

A regular meeting of the Town of Victor Planning Board was held on July 10, 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; Al Gallina,

ABSENT: Heather Zollo, Rich Seiter

OTHERS: Wes Pettee, Town Engineer Consultant; Kim Kinsella, Project Coordinator; Debby Trillaud, Acting Secretary; Councilman Dave Condon, Town Board Liaison; Kate Crowley, Conservation Board; Andrew Wells, Terry Masci, Dorothy Ziakas, Richard Colucci, Lee Wagar, David Nankin, Vin Lanzafame, Thomas & Lisa Bork, Andrew Torpey, Glenn Thornton, Michael Broker, Amy Patterson, Jack R. Dianetti, Scott DeHollander, Bill Whitbeck

DRAFT MINUTES – There were no minutes to review.

CORRESPONDENCE – There was none received.

BOARDS & COMMITTEE UPDATES

Town Board reported by Councilman Dave Condon

- July 9, 2018 meeting
 - Came close to doing a Planned Development District resolution for High Point but was tabled due to some of the language. I updated Chairman Santoro and the rest of the Board will want to take a look and obviously you'll have final site plan approval but after 1.5 years of negotiations and some healthy workshops, I think the Town Board is very close to issuing the PDD.
 - Part of our Comp Plan, we're trying to protect, promote, defend agritourism in our community as a lot of folks think we may have missed the boat on some of that as many of our valuable farm land has gone residential over the last 20 years. What we have left, we're trying to make sure that these folks can have a viable business and things of that nature. Al Benedict is working very closely with Ag & Markets and Kim Kinsella, working on updating and having a plan in place. We changed some code, imposed some code or put into place that isn't automatically setting up an Agri-business to immediately have to apply for a variance. We're trying to be real thoughtful in terms of this next generation as farming in NYS and across the country is aging out as the average age of farmers in this country is 64. If there is not a succession plan to keep that business in place, there has to be something viable for them to generate revenue. So we're trying to be really thoughtful on how we want to set that up and that's going to take a lot of insight as we move slowly on that. There were some major land owners at the meeting and expressed some interest and concern.
 - Billing in Rec right now is sending out a survey, it just went up on the website. They are trying to get some input to their Comp Plan in terms of what the residents of our community like, don't like, would like to see. There's a survey on line and if you're hiking the trails or at Parks & Rec, they've got a little thing

that you can snap your smart phone on it or you go on the web page and fill it out. Last night Brian Emelson reported that there have been 250 to 300 submissions so far and they are looking for about 2,000 and hope to have them by the end of September or October. *Councilman Condon passed out cards to fill out to the Board members.* I've dropped some off at the school to some of the sports teams, the moms/dads up there and just asked them to be insightful and give us some direction on what they like or don't like or would like to see in the future.

Mr. Logan to Councilman Condon – Transportation initiative, where do we stand on that?

Councilman Condon – The next step on that is going through the SEQR process which we definitely want to because I think what's going to happen...this is more personal and not from the Board, my feeling and my sense is that it's going to go in stages and pieces. We know that they've given us a ---- to us to improve but it might have to be this and a year from now that and a lot of its going to be budgetary constraints and where we can get some aid and help from the State and things of that nature. I think that also is moving forward and I think they're getting ready to finish up that SEQR process.

Ms. Kinsella – On the Route 96 Corridor Transportation study, it is in the SEQR process. The Town Board deemed themselves Lead Agency last night and I think it's going to go to a Positive Declaration so they will have to go through that process. I think we anticipate finishing up the SEQR piece maybe around November. Then we'll apply for grant funding next year. We kind of missed for funding this year for some of the CFA funding but we anticipate that we'll apply for the funding next year for some of those projects. The main project is the new road.

Mr. Logan – I hate to see us carry that on too long so keep pushing, that's great.

Ms. Kinsella - I think what we're anticipating is applying for funding for engineering first for that new road and then the following year applying for funding for it. That piece will go in stages specifically.

Councilman Condon – Kudos to the Planning Board as you have worked on Route 96 to get all of those easements in place as well. Having the foresight so when that happens, there won't be a ton of variances coming through because a lot of that has already been preapproved.

Planning Board reported by Kim Kinsella

- July 24th meeting
 - Public Hearing
 - Fred Edmunds at 7745 Peepers Hollow for a deck (Limited Development District)
 - Victor Crossing for the new 38,000 sf outparcel building w/patio
 - Application
 - Gullace project revision for 62 units

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 HEARINGS

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

BORK, THOMAS

1254 Malone Road

Appl No 12-SP-18

Owner – Thomas & Lisa Bork

Zoned - Residential

SBL # 26.00-1-46.420

Acres – 2.70

Applicant is requesting to construct a 2,400 sf barn. Mr. Thomas Bork addressed the Board.

Mr. Bork – Good evening. I’m proposing to build a pole barn on our property. We just moved in November from Fairport, not too far away. And we moved from a 3,000 sf home to a 2,000 sf home, downsizing and in so doing, now our 2,000 sf basement is filled with our stuff! We are looking to build a pole barn so that we can reclaim our basement and have a place to put it. The picture that you see is similar to the pole barn. Santelli is going to be the builder. There is also a cad drawing that they did but for color sake, that was a photo of the colors that the barn will be. The Code Engineers helped me quite a bit getting me onto OnCor so I was able to do a drawing and show placement of where it will be on the property.

