

A regular meeting of the Town of Victor Planning Board was held on September 13, 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; Ernie Santoro, Heather Zollo, Al Gallina

ABSENT: Joe Logan, Vice Chairman;

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Mike Guinan, Town Board Liaison; , Conservation Board; Adam Frosino, Alan Friedman, George Eckerdt, Bob Kelly, Edwin Rued, Miguel A Reyes, Jim Hendler, David Nankin, Doug Eldred, J. Kashami

BOARDS & COMMITTEE UPDATES

Planning Board reported by Kim Kinsella

- September 27th meeting
 - Verizon Wireless Micro Cell to be located on a roof top in Victor Crossing plaza
 - Crown Castle – Cell Tower requested location on Brownsville Rd

The legal notice for the public hearings appeared in “The Daily Messenger” on December 8, 2015. Post Cards were mailed to property owners within a minimum of 500 ft from location of each application along with “Under Review” signs being posted on the subject’s parcels.

Mr. Santoro moved to open the public hearing, seconded by Mr. Gallina

PUBLIC HEARING

AUCTION DIRECT USA SUBSIDIARY USED CAR DEALERSHIP

6606 Route 96

Appl No 28-SP-16

SBL# 28.02-1-51.000

Zoned: Commercial/Light Industrial & 96/251 Corridor

Owner: Cane Bogojevski

Acres: 6.9

McFarland Johnson on behalf of Auction Direct USA and Cane Bogojevski are requesting site plan, change of use, and special use permit approval to utilize the existing building for offices, a small show room, and outside display for the car dealership located at 6606 St Route 96. This is the first time this application is pending before the Board.

Mr. Adam Frosino from McFarland Johnson, representing Auction Direct USA addressed the Board.

Mr. Frosino – Auction Direct is starting up a subsidiary business for selling additional used cars. As you know they are doing well in their current location, need room for expansion but also this

business is going to open them up to a different market sector of clientele. All that being said, there is an existing 3,000 sf building that currently exists as well as the landscaping and the parking facilities which were all approved in January 2005. The only change would be the change in use which would now be used for a used car dealership. This did require a Special Use Permit which we have filed and submitted as well to allow merchandise to be displayed outside which would be the cars.

The existing landscaping would remain as is. Auction Direct would obviously clean them up and do standard maintenance on them. As far as the plant species, that will remain the same. All of the other requirements will remain the same. Parking requirements are met as shown in the submission.

With that I'm here to answer any questions you may have. We're just requesting a Change of Use. All of the existing lighting will also remain as is.

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

Mr. Frosino – One more item, I have a representative from Auction Direct, Alan Friedman, the General Manger if you have any questions that are related to operations.

Mr. Santoro – What is the difference between what Auction Direct is doing now and selling used cars?

Mr. Friedman – We're going into a different business model. If you've been to Henrietta Road and are familiar with Upstate Auto Credit which is actually owned by Dick Dorschel but branded under the Upstate Auto Credit name. We're getting into the subprime business, we're not using the Auction Direct name, it's powered by Auction Direct. We're running it as a company but its going to be a different business segment that will start opening up not only in Victor but other areas as well.

Mr. Santoro – A different type of use or quality?

Mr. Friedman – It's a different customer that we're going after. The customer we can't currently service in our existing building today.

Mr. Santoro – Credit problems?

Mr. Friedman – Yes. There are a lot people in the Victor, Farmington, Macedon area that we just can't take care of at Auction Direct. So by opening up a second facility, it gives us access to different lenders that currently we can not use at our current facility. So that's why we're doing it.

Ms. Zollo – I was going to ask a similar question. How many cars will you be displaying at this location?

Mr. Friedman – We're going to start off with 20 to 30 maximum right now. That's all that the land is going to let us hold anyways. Low side 20, high side 30. You won't have any car

carriers there. Everything will be dropped off at the main building. It's not going to be any different traffic pattern than is being currently used.

Ms. Zollo – How many cars do you display at the other facility?

Mr. Friedman – Depends on what time of year. As many as 500 and as little as 350. That's a max, we're selling 3200 cars out of the other building. This is a different type of setting. We can sell 20 to 30 cars a month, that's our break even point to make money there. It's a different pricing structure.

Ms. Zollo – In this picture, is this an additional building?

It was noted that in the picture it showed Mr. Bogojevski's parked equipment and trucks. There was no other building located on the site. The only portion this application was referring to was the existing front building.

Mr. Gallina – Looking at the site plan, it looks like 75 parking spaces. That's going to accommodate both your customer base as well as your display? (Yes)

There were no other comments and the public hearing was closed.

The applicant was asked what the operating hours would be and how many vehicles would be parked at one time. Mr. Friedman stated the hours would be Monday thru Saturday 9:00 AM to 7:00 PM. This will be closed at least initially on Sundays but the main building is open. There would be a maximum of 30 vehicles displayed at any one time.

