

A regular meeting of the Village of Victor Planning Board was held on Wednesday, August 24, 2016, at the Village Hall, 60 East Main Street.

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

OTHERS PRESENT: Al Benedict, Doug Eldred, Bill Ferris, Dave Nellis, John Holden, Mitch Donovan, Douglas Fisher, Rich Linder

Meeting called to order at 7:02 PM by Chairperson CHaides.

Salute to the flag.

Resolution #21-16PB
Acceptance of Minutes

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

Resolved, to accept the minutes dated August 2, 2016.

Dr. William Ferris-Ferris Terrace
Subdivision Plan & Site Plan Review – Ferris Terrace

Mr. Doug Eldred of BME Associates stated that he and the Developer, Dr. William Ferris are here tonight to answer any remaining questions that the Planning Board may have. Mr. Eldred stated that he met with Ms. CHaides who asked them to consider other building colors rather than tan. Mr. Eldred stated that Ms. CHaides provided Historic Colors and mentioned the Rinaldi building in High Point Phase Three as an example. Mr. Eldred showed a rendering of the building and stated that the architect that did the project used a blue gray with white trim and that Dr. Ferris agreed to a color that would be vibrant and not blend in so much. Mr. Eldred showed a new rendering using blue and gray with white trim and striped blue and white awnings. Mr. Eldred stated that the Architect, Mr. Linder has new architectural drawings that show the half-moon starburst windows in the peaks and explained that the architectural drawings are more accurate than the 3-D renderings but are very similar. Mr. Eldred stated that everything that was discussed previously will be put into phase 1 such as the access from Adams Street rather than anything temporary. Mr. Eldred stated that this can be secured with a letter of credit.

Ms. CHaides stated that she spoke with the DPW Director about the alignment of Adams Street and the access road who recommended a four way stop sign system for safety. Mr. Eldred stated that it makes sense. Ms. CHaides stated that the DPW will help with the placement of the stop signs. Mr. Holden stated that there may be a stipulation as the DOT claims to have some jurisdiction for areas that are 300 feet from their roads. Mr. Eldred stated that the DOT would have a say if a stop sign for the project backs traffic up to Rt. 96. Mr. Eldred stated that they do have a stop sign controlled traffic study and they will run it by the State to see if they have any issues with it. Mr. Kowal stated that the intersection is a two way stop right now so two more stop signs need to be added.

Discussion amongst Planning Board and Mr. Eldred about the four stop signs at the intersection.

Mr. Van Dyke asked if a grocer has been secured for the property. Dr. Ferris stated that he has been negotiating with several grocers and is pitching a potential grocer tomorrow. Dr. Ferris stated that he is driven to secure a grocer and is making the offer very attractive by giving rock bottom rent and even making the rent performance based to take the risk out of it for the tenant. Dr. Ferris stated that he is also willing to help with startup costs and coolers and compressors. Dr. Ferris stated that if a grocer is not secured that a specialty meat store or a bakery would be pursued. Ms. CHaides asked if different vendors sharing the space have been considered. Dr. Ferris stated that he is exploring the idea of combining a specialty meat store and a bakery. Mr. Kowal asked how long of a lease Dr. Ferris is trying to secure. Dr. Ferris stated that he is trying to secure tenants for 5 to 10 years. Mr. Criss stated that the size of the project was granted because of the fact that a grocery store would be included and if a grocer is not secured the project should be scaled back. Mr. Eldred stated that he understands that the motivation for allowing a larger building was to include a grocery store a grocery store was not a variance requirement. Code Enforcement Officer Al Benedict agreed.

Mr. Criss asked about the entrance and exit for underground parking. Mr. Eldred stated that a key fob will be used for residents to get in and out and a knox box would be used for the fire department. Mr. Kowal asked if the door is double or single. Mr. Eldred stated that there will be one lane in and one lane out but there was not enough space to include two doors. Mr. Criss asked about the sight line for residents exiting and entering safely. Ms. CHaides noticed a tree on the plan that may be an issue. Mr. Eldred stated that he will make sure that there will not be a tree in the sight line.

