

A regular meeting of the Town of Victor Planning Board was held on January 23, 2018 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Ernie Santoro, Chairman; Joe Logan, Vice Chairman; Al Gallina, Rich Seiter

ABSENT: Heather Zollo

OTHERS: Wes Pettee, Town Engineer Consultant; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Councilman Dave Tantillo, Town Board Liaison; Kate Crowley, Conservation Board; Joe Picciotti, Planning Board Council; David Nankin, Ruth Nellis, Dave Nellis, Dan Duprey, Jean Laitenberger, Doug Eldred, David Cox, Douglas Fisher, Julie Doyle, Patrick Liberti, Marsha Senges, Melody Burri, Bill Collins, Ed Kahovec, Edwin Rueda, Fred Rainaldi Jr., S Melaze, Gene Pratt, Bob Cantwell, Ken Curry, David Hahn, Dara Mason, Luba Mason

Chairman Santoro made announcements and stated that Pi Pizza will not be on this agenda but will be on the February 13th agenda.

CORRESPONDENCE RECEIVED

- David Nellis re: Gullace Project
- Peter Weishaar re: Gullace Project
- Doug Fisher re: Woods @ Valentown (handed out at meeting)

BOARDS/COMMITTEES UPDATES

TOWN BOARD reported by Councilman Dave Tantillo

- Passed an RFP for the Parks & Rec Master Plan. The last one was adopted in 2007. The Advisory Committee and Citizens came to us and wanted to know what the Parks & Rec Master Plan would be like to include the Parks trust fund. The Bare Landscape Architecture Company received the RFP. More will come later. Will try to get as much community input as possible and build the Master Plan from that.

PLANNING BOARD reported by Kim Kinsella

- February 13th meeting
 - Misc Items
 - Pi Craft Pizza fence located at the Victor Crossing Plaza
 - Eastgate Square addition for building elevations

TABLED FROM 1/9/18 MEETING

ROYAL CAR WASH

607 Rowley Road
Appl No 43-SP-17
Owner – WDC Properties LLC
Zoned – Commercial /Light Industrial and Route 96/251 Corridor Overlay District
Acres – 1.10

Daniele Family Companies, LLC is requesting approval to construct a 4,096 sf carwash at 607 Rowley Road. The application includes the preservation of the historical portion of the existing Cole & Parks Building. The site is owned by WDC Properties, LLC, consisting of 1.10 acres and is zoned a Planned Development District. This is a carry over from the 1/9 meeting.

Chairman Santoro announced that the resolution will be on the screen for this evening. There were no comments and the resolution was read.

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 application was received on October 24, 2017 by the Secretary of the Planning Board for a Site Plan entitled Royal Car Wash, for the property located at 607 Rowley Road, tax map number 6.00-2-76.100.
2. It is the intent of the applicant to construct a 4,096 sf automated car wash, and to demolish the norther portion of the existing Cole and Parks building. The historic portion of the existing Cole and Parks building (approximately 2,011 square feet) will be preserved and utilized as office space.
3. As noted in a November 13, 2017 memo to the Planning Board from the Town Historian *“The Historian and the Historic Advisory Committee have already agreed to allow the demolition of the newer back portion of the Parks Homestead insuring the preservation of the original 1813 portion and the late 19th century addition.”*
4. So as to avoid a segmented environmental review, the Victor Town Board performed a coordinated SEQRA review pursuant to the State Environmental Quality Review Act for the rezoning and subsequent development of 607 Rowley Road, application number 5-RZ-17, from Commercial-Light Industrial to a Planned Development District, and the Planning Board concurred that the Victor Town Board would serve as Lead Agency.
5. The Victor Town Board issued a SEQRA Negative Declaration (Resolution No. 491) for the project on November 27, 2017, which was prepared in accordance with Article 8 of the Environmental Conservation Law of the State of New York and implemented under 6 N.Y.C.R.R. Part 617.
6. The Victor Town Board amended the zoning map and Chapter 211 (Zoning) of the Victor

Town Code, which created the Royal Car Wash at Cole and Parks Planned Development District by Resolution Number 492 on November 27, 2017.

7. A public hearing for the site plan application was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of 607 Rowley Road were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
8. The Planning Board held a public hearing on December 12, 2017 and January 9, 2018 at which time the public was permitted to speak on their application.
9. The Conservation Board reviewed the project on November 7, 2017 and November 21, 2017 and made comments concerning the various plantings proposed.
10. The Town of Victor Code Enforcement Officer reviewed the project December 11, 2017 and December 29, 2017 and stated all comments had been addressed.
11. The Town of Victor Fire Marshal did a Coordinated Fire Review on November 11, 2017 and on November 15, 2017 stated all comments had been addressed.
12. The Town of Victor Town Historian reviewed the project and made comments in a letter dated November 13, 2017.
13. The New York State Department of Parks, Recreation and Historic Preservation issued a letter dated July 25, 2017 in reference to the Royal Car Wash PDD Rezoning and Preliminary Development Plan that indicates “*Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation’s opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places*”.
14. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On December 13, 2017 Ontario County Planning Board retained application as a Class 1.
15. The sign package design remains to be submitted and reviewed by the Planning Board.