RESOLUTION – SPECIAL USE PERMIT

On motion made by Al Gallina, seconded by Ernie Santoro

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

1. A Special Use Permit application was received on September 8, 2016 by the Secretary of the Planning Board for a Site Plan entitled 6606/6608 State Route 96 Used Car Dealership.
2. It is the intent of the applicant to display vehicles in outdoor parking lot.
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.
4. The Planning Board held a public hearing on September 13, 2016 at which time the public was permitted to speak on their application.
5. The proposed use of the property is not listed as a permitted use in Chapter 211-22,

therefore, a Special Use Permit is required.

6. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
7. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
8. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of McFarland Johnson, Inc for a Special Use Permit received by the Planning Board September 8, 2016 Planning Board Application No. 8-SU-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman's signature on the site plan:

1. That comments from Code Enforcement Officer, dated August 22, 2016 be addressed.
2. That the hours of operation be 9:00AM to 7:00PM Monday thru Saturday, closed Sundays.
3. That there be no more than 30 vehicles parked at any one time

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

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

Approved 4 Ayes, 0 Nays

RESOLUTION – SITE PLAN AND CHANGE OF USE

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

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

1. Site Plan and Change of Use application was received on August 8, 2016 by the Secretary of the Planning Board entitled Auction Direct USA Subsidiary Used Car Dealership.
2. It is the intent of the applicant to reuse and redevelop the site and building to accommodate an office and small showroom for a proposed used car dealership along

with a second small office to be occupied by a second business.

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 September 13, 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 August 23, 2016 Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 13, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Auction Direct USA will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of McFarland Johnson Inc., Site Plan entitled 6606/6608 State Route 96 Used Car Dealership drawn by McFarland Johnson dated August 8, 2016 received by the Planning Board August 8, 2016 Planning Board Application No. 28-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 comments from Code Enforcement Officer dated August 23, 2016 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.

3. The building design/site plan shall be consistent with the architectural/landscape details as shown on the photographs received by the Planning and Building Dept on August 8, 2016.
4. Applicant stated no changes to existing lighting. Should applicant revise existing lighting, applicant shall return for Planning Board approval.

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

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

Approved 4 Ayes, 0 Nays

330 PHOENIX MILLS PLAZA

Appl No 26-SP-16

SBL # 28.12-1-19.120

Zoned: Commercial/Light Industrial & Route 96/251 Corridor

Owner: Hendler & Assoc. LLC

Acres: .05

Hendler & Associates LLC requests site plan and change of use to utilize the existing building for mixed uses with a proposed façade modification located at 330 Phoenix Mills Plaza. This is the first time this application is pending before the Board.

Mr. Jim Hendler, owner and developer of Phoenix Mills Plaza addressed the Board.

Mr. Hendler – I've owned the food shop for years and years and ran it myself. I sold it to Jiffy Lube and after that I bought it back again. That's why it's a separate parcel. I've been having difficulties leasing it out as an auto repair or lube shop situation. The lube shop business is somewhat defunct with the mileage meters on cars and different things that are happening.

I'd like to upscale it and change it into mixed use; medical, retail, something along that order. No food, there is enough of that right now. Put some window dressing on it because it is difficult to take office space and I don't want people to get the idea that it's an old garage. So I have to extensively change the front which has been redesigned somewhat. The door openings are going to be huge windows with knee walls to hold them up. The colors and everything are going to match the existing bldgs. It's going to be the blue and yellow. It's just window dressing on the outside. The back side, there are 3 doors and those doors will be filled in with siding as existing and they'll just be sided doors.

The inside will just be a vanilla box. I don't have a tenant. I don't want to have anybody in mind, it's purely speculation.

Chairman Dianetti asked for public comment and there were none.

Mr. Gallina – In general I like repurposing the structure and turning it into something useable as verse to an empty garage.

Ms. Zollo – I concur. I wish you luck in leasing it.

Mr. Hendler – Thank you, I'll keep the flowers growing just for you. I had to put that in there. There was one time I was before the Board and we spent some time hashing things out and one of the young ladies said, "Are you going to do anything with the flowers, they are dying?" I was here trying to get something going.

Mr. Santoro – Its always been a nice looking plaza. I think this will make it even nicer.

Chairman Dianetti closed the public hearing.

RESOLUTION

On motion made by Ms. Zollo seconded by Mr. Santoro

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

1. A Site Plan/Change of Use application was received on July 27, 2016 by the Secretary of the Planning Board entitled 330 Phoenix Mills Plaza.
2. It is the intent of the applicant to change the use from auto repair to a mixed use.
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.
4. The Planning Board held a public hearing on September 13, 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 September 6, 2016, Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 13, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, 330 Phoenix Mills Plaza will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the Change of Use application of Hendler & Associates, LLC received by the Planning Board July 27, 2016 Planning Board Application No. 26-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman's signature on the site plan:

1. That no building permit will be given until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer dated August 22, 2016 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. The building design/site plan shall be consistent with the architectural/landscape details as shown on the elevations, received by the Planning and Building Dept on July 27, 2016.
3. All screening shall be similar in material and color and integrate with the proposed building materials and subject to the review and approval of the Planning Board. This shall include but not be limited to mechanical equipment, dumpster enclosures, transformers, meters, or RPZ vaults.