Mr. Kowal asked what kind of garage door will be installed. Mr. Eldred stated that the door will be an insulated and fire resistant door. Mr. Linder added that the garage will be heated to a mild extent to avoid frozen pipes.

Mr. Criss asked if there is adequate space for school busses to get through. Mr. Eldred stated that he ran the templates for fire trucks and busses but is unsure whether school busses would stop in front or go through the property. Ms. CHaides asked if since this is so close to the school would there be bus service. Mr. Kowal stated that the school busses 100% of the students no matter what their proximity is to the school. Mr. Van Dyke stated that the school would decide where the bus stop would be.

Mr. Holden stated that part of the August 11, 2016 workshop discussion included questions about drainage. Mr. Eldred stated that within the parking lots are big underground storage systems with half-moon pipes so there is a volume for stormwater retention and below the half-moon pipes there is a depth of stones anywhere from 6 inches to almost two feet for storage that would be below where the water exits. Mr. Eldred explained that the stone area volume for stormwater detention.

Mr. Eldred went into more detail about the stormwater system

Mr. Eldred stated that the underground stormwater storage system satisfies the capacity and any overflow would run into the creek which will improve the efficiency of the water flow. Mr. Eldred stated that this system corresponds will all of the regulations and there will also be an underground cistern system with manholes that can be used to water plants and irrigate the lawn.

Ms. CHaides asked about snow removal. Mr. Eldred stated that they have the right to use the ditch for snow.

Mr. Eldred stated that that the Finger Lakes Railway recommended signage but feels comfortable with the ditch as a barrier for safety.

Ms. CHaides asked if anyone from the audience would like to comment.

Mr. Douglas Fisher P.O. Box 30592, Rochester, New York 14603

Mr. Fisher stated that he agrees with the multiple economic goals of this project, in bringing activity to the village Main Street, albeit unfortunately away from the village center. Mr. Fisher stated that to maintain the village character the individual homes should be rehabbed with connections serving commercial functions to the major building as part of the project. Mr. Fisher stated that the Planning Board has pointed out that a need for a grocery store was an important part of determining the size of the building but recently a new grocery store has opened up down the street. Mr. Fisher stated that if the grocery store doesn't stay, the building is overbuilt for the constraints of parking as parking dictates how large a building you can have. Mr. Fisher wrote in his letter to the Planning Board that "rather than designing and approving this project based upon what is the maximum build-out possible under the proposed site square footage, it would be more enlightened to establish first the appropriate design constraints. These would be:

1. The importance of retaining and adapting the existing historic streetscape;
2. The non-availability of parking spaces below the level of the water table;
3. The non-availability of county property reserved for railroad and potential highway purposes;
4. And project compatibility with present and contemplated railroad corridor uses.”

Mr. Fisher stated that Ontario County Planning Board has recommended this project but has encouraged the Planning Board to review and address some issues which are outside of their jurisdiction. Mr. Fisher stated that he encourages the Planning Board to do a close evaluation of all of those subsidiary issues that the County Planning Board outlined. Mr. Fisher stated that he is not opposed to the project but the configuration is going to make a big difference to the community.

Dr. Ferris showed actual blue and gray color panels that he proposes to use on the building.

Ms. CHaides stated that she would like to address the Ontario County Planning Board remarks and how they have classified this project as far as the stormwater, parking and drainage. Ms. CHaides stated that they recommend that the project be retained as a class 2 and returned to the Village of Victor Planning Board with the recommendation of approval with the following modifications;

“Modification #1: The referring board should take no action on granting subdivision or site plan approval until the stormwater details provided by BME are reviewed and approved by the Village engineer and the County Department of Public Works”

“Modification #2: The referring Board should take no action on granting subdivision or site plan approval until the applicant, the County Department of Public Works and Finger Lakes Railroad representatives discuss the potential impacts of the current stormwater system design, proposed parking spaces and proposed access point across from Adams Street, on County property and rail infrastructure, and ensure that the impacts identified are mitigated. Subsequently, County approval for the use of the County’s property as outlined on the site plan must be obtained prior to approval by the local board.”

