

A regular meeting of the Town of Victor Planning Board was held on June 12, 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; Lee Wagar, Dave Nankin, Cynthia Martinez-Capolino, Greg MacAnn, JoAnn O'Brien, Don O'Brien, Bryan Powers, Brian Leigh

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Joe Logan

RESOLVED that the minutes of May 22, 2018 be approved.

Ernie Santoro	Aye
Joe Logan	Aye
Heather Zollo	Absent at the 5/22/18 meeting
Al Gallina	Aye
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays, 1 Abstention

BOARDS & COMMITTEE UPDATES

Town Board – Councilman Condon stated there was nothing to report at this time.

Conservation Board – Kate Crowley stated there was nothing to report at this time.

Planning Board reported by Kim Kinsella

- June 26, 2018 agenda
 - Victor Hills Light Festival 2019 for a possible decision
 - Public Hearings
 - Scout Reserve 7 lot Subdivision on CR9/Aldridge Rd
 - Dunbar Hill 4 lot Subdivision on Lane Rd
 - Torpey 5 lot Subdivision on CR 41
 - O'Connell Electric Addition at 830 Phillips Rd
 - Victor Heights Parkway Lot R for a 25,592 sf flex building

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.

Chairman Santoro asked for any other questions or comments and there were none. A motion to close the public hearing was made by Al Gallina, seconded by Joe Logan. The public hearing was closed.

8081 SIDING COURT

Appl # 6-SP-18

Owner – Cynthia Martinez-Capolino

Acreage – 4.50

Zoned – Limited Development District

SBL # 5.01-1-36.110

Applicant is requesting to put in an in-ground pool, fencing, several trees/bushes and a shed/pool house and is located in the Limited Development District. All items located in the Limited Development District need Planning Board approval.

Ms. Cynthia Martinez-Capolino addressed the Board

Ms. Martinez-Capolino – I just want to create a backyard that my family can play in and enjoy. That would include a 36’ x 18’ pool and a fence around the perimeter which I have pictures of the type of fencing that I would like to use. (*Ms. Martinez-Capolino handed out picture of the fence*). Honestly, I’d like the fence to be as tall as possible because I prefer the deer not go inside my property but I think they limit that to 5.5’.

Then as drawn (*referring to the site plan shown on the overhead screen*) an 8’ x 12’ pool house on the back side of the fencing to be able to store stuff. (*Ms. Martinez-Capolino handed out picture of the proposed pool house*).

Chairman Santoro – What color is the shed?

Ms. Martinez-Capolino stated the color would match the existing house.

Ms. Martinez-Capolino – On the one side I’d like to plant something that the deer won’t get and so we’ll have some privacy. I don’t want it to be too high, maybe just some shrubs with maybe the small Japanese Maple that don’t grow too tall just to provide a little privacy while we’re outside so that I don’t have to put a privacy fence in that particular spot (*referring to the Miles Cutting Lane side*).

Chairman Santoro asked for public comments and there were none.

Ms. Kate Crowley from the Conservation Board – We did visit the site. The area that is proposed for the pool is either 33’ or 35’ behind the house. It slopes off quite rapidly from the house, it almost looks like there was fill put in so the house could be set and have a basement. Near the corner of the house, we observed ferns and surface water. We also talked to Cynthia about some of the drains at the back of her house are not operating properly so there is actually water coming back into the foundation. But it also appears that it was originally intended to drain off down the slope.

You’ll see behind the pool area, it’s noted on the plan that there are tall grasses. When we went to the DEC website, we noted that on that site there is a peat swamp and there is also a red maple tamarack woods or forested area. It’s highly likely that those tall grasses are part of the peat swamp or part of the Fen. One of the suggestions that we had as we were evaluating placement of the structures that it may be advisable to shift the pool further east. It may also be something to consider using the shed also on the eastern portion of where they are going to place structures and the shed could be used as a visual barrier between the pool and the road.

One of the things that we are suggesting is a more detailed sketch plan for placement of the structures, particularly the pool especially if there is ground water there because it may affect the pool and the pool lining.

