

A regular meeting of the Town of Victor Planning Board was held on September 27, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Jack Dianetti, Chairman; Joe Logan, Vice Chairman; Ernie Santoro, Heather Zollo, Al Gallina

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Mike Guinan, Town Board Liaison; Daniel Brennan, Anthony DiMarzo, Jeff Davis, Jim Fenwick, Carol & Brenda Eldredge, Kent Kiikka, Donna Kiikka, Sue Stehling, Douglas Fisher, Steve Arsenault, Ann Aldrich, Steve Metzger, David Nankin, Sandy & Ben Pennise, Linc Swedrock, Bryan Powers

**APPROVAL OF MINUTES**

On motion of Ernie Santoro, seconded by Heather Zollo

RESOLVED that the minutes of May 24, 2016 be approved.

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

Approved 5 Ayes, 0 Nays

On motion of Joe Logan, seconded by Al Gallina

RESOLVED that the minutes of August 23, 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 Ernie Santoro, seconded by Heather Zollo

RESOLVED that the minutes of September 13, 2016 be approved.

Jack Dianetti	Aye
Joe Logan	Absent

Ernie Santoro           Aye  
Heather Zollo           Aye  
Al Gallina               Aye

Approved 4 Ayes, 0 Nays

## **BOARDS AND COMMITTEE UPDATES**

Planning Board reported by Kim Kinsella

- October 11, 2016 mtg
  - Gullace Subdivision located on County Rd 9
  - Conserve located on Main Street Fishers
- There will also be a Fishers Ridge Workshop that will start at 5:30

*The legal notice for the public hearings appeared in “The Daily Messenger. 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.*

## **PUBLIC HEARING**

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

## **VERIZON WIRELESS MICRO CELL**

411 Commerce Dr

Appl No 29-SP-16 AND 7-SU-16 (Site Plan AND Special Use Permit)

Owner – Main Street Stop LLC

Zoned: Commercial & is within the Route 96/251 Overlay District

Nixon Peabody on behalf of Verizon Wireless is requesting approval to construct and operate a micro cell wireless telecommunications facility on the roof top of the existing Sally Beauty Supply Store. The roof mounted single-sector radio unit will be approx 28.7" in height and 12" in diameter. The proposal also will include a 6' x 6' ground space for the equipment cabinet. The application requires a site plan and a special use permit. This is the first time this application has been before the Board.

On motion made by Ernie Santoro, seconded by Heather Zollo the public hearing was opened.

Mr. Daniel Brennan from Nixon Peabody addressed the Board.

Mr. Brennan – I represent the applicant today and also here with me is site acquisition consultant Tom Erwin who is also available to answer any questions that you may have. We’re proposing a small cell roof top site in the Victor Commerce Center. You may know it as the Walmart Plaza. The antenna will be located above the Sally Beauty Store and is also next to the Super Cuts, sort of in between those two tenant spaces. Our site is on a rooftop and is a fairly simple project. It’s an antenna that will rise approximately 5.5 ft above the roof line. There’s also a parapet as you

can see on the diagram that is posted and there is also a parapet that rises above the roof line so our antenna will stick up maybe a few feet above the top of that parapet. That's going to provide us with some screening. I don't think it will be completely invisible but it will be very much screened both from the plaza side as well as the neighborhood that is behind it.

There is a large retaining wall behind the plaza which is visible in some of the photographs that we provided with our application as well as a fence that is above that wall. We provided a bunch of photographs from that neighborhood and I think it's pretty clear that this site will not be a visual distraction from those neighborhoods.

Again, we're here today to review the site plan and also for a special use permit and we're going to need to go through the SEQ process as well. We've provided a significant amount of information for the Board to review regarding the justification for this site from a radio frequency standpoint. Verizon essentially needs this site because there is a high density of users in this plaza. It's basically going to take some of the pressure off of one of the existing cell towers that's nearby that's at or near capacity at this point. So what you get when one of these cell towers is at or near capacity is you get slower speeds, you can sometimes have dropped calls and generally a much lower network quality. This small cell site or micro site will provide very dense targeted coverage to this plaza. So it will provide good coverage data speeds for the people who are visiting the plaza but it will also free up that nearby macro site or cell tower to provide better coverage to the residents in the neighborhood and to the larger area.

We've provided a significant amount of information regarding the radio frequency studies and propagation maps that were completed as part of this application that is required by the town's special use permit process.

One of the issues that I believe has come up, we were informed by staff that there were some questions regarding the lighting of this site. There is a mechanical box that will be placed on a leased area on the side of the building in addition to the equipment that is going to be on the roof. There will be some lighting for that mechanical equipment that is on the side of the building but it will be dark sky compliant, the lights are facing down and the lights are on a timer. We don't anticipate this light will be going on very frequently. It would only be used in the rare event that there had to be some type of maintenance at night which you wouldn't expect to happen very frequently and in any event, that light is facing downwards and is on a timer so it would not remain on. I'd also like to say there's probably a significant amount of light coming from the plaza as well, so I don't anticipate the light associated with that equipment on the side of the building would have any significant impact.

With that I think that I've covered most of what I planned to present to you this evening but I'm certainly happy to take any questions that the Board would have.

Chairman Dianetti asked for public comment.

Mr. Evan Kim from 3 Creasier Court— I was just wondering if you had specific numbers on the estimated maximum capacity and the current capacity that it's at and what the microcell will do to boost that capacity?

Mr. Brennan – I don't have any specific numbers that would tell you exactly how many users this micro site would be able to accommodate but what I can tell you is what's on the record, what we've submitted with our application is that the existing cell site which is at 201 Benson Road was predicted this year to reach its maximum capacity. So what we could expect to see at that point is like I mentioned before, slower data speeds, lower call quality and potentially even dropped calls. So while I can't answer that question with a precise number at this point, I can

tell you that this micro cell will provide sufficient coverage for what Verizon anticipates its needs will be in this plaza and as another benefit it will also free up essentially Broad Ban space on the rest of the network on that nearby site so you'll have better network quality outside of the microcell area as well.

Mr. Santoro had no questions.

Ms. Zollo – So this micro tower is just for the plaza specifically?

Mr. Brennan – That's what the coverage area for the micro site is, yes. But it really works in concert with the rest of the network. The reason why this micro site is necessary is because of the existing tower on Benson Rd is at or near capacity. It really ties in with the whole network.

Ms. Zollo – I just want to clarify that you said at the top is 5.5 ft above the roof, is that correct?

Mr. Brennan – The antenna with the stand that it's on is approximately 5.5 ft tall over the roof line. I know there is some information in our application and I believe the antenna itself is approximately 2 ft tall but it does sit on a stand.

Ms. Zollo – Ok....I saw anywhere from 28" to 28 ft so thank you for clarifying that.

Mr. Santoro – And that's from the flat roof. There's a parapet too.

Ms. Zollo – It will cover it up a little bit?

Mr. Brennan – Yes

Mr. Logan – What is actually the range of this? Will it cover out to the hotel? I know its micro cell so it must have a limited range.

Mr. Brennan- It does have a limited range and we provided a map that shows pretty well exactly the range of the coverage. I believe its labeled Exhibit E which has 4 pages. The 4<sup>th</sup> page has a map and you see on the map a green blob and the rest of the area is covered in blue. What you see covered in blue is what we expect the exiting macro site or cell tower will cover and what you see in green is what the micro site is expected to cover. Looking at the map, it's a little bit more than probably the plaza but the targeted area is really the plaza because that's what has the density of user especially during the day.

Mr. Logan – Typically on sites like this with equipment mounted on bldgs, you would paint the equipment to match the building colors that it's mounted on. Were you intending to do that?

Mr. Brennan – I'm not exactly sure what color the antenna is supposed to be painted. I believe that's in our site plan and I can check that for you.

Mr. Logan – If it's white, then you paint it to whatever color it's in front of. I would assume the equipment on the back of the building would be painted to blend in with the back of the building, that sort of thing.

Mr. Brennan – All of the ones that I've seen are all white. I'm checking to see if the plan shows the color and usually it's a note.

Mr. Logan- I just need to have you verify. We may want to put that in the resolution, that the equipment is painted to match the façade.

Ms. Zollo – Do we have a lighting plan? I know that you said it was going to be dark sky compliant but we usually have the applicants provide us with the actual light fixture that will be installed.

Mr. Brennan – I'm not sure if that was included. I believe the utility light is on the site plan that was provided on page 11 of 12. You can see a diagram of the utility light but it's not drawn to scale but you can see that it is facing downward. Again, this light would only be activated in the unlikely event that maintenance needed to be done at nighttime. It's on a timer that would shut off so we can be pretty much guaranteed that it's not going to cause any type of light pollution whatsoever. The most important part is that it's angled downward.

Ms. Zollo – And it has full cut off? (Yes)

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

## RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina

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

1. A Site Plan and Special Use Permit application was received on August 19, 2016 by the Secretary of the Planning Board that would allow Verizon Wireless to construct and operate a micro cell wireless telecommunications facility on the rooftop of an existing building located at 411 Commerce Drive.
2. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On September 13, 2016 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
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 27, 2016 at which time the public was permitted to speak on their application.
5. The proposed use of the property is a permitted Special Use in Chapter 211-24.
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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 27, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Verizon Wireless Micro Cell will not have a significant impact on the environment and that a negative declaration be prepared.

