

A regular meeting of the Town of Victor Planning Board was held on August 23, 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, Al Gallina

ABSENT: Heather Zollo

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Mike Guinan, Town Board Liaison; Joe Limbeck, Conservation Board; Ann Aldrich, Historic Advisory Committee; Jeff Smith; Michael Draveck; Jeff Smith; Jerry Warner; Anthony Venezia; Sam Damico; Bob Storie; Jeff Davis; Dan Bennett; Kent and Donna Kiiikka; Andrew Phillips; Timothy Buhl, PE; David Nankin; Ruth Nellis; Bob Cantwell; Jerry Watkins; John Lynch; Debby Trillaud, Secretary

The meeting was opened and the Flag was saluted.

CORRESPONDENCE RECEIVED

- Pamela Allen re: Conserve informal
- James & Gail Thomas re: Conserve informal
- Debra Hogan re: Conserve informal

BOARDS & COMMITTEE UPDATES

PLANNING BOARD reported by Katie Evans for September 13, 2016 meeting

- Begins at 5:30 PM - Fishers Ridge Workshop – Draft FEIS (Supervisor’s Brd. Rm.)
- Public Hearings
 - Auction Direct USA Subsidiary Used Car Dealership, located at 6606 Rte. 96, former location of Victor Brewery – Change of Use
 - 330 Phoenix Mills Plaza – Change of Use
- Informal Discussions
 - High Point Business Park located at 7410 Forest Trail - Townhouse Development – Applicant is proposing to transfer the density from the Conifer PDD to the High Point PDD, essentially moving the PDD line.
 - Historic High Point Retail – located at 236 High Point – Signs

Ms. Evans – The second item I wanted to mention, for the Board’s knowledge as well as the public in attendance this evening. The Victor Voice newsletter has been issued and within this issue, towards the back, on page 20 there is an article on how to subscribe to the “Notify Me” for real time Town and Village communications.

For example, if you wanted to be notified when agendas for Planning Board, Conservation Board, Town Board, or a Zoning Board meeting was posted you would be automatically notified. That is an option that we would like all our residents to be aware of.

APPROVAL OF MINUTES

On motion of Ernie Santoro, seconded by Joe Logan

RESOLVED that the minutes of April 12, 2016 be approved.

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

Approved 4 Ayes, 0 Nays

On motion of Al Gallina, seconded by Ernie Santoro

RESOLVED that the minutes of April 26, 2016 be approved.

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

Approved 4 Ayes, 0 Nays

On motion of Joe Logan, seconded by Ernie Santoro

RESOLVED that the minutes of May 10, 2016 be approved.

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

Approved 4 Ayes, 0 Nays

PUBLIC HEARING

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

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

DRAVECK, MIKE

1437 Falmouth Lane

Appl 27-SP-16

Owner – Michael & Kelly Draveck

Zoned R2 B Overlay Acres – 2.90

Applicant is requesting approval for the construction of a 1, 926 square foot accessory garage adjacent to existing home. The garage is approx 25 feet in height. The architecture will be similar to the existing house.

Ms. Evans – This is the first time this application is before the Board.

Mr. Santoro moved to open the public hearing and Mr. Gallina seconded it.

Jeff Smith of Woodstone Custom Homes addressed the Board.

Mr. Smith – With me tonight are Michael Draveck and his daughter Katie. We're here to ask for the approval for the outbuilding that will be used as a multi-car garage and for other storage items. The 1,926 square feet is composed of a 1,564 square foot first floor garage; 36 square foot porch and a 326 square foot loft area that is within the structure.

The design is to compliment and will be finished in accordance with the main house which you see on the lower left of the viewer. There will be cobblestone on what is called the garage front elevation. What you see on your far right is actually the side that faces the main house. The full stone side that would face toward the street is the garage right elevation, which is in full stone and shingle accent. The structure will be built with the same materials as the main home; same siding; same trim; same roof; same stone. It will compliment it very well.

The site plan you see there is almost identical to the original site plan of a few years ago. At the time, and I think per your notes, they went ahead with the main house and chose to apply for the accessory structure later. The grading that you see on the site plan is pretty consistent with what we have done. We constructed the main home a few years ago and left a terraced area there for the future barn.

We're here, all of us, for any questions you may have this evening.

Jerry Warner of 1378 New Seabury addressed the Board.

Mr. Warner – My property is immediately to the north of the proposed garage. I had a few questions. I don't think this makes me better off, but I'm not sure it makes me worse off. Instead of looking at your open garage with your cars in it, I'd be looking at the back of a garage which might make me better off. First how many cars are you going to put in there and how much traffic is there going to be? 1,500 square feet is a minimum of about four or five cars.

Mr. Draveck – It's a five car spot. Currently I'm renting storage space on School Street for snowmobiles.

Mr. Warner – So it's just storage, it's not commercial?

Mr. Draveck - Correct, no, I'm not handy.

Mr. Warner – I met Michael's wife because he and I are both car enthusiasts and sometimes I get not only my version of the month's car magazine, but his version of the month's car magazine.

Last question, are we OK as far as covenants? Foxwood, I believe, is a homeowners association. We put in some covenants in the late 1990's. That was the last time I went to any kind of meeting of the neighbors. I'm not sure what's in the covenants. I know that some people were upset about the possibility of people parking their Winnnebagos on the property. It might be in Michael's interest to check and make sure his is OK on covenants. I have no idea. I just don't remember what we put in and I was not a big fan of the whole idea.

Mr. Young – Those are considered private matters between private properties. This Board has no jurisdiction over those covenants.

Mr. Werner – That's all, then I look forward to seeing what kinds of cars you are going to be driving in.

Chairman Dianetti – Thank you sir.

Joe Limbeck, Chair of the Conservation Board addressed Board.

Mr. Limbeck – Good evening. The Draveck's came to the Conservation Board meeting on August 16th. Mr. and Mrs. Draveck both attended and presented the plans to us to review. We took a look at it and there are just a couple of notes. The soils on site are highly erodible and we want to make sure they take the usual precautions to prevent any erosion.

We did note that they don't plan to remove any trees. That's always a good thing and those are the only comments we had.

Mr. Santoro – It's pretty straight forward and he presented it quite well.

Mr. Logan – This is a very remotely located barn site, shielded by trees all the way around. It looks like the architecture is beautiful. I have no issues with this at all.

Mr. Gallina had no questions.

Chairman Dianetti – I concur with everything that has been said.

Mr. Pettee – I did have a comment letter in the file dated August 18, 2016. It's from LaBella Associates. The applicant's project sponsor has responded to those comments. We have no issues with what they have responded with. We were looking to see whether or not there was going to

be a water service connected to the proposed structure. It looks like there will be so they will probably depict that on the site plan as requested.

The one thing that we didn't put in our letter that I just wanted to make sure that we have clarified is the proposed square footage of the structure. The application form and the site plan reference a 1,564 square foot structure, but I think the draft resolution indicates 1,926 square feet as opposed to 1,564 square feet. Would you be able to describe what the discrepancy is there?

Mr. Smith – It's just a question of the footprint versus the total. As I mentioned earlier, the first floor, the garage space, is actually 1,564 square feet. There is a small interior porch within the aggregate structure that is 36 square feet and there is a stairway to a loft upstairs, which is just very partial, which is 326 square feet. The total is that 1,926 square feet. I know that Marathon's letter of August 8, 2016 referred to the composite, as well as the building permit referred to the composite. I agree that there is some discrepancy, possibly on the numbers.

Mr. Pettee – That helps, thank you.

Mr. Smith – The garage itself is 1,564 square feet.

Chairman Dianetti – Should we amend the resolution or keep it as it is?

Mr. Santoro – Do they have to include interior space if the footprint is what it is?

Ms. Evans – That's an interpretation question that the Department has been struggling with. There was a garage recently before the Board, the location is escaping my mind, if you just took the footprint of the garage it would be less than 1,000 square feet, but if you take the second floor and the living space above the garage it exceeds the 1,000 square foot threshold and the Code does not specify. That's something that we'll be looking to clarify with our next Code update, with your input.

Mr. Pettee – I'm going to propose a brief amendment and I can swing it by Don to make sure he's alright with it.

Chairman Dianetti closed the public hearing and read the resolution.

RESOLUTION:

On a motion by Joe Logan, seconded by Al Gallina,

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

1. A Site Plan application was received on August 2, 2016 by the Secretary of the Planning Board entitled Michael & Kelly Draveck Barn Layout Plan.
2. It is the intent of the applicant to construct a 1,926 square foot accessory structure approximately 25 feet in height, which includes the 1,564 square foot footprint.

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 23, 2016 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. In a letter dated August 18, 2016, Labella Associates stated that clarification would be required relative to a water service and the barn dimensions.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 23, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Michael & Kelly Draveck Accessory Structure, 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 Michael Draveck, 1437 Falmouth Lane, Victor, New York, Site Plan entitled Michael & Kelly Draveck Barn Layout Plan, drawn by Marathon Engineering, dated December 5, 2012, last revised August 1, 2016, received by the Planning Board August 2, 2016, Planning Board Application No. 27-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 August 18, 2016 from LaBella Associates be addressed.

