

A regular meeting of the Town of Victor Planning Board was held on June 26, 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; Heather Zollo, Al Gallina, Rich Seiter

ABSENT: Joe Logan, Vice Chairman

OTHERS: Wes Pettee, Town Engineer Consultant; Councilman Dave Condon, Town Board Liaison; Kate Crowley, Conservation Board; Martin Avila, Code Enforcement Officer; John & Carol Nardozzi; David Nankin; Fran Murphy; Lee Wagar; Jim Woodard; Linc Swedrock; Joe Pellerite; Dick Meyer; Andrew Torpey; Gregory Meyer; Bill O’Niell; Walt Baker; Scott DeHollander; Glenn Thornton; Spencer Read; Cameron Piezlik; Bejan Bahai; Robert Brostek; Frank DiFelice

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Heather Zollo,

RESOLVED that the minutes of June 12, 2018 be approved.

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

Approved 4 Ayes, 0 Nays,

BOARDS & COMMITTEE UPDATES

Town Board reported by Councilman Condon

Conservation Board reported by Kate Crowley

Planning Board reported by Debby Trillaud

- July 10, 2018 agenda
 - Victor Hills Light Festival 2019 for a possible decision
 - Public Hearings
 - Thomas Bork, 1254 Malone Rd for a 2,000 sf barn
 - H. Elaine Ziakas, 191 Miles Cutting Ln for a 460 sf deck in the LDD
 - Any carryovers from this meeting

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.

REFERRAL FROM CODES DEPT.

THE APPLE FARM

1640 St Rt 444

Appl No 38-SP-17

Owner – Pick Your Own Inc

Acres – 142.70 Zoned – Residential

SBL # 39.00-1-23.000

Applicant is requesting approval to demolish 2 existing barns due to the condition of them. As they are older than 50 yrs, this would need Planning Board review/approval.

Marty Avila, Code Enforcement Officer addressed the Board. Bejan Bahai, owner addressed the Board.

Mr. Avila – The Planning & Building Dept received a demolition permit for 2 barns at the Apple Farm. One has already collapsed and the other as you can see, in a state of partially collapsing. Planning & Building went out and took a look at the barns, deemed that they were probably at a state that needed to be taken down. But because the barns are both over 50 years old, our town code requires that our Planning Board take a look at those and because of the fact that the property is on the historic inventory list, we forwarded the application onto the Town Historian who agreed that the barn should be taken down as well. In order to satisfy the code, we referred it to the Planning Board and that’s why we’re here tonight.

Chairman Santoro to Mr. Bahai – How are you doing with the timing of getting this done by the date we’ve got?

Mr. Bahai – Well, I’m working on it. One day at a time but this is kind of a big project to get done before the fall.

Chairman Santoro – Well you may need an extension on what you have now. So keep that in mind as you get closer to that date. Marty, is there any issue with granting an extension?

Mr. Avila – Nothing from our department that I could see. As long as we are still moving forward with whatever approvals that we have at this point, we’d be okay with an extension, from a Code Enforcement standpoint.

Chairman Santoro – You are doing your best in getting things rolling?

Mr. Bahai – Yes, I’ve started working with SDC Construction in Bloomfield. They are going to help get a --- map together for me.

Chairman Santoro – This is not a public hearing. Are there any questions from the Board?

Ms. Zollo – I don’t have a question. I’m disappointed that this keeps happening, we keep having these historic bldgs come before us that were allowed to fall in disrepair and then people come for the demolition permit. It’s really sad that agricultural heritage of this community is just going to disappear because we’re not taking care of our structures.

Mr. Seiter and Mr. Gallina had no comments.

RESOLUTION

On motion made by Rich Seiter, seconded by Al Gallina

WHEREAS, on June 15, 2018, the Planning Board received a referral from the Code Enforcement Officer for a barn demolition for the Apple Farm.

WHEREAS, any structure that is older than 50 years or listed on the Town Historic Resource Inventory requires Planning Board review and approval.

WHEREAS on June 12, 2018, the application was referred to the Town Historian who concurred with the Code Enforcement Officer that the existing barns were structurally unsafe.

NOW, THEREFORE BE IT RESOLVED that the request for demolition of two existing barns BE APPROVED WITH THE FOLLOWING CONDITION:

That the applicant receive a demolition permit from the Codes Dept.

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

Approved 4 Ayes, 0 Nays,

PUBLIC HEARING

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

SCOUT RESERVE

CR 9

Appl # 1-PS-18

Owner – Victor Community Church

Applicant – DeHollander Design, Inc

Acres – 28.70

Zoned - Residential

SBL # 16.00-1-7.200

Applicant is requesting to subdivide 28.72 +/- into 7 single family lots. The Preliminary Subdivision Plan is being presented at this meeting for discussion. The Sketch Plan was accepted January 8, 2018. Mr. Scott DeHollander, the applicant addressed the Board.

Mr. DeHollander – Good evening. I'm the engineer and the owner for the project. Our project was previously here for Sketch Plan approval. It is a 7 lot subdivision and all 7 lots have frontage on Aldridge Road and exceed the zoning requirements associated with the R2 zoning. The lots are served by public water, sanitary sewer, gas and electric.

I wanted to highlight a couple of comments that we received from the Town Engineer and explain a little bit about the reconfiguration from what we had previously submitted at Sketch Plan. The first comment that we received from the Town Engineer was relative to the change in the lot layout. If you recall from the Sketch Plan, we had shown long lots that went all the way to the back of the property as opposed to what is shown here which are 6 one acre lots and then 1 large lot, Lot #2. That was really a decision that came from the salesman that we work with at Gerber Homes. Their feedback was the large lot configuration was very deep and wasted and that buyers were more interested in conventional front lots that are fronted on a town road like this one. They were more interested in conventional lots that look more like what we have here tonight and that our project would be better served if we reconfigured it into what we have here which is the reservation of that rear land on Lot #2 which really has primarily two advantages. The first is we can market that to the special buyer, someone interested in a large lot. Or, we can talk further about some of the future development opportunities that may exist for Lot #2 and that was the Town Engineer's second comment. Our response to what the future development might look like on Lot #2 is really driven by what a maximum layout might look like in the back end. Our primary guiding principle for any future development on Lot #2 is that it respects the reservation spirit of the project as a whole, respecting the existing natural features that are on the site and a large lot configuration.

We also wanted to be able to better respond to the Conservation Board's request to have a conservation easement over the entire lot as opposed to something that is only focused on the frontage lots. So I want to share with the Board if it's possible to distribute the additional handouts tonight.

Chairman Santoro – Is it different from what we have?

Mr. DeHollander – It's not, it's actually an adjustment of that plan that shows what a future maximum configuration might look like in the back. *Mr. DeHollander passed out the adjusted plan.* Again, the main purpose here of developing this plan was not to solicit any sort of request

for approval but merely to share what our overall intent is relative to preservation of the natural features on the site and also a respect of the buffers that we committed to, primarily the thruway buffer.

So that's what's represented there. That's a specific response to the Town Engineer's third question which was relative to open space. We do recognize that we've got a commitment to provide up to 50% of the parcels area for some sort of conservation easement to the town, which was our first choice. Our parcel size just being slightly under 30 acres, that transits to about a 15 acre reservation and what we've represented there is in excess of that, that's 19.7 acres.

We also responded to Parks & Recreation with our response sort of geared towards the same open space question. They were curious about what our intent was relative to some dedication of a portion of Lot #2 to some future town use. While that is not represented in our current plan, by preserving the entire remaining lands on Lot #2, we remain open for some opportunity in the future that preserves by the protected natural features and provides enhanced outdoor experiences for town residents and also some development opportunities. I think specifically responding to the Parks & Rec's dedication, it's not represented here but it may not be the only option.

I also want to talk a little bit about Lot #7. Lot #7 may seem a little out of character for a project that intends to be a reservation as it has an impact to wetlands. Our wetland delineation showed that the Army Corp wetland comes up fairly close to Aldridge Road in the location of Lot #7 and we're proposing about a seven-hundredth of an acre, a 3,000 sf impact to the area that was identified by our consultant to be a wetland area. I would also point out to the Planning Board that in terms of the benefits that are typically provided by a wetland, this area in particular doesn't provide many of those features, particularly water quality and water quantity mitigation. You can see there is significant grade change from the area that's denoted to be a wetland in the area that is low lying and is the actual natural feature. We believe, based on our consultant's findings, that the area that is on Lot #7 is a seepage type wetland and that seepage is being directed to the area that is kept saturated by the road based material more than any natural occurring wetland feature there.

