

A regular meeting of the Town of Victor Planning Board was held on February 13, 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: Joe Logan, Vice Chairman; Heather Zollo, Al Gallina, Rich Seiter

ABSENT: Ernie Santoro, Chairman;

OTHERS: Wes Pettee, Town Engineer Consultant; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Councilman Dave Tantillo, Town Board Liaison; Kate Crowley, Conservation Board; David Nankin, Lee Wagar, Douglas Fisher, Matthew Oates, Edwin Rueda, Fred Rainaldi, Doug Eldred

Mr. Logan made announcements. Due to Chairman Santoro being absent, Mr. Logan will be acting Chairman this evening.

CORRESPONDENCE RECEIVED

- Douglas Fisher re: Woods @ Valentown

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Rich Seiter

RESOLVED that the minutes of January 9, 2018 be approved.

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

Approved 4 Ayes, 0 Nays

On motion of Rich Seiter, seconded by Al Gallina

RESOLVED that the minutes of January 23, 2018 be approved.

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

Approved 3 Ayes, 0 Nays

BOARDS & COMMITTEE UPDATES

TOWN BOARD reported by Councilman Tantillo

- February 12, 2018 meeting
 - No updates on the Route 96 Corridor project at this time.
 - A discussion took place regarding the punch cards from the Transfer Station. Many residents were upset that there was a 1 year date on the cards and several residents weren't able to use them all. When they showed in January were told they needed to purchase new cards. The Town Board after deliberating are considering other options (extending to a 2 year card or have an open date). The Board decided to have a public hearing on amending the current punch card process. A resolution will be brought forward to set the public hearing at the next meeting, then the following meeting the public hearing will take place. Looking for more input.

Mr. Logan stated he would like to have it open ended. When you use it up, you'd buy another one. You don't know how much you're going to have every year.

- At 6:00 last night there was a Highway Garage Workshop to discuss the need for a new location and to get the 3 new Town Board members up to speed with regards to previous proposals for a new Highway Garage. The current garage is being outgrown. Need a new location and to not have lease payments for the Courts or the Parks & Rec Building. So are looking for a new location for Highway Garage, Transfer Station, Courts, Parks & Rec.
 - Asked Highway employees to look as they are driving around the Town for a good location.
 - Asking for any suggestions

Mr. Logan – Has there been any discussion about consolidating services with the Village regarding things like the Highway Depts. so that you could have one campus for the whole town?

Councilman Tantillo – We can bring that up at the next Town Board meeting and/or the next workshop. Actually we'd like to make sure someone from the Village is there to be part of that conversation. You're right with the Governor being all about shared services, anytime you can have municipalities sharing whether it's the Village or the Town of Victor, it could be shared services or sharing a Parks & Rec facility with the Town of Farmington and the Town of Victor since we share the same school district, sewage, water, ambulance, food cupboard, etc. I'll share that with the group.

No Conservation Board, Historic Advisory Committee had any comments.

PLANNING BOARD reported by Kim Kinsella

- February 27, 2018 meeting
 - Salsburg Subdivision at 1169 Cork Road – 3 lot subdivision
 - Public Hearings
 - Auction Direct at 6600 Route 96 – staging area for incoming vehicles
 - 179 Miles Cutting Lane – addition to existing house located in the LDD
 - Sprint Antenna Modification – 701 High St

MISC ITEM**PI PIZZA – Fence**

400-441 Commerce Dr

Appl No 41-SP-17

Owner – Main Street Stop LLC

Acres – 94.46 Zoned – Commercial

SBL # 6.04-1-78.000

Benderson Development Company, LLC received conditional approval for Pi Pizza and the outdoor patio located in the Chipotle building in the Victor Crossing Plaza at the 12/12 Planning Board mtg. Applicant was requested to provide detail of fence utilized on the patio and is returning this evening for a decision on the fence.

Mr. Matthew Oates with Benderson Development addressed the Board.

Mr. Oates – We did receive conditional approval in regards to the Pi Pizza patio with the condition to come back and show the Board what we are proposing for the railing. What we are proposing is a decorative steel railing. They are 2” steel that does actually get anchored down to a concrete foundation, it’s not one that just gets screwed on the top of the patio. So there is a concrete foundation as part of it. It’s approximately 6 ft off of the edge of pavement with a curb there as well. We think it will be black and the look of it will complement the architecture of the building. Does the Board have any questions?

Mr. Logan – That is pretty straight forward. The only question that I had is I noticed that you moved the dumpster back to the building.

Mr. Oates – We did yes. After having the discussion with Board and looking at it, it did seem like a better spot just to keep it where it was.

Mr. Logan – The architecture of that generally should be matching the building and I was wondering if you had that described on your application at all.

Mr. Oates – No, that is just the existing enclosure that’s there now, we’re not going to be touching it.

Mr. Logan – So you’re just using what is there. You’re not doing any upgrades.

Mr. Oates – We’re not going to be making any changes to it.

Mr. Logan – Thank you and I appreciate you putting that together for us.

There were no other questions and the resolution was read.

RESOLUTION

On motion made by Al Gallina, seconded by Rich Seiter

WHEREAS, On December 12, 2017, the Planning Board approved the Victor Crossing site plan modification for Pi Pizza with condition #4 of the approval resolution stating the applicant provides detail of fence utilized on Patio for Planning Board approval; and

WHEREAS on February 1, 2018, the Planning Board Secretary received the requested fence detail dated January 24, 2018;

NOW, THEREFORE BE IT RESOLVED that the fence detail provided by James Allen Rumsey Architect prepared for Benderson Development Company, LLC entitled Victor Crossing Proposed Pi Craft Pizza Floor Plan, Ceiling Plan, & Elevations, Drawing #A1.0 dated January 24, 2018, received by the Planning Board Secretary February 1, 2018, BE APPROVED.

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

Approved 3 Ayes, 1 Nays

EASTGATE SQUARE ADDITION

10-60- Square Dr

Appl No 23-SP-17

Owner – MSF Eastgate-1, LLC

Acres – 24.20 Zoned – Planned Development District

SBL # 1.02-1-1.000

Benderson Development Company, LLC received conditional approval for the construction of a 10,000 sf retail addition to the west side of the existing Bed Bath & Beyond tenant space at the 12/12 Planning Board meeting. Applicant was requested to return with revised elevations for this addition and is returning this evening for a decision on those elevations.

Matthew Oates from Benderson Development addressed the Board.

Mr. Oates – We were asked to take Elevation A which is on the top and Elevation C and merge them (referring to sample board provided). This is the elevation that we are proposing. What we did was to take the brick on the top and continue it through this band while keeping the actual height of that in the elevation and coming around the angle corner as opposed to the larger element continuing to carry around before which was the direction that we had received at the previous meeting. If the Board has any questions or comments, we think it is a good look to complement the architecture of the existing building.

Mr. Logan – I think it does break up the character of that side better. On the center door, the corner door elevation, it looks like there is brick on one of your elevations and EFIS on the other over the double doors. Is going to be brick or EFIS?

Mr. Logan pointed out the location he was referring to.

Mr. Oates – I guess I'd ask which one does the Board prefer?

Mr. Logan – I honestly like the brick but I'm not sure about the rest of the Board.

Mr. Oates – Whichever one the Board would like.

Ms. Zollo – So the one with the EFIS you can tell it's angled. The one with the brick, is that the same angle?

Mr. Oates – Yes, it's just looking at it from the front and one is looking at from the side. Looking at it from the front, it does provide a little bit different character at the corner and carries through this look. If you're just looking at it from the side, you'd just see the brick carrying through. It's almost of a decorative tower idea on this corner to kind of break up that larger EFIS mass.

Mr. Seiter – What about signage?

Mr. Oates – We don't have signage proposed yet for the building.

Mr. Logan – Where would you propose them?

Mr. Oates – The signage would be in the sign band, 2 locations depending on who our tenant would be.

Mr. Logan – So facing one road or the other.

Mr. Oates – Correct depending on the tenant. It all depends on the tenant and their architect and how it fits in with the building and with the Town sign code as well.

Ms. Zollo preferred the brick and Mr. Gallina and Mr. Seiter also preferred the brick.

RESOLUTION

On motion made by Al Gallina, seconded by Rich Seiter

WHEREAS, on December 12, 2017, the Planning Board approved the Eastgate Square addition (BPD#2110) with condition #7 stating the applicant shall provide revised building elevations which blends Options A and C that were provided; and

WHEREAS on January 19, 2018, the Planning Board Secretary received the requested building elevations blending Options A and C.

NOW, THEREFORE BE IT RESOLVED that the revised building elevations prepared for Benderson Development entitled Eastgate Square received January 19, 2018 BE APPROVED as modified during the February 13, 2018 Planning Board meeting discussion WITH THE FOLLOWING CONDITION;

That the comments from the Codes Dept dated February 12, 2018 be addressed.