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

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

Approved 4 Ayes, 0 Nays

TABLED FROM 8/23/16 MEETING

GLACIER HILL SOLAR SYSTEM

7635 Glacier Hill Rd

Appl 25-SP-16

Owner – George Eckert

Zoned – Light Industrial and within the Route 96/251 Overlay Corridor

Acres 13.80

You Save Green, Inc is requesting site plan approval to approve the installation of a ground mounted solar system approximately 34,560 sf in size with a max height above grade of 8 ft. This is a carry over from the 8/23 Planning Board meeting.

Mr. George Eckert, owner of property addressed the Board.

Mr. Eckert – Due to scheduling, engineering wasn't able to show and thought they had submitted everything they needed so I showed up to answer any questions.

Chairman Dianetti – The main reason that I asked to have someone here tonight is because we did hear this at the last meeting and people seemed to be pretty positive about it, but Heather was necessarily absent. I would like her to have an opportunity to make her comments and ask her questions.

Ms. Zollo – I read about what you are planning to do and that you are the owner at the top of the hill as well and during the public hearing there were no objections.

There were no other comments from the Board members. Chairman Dianetti asked the public for comments and there were none.

RESOLUTION

On motion made by Mr. Santoro, seconded by Ms. Zollo

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

1. A Site Plan application was received on July 19, 2016 by the Secretary of the Planning Board entitled 7635 Glacier Hill Ground Mount Solar System.
2. It is the intent of the applicant to install approximately 34, 560 sf of ground mounted solar panels on a 13.8 acre 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 September 13, 2016 at which time the

public was permitted to speak on their application.

5. The Conservation Board reviewed application on August 2, 2016 and had no concerns given the information presented.
6. 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 13, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Glacier Hill Solar System will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of You Save Green, Inc. Site Plan entitled Ground Mount Solar System drawn by Timothy C. Buhl., PE dated July 25, 2016 received by the Planning Board July 19, 2016 Revised August 30, 2016 received by the Planning Board September 6, 2016 Planning Board Application No. 25-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 23, 2016 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer dated July 22, 2016 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 Planning Board's approval letter.

Jack Dianetti

Aye

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

Approved 4 Ayes, 0 Nays

INFORMAL DISCUSSIONS

HIGH POINT BUSINESS PARK – Townhouse Development

7410 Forest Trail

Zoned: Planned Development District

Owner: Conifer Village @ Eastview, LLC

BME Associates on behalf of RainBros Associates, LLC request an informal discussion with the Planning Board regarding the proposal to transfer 5.25 acres from the Forest Park Conifer Village at Eastview Planned Development District located at 7410 Forest Trail to the High Point Business Park Planned Development District with associated residential density. The applicant proposes to add 24 townhouse units to be accessed off of the approved High Point Business Park (HPBP) Phase 4 townhouses. The 5.25 acres proposed to be transferred to HPBP is currently owned by Conifer Village at Eastview, LLC consisting of 11.5+/- acres. Postcards were mailed to property owners within 500 ft of the subject parcel. The applicant appeared before the Town Board at their August 22nd meeting under Privilege of the Floor. This is the first time this project is pending before the Planning Board. For the Public's reference, only the Town Board has the authority to amend a Planned Development District so the applicant is here tonight to obtain feedback from the Planning Board and the public which will be relayed to the Town Board.

Doug Eldred from BME addressed the Board along with Fred Rainaldi, Jr.

Mr. Eldred – As was mentioned there is a piece of land consisting of about 5.2 acres behind the Forest Park at Eastview. The senior community is located off of Turk Hill Road and there is a piece of land at the back of that which is about 50 ft higher than the Forest Park apartment project. That piece of land plateau happens to be at grade with our proposed roadway that we are putting up there. As you can see, it's part of the High Point Development so it's easily accessible from High Point Road when it gets developed.

The Rainaldi's contacted Conifer to see about the possibility of going forward with this. We are in the early stages of this and just wanted to feel out both the Planning Board and the Town Board to see how acceptable it would be in this regard. The Town Board would be making the resolution to amend the Planned Development District. We haven't applied for that yet. This is simply informational. We did the same thing with the Town Board. I didn't notice any immediate objections from the Town Board but certainly wanted to get the Planning Board's opinion on it as well.

It kind of fits in nicely with the rest of the High Point project. The utilities would be right there, stormwater management we would increase the pond size, put green infrastructure in there.

It's just a nice plateau area surrounded by trees and of course it has all of the amenities that are available to this part of the town, easy access to Eastview Mall corridor, High Point Retail facilities, etc.

That's why we are here. Again procedurally, nothing we are trying to get done tonight other than to see what kind of reaction you might have. I did want to note that one point in time, the old plans for Forest Park at Eastview did show townhouse development here on top of the hill and it was taken off. Quite frankly, I don't know why it was taken off but part of the reason might have been that it would basically obliterate the wooded hillside to get access from the lower area to the upper area. There are 3 single family homes in this area and they have a steep driveway. But to access this many homes, it would have required a road of a more gentle grade or one that was more consistent with the town requirements for roadways. So that could have been one of the reasons. Again, it's a nice accessible location. You can see by the site plan in the lower corner that the plan is to have a nice green space in the middle and be surrounded by woods on the perimeter. A very nice setting if you will. The townhouse themselves would all be upscale townhouses. Fred has some renderings of what is being proposed. These would be 2 and 3 unit bldgs.