We did take a look on pictometry to look at the relationship between the house and the property line. We know the garage is not on the proposed schedule for this evening but the house appears quite close to the property so there may have to be some evaluation on that.

Ms. Martinez-Capolino – The garage, I decided to leave for a later date just because it would require a waiver and it would just be a big hassle and I don’t even know if it’s even possible at any point. So that’s something we just decided not to worry about today. As far as the rest of the stuff, I guess it really depends on you guys. The only concern that I have about the shed being on the road side is that would be a little bit of an eye sore as you’re driving up the road and seeing a shed there.

Ms. Crowley – It was just a thought. There are pool houses that can actually look like a small out building and it could be sided similar to the house. They can actually be quite attractive even from the back. I understand that you’re concerned about the back of the pool house, but there may be other styles that you could also consider.

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

Mr. Seiter and Ms. Zollo had no comments or questions.

Mr. Logan – I was looking at Google Earth and it shows a lot of Pampas grass in the back yard. It does slope off as Kate was describing. Is that something that you’re going to be filling in to level the pool more with the level of the house?

Ms. Martinez-Capolino – Sort of. I’ve talked to Northeastern a lot about this. I called them again and they reassured me that there is no problem with the ground water and that they build

the structure similar to the Gunite pools now except they put a lining in it. So it should not cause a problem. The way they do it is they are actually raising the pool up a few feet and it will level off just a little bit. What they recommended is by the time they put the 4 ft of cement around it, it'll end up being higher than the ground and there will be water going around the sides. They seem to know what they are talking about and actually he showed me pictures of where they had done it before.

Mr. Logan – I guess I'm not worried about the stability of the pool, it sound like you have the right kind of contractor. But Kate was bringing up the wet areas and that's where the tall grasses are, behind your house. So I was more concerned about that. Wes, are there any wetlands there?

Mr. Pettee – No, based on our observations I couldn't find any wetland mapping available for here.

Mr. Logan – I mean much of the time when they build developments, they create wetlands. Obviously, it's not a concern environmentally if that's the case. Otherwise I don't have a problem with this, it looks like a nice addition for your home.

Mr. Gallina – No questions but just a couple of comments. First of all Northeastern Pool, I know personally they do very good work so you should probably be fine there. At some point you stated you had 4 ft of concrete on 3 sides and I think 8 ft on the other.

Ms. Martinez-Capolino – 8 ft once we have a patio there.

Mr. Gallina – So personal experience, I would just suggest that you might want to think about whether 8 ft is enough. By the time you put a lounge chair down, you're right up against the pool and it's tight to get through. Hind sight is 20/20 and I would have put in more than 8 ft.

Ms. Martinez-Capolino – Actually everything that I've read says the same thing that no one is upset in putting in too much patio, just too little patio.

Mr. Pettee – Just an observation, the application that we have, the applicant is also asking to plant trees within the right of way. But the drawing that I have, it's showing these trees but they don't appear to be within the right of way, they appear to be outside the Miles Cutting Lane right of way.

Ms. Martinez-Capolino – I don't know what the right of way is. It's 30 ft from the center of the road, right?

Mr. Pettee – Based on this drawing, I see the the right of way with Miles Cutting Lane. Then the trees appear to be outside that right of way. Do we need to address Al's (Benedict) comment prior to the resolution?

It was stated that the resolution addresses the right of way question.

Ms. Martinez-Capolino – The biggest concern that I had is that I wanted to be sure... I have plenty of space back there, I just wanted to make sure that the distance from the road to where the fence is, is appropriate. The distance from the road to where the trees start is appropriate. I have space to move it, it's not fixed in stone, it's just really what the town's preference is.

Chairman Santoro asked if Ms. Martinez-Capolino had seen the Codes comments. They had been sent via email and she did receive them.

Mr. Logan – It appears that you are well back from the highway boundary. *Mr. Logan pointed out on Google Earth the location of the hydrant and where Ms. Martinez-Capolino wants to put in the trees and fence.* It appears that you are much further back.

