

A regular meeting of the Town of Victor Planning Board was held on February 27, 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; Heather Zollo, Rich Seiter

ABSENT: Al Gallina

OTHERS: Wes Pettee, Town Engineer Consultant;; Cathy Templar, Secretary; Councilman Dave Tantillo, Town Board Liaison; Kate Crowley, Conservation Board; Joe Picciotti, Town Board Attorney, Robert Hamby, James Cretekos, Lee Wagar, David Nankin, Duje Tadin, Teo Tadin, Rita Kaplan, Jim Guelzow, Theresa Whiteford, Stephen Schultz, Fred Rainaldi, Jr., Douglas Fisher, Miguel A. Reyes, Edwin Rueda, Doug Eldred

*Chairman Santoro made the announcement that Auction Direct and the Salsburg Subdivision were moved to the March 13<sup>th</sup> meeting.*

**APPROVAL OF MINUTES**

On motion of Joe Logan, seconded by Heather Zollo

RESOLVED that the minutes of November 28, 2017 be approved.

|               |                             |
|---------------|-----------------------------|
| Ernie Santoro | Aye                         |
| Joe Logan     | Aye                         |
| Heather Zollo | Aye                         |
| Al Gallina    | Absent                      |
| Rich Seiter   | Not a Planning Board member |

Approved 3 Ayes, 0 Nays, 1 Abstention

On motion of Joe Logan, seconded by Heather Zollo

RESOLVED that the minutes of December 12, 2017 be approved.

|               |  |
|---------------|--|
| Ernie Santoro | Aye                                      |
| Joe Logan     | Aye                                      |
| Heather Zollo | Aye                                      |
| Al Gallina    | Absent                                   |
| Rich Seiter   | Not a Planning Board member at this time |

Approved 3 Ayes, 0 Nays, 1 Abstention

On motion of Joe Logan, seconded by Rich Seiter

RESOLVED that the minutes of February 13, 2018 be approved.

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

Approved 3 Ayes, 0 Nays, 1 Abstention

### **BOARDS AND COMMITTEE UPDATES**

Conservation Board reported by Kate Crowley

- In the process of updating the Native Plant Manuel. Realigning it so it is sorted by common names instead of the Latin name to be easier to use.
  - Will take updated information on the DEC website and apply that to the NRI
  - Once complete will present to the Town Board and the Planning Board
- NRI (Natural Resource Inventory)
  - We worked with Mark Tayrien and Steve Metzger from Labella and created a steep slope policy recommendation. We are requesting that the Town Board state that they have an interest in doing this because it will require funding.
  - Will put any of our recommendations in front of the Town Board and the Planning Board and residents.

Town Board reported by Councilman Dave Tantillo

- Mr. Fred Rainaldi presented the High Point project last night especially due to having 3 new members on the Town Board.
- Marty Avila, our Building Inspector shared a proposed moratorium on solar farms. There are a lot of companies approaching towns with regards to solar farms. No one has approached us yet. It was Mr. Avila's recommendation to put a moratorium on any potential solar farms. This doesn't mean a resident can't put solar panels on their house. We're talking about someone who wants to put a football field full of them. A public hearing will be at a later meeting for this.

Mr. Logan – I've had a few conversations with Katie (Evans) regarding this because it was just before the time when the gentleman at Omnitech put a bunch of solar panels there. A number of years ago I worked with Labella to put together a Winder Energy Conversion System code and I suggested to her that we really needed to have the Town prepare code requirements or guidance on those sorts of things. Is that where you're going is putting an actual code together?

Councilman Tantillo – I guess the idea is step 1, putting a moratorium on it first. Then step 2 would be to work with you folks and the public and code to figure out what would be fair code. Or the Town may say they don't want it. The idea is for a public hearing and I'd encourage you folks to come out if you'd like to give your thoughts on what you'd like to see in the code.

Mr. Logan – With the Wind Energy code we didn't have any moratoriums but we had limits to the size (heights of towers, energy capacity). IN this case you'd have a field of panels next door to residential neighborhoods, you'd get a lot of glare and heat shedding off of that, all kinds of things. So I would think an expert in the field that is knowledgeable of all of those different impacts would be valuable to have advising the Town.

Councilman Tantillo – I think that we'll ask that of Marty when we have the public hearing. It's a question that I'll bring up, saying when we go to write the code, who are we relying on to be the expert.

Ms. Zollo – I would agree with what Joe was saying. I don't understand the point of scarring a bunch of land with hundreds of solar panels for energy when it just seems contrary to what typical environmentalists support. That's why I think definitely there should be limits.

Councilman Tantillo – I'd love you to come. They haven't set a date but I promise that at our next Town Board meeting, I'll have that date for you. If no public comes and tells us that they don't want it, here we put a moratorium on it and nobody came with a concern. But I do agree with you that we need to be sure that the language that is written is fair and reflective of the community.

Chairman Santoro – How long of a moratorium are you proposing?

Councilman Tantillo – I think it was a year. Now, if for some reason we get a code, we can rescind that but I think at least 12 months gives us an opportunity to get the subject matter experts to be able to draft a code for us.

Mr. Logan – Experience says that you're to need at least 6 months' worth of time to get something like that in place once you get public comments. I think that's a wise move on the Town's part before we get applications.

Councilman Tantillo – That's the thing, we're not saying permanent, just temporary so in case tomorrow we get an application, it would already be in process and we're not singling out anybody. Any more questions on that? *There were none.*

- We had a facilities workshop 2 weeks ago where we're trying to identify the future home of the Highway Dept., Courts because we pay a lease on the Courts and Parks & Rec because we pay a lease on that. The update is we are working with LaBella as well as the Highway Dept to identify parcels around the town that could accommodate a campus of that size. It's still a work in process. The idea is to find a location that is central to the town that will help all the departments.
- The update for the Route 96 Corridor. Some of you are already on the committee. The next Steering Committee meeting is Wednesday, March 7<sup>th</sup> from 7:00-9:00 pm and is open to the public. They put together a draft that will be reviewed with the 6 projects that are being proposed. The idea will be to review it and at the end of this meeting the goal would be to take the input, tweak it and then present it to the Town Board. If the Town

Board agrees to the 6 projects that are being proposed, the next step would be to identify how to generate the revenue to pay for the 6 projects. Of the 6 projects, 3 of them qualify for potential Federal assistance. All 6 qualify for State assistance. Obviously all 6 qualify for local assistance but the goal is to not have the tax payers pay for it all. Then also developers for assistance. As developers come in and ask for certain projects, if they are going to benefit from this infrastructure, what can they do to help offset some of the cost. Once we've exhausted the Federal, State and developers, at that point we would then quantify what the remaining balance would be in the form of taxes. We don't have to do all 6 at once. We can do it in steps depending on development throughout the Town. But the good news is now we have a plan. For those of you that haven't seen it, I would encourage the public and you folks to come and see it because the plans they put in place were well done. They took all of this hard work from the Comp Plan and final gave us an actionable plan especially the Route 96 Corridor Plan. I think they did a tremendous job. Any questions?

