

A regular meeting of the Town of Victor Planning Board was held on May 8, 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, Al Gallina, Rich Seiter

OTHERS: Wes Pettee, Town Engineer Consultant; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Councilman Dave Condon, Town Board Liaison; Kate Crowley, Conservation Board; David Nankin, Zac Holtz, Lee Wagar, Maureen Stover, Ralph Stover, James Cretekos, Mary Sue Hartz Holtz, Chris Holtz, Adam Ryczek

CORRESPONDENCE RECEIVED

- Karen/Brian Bodine re: Holtz subdivision

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Heather Zollo

RESOLVED that the minutes of April 24, 2018 be approved.

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| Ernie Santoro | Aye |
| Joe Logan | Absent at 4/24 mtg |
| Heather Zollo | Aye |
| Al Gallina | Aye |
| Rich Seiter | Aye |

Approved 4 Ayes, 0 Nays, 1 Abstention

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.

BOARDS/COMMITTEE UPDATES

Town Board reported by Councilman Condon

- Route 96 Corridor which is a big project right now and is taking a lot of our attention
- Some of the other infrastructures are being discussed
- Looking for facilities for the town barns

Conservation Board reported by Kate Crowley

- In your dropbox you have our final draft of the updated Native Plant Manual. I can also offer you a hardcopy if you’d like that as well. Some of the things you’ll note in the updated manual, we rewrote the introduction and the conclusion. The previous version of the manual was done prior to the manual being codified and so those updates have been

done. One of the things that we did to make it easier for residents and people who are not arborists by trade is the tables are now sorted by trees, shrubs or perennial's English name followed by the Latin name. We also took time to look at the information that we offer on each of the plants and what we decided as a Board was to remove the fertility and PH data from the tables and instead we added the notes that Bruce Zaretsky had provided for us. It's up to date in terms of the types of environmental issues that we're currently seeing with native plants as well as some of the pest pressures that we have today. We added a bee and butterfly content to the notes as well. We also added information on rain gardens. We added a new section for terrestrial invasive plants and then linked it to the DEC website from the earlier addition to the one we have now, there's actually many plants that people use to trade garden to garden and facility to facility that are no longer allowed by NYS regulations.

The other thing you'll see is the different tables are color coded and that's based on the availability of the plants so as people are planting their new landscaping, they can connect with one of the local providers and give them longer lead times for those species that are uncommon in this area.

If there are any other recommendations that you have for things that you would include in this manual or would like to see us do over time, we'd love to hear it.

Chairman Santoro asked for hard copies to be passed out to the Board members.

Mr. Logan – You have a table in there on a non-native tree, shrubs, wildflowers which are considered invasive and should never be used in landscape plantings. Is this conveyed to the local greenhouses, nursery's, that type of place?

Ms. Crowley – One of the things that we're going to do because I went to Bristol's and Wayside and the nursery in Mendon to learn more about how they look at stocking their lots. One of the things that we are going to do is go back to them with a copy of this Native Plant Manual, let them know it's out there, they may even want to stock differently based on this manual. According to the code you are required to use 70% of native plants. The other 30% can be the non-natives. Like I say, there's a lot of regulation that has changed in the last 10 years. I find that homeowners have no idea and there is limited knowledge in the industry. Our intent is to get this out there.

Chairman Santoro – The last time I was at Bristol's I saw some native plants.

Ms. Crowley – Yes, he has a whole section as matter of fact I was there earlier tonight.

Planning Board reported by Kim Kinsella

- May 22, 2018 meeting
 - Public Hearings
 - 179 Miles Cutting Lane – addition to an existing house
 - Wendy May at 7238 Route 96 for site plan/special use permit
 - Applications
 - Royal Car Wash for sign package
 - Quatela Office Building – modification of the building elevations

PUBLIC HEARING

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

HOLTZ SUBDIVISION

Blazey Road

App No 2-SK-18

Owner – Holtz Revocable Trust

Acres – 52.30

Zoned - Residential

SBL# - 7.00-1-93.110

BME Assoc on behalf of Zac Holtz is requesting approval to subdivide 52.247 acres into 2 lots. Lot 1 would consist of 45.061 acres and Lot 2 would consist of 7.186 acres. Lot 2 will become the site of a single family residence and accessory barn structure. The property is owned by Holtz Revocable Trust and is zoned Residential.