BE IT FURTHER RESOLVED, that Site Plan and Special Use Permit applications of Bell Atlantic Mobile of Rochester, L.P., d/b/a Verizon Wireless, 1275 John Street, West Henrietta, New York, to construct and operate a micro cell wireless telecommunications facility on the rooftop of an existing building located at 411 Commerce Drive, Site Plan entitled Victor Commerce Center, Project #20130986190, Location Code 279803 received August 19, 2016, revisions received September 16, 2016 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That no final signatures will be given until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That per Section 211-47, paragraph C of the Victor Town Code, the Special Use Permit is subject to renewal at the expiration of five years from the date of issuance, and each five years thereafter, and shall be automatically renewed by the Code Enforcement Officer for each such five-year period upon submission of a written renewal application to the Code Enforcement Officer at least 90 days prior to the expiration of the current special use permit.
3. That comments in a letter dated September 27, 2016 from Labella Associates be addressed.

*Discussion took Place:*

Mr. Pette – There's not going to be anything required by the applicant but its good to have in the record and in the resolution that we did note that there was an application form that indicated the site was in the Light Industrial zoning district but it is in fact in the Commercial district. So there is just a correction there. Otherwise, they've addressed our comments.

*Discussion ended:*

4. That comments in a letter dated August 29, 2016 from Codes be addressed.
5. That a note be placed on the plans indicating the color of the antenna and associated equipment shall match color of building.
6. That all lighting shall conform to the current lighting code.

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary distribute the

Planning Board's approval letter.

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

Approved 5 Ayes, 0 Nays

### **CROWN CASTLE**

Brownsville Rd

Appl No 24-SP-16 AND 6-SU-16 (Site Plan AND Special Use Permit)

Owner: RKH Golf Inc

Zoned: Residential 2 with a B Overlay

Acres: 34.8

Barclay Damon on behalf of Crown Castle and Verizon located on Brownsville Road within the former McCarthy Subdivision is requesting site plan and special use permit approval to construct a 140 ft monopole with an additional 5 ft lightning rod for the placement of 12 panel antennas and related equipment. Equipment cabinets are proposed near the base to be placed on an 11'6" x 16' steel platform and enclosed by a 60' x 60' fence. This application first appeared before the board on August 23, 2016. They appeared before the Town Board on September 12, 2016 to discuss the proposed easement amendments. The Town Board reviewed the Conservation Board's comments and determined they support the easement revision request.

Mr. Jeff Davis, Attorney with Barclay Damon representing Crown in conjunction with Verizon addressed the Board.

Mr. Davis – We appeared before this Board in August. We went through a lengthy presentation, a slide presentation. I'll ask direction from the Board if you would like me to go back through that or just go over what we've done since then in terms of addressing the LaBella comments. I know that Heather wasn't here last time and I'm not sure if there is any new public here. I would be glad to do whatever the Board would like.

Chairman Dianetti asked Ms. Zollo and she asked for a brief review.

Mr. Davis had a power point slide presentation.

Mr. Davis – This request for a tower in this specific area was first before the Board in June 2015. At that time, we approached the town regarding a proposed location at the Tuscany Hills Subdivision on the property owned by Affronti and we talked about the need for a tower in the general area. It's interesting that there are two Verizon applications on the agenda tonight. One is for a small cell (micro cell) and one for a macro cell. What we're talking about here in terms of cell towers is the macro level. It's the base level of coverage that you need in any network. The application that was before you was a micro cell, talking about a small little area where they need to provide coverage to the shopping center in that case. That one is offsetting capacity to a

specific area. This one is providing coverage for Verizon's 4G LTE Network where they currently do not have coverage as well as off loading capacity from existing macro cells.

As we all know and probably all have multiple phones on us, in our households and devices that work off of the network, every one of those creates data, creates usage and as that continues to grow through out the US, capacity has become a big issue at these sites as we use them more and more. So a lot of the sites that you are seeing now were designed to not only provide coverage but also provide capacity off load.

So this is just a reminder of where we were (referring to a slide). The purpose of the site is to improve the wireless coverage on Verizon's 4G LTE Network. The micro cells that are in the area, the existing towers if you will, the Farmington site which is approximately 1.2 miles away; Fishers site 2.2; Hathaway Corners 3.27 and Victor South 2.2. Those are the Verizon cell site names that they have.

This is the existing 4G coverage map in the town. The items at the corners are the existing sites where they have coverage. When they upgraded these sites to provide 4G LTE coverage what they found was in the middle they had coverage problems. The 4G network operates on different frequencies than the 3G network and that operated at different frequencies than they did 2G and when they first built the networks back in the '90s they had 1G. So as they have upgraded the networks and those different frequencies, they don't propagate quite the same, they ended up with a coverage gap in the middle. That's what you see here with the light.

They also determined they are going to have capacity issues with these sites. They are covering too great of an area when you get into these densely populated areas in the middle. There is a lengthy discussion by Verizon in our application packet, Exhibit 6 that goes through the coverage objective for the sites, the need and is very detailed of the RF need for the site.

To address a coverage issues like this, in laymen's terms, you need a dominate server in the area that is going to provide coverage but also off load capacity. To do that Verizon commissioned a site acquisition consultant and a targeting coverage area to go out and look to see what is out and around here that they might be able to put their antennas on. Can they co-locate on something large enough, high enough to do that to provide their macro level coverage? If there is nothing there, then if there a location that is best suited to try to build a new tower or vertical real estate.

The site selection process, again we looked at co-location and there are none, they created this search ring to walk through the area to try to see what is there. This is Verizon's best guess that there is something out here to offset their issues. The first thing they did was to look at the Town Code and that talks about the need for co-location, if you can't find co-location, you should try industrial, commercial districts, municipal or government owned property and then residential districts. We went through this process; nothing for co-location and there are no industrial/commercial districts within or anywhere near the search ring that I showed you. The entire coverage objective where they need to provide coverage and where they need to off load capacity is zoned either R1, R2 or mobile homes. This is an overlay of the town zoning map (referring to a slide), this property that's labeled H, I'll get to in a minute.

When no co-location opportunities were identified, we looked at potential parcels where we could potentially look at a tower, 14 parcels were identified, owned by 9 different landowners. They were assigned Candidate A thru I; when there is a large A and a little a, it means they own multiple parcels. (Referring to the slide) This is the search ring we were looking in and the sites that we looked at. We went through a process to determine if they would work from a Verizon perspective. If they do work, do we have a willing landlord that might be interested in leasing land.

We went through the process, approval, RF approval, willing landlord, how does it look from a zoning regulatory standpoint and how does it look from a constructability standpoint. Ultimately 4 sites were approved out of the 9 for providing RF coverage that would meet the coverage objectives for Verizon for this macro level site.

Candidate C the Kiikka property, E the Affronti property at the Tuscan subdivision, F the golf course property that we're talking about today and H the Town of Victor property. A, B, G and I were ruled out by Verizon as they would not address their coverage issues.

Kiikka property, they are here this evening, they've spoken at the previous application meeting, they were not interested in leasing a spot. We don't have power of eminent domain, if you don't have a willing landlord, you have to move on.

The Affronti property was interested, it was a submitted application in 2015 before this board. The public spoke, there were a lot of letters written and we would need an amendment to the conservation easement from the Town Board. There were a lot of questions at the 2015 meeting and we were asked to go back to the drawing board, look at some other alternatives, rescrub the area and gave us some direction to see if we could get closer to the thruway and further away from the highly dense home area.

Our candidate again was the golf course and H was the Town of Victor. Ultimately, the Town said they were not interested in their property for a cell tower so we ruled that out and it left us with the Affronti property and the golf course. This is the only location that the golf course was interested in leasing to us. They did not want us on their main golf course area. They do own this, it's a wooded area and that was the one area after 4 plus times of trying to get a lease with them that they were willing to lease with us.

We did an analysis of the Affronti location versus the golf course location to determine which was the best to proceed with. We had some informal meetings with town staff to talk through some of the issues as well. The Affronti property at Tuscan Hills, large parcels, ample screening, high elevation, it meets all code requirements meaning setbacks, etc. The lowest priority in terms of the list that the town has, access was through an approved but undeveloped subdivision. It was closer to homes so you needed the conservation easement amended.

The golf course location again, large parcel, ample screening, slightly lower ground elevation, met all code requirements, lowest on the priority, further away from homes but still needed a conservation easement amendment. *Mr. Davis showed a slide with the locations and described the surrounding area.*

Ultimately, we decided to move forward with the golf course location. It meets the coverage objectives, capacity off load and we felt it represented the best location from a zoning and regulatory standpoint. Thus, we made the application and appeared before the Planning Board and the Town Board as well.

This is an overview of the site plan. This shows a tractor path that comes back into this area for farming purposes. We would upgrade that with a gravel crush stoned road in compliance with the code requirements and we've addressed that through the LaBella comments. It would come in and follow to the back half of the property. Through consultation with staff and our landlord, it was requested that we put the tower in the trees and not out into the field. The reason being if it's in the trees more of it is screened from all directions. If it's out into the field where you are outside the conservation easement, it would be more visible certainly to the properties to the north and to the south. Thus, the application includes a request to amend the conservation easement with some tree removal that allows us to get into this wooded area to provide more screening for the tower. *Mr. Davis showed this on a slide.* Again, it meets all setback requirements; it meets all of the regulatory requirements. The circle on the slide

represents the town code setback requirements for a tower of this height which is tower height plus 20 ft.

*Mr. Davis goes through several slides* - This is what the ground area would look like. This is the tree outline. This would be 100' x 100' lease area and within that is a 60' x 60' fenced area, a monopole tower in the middle of 145 ft and Verizon equipment on an outdoor equipment platform. We're showing room for others, there are no others proposed at this time but your code requires us to allow for co-location so we are showing that can be achieved within the ground area for the ground equipment. This area is for a back up generator for the facility.