Ms. CHaides stated that these modifications will be conditions of the resolutions and that it is her understanding that a meeting occurred between all of the mentioned parties where they agreed to the plan and the Planning Board will make the implementations part of the approvals. Ms. CHaides stated that the developer has agreed to put all of the work into one phase so that the alignment of Adams Street and School Street will be part of the project. Ms. CHaides stated that the Planning Board is in agreement with the Ontario County Planning Board recommendations, therefore, are ready to make resolutions with conditions.

Resolution #22-16PB

**127, 131, 157,163 West Main Street & 16.17-02-40.21, 16.17-02-40.22/
Ferris Terrace**

State Environmental Quality Review (SEQR)/Negative Declaration, Site Plan

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

Whereas, the Village of Victor Planning Board reviewed the Unlisted Action Ferris Terrace Development and identified no significant impact; and,

Whereas, the Planning Board made the following finding of facts:

- An application was received on April 27, 2016 by the Planning Clerk for a Site Plan, entitled Ferris Terrace, located at 127, 131, 157, 163 West Main Street & 16.17-02-40.21, 16.17-02-40.22; and,
- The application was reviewed at the July 13, 2016 and August 2, 2016 Planning Board Meetings; and,
- The Site Plan, Ferris Terrace, was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Act requirements and a Short Environmental Assessment Form (EAF) was prepared; and,
- The Planning Board, as lead agency accepted the Short EAF as presented by Chatfield Engineers; and,
- The Planning Board, as lead agency, found that no significant impact to the environment as a result of the action and directed that a negative declaration be prepared; and,
- The application required Ontario County Planning Board review and recommended the application; and,

NOW THEREFORE BE IT RESOLVED, that the Site Plan, Ferris Terrace, for a mixed use building, located at 127, 131, 157,163 West Main Street & 16.17-02-40.21, 16.17-02-40.22, will not have a significant impact on the environment and that a negative declaration is proposed.

Resolution #23-16PB

**127, 131, 157,163 West Main Street & 16.17-02-40.21, 16.17-02-40.22/
Ferris Terrace**

Subdivision - combining 6 parcels into 1

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

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

- An application was received on April 27, 2016 by the Secretary of the Planning Board for a Subdivision.
- It is the intent of the applicant to combine 6 parcels into one.

- The Planning Board reviewed a site plan for the subdivision on August 24, 2016 to combine the lots.

NOW, THEREFORE, BE IT RESOLVED that the subdivision application of Ferris Terrace for the Major subdivision, drawn by BME Associates, dated April 27, 2016 received by the Planning Board April 27, 2016, be approved with the following conditions:

- That all requirements from the Village Engineer, Chatfield are complied with per their letter dated July 29, 2016.
- That the agreement be complied with to allow Victor Coal and Lumber to continue to have access for storage, loading and unloading for operation of their business.
- That the applicant will pay \$200 per lot in lieu of park land.
- That Subdivision Approval will be in effect for 36 months from the date of approval.

Resolution #03-16APRB
127, 131, 157,163 West Main Street
Ferris Terrace
Demolition Permit- Certificate of Appropriateness

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

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

- It is the intent of the applicant to demolish the buildings at 127, 131, 157,163 West Main Street
- Historical Review
As part of Ontario County Planning Board review it was determined that the parcels at 127, 131, 157 & 163 West Main Street have low historical significance.
- That the Design standards of the Central Business District are complied with.

NOW, THEREFORE BE IT RESOLVED that the application of Dr. William Ferris to demolish the buildings at 127, 131, 157, 163 West Main Street **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

- That the removal of all debris be cleared within 30 days of the demolition.
- That all safety measures are taken to secure the site during demolition.
- That an application for demolition permit be completed and complied with.