Planning Board reported by Cathy Templar

- March 13<sup>th</sup> meeting
  - Salsburg Subdivision located on Cork Road – 3 lot subdivision
  - Party City in Eastgate Square with a revised window graphic
  - Auction Direct on Route 96 for a parking area to stage vehicles
  - Lane Road Subdivision – 4 lot Subdivision

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

## **PUBLIC HEARING**

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

### **179 MILES CUTTING LANE**

Appl No 2-SP-18

Owner – Duje Tadin

Zoned – Limited Development District

SBL #5.01-1-36.060

BME Assoc on behalf of Duje Tadin is requesting to construct an 1136 sf addition to existing house. Due to this site being located in the Limited Development District it needs Planning Board approval. The property is owned by Duje Tadin and consists of 1 acre. This is the first time this application has been before the Board.

Mr. James Cretekos from BME Assoc. addressed the Board.

Mr. Cretekos – I'm here on behalf of Duje Tadin. What we are proposing to do is to construct an approximately 1136 sf building addition on the southwest side of the property. The building addition will be continuous with the existing structure. It will include an enclosed patio on the rear of the property. Other site improvements that we're proposing at this time includes removal of the existing wood deck at the rear of the house and will be constructing a new stone patio in its place.

The site works very well with the existing grades. There are some relatively steep slopes in the back of the property, approximately 2:1. With the proposed addition, we're proposing to walk it out which kind of follows the existing contours of the ground. There really is not a lot of earthwork grading activities that we need to do for this development. All of the cuts that are going to be utilized from the basement will be used to create the pad for the new patio area which is for the current wood structure. With that we create a balance of earth on the site. The only grading that we would really be doing is create a flat area at the walk out door along the back of the house so that it doesn't just immediately drop off. The grading is very minimal in that area.

And with that, all septic systems are required, there is an expansion area proposed. The area proposed with the original approvals would be installation of an additional seepage pit.

To date we've received comments from LaBella, the Code Enforcement Officer, the Fire Marshal and the Conservation Board who we have also had a meeting with. We've provided written responses to all of those comments to date.

There is one comment that we'd like to discuss with the Planning Board which is from the Code Enforcement Officer, comment #2. It's in regards to Section 2.792 and 2.793 of the Code which requires downspouts to be tied into the public sewer system or discharged to drywells. We are requesting that the Board waive this requirement. Currently, the downspouts at the rear of the property collect in an underground collection system and then discharged to grade further down the slope. We would like to maintain that practice with the proposed addition for the new downspouts. We really don't have the feasibility to route those downspouts due to the grade dropping off at the rear of the property to connect into the municipal system. Additionally, due to this steep slopes, we would find it hard to actually construct a drywell in there. We feel we'd be doing more disturbance to the slope than would be beneficial to try to infiltrate that runoff.

In summary, that is the extent of what we're proposing to do. If you have any questions or comments at this time, we'd be happy to answer them.

*Chairman Santoro asked for public comments and there were none.*

Ms. Crowley – The Conservation Board offered the applicant 2 comments. 1 was about the steep slopes and the other is around the front yard. The applicant and the engineer did a great job addressing our comments. What we did see as we were looking through Labella's comments and through BME's comments is if the septic system in the front yard has to be replaced, several of those trees are going to have to come out. I don't know if you've visited the property, the front yard is very interesting, it's almost like a large bowl, like the old washbowls you use to see with the big pictures on them. That's the front yard. So if that seepage pit system has to be removed and replaced with regular leach lines, they're going to lose 24" and 30" caliper maples and oaks. So our question was; is there a way for the applicant if necessary to request a variance to allow

the pit system to be replaced and not to use a conventional system? So I would put that to you for consideration.

Chairman Santoro – Did you discuss that with them?

Ms. Crowley – We did but we all know that the trees would have to go and like I said, it's a unique property. There are also very few places on that property that you could put in a traditional leach line other than that front yard.

Mr. Cretkos - We did an initial review when we first got into the project to determine if doing a conventional system would be appropriate for this because we were not aware of the original design parameters until we actually located the original plans from the 80's. We did a preliminary layout and we would be doing kind of a combination of a cut and raised bed system due to, as she mentioned, the kind of unique nature of the sloping terrain in the front of the yard. Unfortunately, due to the size that we would require, we would need to remove or potentially impact a couple of these larger established trees in the front yard which is why we were proposing to do the septic expansion per the original design plans.

Ms. Zollo – I just wondered if you were able to assess the condition because I know the LaBella comments discuss the life span of a typical system of 25 to 30 years. Were you able to do any assessment of the condition?

Mr. Cretkos – Actually, we were waiting until we had this meeting. We are scheduling a time to go out there and complete the required deep hole and percolation test at the depths for the new seepage pit. At that time, we're going to expose all of the existing seepage pits, do a visual inspection. Basically, you're going to look for that they are draining down and that there is a very significant layer of biofilm that's formed from the wastewater infiltrating to make sure that the affective absorption area is still present. If we discover something that isn't in line with the system operating as originally designed, we'll look at working with LaBella to come up with a solution. Ultimately, if we need to, we may end up having to go to a more conventional system and we may impact the trees. But we'd like to avoid that if possible.

Mr. Logan – I'll defer to LaBella's review on the septic system design. The addition and the location I have no problem with this. It's too bad that you have to expand the system to accommodate that. Are there extra bedrooms being put in?

Mr. Cretkos – Yes, there are 2 additional bedrooms that are going to be there. The addition is for a family member for additional space.

Mr. Logan – Alright, so you definitely need the additional capacity for the septic system.

Mr. Pettee – We did provide a comment letter dated February 7, 2018 and based on the information that the applicant provided, the installation of the proposed seepage pit and larger septic tank would be an acceptable solution. One of the things that we would recommend before the Planning Board acts on this application would be to have the deep hole test completed. Do you have that scheduled now?

Mr. Cretekos – No, we were going to try to schedule that for next week sometime.