NOW, THEREFORE BE IT RESOLVED that the Planning Board hereby approves the demolition of the northern portion of the existing Cole and Parks structure only, as depicted on the Existing Conditions/Demolition Plan, Drawing C103, Dated October 2017, last revised December 22, 2017, with the understanding that the original 1813 portion of the building and late 19th century addition will be preserved; and BE IT FURTHER

RESOLVED, that the site plan application of the Daniele Family Companies, LLC, for Royal Car Wash, Site Plan entitled Royal Car Wash, drawn by Passero Associates, dated October 2017, received by the Planning Board October 24, 2017, last revised December 22, 2017, received December 22, 2017, Drawing No C101, Sheets 1 thru 9, Planning Board Application No. 43-SP-17, 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 December 6, 2017 from LaBella Associates be addressed.
3. That the comments in a letter dated December 28, 2017 from Zaretsky & Associates be addressed.
4. That comments from the Town of Victor Highway Department dated November 6, 2017 be addressed.
5. That comments from LaBella Assoc Architectural Review dated January 2, 2018 be addressed.
6. The building design plan shall be consistent with the architectural details as shown on the elevations, entitled Cole and Parks Building Plan dated January 16, 2018 and Royal Car Wash Exterior Elevations dated January 16, 2018 both received January 17, 2018 drawn by Passero Associates.
7. That the applicant provide a sign design package for review and subsequent action by the Planning Board prior to a sign permit being issued.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. That the applicant provide the Town of Victor with a copy of any NYSDOT Permit for any work to be completed within the NYSDOT right-of-way, including removal of trees and proposed plantings.
4. All screening shall be similar in material and color and integrate with the proposed building materials and subject to the review and approval of the Planning Board. This shall include but not be limited to mechanical equipment, dumpster enclosures, transformers, meters, or RPZ vaults.
5. That the applicant adheres to the Performance Bond requirements outlined in the Victor Town Board's Resolution number 492 of 2017.

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

DISCUSSION

Mr. Logan – Regarding the note about the permit from DOT to remove trees and proposed plantings. Do we have to define what trees you plan on taking down and replanting?

Mr. Jess Sudol from Passero – It was the one pine tree that was not in very great condition that your Landscape Architect recommended being removed and replaced.

Mr. Logan- Is that defined somewhere?

Mr. Sudol – It's on the site plan.

Mr. Logan – Okay, I just wanted to be clear that we're not clear cutting all of the trees. Thank you.

Discussion ended

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

Approved 4 Ayes, 0 Nays

WOODS AT VALENTOWN

High Point Dr

Owner – Woods at Valentown LLC

Acres – 106.32 w/Forest Park

Zoned – Planned Development District

BME Assoc on behalf of Woods at Valentown LLC are requesting to construct 294 units contained within 14 3-story apartment buildings. Applicant has acquired 5.38 acres from Conifer Village @ Eastview and is before the Town Board to request the 5.38 acres be rezoned to the Woods at Valentown Planned Development District. This is a carry over from the 1/9 mtg. At this meeting a recommendation to the Town Board will be discussed.

Mr. Joe Picciotti – I'm just following up from our last meeting. The Planning Board under the application that is before it, is charged with making a recommendation to the Town Board. There was a bit of confusion at the last meeting and that was my fault. I was mistaken as I indicated on the record that the Planning Board would be making a significance determination

under SEQR. That is actually not before this Board. There was a bit of initial confusion when the Lead Agency notice went out some time ago, actually before I was retained in this matter.

In any event as Mr. Eldred indicated on behalf of the applicant, the next step will be for the Planning Board to make recommendations and Findings in accordance with the Planned Development District regulations under the Town Code. In that regard, Wes Pettee from LaBella has drafted a resolution in draft form. I've revised it somewhat for the Planning Board to review. There are Findings to be made under the Code pursuant to the application and we were not able to provide that to the Planning Board before tonight. Our thought process was to go through that a little bit, I think Wes is prepared to go through the draft, it's not ready to be provided to the public or voted on tonight because the Board has not seen it before tonight but I presume we'll have that opportunity to review it at this meeting and prior to the next and we'll be able to take it up at that time.

The other thing that I'll say is I've passed out the draft resolution along with the resolution adopted by this Board in April 12, 2005 which was a similar resolution that was an act pursuant to the original rezoning application for this matter. The reason I did that is because there is reference in the current draft resolution to that previously. Wes does it make sense to go through that?