So what we've done in an effort to mitigate our impact to what is an Army Corp wetland is to place into the conservation easement an area that is not wetland but has the same characteristics that could be wetland, particularly that adjoin the intermittent stream that runs across the site. So we recognize that is an environmentally significant element that we want to make sure that there aren't any sheds or any other development in that area that wouldn't be conducive with passive open space. So we preserved the more valuable area as opposed to the area that we're impacting which we deem to be less valuable from a wetland perspective. That work wouldn't commence without approval from the Army Corp who has ultimate jurisdiction over our request. It would be done under a joint application, it's the smallest threshold of impact.

I just have two more comments that I want to address from the Town Engineer. There were some questions about Lots 1 and 2 which are proposed to have pump stations associated with our sanitary sewer. Because we've sited the houses away from Aldridge Road, they are not sewerable by gravity. So we intend to use a private pump station for that purpose. We are working with the Ontario County Health Dept showing the feasibility of utilizing the shared force main configuration that we show on this plan. The preliminary indication is "maybe", so we'll continue to work on that through final design. But if we have to, we'll reconfigure out the

pump station such that each lot has an individual force main to the sewer that is feasible through the frontage that is available on both lots.

There was a question about the HOA. The HOA would encompass only Lots 1 and 2 and if there is future development on Lot 2, those lots would also be part of that HOA.

Final comment relative to stormwater. Our project proposes to utilize the natural impoundment provided in the 10 acre Army Corp wetland that exists in the low lying area of the property. It's completely contained within the parent parcel and we feel it is a natural feature that provides a benefit to our project.

So I'm available for any questions and I appreciate your time and consideration tonight, thank you.

Chairman Santoro asked for comments from the public.

Mr. Fran Murphy from 6815 Aldridge Road, right next to where this project is going. The questions that I have, first of all, wildlife management. Who takes care of wildlife management on a project like this? Right now it's a lot of deer and there is an open side of my property that says "come and eat" from the deer that are there. So I'm trying to find out who would do that. Who would I work with on that?

Mr. Pettee – Generally each project that comes before the Planning Board, the Board is required to comply with the State Environmental Review Act and wildlife is one of the analysis points that we would look at for this project site and how the project affects the environment and in this particular project, wildlife. Not just birds and animals but also vegetation as well. I don't know that we have a specialist on the Planning Board but that's something that we.....

Mr. Murphy -that you do take into consideration because what's happened is they've built roads on Aldridge Road and they built up on Victor Egypt Road up there with Polidori's, but all of those animals have to move someplace and it seems like they have a vacation spot in my backyard! So you do take it into consideration, okay.

Number 2, it's more to Scott, the side lot line. My deed gets 4 points of where it has to land but this says the lot line is the hedgerow and the hedgerow is made of stones and wire fence and trees. I see trees, but I don't see any hedgerow and I don't see any fence anymore. So I'd like to have the contractor, at least on my lot line specify where the lot line is so I'm not on his land and they're aren't on my land. When I built my greenhouse, its 28' x 48' long, 30 years ago it was on my lot as far as we knew. So I want to make sure that everything is still copasetic here with where things are built, when all of the permits were done and all of that stuff back then, everything was on line.

Chairman Santoro – Did they put stakes out when they did this survey?

Mr. DeHollander – Yes, there's 2 things located at both corners.

Mr. Murphy – At the corners right but nothing down the line.

Mr. DeHollander's comment was inaudible.

Mr. Murphy – The last thing is the water. I know you list here intermittent. I've been there for 25 years and I've never seen "intermittent", I see "always running". The wall of the water from the north side of Aldridge Road dumps on my property just before the lot line and comes underneath Aldridge Road and dumps onto my property which in turn flows onto your property Scott. And the same thing with the swale, all the water on the south side by gravity feed comes down in front of my house into the same spot.

Chairman Santoro – Is there a culvert or is it just coming down?

Mr. Murphy – There's a culvert there and at different times of years, it's really moving. So I just want to make sure we understand that water is going to seek its own level, its own place that it's going to, that it be a consideration of what's going to be on there. If he plans on enclosing it or whatever happens with that creek because the culvert beneath the road is huge so I don't know what it's going to be on the property once it gets to his.

Chairman Santoro – Water is something that he is looking into as well during the process.

Mr. Murphy – That's all I've got, thank you.

Chairman Santoro asked for any other comments.

Ms. Kate Crowley, Conservation Board Chairman – The Conservation Board discussed the Scout Reserve proposal as is viewed on the overhead. We were trying to figure out what the intent was of placement of the conservation easements. One of the concerns that we discussed at the Conservation Board meeting is we had talked initially with the applicant about a site specific conservation easement and thought that we were talking about the south where the pond is. We had talked about seasonal mowing only and preserving any of the trees that were providing habitat. We had also talked about a border of evergreens on Lot #1. At the last Board meeting we were trying to figure out how we were going to accomplish this. One of the comments that we have back to the applicant is the easements as they are described in this plan would be very confusing to the residents because what you're looking at is an area around that intermittent stream that would actually become a Riparian area where there would be seasonal mowing and not a whole lot else going on in that area, very close to the homes. Then it's not clear to us what would be going on in the southern portion of the parcel. So that was a lot of the conversation at the last Board meeting.

We also noticed the limits of disturbance were not clearly marked so we would want that done as we move forward. Our concern was around the remainder of the parcel and what the ultimate goal is of that parcel particularly when we hear "further development" on Lot #2.

One of the things that we discussed as a possibility is a natural resource easement on Lot #2 and then site specific easements for the other lots. The other concern obviously that we had was that we're going to fill part of that wetland. I would agree, as we walked that site in the winter, the creek was flowing and it was obvious that the southern portion of that parcel is wet for most of the year and does serve that wetland. So those were our comments.

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

Mr. Gallina – My first question is on the shared drive. Is that envisioned to be a dedicated road, private drive, private road?

Mr. DeHollander – A private road. Similar to our Scout Crossing section compliant with the Town design criteria.

Mr. Gallina – Again, I know what you're proposing today is really the configuration that is up on the screen but it just seems almost like a forced fit to get the additional lots A thru G in order to increase the density there.

Mr. DeHollander – That's a great observation and our response to the Town Engineer was there's really 2 options for those additional lots. One would be variances and each lot would get a sliver over the access and utility easement. Or the configuration that we've shown and it was just a brain teaser to try to get onto paper what might be one of those solutions to the latter is really not a proposal at this time.

Mr. Seiter had no questions/comments.

Ms. Zollo – I don't have the Hwy Superintendent's comments. Can you tell me what the comments were about all of these driveways opposite the driveways on the northern portion of the road?

Mr. DeHollander – I can sure. The County was actually the one that commented about the driveway configuration with recommendations that they be shared and combined. But the Hwy Superintendent only commented on our water services to be directionally drilled and not open cut.

Ms. Zollo – Okay, so no issues with the driveways practically opposite those on the north side of the road?

Mr. DeHollander – If you're speaking to Lots 3, 4, and 5 those are opposite the 2 driveways on the other side. No one raised a specific issue about that, no. But I think there is some opportunity to coordinate 2 of the 3 so that they adjoin the same property line as opposed to being opposite and that would sort of minimize at least with respect to the concentration in one area, it would address that issue. If you think that would be helpful.

Ms. Zollo – I just think that we should make sure that we're not creating an issue there with those driveways.

Mr. DeHollander – Sure, that's noted.

Chairman Santoro – In addition to these 4 additional, I know that it's just a plan, it's not a proposal that you're giving us but you have 3 others on CR 9. What about those?

Mr. DeHollander – The same thing, there's no plan to develop there. It was feedback that we received once we got the delineation done that the wetland does provide a non-encumbered area

there that potentially could be ----. There are other access issues that need to be dealt with if that is to be brought forward and we're not extending any sort of proposal at this time to their feasibility other than they are not in a wetland.

Chairman Santoro – You've got Polidori's driveway coming off of CR 9 and going down to his 4. Is that going to be an issue?

Mr. DeHollander – That would certainly be something that we would have to work out and have long conversations as how best to handle that. I don't know what the answer would be. If we bring forward a sketch plan, a preliminary plan and final plan for those lots, it would certainly require some county input as well.