Ongoing conditions:

1. That the site 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 appropriate standard conditions with the Planning Board’s approval letter.

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

Motion passed 4 in favor, 0 opposed

Mr. Smith – Thank you very much for your time tonight.

DAMICO SUBDIVISION

827/829 Phillips Rd

Appl 21-SP-16

Owner – 827 Phillips Rd – Damicos LLC 1.80 acres

829 Phillips Rd – LCS Holdings LLC 2.10 acres

Zoned – Light Industrial

Applicant is requesting approval to adjoin a portion of 829 Phillips Rd onto his property at 827 Phillips Rd. Applicant intends to construct a commercial driveway starting at Phillips Rd to his property.

Ms. Evans - Damico LLC is requesting minor subdivision approval to re-subdivide two lots to permit legal access from 827 Phillips Road, which was previously land locked with an access easement. Given the proposed configuration, 829 Phillips Road applied and received a setback variance from the Zoning Board to permit a 25 foot setback, whereas a 30 foot setback is required. This is the first time this application is before the Board.

Anthony Venezia from Venezia Associates addressed the Board.

Mr. Venezia – I represent Venezia Associates and also Sam Damico for his project. Currently a little background with the history of his site. He purchased it two years ago and he has a utility and also access easement to the south portion of the property. He has been having some problems with the neighbors, with parking and getting trucks in and out of that particular spot with other cars being parked in the area and also with snow removal issues. The best way that we could find as a solution to his problem is to realign the property lines with those two properties and build a commercial driveway back there so that he has actual access for trucks, deliveries and employees.

Currently there is some stormwater that goes from LCS's holdings, the parking lot to the north. What we are going to do is cut that off and redirect it a little bit more to the northeast. Kind of keep the same flow of the stormwater that is already there. There will be a little more runoff from the driveway but it's not really an issue. There is a pretty good drainage ditch along that north side of the property. The property line runs right down the center of it.

There were two things the Town brought our attention to; the utility pole and the hydrant at the entryway. We've talked with both utility providers, with the water authority and they're OK with us moving it. That's something that we will coordinate with them to put it in a position

where it won't be hit by a truck or anything along those lines. Right now it is right in the apron of the driveway that we are proposing.

The only other thing that Sam and I wanted to talk about was the paved driveway. We know it is a requirement for a paved driveway, but since he has had to purchase the land and he also has to build the road, he's wondering if we could get a two or three year extension on paving the road. Let the gravel set and then pave it down the road, not right away.

If you have any questions, I will be glad to answer them.

Chairman Dianetti opened the public hearing and asked for public comment. There was no one to speak on the application. Chairman Dianetti asked the Board members for comment.

Mr. Gallina – Wes, do you know is there any setback requirement on the drive? It looks like it abuts the westerly property.

Mr. Pettee – Is the question how close the driveway is to the property line?

Mr. Gallina – Yes.

Mr. Pettee – From what I recall from the Design and Construction Standards, there is a detail which seems to depict, I can't remember if it is a five or ten foot separation between the edge of driveway and a property line. I don't know if in fact that is a requirement for separation distance between the edge of the driveway and the property line. If that is a requirement, seeing that that is in the Design and Construction Standards, I believe there is also a provision in the Town Code which allows the Planning Board to waive any of the requirements in the Designs and Construction Standards. That's a good question Al. I don't know if I have a definitive answer for you tonight.

Mr. Gallina – I just wondered if it was within Code and that we give it the appropriate approval.

Ms. Evans – On that question, because Debby is filling in for Cathy this evening and Debby is the secretary to the Zoning Board, do you recall if Al reviewed this prior to the Zoning Board. (Yes) He did, so that would have been called out in his review, if there was any kind of concern. I can go back and verify that with certainty, but Al is very thorough as you all know.

Mr. Logan – I had a similar question as Al's. Looking at the pavement. The other comment was that you had requested a postponement of the requirement for paving it. If you look at the property that we reviewed not too long ago, adjacent to it, they're looking at maintaining a gravel drive for a pretty industrial type of application. I would have no problem setting that aside for a period of time. How much traffic do you get in and out of your property?

Mr. Venezia – About once a week there are about three trucks that come in every week. These are larger trucks minus your UPS, shipping and employees. It's about three large trucks a week.

Mr. Logan – I was going to say if there are a lot of trucks coming in and out, you might ...

Mr. Venezia –As of right now it's just about three.

Mr. Santoro – What's the exact period of time you are looking for before you pave?

Mr. Venezia – I believe Sam was looking at three years. If we could do three years that would be preferable.

Mr. Santoro – What's the reason for that?

Mr. Venezia – Just to recoup some of his losses for purchasing the land and then actually building the driveway and the drain.

Mr. Santoro – Just deferring the expense, OK.

Mr. Pettee – LaBella doesn't have any further comments on this application.

Mr. Logan – Katie would we put something in the resolution that would put a reminder in at two and half years?

Chairman Dianetti – I would just like to have it written in.

Mr. Logan – Is that going on somebody's calendar to check with them in two years to remind them that they need to pave it?

Ms. Evans – Yes, actually we do do that. Cathy is very good about that. Extensions that are given for 90 days or there are some permits that are issued for five year periods and she does put them on the calendar, we do do that.

Writing the paving stipulation in the resolution is simple, we can do that. I need a statement that the driveway setback be verified by a Code Enforcement Officer prior to signature.

Chairman Dianetti – We're trying to get you out of here tonight with a resolution.

Mr. Logan – Do you plan on closing off the access from the adjacent parcel that you have?

Mr. Venezia – It would still be used if necessary, but, the main entrance will be there. It's not just an access easement, it's also a utility easement so we are not going to mess with the easement. Like I said, he's having trouble getting in there and out of there anyways.

Mr. Logan – Is it a geometry problem?

Mr. Venezia – His neighbors directly to the south have a lot of guys coming in and out of there and they just park where they are and there are tool trucks that come in and just park there. Sam has got to come out of the building, get them to move three or four cars for the 18-wheeler to back in. It's just kind of a mess and this cleans up everything.

Mr. Logan – Wouldn't it be cheaper to stripe out an area? Just saying.

Ms. Evans – Per that standard detail, what is the setback of the driveway from the property line as proposed?

Mr. Venezia – I think right now it's about a foot. When we were talking with the Zoning officer, it was more of a design standard, not a zoning issue. When we went there I thought there were going to be a few zoning requirements, variances that we needed, but it turned out it was just the one with the building setback from the driveway. In that case it was more of a design standard and I believe what he said was that the Planning Board had the ability to override that or waive it. I didn't think there was anything in the zoning law that says you need to be a certain distance from the property line in that specific district.

Ms. Evans – I just did a search of the Code and nothing came up, but it doesn't hurt to verify that through AI. There is a standard that Wes has located.

Mr. Pettee – Standard Detail RS6 in the Design and Construction Standards – Driveway Layout Detail. It depicts a ten foot minimum separation between the driveway and the property line.

Ms. Evans – So that's something that the Planning Board has the option to waive if you deem that.

Mr. Logan – I guess I would want to know that the adjacent neighbor is OK with that. I assume it's the same owner.

Mr. Venezia – Before we brought the plans to the Board, we went through it with the neighbor and he was OK with the design. We are also going to put up a fence from the East Side to the West side of the building to kind of block it. He was OK with the design and the only way we were able to come before the Board was with his OK. He had to OK the plans before we came in. He did not have any concerns about where we were putting the driveway.

Mr. Logan – Do we have that in writing?

Ms. Evans – He is also required because it is a re-subdivision between two property owners, he is required to sign the final plan.

Mr. Logan – That would affect the end approval then, OK. As long as we can get that, I don't think it's an issue. If you only have a foot, you can put a fence in with that little foot space?

Mr. Venezia – Yes, enough of a fence. If we have problems, there is a room to push it a little bit to the north.

Mr. Logan – Are you talking a stockade fence?

Mr. Venezia – Just a synthetic stockade fence, just to block it. I know that he has a couple of little concrete pads for the employees to break, so just something to block that.

Mr. Logan – Would the fence be the length of the driveway?

Mr. Venezia – It would be the length of the building.

Mr. Logan – The adjacent building, I just worry about trucks going around the corner.

Mr. Venezia – There is enough room there.

Mr. Logan – The room isn't the issue, it's more sight distance, can you see over the fence if you are driving a truck in there?

Mr. Venezia – There is plenty of room from where the building is to the road to not have a problem with the sight. It'll be set back quite a way from the road.

Mr. Santoro – Is there room for the trucks to turn around and leave?

Mr. Venezia – Yes there is. Currently right now what they do is they pull in and they turn around and they leave. We're not switching the parking lot that is there now. The way that we are doing it, they will have the ability to turn around.

Mr. Logan – Looks like as you're coming into the property adjacent to the fence that you have now by this little shed. There is a shed on one of the corners.