Mr. Pettee – Yes, thank you. The draft resolution before you, the first page before you outlines where we've been with the current application or petition that came before the Town Board. Then they made a subsequent submission October 2017 with a revised plan that included 294 apartment units in 14 3-story bldgs. At the very bottom of the first page, we're referencing the Planning Board's 2006 Rezoning Findings. It's probably worth while reading through those and then move on with the rest of the resolution.

We said, *WHEREAS the Planning Board's 2005 Rezoning Findings recommended that the rezoning be approved subject to the following* and there are 4 points.

1. That prior to rezoning the Town Board evaluate and balance the applicant's compliance with the Town's Corridor Overlay District Regulations and the need for relief therefrom.
2. That the Town Board determine and balance applicant's compliance with the Town's comprehensive plan.
3. That the Town Board require reasonable compliance with the Town architectural and design standards.
4. That the Town Board determine and balance applicant's compliance with the Valentown Historic Preservation District rules and objectives.

Since I've been working with the Victor Planning Board and we've gone through the Planned Development District rezoning process, we've gone through the 11 criteria that are found in the Zoning Code under Section 211-27 and the Planning Board has made Findings on each of those 11 criteria. It doesn't appear that the 2005 resolution specifically enumerated each of those 11 criteria, however, there was a discussion between Planning Board members during the public meeting of those 11 criteria. I think what we're looking for from the Planning Board at this point is a little bit of guidance on some of those points, to the extent possible. With my review of the

project, I've been able to articulate on some of these points specifically #3, 4, 8 and 9. I don't think we need to go through in detail but maybe the points that I haven't touch upon like #1 & 2. They are listed in the minutes that Joe P. has handed out.

Mr. Picciotti – If you take a look at the April 12, 2005 minutes. If you start on the first page, it starts the consideration of the application for the project and on the 4th page, it actually sets out the 11 criteria from the Planned Development District regulations that are to be considered by the Planning Board in making its recommendation or not for rezoning. In this case, the criteria are set out and each member provided their view of those. So that's the type of determination we'll be making. As Wes indicated he did call out for those. I would just say too, for the record, that given the minutes, it's clear that the Board did consider the factors back in 2005. The minutes are certainly adequate to do that but in this case we're going to propose a resolution that does that.

As you recall, you obviously went through the SEQR EAF Forms Part 1 & 2 and looked at a draft of 2 & 3. That exercise will certainly help the Board in terms of its review of these factors because some of the factors that you consider in the EAF Form are an issue with the criteria for the Planned Development District. You certainly see that as a benefit, that's recited in the draft resolution so one of the things that we say in the draft resolution is *the applicant provided extensive materials to us and the Planning Board reviewed those materials as well as going through the EAF Part 2 & 3 considering the impacts associated with it*. I know that it's a lot to review tonight and not having seen it before. I know that the Board Chair wanted to see this before tonight and I don't blame him. If there are questions that you have for Wes or me on those points, you can discuss them and I'll provide the questions back through Staff prior to the next meeting and we can make sure we're in good shape for the following meeting.

Chairman Santoro – Well, this is an awful lot to go through while everybody is waiting here for other projects. What's the Board's feeling on this? Do you want to review this at the next meeting?

Mr. Logan – I guess I would say review it in kind of an outline format in detail, look at the key things that we are being advised to key in on. Then go through it in more detail at the next meeting.

Mr. Picciotti – So I'll just quickly review the criteria under the Code without making those Findings tonight so that the Board can be thinking about those. Then discuss a little bit the proposed findings that are set out in the document before you in draft form.

If you look at the April 12, 2005 resolution again, they're set out there in some specificity.

1. *The need for the project*. How that applies in the amendment to the plan will be up for the Board's consideration.
2. *Reference to the Planned Development District regulations* and whether the plan is consistent.
3. *The extent to which the plan departs from the zoning regulations – permitted uses*.
4. *The characteristic of the neighborhood*
5. *The location of the buildings* including scaling, considerations.
6. *Provisions for pedestrians*

7. *Traffic circulation features within the site*
8. *Traffic at peak hours* and consideration of how those impacts are addressed.
9. *Provisions for storm, sanitary and solid waste disposal*
10. *Landscaping and signage*
11. *Meeting service demands* associated with use of the project and the impacts on the neighborhood and the area.

If you look at the draft resolution that's been prepared for you, that addresses the criteria and there are some proposed Findings in that regard. The first that is considered is under #3 *the extent to which the plan departs from zoning regulations*. Again, this is a little bit different because it's an amendment to an area that has already been rezoned. So there is a little bit of a different analysis that goes there. You're really comparing the amended plan as part of the May application as amended by the October 17th provision to the original plan that was recommended by this Board in 2005 and ultimately adopted by the Town Board.

The other Findings that Wes has set out deals with Criteria 4 which is *the existing character of the neighborhood* and how the project relates to that either beneficially or not. Again findings in that regard that are set out.

The ninth one is the provision for storm and sanitary sewer and solid waste disposal and other utilities. There are some specific Findings there that Wes has set out including relating to the pump stations and some of the other facilities and features.