This is profile view of the tower. Verizon's antenna is at a center line of 140 ft., 12 antennas, cable coming down inside the tower to the base area fenced in equipment and the base area, shadowing in areas showing that people could use the tower as is laid out in the code. Also notes noting the antennas will be painted to match the color of the tower of galvanized gray steel. This was a request from our original staff meeting at this location, that the antennas and all future antennas be painted to match so you don't get multiple antenna colors on the tower.

Verizon antenna 135 ft center line, proposed monopole addresses existing 4G coverage. This is what you end up with at the end. Where we started before, we tried to address the coverage of capacity issues. This is the coverage they get from this macro level site really getting into the heavily populated areas here and now along with this new Tuscan subdivision, etc and off loading capacity from these sites so they can work better as they really were designed.

We meet all height requirements, setback requirements, there's no lighting required for this facility. We have the screening from the existing treed area. We also have some screening that we've proposed as well. So no variances, no noise vibration, no increase in traffic, etc

This is part of the McCarthy Hill Subdivision from 2011. As part of that, multiple conservation easements were put on the property and this is what we appeared at the last Town Board meeting on. They are supportive of amending this conservation easement on the back side of the property to allow for the cell tower location. That is the only area that needs to be amended as part of this application. I will note that none of these conservation easements were recorded when the McCarthy subdivision was approved back in 2011. You may hear from a neighbor later on what that means for them. These still remain unrecorded. We are committed to work with the land owner to get those conservation easements recorded and certainly the amendment to this one since it was never recorded is really just recording an easement that allows for the tower.

The over all site plan shows the area we were talking about. This is the tractor path that would be upgraded along the field. That's a quick overview.

We were here in August and LaBella had some comments. We submitted a revised plan that addressed the comments and most of the comments were clean up questions. Revised SEQR which noted the conservation easement is needed so we included the Town Board approval on that and it was provided to the town. We upgraded Drawing C2 to clarify the County. We addressed the access road and the vertical alignment for that such that the turn circle radius were noted but also addressed the fact that we can get to the 10% design standard limit for the access road. We had to adjust some grading to get there and that the road will be built to the Town's Design and Construction Standards HS-25 loading requirements. We also added the detail on the roadside ditch that runs along the northern side of the road that will take everything down to the ditch on Brownsville Rd.

I can answer any questions the Board may have. We are hopeful that we can get a conditional approval from this Board this evening and that would be conditioned upon going back to the Town Board for their approval on the conservation easement amendment. The Town

Board was supportive of that but obviously they can't act until SEQR is complete from this Board so we need to coordinate things.

Mr. Carl Eldredge from 912 Brownsville Rd – Most of you probably know this is where Vernon McCarthy used to live so we're their closest neighbor from several different directions. I'll start by making it easy, we don't have any problems with the cell tower being put in. What we're looking for is advice and consultation on the conservation easements. To clarify, a year ago we offered to purchase half of the vacant lot between our lot and the neighbor two over. That has been held up because the conservation easement has not been recorded. We would love to be able to buy that land and was hoping the conservation easement was going to be taken care of in conjunction with this and since we have a year's head start, we were hoping to be first in line.

So that's our first question. The second is 3 years ago we bought that property, it had no conservation easement comments in the deed. So one of our questions is and I'm guessing that the land second to the north from me is probably in the same situation. We're not asking to do something with the property. I'd like to point out to you in case you couldn't tell from the picture, that's about a 30 ft rise over 50 ft. The last thing we're going to try to do is anything other than keep it clean and in good repair.

On the other hand, nobody lasts forever and when our children have to deal with this, we just as soon have them deal with the cleanest deed possible. So what we're asking is if there is a way to have that happen at the same time. I can understand if it can't but would appreciate it if you would take that into consideration.

That's just a wood lot and as Mr. Davis points out to us, he was required to count every tree, dead or alive when the conservation easement came up. I would like to not have to do that if possible. Can I answer any questions?

*Mr. Eldredge was asked to point out his property on the overhead screen.*

Chairman Dianetti – So the short answer is in resolving the recording of the conservation easements is a condition of this approval. So they will have to get that done before this approval is approved but I'll let the attorney answer any more questions.

Mr. Eldredge – I would point out that one of the reasons we did that was not only to protect ourselves but to have it stay wild. The drainage problems on the top of that hill have been amended by draining into the vacant lot which then proceeds to drain right down our driveway. We can't get the drainage to the driveway fixed until we get the lot and take care of re-draining that. So there is a whole lot riding on the downhill slide of getting the conservation easements squared away.

Mr. Young – I think the Chairman summed it up pretty nicely. The intent for the town is to get those conservation easements amended, get the 2 over to the east amended and recorded as well as the others that are on your property and the property to the north. Getting that done is a contingency of this approval. This approval isn't fully effectuated until those conservation easements are worked out. So it'll be in the applicant's best interest to get that done as quickly as possible. That does need to go through the Town Board, the Planning Board doesn't have final approval on conservation easement amendments. I would imagine that would happen quite quickly.

Ms. Pat Arsenault from 872 Brownsville Road – We're 2 lots north. One of the slides kind of showed how our property is. We have almost 3 acres and the house is situated right in the middle of the drumlin. One of the best features of our property is the view of the Bristol Hills. I'm concerned that the cell tower is going to be right in the middle of that and I don't know how you resolve something like that. I understand the need for the technology and I definitely support Carl and his desire to have that land issues taken care of. I don't know if that is going to change our property values. I'm not sure even how to approach it but that is a concern that I have, that's a major concern. We do have bats and birds and things but the statistics on the impact of cell tower with the wildlife is not conclusive. It's primarily that view because I don't think there is any way that it won't obstruct our view of the Bristol Hills. That's my concern.

Chairman Dianetti asked for any other public comment.

Mr. Santoro – I'm glad to see that it moved 1/2 mile north of where it was originally proposed. According to Mr. Davis it's going to be fairly well screened so it would probably be a minimal impact to your view.

Ms. Zollo – I just wondered how much higher the tower is going to be than the existing trees that will surround it.

Mr. Davis – The mature tree height in this area is 65' to 70'. Those trees have been there a long time so if we use that as a rule of thumb, our tower height is proposed at 140'. So about half of the tower would be above the trees. With the tower at that height, that's about the best you're going to do from a screening standpoint.

Ms. Zollo – My other question was you said that it's going to be 100' x 100' area and that's what will be cleared?

Mr. Davis – Yes and one of the submissions that we made to the town when we appeared before the Conservation Board, we showed the 100' x 100' leased area that would be cleared and we went through that process when we counted the trees. They had requested it as a condition from this board to show the fenced area inside of that. So we did make a submission to the board that showed the cleared area as well as what would be the fenced area inside there. We clear the 100' x 100' because to put in the 60' x 60' and the foundation, you're doing enough work there that outside it the tree roots are going to be impacted. So you want to clear it enough so you don't cause a dead issue and having stuff falling on the equipment.

Ms. Zollo – And it was acceptable to the Conservation Board?

Mr. Davis – Yes. I know Heather that you weren't here at that meeting. They appeared at the August meeting and spoke about the project.

Mr. Gallina – Just to echo Ernie's comments. I think again, this project has evolved over the last couple of years and I think the current location has much approved over the original proposal. We've covered all of the details.

Mr. Logan – I'll echo the other comments. From the perspective from the house you are living from (referring to Mrs. Arsenault's comments) I'm looking at Google Earth and due south are

the Bristol Hills and the tower is actually west/southwest out of the alignment of the view of the hills. *Mr. Logan showed Mrs. Arsenault the Google Earth picture.* I don't have a problem with the way they have it either.

Chairman Dianetti asked for any additional public comments.

Mr. Evan Kem from 3 Creasier Court – My question was; if you were privy to any of the knowledge of the maintenance that is going to be required of the tower in the upcoming years?

Mr. Davis – Exhibit 10 of the application actually has the tower owner's procedure plan which lays out what they go through. They are required to maintain them up to certain industry standards. It's their entire industry, that's what they do. They own vertical real estate and towers so that's their business. Verizon has their own maintenance schedule for their equipment. Generally once it's built, 1 to 2 times per month per carrier is the general good rule of thumb to the people that might be going to visit the site. Maybe a little more when it first goes up and running and they have to fine tune some things. But once it's up and running, probably a little bit less. They are based out of Rochester so they don't have to go that far if there is an issue.

Chairman Dianetti – Did you have to get a variance for the grade of the driveway?

Mr. Davis – No, we thought we were going to need one but there was actually a miscalculation on our engineer's part as to the area that we were going to exceed. So we don't need it.

*Chairman Dianetti stated that the Town Attorney Mr. Young needed to review the SEQR documents and that we would listen to the next application while we waited.*

*Discussion continued on with Crown Castle:*

Mr. Young – The hold up on the Crown Castle Cell Tower conservation easement...

Mr. Davis – One thing we were talking about out there is because the conservation easements were never recorded, it's not as simple to just go and record them again because they are now owned by other people. They need to sign the conservation easements to grant them to the town despite the fact that they were supposed to be granted in 2011. In order to record it now, they need to be signed by the current landowner.

Instead of it being 1, 2, 3 conservation easements, this is now 6. This piece of property is owned by Dave Wright, the same land owner as all of this. This piece is owned by the golf course manager so we don't believe that will be an issue (where the tower will be located). This piece is owned by Mr. Eldredge who spoke earlier and recording this may be a little bit of an issue for us. So we're going to have to go to the Town Board and talk about that and I know you have the condition in the resolution that we have to record the easements. We will make our best efforts to do that and we will get everything recorded that we can get. But this section was never in their chain of title and perhaps they may want to discuss that with the Town Board as to how to address that because they are now the landowners that would need to sign this.

Mr. Gallina – Why would other landowners encumber this project? The fact that we blew the easement to me should be at least relative to the other parcels.

