informal discussion.

The property occupies about 760 ft of frontage along Main Street Fisher which will service the primary access to the property. We are about 900 ft west of Phillips Road. As we mentioned we are bounded to the north by industrial lands of Fisher Run and the west is the residential zoned area of the Sauer Farm Subdivision. The property is zoned Light Industrial but it is also located within the Route 96/251 Corridor Overlay District.

The proposed layout has been prepared to locate the building on a level area into the interior of the site. It is, as Jerry mentioned, a 100,000 sf building. This plan shows parking for up to 1,000 vehicles. However, it is the intent based on initial conversations with the tenant that we would only look at constructing approximately 700 of those spaces initially and then as employment and demand dictated, we would add additional parking. We would likely land bank the parking on the west side of the site initially with the development.

One of the aspects being in the corridor, we are proposing parking in the front. We would ask the Planning Board to grant that waiver that is allowed under the Corridor Overlay District to allow that parking in the front. The reason that we have located it there, once we get into a detailed site plan application, is given the topography of the property, we believe we can effectively screen that parking and it is a better location than locating it at the north end of the property due to topographical constraints.

The topography on the property is characterized by the fact that there is about 25 ft in elevation difference from Main Street Fishers up into this area of the property, then it levels off and back in this area there is about a 50 ft change in elevation going south to north. This elevation change and the history of the property has had a lot of activity on it such that now the ground cover primarily consists of secondary growth and successional shrub limbs.

This layout has been prepared, we have been able to confirm that we will exceed the 35% minimum open space. The layout has been prepared to conform to all setback and buffer requirements of the Light Industrial zone. We do not believe there will be any need for any variances as it relates to accommodating this layout for the building and for the parking.

The property is served by public water and sewer. We have made contact to both of those public utilities to initiate discussions on the property and the project as it relates to serving the property. We have conducted test pits on the site already and have been able to confirm that the soils on this property are highly permeable. We have also walked the property with the Town Engineer to start outlining the concepts on the stormwater management plan. Because of the permeability of the soils here, we are encouraged by the fact that infiltration of stormwater will be a major component of the stormwater management plan for this project, the facility being located up in the northwest corner of the property which is the low point on the property.

We have also walked the property with a member of the Conservation Board. We did attend the Conservation Board meeting last Tuesday (August 2nd) and I believe you do have a memo from the Conservation Board concerning that with regards to their findings. The primary purpose of that walk was to get a sense of the natural features on the property and get an understanding of the slopes and how we would incorporate those in the design.

With regards to the building itself we have some initial elevations for the building. Primarily, we wanted to point out with regards to this that it is a single story building but the intent is to use architectural elements to break up the massing of the building, to provide architectural relief to the façade along this plain and along the sides. Obviously, with the formal application would come complete architectural elevations. But this is similar to another building that Mr. LeFrois has built elsewhere and he's thinking the same general concept that would be applied for this project.

The last item that I want to touch on this evening for this informal discussion is traffic. We are obviously aware of being located in the Main Street Fishers corridor. Mr. LeFrois has engaged SRF Assoc as their traffic consultant. They in turn, have been in touch with the Town's Traffic Consultant. They have begun those conversations, established a scope for the traffic study that will be prepared for this project. The data collection phase is well underway. It is the applicant's intent that when we do submit our site plan application that there will be a complete traffic study provided with that as it relates to this proposed project for the Board's review.

With that being a quick and brief overview, Mr. LeFrois, Mr. Goldman and myself are here to answer any questions and also as noted by Mr. Goldman to listen to you and to the public and take notes accordingly.

Mr. Logan stated he would have Planning Board comments and also open to the public for comments. The location of the project was described to the public by Mr. Vars.

Mr. Logan- You have 1,000 cars, starting at 700. Are they all staggered on how people are going to come and go?

Mr. Vars – Yes, they have been able to provide data to SRF Assoc as to how they stagger their work hours and it is being looked at as part of the traffic study and part of the design of the site itself.

Mr. Santoro – Is this going to be a 24 hour business? (No) What will the hours be?

Mr. LeFrois – Generally from 8:00 AM to 8:00 PM but there may be some at 7:00 and go to 10:00 or 11:00 PM because they do some work on the west coast but it won't be an overnight type of scenario.

Mr. Santoro – What will the lighting be like in the parking lot?

Mr. LeFrois – It will be all dark sky compliant.

Mr. Santoro – How tall?

Mr. LeFrois – Whatever your height code states.

Mr. Logan – 25 ft

Mr. Goldman – We are still in the conceptual stage. Obviously, we are going to work within the design standards of the Town. It will not light up any neighborhood. The concept of dark sky compliant means the lights are directed downward and is contained within the site, the lighting is contained within the site. That is something that the Town has worked very hard on for many, many years and something that we are all in line with.

Mr. Logan- If you want to get a sense of where we might want to go with this as a neighborhood because I know you guys probably live right next door to where this is being proposed. If you go over to Walmart, it's a big development, one of the restrictions we had with them is the height of the poles, they are 25 ft. They also are dark sky compliant. We also scaled back the lighting at certain times, after hours. I'm sure we will have all of those conversations as we go through the proposal and I'm sure the applicant will be glad to address those as we work through them.