Mr. Venezia – There is a storage shed there.

Mr. Logan – Your driveway is coming in right along that fence, looking at the aerial.

Mr. Venezia – Yes, it's going to be close, but we have enough room; we believe it won't be a problem.

Chairman Dianetti closed the public hearing and read the resolution.

RESOLUTION:

On a motion by Ernie Santoro, seconded by Joe Logan,

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 Minor Subdivision entitled Damicos, LLC & LCS Holdings, LLC.
2. It is the intent of the applicant to adjust a lot line so that a piece of the property currently associated with 829 Phillips Road can be utilized for access to the 827 Phillips Road parcel.
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 23, 2016 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. On July 13, 2016, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
8. On July 18, 2016, the Zoning Board of Appeals granted an area variance to allow a 25' side setback whereas 30' is required.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 23, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Damicos LLC & LCS Holdings LLC 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 Venezia & Associates, 5120 Laura Lane, Canandaigua, New York, Minor Subdivision entitled Damicos LLC & LCS Holdings LLC, drawn by Venezia & Associates, dated April 14, 2016, received by the Planning Board July 20, 2016, Planning Board Application No. 3-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 CEO review driveway setback requirements and confirm Code compliance therewith.

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 appropriate standard conditions with the Planning Board's approval letter,

AND BE IT FURTHER RESOLVED, that the Planning Board grant the following waivers from the Town Design and Construction Standards to allow development consistent with the proposal:

- A. Driveway and property line separation, and,
- B. Pavement of driveway, but with the condition that the driveway must be paved within three years of this approval.

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

Motion passed 4 in favor, 0 opposed

Mr. Venezia – Thank you very much.

BURGER KING BUILDING MODIFICATION

600 Rowley Rd

Appl No 15-SP-16

Owner: L&D Victor LLC 3.06 acres

Zoned: Commercial - Route 96/251 Overlay

SBL # 6.00-1-63.000

Applicant is requesting approval for elevation modifications to the existing building.

Ms. Evans – The applicant previously met with the Architectural Review Board and the Planning Board on May 24, 2016.

Bob Storie, representing Carrols Corporation, addressed the Board.

Mr. Storie – Carrols Corporation owns Burger King at this time.

Mike Abrams, the district manager of Burger King Victor, for Carrols, introduced himself.

Mr. Storie – We did meet before and you asked for some changes. I presented and submitted the changes. We have some colors and I didn't have an actual survey, so I got an aerial shot and laid out what we are doing with the sidewalk and with the striping to go across the dumpster and the stop sign at the drive-through exit.

Chairman Dianetti – Is there any other information you would like to provide to the Board tonight?

Mr. Storie - I have pictures of what the color is. It was black before, now we are going with a brown color that we talked about before in the meeting that we might be able to change to. We can change to this color here. That's what we show you. I have a couple pictures with a silver roof. I have pictures that actually show the silver roof and the brown, and the colors here.

Mr. Storie handed the pictures to show the colors to be used and elevations to the Board and they thanked him.

Mr. Santoro – Are you putting a mirror in?

Mr. Storie – We can discuss that. It can be done. I drove in the drive-through lane today. I stopped at the street and I could see a good 100 feet down the road from where I stopped, where the stop sign is.

Mr. Santoro – The mirror helps traffic going toward the bank too.

Mr. Storie – That's the way I was looking. You would pull out and look to the left and that's the way I was looking. You mean the mirror shining in back so they can see someone coming through the drive-through lane?

Mr. Santoro – Yes, if somebody coming out can see traffic coming from Rawson Road, they can also be seen by traffic coming that way. I've seen cars just blow through the stop sign.

Mr. Storie – I understand that. That can happen.

Mr. Abrams – Anecdotally, I've been associated with the restaurant either as the district manager, or at one point in time as a regional director. I'm not aware of any traffic incidents/accidents at that point on the property. I understand the concern; we actually put the stop sign in ourselves a few years back, specifically because we didn't want traffic coming out of that drive-through lane unchecked. We've never seen an accident there that I recall.

Mr. Storie – If you want a mirror, there is a way we can probably put a mirror in there.

Mr. Santoro – I'd like to see the mirror.

Mr. Storie – You said you didn't want the bright red on there so we dulled it down to a different color. That's a lot duller than the red I brought the last time.

Mr. Santoro – It looks nice.

Mr. Logan – You show it, it's called a light band, are you actually lighting up the red or are you intending to or not?

Mr. Storie – That's the way it is right now and we were planning on leaving it that way.

Mr. Logan – So you are planning on keeping it lit or not? We would normally not accept, when you redo architecture, if it's a feature that is not now in our Code, we wouldn't accept it to continue.

Mr. Storie – If it was front lit would it be in the Code, meet the Code?

Mr. Logan – If it's lit period. I guess it depends on what you are lighting. Normally we light the sign.

Mr. Storie – I thought I was told last time that it was back lit and you didn't want it. I think that's what it was. It's a piece of metal that goes up and there is LEDs down below it and they will shine up on that at night.

Mr. Logan – So you wouldn't see the light source but you would see the light.

Mr. Storie – You wouldn't see the light source at all.

Chairman Dianetti asked if there was anyone from the audience who would like to speak on this application. There was no one.

Wes Pettee, representing the Town Engineer had no comments.

Mr. Santoro – It's a much nicer color and I would be very happy with the mirror.

Mr. Gallina – I'm all set.

Chairman Dianetti – They took care of all the issues you had with the outside.

Mr. Logan – The one comment I had, I think the last time we reviewed this was, through traffic not having a stop sign from entering the bank property.

Chairman Dianetti – Two stop signs. One coming out and one coming at the intersection.

Mr. Logan – That's your crosswalk basically they should not just travel through at a higher speed. Right at the crosswalk.

Mr. Storie – A stop sign right at the crosswalk itself that is going across to the dumpster? (Yes) Wouldn't it be a little better if we put it back at the drive-thru?

Mr. Logan – That would be the ideal place but then you are sort of breezing right through the crosswalk.

Mr. Storie – I know, but at last they are stopped and if someone was in the "thing" they would be able to walk through. You would be solving two problems that way.

Mr. Logan – I'd be fine either way. The thought was putting it at the crosswalk because you want people to stop for pedestrians.

Mr. Storie – I understand. We were also talking about the drive-thru; someone getting in an accident there. If we stop both ways, which would help stop it. We could put one at the crosswalk and one coming from the other direction at the drive-thru if that makes sense to you.

Mr. Gallina – So you are saying it would be a three-way stop?

Mr. Logan – No, so you are adding two more signs in addition to the one that you are showing.

Mr. Storie – What I'm thinking here, is if you put a stop sign for the people coming down here, at this point, they would stop here, and then on the way back, put a stop sign in this area, so they stop here with cars coming here. So that slows the cars down that they won't come here, they do have a stop sign here. So that would give a stop. We can do that.

Mr. Logan – That would be a good solution. That's really all I had. I agree with Ernie, it's good to tone down the red. I prefer not to see that lit at all, but it's not backlit at least and it's not a direct light source or shining up. Is the light band at the top shining down?

Mr. Storie – It's just a small amount of light that shines up onto the red. It's a piece of corrugated metal up there and the light just shines up onto that.

Mr. Logan – Where else did we have that accent on the building? I want to say it was the steak place around the corner, Longhorn. They had some building accent lighting. I don't know how intense these are.

Mr. Storie – It's very low intensity on that.

Chairman Dianetti – Two stop signs, one mirror, and two color changes.

Mr. Storie – On the drawings from before we did change the windows. We put the accent above the windows if you noticed.

Mr. Logan - Yes, that looks better than the blank rectangular. Normally we'd like to see some...

Mr. Storie – ...And, there are not as many windows as there are now.

Ms. Evans – Revisiting the stop sign topic; just because I couldn't see it on the drawing.

Mr. Storie showed Ms. Evans the plan and explained the stop signs.

Ms. Evans – Would you prefer a yield to pedestrians sign? I'm just thinking about human behavior. You add a whole bunch of stop signs to a location that didn't previously have one; I don't know if they are going to be very effective. It's private property, you can put them there if you want them.

Mr. Logan – I guess I just got concerned about how close those are. It's the same issue I have when we put roads right next to buildings rather than.... And you have people stepping off sidewalks right into a private drive. We were most concerned about that over at Victor Crossing. Those of us who have been around for a while.

Ms. Evans – It's up to the Board. Certainly it's your decision. I'm marking them on this drawing.

Mr. Logan – It's like at Eastview. You have loop roads, it's all private; you do have stop signs, three-ways, directional signs. It's all for public safety. It would be remiss if we didn't try to keep that up.

Mr. Santoro – They have them at Eastview Mall, stop signs interiorly.

Ms. Evans – Would you want stop signs with a stop bar, with the striping that says stop on the pavement?

Mr. Santoro – Let's not go overboard here.