Mr. Davis – I am very glad to record the easements that are on the properties that is part of our parent parcel. Now to go to landowner in Parcel A (M. Roeder) and the Eldredge property and ask a landowner to do something for this project is going to become an issue. Even to do that, we're going to have to amend this easement and come up with a new description because the description is going to be different. We can do that but to record on Parcel A, Mr. Roeder and Parcel B, Mr. Eldredge now requires somebody completely unrelated to this project to both sign documents for the Town Board.

Mr. Young – I want to answer Al's question, why are we putting the burden on this project? Because even though you have Crown Castle before you, the owner of the land that Crown Castle is developing is still the same as it was back in 2011 when we approved this. So they are essentially an agent of the McCarthy subdivision owner.

Mr. Davis – But they don't own this anymore. I agree with you, we can record anything...

Mr. Young – But that fact came to life tonight. The reason why this is happening now is because we just got the information an hour ago. The reason why we proceeded the way we did an hour ago was for the reason I was getting to. It's still the same owner for where the cell tower is going, it's still the McCarthy Subdivision. It's still the same owner, we thought, until an hour ago. Luckily as it turns out, the 2 northern parcels are related owners and the developer thinks that they can probably get consent. The southern parcel is a question at this point but I don't think we need to let it hold us up here any further, we'll let the Town Board deal with that.

Mr. Davis – Maybe the only thing I would ask of this Board and we didn't speak of it out in the hall but maybe could be accepted as a condition of approval that we record the easements for which our underlying landowner has control. I will gladly make an effort to record the easements on either side as an effort for the town to move this project along. But I can't agree to a condition of approval for which we literally have no control over addressing. If any one of those landowners say no, and it's a condition of approval by this board for which we can never address and it's completely outside of our control.

Chairman Dianetti – The conservation easement where the tower is going, that you have control over.

Mr. Davis – We have control over that and this front half and this piece down by Brownsville Rd.

Chairman Dianetti – The condition to record and do the paperwork on the other easements was just basically a good will jester on your part or was that necessary for the .....

Mr. Davis – ....When we met with staff, that's when they told us....quite frankly we didn't know there was a conservation easement on this property because it wasn't recorded. We did our title work on the property and it wasn't there. In that staff meeting, we said we would work with our landowner to get the conservation easements recorded, not realizing that now in order to record those easements, we actually need two different people other than our landowner to actually sign them to assign to the town. Again, gladly work with our landowner to do that and record this one in the middle to get that done. I know this guy is a friend of the golf course and works there but he, himself may say he's a friend so far and does not want to sign a document that says that

he's going to record an easement on his property that he didn't know existed. And likewise, the Eldredge's just found out this evening, 20 minutes ago, that in order for us to record this, you're actually going to be the entity that needs to sign the document to turn over that easement to the town. It's no longer Dave Wright and RKH Golf that's going to do it because they no longer have the authority to do that.

Mr. Young – To be clear, when this application came in and the town discovered that these conservation easements weren't recorded, we looked to the owner and the original applicant where the cell tower is showing which is not Crown Castle. Crown Castle is involved because they want to develop on this land but the town is asserting it's right against the underlying owner to the conservation easements that owner should have recorded 5 years ago. So that's why it's coming up now. It's unfortunate for Crown Castle but if they want to do business with the owner, this is something that we brought up.

Chairman Dianetti -There was 1 parcel and then those 3 parcels were subdivided off and a conservation easement was overlapping the new boundaries. There was 1 parcel and now there are 5.

Mr. Davis – If we weren't here and I know you guys were trying to pursue to get these thing recorded before, you would still need the Eldredge's to record that easement no matter what. Whether we were here or not, you need a landowner to record an easement on their property that they didn't know existed whether we're here or not.

Chairman Dianetti – Technically they don't exist, right?

Mr. Davis – They're not recorded.

Mr. Young – They do exist. They are on a recorded subdivision map so its not that they don't exist. There aren't separate pieces of paper for them but they do exist. There's case law on easements being effectuated by way of recorded subdivision lots.

Chairman Dianetti – What do we need to do?

Mr. Davis – The only thing that I would ask is .....What my concern is if we go before the Town Board and the Town Board says that they would gladly amend our easement as requested, now go ahead and get them recorded. If we have any one of these landowners that says they are not going to sign the document, we can not move forward.

Chairman Dianetti – You want the condition to be only the ones that you can control.

Mr. Davis – Only the ones that we have control over. That does not mean that we will not make an effort in good will to try to get it done.

Mr. Young – My opinion is we should leave it to the discretion of the Town Board. If they want to take those out because the Eldredge's don't want to sign, let them. I don't know if we really want to get involved in that.

Mr. Davis – But if your condition is that we have to do all of them, then we would have to come back here to amend them.

Mr. Young – The way it reads now is per the approval of the Town Board.

Mr. Davis – So if the Town Board actually signs off on that, of us not recording the ones outside of our control, then we can move forward.

Mr. Eldredge – I want to make sure you understand. I'm glad that we had our conversation before this came up because I talked to you about the fact that we weren't going to be doing anything different with the land. We just wanted the title simplified. Our stance is still that. We feel really badly that we're going to be holding this up. On the other hand, just simply taking that out simplifies everybody's needs and wants and we're hoping the Town Board sees it in that direction too. It simplifies our title, makes it easier for you. I don't mean to hold everybody up but that seems to be the easiest way to make life best for everyone without being a problem. We hope you understand for taking that position. Any questions I can answer for you.

Mr. Santoro – So is your position that you will or will not agree to have that easement put on your title?

Mr. Eldredge – I see no need to put that easement on our property and the reason is we've owned that property for over 3 years, we've done nothing to the section that you're talking about. It's still full of large walnut trees and a lot of them are broken off. The most I've done is gone up to pick enough black berries for 3 pies. That's our stance and that's our position, we're not going to do anything with it. I'd be happy to show you. It's at the top of a 30 ft rise. I can not imagine what you could do with it. So it's going to be land that is there free and open.

Mr. Santoro – But with not having that added to your title prohibits you from getting half of the lot that you want next door.

Mr. Eldredge – We want to buy the lot next door to keep that wild and free as well.

Mr. Santoro – But what if not having this easement recorded prohibits you from doing that?

Mr. Eldredge – Well that will be a problem and that's why one of the things I'll do soon is to talk with Dave Wright to try to help him understand that we're not trying to hold anyone for ransom, we just want to simplify things.

Mr. Santoro – What is it that you do want?

Mr. Eldredge – We would like to buy half of the lot next door.

Mr. Santoro – We can't do anything about that.

Mr. Eldredge – And I'm sorry to hear that. We also would like to just not have a conservation easement on the 25 ft wide strip at the back of our property so that it cleans up our deed. That's really all we're asking for. When they went back and looked at the deed and it's almost 4" thick

from all of the people that have had the property (*the abstract and the title*) and the lawyer did not find it anywhere.

Mr. Santoro – That’s because it’s not anywhere.

Mr. Eldredge –Right, he did his job and he was right.

Mr. Gallina – That property would have to be subdivided in two, right? That would be contingent upon easements being recorded.

Ms. Kinsella stated that this could be done administratively as a lot line adjustment.

Mr. Eldredge – The only thing that we know that is holding up the sale is just getting the conservation easements taken care of and we’re hoping that that doesn’t change.

Chairman Dianetti – It really needs to go back to the Town Board and they are going to make the decision. What we need to decide to do tonight is pass a resolution based on the conditions that the attorney is writing.

*The Board went on to the next discussion while the Town Attorney Mr. Young worked on the draft resolution.*

*Discussion continued on Crown Castle:*

Chairman Dianetti closed the public hearing and read the resolution.

## RESOLUTION

On motion made by Ernie Santoro, seconded by Heather Zollo

WHEREAS, the Planning Board made the following findings of fact

1. A Site Plan and Special Use Permit application were received on July 14, 2016 by the Secretary of the Planning Board for a Site Plan entitled Crown Castle.
2. It is the intent of the applicant to construct a 140’ monopole with an additional 5’ lightning rod for the placement of 12 panel antennas and related equipment. There will be equipment cabinets placed on an 11’ 6” x 16’ steel platform near the base and surrounded by a 60’ x 60’ fenced in area.
3. The applicant is also requesting modification of the conservation easements implemented as part of the McCarthy Subdivision to allow installation of the proposed cell tower and vehicular access road in the forested area of the western portion of the property.
4. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Full Environmental Assessment Form.

5. The Town of Victor Planning Board reviewed the Unlisted Action on September 27, 2016 and identified no significant impacts.
6. The Conservation Board reviewed the project on August 2, 2016 and asked that the fence and limits of disturbance be clearly outlined on the site plan and tree removal plan. The Conservation Board also supported the modifications to the conservation easement to allow for specific tree removal associated with the site construction and that surfaces be maintained as pervious.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On August 10, 2016, Ontario County Planning Board retained application as a Class 2 and returned to the local board with the recommendation of approval with modifications.
8. In a letter dated August 23, 2016 LaBella Associates stated that technical aspects remain to be addressed.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 27, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Crown Castle – Brownsville Road Cell Tower, will not have a significant impact on the environment and that Part 2 of the EAF attached hereto be approved and that a negative declaration be approved; and, be it further

RESOLVED that the application of Barclay & Damon for Crown Castle & Verizon Wireless, 300 State Street, Syracuse, New York, Site Plan & Special Use Permit entitled Crown Castle – Brownsville Road Cell Tower, drawn by Infinigy Design Build, dated July 8, 2016, last revised September 8, 2016, received by the Planning Board July 14, 2016 Planning Board Application No. 6-SU-16 & 24-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 the portion of the conservation easement to be cleared and improved by the construction of the cell tower be amended and approved by the Town Board. Also, that unrecorded conservation easements part of the McCarthy Subdivision approval be recorded by the applicant to the satisfaction of the Town Board.
4. That a note be placed on the plans indicating the colors of the antennas and tower and supporting structure shall match.