Mr. Pettee - The design that was submitted as indicated in our letter was based on soil tests that were completed in 1988. We are asking them to do the soil testing to be sure that the ground can accommodate the waste water discharge. But if it can't, the design of the septic system would need to be changed so the site might change a little bit. There might be some changes in the surface grades and like Kate Crowley mentioned, there may be some trees that may be removed. So I think that it would be wise for the Planning Board to have a better understanding of what's going on with the soils out there before taking action on the plan. I don't see a problem with what's proposed at this point but I think having the test results would also be helpful.

Chairman Santoro – Where does the water go if it's not going into the ground?

Mr. Pettee – The surface water? (Yes)

Mr. Cretekos – The surface water drains around the north half of the property and then continues down the steep slopes in the rear of the property over towards the road to the east.

Chairman Santoro – Are there any other properties in the way?

Mr. Cretekos – There is a single family house that was constructed after the residential subdivision but drainage pretty much still flows down the hill and toward the road.

Mr. Logan – So it goes between 179 and the next house to the northeast.

Mr. Cretekos – Correct. So the swale comes along the front of the property and then continues down their property and towards the road.

Mr. Logan – Okay and away from that other garage to that other house built along the.....

Mr. Cretekos - .....Correct, it goes to the rear of that property.

Chairman Santoro – Do you see any problem to that property?

Mr. Cretekos – No and the Code Enforcement Officer also commented on that as well and didn't see any issues with the drainage.

*Chairman Santoro asked for any other questions and there were none.*

Mr. Logan – So our take away is to take Wes' advice to get the septic system approach verified and when everyone is in agreement with that, they can move forward with the approval of the addition.

Chairman Santoro – Are you going to have that done later this week?

Mr. Cretekos – Yes if we can get it scheduled later this week, we can get the information back in time for the next meeting so you could take action then.

*Chairman Santoro asked for a motion to close the public hearing. Mr. Logan made the motion, Heather Zollo seconded it. The public hearing was closed.*

The discussion ended at this time.

### **SPRINT ANTENNA MODIFICATION**

701 High St

Appl No 1-SU-18

Owner – Tower, Ontario County; Property, Town of Victor

Zoned - Residential

SBL #15.00-2-74.000/SPNT

Airosmith Development on behalf of the applicant is requesting Special Use approval for an equipment upgrade to existing collocated communication facility on existing communication tower. Applicant is proposed to remove 3 of the existing antennas and replace them with 3 upgraded antennas; remove 3 existing RRH and replace with 3 new RRH and add 3 additional remote radio heads on the existing antenna mounts. The tower is owned by Ontario County and the property is owned by the Town of Victor consisting of .68 acres and is zoned residential. This is the first time this application has been before the Board.

Ms. Theresa Whiteford from Airosmith Development addressed the Board.

Ms. Whiteford – We are representing Sprint in this project. They basically have existing antennas on the County owned tower at 701 High Street. There are 6 antennas there right now, they are going to be removing 3 of those antennas and replacing them with 3 new antennas. Also, they are swapping 3 of the radio heads and adding 3 additional remote radio heads behind the antennas.

*Chairman Santoro asked for public comments and there were none.*

Mr. Logan – It's pretty straight forward. We've done this plenty of times. This particular tower is fairly crowded but there is room for it. It doesn't look like you're increasing the height significantly.

Mr. Whiteford – No, they're not increasing the height on the tower at all. The antennas are a little bit larger than the antennas that are coming off. But Sprint had to decide between adding more antennas or adding a little bit larger antennas. So they went with the little bit larger antennas.

Mr. Logan – As long as it's not raising the tower or requiring the FAA lighting on the tower, I'm more than happy to do that.

*Ms. Zollo, Mr. Seiter and Chairman Santoro had no additional comments.*

*Chairman Santoro asked for a motion to close the public hearing. Motion made by Joe Logan, seconded by Heather Zollo. The public hearing was closed.*

## RESOLUTION

On motion made by Heather Zollo, seconded by Rich Seiter

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

1. A Special Use application was received on January 23, 2018 by the Secretary of the Planning Board entitled Sprint Macro Upgrade Project.
2. Applicant is requesting approval for an equipment upgrade to existing collocated communication facility on existing communication tower. Applicant has proposed to remove 3 of the existing antennas and replace them with 3 upgraded antennas; remove 3 existing RRH and replace with 3 new RRH and add 3 additional remote radio heads on the existing antenna mounts.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail and an Under Review sign was posted.
4. The Planning Board held a public hearing on February 27, 2018 at which time the public was invited to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On November 20, 2018, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
8. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
9. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of Sprint/Airosmith Site Plan entitled Sprint Victor-High Street Water Tank project located at 701 High Street drawn by

Infinigy dated January 18, 2018 received by the Planning Board January 23, 2018, Planning Board Special Use Application No. 1-SU-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer, dated February 8, 2018 be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

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 | Aye    |
| Al Gallina    | Absent |
| Rich Seiter   | Aye    |

Approved 4 Ayes, 0 Nay

**RECOMMENDATION TO TOWN BOARD:**

**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 2/13 mtg. At this meeting a recommendation to the Town Board will be deliberated on.

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

*Chairman Santoro stated that this was not a public hearing, the Planning Board is making a recommendation to the Town Board. The Town Board makes the final decision on this.*

Mr. Eldred – Good evening. At the last meeting, Cathy sent an email of 5 or 6 items that were talked about at that meeting that you wanted addressed. We addressed them in a letter dated February 21, 2018. The first is the market study and I'll leave that until last and Fred can answer that better.

The second one was the former unapproved Forest Park at Eastview townhouse layout. In the packet you'll see what was proposed at one time in this back area which was 33 townhouses. It's in the same area that we're looking at now. Again, this plan was not approved but as I mentioned last time, there was contemplated townhouses in that area. I would suspect the main reason that wasn't approved is that they really would have had to destroy the hillside to get a road up there from the lower level to the upper level.

The thing that is fortunate about us and actually the reason they decided to go forward and purchase this is that it's at grade for our project.

Mr. Logan- The units that are on there at the top that were *proposed*, is that the same general area that the buildings you're proposing are located? That house is still there correct? (Referring to Mr. Rueda's house).

Mr. Eldred – Yes that's correct.

*Mr. Logan pointed out Mr. Rueda's house on the overhead screen.*

Mr. Eldred – We've actually talked to Mr. Rueda. We're going to move this building because of Mr. Rueda's perspective as being ----- . By moving this unit, it puts it a little closer to the property line but Mr. Rueda's perspective in his rear yard, his garage is on this side. So that would open up this area for more greenspace.