Mr. Rainaldi – Good evening. I appreciate you taking the time to review this. The goal for us is to lay out the general provisions in regards to this proposal. Then we would absolutely expect that the details of such would have to be reviewed very similar to how the original project details were; traffic, site, etc. The opportunity to expand the residential proponent is very exciting to us because we are quickly coming to completion with the commercial portion of High Point. High Point which is now just over 120 acres, we have one last office building to put up, Building 300 and then the retail components will be pulling permits with the town very soon to complete the retail Building B of Phase 3 of the retail. Then the 1900's Sugar Mill inspired retail building going up behind Uno's and Long Horn will follow the same construction schedule.

The opportunity to expand on the residential is important for a number of reasons. There is a lot that we are looking to accomplish with the style of the unit. This project will be unique to the market because not only the amenities but the architecture and built-in functionality of the residences. They are truly meant to be future proof and there are a lot of natural topographical elements that allow us to accomplish that here.

One thing that is important as it has been with all of the phases of High Point thus far has been retaining the natural and mature vegetation. So we would absolutely be supplying you for review a complete landscape plan because we're excited that this portion in particular has the ability to retain and celebrate a lot of that natural feature.

If anyone has been up to the project as of recent, we have completed High Point Drive to Valentown, it's pretty spectacular. You can actually see first hand now how beautiful and how private all of the phases are. As you go through there, it's like its own ego system as you move from the retail on Route 96 to the office then to the residential, you're almost excommunicated from the corridor which was the intent of the design and the phasing of the project especially with the residential on the back acreage.

This application would actually be transferring and lessening the proposed density for the same land. Like the 72 units that are approved right now, these would be designed into 3 unit blocks. The programming is such that we're targeting naturally a more mature family unit that would be enjoying these features. Without identifying that guideline in the sale, it's the intent of the design and I think it's very appropriate not only for the amenities but for the style of living.

Each unit is about 2,000 sf and then it has about an 1800 sf sublevel that we've introduced ceiling heights that would allow for a golf club to be swung and other recreational lifestyle features. In having this as a larger project, we were able to absorb a lot of the premiums so we could be very competitive with the sale price and that's important with a residential product because I've learned it becomes very emotional very quickly. So this would be of the same spirit of what was previously approved. I actually have an approved and tabled offering plan with the Attorney General for the first phase of the residential side. I've been very active in being able to move when ready and I'm glad that we've waited until now because we're in a far better position to make these even more spectacular.

Mr. Santoro asked to have Mr. Rainaldi explain items on the informal concept plan. The plan is also showing townhome locations that were already approved for the High Point project and the location of the Forest Park property.

Mr. Santoro – You've always done a first class job with what you've done already and I expect it will be the same. Will there be an HOA?

Mr. Rainaldi – Yes this would be in an HOA. The one thing I like about that is we have high expectations for the way people are going to use and enjoy the project. The HOA allows me to impose standards and design control to make sure it's always in the spirit of what you see now.

Mr. Santoro – So would you be constructing this before the ones that are already approved?

Mr. Eldred – Probably the final phase. There is sewer extended and water for the first Phase. This would be Phase 4.

Mr. Santoro – What's your time table?

Mr. Rainaldi – Realistically, we would look for mid 2017 ground breaking for the residential. I've received a quick education with the Attorney General. When you table it, I have to essentially reopen for review the HOA application and that takes 3 months. So I would assume 6 months just to sell the units. The HOA, the Attorney General allows you to build models so we would build the models by the beautiful retention pond. You'll see the dry lay stone retaining wall features actually continue up the whole portion of the residential area. The southern most portion would be our models. I would be able to obtain approvals for those within 6 months (from the Attorney General's office).

Ms. Zollo – Then you would begin sales? (Yes) What is the price point?

Mr. Rainaldi - \$375,000 to mid \$500,000. There is going to be a natural inclination to customize the way we have designed the floor plan, we really went out of our way to design the shells and the interiors. We had two design teams come and converge. If you remember the original Constellation renderings were designed by our design partners based out of Buenos Aires, Argentina and we let them participate in these floor plans so they are a really cool family style, open high efficiency floor plans. It's a unique product so we expect people are going to have a lot of fun appointing the interiors.

Mr. Gallina had no questions at this time.

Chairman Dianetti – I have a question about the elevation of the existing homes versus the new development.

Mr. Eldred – They are just slightly lower, about 5 ft or so.

Mr. Santoro – Are you going to be doing it yourself or contracting it out?

Mr. Rainaldi – We have a primary team of trades that is just like family. We don't ever pretend to know everything about everything so specialty trades will be brought in.

Mr. Santoro – You're going to keep control of it?