**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
Heather Zollo	Aye
Al Gallina	Aye

Approved 5 Ayes, 0 Nays

### INFORMAL DISCUSSIONS

#### THE FAIRWAYS – ASSISTED LIVING FACILITY

Applicant is requesting feedback from the Planning Board to construct a 109 unit two-story assisted living facility for Assisted Living, Enhanced Assisted Living and Memory Care. This would be located in the Phase 3 portion of the project.

Mr. Brian Powers, Senior Project Manager with Mark IV Ent. on behalf of the Fairways Townhomes LLC addressed the Board.

*The owner of Mark IV Ent., Anthony DiMarzo passed out brochures.*

Mr. Powers – We don't have the overall plan of the Fairways up here but let me start with that first because not everyone was on this Board at the time it was approved and how it has evolved through the years. First off our Legacy Independent Living which is not shown on the map but fronts on High Street at the entrance to Champion Hills, that facility is situated on a 9.8 acre parcel and is zoned Planned Development District. We have a 9 hole golf course known as Champion Hills Country Club that we use throughout the development. You can see the green for hole #2 and this is the Par 3 hole. That course is located on approximately 150 acres, it's zoned both R1 and R2 (Residential) and that is currently fully constructed and operational.

Then we have 3 phases of townhouses and you can tell by the lot numbers. Our first phase is the 100 lot numbers and this is the cul-de-sac area, the first phase. You can see the tail end of phase 2; it's the 200 series lot numbers. Then we have a phase 3 townhouse portion of our project that would continue all the way to Gillis Rd. Currently Phase 1 is constructed and fully occupied. If you've been out to our site recently, you'll see that we have the road in roughly to here for Phase 2 which we are constructing the Phase 2 townhouses currently. The economy is finally starting to look a little brighter which is nice.

With our proposal and most of you know Mark IV, at least on the senior living side of things where our Legacy is. Primarily the Legacy's up to this point have been independent

living. That's what the Legacy is that I mentioned is on High Street. A couple of years ago, there's always been a Mark IV interest if you will, a facility called Grand V in Penfield on Five Mile Line and that was an assisted living facility. To run an assisted living facility in NYS as well as many other states, you have to have a license; you have to be a license health care provider. You don't have to be a license health care provider to run an independent living situation. Independent living doesn't involve skilled nursing. Once you get into assisted living that involves skilled nursing and is controlled in our area by the State Health Dept.

So with the full acquisition of Grand V, we always had a partial share in that, we now possess this all important license for assisted living. This is not our first next venture in assisted living if you will, we have a facility that we are just putting the finishing touches on and will be opening in another month or so in the Town of Greece on Maiden Lane that is a full assisted living facility much as this proposal is. That will be our first brand new one out of the box. We did adapt one of our Legacy's in Irondequoit and the fullness of that wasn't always where it could have/should have been so we've chopped that into half independent living and half assisted living and we are operating that one.

Our next one, even before this, we just recently received Planning Board approval for another facility similar to this in the Town of Chili on Chili Ave. In fact, it's about the same size as this one. Now we have to go through the Health Dept approval which is called a Certificate of Need aka CON, I'm not sure if that means anything!

Our proposal right now that we're playing around with is the pamphlets that you have in front of you, I think we have 9 independent living Legacy's, and that's in the larger brochure that has been passed around. I think all 9 of them are represented in that brochure. The smaller brochure talks about it at the bottom, continuum of care. I'm sure some of you have lived this, I've already lived this with my father. My father lived in the Legacy in Victor and that lasted about a year and 9 months and dad started to age and started to have some health issues. Once you get into that area, that independent living is not really suited for you because you need skilled nursing at that point. You may need help getting dressed in the morning, you may need help with other things in your live, managing your medicine and things like that. That's where assisted living comes in.

Our grandparents and our grandparent's parents probably went the route of a nursing home. That's really not the direction that a senior has to go these days. If the funds are there, you can go into an assisted living facility and you have your own apartment, there is a lot of socialization that goes on in these places which are all important to health and welfare of the people that live there. The meals are fabulous and even excursions out of the facilities so that they are not homebound. They can leave the facility either with family or with activities that are driven by the facility.

What this is, is a proposal for continuum of care on our own campus, if you will. We already have the independent living and again, having lived this, if the move was as simple as just moving down the hill into the lower part of this property, that would be so much easier rather than having to go to another town or even much further away. It's all managed under the same umbrella too. You're not moving from one facility managed by one group to another facility managed by another group. Somebody in the assisted living side could be communicating with independent living about who is potentially coming next, do we have room for that person, should we hold space for them...all of those things could happen which is wonderful.

Our proposal here is we would eliminate approximately 38 of our individual townhouse units within the phase 3 area of our project. If you're familiar with the geography of this area, this is kind of the lower area of our project. There is a stormwater pond located here; obviously

you don't put stormwater ponds in high areas of property, this is the lowest area of our property. So we're kind of down in the hollow here and it's out of the view of all of our surrounding roads and neighbors to the east. It's really surrounded by our own community here. This would be a 109 apartments and I stumble on that because when you're talking to the Dept of Health, they want to know beds because that's what they're licensing. There's not 109 beds in this, there would be something on the order of 130+ beds because some of these rooms are double because either a couple is staying in them or because of the individual health situation, the people they need to be together in a common space. So the terminology is apartments or rooms and beds. Again, we're proposing about 109 apartments in this.

This is a two story building and you can see by the elevations. There are 3 levels of care in this building. I keep using the term assisted living but that is kind of a broad term but there is assisted living, then enhanced assisted living which there is a little more nursing and skilled nursing and supervision involved. There is actually 24 hour nursing on the enhanced side. Then we have memory care in this facility. In addition we have respite care and we do some rehabilitation care; if someone has a fall in their own home and goes to the hospital and the hospital wants a safe discharge, they can be discharged to a place like this so that they can recuperate, get some therapy and possibly go back to their current situation.

We actually do adult day care which means a parent that is maybe under the supervision of a child but they have to work during the day, they can come to a facility such as this for adult day care and then be transferred back to the home later during the day. They can participate in all of the meals, the activities, the socialization. It's actually a nice thing.

This facility would be owned and managed by us similar to the Legacy. Looking at the building elevation, there is a lot of similarities between this building and our Legacy buildings. It's tough to see a lot of the fine detail of it but we're pretty much known for our main entryways with the white columns that flank our entryways, a building elevation that is comprised of different types of sidings to break up the building so its not just one monolithic type structure and of course the all important cupolas that we have on top of our bldgs just to break some of the roof line up.

If you're looking at this elevation, you can almost see a bend in the building. *Mr. Powers describes the building as he is showing it on the plan.*

We don't tend to have a lot of balconies off of rooms like we do at the Legacy because we really don't want people outside of their rooms without supervision. Some of the public areas will have balconies and such that people can get out on in the nice weather as long as they are supervised. That's one of the main differences in these structures.

The other situation that we've really studied and programmed into these bldgs is in our independent living, we're very well known for our cuisine in the Legacy's. Every Legacy has a chef on staff or two. We've actually have had competitions among all of the Legacy's for cooking. We're trying to continue that theme in this building with the three levels of care. There is only one kitchen in this building but there are multiple dining areas. So trying to transport food from the kitchen to a remote dining room, that's why we've gone to two stories because it's easier to move food up through an elevator type system and get it to a dining room that's nearby vs trying to run from a kitchen area here all the way over to here, the food would be cold by the time we get there. So we really had to program that into our bldgs.

There is parking proposed around this building. It's similar but less what we do provide at our Legacy's because obviously the occupants don't have cars so what we're parking here is staff and visitors. Then we have a service area that we've tucked around this side of the building, again, out of view of the surrounding neighborhoods and really in view of our own ---.

I did mention this dedicated road that runs through the Fairways, Championship Drive is a dedicated road. Currently it ends here but we would continue it along the theme of what the Phase 3 townhouse proposed and continue that dedicated road all the way out to Gillis Rd.

We still intend constructing about 34 of the townhouse units that were originally slated for the Phase 3 part of the project. Again, there were 72 townhouse units that were proposed in Phase 3 and we would cut out 38 of those townhouse units in favor of this assisted living facility.

With that we would be happy to address any questions or comments you may have. We're really here just to hear some feedback from the Board. As I mentioned this is zoned an R2 and this is an allowed use in this zoned area but under a special use permit. So when a formal application occurs, we would appear before this Board for a special use permit for this use along with site plan approval.

Mr. Santoro – I'd like to see a real site plan first to see exactly where this will sit.

*The current plan is in the Board's packet to review.*

Mr. Logan – From my perspective, I'm looking at the aerial view from Google Earth and they have situated it in probably the best spot they could because it's like you said, down low, it's screened from the easterly neighbors by the rise at the easterly edge of the property. I love the concept of being able to stay in Victor, on the same campus, evolving from living in townhouses to the Legacy to this next phase. We just don't have that opportunity in Victor I don't think otherwise. It's a nice setting. If someone wants to visit their elderly parent and go golfing, it's kind of a nice opportunity. I like the concept. I think you put it in the right place on the site. I'm a little concerned about one of the bldgs, just to the south on the corner of the road, seems very close for the type of building in terms of if I wanted to live in a townhouse vs an advanced care living center.

Mr. Powers – This is in the Phase 3 part of our project and if this does happen, this will probably be built before these units are built. So we do not sell the townhouse units in this development, we rent them. So it's renters' choice. They could choose to rent here or not.