Chairman Santoro – What is your plan now?

Mr. DeHollander – Not to do anything with them. We are focused only on these 7.

Chairman Santoro – I mean generally speaking, where do you go next?

Mr. DeHollander – We see how things go on the 7. We want to provide a great experience for people who want to build in the Town of Victor and we have no plans beyond that at this time. I'd be happy to share them with you and that's why I feel confident in showing the plan as far as what we feel is our maximum potential so that we can nail down this conservation easement question as part of this first phase.

Mr. Pettee – Thank you for already addressing what I wanted to talk to you about tonight with your application. Our comment letter dated June 22, 2018, Scott mentioned the items that I wanted to bring up to the Planning Board's attention and I got some good feedback. The remainder, mostly other comments are more technical in nature which I know the applicant can resolve. Scott did mention this preliminary plan that is in front of you and that is up on the screen is somewhat different than the sketch plan and that's okay. An approval really isn't given on a sketch plan, it's just a process that the applicant goes through. The Planning Board then resolves to indicate the sketch plan process is complete. So there is no requirement to adhere strictly to that sketch plan. I think the applicant has done a nice job in providing the rationale as to why this preliminary plan on the screen is different. So I appreciate the heads up in that regard.

We'll need to talk further with the Conservation Board about the conservation easements and how 50% of this area is designated as open space. It doesn't have to be all conservation easement, supposedly there is another means by which to achieve that 50% open space and maybe there is just some further dialog between the applicant and the Conservation Board and the Planning Board. So I don't think that I have anything new to add tonight at this point.

Chairman Santoro – So our next step would be completeness? Or isn't it at that stage yet?

Mr. Pettee - Well the sketch plan is complete. We're not substituting what's up on the screen as a new sketch plan. This is the preliminary application so ultimately the applicant is looking for

approval of this preliminary plan so they can get to the final subdivision phase and receive final approval.

So they are looking for approval on this preliminary plan. I don't think that we're quite there yet. It sounds like he's doing some leg work with the Health Dept on the sanitary force main which if they are okay with that, I think we are as well. I do know that there are no concerns to the town sanitary sewer conveyance system to get to the wastewater treatment plant. We're confident that there are no concerns in that regard. I think that's it for now.

Mr. Gallina – So essentially, would a determination need to be made prior to the sale of Lot #2 relative to any future development? It seems like a key pivot point that says once you the current owner/developer loses control of Lot #2 then it's really the next owner's decision.

Mr. DeHollander – If we find the special buyer, we would definitely lose the opportunity to develop further but our interest here is to lay our cards on the table, our intent is to show this plan now as a part of the final design report, this is what we see as our maximum development. But there are no expectations attached to it. It's simply just a guiding master plan for how we would envision ultimate development. Really, we primarily focused to address Wes' concerns about making sure that the Conservation Board is heard here. This exercise was done so that we could be comfortable in making available those areas on the plan so we could have a good conversation with the Conservation Board. I missed the last Conservation Board meeting but we'll have another opportunity on the 10th. But I would respectfully request consideration for preliminary approval tonight. We're definitely not at a final stage but we've got a great deal of the technical heavy lifting done here and what's left are the details to get it right and I feel that our relationship is really good here with the Board and that we can achieve that in multiple steps. It's important to me relative to some sponsors of the project to have good progress so preliminary approval would be very helpful in that regard.

Mr. Pettee – Procedurally, I think it would be difficult to do that because the Planning Board hasn't gone through SEQR yet and the preliminary subdivision phase is where we would go through Part 2 and 3 of the EAF (Environmental Assessment Form) and we haven't prepared that for tonight.

Mr. DeHollander – Okay and that's an important step. We did submit it, it's part of our engineer's report and I think all of the supporting information is part of that. Can I respond to some of the comments that I heard from Mr. Murphy? Particularly about the wildlife management. One of the design considerations in the conservation easement configuration was to provide that continuity. I'm not sure that's the feedback you want or don't want the super highway to your backyard from wildlife but we did hear in some of our other work in the town, that continuity was important. So we tried to provide those touch points that wildlife could use to move across the site. I think we can certainly work through the side lot line monumentation issue. The drainage concerns, we've shown the intermittent stream a great deal of respect in our plan. While not required to, we've achieved the 75 ft setback for all of the home sites. That would be required if it was considered a non-intermittent stream by town code. Thank you.

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

Chairman Santoro – We don't have anything prepared for you tonight.

Mr. DeHollander – That's okay, I appreciate your consideration.

Mr. Pettee – I can bring to the Town Staff's attention that you would like to move this project forward. We'll regather with staff and see what we can do to progress the SEQR and if there are any outstanding issues that we need to resolve prior to action on this, we can get in touch with you.

Mr. DeHollander – Very good Wes, thank you.

DUNBAR HILL SUBDIVISION (formally Lane Subdivision)

Lane Road

App # 2-PS-18 Preliminary Subdivision

App # 1-FS-18 Final Subdivision

Owner – RB Land Company LLC

Acres – 4.70

Zoned - Residential

SBL # 15.00-1-51.300

Applicant has submitted the preliminary & final plans for a 4 lot single family residential subdivision. This is the final steps for this major subdivision.

Mr. Walt Baker with DSB Engineers addressed the Board along with Steve Philipponne of RB Land Company, owner of property.

Mr. Baker – We are proposing a 4 lot subdivision on Lane Road, just east of High St, on the south side of Lane Rd. We've been here for the concept meeting and we're here tonight for preliminary, however, there are some issues to be resolved as far as a major and minor subdivision. There's an issue that came up with the Code Enforcement Officer regarding whether this is classified as a 4 lot minor subdivision verses a 7 lot based on the fact the land, what he refers to as the parent property which was subdivided in 1992. It was 12 acres and they cut it up and made 4 lots out of it basically on High Street. We did submit a map the other day because I guess the Town Attorney is going to check into the requirements for that. This is the original map from 1992 which we secured from the owner which shows the 4 lots. We are actually this 4.8 acre parcel on Lane Road and this is High St. So the original house was here then they cut it up and made 4 lots back in 1992.

Part of that problem is in 1995 apparently they developed part of the code with open space where a major subdivision needs 50% open space and a minor subdivision doesn't require any open space. We were trying to deal with the Town Staff and the Conservation Board. There is a wetland on the property so we had that delineated after concept, I think we talked about that with Wes' comments at the concept meeting. However, we are classified as a continuation of the original parcel that was subdivided in 1992 and now creating these 4 lots, that according to the Code Enforcement Officer, this would make 7 lots because the parent parcel was 4 lots, we took

one of the 4 and resubdivide it into 4 lots, hence, we're over the 4 lot classification for minor versus major subdivision.

So as a major subdivision we need 50% open space on this parcel and seeing the code was adopted in 1995 and this parent parcel is 1992, we've got some questions to be answered as to whether or not we need to comply with this 50% open space before we really go any further because as you can see it impacts quite a bit. We did meet with the Conservation Board last week and the Conservation Board saw the same thing that you're looking at and they suggested to move it all to the back. Well we tried to do the 33,000 sf lots which is required for the R1 (zoning district) with a C overlay and we do have water and sewer adjacent to the property. So we would have to have 33,000 sf minimum lots and then the 2 lots in the back end up being over 1.8 acres so they are large in the back. So we end up with a situation, where do we put all of the greenspace if, in fact, it's a major subdivision. The Conservation Board understands the problem and if we had to put in the delineation markers as we did on other projects, you'd have them in somebody's back yard, they would end up with maybe, depending on the depth of the house that they build and Steve tells me they end up being 50 ft in depth when they have morning rooms and such, the larger homes which obviously this location in relationship to the school, they're probably not going to be empty nesters building a smaller size ranch for 2 people. There will probably be families who will want pools, decks, swing sets, playgrounds and all of that stuff. If we had this delineated, they would probably in the future violate that and start mowing it because the Conservation Board wants us to keep it and mow it twice a year, that type of site specific restriction.

So we have some issues with the determination of whether or not this is a major or minor subdivision. We did bring it up with Kim and Wes. We had a follow up meeting last week and apparently the Town Attorney is looking into this situation and he wants to discuss it with Steve's attorney as well. We need to find out whether or not this parent parcel from 1992 really impacts whether or not we use the open space requirement or not.

Chairman Santoro – What is your time table and what do you do next once you get that straightened out?