Ms. Martinez-Capolino – I was told that the fence had to be built a minimum of 30 ft from the center of the road. So I figured if there was a row of trees at 30 ft from the center of the road and then a fence behind that.

Mr. Logan – It looks like you are well back from the right of way. In any case, the way that it's depicted, I don't see any problem with the fencing.

Ms. Martinez-Capolino – And where it's appropriate it'll be tall shrubs, not big huge trees because it would block the sun and my personal view from the house.

Mr. Logan – So all you'd have to do is with a tape measure go from the center of the street 30 ft. and the hydrant would be a good land mark.

Ms. Martinez-Capolino – If the hydrant is the landmark, I'm definitely inside of that.

Mr. Logan – So it appears you're well back from where you need to be.

Chairman Santoro asked for any other questions or comments and there were none. A motion to close the public hearing was made by Joe Logan, seconded by Heather Zollo. The public hearing was closed.

RESOLUTION

On motion made by Joe Logan, seconded by Rich Seiter

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

1. A site plan application was received on May 7, 2018 by the Secretary of the Planning Board for a Site Plan entitled Lot 11a Miles Cutting Heights Subdivision, 8081 The Siding Court.
2. It is the intent of the applicant to construct an in-ground pool, shed/pool house, fencing and additional trees.

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 June 12, 2018 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Conservation Board reviewed the project on June 5, 2018 and suggested relocating pool and shed away from area where ground water, tall grasses & hydric plants are located.
7. On June 12, 2018, the Planning Board waived the restriction of planting trees within the right of way 2.9.9 of the Design and Construction Standards.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 12, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, 8081 The Siding Court, will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Cynthia Martinez-Capolino, Site Plan entitled Lot 11a Miles Cutting Heights Subdivision, 8081 The Siding Court, drawn by O’Neill-Rodak Land Surveyor Assoc, dated January 23, 2015 received by the Planning Board May 7, 2018, Planning Board Application No. 6-SP-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 June 7, 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.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

3. That a building permit shall be obtain from the Building Dept for the pool, fence and shed.

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	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Nays

CHAMPION HILLS TENT

675 Championship Dr

Appl # 7-SP-18

Owner – Boughton Properties LLC

Acreage – 149.80

Zoned – Residential

SBL # 15.00-2-79.110

Applicant is requesting to install a 40'x80' temporary tent for the summer season along with a permanent stone pad beneath it.

Bryan Powers on behalf of Boughton Properties, LLC addressed the Board.

Mr. Powers – Good evening. We're proposing to install a 40' x 80' temporary tent for the summer seasonal time. Also, a stone pad underneath the tent because if you keep the tent up all summer, the grass will not survive so they need something under the tent that will stabilize the area while in use. Typically with a tent like this, there will be a flooring system anyways because if you have functions and women in their high heels need to be on a more solid type flooring rather than grass. Therefore, the stone would be the base to support the floor in the tent.

In the past, Champion Hills has installed tents of various sizes in this area, all the way up to a 40' x 80'. The 40' x 80' is really needed for events such as weddings and those types of events where we could manage a crowd of approximately 125 – 150 people along with all of the necessary accessories within the tent.

With the application we have retained comments from the Fire Marshal and the Town Code Enforcement Officer. The Fire Marshal stated that they didn't have any comments at this time and there were 7 or so comments that the Code Enforcement Officer had issued and I had responded to in writing and I assume the Board has copies of that information. With that I'd be happy to answer any questions.

Chairman Santoro asked for public comments and there were none.

Chairman Santoro asked for a motion to close the public hearing. A motion to close the public hearing was made and the public hearing was closed.

Mr. Logan – I'm a little surprised that the residents of the houses adjacent to where this tent is going wouldn't object to it, it's right off their back porch.