Ernie Santoro

Absent

Joe Logan	Aye
Heather Zollo	Nay
Al Gallina	Aye
Rich Seiter	Aye

Approved 3 Ayes, 1 Nay

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 a Planned Development District modification. This is a carry over from the 1/23 mtg. At this meeting a draft recommendation to be forwarded to the Town Board will be discussed.

Doug Eldred from BME and applicant Fred Rainaldi, Jr addressed the Board.

Mr. Logan – We are going to have a discussion regarding the 11 points for the Business Park Planned Development District amendment. With that, I'm going to ask Wes Pettee and Joe Picciotti to read through the discussion in terms of each element of those points. *Mr. Logan read off the material that was in the Board members packet that pertains to this application.*

Mr. Eldred – Good evening. I received the draft today of the proposed resolution. I think it was mostly prepared before I sent out my suggestions on those items. I talked to Wes and Joe P today a little bit about whether or not the Board would want to consider adding in some of this stuff that I wrote into your resolution just to kind of bolster it or not. That is entirely up to you but I thought there might be some information that I provided in particularly in something like *Project Need* that might be a little more appropriate to enhance what Wes had written that he didn't have before he did his resolution. With that, certainly it's your show, so to speak, I could either comment on each section as you go along or you could ask me questions. Whichever way you want to do it Joe.

Mr. Logan – We're pretty good with rolling with this in either direction depending how the conversation goes. But I'll give Wes and Joe P the opportunity to introduce the approach.

Mr. Pettee – If I could, I'll just back up a little bit to make sure the public understands where we are and we have a new Planning Board member. What we have before us is an application or petition for a rezoning. The Town Board, not this Board, the Town Board is responsible for amending the zoning. So we don't have the jurisdiction to do that here. But as part of our review, the Town Board requires that the Planning Board review and provide a recommendation and that's what this Board is doing. We have a draft recommendation in front of us. The Planning Board will *not* be taking action on this tonight. Tonight it's more of a discussion as Joe had stated earlier. We want to be sure that the information that is contained within this draft recommendation is truly the feeling and findings of the Planning Board and not necessarily the Planning Board's Consultant or

the applicant. I think what we have drafted and probably what the applicant has provided subsequent to what the Planning Board has in front of them, there may be some good information there that we can wrap into this draft.

As part of this recommendation, there are 11 criteria by which the Planning Board would need to make some findings and each of them are spelled out in the draft resolution. I think unless somebody has a specific comment right up front on a particular item, it would be worth while reading through points 1 thru 11. I don't know that we need to read all of the WHEREAS information at this point unless the Town Council feels otherwise. I think if we start off with Point #1 and see if we're heading in the right direction with this draft or if you have suggestions or things that you want to take out, we're open to the Planning Board's thoughts.

Mr. Picciotti – I would quickly add and follow up on what Doug's statements were, what Wes said is exactly right. This really is a working draft which is to say there are some items in here that would amount to recommendations if that's what the Board decides to do. There are also other items where Wes and I raised issues for the Board to think about because while the criteria is clear under the Code, how it applies here may not be as clear.

The other thing that I just want to keep reminding the Board, in terms of any comments that we receive, Mr. Fisher's comments or those from the applicant will all be taken into consideration. But the one thing that we have to consider or keep in mind is that this is an amendment to a pre-existing Planned Development District. One of the things that was passed out is a copy of the Code which is currently in effect which specifically contemplates and authorizes the Planned Development District that's there now as it relates to High Point Business Park Plan Development District.

In looking at the criteria, it's just something to keep in mind for the Board that you need to look at that criteria as it relates to the existing Planned Development District. We're not creating a new Planned Development District you're amending one that's there. That's just something to keep in mind and agree to Wes' approach in terms of reading through the points if that's what the Board would like to do.

Mr. Logan stated that the draft document will be on the power point screen for the public to follow along. Mr. Logan also stated that this was not a public hearing but at the end of the meeting the Board would take comments on whatever is on the agenda but to keep it short.

Mr. Pettee starts the discussion:

1. The need for the proposed development associated with the Amended Plan. Section 211-27 (D)(1) (c) (1)

The Town's 2015 Comprehensive Plan found that with regard to growth in the form of single family home subdivisions in the past, "market dynamics within Victor have recently shifted to favor more dense residential forms such as apartments, townhouses and patio homes. Despite this change, there is no evidence suggesting a long-term decrease in the demand for residential development within Victor" (Page 4.6, Existing Conditions). Chapter 4 of the Town's 2015 Comprehensive Plan also discusses the anticipated build-out that has become regarded as an important benchmark (Page 4.15, Anticipated Build-out Benchmark). The Applicant has not proposed any offsets so that the overall population anticipated at build out within the Town would not increase. The need for the Amended Plan is based on the Applicant's assertion of a growing market demand for residential apartments in close proximity to commercial centers and workplace locales. This Amended Plan would fulfill the apparent

need for apartment style housing.

Mr. Pettee - We're looking for your feedback. If this is sufficient or if you feel there is more information needed. This is also a point where I think the applicant's engineer has provided some additional language in an email from this past Friday where if you felt it would be beneficial, we could look at that or not.

Mr. Picciotti – I'll summarize that very quickly in terms of the applicant's position that there is in addition to what's observed to the Comp Plan, the applicant's observation based upon its development in the area is that there's a demand associated with this type of housing proposed by the amended plan in terms of apartments related to the office uses and the commercial uses in the area. I think that's somewhat of an expansion of what's there. It's also something again for the Board to take in all of these things but based on its own experience and not observations to make that determination.

Ms. Zollo – Do we have some kind of statistics that would support that statement that there's an apparent need for apartment style housing?

Mr. Logan – I don't, does the developer? I assume that Fred and Doug, you both have presented before the Board that this is a need that you feel strongly about. So I would assume you'd be able to or have some data that represents that need.

Mr. Rainaldi – This is a dynamic question because it's very important, not just in my opinion but it's been chronicled and identified by the Ontario County IDA as a...when you look at the Town of Victor and it's responsibility within Ontario County and Greater Rochester, Victor enjoys very many things that some of the other surrounding townships don't. One of the things that has been most impressive to watch is the County and the Town's commitment to adopting technology, technology infrastructure, the fiber ring....

Ms. Zollo -I just want a number.

Mr. Rainaldi – So there does not exist in the Town of Victor or Ontario County an apartment product of this classification. This is a highly sophisticated technology advanced high end product. The purpose for this installment, the application at High Point is not only to service the features identified in the Comp Plan but it is a product that specifically counters the mass attrition of our highly educated youth because they can't find this style of living within the township, within the county and there's very few places within the City of Rochester that offers the same features. Victor has incredible enterprise, incredible community and it has a highly sophisticated regional dynamic that allows for all of these things to be successful. This product classification represents an incredible void within the immediate market, the immediate trade area and the secondary ----- ---. There literally does not exist a produce classification of this style.

Mr. Logan – Fred can you tell me if Constellation or Coopervision have they been looking for this type of housing for their employees or has a future possible tenant for Building 300? Have you been talking to someone about that building and have they said where can we put our people, where can our people live?

Mr. Rainaldi – Sure, so that represents an element. The absorption of on site tenancy will be a portion of what we're servicing. We're not just servicing on site tenancy but to that point, the

direction and actually it's written a lot in the verbiage with regards to the support from IDA and the County and part of our County Planning ---, they were so supportive and excited about the product that they wanted the office tenant to be of a headquarter nature, a primary home base. So those elements often come with having a higher hierarchy of the businesses structure there. So CEOs or CFOs or Regional District Mgr.....so that comes with a lot of transient employees or auditors and things like that. Constellation has over 200 people that travel from all over the world that visit that Building 100 at 207 High Pont Drive. Coopervision, same thing. Solayo is in Building 200, incredible technology company. They are national and international brands and they grade participation from outside of the market.

Mr. Logan – So Fred, not to belabor this one, if you say transient, does that mean they're here for a year or two and then they move on?

Mr. Rainaldi – So they come in and they might be auditing for a month or a year or 2 years. They might be educated in a dept. What we found in our interior design that we've been creating are these hotel hubs, they call them within the space. They're basically universal portal installations where they can connect with their laptop computer or otherwise and they have kind of standardized...

Mr. Logan -.....In these apartments? (Yes) So you'd rent for a month or two and not....

Mr. Rainaldi -....No, I'm saying that's in the actual office bldgs. We would expect that the businesses rent units for a year or years or longer and they control the utilization, that would be beyond my purview. If one of the tenants of the office park rented an apartment, the utilization of that would be under their control whether that person was there for a month, a year or 2 years, we would have no interface with that.

Mr. Logan - How much of a percentage of all those rental units would you say might happen that way?

Mr. Rainaldi – I would guess less than one-third.

Mr. Logan - I was thinking 10%!