Mr. James Cretekos from BME addressed the Board.

Mr. Cretekos – With me this evening is Zac Holtz as well as Mary Sue Hartz-Holtz who is a representative of the trust. As you know the project site is located on Richardson Road, it's approximately 1300 linear ft west of the Blazey intersection. The all over property is about 52 acres which we are proposing to divide into two parcels. The smaller of the two will be approximately 7.2 acres which will be the site of the proposed single family house which has been submitted. This will also include an accessory barn/garage structure and the existing land is currently zoned Residential 2 in the Overlay District A.

We had a pre-application meeting with the Town Staff near the end of 2017 to review the project and the municipal approval process. It was indicated that since the parent property was subdivided over the threshold this would actually trigger a major subdivision application. So as such, we are here for the first of the 3 meetings that we need to attend.

The property was granted an area variance on February 5th this year by the Zoning Board of Appeals to allow the accessory structure to be constructed forward of the front house line. The variance requires that that structure be at least 325 ft from the ROW and no more than 150 ft in front of the front house line.

Due to the size and the height of the proposed accessory structure, the applicant acknowledges that the Planning Board must review it as part of the application. The building elevations as well as photo simulations for the development have been provided. The photo simulations are from the post driveway location as well as another one closer to the Blazey Rd intersection. The accessory structure will be constructed as slab on grade while the single family home will have a full basement.

The property generally slopes to the north, toward Richardson Rd. There's an existing tree line along the western limits as well as a small wooded area along Richardson Rd in front of the property. The wooded area does contain a wetland which Martin Janda, our Wetland

Specialist from our office, field delineated last fall. We surveyed the flags that he staked out there so the wetlands that are shown on the plans are accurately depicted.

We are proposing not to disturb any of the wooded area or the wetland so we'll be avoiding that completely. The existing wooded area does serve as a nice buffer area to the wet area which we will be preserving.

The proposed driveway will be located to the east of the wooded area. It's in a natural high point along Richardson Rd where drainage drains both east and west towards two existing culverts which cross Richardson Rd and convey runoff further north into White Brook.

The site will be served by public water and we will be constructing an onsite residential waste water treatment system for the sanitary waste. Preliminary percolation tests were completed by our office last fall. We still need to do the final percolation tests and deep hole to be observed by the LaBella the Town Engineer. We're hoping to do that over the next couple of weeks before the next Planning Board meeting.

We received comments from the Town Engineer, the Code Enforcement Officer, the Highway Dept and the Conservation Board. Written responses were provided to the Town for each of these comments. We also received some comments from Ontario County Planning Board which was requested that we involve the Ontario County Soil & Water District for the septic and erosion control design on the property. As requested we will submit plans to them for consultation and input with the next application that we'll submit to your Board as well.

The County Planning Board also requested that we verify sight distances for the proposed driveway location which the current driveway provides approximately 750 ft towards Blazey Rd which is the intersection. Sight distances to the west are better than 1,000 ft you can almost see all the way to the Victor Egypt Rd intersection.

There are a few comments that I'd like to discuss from the various ones received. The first are related to the fire code, specifically the driveway loading turn around and pull off areas. We will be reviewing these requirements and adjusting the plans as necessary to comply with the fire code for the future applications.

We also had some comments relating to the stormwater design of the property. We did a quick review based on the comments and we're not triggering any of the thresholds that would require us to provide post construction stormwater management controls. However, we are over the threshold for an acre disturbance for a single family lot so we will be required to provide a SWPPP with erosion and sediment control practices for the site.

Since there is sufficient grade on the site and there aren't any impacts downstream for runoff, the applicant is requesting that you allow us to discharge the downspouts to splash blocks, that way we can just let it surface filter and infiltrate over the rest of the area of the property.