Mr. Powers – Let me clarify if that's a concern, a couple of things. The people that occupy these units, they are rental units so they're not homeowners, they live there by choice of renting the unit, not by purchasing the property. Two, since we built the Boughton Properties or a faction thereof, Mark IV Ent built the units, the lot to our east known as Lot 211. When we built that lot, the black line that you see on this plan is a retaining wall that we built. The unit actually sits below this retaining wall somewhat. When we obtained the permit for the wall, the other thing was, we needed to install a fence across the top of the wall for safety reasons so people wouldn't be inclined to jump off the wall or if we had a function, wouldn't fall off the wall. With that we also installed landscaping along this retaining wall area. It's not dense but it is a bit of a buffer between us and the unit.

One of the comments that we received from Codes was just underlining the Town's noise ordinance and obviously we would have to comply with that.

Mr. Logan - Have you found it a challenge to comply with that in the past? I think you've done tents there before, haven't you?

Mr. Powers – Yes we've had tents before.

Ms. Kinsella stated that the Town has not received any complaints in the past.

Mr. Logan – It's just standing there, you look right down into their deck. It's a fence but it's not a screening fence, it's more of a protective fence.

Mr. Powers – With our current clubhouse immediately adjacent to where the tent is proposed, is the deck for the clubhouse which sits much higher than where the tent will sit. If there was to be a noise issue, it would be from that deck which sits much higher than the townhouse unit and also is in plain view of the townhouse deck off the back of their unit.

Mr. Logan – Okay, I guess that would be my particular concern, the pair of the townhouses.

Ms. Zollo – Cathy do the renters get notice of the public hearing.

Ms. Templar – They all do if they have a mailing address and there is also an Under Review sign out front. I've had a couple of phone calls asking why it's under review and their comment was "Oh, that's great maybe it will bring more business there". So no complaints.

Mr. Seiter, Mr. Gallina and Mr. Pettee had no comments or questions.

Discussion on when the tent would be installed and when it would be removed. Mr. Powers stated it would be removed the end of September. The Board gave him until October.

Mr. Logan - Is the gravel already there or do you still need to improve it to do that?

Mr. Powers –We need to improve it. It's currently grass.

Discussion on when to have Champion Hills return for the next year's approval. In the past, the Board has approved tents for a one year period of time, having the applicant return to discuss if there were any complaints during that first year. When the applicant returns and no complaints had been made, they have been granted an approval for a longer period of time.

Chairman Santoro – When would you have this completed?

Mr. Powers – Upon the Planning Board approval, we then have to secure a tent operating permit from the Building Dept. Once we obtain that, we would start the work to improve the area with the stone pad. Champion Hills is actually going to buy this tent, I didn't explain that in the dialog. It's to our advantage to have a tent up all year and for us to buy the tent because when we were putting it up on a temporary basis, those that were having the functions were having to pay the cost of renting the tent, putting it up, taking it down. It's not a very efficient way to run things. So having the tent there and having it our tent is much more economically feasible for members and guests that rent this tent and area and utilize it.

Chairman Santoro – You are going to take it down at the end of the year.

Mr. Powers – We're going to take it down and also the company that we buy it from will come out and take it down if there is a bad storm coming.

Chairman Santoro – When will you be up and running then?

Mr. Powers – I would say within 2 weeks of now. It'll depend on how quickly we can get the permit from the Building Dept.

Ms. Kinsella – Just make the site plan approval good for 1 year and then he'd have to come back next year.

It was decided to have the applicant come back April 9, 2019.

There were no other questions/comments.

RESOLUTION

On motion made by Joe Logan, seconded by Heather Zollo

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

1. A site plan application was received on May 9, 2018 by the Secretary of the Planning Board entitled Champion Hills Country Club - Tent for Summer Time Special Functions.
2. It is the intent of the applicant to erect a 40'x80' temporary tent for the summer season along with a permanent stone pad beneath it.
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 June 12, 2018 at which time the public was permitted to speak on their application.
5. The Fire Marshal did a coordinated fire service site plan review and on May 21, 2018 stated that they had no comments at this time.
6. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 12, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Champion Hills Country Club - Tent for Summer Time Special Functions will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Boughton Properties LLC, Survey entitled Champion Drive Clubhouse, drawn by Zerkel Land Surveyors, dated September 27, 2010, received by the Planning Board May 9, 2018, Planning Board Application No. 7-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer dated June 4, 2018 be addressed.
2. That the site plan approval is good until April 9, 2019 at which time applicant shall reapply.
3. That the tent will be installed May 1, 2018 and removed by October 14, 2018.
4. That a tent permit be obtained.
5. That the site plan approval will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10 day period.

6. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
7. That any temporary signage be removed from the site entrance during non-business hours and shall not be placed within the High Street right of way per Town Code.
8. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
9. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
10. The proposed use conforms to all applicable regulations in the district which it is located.

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	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Nays

WAIVER REQUEST

1061 AZZANO CIRCLE

Tuscany Hills Subdivision

Appl # 10-SP-18

Applicant is requesting a waiver to the Design Construction Standards for the distance of driveway to property line. The required distance is 10 ft but gravel driveway at this time is 5 ft from property line. Applicant is asking for a 5 ft waiver in order to blacktop permanent driveway.

Mr. Greg McCann addressed the Board

Mr. McCann – I'm here as the builder of Ryan Homes which is the company that I work for and I'm representing the homeowner that's currently living in the house and also Passero, our engineers. What we are looking at is essentially what Al (Benedict) had written in the notes I received today that we would like to change the design of this particular lot to 5 ft where he shows the 5 ft and then stay within the property with the driveway not going onto the other owner's property. Taking the construction design and changing those on this specific lot.

Chairman Santoro asked if there were any comments from the public and there were none.

Mr. McCann – From a personal standpoint, honestly if you've driven that way, this is how the lot should be designed, it's just the fire hydrant is in the way and the circle and the contours of the setbacks to stay within. From a safety standpoint, I think this is the right move.

Chairman Santoro had no comments from the public and asked for a motion to close the public hearing. Motion made by Al Gallina, seconded by Joe Logan. The public hearing was closed.

Mr. Seiter – Why the change, why was it built different than from the plans?

Mr. McCann – During the time of excavation and during the time of the beginning stages, the homeowner actually added a full front porch. So I don't know if you have the original documentation but that caused..... the full front porch is a little over 6 ft deep, so that caused us to push the house back towards a hill that is in the back of the property, a very significant hill. And, because of the contours and the setback line, arched around the cul-de-sac we wanted to make sure we were behind that by 2 ft or so. So it caused us to shift the house closer to the right property line.

Mr. Seiter – My question is when you put the stone down, you were aware that you were encroaching on the setback?

Mr. McCann – No, it wasn't caught until....

Mr. Seiter -It was a mistake.

Mr. McCann – It was a mistake, yes.

Ms. Kinsella – Just for background. When we got the instrument survey at the beginning of the process, it showed the driveway meeting the setback. When he went to do the C of O, we get another instrument survey or the as-built and that showed the driveway closer to the property line than the 10 ft and that's when it was flagged by Code Enforcement.

Mr. McCann – It was a winter construction which we don't put asphalt down in the winter time. So it was not caught until the very end and we had lost the property stakes and all of those items during the winter.

Mr. Seiter – But the asphalt is not down yet, isn't it possible to correct it?

Mr. McCann – It is not. At the time we were getting ready to install the driveway, it was caught, it was brought to the Town's Building Dept's attention and in speaking with them, it was their recommendation and said that this is the process that you must follow and here we are tonight.

Mr. Seiter – But it's still possible to shift the driveway to meet the setback before the asphalt is put down.

Mr. McCann – We could do that but you'd have to put a significant bend on the driveway which driving on the right side of the road, going towards this homeowner's property, you'd have to make a wide loop and cross into the on-going traffic to make this work.

Mr. Seiter – It's too late but the house should have been a mirror image with the driveways in the circle. That's all.

Ms. Zollo had no comments.

Mr. Logan –I'm struggling with Kim's explanation. What resulted is you had a survey in the winter that says it's at the 10 ft and then a survey later on that it's not. Did they actually add stone since then?

Ms. Kinsella – Yes, Cathy didn't include the original survey that we received as part of the initial building permit review. That showed it at the setback of 10 ft.