Mr. Logan – In this particular phase or the entire complex? (Entire complex) I thought originally this was townhouses for sale.

Mr. Powers – It was but then in 2007/2008 happened. Quick story....we took Phase 1 townhouses and we split the street in half. The top half of the street we'll rent and the bottom half around the cul-de-sac which are better lots, we'll sell. We rented the entire top half of the street and sold 2 units on the bottom half. We just weren't getting people who wanted to buy units, they wanted to rent them. So we studied the market and that's how we got to renting the townhouses and now we're building the second phase and they're lining up to rent these units.

Mr. Logan- I like what you're proposing. It's a good plan and the size of the building seems to be isolated enough from the neighbors in the area, the Kujawski homestead just to the northwest and then the properties to the east. That's my feedback.

Mr. Gallina – I agree with Joe. I think there is a need for that type of facility. I think it's a good fit with the existing townhouses and the Legacy. I like the idea that overall it's a reduction in the site density. I'm generally in favor of it although I did come in at the tail end of the approval

process for this project. I too was under the assumption that these were “for sale” townhomes. So the fact that somewhere along the way they went to “for rent” is at least news to me. I’m not sure if there were any restrictions on that as part of the approval process. I think we would need to revisit that before we approve any changes to the existing site plan.

Mr. Powers – Al, I would say that everything is set up to sell these townhouses. Even in our Phase 2 development, the town has made us subdivide the lots. So every townhouse unit sits on its own individual lot. The construction of the units with the fire walls and all of the code requirement stuff are there and there wasn’t any restrictions, otherwise we wouldn’t get C of Os to move into these. But there wasn’t any restrictions whether we sold or rented these units. If the perception was we were going to sell these, it was probably the perception at the time this was approved but like I said 2007/2008 happened and the world changed. Banks got really difficult with mortgages and that’s why these people are renting units.

Ms. Zollo – I can say that I am in favor as well. I think Joe’s point is a good one, that one building is rather tight. As long as you plan to build this first, you could reduce the size of that one. But I also would concur with what was said, it was my understanding the townhomes were all “for purchase” townhomes and I don’t know when that changed through the process. My understanding was it was approved with the understanding that they were to be purchased. As Ernie said, I would like to see...we have this close up but it would be nice to see it on the big picture, where you’re putting it. You’ve described it but I would like to see it on the plan.

Chairman Dianetti – I think it pretty unanimous that we’re all in favor of the concept. I think it’s important to note that a similar proposal at Silverton Glen was one of the driving forces of that approval and then the St. John’s Home didn’t go in there. I think we’ve all had exposure to family members who have gotten to a point where they needed this type of care. I know a number of people who have rented or purchased townhomes up there because they’ve had their significant other living at the Legacy and they would be living in a facility like this. So I can see where some of these for-rent units would be very appealing for people who are in a situation where their loved one is in that facility and they can live right near by and rent. I can see a lot of positives of this. I agree with Joe about the location of it on the site. I was aware that there had been changes in the for-sale and for-rent back when I was on the Town Board, that’s not new to me. I think what you’re providing is a very valuable service to the community and we see more and more people that are in need of this type of service. I wish you well with it.

Chairman Dianetti asked for public comments.

Ms. Cathy Boughton from 833 High Street – I think this proposal is fantastic. Victor needs something like this. The independent living that we have now up there is wonderful. I have a father-in-law who is 95 and a father that is 92 that live at the Legacy. I know eventually they are going to need assisted living. My only downfall of this is it can’t be built soon enough. We needed it to be built years ago. So to have something like this in our own community so our parents can stay here, my father-in-law who is 95 and has lived in Victor for 95-1/2 years, soon to be 96. So for him to go from the Legacy to assisted living would be wonderful because he does not want to leave Victor. I applaud Tony for putting this forward. I’m really happy to see this.

Mr. Anthony DiMarzo – I want to thank you for your time and effort for listening to us. The DiMarzo family and the Legacy's are committed to seniors. We only put them in places where we think they will be successful and knock on wood we've been very successful. Thank you.

Mr. Powers – So I guess we'll work with staff and start going towards better detailed plans and the special permit application. Thank you

## DISCUSSION

### SEWER MASTER PLAN UPDATE

A brief on the master plan by Steve Metzger and Mike Schaffron from LaBella

Mr. Metzger – Thank you for the opportunity to address the Board tonight. Mike Schaffron is also here tonight. We saw this as a great opportunity to share some information about an important project that the town is undertaking.

I did want to let you know that the Town of Farmington as we know operates and maintains our system. The Town of Victor owns all of the infrastructures, owns all of the pump stations in town. There was a change of leadership at the town at their water and sewer district about 3 years ago and since that time, the awareness of many issues confronting this system have come to light. I wanted you to know that we have since that time undertaken improvements at Pump Stations (PS) 7, 8, 11, 12, 18, 28 and 32. Some of these are more significant than others but a lot of them have to do with the safety of the people who are maintaining these. We've created emergency hook up generators to make them safer. We've replaced pumps, changed out transfer switches and added emergency generators in some cases.

In addition to those we've also through the Planning Board conditions, we're following through on having emergency generators installed at PS9 which is Tuscany Hills and PS27 on Phillips Rd in conjunction with the Pinnacle project.

So there has been a lot happening to upgrade this system. In addition to that, a few years back we obtained a grant with the Town of Farmington to do the Master Plan Study of the Farmington/Victor system. We did it jointly with the MRB Group who is Farmington's engineers and it so happened the Town of Canandaigua has a small section that drains to the Farmington plant as well. So it's a 3 town study. We also asked the Village of Victor if they were interested in participating in the study as some day they may want to shut down their plant and transmit the flow to the Farmington Plant. They did agree to it and we included them in the study. We also asked the Town of Mendon because in times past, they inquired about the possibility of hooking up to the west end of Route 251 but they did not participate in the study.

The study looks at the Comp Plan, the zoning maps and projects out-growth through the year 2035. In summary the plan in Farmington has the capacity to handle the build out of the Towns of Farmington and Victor at this time. The Town of Victor has 30 pump stations and many of these form the "backbone" of the system. It started out with the development of Eastview Mall and the Cobblestone development and subsequent development down Route 251. All of that transmit the flow over to County Rd 9 and then down to the plant. That system is approaching 30 years old. Not only is it running into capacity issues, its running into age issues as well.

So this study looked at all of that and came up with some recommendations. We came up with 4 possible alternatives and investigated those. Mike will review the preferred alternative

that includes a pump station on Route 251 and a force main that extends down the Auburn Trail from Phillips Rd through the Village to Break a Day Rd before it winds its way down through the road network to McMahon Rd and then finally into the plant.

Mr. Mike Shaffron – This first exhibit is the existing consolidated sewer district, the dark brown areas are tributary to the Farmington treatment plant and the lighter green area is the tributary to the Village of Victor's treatment plant. As we started this study to project out what flows might occur over the coming 20 – 25 years, we looked at the available land within the consolidated sewer district that we deemed as developable. We would exclude areas with steep slopes, wetlands, etc. The areas in blue are parcels within the district that could undergo development at some point in time in the future. As we all have seen the consolidated sewer district has enlarged over time. We looked to the areas surrounding the existing district boundaries to identify areas that might need public sewers in the future. Those areas are shown in green and you'll notice there are some undeveloped land parcels as well as developed parcels. It is our experience that over time, parcels that are 20 – 30 years old that have relied on individual disposal systems, sometimes they fail, there's problems with redeveloping them on their lots and they potentially could request sanitary sewer service to those areas. So to try to develop a conservative estimate of potential flow in the future, we've included those areas in green.

In the report, we then looked at how much flow could be generated from these areas. We looked at various categories;

- Near term development – projects that have appeared in front of the Planning Board and received some level of approval. Could be a phased development in which Phase 1 has been approved and we know other phases will be coming behind it. This is somewhat age dependent and was thought to be developed within the next year or two. We have identified 200,000 gallons per day of flow to the treatment plants.
  - Gullace
  - Tuscany Hills
  - Panera Bread
  - Valentown Lot 3
  - High Point
  - Meadows Business Park
  - Lehigh Crossing Section 1
  - Pinnacle Sports Phase 1
  - Victor Community Church
  - Ballerina Court
  - Fishers Ridge Phase 1
- Long term development – phased developments where you're seeing phase 1 but know there are other phases behind that. These would generate 300,000 gallons per day of additional flow.
  - Pinnacle Sports Phase 2
  - Lehigh Crossing Section 2
  - Fishers Ridge Phase 2
  - High point Phase 3
- Long term build out of developable lands which would be areas in blue and green. This would generate another 200,000 gallons per day of flow to the Farmington treatment plant and approximately 100,000 gallons per day to the Village of Victor treatment plant.

Total we are projecting out over 20 years we'll have another 700,000 gallons of flow to the Farmington treatment plant.

This shows the zoning map; sometimes the zoning gives us an indication that it's really not the intention of the Board to develop in these areas. In addition to that there is an overlay and in the overlay map, you'll see the light green areas at the extremities of the town, the overlay district controls the density. In those areas, the density isn't likely to develop sufficiently to warrant sanitary sewer. So when we were looking at potential areas for development, those were excluded.

This shows the backbone of the system that Steve had referred to earlier. The main system conveying flow to the Farmington treatment plant goes through a number of pump stations as it winds its way through the town, back up to Eastview Mall area. That system was developed earlier in that area, later on the town developed this other branch of that which heads over to the western portion of the town. Some of the various areas that you would recognize PS28 at Wendy's and PS27 at Phillips Rd. That is basically the backbone conveying the flow to the Farmington treatment plant. All told the flow from the western area could be pumped as many as 11 times before it reaches the treatment plant.