We met with the Conservation Board last Tuesday to discuss the project and we're scheduling a site walk with them to review the property per their request. The discussion at the meeting were primarily oriented towards the conservation easement as such we are a major subdivision application and we are required to provide 50% open space on the area that we are looking to develop. The request was to consider providing a large conservation easement over the existing wooded area kind of in the southwest portion of the larger site. This would be utilized if there was an open space requirement on the entire 52 acre parcel. At this time, we've reviewed that with the land owner and they are not comfortable providing that easement at this time so we will still be looking at coordinating with the Conservation Board as how we can accomplish that on the 7 acre parcel for the single family home.

That's pretty much it for the project. It's pretty straight forward, a single family house. If there are any questions, we'd be happy to answer them.

Chairman Santoro asked for public comments.

Mr. Ralph Stover from 6665 Richardson Rd – We were just curious to know if there were any plans for Lot 1 yet.

Mr. Cretekos – No, there are no plans beside the single family house. The rest of the property will continue to be utilized for agricultural uses at this point.

Mr. Zac Holtz, the applicant - I just wanted to comment on the 50% conservation easement. After an initial discussion with Jimmy sort of explaining what the requirements are for that, my wife and I are in agreement by principal but we do live a lifestyle of homesteading, agricultural and simple livestock. Our biggest concerns are being able to utilize the property so that we can sustain it through our generation and hopefully our kids in the future. When approaching how we could create that 50% easement, that's sort of how we went about trying to define it. A lot of that was to leave the high ground as much as possible so we'd be able to utilize the rest.

Chairman Santoro – Well there are more than one type of conservation easement.

Ms. Crowley – Yes, we met with Jim and Zac at our last Conservation Board meeting and we discussed a number of potential of ways that we could approach the conservation easement for the entire parcel and also for the single parcel. One of the things that is interesting if you stand back and look at the 52 acres, those are prime soils, many of state wide importance, its farmed today by a farmer I believe in Farmington and the intent is to farm a major portion of Lot 2 whether it be livestock or putting in fruit trees or whatever. One of things that we talked to the applicant about is our desire to write conservation easement language that is Ag friendly and could we look at the entire parcel because the southwest corner of the 52 acres are maple trees that are in maple production today. It's great that we have this today and we understand what the intent is today but we'd also like to be looking at what's going to happen to the parcel over future generations.

We described to the applicant the 3 types of easements that are available. One being a natural resource easement and a no touch easement. Their preference obviously is an open space easement where there are few restrictions. What we talked about was something more site specific that allows for any of the Ag practices that you would do on the parcel today whether it be a homesteader or the farmer that is currently using the land.

The other thing that we talked about is if we do an easement on Lot 2 on its own that we would probably advise that the easement be more towards the west and include as much of the south as you could because like I say, the trees that I assume are going to be there intergenerationally or on the south portion of the larger parcel. Those are the things that we talked about and like I said, we'd love to do a site walk with the applicant and just talk about some of the options that are available both for the single parcel and for the total parcel.

Chairman Santoro asked for any other comments from the public and there were none. The public hearing was closed.

Chairman Santoro asked for comments from the Board and there were none. The resolution was read.

RESOLUTION

On motion made by Joe Logan, seconded by Heather Zollo

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

1. A sketch plan application was received on April 3, 2018 by the Secretary of the Planning Board for a Major Subdivision entitled Holtz Property.
2. It is the intent of the applicant to subdivide 52.247 acres into 2 lots. Lot 1 would consist of 45.061 acres and Lot 2 would consist of 7.186 acres. Lot 2 will become the site of a single family residence and accessory barn structure.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on May 8, 2018 at which time the public was permitted to speak on their application.
5. The Highway Dept reviewed the sketch plan and on May 1, 2018 forwarded comments.
6. The Code Enforcement Officer reviewed the sketch plan and on April 20, 2018 forwarded comments.