Again, the idea would be for the Board to review the draft and then we would be proposing additional findings associated with those other criteria. But again, I think it would be helpful for all of you to look back and see what was done in 2005. If there are any questions that you have, but I think that gives us a good game plan going forward.

Mr. Doug Eldred – Thank you. I just wanted to say that typically, I'm sure we did it for this application, we do give our comments on those 11 criteria. I'm pretty sure that we did it for the additional area, I'm not so sure we did it for the overall because the overall was more of a text amendment. But we certainly would be glad to supply additional information. For example on the need for the project, I think we could give you some information along those lines. So if the Board is okay with it, we would provide that additional information and you could consider it.

Chairman Santoro – We look forward to it.

Mr. Eldred – Okay, Thank you.

The discussion ended at this time.

GULLACE PROJECT

995 Co Rd 9

App No 19-SP-17

Owner – Lynaugh Road Properties, LLC

Acres – 17.13

Zoned – Multiple Dwelling

Lynaugh Road Properties, LLC is requesting approval from the Town Planning Board for 69 for-sale condominium townhomes, within the Town of Victor. The townhomes are proposed to be a combination of 3 and 4 unit blocks for a total of 52 units on the eastern portion of the town lands and 17 units consisting of 3 and 4 unit blocks on the western portion of the town lands. The property is owned by Lynaugh Road Properties and is zoned Multiple Dwelling.

Mr. Alan Knauf – I talked to Mr. Picciotti and he sent me this memorandum on the traffic issue. It would be helpful if we got a little bit of clarification from your Traffic Consultant. The way I understood it, you're looking for us to put these new numbers for Lynaugh Rd in and re crank the level of service calculations. You're saying that we don't need new accident numbers but the one thing I was unclear on was we need new speed data. Is the Town doing a study or DOT?

Mr. Picciotti – Jennifer (Michniewicz) circulated the memo last Friday. The Board saw it at that time so the Board hasn't made a determination. She's made some recommendations but the Board hasn't.....

Mr. Knauf -I understand that but I guess I want some clarification on what you're looking for on the speed data and is the Town or DOT doing studies on this or use their data or are you saying we've gotta go out and collect the speed data?

Ms. Michniewicz – So this would be back on you. The original traffic impact study was done by Stantec and I believe they performed the speed study or whoever they worked with so it was on them. My issue is that we have speed data from 2013 and that's the crux of the traffic calming. So in order for the Board to make an accurate decision about the traffic calming situation, it would be good to have more information. Based on the 2016 traffic volumes on Lynaugh Rd being so much more than the 2013 volumes, other data could change so that's why I was suggesting that that be done.

Mr. Knauf – I understand that we can take the new traffic levels and Stantec can put it into the program and crank out new level of service results. But as far as the speed data, how long do they need to go out there, like a day or what is involved?

Ms. Michniewicz – It's just mounting like a radar detector on a sign, setting it up, letting it go, then they walk away and come back and then download the data, that's my understanding.

Mr. Knauf – Okay, so how long do they usually do that, a day or...(Yes) Okay, I just want an idea of what you're asking for.

Ms. Michniewicz – Similar to what they did in their original analysis. (Okay) In addition, the original analysis was right where the speed limit sign was and it's in the memo, having it being done at more than one location so you can see if this is just a situation where people are taking too long to slow down or are they speeding through the entire corridor.

Mr. Knauf – Okay, fine, I understand.

Chairman Santoro – Did you revisit the overflow parking issue?

Mr. Knauf – I guess I'd like to know what the Board thinks about that. Our thought was there's tons of parking and do we really want to be paving more greenspace for parking. We think we're in compliance and don't want to have a lot of parking lots, but if you want more pavement, I guess I'd like to find out.

Mr. Logan – Where do people park when they come to visit a friend, if they have a party for instance and you have 6 or 7 cars, are they parked on the streets?

Mr. Knauf – You're going to have 2 cars in the garage, then you can fit usually 4 in the driveway? At least 2 maybe 4. If you have a graduation party, I had a graduation party 2 years ago and maybe a lot of people come to the graduation party but people park...I think that's true with most people in Victor at their houses and subdivisions, if they have a graduation party, they're going to park on the street. I mean...but to put any big parking lots in seems bad for the environment frankly, but because somebody wants to have a party once a year or....

Mr. Logan - ...Well it's either that or they're parking on the sides of the streets on the grass that's there and rutting up things and all of that.

Mr. Knauf – Right which is far preferable for environment stormwater runoff then to start putting in big parking lots.

Mr. Logan – I don't think anyone was suggesting big parking lots, I think it was several overflow spaces next to each of the bldgs.

Chairman Santoro – What about the guy with the RV, it takes up the whole driveway.

Mr. Logan – The other issue I had was with this private drive (*labeled Common Private Drive on the site plan*) and you've got more than 3 units on that private drive because each one of these is considered a unit, correct? Each person will own that lot.