Mr. Logan – So again, this is the building that you're talking about. Is that opposite from the 4<sup>th</sup> building with a driveway and common parking in the middle? (Yes)

Mr. Rainaldi – I just want to make one point very clear. There is a lot of conversation yet to be had with regards to the treatment and us being good neighbors. I don't want you to take from Doug that we come to any conclusion. We understand that this is a highly, highly sensitive topic and we plan on addressing it to everybody's expectation. I don't want the Board or the testimony to reflect that there has been any conclusion to that but we're very aware, we're taking that very seriously and we're going to make sure that everybody is happy with how that looks.

Mr. Logan – It sounds like an on-going conversation.

Mr. Eldred – I guess I jumped the gun on that, I'm sorry. That was one of the things that were under consideration but as Fred said, we're probably not quite there yet.

Ms. Zollo – And again, what was approved for that Forest Park is just the apartments that exist there now.

Mr. Eldred – That's right, this was not approved.

Mr. Logan – Did they expand that building at the bottom?

Mr. Eldred – I believe it's bigger. It's a different shape.

Mr. Logan- So they made it denser at the bottom and didn't do anything at the top. There's a trade off there but....

Mr. Eldred – Cathy and Kim couldn't find the actual plan that went with the approval. This is the only plan that we had.

Mr. Pettee – What's up on the screen now is the approved Conifer Village at Eastview Planned Development District plan.

Ms. Zollo – Do we know how many units are in this building? (Referring to the Conifer Village plan)

Mr. Pettee – In the main building, the approved plan says 88 units.

Mr. Eldred – So the plan that I gave you had about 114. Again, it wasn't approved. I guess it was just something to show what the magnitude of townhouses would be if they were to be built. So for what it's worth, that plan, excluding the outbuildings had a total of 151 units on it with our project. That exercise is interesting but probably not relevant to moving forward.

The next question was in regards to parking along the streets. What we've attempted to do with this project is minimize that as much as possible. We talked about it a lot over the last couple of months. We try to put as much underneath in the garages or the basements as possible. We try to put parking at that lower level as much as possible. The intent was to sort of minimize the amount of parking that would be along the driveways that access the apartment units. So for comparison purposes, there is about 180 street side parking on the townhouse layout for the original parcel which doesn't include the Forest Park at Eastview.

We now have about 168 so we have less on street parking. That does not include the parking lot for the clubhouse because there was no clubhouse in the other. What we tried to do here is #1 eliminate the garages in front of the townhouses which are, in my opinion, not very nice looking. #2 you've got this beautiful view of the bldgs. Where we do have parking, we tried to separate it every 5 or 6 spaces with a wide landscaped island, about 18 ft wide, sort of a double parking spot situation so we could plant trees in there. Then have trees on both side of the road that would blend in with the background and obviously we have tons of woods out there that we would retain.

Our objective here was to break up these parking spots. First of all minimize them, second break them up and third have a better view of a nice beautiful building instead of a view down the road where you're looking at basically garages which I think is a pretty substantial improvement. It's always been my complaint with townhouses quite frankly because when you look at them, all you see are garages. So we've tried to improve that significantly with this project.

The next one is more or less just a reiteration of the pedestrian circulation and our commitment, if you will, to provide numerous walkways, trails, nature trails and also to provide

access ways that would get you to Route 96. So we're just restating that commitment. We haven't really finalize that plan. It's something that would take a lot of work and is part of a final design consideration. But we're trying to do 2 things; 1 to provide that walkway all the way over to the commercial area and 2 to provide trails that would go through the beautiful nature areas, the wooded hillsides, etc. and those will be available for public walking as well.

The next item on the list was apartment density. You may recall with the Gullace project, there was a chart prepared that compared the number of units per acre and other factors such as impervious area, greenspace and such. So I've provided a chart of that, slightly modified. In the center in green is our project which has 83.2% greenspace. Again, just for the apartment, not the overall site and 5.2 units per acre. So the number of units allowed by code maxes 10 units per acre. Just going down through the list to do the comparisons; Great Brook Apartments has 8.3 units per acre; Regency Townhomes has 6.6 units per acre. So there is a townhouse project that has more density than we are proposing. Villas of Victor apartments 5.9 per acre; Eastview Manor Apartments 9.2 per acre. Auburn Creek is way down to 2.7 per acre.

Mr. Logan-This is apartments per acre or number of acres?

Mr. Eldred – Apartments per acre. We are at 5.2 so we're at the lower end of the spectrum in regards to other projects. Then if you look across the chart, you can see where other projects adjacent to the town fall. Townhouse units, most codes have them about 6 to 8 maximum per acre and then most codes have apartments, I've seen all the way up to 20 but between 10 and 20 units per acre and again, we're at 5.2. I think we look very favorable with respect to those comparisons for our project. Of course we benefit by having a beautiful green hillside.

The finished height of the building. I've just provided that. Then there was a comment letter from the Fire Marshal which I'll get into in a minute.

But first let's take a look at the traffic impact on Valentown Road. So at the last meeting, I handed out a chart that just gave you the projected cars on Valentown Road between the project site and High Street and then east of the project site. We asked Frank Dolan from Bergmann to do a comparison as we have throughout the project of what we're doing now as compared to the approved FEIS. So you'll recall from the overall project, we're in great shape with respect to Route 96 and all of the other intersections because the background traffic didn't grow as high and the trip generation from the office bldgs aren't as high as projected, so we had excess capacity. Also the highway mitigation was designed for all office/apartment. So you're turning lane lengths and everything they built, a million dollars of improvements that they did at their own cost for this project put them in good --- with respect to staying under the mitigation level.

So the question was how we compare Valentown exactly. If you look at the results, the biggest change is in the neighborhood of 1 car per minute additional in that area, it might be a little bit up or down from there. That is also the biggest change as compared to the traffic generation as it exists now, about 1 car per minute. So it's very, very low. The standard that's always used as the Level of Service (LOS).....

Mr. Picciotti - .....1 car per minute, is that during peak hours?

Mr. Eldred – Peak hours. The standard that is used throughout is the LOS so all the LOS stay the same from the existing to the current. Then to dig into it a little bit further, I looked at the maximum additional delay and it was 3.7 seconds. So there is one movement, west bound left on

Valentown is 3 seconds higher. Then there are actually some that go down and that sounds a little silly but the reason it goes down is they had adjusted the signal timing so it makes a little bit of difference there. So you have that 3.7 seconds and the next one is 2.1 seconds. So by all intense and purposes, a negligible increase in traffic on Valentown Rd.