This is the first alternative and I think the highlight of this is it basically maintains the same conveyance route as the existing district. You'll notice that the red and blue systems are confluent here in the Cobblestone Creek area and beyond that we're relying on a single system of pump stations, force mains and gravity sewers to convey flow to the treatment plant.

A few weeks ago there was a break in one of the force mains and if that break occurs along this area basically there's no flow going to the treatment plant. Everything behind it would be without service for an extended period of time. That break occurred by the M&T Bank and there was a release and the DEC has to be notified. It's obviously an undesirable situation. But it underscores the reliance on this backbone to convey all of the flow.

These improvements would convey that flow 20 years out down that same backbone and it maintains the reliance on that same system. The areas in red are areas of new infrastructure, infrastructure that has to be replaced. You'll see it going through various developed areas, some of it highly developed where it would probably be undesirable to go through some of these and say yes, next year we're going to be tearing up your roads and installing larger infrastructure. That was certainly a liability to Alternative 1.

Alternative 2 is kind of an off shoot of that. Basically we're taking flow from the western area and instead of pumping it through the system, we're taking it around Aldridge Rd to County Rd 9 and down to that area. That avoided some of the development for new infrastructure through some of these existing developed areas.

Alternate 3 looks at total reroute of flow from the western area, routing it along the Auburn Trail through the south side of the Village and basically approaching the Farmington treatment plant from the south. This alternative had a major pump station at PS29 Hadley Circle where it basically collected the flow from PS 27, 28 into this area and then pumped it all the way around to the treatment plant.

Alternate 4 basically moved that major pump station to Route 251 where currently PS30 is and basically this point is going to be consolidating the flow from PS29 coming down to PS28 and 29 will discharge to Route 251. Fishers Ridge will provide gravity flow to this new PS30 before it gets conveyed around the south side of the Village to the Farmington treatment plant. You'll notice there is a potential connection for the Village of Victor should they decide to convey flow to the Farmington treatment plant sometime in the future.

From those four routes we did cost estimates. Not surprising, Alternative 1 which went through a lot of highly developed areas was the most highly costed alternative. The other 3 were

fairly close, within 5% - 6% of each other. So we went to the next step to look at what the distinguishing characters were between the 3 remaining alternatives and how did we evaluate them. One of the strong points of Alternative 3 and 4 was it developed another route to convey flow to the treatment plant. We weren't reliant on the single backbone which is aging. Even if we do this, you're still faced with infrastructure in the ground that's 25 years old. We looked at that and the difference between PS 3, 4 where the major pump station was on Route 96 for Alternative 3, it's now here on Route 251 for Alternative 4 through an area that is a little off the beaten path. Route 96 being the main gateway into the Village/Town, you try to minimize the impacts to that area.

So we had made a recommendation to the Town Board and they are behind this, to pursue Alternative 4. We're now starting the implementation of that. We have completed the environmental review and the SEQR process was concluded by the Town Board a couple of weeks ago issuing a Negative Declaration. We have started the survey and preliminary design predominately for those areas along the Auburn Trail and the reason we did this is that it's going to take a number of the easements to make this a viable route. We've had meaningful discussions with RG&E and they have verbally approved an easement for their portion along the Auburn Trail and we're moving forward to securing that easement.

The other major stake holders along the Auburn Trail would be the Ontario County and the Village of Victor. We've had on going discussion with them to gain their concurrence for easements along the Auburn Trail.

So longer term we're looking to have this system developed and operational somewhere in the Spring/Summer of 2018 which basically corresponds to the time period that Fishers Ridge is looking to get on line as well.

Overall the project costs for Alternative 4 as we're moving forward with that is in the vicinity of \$8M which is a very sizable amount but to some degree these improvements can be phased in. Predominately the one component that can be phased in is the modifications to PS27 Phillips Rd and its conveyance to Route 251. We see this being in the second phase of this and it's really dependent on Pinnacle Sports expanding on Phillips Rd. Once that occurs, there were provisions for a hotel which would dramatically increase the flows and make that improvement necessary. Until that time it can be conveyed to PS28 and then back around PS30.

For several years the town has been paying off its debt. There's been a number of sanitary improvement projects and the town did a very smart thing and basically kept the rates at the same level even though some of these debts had been paid off over time. So this basically formed monies that could be put into a re-service fund to minimize the impact of this major project that's going to be necessary in the near term.

With that we've been working out financing methods for this but we think we could implement this project because of the reserves without a major impact to the rate structure in the Town of Victor at the present time. So that's a very positive note that we're not going to have to have a big rate increase to pay for this and it's largely due to keeping rates constant when some of the debt has been falling off of the table.

I'll point out that even before we had this study, LaBella had been studying these alternatives for a couple of years. At one of the workshop meetings recently regarding Fishers Ridge, someone had mentioned that from time to time they heard certain pump stations were at capacity and we need to do something quickly. The maximum day run times at Phillips Rd at PS27, in 2013 we were getting some very high run times. Then all of a sudden it dropped down to a more manageable rate of about 5 hours per day and these are maximum run times at PS27.

One of the things that the Town of Victor and Town of Farmington, working together, they had gotten some grant funding for I&I studies. They went through the tributary areas to

find out where perhaps there was cross connections or high areas infiltration and they found that in many cases, some of the clean outs were not equipped with caps, they were in parking areas. They were basically acting as a storm drain, conveying flow to the sanitary sewer. A lot of what we looked at here is once those connections were taken off, dramatic decrease in the amount of flow to the pump station, amount of run times you had. So this is a very positive aspect, one that is going to have to be an ongoing measure into the future. So as we are evaluating the capacity and the ability of the infrastructure to take on these near term projects, this is something that is going to have to be an ongoing effort into the future. You just can't go back to this situation here and think that you're not going to have a lot of problems with your infrastructure.

So that is a brief overview of what we're doing but I think its significant for you as a Planning Board to know that as we're moving forward we're evaluating the capacity of the infrastructure to be able to convey all of these near term projects and look at them very closely. It's a very dynamic system in that every day it changes; you don't really have any control over what is discharged to the system. You have very little control once people are connected onto this. So we're looking at this very closely.

Mr. Gallina – Thank you that was a very good overview. One of the things that I think would be helpful, in particularly if we could have that capacity map with the run times for PS27. Do those exist for all of the pump stations?

Mr. Shaffron – When we look at a station, we go back typically 12 months. So we have the data, we don't have it in a nice graph like that. The reason I brought that up was when I talked to the Town Board previously just after that study had been completed, a lot of those in flows had been tightened up. It was a pretty dramatic increase so I took what we had several years ago and added this information. We have the data to develop.....

Mr. Gallina - ....What would be nice, so you have the map of the existing infrastructure, it would be wonderful at least from my perspective to have every pump station and every transmission line, what is our capacity today. If it could hold 1M gallons and we're at 50% capacity or if 24 hours is the max time and you said that you really don't want to operate more than 15, 16 or whatever that number is. Where are we today? Every time we contemplate a project, what does that do to each of these charts? To me, that would be true analytical approach to assessing the impact of a proposed project on our infrastructure. I would love to see that for every project.

Mr. Shaffron – We certainly can work towards that. One thing that I'll mention is it takes a lot of evaluation to get there. It's easy to put up a number but then we bore down to why is there a max day there? Did it correspond to a rainy period where there was a lot of ground water potentially infiltration? Often we would go back and dig and find out that there was some debris hung up on a propeller and basically where we thought a pump station was putting out 300 gallons per minute, it ran for 24 hours simply because it wasn't putting out that flow.

Mr. Gallina – But you have a normal run rate, then you have special causes. We have a steady state condition and there should be planning numbers, if we're going to have a 100,000 sf building, what should that do to this picture? Should it add an hour, ½ hour, 3 hours....then we could have a fact based assessment on what the impact is so we don't have to guess when we do the SEQR, is it going to handle it or not? Again, discounting special causes, you can't predict those things but we should be able to have a steady state predictor of what we think a build out would do for a particular project. The same thing on the transmission lines.

Mr. Shaffron – I can see where we could develop it and maybe even color code the pump station.

Mr. Gallina – Yes, 12 hours a day/yellow; if you're above 15 hours/red or orange. You can very quickly do a little color coding and then it would become a very quick visual as to how it will work. If we add this new proposal, that's going to recast all of the numbers. Then it resets the bar and we have something to use as a planning tool.

Mr. Shaffron – In some of our reports we have color coding. If a force main was within 10%, we colored it red, etc. I can see where it would be a good planning tool to show where some of the hot spots are.

Ms. Evans – Could you elaborate a little, when you get an application referred to you, what do you do with it to assess the capacity?

Mr. Shaffron – We would go back and update the flows that we have because it doesn't occur everyday but basically we go back to Dave Degear, get those flows and start looking at them. We would look at trying to project the peak hourly flow as well as the maximum day flow. Those two characters would determine whether we feel it's suitable, a reasonable risk to take on that additional flow. With that, where you're pumping from one pump station to another, it's easy to say that this is going to be a tributary to PS27 and we saw that PS27 has plenty of capacity. But you also have to look at all of the things down stream and where does that lead us to. Even up stream because there are areas that are going to be developed in the future or are in the process of getting developed and what is the impact of conveying that flow to PS27 in this example.

So its not a quick process because you're looking at that and then you're going to be looking to see if there is something in there and ----- that we can write off that maybe that was debris on the propeller. We've taken pumps apart and found out that a cell phone got in there. It's a little more analysis than 5 minutes of time.

Ms. Evans – It's my understanding that that information gets filtered down to Wes.....