Mr. Rainaldi – We'll always have control. The one thing that will dictate the pace is we have a unique opportunity to be active on Building 300 and the residential at the same time. I'll never let my product fall victim to not being monitored to the extent there is a lapse in quality control. So if I have to engage a team to facilitate the residential, I'm not shy to partner specific to the residential portion. This is a Rainaldi project and will be guided to that effect.

Mr. Pettee had no comments at this time.

Chairman Dianetti asked the public for comment.

Miguel Reyes from 1664 N Clinton Ave, Rochester – The gentleman next to me is Edwin Rueda from 7400 Forest Trail. While Mr. & Mrs. Rueda who are also here, have no doubt or misgivings about the Rainaldi's ability to do a good project and have a reputation for doing so in the past. They do have some concerns that they would like the Board to take into consideration.

When the Rueda's moved in there approximately 16 years ago, this was essentially a hilltop home surrounded by natural landscape and they enjoyed the quiet and solitude that that afforded them. Over the years they have seen this hill slowly turn into one development after the other that has continually encroached on that quiet and solitude and their enjoyment of nature.

The prior developments that I think Mr. Rainaldi was a part of, together with this proposal essentially encircle Mr. Rueda's house on three sides. His house is down hill from the development, in particular down hill from the parking lot that was previously developed.

Mr. Edwin Rueda - The parking lot borders the back end of my property approximately 120 ft away. In essence I walk into my backyard, I have a 50 to 100 car parking lot to the left and now a proposal of all of the townhomes to surround me. I've looked at the proposal and it comes right up against my property. I'm concerned with the offsets, runoffs, lighting from this parking lot. I think the plan is a little on the aggressive side. In the past, I have spoken briefly with Fred Rainaldi, Sr. and he had mentioned that he would go ahead and come and take a look from my point of view what's going on and that never occurred.

I have a lot of concerns here regarding the privacy of my property. That is the reason why we purchased the property, the enjoyment of the property and this is all very over

whelming. I can imagine because the parking lot is not completed yet but when that's starts, I can imagine 100 doors opening and closing at any given time. There is no buffer there, there is nothing and that was something that we were going to talk about but never got anywhere with that.

Mr. Reyes - Although the development here appears to be concerning the construction of the townhouses, the prior development of the parking lot has left Mr. Rueda vulnerable because according to what he tells me, there is neither a buffer in terms of vegetation, there is no buffer in terms of protecting him from noise pollution, light pollution. Essentially, this area is becoming commercialized with huge parking areas with 2 office bldgs and now 24 proposed townhouses. The neighbors are concerned about increased automobile traffic and the ability of the road to take that. The driveway that leads to Mr. & Mrs. Rueda's house is a very steep driveway which is very difficult to navigate certainly in poor weather.

They are concerned as he indicated with the noise and light pollution that certainly the parking lot has already brought. If the past is a guide to the future, he can expect more of the same.

In addition, we disagree slightly with the prior assertion that his house is almost level with the development. His house according to Mr. Rueda is significantly lower and he fears run off from the proposal. Also the lights of the parking lot tower over his house and shine into his windows. The area that is proposed to be developed is a very hilly area and it is a forest and I can not fathom how in a hilly and forested area, you can put in 24 homes and be respectful of the natural environment that is there and the trees.

Essentially, the Rueda's are feeling that they are victims of development creep. It was a huge development that was initially proposed. The people of the town did not react well to it and the developers backed off. Now they have taken the tack of incrementalism, advancing to the same end that they had before in smaller steps. What is the end result here? That is all of the reasons that I have stated which is why M/M Rueda are very concerned with what is going to happen with their neighborhood, the character of the neighborhood being changed little by little until in the end they are going to be living in the midst of what is substantially retail space, office space, parking lots. Therefore, we object. Thank you.

Chairman Dianetti asked the Town Attorney, Mr. Young to explain the process of amending a Planned Development District.

Ms. Zollo – Fred you and Doug had indicated that Forest Park had townhomes previously approved there. Is that correct?

Mr. Eldred – They were not approved. They were shown on some of the initial plans in the same area but they were taken off the final version.

Mr. Young – What was left there?

Mr. Eldred – It was left natural. To my knowledge there were no restrictions on it. The land itself is part of the Planned Development District.

Mr. Young – So it's zoned Forest Park?

Mr. Eldred – Yes but there were no units final approval on it. There is about 135 ft of brush and I was counting contours and it looks like we are about 8 ft above his house from this direction.

Mr. Reyes – Part of the concern the neighbors have is that they appear to be faced with feelings of corporations and they don't quite understand how they are interconnected. They suspect it is the same moving force behind all of this. In addition to that, Mr. Rueda spoke to his next door neighbor and she indicated that she had received no notice of these proceedings and she believes she in fact lives within the radius that should have been noticed. She also opposes this.

Mr. Santoro – This is an informal meeting.