Mr. Logan – That's a little overkill. I think if you have a private stop sign at the crosswalk and then the other locations. They can choose to put a stop bar, but think that's it effective one way or another. There are stop signs in front of the Walmart entrance, in front of the Kmart entrance. They are sitting right there in the middle of the road; I don't those because they get bumped and moved and sometimes they are there and sometimes they are not when they are snow plowing.

Ms. Evans – Thank you for clarifying. It would be updated to last revised....we have a June 16, 2016 date and then we can add in drawing received at the Planning Board meeting on August 23, 2016 as revised.

Chairman Dianetti – Where are we putting the mirror?

Mr. Santoro – The same corner where that stop sign is now.

Ms. Evans – I'll add the mirror to this drawing as well and we will require this to be updated and submitted for signature.

Mr. Santoro showed Ms. Evans where the mirror should be on the plan.

Chairman Dianetti closed the public hearing and read the resolution.

RESOLUTION:

On a motion by Al Gallina, seconded by Ernie Santoro,

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

1. A Site Plan application was received on April 21, 2016 by the Secretary of the Planning Board entitled Burger King Building Modifications.
2. It is the intent of the applicant to update the existing building façade.
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 23, 2016 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. In a letter dated August 1, 2016, Labella Associates stated that the building elevation design, in general, was more in compliance with the objectives of the architectural review requirements and offered more specific comments for the Planning Board's consideration.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 23, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Burger King Building Modifications, 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 Carrols Corporation, 968 James Street, Syracuse, New York, Site Plan entitled Burger King Building Modification, drawn by A H Riiel Architect, dated February 24, 2016 and received by the Planning Board April 18, 2016 last revised June 16, 2016, received by the Planning Board July 22, 2016, Planning Board Application No. 15-SP-16 and elevation drawing entitled BK-9462, 600 Rowley Road drawn by A H Riiel Architect dated June 16, 2016, revised as noted during the August 23, 2016 Planning Board meeting to include the

addition of two stop signs and one mirror as noted 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 recommendations in a letter dated August 1, 2016 from LaBella Associates be addressed.
3. That comments from Al Benedict, Code Enforcement Officer, dated May 20, 2016, be addressed.
4. The building design/site plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled BK-9462, sheet A-3 dated June 16, 2016 as prepared by Carrols Corporation and received by the Planning and Building Dept on July 22, 2016.
5. 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.

Ongoing conditions:

1. That the site 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	Aye
Heather Zollo	Absent

Motion passed 4 in favor, 0 opposed

CROWN CASTLE & VERIZON WIRELESS
Brownsville Road location

Appl 24-SP-16 & 6-SU-16

Owner – RKH Golf, LLC Acres – 34.80

Zoned – R2 B Overlay

Barclay Damon on behalf of Crown Castle and Verizon wireless is asking for approval to construct a 140 foot monopole with an additional five foot lightning rod for the placement of 12 panel antennas and related equipment on Brownsville Road within the former McCarthy subdivision. There will be equipment cabinets placed on an 11'6" x 16' steel platform near the base. This will all be surrounded by a 60' x 60' fence. This is the first time this application has been before the Board.

Jeff Davis, attorney with Barclay Damon addressed the Board.

Mr. Davis – This is the first time this application has been before the Board, but we were here 14 month ago for a similar application just down the road. At that meeting in June of 2015, from the public comments and from this Board, we were asked to go back and do some more homework and we did. We went back and scrubbed the area and tried to identify land owners that had previously said no to a potential location for the site. We sought to find something, from the direction of this Board and from the public, a little bit closer to the Thruway and a little bit further away from homes. We met with staff several times over the last six months and then appeared before the Conservation Board earlier this month.

I have a brief presentation that I will go through which I think will make things easier to walk through. It's the history and the background to where we are and how we got here. I'll walk through the site selection process; the site plan that is proposed; how the location addresses Verizon's coverage and capacity needs; zoning compliance; and then answer any questions or comments.

The purpose of the facility is to improve Verizon's coverage in the Town specific to the 4G LTE network. Currently they are located on existing sites that are listed there (Slide in Mr. Davis' presentation) and the distance away from the proposed facility is identified there. A site in Farmington, roughly three miles away; Fishers – you'll see these on the next map, 2.2; Hathaway Corners – 3.27; Victor South – 2.2 miles. Those locations are shown here. They are kind of at the four corners of the paper which we discussed about 14 months ago with this Board. The issue they are having is identified here in the middle. They have coverage and capacity issues with their 4G network. Not only do they have a coverage issue, depicted by the white, they are having a capacity issue with their existing sites as they switched from 3G to 4G as explained in the application packet and the RF materials from Verizon. One of the technology hurdles in the conversion from 3G to 4G is how the network operates. As a result there are more capacity issues on the network, plus people are using their phones significantly more supporting a lot more data. The result on the 4G network is these existing sites try to reach an area where they currently do not have enough coverage and capacity. They start powering up, your phone starts powering up and you end up with a dropped call area here in the middle. That's the result to not having a dominant server in this area. What you see there is the proposed site which would be the dominant server to provide coverage as well as off load at least 20% capacity from these existing sites to allow them to operate the way they really should instead of trying to reach an area which is currently too far away for them to reach.

This is the targeted coverage area for Verizon. You can see Brownsville Road comes through the middle here. This is Plastermill Road. This is the area that when they reached out to Crown to ask for support in trying to identify a location here, this was the area that Verizon RF engineer identified as being their coverage objective. They need to provide coverage in this area to address their coverage and capacity needs. To remedy this, Verizon engaged Crown to identify possible co-locational alternatives to see if any of those existed and if they didn't exist to identify potential locations for a new tower. Verizon generated a search ring to help Crown support this process and give them direction as to where Verizon thought, based upon computer generated models, where would be the best location for a site. The search ring was basically the corner of Plastermill and Brownsville Road. Verizon's belief was that something in this general area would provide coverage and capacity. It's not a defined circle. Certainly this proposed site is outside of that, but it gave Crown a general idea as to where to start to look.

The site selection process – there are no tall structures in this area, certainly within that search area or the region outside the search area so Crown began identifying locations which could be considered for a new tower site. The Victor Zoning Code specifically identifies and supports the process as to how a company like Crown should go about identifying these locations. It requests that you look first at co-location on existing towers, as we said, they don't exist in this area. Then you should look at industrial district, commercial districts, municipal or government owned property, and residential districts. There are no co-location opportunities. There are no industrial or commercial districts within or near the search area. In fact, the entire coverage area, not just the search ring, but the entire coverage target area for Verizon is either R-1, R-2, or mobile homes. Not a surprise when you figure that's where a lot of people use their phones. This is the zoning map and I'll explain what these letters on here mean in a second, but this is an overlay of the map with the search ring in the middle. You can see it's R-2, R-1 and mobile homes. These letters, which I will get to, represent candidates that Crown identified for consideration. They do not all represent landowners that were interested or sites that worked from a Verizon perspective. This was the initial scrub. Someone goes out in the field, tries to identify it, and we identify these types of properties. When we confirmed that there were no co-location opportunities, as I said, 14 properties were identified. They had nine different landowners; they were site candidates A-I. Parcels that had the same landowner were given a big A and little A for instance. You'll see that in a second.

This is the candidate map overlaid with the candidates. The parcel that we are talking about here is candidate F. We were originally down here on the Affronti property, candidate E, that's where the location was before this Board previously, it was right about there the tower location. The one we are talking about now is right up here. Just to point out a few things, H is a municipal owned parcel. To get through the process when you need a new tower, you need a few things. 1- You need RF approval, it needs to work from a Verizon perspective to address their coverage and capacity needs. 2 - You need a willing landlord, despite the fact that they have a public utility standard for zoning purposes in New York State. They do not have the power of eminent domain. So you must have a willing landlord you can enter into a lease with. It must work from a zoning and regulatory standpoint; FAA, NIPA, SHPO, local zoning approvals and constructability. If an access road is too long, if you are going up something that is too steep, then it becomes an issue and you in instance that can't construct a site.

Verizon reviewed the nine candidates that were presented. Ultimately four properties met their coverage objectives: C, E, F and H. C, we identified as the Kikka property. E, the Affronti property, which, again, was the subject of the prior application. F, the RKH Golf Course, which

is the subject of this application and H, which is the Town of Victor property. Five candidates were rejected as not meeting Verizon's RF coverage needs for this location. Excuse my rudimentary coloring, but I tried to direct everybody to see how we got to where we are. When you block out the sites that were RF denied, if you will, you were left with these remaining sites that Verizon identified as being able to achieve their coverage capacity objectives. We then engaged the landowners to determine if any of them were willing to enter into a lease. The candidate C, the Kikka property, was not interested in entering into a lease, so that site was ruled out. Candidate E, the Affronti property, was interested in entering into a lease and as I said it was the subject of an application last year. Candidate F, a year ago was not interested; that's the golf course where we are now. They actually were not interested the first four times that we went to speak with them. After the fifth time and significant work, we were able to enter into a lease with them to support this application. Candidate H was the Town of Victor property and the Town has indicated to us that they would not be interested in entering into a lease for a cell tower at that location. That really left us with E, the Affronti application which was here before, and F, the application that is before you now. We went through an internal analysis on these two sites.