Mr. Baker – Steve did get another call about the Town Attorney looking into it. So his attorney needs to get with the Town Attorney and try to get it resolved. We have a little bit of an issue with how we proceed, whether or not it's a major or minor subdivision.

Mr. John Nardoizzi – My wife and I own the property west of the new subdivision here. Back in 1992 when that was subdivided and when we bought the property we were told that that piece of property was to be 50% greenspace if it were to be developed. So I don't know where the 1995 came in versus the 1992. I mean shouldn't that have been resolved back in 1992?

Chairman Santoro – They are here now and they are stuck with the laws that have come and gone since that time. They haven't reached the point yet where they have resolved an important issue as to whether this is a major or minor subdivision.

Mr. Nardoizzi – My point is if I had known that it wasn't going to be 50% I would have bought the property back in 1992. Where do we stand now? *Chairman Santoro asked Mr. Nardoizzi to*

point out his site. We are right on the corner of Lane and High St. So where do we stand now as far as....

Chairman Santoro -Well we're not doing anything tonight. They have issues to resolve before they come back.

Mr. Nardozzi – But what is the difference between the 7 lot versus the 4 lot?

Chairman Santoro – Major vs the minor?

Mr. Pettee – So as I understand it what is in front of the Planning Board now is a proposed 4 lot subdivision for 4 residential homes. It's my understanding the difficulty the applicant is having is coming up with 50% of that area to be a conservation easement. Now it doesn't have to be a conservation easements there could be other methods for a major subdivision, if it's deemed that by consultation between the two attorneys.

Mr. Nardozzi – But it would still remain 50% but under different....

Mr. Pettee – We talked about some alternatives in the meeting between Town Staff and the applicant and the Town Engineer. This is a unique parcel in that it's kind of like an "infill" development. It's kind of left over remaining land and the major subdivision requirements make it somewhat difficult to achieve the 50% open space, the 50% conservation easement for a parcel such as this because it's kind of unique and small versus a 50 acre parcel. So some of the alternatives explored that if its deemed a major subdivision, could the applicant go to the Zoning Board of Appeals and request that maybe only 30% of the parcel remain as open space and maybe providing 30% of conservation easement in the back portion of this lot and maybe some other configurations around these homes. It's my understanding that regardless whether or not it's a major or minor, that the applicant is looking to have 4 lots there.

Mr. Gallina – Again, that's a self-imposed boundary condition.

Chairman Santoro – What do you mean?

Mr. Gallina – The developer wants to put 4 in. You could achieve 50% with fewer homes. That is a viable option.

Mr. Nardozzi – Okay also is there an option or something that we could request, like a buffer between that new development and my backyard? Like a fence or something of that nature?

Chairman Santoro – We can do that.

Mr. Nardozzi – So nothing is going to be resolved tonight. We have to come back and do it again?

Chairman Santoro asked for any other public comment on this project.

Ms. Crowley – As long as we are brain storming. To build on some of the comments that Wes has provided. We also talked to the applicant about the different variances that you can ask for and one of them is a variance on the greenspace. The other is potentially a variance...I guess there's specific requirements on Lots 1 and 4 about how far away from the roads they are. So if there was a variance there, you could actually shorten the length of the cul-de-sac. That would provide more area behind Lots 2 and 3 and we could do a site specific easement on Lots 1 and 4. So there are all different things that we could do with this site and you're right, it's difficult because it's the last remaining parcel amongst a group of homes that are already built. It is near the school so you want enough room for a playset in the backyard and for some recreation. So the question is; what are the various approaches that you could take so that you've got habitat there, you respect the wetland that's there and you also have enough room for people to live and grow.

Mr. Marty Avila, Code Enforcement Officer – I just want to clarify what the two attorneys are trying to figure out. Correct me if I'm wrong Walt, but I think that we've determined that it's definitely a major subdivision. Anything after 1977, the parent parcel, we're adding 4 to it, this is going to be a major subdivision. The question is whether or not because the law was passed in 1995 for 50% greenspace and the parent parcel was made in 1992, whether or not there's legal requirements for the 50% greenspace. I believe that's what we're having the attorneys take a look at. The determination from Code Enforcement side of things is that it's definitely a major subdivision because we have a parent parcel that was post 1977 when that law came into effect. So if I'm wrong, let me know but I believe that was the issue.

The only other thing that code enforcement had questions about and wanted some clarity on is the depths of Lots 1 and 4 because they are corner lots, they can be confusing. The front line that the depth would be measured off of would be off of the cul-de-sac road because that's where the access to the property is from the road. We would either need to see those adjusted so that you would have a minimum 200 ft depth on those lots or we'd be looking at a variance for that as well.

Ms. Zollo – Do we make accommodations for other people when they come in when they are in the same situation? It becomes a major subdivision because it's been subdivided before. I'm just wondering do we often make some kind of accommodation when what they want to do doesn't fit our laws.

Chairman Santoro – I didn't think that we could. It's either a major or minor, there's no middle ground.

Ms. Zollo – It certainly fits the description.

Mr. Pettee – Generally it's pretty clear for applications when they come in whether it's a major or minor and based on what Marty just indicated, it's a major. But his point of clarification was at what point does the 50% open space requirement come into play for a parent parcel. I guess I'll be interested in hearing what the attorneys have to say about that.

Mr. Steve Philippon from Redstone Builders and RB Land Company with offices at 1140 Crosspointe Lane in Webster, NY – I just wanted to make a couple of comments about what

we're trying to achieve here in terms of developing a quality 4 lot subdivision. We opted not to put 4 separate driveways out onto the main road at Lane Road for a number of reasons including safety, aesthetics, and to give the development more of a neighborhood feel rather than just a number of driveways exiting out onto Lane Road. In doing so, it has created some challenges with regards to the layout of the subdivision and the conservation easement area and whether it's a major or minor subdivision has obviously been very challenging for us. We do typically like to have conservation space on every development we do whether it's through clustering or self-imposed, what have you. In this case as Wes stated earlier, it being an infill style parcel, we are kind of constrained, we have the land area but not the geometry to lay this out perfectly and still meet all of the requirements. We may be looking at bringing you some form of cluster development that will allow the lot layout to maybe be a little bit smaller but still achieve some conservation goals as well as good design criteria. The last thing we want to do is get the lots approved, throw some houses up there and let the town worry about code enforcement of whether who takes care of the conservation space, who puts their shed there, and who puts their pool over the line into the conservation easement area. We really don't like to leave those kinds of things to the town or for the residents to deal with in the aftermath so to speak.

We're hoping that we can achieve a good balance between the regulations that are imposed on this and still be able to create a nice 4 lot subdivision in this particular area. In terms of Marty's comments about whether it's already been determined, I leave that to the attorneys to decide where we are in all of this. I'm not sure that we have a clear understanding about how this law applies to this parcel based on dates and other legalities. So we'll just let the lawyers figure it out.

Walt and I were talking earlier today and there is a provision regarding resubdivision and I don't know if it applies in this case but we'll have our attorneys look at that. In the case of resubdivision, the discretion is given to the Planning Board as to whether this is a major or minor subdivision and how that will be treated. So we'll see how that plays.

Chairman Santoro – If there are no further comments, we'll go onto the next application.

TORPEY SUBDIVISION

7980 CR 41

Appl 3-SK-18

Owner – Log & Timber Structures, LLC

Acres – 19.13

Zoned – Residential

SBL # 26.00-1-47.200

Applicant is requesting to subdivide 19.133 acres into 5 lots. As this is considered a major subdivision, the Sketch Plan is the first step.

Glenn Thornton, Thornton Engineering addressed the Board along with Andrew Torpey, owner and developer.

Mr. Thornton – We are here for concept and we acknowledge right off of the bat that the concept submittal is not complete. That was purposeful, we wanted to get some comment from the

Planning Board before we move forward in the wrong direction. We do plan to be back in front of you with a much more complete submittal.

What Andy would like to do, first of all, we don't want to get the attorneys involved, we don't want any questions about...it's a 5 lot subdivision, its major so we'll move forward from there. What we've laid out is a 5 lot subdivision, yes, it's served by 1 driveway entrance onto CR 41 because of the grade on the roadway and the sight distance. The driveway location has been approved by Ontario County DPW, Andy has the permit for that driveway. It has satisfactory sight distance. But that is the only location that we can get a driveway out on CR 41. Thus, we have 5 lots being served by that 1 driveway entrance onto the street. Immediately upon entering the property, that driveway entrance will divide into 1 driveway serving 3 lots and another driveway serving 2 lots.