Mr. Gallina – My whole concern; first it's the increase density and then the proposition is apartments, I get that there's likely a need for apartments. My concern, my reservation is “high end” apartments. Often the types of jobs that you're eluding to aren't people that can afford \$2,000 to \$3,000 a month rent. Again, I just have a hard time believing that there is a pent up demand in this area for that quantity of high end apartments. If there is something that could support that, testimonials from companies that say we would love to sign long term leases for 50 or 100 of these. Just something that demonstrates that there is actually a market need for high end apartments at that quantity to support this.

Mr. Rainaldi – Just to respond to that; first of all this residential product just like our office product and our retail, the high end is because that's what Fred, Fred and Rick have decided to install there. We absorb almost 99% of the premium. So they're receiving a luxury product for an at market rental rate.

Mr. Gallina – What would an “at market rental rate” be?

Mr. Rainaldi – They are going to average \$150 to \$185. So \$165 per square foot monthly.

Mr. Gallina – So just do the math for me. How much per month per apartment?

Mr. Rainaldi – So less than \$2,000 per month for an apartment.

Mr. Gallina – That's not insignificant in Ontario County.

Mr. Rainaldi – But that is...I'm creating averages here. The units will have a mix of single and 2 bedroom so they are according to...I'll supply market studies that we've used for proof of concept. But the practical application and an element that's really important for the Board to take away today is that the Constellation building, the adaptive reuse of the Bonesteel House, the Northface Building, those tenants are not paying the rents that reflect the quality of that construction. We love those bldgs. We love the site so we're spending our money to pay for them, wash the structure by which that's underwritten, and we're introducing...I have to compete with the entire market. In fact my Class A office project, I'm competing with flex space. I'm competing with every product so my competitive advantage had better be my quality, my management, and the overall composition of this whole site, this whole ego system. That's why people love being there.

Mr. Gallina – So I guess ultimately to try to keep this moving, what I would need is something to substantiate the need. That's what this whole paragraph is around, the need.

Mr. Eldred – If I could just add a small amount here. If you look at what we've provided, starting under *Project Need*, what we're explaining here is that this product is simply not available.

Mr. Gallina – And there may be a reason for that because there's not a demand. There's two ways to look at that.

Mr. Eldred – But the importance of that is you have a Class A office which begs to have a complimentary type of product for residential. Then we go into the thing about the changing of the demographics and the 2 family, single family, young executives and so on.....

Mr. Gallina -It all sounds good, it reads like a nice novel. The question is where are the facts that support it? That's what I'm looking for. I'm not disputing what you're saying but I could write almost anything that I want to so, is there any evidence that support those hypothesis?

Mr. Eldred – Okay, the only point that I really wanted to make is this product is not available. There are other apartments labeled luxury but by comparison, there is not.

Mr. Gallina – But there is economics, supply and demand. If there is no demand, often there is not supply.

Mr. Eldred – I'm not disputing what you are saying and asking for. I'm just saying that this product, this quality is not available.

Mr. Gallina – I would not dispute that.

Mr. Logan – So your take away Doug is that we're looking for some studies from the industries, whether it's real estate or....

Mr. Gallina -or market study. Something that says that we have this pent up demand for luxury apartments in Ontario County.

Mr. Logan – Doug can you tell me if there is anything like this within 50 miles?

Mr. Eldred – There is nothing, I don't think unless you go down in the City, that's my opinion.

Mr. Logan – Like in NYC? Would this rank as the highest rent district of any place within 50 miles?

Mr. Rainaldi – That's the point I was trying to make. This isn't the highest rent.....

Mr. Logan – You have to make money on it, right?

Mr. Rainaldi – Well we do but that's the thing that I'm looking for just a little bit of credit for from this Board. I agree with you if I can't balance the economics, then I don't have a project. I have between my Father, Rick and myself over 50 years of proving that we're good at balancing economics. This is a legacy project, I don't need to pull the profit out of it. Everybody's throwing up apartments left and right because they'll take them, they'll buy them and then they'll sell them. We don't do that. My Father loves this project so much, I can't believe it, I couldn't hypnotize him to walk away from this! This product classification will be unmatched. It will not be the most expensive. We're very conservative. We benefit because it's a beautiful piece of land. We benefit because we have the ability to build beautiful Italian and French Country houses on there that are going to live as multi unit apartments. We benefit because one of the pedestals for the fiber ring sits right at the base of the hill that I can defuse all of that technology into these spaces and we benefit because of the beautiful landscaping around there.

So the quality of life from the outside is unmatched. Underground parking, beautiful clubhouse, the shops and services. We have 2 new restaurants and 5 new businesses coming to the retail portions. When you look at adopting or subscribing to an ego system that truly has everything, we're going to literally have everything for that user and not just for the residential and not just the office tenants or the retail, 80% of this is available to the community. The hiking trails, the clubhouse, all the services, the standup paddle board yoga, you can

Mr. Gallina –Fred, I'm just trying to keep this going...that all sounds great, we're just trying to be able to document evidence that says there is a documented need in the community.

Mr. Rainaldi – And I have that.

Mr. Pettee continues.

2. In what respects the Amended Plan is or is not consistent with the stated purposes of the Planned Development District. Section 211-27 (D)(1) (c) (2).

Section 211-27, A of the Victor Town Code concerning general planned development district requirements states:

The purpose of this district is to provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use or a satisfactory combination of these uses in an economic and compatible manner while encouraging the utilization of innovative planning and design concepts in the areas without departing from the spirit and intent of these zoning regulations.

Section 211-27.4 of the Victor Town Code Provides the current approved plan for the High Point PDD, including the High Point Business Park Homeowners Association allows among others the following uses:

- (a) Single-family dwellings'*
- (b) Two-family dwellings – Two family dwellings include duplex units and semi-attached, single-family dwellings*
- (c) Multiple dwellings – Multiple dwellings include, but are not limited to, two- and three-family shared-wall residential bldgs such as townhomes*

The Applicant asserts, the Amended Plan provides an alternative to single family housing within close proximity to commercial and business areas. The Town Board previously allowed for residential use within the existing PDD associated with High Point so the use insofar as concerns residential development is not proposed to change. The Amended Plan expands the uses associated with the High Point Business Park and provides a mixed use development that would meet what the Applicant contends is demand for higher density housing than what is offered throughout the majority of the town.

Mr. Logan – So Wes read several of them about the Multiple Dwellings. I didn't see apartments in there or rented units. I see ownership built into that on line (c). I'm not opposed to apartments but do apartments fit in that description?

Mr. Pettee – That's a good question. In front of me I have the existing code, you know how we distributed that as part of our handout. It does talk about multiple dwellings include but are not limited to those two and three family shared wall residential bldgs such as townhomes.

Mr. Eldred – This is the current code. The whole purpose of this is to add that apartment piece to it. That's why it's not currently listed.

Mr. Logan – I'm looking at it as could you interpret that as an intent that was thought of originally.

Mr. Eldred – That was the original intent and now we want to add on the apartment use. It's kind of an all purpose.

Mr. Seiter – If you look under the Town Code which I usually reach for with these questions, under apartment house which are not apartments but it's certainly the closest definition that I'm finding. It's defined as *a structure arranged or designed with a shared entry and intended to be occupied by 3 or more families living independently of each other*. So there is the concept of the Planned Development District that was approved by the Town Board previously, it talks about Multiple Dwelling and Multiple Families and the definition in the code talks about definition of an apartment house which I just stated. It's a Board consideration but there certainly is an indication

that the intent deals with Multiple Dwellings with more than 1 family.

Mr. Logan – In this case the current description has several entrances for every residents. What you just related Joe is single entry for multiple habitation. It's a little bit different, the same concept of multiple families in the same building. Again, I don't know if that relates to ownership or not. I'm presuming there is a landlord. I don't know if that's RainBros or not. Are you retaining ownership of the entire facility?

Mr. Rainaldi – The entity would be Woods at Valentown, LLC. We are actually one of the only Development firms with a CPM (Certified Property Manager) on staff. I've managed...we built all of the residential units in Ft Drum, we've managed those for almost 15 to 20 years. So we've managed thousands of apartments and condos through Rainaldi Real Estate Inc which is our company.

Mr. Gallina – My thought Joe was the amended plan is consistent. The whole intent was the residential component, something of a little bit higher density. I think it is consistent.

Mr. Logan – Okay, I'm looking for that kind of feedback too.

Ms. Zollo – That's what I was just going to ask. According to what you just discussed here, it sounded to me like we were leaning to the fact that the units would be for rent rather than owned and we were saying that it was not consistent.

Mr. Logan – All I was saying is how do you relate the Planned Development District language to the modification that they are requesting? Was the original intent only for-sale properties? That's what ended up that way with the original development was for-sale townhomes, I believe. In this case it's multiple families in the same building, it's just they are rental units rather than for-purchase.