Mr. Goldman – The height of the poles really determine how many poles we have. The lower they are the more we will have.

Mr. Logan- But you will be able to cycle certain things; get the later employees to park somewhere where they will have lights. That type of thing.

Mr. Goldman – That would be an objective.

Mr. Logan – That's an objective to do because I wouldn't want my parked car at the back of the parking lot where it was dark.

Mr. Goldman – The front parking field is well suited for that and that's in part why we would be looking for relief to do that. That is farther away from the residential neighborhood.

Mr. Logan – As I'm looking at the contours of the site, I'd be interested to see if there was a way to perhaps use the building to shield lighting on the site by moving it further west, keeping a good buffer certainly some plantings, trees, that sort of thing, pushing the parking more towards the Light Industrial area but still not forcing the building down the hill. I would frankly be in favor of minimizing parking on the west side of the building but still allowing for circulation for delivery, etc. Is this purely labor intensive, people come and go, there's no manufacturing?

Mr. Goldman – There is no manufacturing. This is mostly telephone and the like.

Mr. Santoro – If they go elsewhere after a period of time, how can you predict what would come in after them?

Mr. Goldman – You can't necessarily predict what comes in afterwards but at the same time, the design will probably have an impact on the type of use that you have because of the nature of it being an office use. By definition and by design it will have a relatively low ceiling. A low ceiling building will not allow for anything which is substantial in terms of industrial use.

Mr. Santoro – The roof could be raised and another story could be put on.

Mr. Goldman – It's not easy to do that and not cost effective to do that. In reality I've dealt with this in other municipalities on other sites and that is one you really can control. If there was to be a change relative to that, it would come back here for site plan review and approval to add another story or if someone were to attempt to do that. This is designed purely as an office use and as it relates, it really does help create somewhat of a buffer even though it is zoned Light Industrial because offices are thought to be less intent than other Light Industrial uses would be.

Mr. Santoro – Have you looked into the practicality of using one entrance for all of those cars?

Mr. Vars – That is currently being reviewed as part of the traffic study and SRF Assoc has had some initial conversations with the County with it being a County highway and there is the thought that there might possibly be two entrances, two points of access onto Main Street Fishers.

Mr. Santoro – Where would they be?

Mr. Vars pointed out the possible location.

Mr. Vars – One thing I'd like to point out, this resident, the Seen's and I don't know if they are here this evening, someone from our office did talk with them because there was a plan approved at one time where the road came into this way (Mr. Vars pointed this out to the Board and residents). That was their one concern, they did not want the road located as that old layout. That is why we looked at locating it as far to the east as possible. We just have to be aware of sight distance concerns and then the County has their own access management criteria.

Mr. Santoro – Have you looked at the traffic that exists now between Phillips Road and Route 96?

Mr. Vars – That is all being incorporated in the traffic study. The findings we don't have yet.

Mr. Santoro – Around 3:30 - 4:00 in the afternoon?

Mr. Vars – They will study the morning peak and the afternoon peak.

Mr. Santoro – It backs right up to Phillips Road.

Mr. Vars – And that is all being part of the analysis that is being completed. As I said, we don't have those findings yet but those findings would be part of the application that would be made and what findings would be incorporated with the designs also. Ultimately, not only Planning Board review but the County also has to issue the access permits.

Mr. Logan – I suggest you are going to run into a challenge with the traffic volume that this could put on there because the same issue came up with Pinnacle as we were going through that. They are now restricted by limited volumes on Main Street Fishers from expanding further until the next step comes along and it says it can still handle it or do we extend the double left hand turn back to Phillips or nearby there is a major infrastructure cost there. That's something for the residents here to understand, that we take into consideration as well as we are reviewing all of the projects on Main Street Fishers and would utilize it to get onto Route 96. I'm sure well talk more about that as we go along.

Mr. Logan asked the residents for comments.

Mr. Joe Limbeck from the Conservation Board – In your packet you have a memo from the Conservation Board based on a site walk that we did for a prior proposal in May of 2014. I walked the site with Martin Janda on July 27th and we updated that original site walk on our August 2nd meeting. Just a note that the parcels are within the Irondequoit Creek Watershed, relatively near the Creek. We ask that consideration be given to the use of impervious surfaces wherever possible in the construction.

The NYS EAF mapper came up with “yes” on presence of threatened or endangered species and indicates the proposed parcel is located within an archeologically sensitive area. So we need to take a look at that.

We encouraged the developer to consider the existing topography when planning the site to minimize the impact on the slopes that are present on the north side of the property.

Finally, the predominate land cover on the site is Northern Hardwoods which indicates previous disturbance, successional scrub land and successional old field. Any questions?