Ms. Templar stated that she had sent postcards out to property owners within 500 ft of the property line and that she would check her listing to be sure Judith Nielson was on the listing. *(Ms. Nielson was on the mailing list and a postcard was mailed)*

Mr. Young – At this point, this is an informal proposal and we don't have an application before us. If we do in deed need to amend the Planned Development District which essentially means to change the zoning and that would need to go through the Town Board. The Planning Board does not have the authority to rezone, only the Town Board does. The site plan would need to come before the Planning Board for a site plan review where issues would be addressed such as drainage as well as green space and other issues. There will also need to be a subdivision process that would be before the Planning Board. All of this process would require a public hearing so those that are noticed would have an opportunity to speak. There will be a formal application with a variety of information for this Board to consider. The site plan, subdivision applications and the amendment for the Planned Development District could run concurrently so they could be before the Planning Board and the Town Board at the same time. The minor details or the mechanisms by which the zoning is handled, I have to look into what exactly is permitted there now. Those 3 processes; the rezone of the Planned Development District, the site plan and the subdivision. I'm fairly certain we'll need to do all 3, at which point, the public will again be permitted to speak and offer their input.

Chairman Dianetti – Until we have the formal application and see the plans and what they are going to do and not do, it's hard to answer your concerns until we know what the plans actually show. Your concerns will be taken into consideration by the Board and recommendations will be made to mitigate impacts and to assure that there aren't any impacts that shouldn't be.

Mr. Reyes – We understand that this is not an official proposal yet. But we wanted to take the opportunity, as the developer has, to sound out the Board and the community. We wanted to take the opportunity also to raise with you the concerns the community has.

Chairman Dianetti – We appreciate that and thank you for coming.

Ms. Zollo – The parking lot that is adjacent to their home, do you have the lighting installed yet? What will be the height of the parking lot lights?

Mr. Eldred – I think they are all 25 ft. They are all cut off and LEDs. The parking lot that you see on the plan are all proposed. Fred has decided to save a substantial area of trees in this area and split the parking lot in two so you have less parking on the side with the trees which will provide some additional buffering. I can't tell you exactly what that is but wanted to point that out. This approved parking lot is about 135 ft from the house and it's all wooded. There is no intention to remove any of the woods along this northern side of the power lines. The parking lot goes under the power lines as was approved.

Chairman Dianetti – So the Planned Development District was approved, the parking lot was approved. Was the lighting approved?

Mr. Eldred – Yes all at once.

Chairman Dianetti – Is that compliant with the current code?

Mr. Eldred – I believe so because we just did Building 200 but I think we would certainly be willing to comply. I recall the lights being lower in this area because of the power lines. We have to maintain a separation distance and I think they will be lowered to about 20 ft. Not sure of the exact distance.

Mr. Rainaldi – When Hammond does the permit ----- the code review is completed. So there is a natural opportunity to convert to the current code as what happened with Building 200 just recently. The other element is the parking lot was strategically located in a cleared designated area by NYS Power Authority as to not impact any natural buffer. If you remember from the intense history of the approvals, there were very detailed exercises to make sure that all of the visual impact was mitigated to the furthest extent. Also included with the site, even with the additional 24 units remains to be 69% green with a conservation easement and that is something that is very important to us.

The one thing I will offer you and I can't speak for my father except I can tell you that I will visit your home and I will give you my direct contact information. I'm on site virtually every day so it can be done at your convenience and we can walk through the areas.

The other thing that I wanted to convey specific to the presentation materials and the level of their development right now, this is a very broad introduction to a project even though its 5 acres of 120 acres, we fully expect to have the same detail review and there will be information that is created and visual tools. We are far more advance than we were 10 years ago when this was approved and all of those materials we will be happy to share and you can be part of the process. It's the fun design part of our routine and is enjoyable and there is often time that the environmental renderings that I present and the live version of what is created, there is very little difference. I can promise you that the tools that we present you with will give you a real actionable content. I am going to be with this proposal especially, we're going to have a little more of a fluid reviewing opportunity because of the technology that is available to us, the ability to send these visual tools to the Board in a more regular basis so we will be able to react to inquiries, questions and review in a unique way that we didn't have the ability to when this was in its original capacity.

Chairman Dianetti – The only other thing that I would add, just to let you know, the Town Board reaches out to the Planning Board for recommendations before making their final decision. In that process a lot of these issues are addressed. So there is definitely a lot of conversation that will take place and a lot of discussions. So this is just the beginning.

Mr. Reyes – When he submits what he calls the fluidity plans as he develops them, is the public able to access those, to see them?

Ms. Templar stated that anything she receives as part of the application, the public can view.

Chairman Dianetti stated that we take public comment at every meeting for items on the agenda. Also letters and emails can be sent to the Planning Dept. at any time.

Mr. Rainaldi stated that their print resources are scalable models and he can drop off copies at the Planning Dept. if needed.

Mrs. Nancy Rueda – I understand development but we are so used to the tranquillity of our own home and that concerns me a little bit. What I was really concerned about was the wildlife and the trees, that's my concern also and the traffic. I don't like the idea of what's happening. I just hope we can come to an understanding. Thank you.