Mr. Rainaldi – With regards to the premise for the true original intent, it was to institute residential on those lands to prohibit the expansion of the commercial. That was by definition why the residential was increased there.

Mr. Logan – And as I recall it was a buffer. We all looked at multiple Light Industrial bldgs along there and thinking that would be adjacent to farm land or residential property and it didn't seem to make a good transition. So we restricted the development to the top of the hill and down the other side which you've done and are still doing. Then the rest of it was residential units and now proposed to be apartments.

Mr. Rainaldi – So the intent that drove the townhome product was to take these lands that were part of High Point Proper and make sure they were residential. The townhome product was born through the law because it was an easy way to maximize the site features. We were going through a very intense approval process and it was a product that we knew we could impose on that site at the time with success. We've lived with this site for a long time since those approvals. Some of the features that have caused this transformation to this product, the townhomes that we wanted built there were the same architectural style, were quite beautiful. Again, when I say high end, I just mean they had a lot of value in them. Apartments are insulated, they are tolerate to features like high power lines. The townhomes were not. To bring the townhome layout that we had originally designed, we would have had to compromise a significant amount of the aesthetics and

everything else. Again, you remember, I'm trying to absorb a lot of the premium, a lot of that is in the architecture with the residences and the design. So we would have put major impositions on the quality of life imposed on a single family for the townhomes. The apartments, we found through the study that I'll be supplying to the Town are insulated and tolerant to the presence of features like this. So I can impose the same level of quality, in fact, we've learned a lot...higher level of quality with this residential product, not feel like I'm being held hostage by the presence of the NYS Power Authority and build the same quality of life, the same aesthetics that you've come to expect of us.

Mr. Logan – So the transitional nature of the apartments or the townhomes, however you want to look at it, was meant to provide a use that would kind of insulate the residents or owners from the property to the east? (Correct) I don't think that you envisioned the parcel at the northwest quadrant early on, correct? (This we did not) So I'm looking at a very large residential component next to single family homes and that is a concern of mine for that particular piece. The other ones are in the woods, they are in an area that is adjacent to farm land that someday could be developed but right now that's the use and I don't see that as a bad buffer. But I do have a problem with the proximity to the residential home up there. So as we go through this process, if it gets rezoned, if the Planned Development District gets modified, we'll have to talk about that as well.

Mr. Rainaldi – I can promise you that we mirror that sentiment. There are high sensitivities in regards to the neighboring single family with this additional piece. This additional piece is an opportunity to maintain the same level of greenspace coverage and reach the scale by which the economics balance. So this was not us just trying to put more on here, this is a balanced formula.

Mr. Logan- I guess I brought this up because if part of the discussion is talking about what are the impacts of this change and to me the impact is the adjacent parcels and where it's different now than it was previously. I have to look at that for instance and we'll work our way through it one way or another. The other one not so much of an impact, the ones in the woods and these are my opinions, but the ones close to the residential area, is a challenge. So I think that is a criteria item that I'd like to comment on. So I guess for the stated purpose of it, it's compatible, it's residential but I'll be looking at this further down the line. Anyone else have any other comments?

Mr. Pettee continues:

3. The extent to which the plan departs from the zoning regulations formerly applicable to the property in question (including bulk, density and permitted uses).[Section 211-27 (D)(1) (c) (3)]

Mr. Pettee - I think that we're looking at 2 different PDDs because of the adjoining Forest Park at Eastview Terrace parcel. We're not only looking at the existing Woods at Valentown but I think we're also looking at the adjoining Forest Park at Eastview Terrace Preliminary Development Plan. So with specific regard to High Point Business Park HOA lands.....*Mr. Pettee continues on with the following:*

With specific regard to the High Point Business Park HOA Lands:

The previously approved Preliminary Development Plan, a component of the previous rezoning by the town board, anticipated seventy-two (72) townhouse units, and the

Amended Plan would allow for 294 units in 14 Apartment Buildings This results in an increase of 222 units and is codified as Section 211-27.4 of the Victor Town Code

Ms. Zollo – So this is where I think we need to say that this plan significantly departs from current zoning because you're adding an additional 222 units and that is a significant number. I think we also need to say something about the bulk as well as the density because the other townhome units were 2 story and these are going to be 3. So I think we need to include those 2 things.

Mr. Pettee continues:

Chapter 4 of the Town's adopted 2015 Comprehensive Plan discusses the anticipated build-out that has become regarded as an important benchmark (also detailed within Chapter 1 of the Comp Plan), and recommends institution of a growth management program that states the following:

It is recommended that the anticipated build-out, as presently estimated, be adopted as the target size. At the same time, the growth management program should not strictly preclude all actions that could be expected to increase the anticipated build-out. Instead, the program should require close monitoring of the build-out estimate and careful consideration and management of any actions that would, through rezoning or some other approval, potentially increase density so as to also inflate the anticipated build out.

Mr. Eldred – I think there are some real benefits if you look at our #3 of going from the townhouses to the apartments starting with the second paragraph the fact that the townhouses were 20 ft apart and these are at least 75 ft apart. Even though they are higher, the townhouses would look over crowded as opposed to the apartments. The townhouses also have garages in front and is not a very appealing look personally, these have garages underneath. So I think there are some real benefits of this architectural plan and the zoning that was done before for the previous Planned Development District as opposed to this, the fact that we've got underground parking and we're hiding a lot of the parking, the fact that we've got parking at the lower level as well. We're doing as much as we can to take away any views of parked cars, take away views of garages and things of that nature. So that's what that stuff is about under our section.

Ms. Zollo – I don't think it changes the fact that it's significantly departs from the Planned Development District that's there now.

Mr. Eldred – No, I wasn't saying that but this is intended to look at bulk requirements. So the bulk requirement of the townhouses were 20 ft apart. We now have proposed something that is 75 ft apart. We now are proposing something, in my view, a better architectural look. We're providing something that doesn't have rows and rows of garages with the bldgs 20 ft apart. So I think these bulk changes, if you will, in this layout are positive as opposed to the townhouses that were approved before.

Mr. Logan – So you're referring to mitigating factors to the increase in density and scale of the homes. (That's a way to think of it) And whether or not you agree with that, that it mitigates the property that's one thing which is his defense. He can make the statement that it's significant, I'm not arguing that at all.

Ms. Zollo – It does and so you could say that of the bulk changes we are losing single family garages to multi family parking lots in between the bldgs.

Mr. Eldred – The other thing that I think is important regarding to zoning regulations is the proposed 65% greenspace is almost double the 35% required by code and the density of apartments at 5 units per acre is well below typical requirements of 10 to 20 units per acre. The Town of Victor doesn't have a density in their code, they have setbacks and stuff that would calculate the density. But I think it's important from a zoning criteria standpoint to highlight both those aspects. The high level of greenspace on the site that's preserved and the low density for this type of unit, that's very low density, 5 units per acre, for apartments it's very, very low.

Mr. Logan- I think we're reviewing one right now that is probably 2.3 or 3.2 units per acre (Silverton Glenn).

Mr. Eldred – Auburn Creek is probably 10 or 12, not sure, I'll have to look it up.

Mr. Logan – It's surrounded...you don't even know that it's there. Anything else?

Mr. Pettee continues:

With regard to the Forest Park at Eastview Terrace Lands:

Although the application materials to focus on changes to the plan for the High Point Business Park PDD and rezoning of the 5.38 Forest Park at Eastview Terrace PDD (FPET PDD) parcel to be part of the HPBP PDD, it should be noted that, in addition to the rezoning, the Amended Plan also includes a revision to the existing plan for the FPET PDD (the plan approved for the FPET PDD will be modified pursuant to the Application by removing the property proposed for subdivision and "annexation" to the HPBP PDD).

For discussion is how the Planning Board views the addition of 222 units under the circumstances including the other features on site. Open space is also an issue to be addressed, including the role that the parcel now proposed for removal from the FPET PDD played in making the overall FPET PDD plan one that was acceptable, and any other specific Forest Park at Eastview Terrace SEQR (Findings), Preliminary Development Plan, or Site Plan requirements that could be compromised or made impossible by loss of the 5.38 acres originally approved as part of the FPET PDD].

Mr. Logan – Wes, what was the net property going to be used for under Forest Park?

Mr. Pettee – I meant to see if I could find a copy of the Preliminary Development Plan for Forest Park.

Mr. Logan – I remember viewing 1 or 2 development proposals for that site that I don't know ever came to fruition. I think there was a building near the road and you worked your way back.

Mr. Eldred – They had townhouses proposed for the site when they initially proposed it but because of the vertical difference between the bottom and the top, they really would have had to tear apart

the hillside to get a road up there. If you go back and read the minutes, to be honest it's not very clear but what I believe happened was it was just too drastic, if you will, to try and get a road up there.

Mr. Logan- I guess what I was asking is was it going to be right where your proposing or was it further down the hill?