Finally last night I got a letter from the Fire Marshal and I was able to meet with Bob Graham, the Fire Marshal and Sean McAdoo and Andy Stromfeld which are the two Fire Chiefs. First of all, I was a little bit surprised by the letter to be honest with you. I've been working with the Fire Marshal and Sean on a project for Dr. Ferris on Route 96 who has proposed 4 stories actually now. We've been working through it and Sean has had a little list of things that he wanted and we've addressed all of those things. Part 2 of this is the Village is looking to change their maximum height to 50 ft with a code revision that they're going through now. So what that's saying is this is an economic development perspective which is the whole reason that they are doing it. So what they are saying is there will be 4 story bldgs in the Village at some point as the houses are taken over by commercial establishments. The reason I brought that up was and yes they're items that we're going through but they really weren't any sticking points as far as a major sticking point.

So we got the letter from Bob Graham and I was able to meet with them today and I don't want to get real specific because I don't want to call it a negotiation but there is a list of items that Bob, Sean and Andy went through that I was able to take notes on and provide them to Fred and his team and it looks like we should be able to meet those. Their biggest concern was fires in the garage/basement and the smoke that it produces and the potential effect on the upper floors because of that. We talked about ventilation systems, things of that nature to make that better. Then there were just other issues; accessibility, size of the stairwells so you can carry guys up and down and equipment, the size of the elevators to get a gurney in there. So there is just a list, a list that we would normally go through at final design. I think the bottom line is I think we'll be able to address their concerns.

Mr. Logan – Are you talking about Bob Graham's response to questions from the Planning Board? (Yes) Because I'm seeing quite a few things in here that compared and discussed concerns about the construction of the building, the accessibility around it.

*Ms. Templar stated that the response letter that was being referred to didn't go to Mr. Eldred as it had been addressed to the Planning Board in response to a Planning Board question. Mr. Logan gave his copy of the letter to Mr. Eldred.*

Mr. Logan – I certainly don't expect an answer to these statements but I understand the conversations that you had regarding the first letter. But specifically the question was regarding the fact that he considered the building 4 stories and not 3 and that the construction of the building is wood and not concrete block, non-combustible materials especially in the parking garage area.

Mr. Eldred – The parking garage area by code has to be concrete.

Mr. Logan – So is the first floor sitting on concrete? In other words, you'll have a concrete roof like Spancrete or something like that and concrete columns.

Mr. Eldred – It's required by building code.

Mr. Logan- Okay, but then everything above that is combustible, it's all wood. There are no fire breaks and things like that.

Mr. Eldred – Well, I had taken that request to Fred. I didn't want to get too deep because they are looking through the list and we'd like to meet as many as possible and get back to them and make sure they're satisfied. But I certainly.....and I got this at 12:30 today.

Mr. Logan – I just wanted to make sure that your comments weren't relating to this one (referring to the Fire Marshal's responses to the Planning Board) because it was a little convoluted. Alright, you'll take them and work through it with the Fire Marshal and the Fire Dept as well in addition to the previous comments and it sounds like you've already had this discussion.

Mr. Eldred – Fred can probably bring you up to date a little bit more on that.

Mr. Logan – Personally, my concern is the height of the bldgs and what the impacts of that are. The biggest ones to me was visibility adjacent to a single family resident and there is really only one location on the site that's a problem for me and that's Mr. Rueda's and then the safety of the people in the bldgs themselves. This goes a long way in telling me that I still have some major concerns about that, with accessibility around the building and the type of construction. I'm sure Fred will be looking at this and getting back to us.

Mr. Eldred – Yes, he's done this without us responding to it (referring to the response letter from the Fire Marshal)

Mr. Logan – And that's fine because it just came to us today.

Mr. Eldred – The height to all of the guys is not really a problem. It's the ability to get to the people who need help and it's the potential with the garages in the basements.

Mr. Logan – If you have a car fire, it's a big deal. You don't find that at the hotels or some of the other bldgs with the type of construction that you initially suggested. So without all of the detail about the garages, the concrete and everything else, that would be my first thing, to make sure that they are all concrete which it sounds like you are. So we just need to work through this.

Mr. Eldred – We will just work through it. Like I said, today was the first meeting, it's something that we would normally do at some point in the design phase. But I think it's probably relevant for us to get through this because of the reasons you were talking about Joe. So I'm glad they brought it up and that we can work through it. I'm pretty confident that we would be able to make it all work.

Mr. Seiter – Is the parking area the entire footprint of the building?

Mr. Eldred – Yes, pretty much.

Mr. Seiter - Are all sides of it enclosed? How many overhead doors?

Mr. Eldred – Just 1

Mr. Seiter – Just 1 and would it fit a fire truck within?

Mr. Eldred – No they don't bring the fire truck into it. But we did talk about, we have a stand pipe with a fire hose connection in all levels so they don't have to drag a hose in.

Mr. Picciotti – So the 1 vehicle door would be the only way in or out?

Mr. Eldred – 1 vehicle door, yes. There's a lot of things that we talked about in addition to what's on this list but suffices to say, it's a nice list, they are very serious about protecting the citizens and so are we. So we take it very seriously. They are the right people to comment on it and we'll work it through with them. They'd also like some more full time fire fighters!

*Chairman Santoro asked for any public comments.*

Mr. Miguel Reyes (Mr. Rueda's attorney) – Mr. Rueda owns the house on top of the hill and he is very concerned about a number of things. The density of the project is a huge up-step from what was previously approved. Also the size of the structures of each particular building is also preoccupying to him. These bldgs are 48 ft, if you put 2 regular 2 story houses, one on top of the other, that would be about 48 ft. A telephone pole is about 25 ft. Put 2 of those together, that would be about the height of this project. Each of these units is supposed to house 14 apartments. I think the volume of that building would be much bigger than the building of this town hall.

Mr. & Mrs. Rueda are facing multiple years of construction activity up there. Even if Mr. Rainaldi is very dainty in construction and trying not to disturb the neighborhood, what will remain afterwards is a huge project, a large number of apartments which we have some doubts as well as the Board expressed the last time, regarding the economic feasibility of the project. This has been stated that it would attract CEOs and high executives of these companies. We have been coming to these hearings for months and I think we have a lot of skepticism about that. The likelihood on that score is more than if this particular project is approved and at some point the demand does not suffice to continue these high end things, at some point the developers will take a loss, will pitch this apartment down the road and Mr. Rueda will be left living next to the hood. No matter what you build there, these are not single family homes, there's not the same concerns, you're going to have renters. There were concerns expressed previously whether apartments are compatible with the initial plan and desire of having high end homes up there.

Initially the idea of having residential units up in that area was to provide a buffer. Now I think if you look up hutzpah you might find 300 apartment units as a buffer between commercial development and a residential unit to be right there.