Mr. Logan- The original survey.

Ms. Kinsella – When they submitted their building permit application.

Mr. Logan –But nothing was in the ground at that point? (No) And they didn't follow the survey when they built it, is that what I'm hearing?

Ms. Kinsella – I believe that's true and I think maybe because of the hydrant it was shifted over also.

Mr. Logan – I guess at that point it would have been good to talk to the Town before you changed it as Rich is implying.

Ms. Kinsella – I also want to point out that Al took this picture (referring to the overhead screen) because from the sidewalk to the edge of the gutter, it should be 5 ft there and it's not 5 ft, it's over the property line. So you are at 0 setback with that driveway between where the sidewalk is and the edge of the gutter.

Mr. Logan- I thought it said 0 somewhere in the paperwork.

Ms. Kinsella – It does. I want you to be aware of that because the Design & Construction Standards states that has to be 5 ft. So he's actually looking for 2 waivers. He's looking for the initial waiver beyond that right of way, closer to the house which should be 10 ft, that's at 5 ft. Then between the sidewalk and the gutter should be 5 ft and that's at 0.

Mr. Logan- So the next driveway and house, is that actually the house for the subdivision or is there supposed to be another one built between the two?

Mr. McCann – This will be the last house.

Mr. Logan- So between the 2 driveways, there's 50 ft or more anyways.

Mr. McCann – So this house (referring to the house next door) has an existing driveway farther over. *The rest of Mr. McCann's comments were inaudible.*

Mr. Logan – I was just wondering if there were 2 driveways within 5 ft of each other. Ok, that clarifies the logistics of it but I'm struggling with the waiver.

Mr. Gallina – I really don't have a lot to add. It's a condition that you can't move the house, so short of maybe modifying the driveway, it's at least slightly angled to accept a 5 ft setback all the way along the property line, but again, that creates a driving maneuver to come into it.

Mr. Logan- You have an --- to the garage basically.

Mr. Gallina – It would just be angled straight.

Chairman Santoro – Isn't that a cul-de-sac? (Yes) Well how much traffic can there be in a cul-de-sac?

Mr. Logan – I guess that's the other question. It's more of a turning radius I think he was saying into the driveway.

Chairman Santoro – He's talking about traffic.

Mr. McCann – Well, you're crossing over into the oncoming lane of anybody driving on that side. That's what I was speaking to traffic.

Chairman Santoro – Is it a clear cul-de-sac? No plantings or anything like that?

Mr. Pettee – Ernie, here's a picture of the approved subdivision plan. I believe this is Lot 15.

Mr. McCann – This hydrant is also a factor if it was built per plan, getting a driveway on either side of this cul-de-sac. Then if we put an "S" or jam that at a loop going this way, you'd have to swing out here in order to come in.

Chairman Santoro –Can you put it in so as to not encroach on the next house?

Mr. McCann – I would request to follow Al's recommendations that it would not be over the property line, at a 0 setback and 5 ft at the right of way.

Mr. Seiter – Is the hydrant installed in its original location?

Mr. McCann- It's in the location that's it's in. I'm not the developer, Ryan Homes is not the developer, we contract to somebody else. I have not verified if it's currently in the correct location per the map. It's roughly but I don't know if its 15 ft, 5 ft in either direction.

Ms. Zollo – You don't know how many ft the hydrant is from the driveway?

Mr. McCann – I did not take that measurement, no. But the driveway that's going to go in, it's more than 10 to 15 ft.

Mr. Pettee – The note on the final subdivision plan indicates that the driveway is to be a minimum 10 ft from the hydrant.

Mr. McCann – Which if we do have to put a turn on it, we may encroach on that.

Mr. Seiter – So the choice is to encroach on the property line or the hydrant?

Mr. McCann – If we encroach on the property line and waive the Design & Construction Standards of 10 ft and 5 ft, we will have a 0 ft setback at the road and 5 ft at the property line.