Mr. Knauf – I think it's just 3 units.

Mr. Logan – No, you've got 2 units here that also go off of that private drive. Then where do you put all of the parking when you have a party there because people can't get in and out, there's no space for people to do that. The driveways are curved, they are very difficult the way they are arranged. I have a real problem with that.

Mr. Cantwell – We acknowledge that the private drive that serves those units that front onto Church St, that that drive can only serve a maximum of 3 units based on the code. So the corner lot of the 4-plex unit would have to be a front entry onto the proposed dedicated road.

Mr. Logan – Well you've got 2 units that come out onto that driveway here.

Mr. Cantwell – So those would have to come out onto the dedicated road. The 3-plex lot would be served from that private drive.

Mr. Logan – I still don't see where you're going to put those driveways because you're forcing everything to this one spot. You need to look at it. I'm not suggesting solving it at this moment but it's an issue for me and I think that they would be the ones that would need extra parking in the area.

Mr. Cantwell – If I could just address the parking, all of the roads are proposed at dedicated roads,

Mr. Logan - Not that driveway.

Mr. Cantwell - Not that driveway but all of the roads within the project itself are dedicated roads. Each unit has as Alan indicated, 2 garage units and 2 spaces in the driveway at a minimum. So each unit has 4 parking spaces. To provide 90 degree parking spaces along that dedicated road could be done in a few locations but it is going to be a challenge from the standpoint of snow removal and the fact that those are dedicated roads. Is the Town going to want to maintain those parking spaces and clear the snow from those spaces?

Mr. Logan – I guess I would suggest that happens everywhere in Town where we do these kinds of developments where there are extra parking spaces. So that would be a question for the Town's Highway Dept. So Ernie would you pose that to Cathy to check with the Highway Dept?

Ms. Templar will reach out to the Superintendent of the Highway Dept.

Mr. Knauf – So can I ask, what does the Board want as far as the overflow parking? Do you want us to put in extra parking lots in case somebody has parties? I mean, is that...I mean is there another development that we should model it after?

Chairman Santoro – Well the code says that you're supposed to have....

Mr. Logan -is it 1/2 space per unit?

Chairman Santoro – 2 plus 1/2 space per unit.

Mr. Knauf – So we have 4 to 6 per unit.

Chairman Santoro – For overflow parking.

Mr. Logan – You have 2 outside, I don't know if you consider inside garages....

Mr. Knauf -Yea people are going to park inside the garages, so....

Mr. Logan -Yea most people but some people use them for storage.

Mr. Knauf – I don't have a garage, so I don't know!

Chairman Santoro – It's storage area because there are no basements.

Mr. Logan – I guess we're banking a lot on everybody using very efficiently those spaces and I don't know if that is realistic when you have a large group of people that may come to one spot, even 2 or 3 more cars. So the whole point is to have spaces that you're not parking in your neighbor's driveway or on the road between...I mean some of these units are so close you can't just park between units, you have to go down the street a little bit and if you're going to do that maybe that's the right place to put a couple of spaces between each unit so that there are some overflow.

Mr. Knauf – Okay, I mean is there any other multi family development or townhouse development that has that kind of thing that you think we could model it after for example?

Mr. Logan – The Drumlins maybe.

Chairman Santoro – Silverton Glen.

Mr. Knauf – We think we're meeting the requirement with the driveways but how many....

Mr. Logan – The requirement is for overflow parking, it's not just driveways. I guess our biggest concern is that you won't be able to fit into an individual unit without having some overflow accommodations. I'm not saying all 4 units are going to need overflow parking the same day but you've got to provide something. That would be my opinion.

Mr. Knauf – Okay

Chairman Santoro – We won't know until you present something.

Mr. Knauf – I guess I'd just like to know what the Board is looking for then.

Chairman Santoro – Whatever meets code.

Mr. Knauf – Okay well we think...you're saying we're wrong that we can't use...you're saying that we need 2.5 spots per unit? What are you saying, where are you coming from just so I know what requirement you want us to meet.

Chairman Santoro – This is just the overflow.

Mr. Knauf reads from the code book – *Townhouses, 2 spaces plus .5 per unit for overflow parking.* We think we have 4 to 6 per unit but you're saying that you're not going to count what's in the driveway, you want a parking lot.

Mr. Logan – You're calling it a parking lot, we're talking about parking spaces. Parking lot envisions like East View Mall or something.

Mr. Knauf – Well, I think that’s just as bad, but whatever. So you want another 30...in the past you’ve not allowed people to count in the driveways?

Mr. Logan – Generally, we look at overflow parking as beyond the driveway. (Okay)

Mr. Knauf – Okay. Then last time the Village brought up and apparently this has been an issue for 10 years but it really wasn’t conveyed that they would like the Village part separate without a drive thru to the Town part of it. So we were going to look at maybe altering that with a cul-de-sac and then we understand the setback issue. So we’re going to have to make an adjustment there. Is there any other issue?