Mr. Rueda's concern is not only with the traffic that will be generated at the various points where the project empties out into the main thoroughfares but parking on the site, the vehicles traveling around in the site. Mr. Rueda has been there for 20 years. He has enjoyed relative peace and tranquility and he wants that to continue to the maximum extent possible.

Therefore, he requests certainly that the additional 5.38 acres *not* be annexed to the Planned Development District and that construction as proposed *not* be approved over there. We have been coming to these hearings here and the Town Board for probably over a year and I think it's time to tell Mr. Rainaldi that that development on top of the hill is not going to go. It's time for you to put an end to it. Mr. Rueda is entitled to his peace and tranquility, even coming here is costing a significant amount of disturbance and worry on his part. As I indicated before, they have been there a long time and now the retired Mrs. Rueda is looking forward to having her coffee on her small porch and being treated to a ---- of construction equipment and traffic and lights because there's going to be construction that we understand is going to take a multitude of years and we all know what construction equipment sounds like and how disturbing that can be. For that reason we urge you to not approve this project. Thank you.

Mr. Edwin Rueda – I've had some conversation with Mr. Fred Sr. and he has proposed that he would move a building here and he would put some buffering there but it's all been, if you ask me, small talk, it's nothing concrete. As Fred Jr has said, there's nothing there. I look forward for this Board to help me with this. This is my home, this is where my family lives. I understand that it's an investment situation for Rainaldi's. But the project doesn't coincide with what I have going there, the residential property. It's just so plain to see. My property at the tallest point is probably 15 ft. This is 48 ft, almost 3 times the size. So there are those concerns and I hope that this Board can help me with this.

Mr. Douglas Fisher – In supplementation of my earlier correspondence, I had not heard anything before about the walkability to Route 96 which is commendable in the sense that you have 2 million square feet of retail on Route 96. It's a great attraction for automobiles to go there particularly from here if there is walkability that would help in mitigating the quantity of automobiles. I wish Route 96 was walkable so that it was all accessible from any place. We don't even have a sidewalk on Turk Hill Rd that connects the Forest Park at Eastview to Route 96. There are no sidewalks between Cobblestone Court and Eastgate Square Plaza.

So I'm concerned about the feasibility actually of creating a walkable system there which would be helpful if it could be done. I only see 3 candidates for that; 1 is the 50 ft wide corridor at the northern end of the property as it goes from the Forest Park at Eastview top of the hill area, down to Turk Hill Rd. You'd have to have stairs there which is a concept but as I say, there is no walkable connection from there. Or you could utilize the High Point Dr. People at the upper level would be at the same elevation to walk down there. People at the lower elevation would have to go up the hill and over. There's no sidewalk there now and there's some level of engineering that would have to be done for that. Or there could be a sidewalk along Valentown Rd which does not exist now. If it's going to be on the same side of the road as the project, you'd have to be cutting into the hills, you'd have to be taking property away from Victor Historical Society in order to put a sidewalk there. Whereas walkability is a very desirable goal, I'm not sure how feasible it is and even if you get to Route 96, it's not walkable from there. Thank you.

Mr. Dave Nankin from 1174 Chaucer Court – I've been coming to these meetings for a long time. You people have taught me a great deal. I just want to give it back to you just a bit. One of your number 1 concerns from what I pick up is conformity. If something is being built, an addition to a shopping center, you want to know how the elevations in the front is going to look

and you want to know how homes are going to look if they are going into a neighborhood, a new addition and how it's going to correspond to the existing homes. I just want to know how in the world even as nice as this is and this is beautiful I have to admit, how does this conform to anything that exists in the Town today? As far as I can see most places that build are townhomes, you own the area above you and below you. There is going to be apartments but I don't believe it's going to be like this. I haven't seen the interior layout but it would seem that you are going to have people on 1 floor and then the second floor. I would think also that a building like this as nice as it is, most places if you go up over 2 stories would have heavier framework, I-beams and such, steel construction. At least the framework of it. Light frame construction for something like this, I don't think it holds up quite as well as something that would be a steel frame.

Also, Doug Eldred, I'm just going to say something...he came up with an extremely fine idea and I think it's worth consideration. The Ferris project was originally planned for 3 stories. At that time it was a frame construction but they had a 2 ft buffer between floors so all of the duct work can go through and you can put wiring and such. That buffer would prevent a lot of the noise from going from the upper part to the lower part, instead of the people walking in the upper part on the lower part's ceiling. I thought this was a great idea and you could put in a lot of insulation and fire proofing in something like that. With 3 stories, I think that would be something important to do. I know it adds a bit to the cost but for this project and future projects and it seems to be going higher and higher as time goes on here, that's a consideration for the Board. I thank you very much for your time.

Ms. Lee Wager from 7250 Beauchamp Way – I haven't heard any discussion at all about the lighting for the open parking areas. How many spaces are there there? How high would the lighting have to be? It almost looks like it would be more parking spots than was down in the old K-Mart area. I just wonder about what the lighting situation would be for something like that for the neighbors.

*Chairman Santoro asked for any other public comments and there were none.*

Mr. Rainaldi – I just want to reference a couple of things. I would be lying to you if I didn't express a little frustration especially with Miguel's comments. Two times in a row now he's misrepresented facts. I think his first comment when he spoke, I think he compared me to a camel in a tent. So in a professional setting like this, especially with him being an attorney, it's a little disappointing in regards to his approach.

The building details, the design, the architecture, the construction type, these are all things with incredible levels of detail that we haven't spoken of yet. Every single question I've heard posed today is answered in these specifics. Every concern that I've heard has been accomplished through the design. So if we're fortunate enough to get to that point, I can promise you that every element specific to the building construction type and function will be addressed in detail. I will make extra effort to make sure that is highly visible to the public as well as the Board and Administration.

The comment with regards to the feasibility, I provided a two page abstract that was produced by Vogt Strategic Insights. They are one of the nation's leading analyst and they also have a division that specializes in our region. That two page report that was submitted is a derivative of an over 130 page analysis that I've asked them to update many, many times. *Mr.*

*Rainaldi held up the report he was referring to.* You don't have this because I've spent a lot of money on this and it includes information that's specific to the way that I conduct my business. So I will redact and submit specifics but the end result is they have without question identified a need for this type of product and this price point. There's a conclusion that I apologize was not carried over to this letter but I'll be submitting it to Cathy in a redacted format which shows without any concern or hesitation that this project within 3 years of being built will have a 95% absorption rate which takes into consideration a 25% turn over after year one which is a highly conservative approach. I will submit this in detail with the backup, again in redacted form. If there are any additional details specific to the feasibility, please ask and I will continue to feed information because I promise you I have it available.