We've got a lot configuration here. I think everything besides the driveway is completely code compliant with acreage, setbacks, road frontage. Each lot has sufficient road frontage to be code compliant. So it's kind of an atypical situation for a common driveway with all lots having frontage but it's just that we're left with only 1 location on the street to enter.

We have conducted many soil testings since we made the submittal. We have a much better feel for the wastewater treatment systems. The soils in certain areas are very good, we've got good perk, great deep hole results. Andy did a lot of research out there with his backhoe, we've saved a lot of time.

So that's what we have. We have configured a conservation easement which we think is purposeful, it's the perimeter of the property. We're trying to preserve the areas with the steeper slopes, with the vegetation. Everything seems to make sense. So that's about it unless you want to add something Andy.

Mr. Torpey – I can add a little bit on the driveway. Originally, I was talking to Tim McElligott (Ontario County DPW). One of things was there is enough there to make that 2 driveways onto CR 41 but what he'd like to see and what we decided to ultimately do was to make a throat cut, it's 42 ft wide, the throat cut. So there will always be in/out traffic on there, you'll never have to stop on CR 41 if someone else is coming out of the shared driveway. So it makes it a smoother transaction there. We could divide it into a 2 and a 3 but it just made more sense from a safety standpoint to make it a wider throat and have in/out traffic on it.

Chairman Santoro asked for public comments.

Ms. Crowley – The Conservation Board walked this site last spring. At the time, we were looking at a different configuration. We were actually quite pleased with the modifications that had been made to the proposal on where the homes sit on the parcel. We're actually taking advantage of the topography on this site and if I understand correctly, the applicant is also taking advantage of the soils. We discussed with the applicate, the conservation easement that we're proposing for the east portion of the site. It's a natural resource or no touch and it's because there is an old oak hickory forest on that part of the parcel.

One of the things that we suggested because he's trying to work around different areas, I believe it's for Lot 5 that would be for septic systems. What we proposed to him and we'll write language into the conservation easements so that they can maintain those septic areas and make it less confusing for the homeowners. I think that was greeted with "Okay we'll consider it". Then there is a site specific conservation easement next to Lot 5.

One of the things that we had to get creative with and so I said to Debby (Trillaud) make sure the legal counsel takes a look at this, there's already been some topography changes because they're making use of the gravel that's available on the site for the septic systems. So what we've tried to do in the easement language is to say that once the initial regrading is done, at that point there is no additional grading and that'll preserve the drumlins and the hummocky of that parcel.

Chairman Santoro asked for any other comments.

Mr. Jim Woodard from 7950 CR 41, just east of property. Back earlier in the year, Andy came down to the Town Board and you told him that you would only allow 4 houses on this property. Now he's coming in for 5?

Chairman Santoro – I don't remember him coming before us. Anyone else? (No replies from other Board members)

Mr. Torpey – I came before you about 14 months ago with a preliminary discussion before I purchased the property on what the possible use would be for that property. At the time I had just a hand written plot showing that I was looking for 6 based on the fact it was 19 acres and it was possible to do 6 on there. One of your comments was that it looked like I was cramming 6 onto there, it was too hard and I should think about paring it down. One of your similar...because of the driveway configuration at the time I was already aware of that with the Ontario County Highway dept. One of the comments was that you had previously allowed 4 house subdivisions off of a single driveway but you've never allowed more than a 4 house off of a single driveway. That's why we're stressing the driveway importance being it could be a 3 and a 2 but for safety reasons, it would be better to make it a throat of an in/out and then go into a 3 and a 2.

Mr. Woodard – But it was stated at the time that you've never allowed more than 4.

Chairman Santoro – We'll have to look at the minutes.

Mr. Woodard – That's what I'm questioning. Now he's going for a 5th one.

Chairman Santoro – Do you remember the approximate date?

Mr. Thornton – I think it was April 11, 2017.

Mr. Woodard – My problem is, it's all wells out there. So if he's going to put more houses in there, they're going to use more of my water because my water comes from the west. If he's going to put more houses in there, all these houses are still going to use well water unless the Town of Victor is going to bring water out there.

Chairman Santoro – Well I can't answer that question. Have you had a hydrologist look at that?

Mr. Torpey – We did have 1 well dug already and it shares the same water table as the house that I built across the road and down the hill, it hit the water at the same level and it also went down. That well produced 20 gallons per minute. When we put the well head in it, it continued to be at the same height at 143 ft down and the well is dug 168 ft. His opinion at the time was you're not going to have a problem with well water, there's plenty here because he hit the gravel and then you have a large reserve. That was done, once again, about a year ago that the well was put in. We just put the pump in 2 weeks ago and it's maintain that 143 ft with the 168 depth.

Mr. Woodard – But is 4 more houses going to take enough water off there to cut my well down?

Chairman Santoro – Has your hydrologist given an opinion on that?

Mr. Torpey – Moravec Well Drillers, his opinion was that we're in an aquifer, the house is set up to use 410 gallons a day of water and you've got millions of gallons under here in this aquifer. You wouldn't drop that an inch, 10 house wouldn't drop that an inch. But he's not putting that on paper either so if needs to go a different route then we'd have to figure out how to test that.

Mr. Woodard – That's my major concern. We're all on wells up through there and it goes all the way down CR 41, they're all on wells.

Chairman Santoro – If necessary, you may have to get an opinion on that.

Mr. Pettee – I'm glad that you brought that topic up. I know that we're just in the sketch plan phase right now but we can look at this issue in greater detail once we get to preliminary and review the State Environmental Review Act. We comply with the SEQR requirements so we'll take a look at that issue.

Mr. Woodard – Thank you, that's my comments.

Chairman Santoro asked for any other comments.

Mr. Robert Brostek from 7971 CR 41 – I'm directly across the street. My concern is the well. My well is out by the road. I'm pretty sure it's the same well that Jim has and the other house that Andy built. If you put in 5 houses, you've got 10 cars going in and out of there. It's really a sketchy section of road with people coming over the top of that knoll.

Chairman Santoro – We'll be looking at things such as the sight distance and things like that for safety issues.

Mr. Brostek – Okay thank you. No other comments.

Chairman Santoro – Thank you

Mr. Greg Meyers from 61 Monroe Parkway in Brighton – I know this area fairly well. Just a couple of comments, I know that it's a nice subdivision. The west drive, I guess it seems to

encroach the ridge a little bit so from a conservation standpoint, I wanted to know if there are any further comments about views coming from the west and really maintaining the look and the feel of the land. I don't know if Kate has any comments about that.

Chairman Santoro – You live in Brighton? (Right) Do you have property in Victor, is that why you're concerned?

Mr. Meyers – My parents have property in Victor. The driveway that comes in now, it's long, it's parallel to Boughton Hill. It's a significant change in contours. I'm sure it's fine, just some consideration of the aesthetics especially for Lot 5.

Chairman Santoro – The Traffic Engineer will take a look at that and let us know if there are any issues.

Mr. Meyers – Okay, very good. Thank you.

Chairman Santoro asked for any other comments.

Ms. Crowley – One of the things that I didn't mention was for Lot 5. We also have language in the conservation easement. One of things that we understand that the applicant wants to do is to create more forested area on Lot 5. So we've made sure that additional plantings can be made through out that easement area. Like I say, we noted that the placement of the homes along that ridge actually take advantage of the topography. I also understand that the initial entryway to the property is planned to be forested, if you will, with some specifically planted evergreens right as you enter the development.

Ms. Zollo, Mr. Seiter had no comments at this time.

Mr. Gallina – I see on the preliminary plan that there is a temporary drive that is indicated. Again, would that potentially be a location for a second road cut so that we could get 2 entries and minimize some of the onsite driveways?

Mr. Torpey – The temporary drive was an existing drive that the farmer used to get his equipment in and out of there. When Ontario County redid that road some years back, they kind of cut the head off and filled in the low spot and in doing that, they made a rolling hill that came over there that eliminated...you couldn't get that 500 ft sight distance in both directions. You either had a mile in one direction and 450 ft in the other direction. Or as you got over there, at some point it switched. But we couldn't get two 500 ft sight distance. So you see where we are now with that drive, that's actually on the lowest part of the hill. So as it comes down, you're looking up the hill 500 ft and then you have 1,000 or 1200 ft going in the other direction.