From a Verizon perspective they pretty much provided the same coverage that they needed. There is a slight difference in the antenna height that Verizon wanted by five feet. To achieve their coverage goals they needed 130 feet at E, they need 135 feet at F. From a Crown perspective it was trying to determine which one would be the best received and could get through a zoning perspective. We looked at candidate E, the Affronti property, a large parcel, ample screening, higher elevation, meets with all the Code bulk requirements, was the lowest priority on the list for the Town Code and access was through an undeveloped subdivision. It was also closer to homes and required a Conservation Easement modification. Candidate F, which is the subject of this application, again, large parcel, ample screening, slightly lower in elevation, meets all Code bulk requirements, again lowest priority; fewer homes and farther away from the existing homes, but it also does require a Conservation Easement modification. The overview to the two sites with the arrows exactly where they were. This was the Affronti property. There are some homes now up in here; there is a home that was developed and somebody is living right at this location and homes sites are now developed along the Tuscan Hills development. Here is the Golf Course, our new alternative location which is the subject of this application. Ultimately we selected the Golf Course, that is why we are here. It meets the RF coverage and capacity needs and represents the best available location from the zoning and regulatory standpoint.

Just a brief overview of the site plan you have in front of you. This is the parent parcel. There is an existing agricultural tractor path that comes in here along the property. This actually extends across the street and they use the same kind of road across Brownsville Road to fields on the other side. The access road will come in off of Brownsville Road, around along the edge of the hedgerow, go through the hedgerow and the proposed tower is on the backside of the property, over 1,000 feet off Brownsville Road. The areas identified here with hatching are part of the McCarthy subdivision Conservation Easements that were required when the subdivision was approved. Interestingly they were never recorded. They are not something that needs to be changed from a recording perspective but something that needs to be recorded and we have asked that we could allow a cell tower to be developed here. In discussions with Town staff and the Conservation Board, it was suggested, and we agreed, and our landlord agreed, that it would be better to have the tower in the trees than out in the field. The trees provide screening for the facility from multiple directions versus if it were out in the open field outside the Conservation

Easement where it would be more visible certainly to the north and potentially to the south. The proposal is to put it into a 100 foot by 100 foot lease area, 60' by 60' fence area within that lease area. Also the 12 foot wide access road within a 30 foot wide easement.

This is a blowup of the area where the tower site would be. You see the circle represents the Town required fall down zone for a tower. We meet that, we stay within the limits of the parent parcel. We meet all other zoning setback requirements. This is showing you the location. The middle represents the tower. Verizon would have their equipment cabinets on a steel platform. This is a standby generator that would run when the power goes out that would be supported by a propane facility here that would allow Verizon to get fuel for their standby generator. What we are showing here are fictitious locations. The Town Code requires that a cell tower be available for other users, it's called co-location. We're showing that the compound is large enough to allow somebody else to come in here and either place an equipment shelter or similar equipment steel platform in one of these locations. Those will not be developed unless somebody makes an application to go on the tower. Additional screening is provided along the eastern edge of the leased area and this will be the tree removal limit.

This is a profile of the tower showing Verizon's antennas at the top. Again, some shadows for what could be future co-locators on the tower, and the fenced area on the bottom. 140 foot monopole is proposed. Verizon antenna center line at 135 feet. Twelve panel antennas at the top for Verizon, the equipment cabinets and platform at the base.

A couple of comments on 4G and the need for the facility. I'm sure everyone here has a phone, you probably have two or three and then you have an I-pad at home. It's amazing, every year the wireless industry comes up with projections for data use and every year they blow through that two or three times that of what they think they are going to do. The most recent statistics that I've seen, 70% of all 911 calls made in the U.S. are made on wireless phones. Over 40% of U.S. households have only wireless phones, meaning no landline phone anymore. There are more mobile phone connections in the U.S. than there are population. That's because people have multiple phones and multiple devices. It is how we communicate and in order to support that you need a network. The backbone of that network is vertical real estate in the air that provides the line of site coverage that is necessary. You achieve that when there is no existing real estate by putting in a tower.

This would be the Verizon coverage map to address their coverage needs after the installation of the proposed facility. The green representing the new 4G LTE coverage for Verizon in this area. These red circles are points that Verizon identified in their RF supporting affidavit to the application. They identified them as edge limits of the existing coverage that's coming in to these existing sites and areas where they have high traffic and call volume that they need to make sure they are addressing. They determined that 135 centerline was the minimum height necessary to achieve their coverage needs and their capacity needs in this area and address these areas. The tower meets all the Code requirements: height; setback; there is no lighting; it meets the screening requirements; no variances are needed; it's an inert facility – no noise vibration; no increase in traffic; no environmental impacts.

As I said before the property was a subject of a 2011 McCarthy subdivision application that was approved by this Board. As part of that there were several Conservation Easements. This tower could be placed on areas not subject to the Conservation Easement, but after consultation with the Town and the property owner, it was recommended that we try to utilize the western most forested area to maximize screening. The proposed tower is cited on the edge of the western Conservation Easement area and this is the approval from the McCarthy

subdivision. This was the Conservation Easement area that we were talking about and you will see in a second that the proposal is to put it here. Again, those are the Conservation Easements identified on our site plan. The access road is not within the Conservation Easement, it is outside the Conservation Easement. So the only area that we are talking about addressing and amending the easement to allow the tower would be here. We did submit to the Town Attorneys a red line of the Conservation Easement and it was included in our application to show the changes requested. The Town Attorneys did come back and I think they were OK with the requested changes in terms of the language. Basically it allows, similar to the Conservation Easement that was at one time granted on the Affronti property, it will allow a single cell tower and the removal of trees to allow that on the property. The Conservation Board agreed with the request to amend at the last meeting, but I'm sure they'll speak about it here this evening.

I'll take questions, I'll put the site plan up again (slide) in case there are any questions and I have an area limit that shows this as well. This is the tractor path area that comes in currently. This runs up through here along the edge of the property and this is where the road would come in through here and this is where the tower site would be. That's the end of my skills as a power point presenter, so I'll take any questions that the Board may have.

Chairman Dianetti asked if there were any residents in the audience who would like to comment.

Ann Aldridge from the Historical Advisory Committee addressed the Board.

Ms. Aldridge - Our committee just wanted you to be aware there is a historic home at 912 Brownsville Road and it has a possible grave site that's about 400 feet to the south. The exact location is not known, but there is a possible grave there. I don't know the number of that house. (near entrance roadway to proposed tower)

Mr. Davis – The house in question, I believe is this home here. I believe that is 912. When we met with staff, they identified this same point, that there could be a possible gravesite location. This is their driveway currently that comes in here, loops around the back, and actually comes back out on Brownsville Road. Our driveway would be farther south of that by about 30 or 40 feet, obviously not on their property. It looks like there is an older structure, shed type of thing, but it was built a long time ago, that is that box right there. I don't know if that is the potential gravesite location. Nothing came up for us from SHPO (State Historic Preservation Office) on that in terms of a historic issue for us to address.

Mr. Limbeck, Chairman of the Conservation Board addressed the Board.

Mr. Limbeck – Jeff Davis did come to the Conservation Board meeting on August 2nd and presented the plans to us. We had a couple of comments. We would like the fence clearly noted on the site plan and the tree removal plan we would like noted on there as well with the limits of disturbance clearly marked. We did have a good discussion about the type and quantity of trees there. Their proposal and their rationale for the removal made sense to us. We do support the recommendation to modify the Conservation Easements to allow for specific tree removal associated with the site construction and we agree that any possible surfaces should be maintained as pervious. We did again appreciate you noting that the Conservation Easements had never been filed on that original subdivision, so we recommend that this time they get filed.

Chairman Dianetti – From your observations, what was the height of the trees that will be around the tower?

Mr. Limbeck – At least 50 to 60 feet.

Mr. Kent Kiiikka, 973 Brownsville Road, addressed the Board.

Mr. Kiiikka – It's farther away from the residential properties than the Affronti site was, so it's better.

Mr. Santoro – How far in distance is it from the previous site?

Mr. Davis – We looked at this in the staff meeting. 2,000 feet 2,500 feet, something like that.

Ms. Evans – I can give you an estimate in a minute.

Mr. Santoro – Close to a half a mile then?

Mr. Davis – Yes, I believe so. We were looking specifically at the distance and the drop in elevation. There was some concern. It does drop in elevation from the Affronti property where it was on the knoll to the Golf Course property where we are now. It was a drop of about 30 or 40 feet, but Verizon was able to keep the antenna center line relatively the same which didn't necessitate a larger tower.

Ms. Evans – Half a mile, .48 mile. What did you get Mr. Engineer?

Mr. Logan – About 2,400 feet. Close enough.