Ms. Deborah Hogan from 580 Saurer Farms Drive – I'm probably going to be the person most impacted by this because my house backs right up to the west side. I have 21 windows on the backside that would be looking at this development. So I am not thrilled. I don't understand the topography because when you walk out to the edge of my property, there is a huge gully that goes down and you said you're going to have 100 ft buffer. Well, a 100 ft will be nothing

because of the gully that is there which would mean that parking lot would literally be in my backyard and my neighbor's backyard. I don't think 100 ft would be satisfactory. And I'm super concerned about lights. I know what the Walmart situation is, I live right by there.

Mr. Logan – I was trying to compare it to Eastview Mall just so you understand.

Ms. Hogan – Yea but you're talking about 100 ft from my house.

Mr. Logan – I totally appreciate that.

Ms. Hogan – So I appreciate your comments Joseph about getting rid of that parking lot completely even if you had to move the building a little bit more. Having a parking lot there, for me...I'm sure from my second story windows, I will see that building.

Mr. Logan- I'm sure you will.

Ms. Hogan – And the cars and the lights and all of that. I think...first of all my first reaction to it is 100,000 sf and 1,000 cars on Main Street Fishers? Get real guys! I mean, I'm sorry but...you go out there at 3:00 in the afternoon, you can't even get out on Main Street Fishers. So to think about adding another 1,000 cars a day. You talked about staggering shifts, I don't consider 8:00 AM to 8:00 PM staggering shifts. So, there you have it. This is very upsetting. The value of our homes on that street, they are \$400,000 homes. So you are going to totally devalue or neighborhood by putting this development in there.

Mr. Logan – Thank you very much. Anyone else like to comment?

Mr. Randolph Lee from 7694 Main Street Fishers – I'm immediately to the west of the Seen property and we actually extend a little bit deeper off of Main Street Fishers than the Seen tract so I believe we might actually adjoin you. We are not part of Saurer Farms, we are property that was there about 110 years before Saurer Farms. My concerns and I'm sure we'll get into this more as we go forward, we can echo Ms. Hogan's, it's about the volume of parking that you're talking about, the location of the parking lots and the lighting.

One thing that I wanted to get some clarification on, you're talking about the topography and the front parking lot and used the terms "screening". I forget who was speaking at that point. Was that reference to visual screening from the street because that's higher up?

Mr. Vars stated it was from the adjoining property.

Mr. Lee – Okay. Also the question of staggering has me struggling too. The concern about trying to deal with future uses but I believe we have to take that into account that if 5 or 10 years from now, this is occupied by another business or multiple businesses that may have more traditional departure times, the idea of that many cars coming out. Again, Ms. Hogan was saying Main Street Fishers at the wrong time is backed up so far from Route 96 that you can't get out of your driveways as it is. Basically, I'm sure we'll get into all of this, more traffic, lighting and parking but just to echo the concerns, we are right there. I have a two story house as well and we'll see it out of our windows. I know you buy the property and we're subject to Light

Industrial but we'll be looking for some cooperation from the developer to mitigate, to put in as many individual barriers as we can and deal with some of these. Thank you.

Mr. Logan – Thank you. Anyone else?

Ms. Pamela Allen from 590 Saurer Farms Drive – Of course my initial concern is traffic. I mean most of us now turn right and go down Log Cabin Road. We can't turn left at many hours of the day now because the traffic is so intense. 1,000 cars, I can't even imagine that. Then also, you know having to look at a parking lot or lights all night long, is a total disturbance to your home life. I understand that we want progress and whatever else, but there is also the idea that you should be able to enjoy your home and with lights on all night long or traffic, cars coming in and out. Don't you think we're going to be seeing those lights out of bedroom windows? I don't know how you feel, would you like it next door to you? I certainly don't want it and I don't know if there is anything we can do. The buffer zone; what if the buffer zone is down the hill? How is that going to help us? That's not going to screen our properties. There is no definition of where that buffer zone is going to be located. Is it going to actually prevent us from seeing car roofs in the sunlight in the day time, traffic lights from cars at night, exterior lighting at night? It seems to me that it would really disturb and devalue our properties. So we would appreciate your consideration.

Mr. Logan – Thank you very much. Anyone else? Peter did you have anything else to add? (No) Ernie anything else?

Mr. Santoro – No, we'll hear more as we move on.

Mr. Logan – Like I said, this is just a start. It's an informal discussion. We'd love to get all of your comments. If you happen to think of anything else, you certainly always have the option to come to another meeting, write the Board. You will get public hearings as part of this.

Mr. Goldman – As Joe pointed out it is the start of the process. There is a site plan application which has to come with that and public input will be received at that time as part of the process.

Ms. Evans – If I may add, just for the residents that are here tonight, for your reference. We had suggested to the applicant as they came in for a pre-application meeting and we suggested they come before the Board informally. The Board last August changed their procedures to open up public input at this stage, before all of the engineering is complete. So we have the added benefit, the Board has your comments as well as the applicant. So it's really proactive. So we appreciate you coming tonight and taking the time to share your comments.

The discussion ended at this time.

Motion was made by Ernie Santoro seconded by Joe Logan RESOLVED the meeting was adjourned at 9:30 PM.

Cathy Templar, Secretary