Mr. Eldred points out the area on their map – They got a road coming up here and then on the hillside, they were somehow going to come up here, switch back and then come in this way.

Mr. Logan – So it was going to take that whole parcel.....

Mr. Eldred -Take the hillside and kind of wipe that out. You see this land originally, I talked to the Rainaldi's about buying it, is at grade with our property as opposed to being 75 ft higher.

Mr. Gallina – So would it be appropriate if we had a separate Planned Development District that was approved for whatever density that was, even though construction was a challenge, would it be appropriate to basically annex these two? So if it was 72 townhomes here and X number there that the total density was Y. So how does Y compare to what is being proposed now?

Mr. Eldred – I do have a copy of that plan, I can get those numbers.

Mr. Logan – If you could at least prepare a comparison between the two.

Mr. Gallina – Yes, because right now we're comparing 72 versus almost 300.

Mr. Logan – So 72 plus those is how many?

Mr. Gallina – Right and so how does that compare?

Mr. Logan – It's not like just adding 222 to the same lot but we're adding it to that lot plus the other lot.

Mr. Eldred – 222 is for the whole site. If I recall it was about 45 townhouses in that area.

Mr. Logan – So you're at about 117.

Mr. Eldred – So it's 3 bldgs. I think it was almost comparable in amount but I'm not sure, I'll have to give you those exact numbers.

Mr. Picciotti – I was going to say and you can correct me, I know in the work shop because I raised the question about density and one of the things that we talked about is you had to factor in the increased units but also there was the addition of the acreage that changed the density calculations.

Mr. Eldred – It's a little bit complicated because what we're actually asking to do is annex it plus rezone it.

Mr. Logan – So I guess Wes the numbers in here probably should reflect the displaced other units that were previously proposed in the type.

Mr. Picciotti continues:

4. The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood. Section 211-27 (D)(1) (c) (4)]

As mentioned under findings for criterion number 3, above, the Amended Plan would increase residential units by 222 compared to the previously approved plan. The predominant land within the vicinity of the project are office, commercial and residential land use, they would remain the same compared to the plan approved in 2005. Eastview Mall, Cobblestone Court, High Point Business Park, Lot 1 and Phase 2 are within ½ mile of the subject property. The Amended Plan would be compatible with the character of the neighborhood nearby, and also in character with the residential areas to the south and east.

Mr. Picciotti – So that’s the criteria stated more positively in the draft but the issue is just that. So you’ve got a little bit of the permutation of the previous one. You’ve got a previously approved Planned Development District, you’re adding those units but this is a broader, I would say more of a 10,000 ft view. When you’re looking at uses, Commercial, Residential and otherwise and you’re looking at what’s there and what’s around it within 1/2 mile, how does this compare.

Mr. Logan – I guess I would like to make sure we’re comparing apples to apples by taking into consideration the extra townhouses that were displaced by the addition of the parcel, just in terms of the units previously approved and proposed to what you’re ending up with now with the shift in parcel. I would like to see that updated throughout here because I keep seeing the number 222 and maybe we should define that up front before we get into each one of these and just say that’s where that number comes from.

Ms. Zollo – Isn’t it in there?

Mr. Picciotti – In terms of what was previously proposed? All that 222 addition is just the difference between the number of units associated with the townhouses and the number of units approved for the apartments. So it went from 75 to 295.

Mr. Logan – Only for this parcel, right? (Yes) Because the developer has requested adding/transferring that parcel over and it had previously committed to X number of units for that extra land. So it’s this land of 222 more units, less the number of units displaced with the addition of that other parcel.

Ms. Zollo – In #3 we separated it out, we talked about the High Point Business Park and then the Forest Park at Eastview.

Mr. Logan – But you put 222 in here.....

Ms. Zollo -right because that’s what it comes out to.

Mr. Picciotti – There’s a consideration in terms of density. I would just say and it sounds like you have some homework on that, but #4 again I would just say is a little bit more of a high level view.

Mr. Eldred – Numerically, the 72 on the original property goes to 159 and if the other and I think it was about 50 units, that would go to 63.

Mr. Logan – So there were 50 units before and you're proposing 63 apartments with this particular layout.

Mr. Eldred – For Forest Park, yes. Then the 72 versus 159 for the original parcel.

Mr. Picciotti – That's pretty helpful because it helps to understand.

Ms. Zollo – Does anyone have the Forest Park Plan with them?

Mr. Eldred – I'll confirm the numbers. I could be wrong.

Mr. Logan – Let's confirm the numbers and make sure we're including the whole site.

Mr. Picciotti looked up the code provision.

Ms. Zollo – So we're amending this. Are we amending the other one too?

Mr. Picciotti – Yes, to add the parcel out of Forest Park to this. What's going to happen is the parcel that is associated with Forest Park parcel is going to be added to this one.

Mr. Pettee read the Planned Development District for Conifer Village from the Code Book:

The Conifer Village at Eastview Planned Development District is hereby created. The regulations, restrictions and conditions of said Planned Development District are set out in their entirety on a site plan submitted by Passer Assoc dated May 2012, Drawing SP-1, Project No. 20121253.01, which site plan is on file with the Town of Victor. Said site plan and the regulations, restrictions and conditions set out thereon are fully incorporated herein and constitute the zoning regulations for the Conifer Village at Eastview Planned Development District.

Mr. Picciotti – Unlike the High Point Planned Development District, this one....

Ms. Kinsella – This refers back to a plan. There's no regulations in the Code.

Mr. Picciotti – Doug what are you reading from when you were reading the number of units?

Mr. Eldred – I had a plan. It wasn't the final plan.

Ms. Kinsella – I think the plan that Doug was talking about was probably the original plan when Forest Park was done.

Ms. Zollo – The approved plan?

Ms. Kinsella – No, the plan he was talking about was not approved but it did show units up above. As the Town Board went through process, exactly what Doug said, because of the elevation to get

up onto that back hill, those units were removed from that plan. What was approved and what was built is what you see today at Forest Park.

Ms. Zollo – So it's just the Forest Park....

Ms. Kinsella - ...Just the Forest Park down below.

Ms. Zollo – So then this discussion is not necessary because we're not talking about any other units. If they weren't approved....

Ms. Kinsella - ...That's what I was wondering. If you want to look at what was approved, not what was proposed, you want to look at what was approved as part of that development.

Mr. Logan – My perception early on and thank you for checking into that and we can verify all of this, there was stuff that wasn't built that was approved then someone abandoned it because it was too much.....

Ms. Zollo – Kim just said that it was talked about but not approved.

Ms. Kinsella – Exactly, yes.

Mr. Eldred's comment was inaudible.

Ms. Zollo – So if it wasn't approved, then we don't care. We only want the numbers of what was approved.

Ms. Kinsella – That's exactly right, yes.

Mr. Eldred – Well to a certain extent you might care because the reason it wasn't approved was because of access and we now have access.

Mr. Logan – The density was changed down the hill rather than up on top.

Mr. Eldred – I don't know if it was changed up on top. It would be more for reference, I think.

Mr. Logan- Alright, we'll clarify that I'm sure in the coming week.

Mr. Eldred – On #4, I did have some more information. If you read over what we provided, I think what I was trying to say here again is what I said before that even though these bldgs have more units in them, from a standpoint of the character of the neighborhood in which you see, first of all you can only see through trees these units at the bottom of the hill, you can't see any of the other ones. When you look at those units, they are architecturally more pleasing in my opinion. You can see through them instead of having buildings 20 ft apart again and they are buffered the same as the townhouse were. So there is a number of items in there that you could consider whether or not you'd want to consider that as character of the neighborhood.

The other thing that was brought up was respect to the Valentown Historic lands. I don't know if you want me to talk about that now or later? So the Valentown district, what I was trying to point out in regards to Doug Fisher's letter and what I've provided was the Valentown Hall is

here (pointing out the location on their map), our closest apartment is here, it's on the other side of a hill that is 100 ft high and this is all wooded. So there is no reciprocal view of that.

There was another comment because we shared a common property line, that there should be a historic connection. That common property line in the road, it was moved down to save these trees is a done deal. It's been reviewed completely previously with the original DEIS. This was done specifically so we could save more trees within this area to provide a better buffer to the historic building. So I just wanted to point out the other aspect of it, I think the architectural style, although not exactly the same type, as stated "...to recall a large English Country House Estate. The idea is to create the aesthetic of large traditional county home used to however to accommodate the number of interior units proposed also appearing to be that of a building that accommodates a single residence. So that's the intent of the architecture.

Mr. Logan- I think when we talked about the proximity to historic places initially I think the screening didn't have it as affecting or adjacent to, but I think we talked about it at the last meeting when we reviewed it but it was adjacent to it but these are mitigating conditions again. It's far away from that, it's not a visual hindrance.

Mr. Eldred – But it doesn't share a common property line.