Mr. Gallina – I do recall when the applicant was in here 15 months ago and there were a lot of concerns on the part of the residents at that time. I think you did an effective job of doing the due diligence of finding a location that would minimize the impact to the community and still meet the technical needs.

Mr. Davis – Thank you.

Mr. Pettee – I went through the application with a fine toothed comb and I'll say that they put together a great application, making a case for themselves. We do have a comment letter which we have not yet distributed to anybody. It's dated August 23rd, today. There are a couple of things that we wanted to mention. Am I correct in understanding that the Town Board would be approving the Conservation Easement or proposed amendment? Do they have some sort of approval in this?

Ms. Evans – Depending upon the comments that the Board offers on this tonight, if it was something that you would like to continue moving forward with, we would then take the easement language, as proposed, to the Town Board for their review and consideration.

Technically those prior easements were on a filed map although the easements themselves were not filed. So, yes, the answer is the Town Board would review them and determine if they should be filed.

Mr. Pettee – Our first comment was with regard to SEQR. It sounds like if there are two involved agencies, the Planning Board may want to initiate that Lead Agency coordination process. On the overall site plan there are a couple of references to the Conservation Easements being filed in Monroe County and so we just wanted to clean that up if they haven't been filed. I was thinking maybe they were filed in Ontario County.

Mr. Davis – They should be filed in the right County, certainly. If I can interrupt, the one thing I failed to mention, we did get a request from staff to change the name of the site, which will be addressed in a revised site plan which I'm sure we will use to address your comments as well. It's been named and called Winding Creek by us, but we understand that there could be some confusion with that so the site name will change from a Crown perspective to be known as Brownsville Road. That will be reflected on the plan that we will submit to address LaBella's comments.

Mr. Pettee – I'll give you a copy of this letter. The access road, there is a portion of the access road that appears to exceed the 10% maximum. It looks to be 12.5%, so we may need you to adjust some grading there. It appears that the driveway would also need to meet the HS25 loading requirements for the fire department requirements. We were looking for clarification as to whether or not there would be a ditch on the side of the access road. The details on the plan indicated use of swales and/or ditches for proper water runoff as needed. So we were just looking for clarification there. That's it at this point.

Ms. Evans – I have a question. I was out on medical leave during the easement conversation in late April, early May. Are you proposing to file all the conservation easements that were supposed to be filed with the McCarthy subdivision?

Mr. Davis – I have connected with Reid Holter the attorney for our landowner. We have endeavored to work together to get the easements filed. I think they were unaware that they had not been filed. They went through the process, it was a surprise to them that they were not filed. They were executed and I don't know if they thought either the Town was filing or they were filing, but they were never filed. We committed to work together to get that done. As part of this application, that will happen. The amendment certainly only really applies to that back portion of the conservation easement, not the front portion closer to Brownsville Road.

Ms. Evans – Great, thank you.

Mr. Davis – I guess I had a question on the SEQR side. Is the Town Board taking an action when they are approving the language of the conservation easement such that SEQR need to be done before they approve the language of a conservation easement?

Mr. Young – Arguably, yes.

Mr. Davis – I was just trying to sequence things because technically we can't go to the Town Board then to ask them to approve the language unless SEQR is done, or we can do an uncoordinated review. It's not a Type 1 action, so it doesn't require a coordinated review.

Mr. Young – Yes, you can make the application whenever you want, it's just a matter of their ultimate approval needs to wait for SEQR. What could also happen here is we could do a conditional approval on their approval. I think we might add another meeting, an extra two weeks.

Ms. Evans – What I would recommend is that you make a request to the Town Supervisor to be placed on a future Town Board agenda to present this to make them aware of what is going on. Get their feedback, kick back to Planning Board, handle SEQR, do a conditional approval presuming the Town Board finds this acceptable and then go back ultimately for a Town Board resolution approving the revised easement language and then file.

Mr. Davis – Got it, sounds good. I wrote quickly so hopefully I got it right.

Ms. Evans – I can summarize what I heard, please correct me where I'm wrong. The Conservation Board has requested that the fence be noted on the site plan, as well as a tree removal plan, as well as the limits of disturbance. The applicant is to request to be placed on a future Town Board agenda to get their feedback on the revision of the conservation easements. Written responses to review and agency comments including the LaBella letter referenced this evening. There will be a name change to Brownsville Road and that is all I have.

Mr. Davis – The only thing that I would add is as requested by staff, we have not withdrawn the application on Affronti. If this application gets approved we obviously will be withdrawing that application.

Ms. Evans – If that summarizes everything, we will see you at a future meeting.

Mr. Davis – Perfect, thank you very much.

Chairman Dianetti announced that they would keep the public hearing open.

GLACIER HILL SOLAR SYSTEM

7635 Glacier Hill Rd

Appl 25-SP-16

Owner – George Eckert

Zoned – Light Industrial Acres 13.80

You Save Green Incorporated is requesting site plan approval to install a ground mounted solar system of approximately 34,560 square feet in size with a maximum height above grade of 8 feet. The property is within the Route 96/Route 251 corridor. This is the first time this application is before the Board.

Dan Bennett addressed the Board.

Mr. Bennett – I'm representing the owner, George Eckert, and we propose a ground mounted solar system that will be located on the northern end of the eastern four acres of the mowed lawn. The solar array will be about 1.8 acres in size and will consist of sixteen 12 foot wide by an average of 180 foot long rows with 18 feet of green space between the rows.

Galvanized steel ground mount racking system will mount on driven steel piles with minimal ground disturbance. The system will follow the existing grade contours and the 25 degree tilt of the panels will allow the rain and snow to run off onto the existing vegetated ground and absorb into the ground as it does currently, meaning no increase in peak stormwater runoff. The existing vegetation in and around the array will remain and be enhanced to further reduce runoff. The solar arrays will have an average of 30 inches clearance to the ground and an average height of 8 feet. The system will have an 80 foot front setback and a 30 foot side setback as per the zoning requirements in the light industrial district. All the electrical work will be underground in trenches and no overhead work. It will be connecting to the existing pole that is on the north side of the property near the driveway that is among the trees which you can't see from the existing street. There will be a proposed short driveway, only put in there to access the utility pole and the disconnect that would be located by the pole. It would only be occasionally used as needed for operations and maintenance by RG&E, just to come in and check the electrical system periodically.

Chairman Dianetti – Do you have any other information or any other comments you wanted to make to the Board?

Mr. Bennett – This is Tim Buhl, he's the civil engineer.

Mr. Buhl – I'm responsible for doing the site layout and the erosion sediment control plans. I'm just here for moral support.

Ms. Evans – Welcome.

Mr. Bennett – One of the aspects of the location of this is that it is really located in an industrial district but it's on an existing mowed field that is fairly level. The owner George Eckert is a true believer, as we are, in green energy, clean energy renewables, so it was a perfect site to put it on and the perfect position to put it on, out of the view of the neighborhood.

Mr. Buhl – He also currently has solar energy on his property.

Mr. Bennett – Yes, he also has two solar arrays on his property and also a thermal array for his residence that is also on the property.

Chairman Dianetti asked if there was anyone in the audience that wanted to comment on the application.

Mr. Limbeck – Mr. Bennett and Mr. Eckert presented their plans on the August 2, 2016 Conservation Board meeting. We learned a lot about the history of the property. We liked the

green aspect of solar power and we recognized that as a positive development on site. Based on the specifics provided, we understand that there will be no impact to the existing green infrastructure on the site. Any questions? Thank you.

Mr. Gallina – How much power generation would a facility this size generate?

Mr. Bennett – Approximately 480 kilowatt at peak. That's enough to generate approximately 700,000 kwh per year, annually. Some of that power will be used by the residents and also by the manufacturing facility that he (Mr. Eckert) has, but the rest of it will be used locally. Electrons will be used up by the surrounding industrial buildings very close to the location.

Mr. Logan – If we develop solar farms in the Town, this is probably as good a place as any to put one given that is surrounded by other industrial buildings. It's certainly applicable use of that property. Katie and I have had a conversation or two in the past about the potential for solar farms in other parts of the Town that may not be as appropriate. I think as a Board we need to be looking at that very closely in the near future. I think this is a great location for it. I'm certainly all for solar power and certainly am thinking about it on my house frankly. I'm looking favorably at this application.

Mr. Santoro – How long would the construction take?

Mr. Bennett – Approximately two months from start to finish, maybe two and a half depending on the weather conditions because we certainly would be adherent to weather conditions and would not like to disturb the site. We want to disturb things as little as possible.

Mr. Santoro – How deep do you put...

Mr. Bennett – We drive in the piles. They are driven into the ground and this site is very dense, compact soil. We'll be driving in the piles approximately eight to eleven feet below grade to refusal. By the structural engineer, that's enough structural stability to keep it from the wind and the snow from actually tilting it. As far as down pressure there is no real concern about bearing pressure on that and they are deep enough so that they won't actually be pulled up out of the ground.

Mr. Santoro – Will the cables be underground?