Mr. Rainaldi – In reference to the traffic. We have no proposal to utilize in any capacity the driveways or access points to their house. These units will be serviced exclusively by High Point Drive.

The discussion ended at this time.

HIGH POINT RETAIL

236 High Point

SBL# 1.02-1-13.000/COBL

Zoned: Planned Development District and within Route 251/96 Overlay District

Owner: Historic High Point Retail LLC

BME Assoc on behalf of RainBros Assoc LLC request an informal discussion with the Planning Board regarding a proposal to amend High Point Retail Phase 2 and Phase 3 Planned Development District to allow installation of additional and building mounted signage located at 236 and 235 High Street Extension. The applicant appeared before the Town Board at their August 22nd meeting under Privilege of the Floor. This is the first time this project is before the Planning Board. For the public's reference only the Town Board has the authority to amend a Planned Development District so the applicant is here tonight to obtain feedback from the Planning Board and the public which will be relayed to the Town Board.

Mr. Fred Rainaldi Jr. addressed the Board

Mr. Rainaldi – I am excited to be presenting this to you because it comes with good news and I know that as passionate as we were in celebrating a lot of the historic assets that exist immediately on High Point Proper or near it, utilizing and bringing to life the structures, I truly believe is a goal that we share with everybody who touches High Point either just aesthetically or as a patron of any of the shops that have been with us since the beginning and continue to open.

As I alluded to in prior testimonies and prior presentations, I fly all over the country and all over the world to chase retailers because we have a unique retail climate here whether it's an intense cannibalization of businesses. My goal with these facilities because they are so unique and uniquely positioned within the market was to tenant them with new businesses or create a unique platform for local businesses to expand and we have done all of the above. When you introduce a product that has so much period style architecture ingrained in its design and finished form, you make it more difficult for brands to apply elements or trade dressing to identify that they exist there. To some extent that is a good thing but it's also a goal of ours to have a balance. I've had to challenge the many prototypes. I've had to challenge many conversations where traditional trade-dress were applied to bldgs that really shouldn't be or whether unique elements that just couldn't be without compromising its design.

My ability to encourage and coerce retailers to come to the market, I get a little better every year. I promise you, you are going to be very excited with what you see come in our final phases of retailing including the Phase 4 Chesapeake building which is our interpretation of the Woman's Suffrage Museum in Seneca Falls. If you remember the Sugar Mill, in fact, it's essentially built to scale with very similar materials with modern elements.

My request of the Planning Board this evening is to review and take into consideration my ability to introduce a monument sign on the second phase, the most northern portion of retail and High Point. The monument sign would service the tenants of Phase 2, Alex & Ani and North Face and also the tenants of Phase 3 which is the 15,000 sf building that exists now and the new 10,000 sf building that we'll be working on very soon.

When and I know that this is not the Board's responsibility or maybe interest, but when I go out and speak to businesses and encourage them to join High Point, especially if they're not from the region, we're put into a position and bear all of the risk of the deal structure. They have restrictions that maintain co-tenancy, certain type of tenants have to be in the project. They have restrictions that require certain sales that need to be maintained or they have a right to terminate. Those are 2 examples of about a dozen that get built into these leases which make the deal a little more difficult to underwrite. The reason that is a problem is because we're building product that is more expensive that requires more sensitivity in the underwriting from the beginning.

Because we have become so passionate about this product, we have born a lot of the risk in bringing these to life. Believe it or not, things as simple as signage protect the integrity of these businesses on a level that allows me to take that leap of faith and take the risk to compromise our lease form that would even be balanced to the landlord.

The bldgs were designed to offer natural touch points for modern signage, internal lit high efficiency LED channels. Those have been utilized in the project with success and we are continuing to propose that that be a form of sign installation. With this application we have identified the approximate building location for the tenant signage. The only additional request that I have is on the north elevation of the northern most building. Just for the sake of orientation, this is the building where the Woodhouse Day Spa occupies and this is the portion that is closest to the Olive Garden.

I have a wonderful tenant that has businesses all over the country that has fallen in love with this space. They have made a condition of their deal that we are able to introduce the same LED channel signage that would be approved naturally on the western elevation, to exist on the northern elevation in facing the Olive Garden. The gain for them would be the southbound traffic on Route 96. It would give them a chance to utilize the traffic light on High St/Route 96 because by the time that building is read on Route 96, you've passed it. It offers them an opportunity to recognize that there is something unique there. This brand doesn't exist in the market so they don't have an immediate relationship to the community. It's big enough that I can create that in a couple of years, but it doesn't have that now.

The treatment of the sign would be similar to what you see on the project. It would be high efficiency, LED channel. I use them in a similar capacity at the Culver Road Armory as an example. They are sized so they work with the natural design features of this Italian --- structure so it wouldn't impose on the building. The monument sign would also offer them an opportunity to have some kind of brand to read on Route 96. This is similar to the monument sign that was installed to identify the office portion of the park. The monument sign would be designed out of a beautiful solid material. You'll see that we've taken an initial blush with the fieldstone, glass and metal components that would have an LED component for the sign illumination. The monument sign would again service the 2 tenants of Phase 2 and I'm expecting between the 2 bldgs of Phase 3, it'll have an additional 6 businesses joining us, most of the businesses are around 2,000 to 3,000 sf. This was our original idea to have a village type environment and a walkable environment with the subsequent phases.