The young lady that spoke last, (Ms. Wager) were you referencing the larger parking lots, for the office bldgs or for the residents? Because Building 100 and 200 are built, I can show you what those lights look like. It's not part of the application tonight but I have that information for you. There is only 1 building left to be built.

Ms. Wager – The furthest north parking area...how close is that to the bldgs that were talking about?

Mr. Rainaldi – Over 150 ft. Right now if you look at the light systems, they have a canopy over them which directs the lights down, so it cuts off.

Ms. Wager – I'm not going to live there, I was just wondering how it was going to affect those people.

Mr. Rainaldi – Oh my goodness, can you imagine that if I imposed an environment where I'm running my own tenants out of my bldgs?

Ms. Wager – I have no experience with you but experience with developers, plans can change, that's all.

*Mr. Rainaldi explains to Ms. Wager the process of what he would be turning in to the Planning Board and what the Code Enforcement Officer would be looking for.*

Chairman Santoro – So you will be coming back and presenting responses to the things that we talked about. So we'll see you next time.

Ms. Zollo – Fred, one of the things that you just said in your feasibility report was that upon completion you'd have 95% absorption. How long will it take you to complete the project?

Mr. Rainaldi – The phasing is subject to Town regulations. All of these pads are already graded except for the Conifer land. We would complete Phase 1, complete Phase 2 and complete Phase 3 and complete Phase 4. The 95% absorption statistic is applied to the product that is complete. So if I only built this building, it applies to that. That's obviously not realistic, we don't want to have a construction crew mobilized for multiple years. I'd like to have all of this completed within 2 or 3 years worst case scenario. Again, it would be driven by the Town's code for how

many acres we can disturb at one time or be under construction at one time. But the conservative approach that we took to the feasibility analysis allows us to move at a very quick pace.

Mr. Logan – So you're saying that you'd finish one phase and then move onto the next? Or would you be doing multiple phases concurrently.

Mr. Rainaldi – The way that we envision programing this would be to move....

Mr. Logan – .....So once you finish the clubhouse and the 4 or 5 bldgs that are down there, then you move on and start the next phase?

Mr. Rainaldi – It's happening immediately, yes. The way that we mobilize our construction crew, is we're highly efficient, that's how we're able to infuse premiums like this. Say my mason's, I'm going to keep them active until they're done. Once I bring my equipment on here, that equipment isn't coming off site until we're complete with this project.

Mr. Logan – So foundations are done in the first phase, they move onto the second phase and then the other trades are building the rest of the bldgs, the first phase, then they move to the second and so on. So for instance Mr. Rueda won't see anybody up there until they finish the foundations in Phase 3 (Correct) except maybe driveways or preparation for that.

Mr. Rainaldi – And a lot of the grading has been completed. The only thing that we're doing as part of the County Planning Board comments is we're actually going to refortify the perimeters of all of the driveways so you can actually drive a fire truck on the sides. Say if there is a car broken down in the road, you can actually drive a fire truck around it. That's the only thing that hasn't been completed.

Mr. Logan – So you've got 4 bldgs shown up there for Phase 4 and you talked about moving a building somewhere else, is there a reason why because early on when you proposed this development and there weren't even any townhouses in the picture, you had multiple bldgs, a couple of them down below, you had a building or two up here but is there a reason to not even bother to add this but just to put more of the apartments down here.

Mr. Rainaldi – Have you seen the hillside?

Mr. Logan- You had a building there at one time.

Mr. Rainaldi – It was a highly aggressive cut into that hill.

Mr. Logan- So you shifted the driveway enough so you couldn't put in another building is what you're telling me.

Mr. Rainaldi – Absolutely. First of all this is in a conservation easement.

Mr. Logan – I'm just putting a question out there to see what other things you could do by not putting a fourth building up there.

Mr. Rainaldi – So my comment here and I think Edwin understood me correctly when I said to Doug, no we haven't confirmed anything because we understand that there is a lot of conversation that has to take place. This isn't a final form. We produce this because we're asking you to evaluate the project. Many things could happen to this. I don't know what it is. All I'm saying is that I'm committed to being a great neighbor. Whatever the final form of this phase, I'm committing to being a great neighbor. I don't know what that looks like yet, we have a lot of conversation left. I've been hyper focused, the scoping document for just this portion, the review at the Planning Board has been reminiscent to what we went through with the DEIS. I don't want to lose my focus or pull my team off to making sure that we're responding to you the way you need to be receiving information. We have a whole site plan, architectural review. We're going to open this up and I can't wait until we do that because you're going to become very excited about this site, I can promise you that. What I corrected Doug on, we have not committed to anything because we understand that there is a lot of conversation to be had with that.

Mr. Logan – Okay, that's all I need.

Chairman Santoro – Thank you.

Mr. Eldred – I'm not sure if I hear too much to prepare for the next meeting. Maybe you could help us a little bit.

Chairman Santoro – Well you have to respond to the Fire Marshal and get that resolved. Whatever other issues that arouse tonight and in the last meetings.

*Ms. Templar stated that she would send an email out the next day to Mr. Eldred listing what is needed.*

Mr. Eldred – Are you going to actually have some sort of a workshop to look at a resolution and try to work on it next week? Are you to that point?

Mr. Picciotti – We had a workshop and the last meeting we had we went through a draft of the resolution. We got some information. It's up to the Board's pleasure if you want to have another workshop in the interim. Workshops are usually done outside of Board meetings but that could be done but would be up to the pleasure of the Board.

Mr. Pettee – One thing that might be helpful for us. Mr. Rainaldi mentioned that you would get the conclusion to the Town that would wrap into this memo. I think that would be helpful for us to continue on with that draft resolution. So the sooner we get that the better.

Mr. Eldred – If I might suggest an approach. We supplied some documents and you could put it into this and you folks could scratch it off or add to it or change it. You don't know preparing the resolution entirely with their thinking but maybe if you put the information in there and if you do or don't agree with it, then scratch it off. It's sort of all in front of you. It's just a suggestion, I've done that before.

Mr. Pettee – I appreciate that. I think what I'll do is get together with Joe Picciotti and Kim Kinsella and chat with you as well to keep this moving.

Mr. Eldred – Thank you

The discussion ended at this point.

### **MISC ITEM**

#### **LSI SOLUTIONS – CREEKSIDE BUILDING**

7796 Victor-Mendon Rd

Appl No 11-SP-17

LSI Solutions, Inc received approval to construct a 67,200 sf building on their 34 acres from the Planning Board on June 27, 2017. Applicant has received their first 90 day extension on January 9, 2018. Applicant is requesting an amendment to one of the on-going conditions of approval which states that *right of way permits shall be obtained prior to the project construction commencing*. Applicant is requesting to be able to start construction of the new building while pursuing the needed DOT permits.