Mr. Metzger - .....So that you understand the flow when projects come to our office. Wes starts it off, he brings the projects back and we open up a number that we store our information to and charge our time to. Wes and Mary take the initial crack at it and if there is a sewer capacity issue, they turn it over to Mike Chrisman for analysis. Mike gives his feedback to Wes and it goes into a comment letter that comes back to you.

Ms. Evans – So that happens prior to completing the Part 2 EAF. This is all going on that staff isn't aware of because we allocate that work to LaBella and it comes back to us and we facilitate it.

Mr. Gallina – If you go through the assessment for Pinnacle and we say we're going to add 10% to all bars. That should be saved because then the next project that comes along, Gullace, it becomes a cumulative effect. Do we have the data base, are we contemplating developing that data base that has that cumulative impact?

Mr. Shaffron – Whenever we do an analysis, in our file structure we get to a folder called pump station analysis. In there we have a folder for PS27 or PS28. Historically you can go back and say we looked at PS27 in 2014 when this development was occurring and now there is something else coming in here so we have to add that. The analysis is stored individually in these folders.

Ms. Evans – Then the ones that trigger a Positive Declaration, they have thresholds incorporated within and it just varies on how those thresholds are within the findings statement, what triggers require them to come back. It doesn't mean there are at capacity for Pinnacle Phases 2 and on. It means that they need to come back and demonstrate what those flows are going to be and how they intend to mitigate it. It's not like a one and done and you don't get another shot at it. The same thing for traffic. We recommend a snap shot of perhaps a year out or a particular identified time frame from the technical experts to see if the projections were accurate. If they are not, what do we do? That's what SEQR affords us to do for a Positive Declaration, for the unlisted actions which are smaller and don't have those thresholds established with them but they are typically built in 1 or 2 phases which is not over a long period of time.

Mr. Logan – I'm as interested in the existing needs as much as whatever potential developments that are coming. In one of your earlier slides you showed a residential area that showed 20 to 30 years and potentially more, that also need to be addressed. Is there a plan to...the demand is there now and you could run all kinds of lines and intercept with more subdivisions and developments. Where does that fit into the town's plans now? In the green areas that you show, there is a need now; the houses are 20 to 40 years out in terms of when their septic systems were put in. I think the town needs to be addressing those as well as addressing all of the new developments.

Mr. Shaffron – The process for that would likely be the town in some fashion would have to be aware that there is a need and a desire to do that because ultimately you go through the process of developing a map plan and report and that would identify what improvements are necessary and how they are going to be improved. For instance if you and your neighbors were having a lot of problems with your septic systems and were ready to put \$20,000 to get it fixed and you ask the town to take a look at the sewers. You would have to approach the Town Board and they would authorize this map plan and report that would identify that in order to serve this area, we're going to need some linear feed of gravity sewers, manholes, pump stations, etc and its going to cost \$800,000 and would identify how many units are there and how it would be paid for. So it's a whole process to go through but it's basically demand driven by the residents, not necessarily the Town Board coming through an area and making the decision. There needs to be a map plan and report, public hearings....

Mr. Logan - ....I would go back to the team and state that some areas had been identified, do a survey and find out how many people are interested in hooking up and the potential, then you could get your study without having 1 person going after it and hoping other people might have put in a survey request. You've identified them, why wouldn't you just go out and do spot surveys and if you get it in one area, ok and this is how it's going to get paid for. But at least it gets into the system, rather than waiting for someone's septic system to fail and it takes them 5 years to put something in. This line that you're proposing on the Auburn Trail easily could be tied into from multiple communities along that spine to do that. So why not take advantage of that and provide that upgrade to the residents that aren't currently served.

The other thing, Dave DeGear would much rather see gravity everywhere or as much as possible for the pump stations and all of these developments that we put in, there are pump stations everywhere. Is this new plan eliminating any pump stations or helping to eliminate any?

Mr. Shaffron – Interestingly enough, we would try to retire some of these pump stations but none would be retired by that. I've spoken several times about new pump stations, they are actually replacing existing stations. If nothing else, we're staying status quo.

Mr. Logan – That's fine. I'm sure he'd rather see a system that can handle the capacity and can tie in gravity wise, all the better.

Mr. Shaffron – It's just the topography in the town doesn't really lend itself too well to that. Even that initial background getting to Eastview Mall, there are probably 5 or 6 pump stations there. And there was probably a lot dictated by what development was anticipated then that could contribute to that infrastructure. That was quite a big step forward and a lot of it centered around the Cobblestone Creek area and Eastview Mall as being the biggest players in that.

One of the things that we did look at when we were looking at alternatives was any energy savings. There are because if you go from Wendy's, you're pumping over hills. Basically this daisy chain of pump stations lifts it up and goes down by gravity and you keep pumping it up. The advantage of Alternative 4 is its going to collect it in one area but it's not pumping it over a hill. So there is some cost savings there. We did look at wherever we could to go gravity.

Mr. Metzger – The new route is at the bottom of the valley and does provide opportunity for gravity for future projects. There are a couple of different ways that the town can extend the district; one is by petition and to pursue Town Board action. It's a little easier when it's done by petition in terms of numbers of steps along the way. Don and I worked on some flow charts a couple of years ago, laying all of that out. The town could hire LaBella to do a study and petition and survey but right now there is no active effort at the town level to engage us to do that. It's not to say that it's not a good idea and shouldn't be done. Just so you know, we've looked for direction from the town.

On High Street a couple of years back, most of High Street to Lane Rd either drains to the north towards one system that feeds down to the village or to the south. There is a little low spot near the high school's second entrance and 6 or 7 homes not served by sewer. The baseball team wanted to put in a concession stand up there with a bathroom. We were asked to take a survey of folks and consider a potential district extension. We developed a cost and laid it out and to the people petitioned, it was cost prohibited and there was no support for it.

Mr. Logan – You obviously developed all of those green areas, saying if you put all of the sewers in that district that would be enough perhaps to pay for an upgraded sewer system.

Mr. Metzger – Right, you really need some density to defray the cost.

Mr. Gallina – It sounds like there is some capital reserve fund that is starting to accumulate money for enhancements to the existing infrastructure. Is that one that the town could require developers to contribute towards for future infrastructure investments?

Mr. Young – Usually when you're looking at a proposed development, you're looking at the specific impacts of that development and having them contribute accordingly.

Mr. Gallina – So it would be proportional whatever the volume metric would be.

Mr. Young – Yes, if there are capital improvements that are required, it's definitely something to look at.

Mr. Gallina – Right now we're collecting tax money from all of us to contribute towards this infrastructure fund.

Mr. Metzger – Only if you are in the sewer district.

Mr. Young – That is something that is looked at when a new development goes on line. If it's not in the sewer district, it needs to come into it and often times the developer will build its own infrastructure and dedicate it to the town so the town isn't paying for the new infrastructure at all.

Mr. Gallina – But again, it's a closed loop system. So if there are downstream impacts, outside of the development for pump stations....

Mr. Young – There are 2 types of charges; there are capital charges for new capital projects and often times with new developments instead of paying charges to the town, the developer will build the infrastructure and dedicate it to the town. Then there are O&M (Operation & Maintenance) charges, maintaining the pump stations, maintaining the existing force mains. That's something that everyone in the sewer district pays. There's a formula for that but I don't recall what that is. So a developer builds 50 houses in a residential subdivision, builds all of the sewer infrastructure, gives it to the town. Now all of the people living there through their sewer bills are paying O&M charges to the town at whatever the rate is. Those are what goes towards operation and maintenance on those pump stations and force mains.

Mr. Gallina –Ok, again if we know that we're going to need to replace infrastructure and to build an \$8M capital improvement project, if there is any mechanism to have new development fund some of that, I think it would help.

Chairman Dianetti – We went to a consolidated sewer district which means that everyone who is in the sewer district, all of the cost is shared among all of the people in the sewer district. It's not individual districts any longer. There was a time that if a district was added on, they paid for their cost of being brought in. On top of the O&M and what we were told was basically that we had to go into a consolidated sewer district because the State wanted to reduce the number of districts there were.

Mr. Gallina – I'm all for reducing the number of districts.

Chairman Dianetti – That's why when there is an improvement like that main line, everybody is going to pay a portion of it that is in the sewer district. I'm not thrilled with this because its going to drive the value of the property at the golf course to the point that it will be more valuable to develop for homes than a golf course and I'm going to loose the battle with my family.

Ms. Evans asked Mr. Metzger to talk about the connection fees.

Mr. Metzger – There is a connection fee that is a one time charge to anybody connecting to the sewer. It's based on the number of units they are signed; a residential unit is one but if you have a commercial property, there's a means to calculate equivalent dwelling units that are assessed to the developer.

Mr. Santoro – Don't you have to pay someone to have it run to your house like the water lines that came through 8 or 9 years ago?

Mr. Metzger – Yes and in the new subdivisions, they are rolled into the cost of your house. Each time the developer comes in for a building permit for a new house, he has to pay the connection fee to the Town of Farmington and that is taken and pooled and used for other improvements by the Town of Farmington. There are a number of improvements outside the pump stations.

Ms. Zollo – I agree with what Al said. It would be really helpful to have a visual of where we are at and the next project will push us to this level. It would really help us when looking at these projects instead of one at a time. We get your letter and that's always helpful but to have a visual would be very beneficial.

Mr. Metzger – We'll see what we can do. To continue to update that just requires a lot of effort but we'll see if we can't come up with some visual way measuring the health of the system.

Ms. Evans asked Mr. Metzger to update the Planning Board members on a quarterly basis.

The discussion ended at this time. The resolution for Crown Castle was read at this time and is included above under Crown Castle.

Motion was made by Ernie Santoro seconded by Heather Zollo RESOLVED the meeting was adjourned at 9:50 PM.

Cathy Templar, Secretary