Mr. Logan – It's adjacent to, in proximity of, all of that goes into that document.

Mr. Eldred – I just wanted to state that we did consider it and we're not adversely affecting the character of the Valentown neighborhood because you can't see it.

Mr. Seiter – One comment before we move on. It says from your notes; *additional uses in the vicinity includes single family farmhouse, upscale single family home*. I don't see how 3 story apartment bldgs connected by parking lots is in character with the neighborhood.

Mr. Eldred – Again I go back to the intent of the architecture. We call that a large English Country House Estate. So it's intended to look like a single large home as opposed to an apartment building. That's where we were coming from in that regards.

Mr. Rainaldi – So Rich the prior approved plan for townhomes as required by the Town Code, as required by the NYS HOA that I had approved for the site required that there be visitor parking almost to same number in scale that exists on this current plan. So there's virtually no difference in the surface parking. We're fortunate that we're incurring the expense to provide underground parking to each unit. There's actually a significant improvement in the architecture because the townhomes...they were split into doubles and triples. Each double and triple were severed by a primary entry and a garage. So what we had was an elevation of architecture that was artificially partitioned because we had to create multiple entry points. These units have one clean plain with one entry. It looks like a true County mansion, they're gorgeous. We designed the carport entries underground so that they are strategically hidden and screen to service each of the units. So there is a lesser impact on the visibility of parking at the structure and the break in elevation from access points as compared to the townhomes and that's a fact.

Ms. Zollo – Is it .5 space per townhome unit?

Mr. Logan –For overflow parking for apartments.

Ms. Zollo – But it’s not a requirement for townhomes?

A discussion took place on overflow parking and the amount required.

Mr. Logan – So you keep referring to underground parking. It’s ground level parking underneath the building, how many spaces per unit are underground?

Mr. Rainaldi – 1 space per unit.

Mr. Logan- And the rest would be parking outside on the surface lots. (Correct)

Mr. Picciotti continues:

5. The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height. Section 211-27 (D)(1) (c) (5)]

The Applicant contends the Amended Plan’s proposed apartment buildings would be placed on the site to maximize open spaces and allow for preservation of existing vegetation around the perimeter of the property. The front of the structures would be oriented toward the center of the property creating a sense of community for residents. The proposed roadways and parking areas will be located at the interior of the property and away from neighboring properties. The issue to be considered by the Planning Board is how the Amended Plan’s changes in terms of the addition of 222 and the construction of apartment buildings in lieu of the townhouses proposed in the originally approved plan including how such changes impact principal and accessory buildings on the site in relation to one and other and to those around it, including taking height and bulk into consideration.

Mr. Picciotti – So that’s the criteria, that’s what you’re looking at in evaluating the amended plan. Again, that statement in the draft document is based upon the information provided by the applicant.

Mr. Logan – Basically as you stated Doug, your presentation to the Board for this item talks about the 75 ft space between the garages and lower levels and streetscape in general.

Mr. Eldred – I think those are important differentiators between the townhouse, garages and parking in front of the garages, minimal landscaping and what we’re proposing now.

Mr. Logan- Both you and Fred have said “country manor or estate”. I haven’t seen too many country estates that are all right next to each other. Usually there are hundreds of acres around each one. I don’t know if I would use that comparison.

Mr. Eldred – I think he’s talking about the house itself. It says the architectural design direction for the building is called a “large English country house estate”. Obviously it’s not on 10 acres of land or something like that but the architecture is intended to replicate that.

Mr. Logan – This particular element talks about scale and how everything is related to each other and Heather’s question about the height of the building is 3 stories and not 2. So the scale is larger.

If you took one of these bldgs and put it next to one of the townhouses, it would be clearly significantly larger.

Mr. Eldred – It's higher, not larger. The footprint of the townhouses was in fact larger.

Mr. Logan – Well in the grand scheme of things, you're hiding them all in the woods is the way I see this.

Mr. Eldred – All you're going to see is these units that are buffered by this hedgerow. That's the same as it was. What I was saying is because these units are farther apart, you have a lot more opportunities to look through as opposed to these bldgs being close together. Yes these are higher, I'm not trying to fool you but they are still behind the trees and the distance between them still, in my opinion, gives you a better view.

Mr. Logan – I'm still concerned about the one at the top (referring to the Forest Park piece). Those 4 you'll see from the neighbor's houses.

Mr. Eldred – We're going to work that area based on discussions with the neighbors.

Mr. Logan – So I guess my comment in this section would be that while they're generally not visible from the road with the exception as how you portrayed it down here, there is more of an impact on the single family homes at the top of the hill in that development.

Mr. Eldred – That's true too but if you remember we showed some views through here and the landscape is going to be somewhat help out.

Mr. Logan – Those are big bldgs and you can't convince me otherwise.

Mr. Eldred – I'm not trying to tell you they'll be invisible. The cars will be invisible but not the bldgs.

Mr. Logan – I do say that that is an impact.

Mr. Seiter – Are all the bldgs identical? (Yes)

Mr. Picciotti continued:

**6. The provision for pedestrian circulation and open space in the planned development
Section 211-27 (D)(1) (c) (6)**

The proposed Amended Plan includes connections to existing pedestrian trails throughout the Highpoint Business Park area. Other pedestrian amenities include simple connections to the private roadway and parking areas.

Open space is provided via conservation easement, undeveloped land, and landscaping. A total of approximately 47-acres would be greenspace with the proposed Amended Plan.

Mr. Logan – Are there sidewalks all the way up here from Valentown?

Mr. Eldred – My comment was and I admit it's not really available on this plan is the intent as I say is to deliver a truly walkable community where you can go from the apartment bldgs to the offices to the commercial to the residential, back and forth. So that is the intent as well as providing public access to the same trails thru the woods and all that kind of stuff. I think walkable community is something that the Town has always been very interested in.

Ms. Zollo – You were asking about the sidewalks, right?

Mr. Logan – I was just wondering...you talk about walkable community, is there a sidewalk from the lower townhouses all the way up to Building 300, 200 or 100 for instance? I know there is a walk that goes the rest of the way down.

Mr. Eldred – We've shown some walkways up through the woods to get to the upper areas.

Ms. Zollo – But no sidewalks.

Mr. Rainaldi – We are going to be producing a sidewalk that connects every leg of residential to the commercial and then the commercial being the office, down to the residential is through a series of sidewalks and then really beautiful double wide ---- style trail systems that connect. So there's complete connectivity through all phases of the project.

Mr. Eldred – These plans don't reflect that.

Mr. Pettee – How do we have the Planning Board comment on that if we don't have the preliminary development plan that reflects that?

Mr. Logan – I would add in this discussion that the mitigating factor is the intent of providing connectivity.

Mr. Rainaldi – However you want to chronicle that, I'm comfortable.

Mr. Logan – We don't need to throw in the details but it's certainly along the road network and connecting all of the different bldgs on site.

Mr. Rainaldi – It's absolutely going to be expectation of the end user without question. It would be a foolish missed opportunity.

Mr. Picciotti continues:

7. The traffic circulation features within the site, including the amount of, location of and access to automobile parking and terminal loading areas Section 211-27 (D)(1) (c) (7)]

Internal traffic circulation will be provided by connecting to Wynwood Hollow (private road). The construction of High Point Drive provides additional connectivity. Parking will be accommodated by surface parking and underground parking. Underground parking would provide for increased maneuverability in and around the project site.

There were no comments or questions on #7.

8. The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards, such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes. Section 211-27 (D)(1) (c) (8)

The approved 2005 FEIS contained required infrastructure improvements at the following locations:

- Route 96 at the Cobblestone Court/Eastview Mall Intersection
- Route 96 at the High Street /Eastview Mall Intersection
- High Street /Valentown Road Intersection.

RainBros LLC has completed and/or participated in the construction of the improvements so that each is in place.

The Town's Traffic Consultant, Clark Patterson Lee, found pursuant to its January 5, 2018 letter that "We agree with the findings in the TIS that the roadway infrastructure improvements provided as a result of the 2005 FEIS are adequate to meet the needs proposed in the High Point PDD". Based on Clark Patterson Lee's analysis and the Planning Board's review of traffic matters it finds that under the Amended Plan, the amount of traffic generated at peak hours is adequately addressed, including based on considerations of ingress and egress, sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the traffic associated with the Amended Plan.

Mr. Picciotti – I would just add editorially just because I remember this, one of the things that was discussed when we were looking at all of this, even at the workshop, was how did what was done in 2005 contemplate or deal with these changes. I know that one of the things and I've talked with the Traffic Consultant who was very helpful on this said that because there was a built in factor associated with background of some significance which hasn't come to fruition that there is some additional capacity. So that's all I would say about that.

Ms. Zollo – Is this where we can put something in because the traffic studies deals with intersections and the impacts on the roadways but it doesn't really discuss its impact to the neighboring properties. I think there is a concern with the National Historic Registered site that there would be difficulty getting in and out of that property because of the increased traffic. Is this where we can add something on the impact on that historic site?