The original drawing that we brought in did show a second driveway up there but it just became too confusing with only turning left or only turning right or not being able to see here, you could see really good in one direction but not in the other. So we took all of the comments that we received and with Ontario County and decided, let's just make this one opening in the best location that's going to be the safest for everybody to get us onto that property. Then at that point, we'll mimic Route 41 coming up the hill to feed the house rather than trying to feed the

house immediately. We knew there'd be some challenges with Fire Dept and everything else on that and we're working through all of that. But it just makes sense from the safety perspective to have that be one driveway in one location with in/out flow to it. And, it doesn't have to stay that way. It literally has to come off...it's just to get you off of that road where it can be dangerous into a safe spot, so the UPS guy can turn around, everybody can just get off of that road and have a spot to be able to do what you need to do to decide which house you're going to and all of that rather than being in a bad spot with your breaks on trying to figure out which driveway services which house, just get you off of the road.

Mr. Gallina – Okay. Have you considered a stub cul-de-sac there and reconfigure these so there more flag lots versus all lots going to CR 41?

Mr. Torpey – At the location where we have the approval for the driveway and the driveway installed, there's maybe a 10 ft elevation drop where they took the head off of the knoll and they laid out the road to make it less of a pitch going up there. So that leaves us a lot of open area that you'd have to fill to make something like that. So even with that 40 ft wide spot, there was over 1,000 yds...more than that, I think it was 4,000 yds of soil put there to make that good road bed. We could come in with 100 ft or so and we plan to come in 100 ft or so and have it be almost like a paved area to come in there so fire trucks and everybody can come in off of 41 but then after that...to run a road back there to service all of those houses....

Mr. Gallina -No, I'm not envisioning a road. I'm literally envisioning a very short cul-de-sac that basically....are you envisioning 40 ft wide and then that becomes a public road that all of these individual drives can feed off of to the extent that the Planning Board doesn't have an appetite for a variance for the number of houses off of a private drive.

Mr. Thornton – It would be a town road?

Mr. Gallina – A town cul-de-sac. Effectively a town road. I'm just throwing out another idea.

Mr. Thornton – It's an idea. We thought about that but I'm not sure if the town would want to come up and maintain it and plow it. It would be challenging. I understand what you're saying. It would satisfy the code I guess and in that way we would....

Mr. Gallina -Because we talk about options. I'm just giving viable options that could then be contemplated if a decision is made by the town, that's the reason that we don't want to do that, therefore, allow a variance. There should be some logic in how we get to the variance versus that's just what we drew up.

Part of what I'm thinking is, the whole idea of having 100 ft frontage is so that you'll have access to the road. If effectively there's no driveways going out there, then that kind of makes the 100 ft requirement a moot point.

Mr. Torpey – It does but there's future things as pieces get developed through there that won't be a 55 mph road forever. As more houses come in there and different things go through, at some point, it's not a battle I want to fight but at some point that's probably going to get knocked down to 45 as it's more of a residential area through there, which then the sight distance is no

longer 500 ft. Then all of those driveways all of a sudden, they pass sight distance. If somebody wants to have that fight later down the road to get their own driveway and not use that common driveway, they have that 100 ft road frontage, they can get their driveway out to where they want it to be when the road changes.

Mr. Gallina – Except then you have to fight all of the legal terms because now you've got a common easement, common drive that I might not want to give up. If the 100 ft doesn't serve any purpose at this point that should just be factored into the considerations as well.

Mr. Pettee – We did have a letter dated June 11th and it sounds like they've progressed some soil testing. Was anyone from LaBella available to witness the perk testing?

Mr. Torpey – Glenn Lockwood was there for both the perk testing and the deep soil tests.

Mr. Pettee – We just had some notes for a future submission of a preliminary subdivision plan should you get to that point. Very early on this evening you mentioned that you recognize that your sketch plan application wasn't complete. What is it that the application is short in your mind?

Mr. Thornton – I went through the check list and a number of the items on the check list, we have not provided yet. We plan to do it but again, we wanted to get some feedback just on the feasibility of developing in the matter that we've proposed then we'll follow through with everything after this meeting.

Mr. Pettee – Okay, does the Planning Board have a draft resolution for this one?

Mr. Thornton – We recognize that....

Chairman Santoro -I'd like to see those minutes that I requested. There's still some open issues here.

Mr. Gallina – What are we looking to approve?

Mr. Pettee – My understanding is the resolution in front of you is just to acknowledge that the sketch plan application is complete. It's not an approval of the lot layout nor is it an approval of 5 lots, nor does it approve the configuration of the driveway and allowance of the 5 home sites off of the driveway. It's not approving any of that. It's just acknowledging a complete application.

Mr. Thornton – Would that allow us to proceed to preliminary?

Mr. Pettee – That would. That would allow you to provide additional details that you would generally submit for preliminary review including your soil information so that we can review your septic and so that we could begin SEQR review and review the environmental components of this project. Also, have the Planning Board deliberate more on the lot layout configuration and driveway.

Mr. Gallina – So I guess the question is do we have all the submissions that would deem it complete?

Ms. Zollo – According to the applicant, we don't.

Mr. Gallina – That's what I was dwelling on.

Ms. Zollo – As long as they say it's not complete, I don't see why we would vote on it.

Mr. Thornton – Let me pull my foot out of my mouth!

Mr. Pettee – That's why I asked the question of what do you think we're missing?

Mr. Thornton – Well I read through the building code comments and they pointed out a number of things.

Mr. Gallina – For a sketch plan or for future requirements for preliminary?

Mr. Torpey – The acknowledgement of what we have here is complete based on your requirements with the exception of at the time this was done, the soil testing had not been done and all of that. That has since been done and it is in possession of LaBella. Other than that, we're here specifically to get this phase going so we can get onto the preliminary and also get your feedback on what we have here to see what we need to change for the preliminary.

Mr. Thornton – The preliminary plans are fairly detailed, a lot of detail goes into them. That's why we wanted to get some feedback. We acknowledge that we know we're not receiving approvals but just some feedback on the concept, we would move forward. I'm always nervous, if you feel something hasn't been submitted, then we move forward, then we drop back. I'm not opposed to doing things twice. I just like doing things right the first time. I'm probably overly cautious.

Chairman Santoro – We have a fairly short agenda the next time. Can you get things together by then? (Yes) So why don't we put it on the next meeting.

Mr. Thornton – Is there any other feedback from the Board that you might be willing to offer? We've received comments from several departments but you're an important group here. We want to please you.

Chairman Santoro – Well I want to see those minutes from last year. (Okay)

Ms. Zollo – Yes, I'd like to see the minutes.

Mr. Thornton – I've read through the minutes before I came over from last year and I don't think there was anything that would get anyone in trouble.

Ms. Zollo – And I think we need to have the impact on the neighboring wells,

Mr. Gallina – But that would actually be part of the SEQR process, correct Wes?

Mr. Pettee – Yes that’s something that we would look into during the preliminary subdivision review phase and as part of SEQR.

Mr. Gallina – It should be the sketch plat being deemed complete and once we can do that, then move forward.

Ms. Zollo – Well they were asking direction. That’s something that we need to answer in the future.

Mr. Richard Myer – I have the property just west of Andy’s proposed site. I just wanted to bring to the Board’s attention that we have a potential drainage problem from taking away rainwater when it rains really heavy such as we experienced about 3 weeks. I know Andy is very sensitive to this, in fact if I could just point out to you *Mr. Myer pointed out on the overhead screen*. You have the culvert coming along here and what Andy did, actually before we experienced this rain, he had put one of those big round bales of hay in there just where his property and just before our property starts, just to keep all of the construction stuff out of the drain. That worked fine until we got that torrential rain about 3 weeks ago and it literally picked up that 1200 lb bail or whatever it weights and carried it right down in front of my yard and all of the water rushed, I have a shed that is fairly close to the road and it rushed towards the shed. Fortunately I have good drainage on both sides of the shed and it took most of it away, it didn’t go inside the shed. But there is the potential of that happening and my concern is that prior to this development, this was farm property and there was always something growing there, it was always some kind of vegetation and if it wasn’t farmed, it was just grass and that would take away a lot of the rain water and it would just drain into the ground, most of it or at least a good portion of it. But now everything is just rolling off of the bare property. When Andy had his driveway installed there...what was the diameter of that Andy, that drain pipe, 18” was it? (*Mr. Torpey replied 18”*) I think it’s an 18” drainpipe and my drainpipe is only 12” across my driveway so it just couldn’t take it away. I just want the Planning Board be aware that it’s important that we not disturb too much the landscape there and be sensitive to the fact of the water rolling off of that property over to (inaudible). Thank you.