The only thing that I will mention and I know that we are not immediately comparable but we are to some degree that virtually every project from the time you hit Ontario County on 96 down to the Village has some version of a monument or pylon sign, something that is far larger than I would ever in any state of mind, look to this town to consider. This would be something to the scale that is appropriate to the bldgs that exist there now.

Mr. Santoro – Retail has to tell where they are otherwise the public will go by. This looks like a nice sign, not too big. I think it's doable.

Ms. Zollo – I agree it looks as nice as the other one you have by the Starbucks. Will this then eliminate the need for all of the sandwich signs?

Mr. Rainaldi – That's my goal. If I could describe the feeling I have when I drive by those. My hope is that this gets applied in a comprehensive way. What's happening right now with the first phase of retail which this monument sign would not service is I'm now in a position where I'm going through renewals with all of these tenants that have been here for a long time. Starbucks have been there for 5 years and these are conversations that I'm bringing up with them. I've got to have some control. Not only is that an eye sore but when I'm in the middle of a retail tour and I bring businesses there, the first question I get is why are there sandwich boards 10 ft in front of their signs. I tell them that it's the mentality of our market. You buy one of those for \$7.50! So it's something that I'm committed to, to have them removed.

Like I said, what's happening with these subsequent phases is that I'm now wrapping my existing retail with co-tenancy in a critical mass of retail which is helping our other businesses. We are also at a point where we are offering these existing businesses that have been with us from the very beginning a little bit more; the evolution of the hiking trails, the walkability of the site,

having more surface area, the expansion of shops. My goal is to have people cross shopping. That's why we approached the parking the way we did with Phase 3 and the on street parking.

So yes, my hope is that this along with our other efforts will eliminate the sandwich board signs because it's a constant battle and it's a constant embarrassment.

Mr. Gallina had no questions and agreed with Mr. Santoro and Ms. Zollo's comments.

Chairman Dianetti – I think the plans look great. We all want you to be successful there. We want the businesses to move in there and be successful. I like the fact that you go out and attract new and different businesses to the community and provide a great deal of adversity and variety that wouldn't be there without your efforts. I think this is a good start on trying to improve that aspect of it. I like it and hope the Town Board likes it.

Mr. Rainaldi – Thank you. Heather to your question, I'll be bringing in all of the materials, the stone and glass.

The discussion ended at this point.

MISC ITEM

CONSERVE

Main Street Fishers

Owner – Salzman Realtor LLC

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

SBL# 6.00-1-58.310

Acres – 18.6

BME Assoc on behalf of LeFrois Builders and Developers request site plan approval regarding the proposed construction of a 100,000 sf single story commercial building with parking for approximately 1,000 vehicles and associated site improvements on the north side of Main Street Fishers, west of Fishers Run.

As the first step in the SEQRA Act, the Planning Board has a resolution pending before them to declare their intent to act as Lead Agency. The applicant first appeared before the Planning Board informally on August 9th and is scheduled for a public hearing on October 11th.

Chairman Dianetti asked Mr. Pettee if he had any input or questions.

Mr. Pettee – Not at this point. I think it's a good idea to go ahead and move forward with this resolution, to get the ball rolling.

Mr. Young – As you know, this is the first step in the SEQRA process. We're going to declare Lead Agency, we're going to be able to conduct the Environmental Review as long as there aren't any objections by other Boards or Consultants.

Chairman Dianetti stated that if there were no objections, he would read the resolution.

LEAD AGENCY RESOLUTION

On motion made by Mr. Santoro, seconded by Ms. Zollo

WHEREAS, on September 6, 2016, the Secretary of the Planning Board received a Site Plan application entitled ConServe located on Main Street Fishers; and,

WHEREAS, it is the intent of the applicant to build a 99,512 sf single story office building for a single tenant, along with parking spaces for up to 965 vehicles on an 18.5 acre site and,

WHEREAS, the application is a Type I Action under State Environmental Quality Review Act; and,

WHEREAS, the Town of Victor Planning Board intends to proceed with coordinate review and a lead agency must be established prior to determination of significance; now, therefore, be it

RESOLVED, that the Town of Victor Planning Board declares its intent to act as lead agency and directs the Planning Board Secretary to mail the EAF, with Part I completed by the project sponsor, and a copy of the subdivision application to all identified involved and interested agencies, notifying them that a lead agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) was mailed to them expressing the Town Planning Board's intent to act as lead agency. Notification will be sent to the Town of Victor Town Board, NYS DEC, Monroe County Water Authority, and the NYS Department of Health. The Ontario County Planning Department, Town Highway, Town of Farmington Water & Sewer Department, and the Town of Victor Parks & Recreation Department will also be notified of the pending application as interested agencies.

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

Approved 4 Ayes, 0 Nays

There were no other discussions.

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

Cathy Templar, Secretary