Mr. Logan – The fire hydrant is plenty far enough away, I'm not worry about the hydrant. Based on this (referring to Google Maps) it's at least 15 to 20 ft away. I'm personally struggling with this because it should be fixed but then you'd be punishing the homeowner which is no fault of theirs that this happened.

Mr. Brian Leigh from 1063 Azzano – I'm the homeowner next door. As the owner of 1063, I agree with Mr. Logan that I'm not looking to punish the new homeowner for something like this. I don't have any issues with a few ft to my property line. As mentioned, there is significant space between the 2 houses, I have plenty of yard there. So it's not a concern of mine or my wife's at this time. I do agree that although the cul-de-sac is clear, having to force a car to go around a bend like that, there is significant traffic there right now with the new development, the model homes still at the base of the hill, a lot of kids in that cul-de-sac. So if there is anything that we can do to make sure the traffic is flowing smoothly that would be beneficial.

Chairman Santoro – I'm glad that you stepped up because I had seen some information that you were not happy about this.

Mr. Leigh – In all honesty, it had more to do with us thinking that it was a mistake. We knew where the property line was and it was more just trying to help out the pavement guy more than anything, thinking he was just marking it incorrectly. At the time, we were unable to get in contact with Ryan Homes to discuss it so we contacted the Town to see what the rule was. It was more of a concern, making sure things were going smoothly.

Chairman Santoro – So you're okay with us doing this?

Mr. Leigh – I'm okay with the way it is.

Chairman Santoro – Okay, that resolves my issue.

Mr. Gallina – So where did we land? 0 setback at the street. It's currently encroaching on the other property and I wouldn't support that.

Mr. McCann – And we would not want to either.

Ms. Zollo – So clean up that end so that it's 0.

Mr. Logan- That and he can't turn off into the grass which is technically off of his property and is part of the reason to have 5 ft so that you're not encroaching on someone else's property to turn onto your driveway. It's plenty wide but you're circling outside of that to get into your driveway.

Mr. Seiter – One more comment. It's clear that it was done wrong. I don't believe the homeowner, he's buying a house that is supposed to be built to code so you wouldn't be punishing the homeowner but if the neighbor is okay with it, I'm okay with it.

Ms. Zollo – We've had this happen before and it would seem to me professionals should be able to observe the surveyor stakes and put the house where it's supposed to be.

Mr. McCann – We're required to, yes. As I said, I'm representing the engineer in this endeavor as well and I'm not an engineer.

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

RESOLUTION

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

1. A Site Plan modification was received on May 30, 2018 by the Secretary of the Planning Board entitled 1061 Azzano Circle, Lot 15 of the Tuscany Hills Subdivision.
2. The Planning Board granted Final Subdivision approval to Tuscany Hills Subdivision on March 25, 2014.
3. Applicant is requesting a modification of the Town Design and Construction Standards to place the driveway on Lot 15 five (5) feet from the property line whereas ten (10) feet is required.
4. Applicant is requesting a modification of the Town Design and Construction Standards to place the entrance of the driveway located in the right of way on the property line, with 0 setback whereas 5 ft is required.
5. Section 211-48 of the Victor Town Code authorizes the Planning Board to waive strict adherence to the Town Design and Construction Standards.
6. On June 12, 2018 the Planning Board waived the driveway setback restriction noted in driveway layout detail RS-6.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Victor Planning Board hereby

waives the minimum setback per Driveway Layout Detail RS-6 of the Town’s Design and Construction Standards, and hereby allows the proposed driveway to be 5 feet from the property line and the entrance to be 0 ft from the right of way per the Site Plan entitled 1061 Azzano Circle – Lot 15, drawn by Passero Associates, dated May 7, 2018 received by the Planning Board Secretary on May 30, 2018, Planning Board Application No. 10-SP-18 with THE FOLLOWING CONDITIONS:

- 1. That comments from the Code Enforcement Officer dated June 12, 2018 be addressed.

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 Aye
Rich Seiter Aye

Approved 5 Ayes, 0 Nays

There were no other discussions.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 7:55 PM.

Cathy Templar, Secretary