Mr. Logan – Well, the number of units per building, on the west side especially. We talked about having 2 units. Right now you’re showing 4 on a couple of them at least.

Mr. Knauf – Right because the 2, we totally loose the density based on that. There respectfully to disagree, this is the way that it’s zoned. The question is, it meets code. The question here is....

Mr. Logan - ...The conversation has always been with the density is that when this was rezoned, there was nothing out there. All of the developments in the area and the consideration was not for what is “going” to be out there because normally you’re building and looking at what’s there and how it’s affecting what’s there. Anybody coming in the future to build would not then want to necessarily live with that higher density right next door. I’m not saying this very well but those bldgs are residential in size and the bldgs that you are proposing are 4 unit bldgs right next to single unit housing. I guess my biggest concern is they will dwarf, not in height but in size the bldgs next to it. So I thought it would be a reasonable consideration to have 2 unit bldgs adjacent to where the residential neighborhoods have been constructed since this was originally proposed back in the 80’s. That’s always been my concern about it.

Mr. Knauf – I understand. The Code Officer ruled that duplexes have quite a different interpretation on density.

Mr. Logan – And we’re free to consider that and provide a variance to allow you to do doubles on a triple or higher zoning I believe. Joe I don’t know if you can weigh in on this or not but I wouldn’t have a problem making them doubles if you would work that in because I think it’s a more appropriate sized building next to the houses in that area.

Chairman Santoro – Have you received Peter Weishaar’s letter received today? (No) *Chairman Santoro handed Mr. Knauf a copy of the letter that was received during the afternoon which was forwarded to BME.*

Mr. Cantwell – If I could just interject. On the original rezoning plan that was a condominium townhouse project, I don’t have the plan with me but there were attached townhouses on that western portion of that site that were, I believe, combination of 3 and 4 unit bldgs on that. We can certainly do the research and revisit that.

Mr. Logan – Are you talking about back in the 80's?

Mr. Cantwell – It 1985, yes.

Mr. Logan – But there was nothing else adjacent to it, that's my point. You could have 10 units of bldgs and have nothing next to it and now you're proposing something that's to fit into a neighborhood that's been....

Mr. Cantwell - ...I'm not exactly sure when the homes on Hillcrest were built.

Mr. Logan – On the one side perhaps but not the other side.

Mr. Cantwell – But there's also a vacant piece of property between this project and that parcel to the north. There's a single family home immediately to the north.

Mr. Logan – Well that's my perspective and my opinion.

Mr. Knauf – I understand. I mean our view is it's been zoned this way for 30 years...

Mr. Logan -Understood but things have changed since then.

Mr. Knauf – Right I think some of the people who built, they knew they were building next to a multi family and people bought houses knowing they're next to multi family.

Mr. Logan – But nobody knew that somebody might come along and could still be able to justify a building density of apartments. (I understand) You can go both ways. My perspective is, there's already houses there now, they're single family houses in the neighborhood and smaller bldgs would fit better than 3 and 4 units. In all of the time that we've been talking about this, it's been 2 units, 2 units, 2 units and then you came in with 4 and some 3. So I don't think personally that you've made the best effort to fit the neighborhood on that side of the street. (I understand) That's my position.

Mr. Knauf – Then the one other thing...so I think we're going to come in with a slightly revised plan to meet a couple of these things that were brought up like at the last meeting and all and the setback. The other issue that we had was the County Planning referral. I guess you looked into that. I guess if we redo the....

Ms. Kinsella - ...We didn't refer the application back down to the County because we didn't have updated plans to go with the response to comments. So that did not go back down from the Town as a re-referral. The County, my understanding, received that packet of information from BME directly, not from the Town. So until we have a revised plan to go with the updated response to comments, then we would re-refer it but until then we won't refer it.

Mr. Picciotti – I think the question may have been that it does appear that the County Planning at some point though got the traffic study, correct?

Ms. Kinsella – They did confirm that.

Mr. Picciotti – In fact they commented on the traffic study, did they not?

Ms. Kinsella – No, they have not commented on it.

Mr. Knauf – So you're saying the County Planning voted on it even though you didn't make the referral? I don't understand.

Ms. Kinsella – We referred it and they made their comments in August 2017 with a disapproval. Since then, we have not referred anything back down to the County as a formal application.

Mr. Picciotti – And it appears that the County Planning did have the traffic study in August of 2017.

Ms. Kinsella – They received it in November or December of 2017 when BME sent it directly to them. So the response to comments along with the updated traffic information was sent directly to the County by BME, not by the Town of Victor.

Mr. Knauf – So basically there was a referral in August for whatever reason, I mean the traffic study you had and I think the County had them too really, I don't really understand what happened but for whatever reason, the County acted without the traffic studies that they should have had. But that may all be mute because if we redo the plan, then I think maybe we can re-refer it to the County and make sure they got all of the studies so that it's all in front of them because they originally approved it in November or whatever in 2016, they approved basically the same plan and then in 2017 they disapproved it because they said they didn't have the traffic information which didn't really make sense to us. But if we could remedy that by giving them all of the information then.....