Mr. Logan – I guess I would ask if Jennifer Michniewicz addressed that question. That was part of Doug Fisher's comments, the traffic circulation and the use of the property at Valentown. The one thing different about that was it was an uncontrolled intersection other than stop signs back in the day when they had those and now there is a traffic light there that does mitigate some of the potential pedestrian issues. But I'd like to get Jennifer to weigh in on that.

Ms. Zollo – I just think regardless whether there is a traffic light, there's going to be an increase number of cars there and I think there's going to be issues. It's a very congested and confusing area with the left hand turning lanes that end and begin. Then the other thing that Babette pointed out was the impact to Valentown Hall with regards to trucks and construction vehicles going by there. Will they be approaching from that direction? And, it's so close to the road.

Mr. Eldred – First of all with regards to more embellishment that Joe talked about. I feel what we wrote starting on the bottom of page 4 (referring to the applicant's suggested criteria). This gives more information about why this seems to work now and why it's very comparable to the DEIS. With respect to the traffic impact on the Valentown Hall, I have written in Mr. Fisher's response that the LOS (Levels of Service) at all of those intersections do not change from the existing conditions today as opposed to with the site. His comments was what about other areas along the road. So I've prepared this table today that gives you some relative information with respect to traffic first of all between Valentown Road and the site entrance. *Mr. Eldred handed out a document entitled Woods at Valentown Traffic Comparisons.* Then east of the site entrance for some comparison purposes for the AM and PM peak hour. So the top square is between Valentown Road and the site entrance. The second one down is east of the site entrance on Valentown Rd. These are traffic numbers that show you the thru traffic, the site generated traffic for the am/pm hours. It's just something that Al (Gallina) was asking for.

Mr. Eldred explained the following graphic with # of cars, # per minute and the final is # compared to the DEIS.

Valentown Rd between Valentown Rd & Site Entrance - # Cars						
	AM			PM		
	Through Traffic	Site Traffic	Total	Through Traffic	Site Traffic	Total
Westbound	219	50	269	136	69	205
Eastbound	36	12	48	270	52	322
Valentown Rd East of Site Entrance # Cars						
Westbound	219	58	277	136	13	149
Eastbound	36	12	48	270	12	282
Valentown Rd between Valentown Rd & Site Entrance - per minute						
Westbound	3.7	0.8	4.5	2.3	1.2	3.4
Eastbound	0.6	0.2	0.8	4.5	0.9	5.4
Valentown Rd East of Site Entrance - per minute						
Westbound	3.7	1	4.6	2.3	0.2	2.5
Eastbound	0.6	0.2	0.8	4.5	0.2	4.7

Valentown Rd between Valentown Rd & Site Entrance - compared to DEIS			
	DEIS	Current Proposal	
	PM	PM	
	Total Traffic	Total Traffic	
Westbound	201	205	
Eastbound	305	322	

The comparison to the DEIS is almost identical. The reason for that is quite a few times the original projections were higher, the projections of trip generations by the apartments is lower than expected and then the distribution of traffic was somewhat different. So the intent of the chart is to show in addition to the LOS analysis it's not a great impact on Valentown Road for this development and we're certainly within the parameters of the DEIS even though the DEIS did not have the additional apartments on the Forest Park at Eastview land. I haven't sent this to Jennifer yet, I just did this today so I'll be glad to do that.

The other thing is in regards to construction traffic; we took 30,000 yds from High Point Phase 2 down Valentown Road, up into the site on trucks (approximately 3,000 loads), there were no vibration issues with respect to that. I talked to Mark Years (Highway Superintendent) today and he said that for the most part, there's no restrictions on using Valentown Road and I mentioned to him that the way the contractor works is he mobilizes and immobilizes. There's no need for this project to take trucks and move them off of the site. There was when we did High Point Retail Phase 2, we had to bring that 30,000 yds up here and under that condition there certainly could have been something that could have happened to the Valentown Hall but it did not. What we're going to be doing now is going onto the site and working on the site and we're 1700 ft away. We're not expecting any impact from vibrations.

The final thing shows the # of cars surrounding it remains the same as well.

Mr. Picciotti – Two quick questions for clarification. So you're not anticipating having to bring in a ton of fill or take out fill? So that's the difference why you're not going to have those trips. (Correct) The other question, if you know and if not we'll look at the DEIS, you say the LOS is about the same so if you had a B or C and you add 2 or 3 cars, you might be at a low B or low C.

Mr. Eldred – You’re exactly right. So when I looked at the LOS, there’s a chart for the LOS for the existing condition opposed to the build condition. None of those changed, it went from an A to an A, and B to a B.

Mr. Logan – Going along with what Joe said about everything being on site, is there a lot of earthwork on site sort of shuffling dirt around? I think that you eluded earlier that the new area is pretty flat now.

Mr. Eldred – Yes, we have a little bit more earth to move out of the Building 300 area and that will go into that center area.

Mr. Rainaldi – Those elements he just described are being utilized on the site. They’re not coming off. Once the trucks are there, they are there, they don’t come off until they are demobilized.

Mr. Picciotti continued:

9. The provision for storm, sanitary and solid waste disposal and other utilities on the property adjacent to the site as well as the site itself. Section 211-27 (D)(1) (c) (9)

The approved sanitary sewer flow for the 72 townhouse units was 19,250 gallons per day (gpd). Expected flows for the 294 units and clubhouse are 45,100 gpd (14 apartment buildings and 588 bedrooms).

The Applicant conveyed that the construction and occupancy schedule is dependent on when, or if, the Town Board moves forward with the PDD amendment. The construction and occupancy schedule are critical for evaluating downstream pump stations. In general, the occupancy date for the proposed units will determine whether sanitary sewer improvements are required.

Although Pump Stations 18 and 14 are overloaded and do not have additional capacity to accommodate the Amended Plan, the Town’s Auburn Trail Sanitary Sewer project will include replacement of Pump Stations 18 and 14. The replacement of Pump Stations 18 and 14 will allow for increased capacities and would accommodate the Amended Plan.

Additional down- stream pump stations would need to be evaluated depending on the developers schedule; however, it is likely that other downstream pump stations, such as 5 and 11, would have the capacity for the Amended Plan after the Town’s Auburn Trail Sanitary Sewer Project is completed and operational.

Mr. Pettee – I don’t have any comments on this unless anyone has any questions. I wish that I had the ability to bring up a map showing the different pump stations and where they are located because I think that would be very helpful. Perhaps at a future meeting I can do that.

I just wanted to clarify for those that may not know, PS 18 and 14; there’s an Auburn Trail sanitary sewer project going on with kind of a trunk line that will follow the Auburn Trail. This proposed project is not anywhere near the Auburn Trail, however, as part of this trail project, other pump stations within the Town are being replaced or upgraded including PS 18 and 14. PS 18 is at the intersection of Valentown Rd and High St to which this project would empty into. PS 14 is within the Cobblestone Subdivision. So today those stations don’t have capacity but the Auburn Trail’s sanitary sewer project even though that’s towards the Village, a component of that project is

actually to replace some of these other pump stations in the Town. So that's why at the conclusion and operation of the Auburn Trail sanitary sewer project, these other stations will have capacity because they are being replaced.

Mr. Picciotti continues:

10. The proposed landscaping and signage. Section 211-27 (D)(1) (c) (10)]

The Amended Plan will establish guidelines for landscaping and signage which are similar to those established under the previously approved plan for High Point Business Park HOA lands. These will be determined by referencing the intent of Chapter 211-27 of the Victor Town Code. All existing trees that would remain will be protected during construction and become a part of the designed landscaping.

Landscaping would include tree, shrub and lawn plantings within the common areas of the site. Any signage proposed will be reviewed during subsequent site plan review by the Planning Board.

Mr. Picciotti – I think Doug mentioned the trees that would remain and it was my understanding that the reason the roadway was moved was to keep some of those trees. Mr. Picciotti read from the applicant's document; *Signage that may be proposed for this area within the site will confirm to the underlying Planned Development District requirements of the district.* There is also some reforestation proposed including transplanting trees and saplings.

I would just add that I think probably for this Board or any Planning Board, we're looking at an amended revision to the Planned Development District that's been established. We don't have a site plan in front of us but the way these districts are planned and approved are for things like landscaping which you'd normally see at the site plan stage are through these kinds of guidelines. So that's what we have for the approved High Point Planned Development District, so for whatever the enhancements are, are set forth herein and in the supplement that Doug provided.

Mr. Picciotti continues:

11. The manner in which the physical design makes adequate provision for service demands (water, sewer, fire, etc.), adequate traffic control and the amenities of light, air and visual enjoyment. Section 211-27 (D)(1) (c) (11)]

The Applicant states the Amended Plan would provide a unique, quiet residential neighborhood contained within the current wooded area of the site. Existing trees to remain provide buffering qualities to adjoining neighborhoods.