Mr. Steve Schultz from the MRB Group addressed the Board.

Mr. Schultz – Good evening. I'm here with Jim Guelzow and Bob Hamby from LSI. I think Cathy (Templar) pretty much said everything that I need to say (regarding the reading of the introduction). As known, the DOT required a bypass lane around the LSI driveway into the new building. The original intent with the bypass lane was to keep all of the work within the ROW but it's become apparent through the design process that there will be a small encroachment onto the property to the south. It's 851 Bel Arbor Dr and owned by the Drago's family. The work that ends up encroaching a little bit on their property is primarily some grading and swale construction. But with the DOT requirements for side slopes off of the shoulder of the road, we just can't quite keep it in the ROW. Fortunately Jim from LSI reached out to the Drago's and they are willing to provide the necessary land to increase the ROW width to allow the work to proceed. Unfortunately, the process of donating lane to the DOT is quite lengthy. That's why we are requesting a modification of the original approval to allow the construction of the building and site work to begin while in conjunction, we obtain the permit from the DOT.

*Chairman Santoro asked for comments from the Board.*

Mr. Pettee – One of the conditions of the previous resolution was that the comments from the letter of June 19, 2017 from the NYS DOT be addressed. Was there correspondence after that from DOT?

Mr. Schultz – Yes we've had a couple of reviews. I think I submitted a copy of the letter dated October 17, 2017 from DOT as part of our application.

Mr. Pettee – Okay, here it is. Thanks.

Mr. Logan – So what I'm hearing is you've got essentially approval but you're trying to get the ROW taken care of, is that true?

Mr. Schultz – Yes, we're still in the design process because that determines how much land we'll have to acquire from the Drago's property. We've been through a couple of iterations.

Mr. Logan – So design of the bypass is what you're telling us you need.

Mr. Schultz – Yes the bypass. Then once they're satisfied that the design meets all the DOT requirements, then we sit down with DOT and the Drago's family and LSI and all come to an agreement of whether it's a 5 ft strip or whatever amount of land that's needed. Following that, we have to do all of the mapping, title searches and all the stuff that's required by DOT and then it has to go to an Attorney General in Albany. It's lengthy that's why it would be great if we could be working on the project building simultaneously with obtaining this permit.

Mr. Logan – I guess it begs the question, if you needed it for constructing the building, then you start constructing the building before you build this bypass....

Mr. Schultz - .....We don't need it for constructing the building. The bypass is primarily for when this building gets fully occupied.

Mr. Logan - So when it's operational.

Mr. Schultz – Even more so when it's fully occupied is when this driveway turning in and we'll just need a small bypass around them.

Mr. Logan – I just misunderstood that the need wasn't just for that but also for construction and it sounds like it's not needed for construction, just the function of the building.

Mr. Schultz – Just for when it's open and most importantly when its fully occupied and have your maximum amount of employees on site.

Mr. Logan – So you're kind of stuck unless you get this thing done. You need to build it but you can't function theoretically without it.

Mr. Schultz – And there are plenty of assurances that it will be done because we can't get a C/O.

Chairman Santoro – What is the time line of your construction, how long will it take?

Mr. Guelzow from the audience stated it would be approximately 1 year to build.

Chairman Santoro – You don't think you'll resolve it with the DOT by that time?

Mr. Logan – It's about a 9 month to a year process for a ROW and you're probably in the middle of it now, right?

Mr. Schultz – We're in the middle of the design part which establishes how much land is needed. There is a considerable length of time and we're hoping the DOT work could be done in the Fall.

*There were no other comments and the resolution was read.*

### RESOLUTION

On motion made by Joe Logan, seconded by Heather Zollo

WHEREAS, on June 27, 2017, the Planning Board approved a 67,200 sf office/warehouse building for LSI Solutions Creekside Building with ongoing condition #1 stating that the site plan comply with Town of Victor Design Construction Standards for Land Development, including Section 4 which states a right of way permit shall be obtained prior to the project construction commencing; and

WHEREAS on February 15, 2018, the Planning Board Secretary received the applicant's request to amend ongoing condition #1 to allow for construction of the Creekside Building project with the stipulation that the NYS DOT permit for the bypass lane related work be received prior to issuance of a Certificate of Occupancy;

### DISCUSSION:

Mr. Schultz – Can the wording be changed or is this written in stone at this point?

*It was noted to Mr. Schultz that the resolution could be changed.*

Mr. Schultz *referring to original wording of the draft resolution.* It mentioned the stipulation that the bypass lane related work within the ROW be completed prior to issuance of a C/O. Something that I talked to Kim (Kinsella) about earlier today. It would be better for LSI if it could read that *the bypass lane related permit within the ROW be issued by DOT prior to issuance of a C/O.*

Mr. Logan – Yes because if you can't build it in the fall and it gets pushed to winter.

Mr. Schultz – It's too late in the year. DOT has specific requirements on temperature for paving and stuff. If it gets too late in the fall, it might have to get put off until the spring so they'd have an empty building sitting there.

Mr. Logan – That makes sense to me.

Mr. Schultz – And we will provide assurances to DOT because they require a bond so it's not like they can just move into the building and say they're not going to do it.

*There was discussion on changing the words as you see above.*

Mr. Pettee – The original resolution for this project was dated June 27, 2017. There were several conditions. The first On Going Condition reads as follows:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That the comments in a letter dated June 19, 2017 from the NYS DOT be addressed

I guess I'm wondering with this draft resolution in front of us, should we be referencing Condition #1 or #2.

Mr. Schultz – I think it's #1 because #1 goes to the Design Standards which in Section 4 says that you have to have all permits from DOT prior to commencing work on the project.

Mr. Pettee – Okay, that helps because I don't have the Design Construction Standards in front of me at the moment.

*More discussion took place on the wording for the resolution.*

CONTINUED:

NOW, THEREFORE BE IT RESOLVED that the requested amendment to Ongoing Condition #1 for LSI Solutions, Inc., Creekside Building dated June 28, 2017 BE APPROVED WITH THE FOLLOWING CONDITIONS;

1. That no Certificate of Occupancy be granted until such time as the NYSDOT permit for the bypass lane related work within the right of way has been received and provided to the Town.
2. That the bypass work shall be completed within nine months of the receipt of the NYS DOT permit issuance.

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

Approved 4 Ayes, 0 Nays

Motion was made by Joe Logan seconded by Heather Zollo RESOLVED the meeting was adjourned at 8:50 PM.

Cathy Templar, Secretary