Chairman Santoro – We can't speak for the County.

Mr. Knauf – Right but we can make sure that the Town refers the whole package including all of the traffic studies, whatever....

Chairman Santoro -As soon as they have it.

Mr. Knauf – Right, so what we're going to do, I guess we're going to submit a revised plan, slightly, not much different and maybe put it off for 2 weeks....

Chairman Santoro – I think that we've said these bldgs are too big so keep that in mind when you revise your plan.

Mr. Knauf – What do you mean, too many units or what do you mean. I understand Mr. Logan's point that he'd like the idea of duplexes on the west side of the road. But I don't think the units are terribly big, I mean each unit...

Mr. Logan - ...I was looking at the Drumlins, they have side street extra spaces for parking and they have duplex units now because that's what Steve (Mancini) feels he could sell and they're modest in size and you don't have twin units that are more than 1500 to 1900 sf it looks like each unit side by side. I don't know what yours are but if you're looking at 3 and 4 unit bldgs, that's significantly larger than all of the residential bldgs and houses which are maybe 2,000 sf on Hillcrest and the other side they might be 2500 sf or there might be a bigger one in there but they are all single family housing property adjacent to that west side of the parcel.

Mr. Knauf – Alright, well we're trying to fit the zoning and it's multi family but I understand.

Chairman Santoro asked the Mr. Gallina for comments.

Mr. Gallina – No, I certainly support all of the comments that Joe's (Logan) made.

Mr. Knauf – So I guess we'd ask that it be put off to the February 27th meeting and that would give us time to put something in and review it and maybe we can get the County Planning. Thank you very much.

The County schedule was discussed. The County would need application by March 1st for their March 14th meeting.

Ms. Michniewicz – Just to circle back on that speed study, I went back and looked to find out what the original study included. It started at Tuesday at 1:30 in the afternoon and went through Wednesday to 9:30 at night. So it's a day and a half of data.

Mr. Knauf – They park the equipment and then come back. It's not like somebody standing there. Alright, thank you very much.

Someone from the audience asked to comment. Chairman Santoro stated that the public comment period had been closed for some time but asked for public comments that have not been stated before.

Ms. Julie Doyle from 37 Hillcrest – This is more in regards to Attorney Weishaar's letter. I just wanted to note and I don't think it's ever been said before, it seems like there's a two stage hurdle for the developer to get over. First is the compliance with the zoning, setbacks and all of that. The second is Section 211-31 which is the site plan review and that lists 15 different items which I won't read but there are things like screening, fire protection and anything else that would affect the Town. Though the developer may meet the requirement for zoning, I think it's the Board's job to do the requirements in 211-31. So even if the site plan does technically fit with the zoning requirements, there are other factors that the Board can consider in approving this.

The only other thing I was going to say is Attorney Weishaar's letter brought up that condominiums are not defined in the Victor code. We have no idea what condominiums are, the density requirements, don't know townhouses, density, Zoning Board of Appeals did determine a townhouse requirement, it didn't talk about condominiums at all. I don't know if there are tax implications. I mean the only silver lining in this project really for the current residents is that

we actually get some money out of this project which would be great. But I don't know if there are differences in taxes so that might be a consideration also to look at, the difference between a townhome project and a condo project.

The other thing that Attorney Weishaar brought up was (*Chairman Santoro stated that the Board had his letter*) so the lateral offset requirements were something that I don't think have been complied with in this plan.

Chairman Santoro – We just received the letter today and I just handed it to Mr. Knauf tonight.

Ms. Doyle – Okay. Then the only other thing that I wanted to point out was the rendering, the artist rendering has it as a very nice looking 2 garages and then 1 on the side. There's no room for that in this plan. They would all have to be front garages.

Chairman Santoro – That is something that we would have to look at and review.

Ms. Doyle – Right, that would have to be something to consider and these units, I sat down and measured them all, they are all between 1500 – 1700 sf and the developer is saying they're going to sell them for \$300,000 but that was based on a 2,000 sf unit. We've never seen any type of floor plan or anything like that. So I think it would be great if the Board could ask for those things before this is approved and my only suggestion would be the only way to fix this issue would be to take some units out. Thank you

Ms. Ruba Mason from 120 Church Street – Thank you so much Mr. Logan for pointing out about the 2 units. All of a sudden after all of these years we hear this and this is amazing and if you are ever passing by Church Street and Lynaugh where that cross road is, stop for 3 seconds and imagine all of those crazy bldgs there. Thank you

Mr. Dave Hahn from 6795 Ally Rise – I just wanted to correct something that Mr. Knauf and Mr. Cantwell referred to, the property on the west side as an empty lot. I'm fairly certain that they are wrong because that's my property. Maybe they consider their back yards as empty lots. They're referring to the fact they have to go by code, back in 2013 the west side was 7 single family homes and it was to be annexed into the Village. It can be done and that's 100% single family homes that surrounds that. That's right where I live. Where those big giant 10,000 sf bldgs ends, my yard begins. That can be done, it was done in 2013. Even back then it was pretty much a unanimous thought that 7 single family homes was a little much and that was single family homes.