NOW, THEREFORE, BE IT RESOLVED, that regarding the Sketch Plan application of Zac Holtz entitled Holtz Property, drawn by BME Assoc dated March 2018, received by the Planning Board Secretary April 3, 2018, Planning Board Application No. 2-SK-18, the Planning Board **acknowledges receipt of a complete sketch plat application;**

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary forward a copy of this resolution to the applicant.

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

Approved 5 Ayes, 0 Nays,

MISCELLANEOUS ITEM

SILVERTON GLENN SECTION 4 SIDEWALK MODIFICATION

Adam Ryczek representing Morrell Builders has submitted a request for a waiver regarding the 5' wide sidewalk to be reduced in width to 4' within the ROW of Section 4. Property is owned by S&J Morrell Inc and is zoned Multiple Dwelling.

Mr. Ryczek – Quite simply we're looking to put our last section of sidewalk into Section 4 in Silverton Glenn and we would like the waiver to reduce the sidewalk to 4 ft mainly to stay consistent with sidewalks in the rest of the development.

Chairman Santoro – It's my understanding that the original approval when all the other sidewalks were put in was for 5 ft but ended going in at 4 ft.

Mr. Ryczek – The way I understand it and the way it was explained to me was that on the original site plan, Section 1 sidewalk went in first, it was either 4 or 5 ft on the proposed plan and they agreed to do 4 ft. Section 2 was proposed 4 ft and went in as 4 ft. Section 3 was proposed as 5 ft but I'm not sure if somebody made the same presentation then to stay consistent with the sidewalks that were already in the development but Section 3 was also installed as 4 ft. That snub that you see in the photograph (referring to the slide on the overhead screen) is coming out of Section 3 heading towards Section 4 and that was mainly so we could landscape and develop that corner for visual purposes.

I did notice on Al's (Benedict) notes that he said in his paperwork that Section 4 indicates a 5 ft sidewalk but the copy of the site plan that I have in my office indicates that it is proposed as 4 ft. So I'm not sure what document that Al was looking at but that's not what I have.

Chairman Santoro – I don't have any recollection myself although I was on the Board at that time as was Joe. Do you recall anything about that?

Mr. Logan – All I know is that 4 ft is awfully narrow and is narrower than what is approved for ADA and just in general to be able to walk side by side without walking off the side of the sidewalk. I don't understand how we got to 4 ft instead of 5 ft.

Mr. Pettee – I just wanted to add a little more information to help you with your decision making. I went back into our network files and am looking at the Preliminary overall subdivision and site plan that was approved before any of the Final plans for Section 1, 2, 3, and 4 were approved. I'm looking at the signed Preliminary plans and they indicate a 4 ft wide sidewalk throughout.

Mr. Logan – Do you have the Final plans?

Mr. Pettee – It sounds like Al (Benedict) looked into what the Final plans indicated.

Ms. Kinsella – The Final for this section indicates 5 ft on the approved signed plan for Section 4.

Mr. Pettee – Obviously, there was a change from the overall Preliminary to the Final of this particular section.

Ms. Kinsella – This may be part of the preliminary plan that the applicant submitted.

Mr. Logan – That’s what I was thinking that it was the Preliminary and not the Final. In any case, it should be 5 ft, I don’t know why we would have accepted 4 ft. I don’t know how we got to that point. It always seems that things change between preliminary and final and in this case the final says 5 ft and I think we should stick with that. I’m not inclined to say go to 4 ft.

Mr. Gallina – I agree with Joe. First of all I would think it would be the responsibility of the developer, the engineering firm needs to be sure it meets the design standards. I don’t recall any discussion around waiving the Design Standards. So whether it was an oversight looking at the drawings but I’m not inclined to go for something narrower than what the Design Construction Standards call for.

Ms. Zollo – I agree with that.

Mr. Ryczek – I understand your point of view. Al (Benedict) mentioned your liability and like I said, the main purpose was to make it consistent throughout the development.

Mr. Logan – What leads into this strip? (Referring to slide on overhead screen)

Mr. Ryczek – There is a cross section, there’s another sidewalk that leads into Section 3 and this walk goes up into Section 4.