Mr. Bennett – Yes, all the electric cables between and from the main service will be underground. As far as the interconnections of the modules themselves, they will be within the rack.

Mr. Santoro – As far as exiting from the area?

Mr. Bennett – They go right down into the ground. I'm not sure how far those electrons are going to travel before they get used up.

Now to address size, looking at size there is a very legitimate concern regarding solar farms in general. This is considered a very small size of a solar farm. When you do go through,

and I'm sure you will, the allowance and approval of solar farms in other districts, that it's very dependent on size along with location.

Mr. Logan – In your experience, I know there are not a lot of years of experience in these solar cooperatives that people have been looking at and proposing and actually developing. What is the typical kilowatt size of a solar farm?

Mr. Bennett – As per the New York State public service approval you can go up to two megawatts of the solar and that's per their distributed generation community solar program. Anything over that, they don't allow you to meter, but up to that point they allow you to meter. A two megawatt system takes approximately 10 acres of land but it actually has a coverage of 3.3 acres, so it is about a 40% coverage of the 10 acres.

Mr. Logan – But from corner to corner it's 10 acres. There is a lot of green space in between but you still get these long bands and it's just one big area.

Mr. Bennett – One thing to be aware of, we're generous with the 18 feet rows in between. When you get them closer you do a little bit of shading, but get them out so there is a lot of green space. Also as a comment, George Eckert is very good at mowing his own property so he himself will make sure that everything is mowed very regularly. With his mower, we've already set up the height so his mower wings come down behind his tractor and actually will go underneath the edges of the array.

Chairman Dianetti – So there is vegetation beneath the arrays?

Mr. Bennett – Yes, it grows. Some places they say sheep are the best way to keep the vegetation down, but not here.

Mr. Buhl – One of the things, as a Board, you might want to consider for other larger arrays, like the two megawatt ones, that if you use industrial land, zoned industrial, solar doesn't really generate jobs and a lot of communities are doing this and they have sewer and water to the industrial zoned sites and it's never going to be used. One of the things that we are advocating is that if you do go to rural areas, take waste land. It's not prime farmland or not even used for pasture. There is a lot of land in the country and depending on where the three phase power is you may be able to utilize that land instead of using prime industrial land. Just a thought.

Ms. Evans – Or rooftop mounted.

Mr. Bennett – In a two megawatt system you are providing enough electricity for approximately 300 residences, businesses, schools, those types of things. That way you'd look at one of those as having 300 roof top systems. As a Town you'd have to go through and review and approve and everything else. All those people don't always have the accessibility to put them on their property or on their roofs, so they live in apartments.

Ms. Evans – We do not have a resolution prepared for your review for the future. Wes, do you have any comments?

Mr. Pettee – I do have a letter that's dated today for the applicant. I can hand it to them with relatively minor comments. I'm looking for a signature block on each of the pages; a reference to the zoning district notation on the plan. If they are going to submit a drawing for signature, the plan that we got, the 11" x 17", it didn't scale out to what was referenced on the plan. Maybe the only other one that might require a response would be that they reference the 2005 New York State Standards and Specifications for erosion and sediment control bluebook and we noted the 2016 standards. They are very minor comments and I will give a copy to your office as well.

Ms. Evans – So if you could prepare written responses to those comments and email it to Cathy and we will circulate it to the Board members and prepare a resolution for the Board's consideration at the next meeting.

Chairman Dianetti closed the public hearing as there was no one in the audience to speak and it was presumed that no one would be at the next hearing to speak.

Chairman Dianetti recused himself for the next item on the agenda, the East Victor Road Subdivision.

TABLED ITEM FROM 7/26 MTG

EAST VICTOR ROAD SUBDIVISION

East Victor Road

Appl. No 4-FS-16

Owner - Five J Enterprises

Zoned – Residential 2 w/B overlay

Riedman Acquisition LLC is requesting final subdivision approval for a proposed 28 lot residential clustered development. The development would be on a 57.77 acre portion of an overall 137.5 +/- acre parcel. The 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 Preliminary subdivision on May 10, 2016; the Board passed a negative declaration completing the SEQR review on July 12, 2016; the Town Board indicated that they have no objection to the proposed lands to be dedicated to the Town of Victor at their July 25, 2016 meeting. The Planning Board approved the Preliminary Subdivision on July 26, 2016. This evening the Board will be deliberating comments on the proposed Final Subdivision.

Bob Cantwell of BME Associates addressed the Board.

Mr. Cantwell – Very nice presentation.

Ms. Evans – Thank you Bob.

Mr. Cantwell – I'm here tonight on behalf of the applicant, Riedman Acquisitions LLC. With me is Jerry Watkins from Riedman. As Katie has indicated, this definitely is not the first time we have been in front of the Board. I won't reiterate the details that Katie just enumerated.

We do finally have a project name, the project name will be called Southgate Hills and Southgate Hills Drive will be the road name. After long last, East Victor Road is not as sexy certainly as we think Southgate Hills is. By the way Southgate is one of the former property owners, so that is the historical perspective of that name.

As Katie indicated, we did get Preliminary approval at the July 26, 2016 meeting. The final plans are absolutely consistent with the preliminary plans. I think at that meeting one of the questions that the Board had relative to the application was to more specifically clarify the off-site conservation easement limits, as well as the Town dedicated open space through the other lands of Five J Enterprises. We did provide an updated overall conservation easement map as well as the limits of the proposed dedication to the Town. We did that independent of the application on July 19th. Just to clarify for the Board, we did actually locate the existing footbridge that the Eagle Scout had created which is, just as a side light, it's an incredible effort that he put forth to create that, that's certainly a credit to him. We did locate the bridge, so as part of the easement document that was provided to the Town, the bridge is within a permanent easement to the benefit of the Town of Victor. Again, that is also within the conservation easement through all of the open space lands. That's a little bit of the update on that.

We did acknowledge and receive comments from LaBella, both on the final plan application as well as the grading permit plan. LaBella did have some technical comments. We appreciate LaBella's quick turnaround for their review. We did respond today to those comments and certainly would hope that the satisfaction of those comments can be made as a condition of any potential resolution that the Board may make.

For the Board's benefit, we did submit the sewer district map for the proposed sewer district that now includes this property but also additional properties along East Victor Road that we worked with Town staff to identify those parcels. That information was provided to the Town Board and we assume that that would be on an upcoming Town Board meeting in the near future.

I think that's it as far as my comments. Certainly the applicant is looking forward to getting started with the site work. The ultimate objective is to have a road in before, assuming we have snow flying this winter that would be the intent for the site work. Just to reiterate, it is a single phase project. All 28 homes would be filed at the County with the subdivision plan.

With that I will be happy to answer any questions from the Board.

Mr. Logan – Thank you Bob. There were a few comments that were addressed in the latest correspondence that we had. I think the fire department had questions regarding the water line and the continual loop connections. It ended in a dead end connection and it sounded like there were some engineering challenges to that.

Mr. Cantwell – The Water Authority, ultimately their point was that the loop system was not necessary and ultimately the fire department agreed in this circumstance that that was fine and sufficient for coverage of the project. The final plans that were submitted did have the water line looped, so the Board probably has those plans, but the ultimate resolution of that issue just came out in the last week or so, so we would be modifying the plans to eliminate that connection along the north property line.

Mr. Logan – I'm seeing that we still have the sidewalk in the project on the east side of the road from the north side of the entrance. It ties into the access to the Auburn Trail on the north end of the cul-de-sac.

Mr. Cantwell – Yes, correct.

Mr. Logan asked Mr. Pettee if there was anything that was still needed to be addressed or if everything was satisfied.

Mr. Pettee – The applicant has addressed quite a few of our comments and this goes way back to when we initially provided comments on the plans of the Preliminary Subdivision. We did provide an updated letter dated August 19, 2016. A lot of the comments have been addressed or are in the process of being addressed. Anything remaining is technical in nature and I think Mary Steblein is working on the SWPP review. You got another letter from Mary on the SWPP?

Mr. Cantwell – Right, and we responded to that this afternoon as well.

Mr. Logan – All in all it sounds like everything is technical in nature and we don't need to hold up running through the resolution.

Mr. Pettee – That's right, I think anything that is remaining we can work with them as part of a condition of the resolution, that the Planning Board considers.

Mr. Logan asked Mr. Gallina and Mr. Santoro if they had any other questions. They did not. Mr. Logan also asked Mr. Young if there was anything outstanding from the legal perspective, easements or otherwise.

Mr. Young – I think what would be helpful, Bob, is for you to walk us through the limits of any proposed access easement, as well as any proposed dedication for access. I'm looking at the overall development plan, which is page 3 of the subdivision plan package. It's hard to read and I'm not sure what I see here.

Mr. Cantwell – We prepared a conservation easement plan which has drawing #2271RCD, drawing #24 and that we did submit on August 11, 2016 along with easement descriptions. The Town should have a full sized copy of that map. What that map shows is all of the offsite easements.