Chairman Santoro asked for any other comments and there were none. The discussion ended and the public hearing remains open.

O’CONNELL ELECTRIC ADDITION

830 Phillips Rd

Appl # 1-MS-18 Minor Subdivision

Appl # 8-SP-18 Site Plan

Owner – 830 Phillips Road LLC

SBL # 15.01-1-13.111 consisting of 6.10 acres

SBL # 15.01-1-12.000 consisting of 3.32 acres

Applicant is requesting to construct a 1,730 sf single story addition and covered entry area onto existing bldg.

Mr. Linc Swedrock from BME Assoc addressed the Board along with Joe Pellerite from O'Connell Electric.

Mr. Swedrock –We're here tonight requesting subdivision and site plan approval for O'Connell Electric. The proposal is for a 1,730 sf covered entry area over the existing office building on the front of the site. A couple of applications that we have, like I said, the subdivision is actually sort of a "housekeeping" item. The subdivision was originally approved by this Board in 2009 and for whatever reason the map was never filed, these things happen, never got filed with the Clerk's office and then the DOT came through and took a *taking* along the road as well so we had to re-propose the subdivision that was previously approved along with the taking and bring that back to the Board for your consideration of re-approval of that subdivision. That also led to getting a variance from the Zoning Board of Appeals for the front setback for the reduction of the front setback from 70 ft to 50 ft. We've been in front of the Zoning Board of Appeals and obtained that variance prior to seeing you tonight. So the first part is the subdivision. It meets the rest of the criteria for the two lots besides that front setback that we needed to get from the Zoning Board of Appeals.

The site plan, like I said, we're basically adding on a 1,730 sf entry way. The intent of the entry way is to provide a new front entrance for the office space, visitor reception area and small conference rooms within the area. The company has been looking to renovate the bldgs, they've been doing this in their other offices as well. They are looking to bring these bldgs internally up to a higher standard, trying to do these things and part of this is they wanted to expand the front of the building for the renovations and to provide some additional office space, reception and conference rooms.

The property is zoned Light Industrial and the architecture, I've also brought some architectural things to talk about. We provided a bunch of architectural plans with our application. *Mr. Swedrock passed out building material samples, colors, etc. explaining as he went along but was away from microphone.* The color is gray and the red is for the O'Connell sign as well as around the windows. I think it's really going to spruce up the front of the building and that's what they are looking to do. It also is consistent with their logo and what they've been looking to do with their other offices as well so they are similar looking.

We have also, as I said earlier, been to County Planning and received approval there. We've been to the Zoning Board of Appeals to get our variance. We have responded to the staff comments that we've received to date and also we did get LaBella's comment letter recently and basically we didn't see anything in there that we wouldn't be able to address. Just the one question that was there was whether or not we got the variance, which we did. Then also the other comment was that we are showing the sign on all of the materials and we know the sign will meet code but we'll make a separate application to the Building Dept for that sign.

I would be happy to answer any questions and also Joe is here to help me out if I can't answer them.

Chairman Santoro asked for public comment and there were none.

Ms. Zollo – I'm just looking at the Conservation Board questions for you about the trees that will be removed and the chain link fence, is that an addition?

Mr. Swedrock – We're not removing any trees, we're just removing the landscaping that is in front of the existing building. Everything else is remaining.

Ms. Zollo – So the chain link fence is already there, already existing?

Mr. Swedrock – The chain link fence is existing, right.

Ms. Zollo – Okay. And the recommended protection for the trees before you start building.

Mr. Swedrock – Right, I think we responded that we would do that. All we're doing is the middle expansion in front....*Mr. Swedrock walked away from the microphone to show Board members on their site plan material.....*and we provided a new landscape plan that shows the landscaping going back, they want the front of the building to look nice so we'll put the proper landscaping in there.

Mr. Gallina – Did we say that the variance was approved by the Zoning Board of Appeals? (Correct) I'm all set.

Mr. Pettee – We really don't have very many comments from the Town Engineer's perspective. Since they got their variance, we just requested that they put that notation on the plan. They've already got a notation of the previous variances that they've received for this parcel so that shouldn't be an issue. SEQR they filled out the Shor Environmental Assessment Form, we have no issues with that. So that's all we've got.

Chairman Santoro – If there are no other comments, a motion to close the public hearing.

Motion made by Al Gallina, seconded by Heather Zollo.

RESOLUTION – SUBDIVISION

Motion made by Al Gallina, seconded by Rich Seiter

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on May 21, 2018 by the Secretary of the Planning Board for a Minor Subdivision entitled O'Connell Electric Subdivision Re-approval.
2. It is the intent of the applicant to re-subdivide to combine the adjacent parcel (Tax Map No. 015.01-1-12) with the existing O'Connell Electric parcel located at 830 Phillips Road.
3. An application for a lot consolidation was approved by the Town of Victor Planning Board in December of 2009, however was never filed with Ontario County and has since expired.

4. 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.
5. The Planning Board, as lead agency, found that there would be no significant impacts to the environment as a result of the action and directed that a negative declaration be prepared.

NOW, THEREFORE, BE IT RESOLVED, that the application of O'Connell Electric, 830 Phillips Road, Victor, New York, Minor Subdivision entitled O'Connell Electric Consolidation Plat, Project #9807A, Drawing No. 10, drawn by BME Associates, dated May 2018, received by the Planning Board May 21, 2018, Planning Board Application No. 1-MS-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the minor subdivision 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.

Conditions that are on-going standard conditions that must be adhered to:

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 5.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).

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

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

Approved 4 Ayes, 0 Nays,

RESOLUTION – SITE PLAN

On motion made by Al Gallina, seconded by Heather Zollo

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

1. A site plan application was received on May 21, 2018 by the Secretary of the Planning Board for a Site Plan entitled O'Connell Electric.
2. It is the intent of the applicant to construct a 1,730 sf single story addition and covered entry area onto existing building.
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 26, 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 application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On June 13, 2018 Ontario County Planning Board retained application as a Class 1 with comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 26, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, O'Connell Electric Addition 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 O'Connell Electric, Site Plan entitled O'Connell Electric, drawn by BME Assoc, Project #9807A, Drawing #11, dated May 2018, received by the Planning Board May 21, 2018, Planning Board Application No. 8-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 the letter dated June 26, 2018 with comments from LaBella Associates be addressed.
3. A submission of an architectural rendering which reflects architectural decisions made at the June 26, 2018 Planning Board meeting as more fully specified in the June 26, 2018 Planning Board meeting minutes.

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 tree protection barriers be in place and inspected before construction begins as recommended by Zaretsky and Assoc.
4. The building design plans shall be consistent with the architectural details as shown on Sheet A4, A12, and A13 drawn by Wolfe Architecture, received by the Planning Board Secretary May 21, 2018. The landscape design details shall be consistent as shown on the site plan, entitled O'Connell Electric Site, Utility & Grading Plan, Drawings 11 and 12 drawn by BME Assoc., dated May 2018 received by the Planning Board May 21, 2018.

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

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

Approved 4 Ayes, 0 Nays,

VICTOR HEIGHTS PARKWAY LOT R

61 Victor Heights Parkway

Appl # 9-SP-18

Owner – DiFelice Lands LLC

Acres – 3.73

Zoned – Light Industrial

SBL # 15.01-1-35.100

Applicant is requesting to construct a 25,592 sf flex bldg for up to 6 individual tenant spaces to include 5 loading docks.

Mr. Spencer Reed from Mitchell Design addressed the Board.

Mr. Reed – Also here tonight is Mr. Frank DiFelice, the owner of the property and developer and Cameron Pieklik from our office. What we're here to talk about tonight is Lot R on Victor Heights Pkwy. It is directly north of the CAR Engineering site. It's an open site today, there's a tiny bit of site grading on there but essentially it's a vacant lot.

The overall proposed project is roughly 25,000 sf potential up to a 6 tenant flex building. So it would be similar to all of the other bldgs that the DiFelice's have in that park which are Light Industrial/Commercial applications. So typically a small office up front, small warehouse, maybe light manufacturing, something in the rear of the building.