Continued consultation with other agencies such as the Monroe County Water Authority, Town of Victor and Town of Farmington (for sewer), and emergency services will be required throughout the second step of the PDD rezoning process (site plan review).

Mr. Picciotti – The applicant stresses what we talked about before, the addition of greenspace compared to the previously approved Planned Development District, the change in the site dynamics in terms of the location of the apartments compared to each other and compared to the townhomes and how they were related to each other and the density per acre comparison and the applicant's submission, again the Town of Victor doesn't have those density criteria but it's

compared to some other localities.

Mr. Eldred – I believe we did a chart for another project that compares densities and I'll provide that. We looked at several projects and what those densities were.

Mr. Logan asked for any questions and there were none.

Mr. Pettee – I think we got some direction to amend what we have in front of us tonight.

Mr. Logan – If you would reach out to Jennifer (Michniewicz). *Mr. Pettee stated that he would.* And of course review the comments that we received from various letters from the public. I think that would conclude our conversation this evening but I did want to allow the public to comment if they had any questions or comments on any of the items on the agenda this evening.

Mr. Douglas Fisher – Thank you and I really commend the thoroughness with which you are analyzing this. It's the process that makes this a much better project. None of us have been really familiar with the Forest Park at Eastview Terrace because that was always considered in terms of Forest Park fronting onto Turk Hill Rd. So whatever density allowed at the hilltop was taken into account with that. So I'm not really sure you can meld any approved density for that.....

Mr. Logan –I think we did walk through that and perhaps it's already been accounted for and there's no further density that would have been approved already at the top of the hill. Kim's going to take a look at that.

Mr. Fisher – That of course was a separate ownership from Bill Roach. This project is on land once owned by Bill Roach. He had sold off land to Melvin Simon for the Cobblestone Court shopping center and he did retain a strip on the northern part of his property. If you look very carefully at the site plan that you have, you'll see that strip right along the power line. Without having walked it in this regard, I'm just wondering if that can be incorporated with other land retained by Forest Park that might create a better access road for that hilltop which apparently wasn't practical within what Forest Park then owned. That would be a great solution in terms of herding a lot of the traffic away from Valentown Road.

Mr. Logan – Right now we don't have that in front of us. This is what Fred has proposed and we're going to work through this.

Mr. Fisher – So that would be worth investigating. When you talk about LOS, of course that still relates to the concept of cars themselves, not the context of the cars, not the adjoining property. The LOS would be whether you mitigate the traffic in terms of the intersections but really there's the mitigation that is appropriate in terms of the adjoining property. It's introducing a whole huge number of cars. Maybe the service level is the same but the number of cars.....

Mr. Logan -Well we'll have Jennifer (Michniewicz) take a look at it and will hear what she has to say about the LOS but also like you said, the car population as it is. Anything else?

Mr. Fisher – We're not dealing here, this is close to the County line and the property on the other side was owned by Bob Rothwell. It's a lovely woods there and he told me that he had placed a conservation easement on those woods.

Mr. Logan – On his side of the County line, right?

Mr. Fisher – Yes. So it's appropriate to consider the impact of this conservation lands in terms of transitions, in terms of anything there. You would have trails there which he invited me to use so that's an appropriate avenue on that. In terms of underground parking when Harold ----- owned the lower part of land where this is all happening, he had a farm there and he invited me to hike on the trails and the field itself was always soggy in the spring time which told me the water level is defined by the water level of the creek. If any construction for garage space underneath the townhouses would penetrate below that elevation, it's going to be wet. I just question whether a site plan could rely on underground parking in that lower area because it may well be discovered that it's not practical when it goes below the elevation of the creek.

Mr. Logan instructed Mr. Eldred to take a look at that and make comment on it. *Conversation took place in the audience and was inaudible.* Mr. Eldred stated the basement floor is at ground level.

Mr. Logan – It's probably ground level building up to the front of the house but that's something that I'm sure the developer doesn't really want to have to encounter, the ground water. So I appreciate your concern.

Mr. Fisher – Regardless in all the other areas, with respect to Valentown Hall, if all of the construction trucks used the existing High Point Dr, that's not going to be a factor. Valentown Hall was built back when High Street was a dirt road there and there was no issue of heavy traffic. When the road expanded, it was always on the side of Valentown Hall, so now it's within 15 ft. Construction trucks will make a vibration difference. It would be appropriate to require any such trucks to use the High Point Dr to bypass that issue.

Mr. Logan – That depends on how much they clog the access roads getting into High Point Drive too. They'll have to take a look at that. That intersection can be very congested with large trucks and things.

Mr. Fisher – Well the alternative with High Street, Route 96 is congested too.

Mr. Logan – Or you can come in from County Route 9 and Valentown from the other direction.

Mr. Fisher – Well that's another thought too.

MR. Logan – And they just spent a lot of time reconstructing County Route 9 to better standards too.

Mr. Fisher – I appreciate the opportunity to share this and I know that I probably brought up a lot of considerations for you. Again, I commend your thoroughness in analyzing this.

Ms. Kate Crowley – I've been listening to the last couple of discussions about the parcel and the concern of density. One of the thoughts that I had, not as a build on to what Mr. Fisher said previously but this would be a perfect opportunity for us to look at developing here and moving development rights from another parcel. I appreciate Doug's comment about if it was a larger parcel maybe that would address the density issue. So just something to think about. I wish we were further along with PDRs and TDRs.

The other thing I noticed as you were talking about the bldgs and the facades and the fact

that they are 3 story, is that the bldgs are set as far back on the parcel as possible to create that separation between the bldgs and behind them, there is a 20 ft setback on each of the parcel lines and you will be able to see those bldgs from many sites and it may also affect development on the adjacent parcels.

Then the other thing that I just wanted to remind us of are the comments from the November 21, 2017 Conservation Board meeting with regards to Point #10 about the trees that are going to remain on the property. Two things that I would suggest; one is the trees be marked before any of the surface work begins. We're actually learning that from some of the other sites where we've been surprised at what trees have been removed. Then at some point we should make it clear that there is not going to be any pre-logging to that site before it goes through approval. Thank you.

Mr. Dave Nankin from 1174 Chaucer Court – We're talking about 3 story bldgs here. Does that 3 stories include the bottom garage or is it a garage and 3 stories on top of that?

Mr. Logan stated that Mr. Eldred is nodding from the audience garage and 3 floors.

Mr. Nankin – So they are talking 4 stories. What is the height from peak to the ground?

Mr. Logan – It depends on what ground you're talking about. If you're talking about the walk out part of it which is the garage, it's another floor. Otherwise from the front entrance, I assume it's kind of level there and you go down a little to the basement. (Mr. Eldred nodded yes) So then you have 3 stories.

Ms. Zollo – How many feet high?

Mr. Logan – You have 30 something ft anyways.

Ms. Zollo – 35? 42?

Mr. Eldred's comments were inaudible from the audience.

Ms. Zollo – 48?

Mr. Logan – I think that would be something we would want the Fire Dept to comment on.

Mr. Nankin – Also when this is built and this if for the future, you're not looking at it for 5 years down the road, albeit it be 50 years, 100 years, there's going to be a lot of cars diverted from Route 96 when Bass Pro comes in and additions to Bass Pro and locals are going to be taking High Street and there's going to be a lot of pressure on High Street and Route 96 as time goes on because we're looking here at at least 600 cars in addition as opposed to 150 with the townhomes. Also as you note, there's a proposal on Main Street by a builder that came before you about a month ago for a 4 story apartment complex, RSM Development.

Ms. Kinsella – They were before the Town Board, they didn't come to the Planning Board. That is Victor Terrace but he hasn't brought anything forward to us. It's on the Town/Village line.

Mr. Nankin – This sets precedence literally. Is there a limit that the Board can see that you would not want to go beyond, would it be 4 stories, 5 stories?

Mr. Logan – I think we have a height restriction at the moment and that’s also something that would be subject to the Fire Dept’s approval.

Ms. Zollo – Is this Planned Development District under the height requirement?

Mr. Logan – Probably not if you consider the commercial bldgs, I don’t know about the townhouses. That’s something to look at.

Mr. Nankin – I took a ride in the summer and this is a lovely spot and I live on a spot in a townhome/condo and it’s not that dissimilar because it comes off of Rawson. I still think according to the original plan, this would make a nice spot for townhomes/condos as opposed to apartments. Thank you.

Mr. Logan asked for any other comments from the audience and there were none. The discussion ended at this time.

Mr. Logan read the announcements at the end of the Planning Board’s agenda concerning the upcoming workshops and training opportunities.

Motion was made by Al Gallina seconded by Heather Zollo RESOLVED the meeting was adjourned at 9:15 PM.

Cathy Templar, Secretary