Chairman Santoro – Well we haven't seen their revised plan yet so who knows.

Mr. Hahn – Well they're still going to go with multi family. It's single family that belong on the west side. I just wanted to correct that empty lot situation. Thank you

The discussion ended at this point.

OMNITECH LOT AR-3B

7670 Omnitech Place

Appl No 44-SP-17

Owner – MCA Group LLC

Acres – 8.40 Zoned – Light Industrial

SBL # 15.01-1-71.000

BME Assoc on behalf of MCA Group LLC are requesting site plan review and approval to construct in 2 phases a +/- 44,400 sf single story building with associated parking and utility improvements. The site consists of 8.40 acres and is zoned Light Industrial. This is a carry over from the 1/9 mtg.

Mr. Andrew Spencer with BME Assoc addressed the Board.

Mr. Spencer – If you recall, the last meeting we gave a brief overview of the project, you closed the public hearing and we were awaiting our time at Ontario County Planning Board which we did go down and meet with them. They did review the project and came back with a response letter. One thing that I wanted to note, the one comment that they had, we believe and I did double check with both Codes and with Kim (Kinsella), there's nothing in the Town of Victor Code stating that there has to be 30% shade coverage on a parking lot. We'll still track that down but I don't believe that actually occurs within this Town's Code.

Secondarily we did receive an updated letter from the Consolidated Fire District, they were asking for another fire hydrant on the project which we will be providing on the western side of the building. We neglected to put that in in our first go around, so we will be doing that. We did provide responses the last time and we don't have much more to update you on. So with that I'll answer any questions that you may have.

Chairman Santoro – Have you had any further conversations with Parks & Rec?

Mr. Spencer – I don't know if Mr. Medick has had those conversations. We are willing to give an easement on this particular property at this point in time but I will confer with Mr. Mendick to have that conversation about the easterly trail, yes.

Mr. Gallina and Mr. Seiter had no questions.

Mr. Logan – It's news to me about the required shade in parking lots. I've never heard that or talked about it in any development that I can remember.

Ms. Kinsella stated that was a requirement in Farmington.

There were no other comments and the resolution was read.

RESOLUTION

On motion made by Al Gallina, seconded by Rich Seiter

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

1. A site plan application by MCA Group was received on December 5, 2017 by the Secretary of the Planning Board for a Site Plan entitled Omnitech Business Park, Lot AR-3B.
2. It is the intent of the applicant to construct a two phase +/- 44, 400 sf single story building with associated parking and utility improvements at 7670 Omnitech Place, Tax Map Number 15.01-1-71.000.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the project parcel were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on January 9, 2018 at which time the public was permitted to speak on the site plan application filed by MCA Group.
5. The Town of Victor Planning Board adopted SEQRA Findings for the overall Omnitech development on April 29, 1998, which anticipated construction of 270,000 square feet in multiple buildings on multiple parcels, and the current application fits within the envelope of the SEQRA Findings.
6. The Conservation Board reviewed the project on December 19, 2017 and made comments regarding the NWI wetlands on the parcel.
7. The Town of Victor Parks & Recreation along with the Victor Hiking Trails reviewed the project January 3, 2018 requesting a trail easement.
8. The Town of Victor Highway Dept reviewed the project December 20, 2017 and has no concerns at this time.
9. The application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On January 10, 2018 Ontario County Planning Board retained application as a Class 1 and returned with comments
10. Zaretsky & Associates reviewed the landscaping and stated January 8, 2018 that there were no further comments.
12. Labella Associates architectural review indicated on January 8, 2018 that there were no further comments.
13. LaBella Associates engineering review letter dated January 3, 2018 indicates technical items remain to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of MCA Group, Site Plan entitled Omnitech Business Park Lot AR-3B, drawn by BME Associates dated December 2017, received by the Planning Board December 5, 2017, Planning Board Application No. 44-SP-17, 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 January 3, 2018 from LaBella Associates be addressed.
3. That comments from the Coordinated Fire Service Site Plan Review dated December 18, 2017 be addressed.
4. That comments from Code Enforcement Officer, dated December 13, 2017 be addressed.
5. That comments from Town of Farmington Water & Sewer dated December 21, 2017 be addressed.
6. That a trail easement be depicted on Lot AR-3B per Planning Board discussion dated January 9, 2018.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town.
3. 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.

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

Rich Seiter Aye

Approved 4 Ayes, 0 Nays

The discussions ended at this time.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 8:05 PM.

Cathy Templar, Secretary