The site itself is the access to the Victor Heights Parkway, so there is very little actual frontage. Victor Heights Pkwy makes a big turn here, so there is very little frontage to speak of on Victor Heights itself. So we're proposing a slight modification today, there's a stone road that goes around CAR Engineering, it's just to the south. There's a stone road that goes around CAR Engineering today that we are proposing to upgrade to a full 30 ft wide asphalt driveway that would continue to tie into the ring road around CAR Engineering and then would be the main access to our site. So it has two curb cuts for the main purpose that a tractor-trailer could come in, back into these loading docks and circle back out to the road this way.

The main building entrance façade, if you will, faces the parking lot and faces the common driveway because that is what we're really looking at as being the front of this. So that's what you're seeing here. Also, this is the end that you would see as you approach coming into the driveway and a little bit from Victor Heights itself, although there won't be a huge view of the building because you're going around the curb around the corner.

The building from an elevation standpoint is kind of what we're calling an updated flex building type look. Parapet wall on 3 sides so the 2 ends and then the long front wall have parapets, single slope roof to the rear for roof drainage which works well because it allows us to hide all of the HVAC equipment on the roof behind the parapet so it won't be visible from any of the roads or entrance drive.

From a façade standpoint, a lot of windows. Mr. DiFelice wanted to make sure that he could drive a lot of light into the light manufacturing space in the rear so there are clear story windows on 3 sides and then pedestrian level windows along the entire front and on the end that faces Victor Heights Pkwy to really try to dress up the building a little bit. Two tone metal siding; we are proposing to use a semi concealed siding panel so that the fasteners are all in the low ribs so unless you are standing directly in front of it, looking at the panel, you don't ever really see any of the fasteners from an ---- angle. Then the entrances are all accented with two different colors of split face CMU block. This is charcoal color and this would just be your standard non-colored split face with the accent bands and these are architectural window canopies over the window directly adjacent to the entrances. Then the entrances are all coupled so that you'd have two entrances here that could go to tenants 1/2, then 3/4 and 5/6. We believe that the architectural design is a modern more updated and very transparent for a flex building as far as that typically goes.

We did receive quite a few comments from the various reviewing agencies which we've responded to in a letter late last week which I hope you received. The plan that is on the screen in front of you is slightly outdated. We submitted slightly revised drawings with those comments which you should have. The only real changes were in response to a few of the specific town comments. Like I said, they are relatively minor. We've moved the common driveway a few more feet to the south based on a comment that the Code Enforcement Officer brought up about side setback from paving. All relatively minor responded to some landscaping recommendations and changes that Mr. Zaretsky had. Added a few landscaping items because of Conservation Board comments and so on.

So I think that we have fairly efficiently addressed all of the comments that we received last week. We received some comments today from LaBella which I did have a few minutes

today to reach out to Wes and we talked about. I think the majority of those are all rather benign, we talked through a number of them today but obviously will continue to work with LaBella to finalize any other comments they might have.

I do have physical samples of the colors for the building if you'd like to see those. *The Board members asked to have them passed around.* As I mentioned there are 2 different colors of gray (a light and medium gray) to offset the building façade a little bit. Then blue on the upper trim that would be the gable and eave trim and then blue accent on top of the split face block and the architectural canopies just to give a little bit of color to the façade.

The split face sample is the darker color. I don't have an uncolored sample as they don't give out those but it would be your standard CMU block color but in the same rough split face material. With that I'd be happy to answer any questions.

Chairman Santoro asked for public comments and there were none.

Mr. Seiter and Mr. Gallina had no questions.

Ms. Zollo – I'm just looking at our consultant's comments and you responded to all of those?

Mr. Reed – Yes, except LaBella as they sent late today which I did talk to Wes about. We'll send a formal response letter to the town and to LaBella sometime late this week.

Ms. Zollo – Did you respond to the Code Enforcement Officer's request about the easement for the apartment complex?

Mr. Reed – Yes. I actually spoke with Wes about this today. I guess I'm a little unclear on the Code Enforcement Officer comment regarding adding an easement because there's already an easement there to the Town force sewer, an existing easement that's in place which we've honored, it runs diagonally through some of the stormwater pond area. So I'm not sure that there is any legal precedent really to add another easement to the actual adjacent property owner because the sewer would be owned by the town if and when that was put in. So I think that easement is already sufficiently in place but that's something I can discuss with Al (Benedict) further.

Ms. Zollo – Yes I think you're right, you need some clarification there.

Chairman Santoro asked what the height of the building was.

Mr. Reed – The front wall is 32 ft.

Chairman Santoro – The parapet says and I couldn't tell if it said 29 or 24 ft.

Mr. Reed – Your right, the front parapet is 29 ft and the rear is 24 ft.

Chairman Santoro – Did you see the comment from the Fire Marshal regarding the hydrant?

Mr. Reed – Yes and we added that to the updated plans that we submitted last week.

Chairman Santoro – Pavement being within 10 ft need a variance?

Mr. Reed – Yes, that's what I mentioned, that's the one somewhat major change that we did to the plans that we submitted last week. Al brought up this pavement edge, the way we originally submitted to you a month ago, was only 4.5' from the common property line. So on the revised drawing, we took this entire section of common driveway and moved it an additional 6 or 7 ft to the south which gave us just over 10 ft. So we believe we've sufficiently met that and a variance is not required.

Chairman Santoro asked for any other comments or questions.

Mr. Seiter – Would the HVAC equipment be visible on the roof?

Mr. Reed – With the parapet on the front of the building, no the HVAC equipment would not be visible.

Mr. Seiter – This is showing 29 ft parapet and 27 ft to the eave.

Mr. Reed – Right and the low eave on the rear of the building is 24 ft. So the HVAC equipment would be located about the middle of the building or towards the rear one-third of the building and then it wouldn't be visible.

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

Mr. Gallina – Just one more comment regarding the resolution. The only thing that I saw that wasn't included in the conditions to be addressed was the Conservation Board comments to be addressed.

Mr. Reed – In our response letter from last Thursday we did address all of those as well as we could. We're waiting on clarifying some issues with LaBella that will influence that but we can continue to work that out.

Ms. Trillaud – The Board never received your response letters. Did you send them to Cathy?

Mr. Reed – I sent them to Cathy and Kim.

Ms. Trillaud – They are not here so I didn't give them to the Board.

Mr. Reed – I apologize, I should have brought a copy for everybody.

Chairman Santoro – I've been advised that there are a couple of issues that are open and need to be addressed so we will put this on for the next meeting. I think you'll be able to resolve the issues with LaBella.

Mr. Pettee – The applicant described a couple of issues that we wanted to address. One of them being that existing sanitary sewer easement to an adjoining property which Heather brought up which was one of Al's (Benedict) comments. We're going to look further into that. If there's not a sanitary line in there now, construction within that easement that would benefit the adjacent property to the west, it may not be a viable solution, there may be an alternate route for the sewer. I wanted to coordinate with town staff and possibly the town attorney on that as well. I don't think it'll be too complicated.

Also, the stormwater analysis, we haven't completed a stormwater analysis yet because at the time of the initial application, I think there was some discussion from the applicant that they're going to revise their stormwater plan. I think that's what the applicant submitted late last week and we haven't had the opportunity to review that yet. We just want to make sure things are set in that regard.

Mr. Reed – If I could answer that. Yes, you are 100% correct on that. When we made the original submission, the infiltration testing had not yet been completed on the site. So we took a stab at kind of worse case on stormwater in our original submission. Subsequent to that submission, we had the infiltration testing completed and our stormwater engineer and Mary from LaBella who does the stormwater review and myself had a conference call to discuss the infiltration results and the 3 of us, I think came to a general consensus, I understand that LaBella still has to do a formal review, but a general consensus that we could change from a retention pond to an infiltration pond because the results from the testing showed infiltration rates that were acceptable. So that's what was submitted last week. We submitted a full wonderful 329 page SWPPP as well as revised drawings that show some slight modification to the pond. I apologize, I brought in a mountain of paper to the town last week and I apologize if that didn't make it to you guys. So yea, I don't see any problem because Mary was more or less again unofficially on board with what we were talking about.

Chairman Santoro – Okay, then we'll put this on the next meeting and we'll have a resolution for you.

Mr. Reed – Great. Thank you.

There were no other discussion items and the meeting was adjourned.

Motion was made by Al Gallina, seconded by Rich Seiter, RESOLVED the meeting was adjourned at 9:05 PM.

Cathy Templar, Secretary