There is the one conservation easement, which again, is based on the stream corridors for both of the streams. Then there is an access easement, which is referred to as AE-1 and that is a proposed Auburn Trail easement to the Town of Victor and that is a variable width easement that does include the footbridge that I had mentioned before.

Mr. Young – Does that approximately run from AE-1, the access easement? Does that run from East Victor Road approximately to potentially proposed future lot #51? Is that what I'm seeing here?

Mr. Cantwell – No, let me try to walk through it.

Mr. Cantwell went to the dais and showed Mr. Young and Ms. Evans on the plan.

Mr. Cantwell – Moving from East Victor Road, this area is a proposed parcel to be dedicated to the Town of Victor. That is a permanent transfer of property that would ultimately include the future Auburn Trail that would be connected on the east side of East Victor Road that currently exists. Because of the slope of that proposed trail, the grades along there, that's why the width varies. We actually laid in the grading which would be completed by the applicant as part of the original comment from the Parks & Recreation Commission. That open space parcel also has frontage on the cul-de-sac and consequently it also contains the sidewalk connection through the site itself. That's the first conveyance parcel. Because Riedman acquisitions are only acquiring in fee simple this 13.4 acres, upon their closing and purchase of the overall property they would be conveying that parcel to the Town.

All of the remaining lands to the west of that point, the transfer, whether it be a deed dedicated transfer or an easement has to come from Five J Enterprises, to the Town of Victor. The second piece of open space to be conveyed, which is shown on the conservation easement, is actually a 25 foot wide strip that goes from this point all the way to what you were referring to, that lot #51 limit. Actually, it's the western limit of the conservation easement. That would also be a deed transfer from Five J to the Town of Victor. That's what was requested from the Parks & Recreation Department, an actual deeded right-of-way.

Directly adjacent to that and to the south is the AE-1 easement and that's the permanent Auburn Trail Easement to the Town that would include that footbridge that I had previously mentioned. That's a permanent access easement, not a transfer to the Town.

The last easement would be referred to as AE-2, it may not be on the drawing you are looking at, but it is on the conservation easement plan that I referenced earlier. That's simply a 25 foot access easement that goes from that eastern limit of the conservation easement all the way to the western limit of Five J's property. That would allow future accessibility of the Auburn Trail.

Mr. Young – You submitted that as an additional sheet to the subdivision package?

Mr. Cantwell – Actually it was a transmittal on August 11, 2016 to Cathy and it included three copies of the easement map, full size, as well as the legal descriptions of those easements.

Mr. Young – And proposed dedicated lands, right?

Mr. Cantwell – Exactly. As far as the dedicated parcel within the limits of the subdivision, that would be basically filed with the map at the County so that would be part of the subdivision filing of the map.

Mr. Young – Just so we are very clear, what we have as a condition is that we're going to have a 25 foot access; we'll have a combination of conveyance of an easement and dedication of lands. We have "all is more specifically identified on a map exhibit provided by the applicant depicting the same on the evening of July 26, 2016".

Ms. Evans – So that would be amended to the August 11th submittal.

Mr. Cantwell – That's correct, and the reason for that is that we had to locate the bridge to make sure that was included in the easement to the Town.

Mr. Logan – Don, is the Town Board square with the areas, conveyances, along East Victor Road itself, back and forth?

Ms. Evans – Yes, I covered that on the July 25th meeting.

Mr. Logan – It's showing up on the drawings that I have but they are earlier than that meeting, because I don't have the current ones electronically.

Ms. Evans – I'm looking for them right now, I don't see them in the file.

Mr. Young – So “specifically identified on sheet X of the final subdivision map package”, is that right?

Mr. Cantwell – I would again prefer to just give you the drawing number and date. It's 2271RDC-24 and last revised August 9, 2016.

Mr. Young – Can I see that? I'll give it back.

Mr. Cantwell – That's a reduced copy, but we did submit a full size.

Ms. Evans – I believe we received a follow-up email from the Fire Department stating that they found the rationale for not looping acceptable.

Mr. Logan – Ok, thanks.

Ms. Evans – Bob, do you recall if that August 11th submission was emailed?

Mr. Cantwell – It was hardcopy delivered.

Mr. Young – I want to know if this is your understanding Bob, right now the way the conditions are written in, the applicant is going to provide a deed for approximately 1.04 acres to be dedicated to the Town. Is that right? Prior to signing the plans, is that what you understood? That's how it's written in now.

Mr. Watkins – That's the area at the north of what we are going to be developing, right?

Mr. Young – Right, north of lots #16 and #17. That's how I understood it, not having the benefit of that map in front of me.

Mr. Watkins – That's correct.

Mr. Young – And then that there is going to be an access easement provided for the remainder to the west.

Ms. Evans – That would be a deed transfer.

Mr. Young – It's not going to be an easement?

Ms. Evans – I heard deed.

Mr. Cantwell – There are both. Yes, there is a 25 foot deed transfer which is referred to as open space B and then there is an access easement AE-1, which is the Auburn Trail easement that includes the bridge. That's a permanent easement.

Mr. Young discussed the lands and stated that when the plans are revised before signing, that "Lands be conveyed to the Town of Victor" be stated for both the deed transfer and the permanent easement.

Mr. Young – Ultimately, what's going to happen is we're going to say show us everything, let the attorneys look at it before we sign the maps. This is too difficult for me to do on the spot.

Ms. Evans – The one at the end of the cul-de-sac, that would need to be transferred or dedicated prior to signing the final subdivision map, but the other one, on lands to the west, I don't necessarily think that we need to hold that up because that is a different entity. I would be comfortable using the first building permit as a trigger.

Mr. Watkins – When we close with Five J, we're going to have everything together at that point in time. We'll get it all done at once.

Ms. Evans – Wes, the date of your last letter was August 19th? (Yes) Are there any other items?

Mr. Pettee – Does the resolution mention that this is a clustered subdivision?

Mr. Cantwell – I think Katie referenced that in her remarks.

Ms. Evans – Yes, it does mention it in the resolution, finding of facts #2.

Mr. Young – Again, just to be clear, this sheet #24 is sheet #24 of the final subdivision map package? (Yes)

Mr. Logan – Is everyone comfortable with me going ahead and reading the resolution?

Mr. Young – One more question. The dedication, in total, for what we are talking about here tonight, that's depicted on this map, is it 1.04 acres? Or is it more than that?

Mr. Cantwell – Well, the portion of the lands dedicated to the Town is .575 acres. 1.04 is probably the stretch across the northern limits that would be conveyed from Five J to the Town.

Ms. Evans – We also have right-of-way dedications as well, which are shown on the final subdivision map.

Mr. Young – As a final comment, you're OK with giving us the deeds and the easements, signed, prior to final signatures? Is that right? Giving us the recordable document prior to final signatures?

Mr. Watkins – Yes, we can have our attorney record everything and hold it in an escrow for you.

Mr. Young – I just want to make sure I'm not including something that is impossible for you.

Mr. Watkins – It can all be done simultaneously.

Mr. Young – Thanks for bearing with me.

Mr. Cantwell – You're welcome.

Vice-Chairman Logan read the resolution.

RESOLUTION:

On a motion by Ernie Santoro, seconded by Al Gallina,

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

1. An application was received on July 21, 2016 by the Secretary of the Planning Board for a Final 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 of Victor Director of Parks and Recreation.
4. An "Under Review" sign has been 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 final subdivision plan on August 2, 2016.

7. The Parks and Recreation Department reviewed the plans on July 10, 2016 and requested applicant to provide a 25 foot wide portion of land dedicated to the Town of Victor for the future improved trail, as mentioned previously in item 3, above.
8. 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.
9. 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 Final Subdivision application of Riedman Acquisitions, LLC, Major Subdivision entitled East Victor Road Property, drawn by BME Associates, Project 2271RDC, dated April 2016, last revised July 2016, received by the Planning Board July 20, 2016, Planning Board Application No. 4-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 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 August 19, 2016 from LaBella Associates be addressed.
4. That the comments in a letter dated August 8, 2016 from Al Benedict, Code Enforcement Officer, be addressed.
5. 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 a map with project No. 2271RDC, drawing No. 24 of the final subdivision map package, labeled Conservation Easement Plan CE1, additionally including:

- A) That the applicant provide a deed to the Town for the lands to be dedicated to the Town, acceptable to the Town Attorney; and,
- B) That the applicant provide an access easement to the Town for the remainder of the 25 foot access, acceptable to the Town Attorney.

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 APPLICANT CHANGED THE PROJECTNAME FROM East Victor Road Subdivision to Southgate Hills Subdivision.

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

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

Motion passed 3 in favor, 0 opposed, 1 Abstention

Thanks were given all around.

Ms. Evans distributed a document regarding Fishers Ridge and wondered if everyone would accept the possibility of having a workshop prior to the next meeting.

Motion was made by Ernie Santoro, seconded by Al Gallina, RESOLVED the meeting was adjourned at 9:25 PM.

Cathy Templar, Secretary

Typed by Debby Trillaud, Zoning Board of Appeals Secretary