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

Resolution #04-16APRB

**127, 131, 157, 163 West Main Street & 16.17-02-40.21, 16.17-02-40.22/
Ferris Terrace**

Architectural Review- Certificate of Appropriateness

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

- A Certificate of Appropriateness application was received by the Secretary of the Planning Board for building colors at Ferris Terrace.
- The building will use Muralo Historical Colors Seal Blue and Winter Harbor with White Trim.
- That the Design standards of the Central Business District are complied with.

NOW, THEREFORE BE IT RESOLVED that the application of Dr. William Ferris for a building that uses Muralo Historical Colors Seal Blue and Winter Harbor with White Trim, **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

That the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

Discussion amongst Planning Board, Mr. Holden and applicant regarding size of grocery store/specialty food market

Resolution #24-16PB

**127, 131, 157, 163 West Main Street & 16.17-02-40.21, 16.17-02-40.22/
Ferris Terrace**

Final Site Plan

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

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

- A site plan application was received on April 27, 2016 by the Secretary of the Planning Board for a Site Plan entitled Ferris Terrace Mixed-Use Development.
- It is the intent of the applicant to build a 3-story mixed-use building to include approximately 28,600 sf retail/grocery space on the first floor and 44 upscale apartments on the second and third floors with underground parking for tenants.
- 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.
- The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On July 13, 2016, Ontario County

Planning Board recommended approval of the application with modifications.

NOW, THEREFORE, BE IT RESOLVED that the application of Dr. William Ferris, Site Plan entitled Ferris Terrace Mixed-Use Development, drawn by BME Associates, dated April 27, 2016, revised July 21, 2016 received by the Planning Board July 22, 2016, **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

- That the applicant will comply with all requirements of the Village Engineer, Chatfield Engineers per their letter dated July 29, 2016.
- That the applicant will comply with all requirements of the Fire Department with the exception being that only the basement be built to type 1 specifications and the rest of the building will be sprinklered.
- That the applicant will comply with all requirements of the Finger Lakes Railroad in the written agreement of August 2, 2016.
- That an agreement and a map be drafted allowing Mr. Mike Bliss access to his property at Victor Coal and Lumber with a designated area for deliveries.
- That the applicant will comply with all requirements from Code Enforcement per their letter dated July 11, 2016.
- That the applicant will comply with requests of the New York State Department of Transportation per their letter dated May 23, 2016.
- That the applicant will fulfill the requests of the Village Tree Board of planting types, planting environment, using the Cornell soil method and rooting volume. The Tree Board will inspect the stock prior to planting.
- That the approval will be contingent on one of the tenants being a grocery store or specialty food market within the range of 10,000 sf to 15,000 sf allotment for a grocery store. If tenant is smaller than 10,000 sf the applicant must return to the Planning Board to discuss and review the new requirements.
- That Site Plan Approval will be in effect for 36 months from the date of approval.
- That a Letter of Credit, be obtained to the satisfaction and amount to be determined, of Village Engineer, Village DPW and Village Attorney, for the repair of any infrastructure or damage to Village Property.
- That a Letter of Credit be obtained to the satisfaction and amount to be determined by Village Engineer, Village DPW and Village Attorney, for the phase of project to align the intersection of Adams Street and School Street and the project access road. This will involve working with the DPW for the placement of four stop signs.

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

MEMBER REPORTS

Mr. Swan stated that he has noticed that the barber pole has not yet been raised at 2 West Main Street, Millsy's Barber Shop which was determined to be out of code at the

July meeting and at the August 2, 2016 meeting Code Enforcement Officer Doug Scarson stated that he would follow up. Mr. Swan stated that there is also a sandwich board sign out every day that was not approved. The Planning Board unanimously agreed that a letter should be drafted to Mr. Mills giving him 2 weeks to comply or he will be fined.

Mr. Criss stated that Blue Toad Cidery never got sign permits or paid for the outdoor seating permit. Ms. CHaides stated that Code Enforcement should look into this as well.

Discussion about new businesses in the Village

ADJOURNMENT

Meeting adjourned on a motion at 8:30PM

Roseanne Turner-Adams, Planning Clerk