Mr. Logan- So what width is that?

Mr. Ryczek – Every sidewalk in the development is 4 ft in width. I know that 4 ft sounds narrow but when you’re on it, it seems a wider. Al (Benedict) cited the section in the Design Construction Standards as 2.9.8.

Ms. Zollo – And the ADA requirements are 5 ft as well, correct?

Mr. Logan – I believe so.

Mr. Ryczek – Is it finally approved before they put in the other sections? I’m just wondering if there was some other history here that I could research to find out when the decision was made to change the width of the sidewalk.

Mr. Gallina – Unless in the resolution there was an agreement to narrow the sidewalk, it should comply with the Design Construction Standards which seem to be 5 ft.

Mr. Pettee – The plans that get approved and what the Planning Board Chairman signs are the design plans. Unless there was a formal request such as you're doing now to deviate from what the Planning Board approved, then they should have been constructed pursuant to those plans.

Mr. Ryczek – So from the information that I was given, that happened from Section 1 to Section 2. Section 2 was presented as 4 ft and then from Section 3 they requested the reduced as well but that would have been 2 years ago.

Ms. Zollo – I don't recall that.

Chairman Santoro – I don't have any recollection of any sidewalks being discussed. But I do have a recollection on another project in town where the sidewalks were a real issue.

Mr. Ryczek – The width?

Mr. Logan – The lack of sidewalks. They were on the preliminary and somehow deleted from the final plans. In this case, I'm wondering if the contractor in the field was given direction of 4 ft based on the preliminary plan. To change it from 5 ft to 4 ft would have required a resolution, a variance or originally stated in the plans.

Mr. Ryczek – Section 1 would have gone in about 5 years ago. Section 2 was 3.5 years ago.

Mr. Pettee – I'm looking at the Section 2 Final Plans and it indicates 4 ft wide concrete sidewalk.

Mr. Ryczek – That's consistent with what Al (Benedict) found as well in his comment letter.

Mr. Logan – Section 2 indicates 4 ft sidewalks, Section 3 indicates both 4 ft and 5 ft and Section 4 indicates 5 ft. and Section 1 indicates 5 ft. I don't know how we got to 4 ft in Section 2

Mr. Seiter – This was before my time, how far back do the standards go? Was it 5 ft at the beginning of the project?

Mr. Pettee – I'd have to research this. I don't think there was a change in the Design Construction Standards for required sidewalk width.

Mr. Seiter – The contract documents deviate from the standards, you're still required to meet the standards unless you have a specific exemption in my experience.

Mr. Ryczek – So was Section 2 approved at 4 ft?

Mr. Pettee – Yes

Ms. Templar was instructed to research the minutes. Chairman Santoro stated we would table this until the next meeting when we have researched this.

Mr. Logan stated that at some point in the future when the sidewalks need to be replaced they would need to be replaced by 5 ft or whatever the Design Construction Standards states at that time.

Ms. Kinsella stated that the Town has taken dedication on Section 1, 2 and 3.

Mr. Pettee – Something that I'd like to look into is the roadway section detail that was in the older version of the Design Construction Standards because I seem to recall that on the section detail there was a pedestrian travel zone depicted and it may have shown something different than a required 5 ft wide sidewalk.

Mr. Logan – Would that have included part of the gutter for that section?

Mr. Pettee – It shows a 2'6" gutter and then a seeded area of 15'6" and then within that seeded area, this updated version, depicts a 6 ft wide pedestrian travel zone. That doesn't mean that it's required to have a 6 ft wide sidewalk, it's just saying that 6 ft of that area should be left open for whatever the dimension of the sidewalk would be. I'd like to check into that because that may play a role in how or why certain plans were approved the way they were.

The applicant would return to the May 22nd meeting. The discussion ended at this point.

Chairman Santoro stated there were training opportunities listed at the end of the agenda to attend. He also asked if there were any comments on the Native Plant Manual that Ms. Crowley could take back to the Town Board. There were no comments at this time.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 7:40 PM.

Cathy Templar, Secretary