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

Mr. Logan – When I first saw this your address is Dryer Road but you’re actually off of Malone Road?

Mr. Bork – Our address is Malone Road but we are on the corner of both Malone and Dryer. The back of the building itself will face Dryer Rd.

Mr. Logan- Okay, I was thinking you were building in the front of the house instead of the side.

Mr. Bork – We’ll probably be just a few feet behind the house to avoid any issues.

Mr. Logan – There was a comment by Codes on the height of the building. Can you comment on how tall it’s going to be?

Mr. Bork – I know that I worked with the Code Engineer and he looked at the truss design, the interior height will be approximately 14 ft. So looking at the truss design, I can’t remember what

the number was that we came up with for the overall height. I can come up with that if you need it exactly.

Mr. Logan – It says 40 x 60 x 14. I assume that 14 ft would be to the peak?

Mr. Bork – That 14 ft is internal height. To the peak inside of the building, it looks like 12'5". So it would be 14 ft.

Mr. Logan – So you have 14 ft wall and another 12. That's 26 ft.

Mr. Bork – Again, the peak matches the style of the house itself.

Mr. Logan – Are you talking about the pitch of the roof? (Yes) I have no other questions.

Mr. Gallina – I'm familiar with the property. It's fairly well treed from both Malone and Dryer. Is it your intent to kind of keep that?

Mr. Bork – Exactly. That was actually part of the reason for choosing that spot. We were able to keep those trees lining Dryer Rd and then the neighbor to the side has significant trees as well, so it will actually be tucked right in and most likely you won't be able to see it from the road.

Mr. Gallina had no other questions or comments and neither did Chairman Santoro.

Chairman Santoro stated that 2 members of the Board were not able to make the meeting this evening so every vote needs to be unanimous.

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

RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina

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

1. A site plan application was received on June 5, 2018 by the Secretary of the Planning Board for a Site Plan for 1254 Malone Road.
2. It is the intent of the applicant to construct a 2,000 square foot barn to be utilized for personal storage. The barn also exceeds the 15' average height.
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 July 10, 2018 at which time the public was permitted to speak on this application.
- 5. 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.
- 6. The Code Enforcement Officer reviewed the application on June 28, 2018 and had comments relative to the building exceeding the average height of 15 feet.
- 7. The Conservation Board reviewed the application July 10, 2018 and had no additional concerns given the action proposed and data available.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on July 10, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Thomas Bork – Barn, will not have a significant impact on the environment and that a negative declaration be prepared; and, be it

FURTHER RESOLVED that the application of Thomas C. Bork, 1254 Malone Road, Victor, New York, Site Plan entitled Thomas Bork Barn, received by the Planning Board June 5, 2018, Planning Board Application No. 12-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman’s signature on final plans:

- 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.

Ongoing conditions:

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 5.

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

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

Approved 3 Ayes, 0 Nays

H. ELAINE ZIAKAS

191 Miles Cutting Lane

Appl No 11-SP-18

Owner – H Elaine Ziakas

Zoned–Limited Development District

Acres – 1.10

Applicant is requesting approval to construct a 460 sf elevated deck onto existing house and is located in the LDD.

Mr. Terry Masci, Contractor for applicant addressed the Board.

Mr. Masci – We’re proposing to build a deck on the rear of their home, the eastside of the home which basically we’re mimicking the footprint of the existing....what was the existing deck that was there before. It’s pretty much the same size 46 ft long, coming out on the south side 12 ft and on the other side about 16 ft.

Chairman Santoro asked for public comments and there were none.

Mr. Gallina – The obvious question was regarding the original deck, if there were deficiencies with the original deck. Are they all being addressed with the new design?

Mr. Masci – The older deck was 20 yrs old.

Mr. Gallina – Oh so it was just rotting out.

Mr. Masci – Yes, it was 20 yrs old and it was treated lumber that was just delaminating and rotting away.

Mr. Gallina – Ok, no other questions.

Mr. Logan had no comments.

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

RESOLUTION

On motion made by Al Gallina, seconded by Joe Logan

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

1. A site plan application was received on June 5, 2018 by the Secretary of the Planning Board for a Site Plan for 191 Miles Cutting Lane.
2. It is the intent of the applicant to construct a 460 square foot deck onto the existing single

family home.

- 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 July 10, 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 Town of Victor Planning Board reviewed the Unlisted Action on July 10, 2018 and identified no significant impacts.
- 7. The Conservation Board reviewed the project on July 10, 2018.
- 8. The Code Enforcement Officer reviewed the project on June 28, 2018 and had no comments.

NOW, THEREFORE BE IT RESOLVED that the application of H Elaine Ziakas, 191 Miles Cutting Lane, Pittsford, New York, Site Plan for 191 Miles Cutting Lane Deck, received by the Planning Board Secretary June 5, 2018, Planning Board Application No. 11-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.

Ongoing conditions:

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

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

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

Approved 3 Ayes, 0 Nays

TABLED PUBLIC HEARINGS

VICTOR HILLS HOLIDAY LIGHT SHOW FESTIVAL 2019

1460 Brace Road

App No 4-SP-18; Appl No 2-SU-18

Owner – Audrey Dianetti, Victor Hills Golf Club & Jack Dianetti

Zoned – Residential

SBL # 28.03-1-3.110, 28.03-1-2.980, 28.04-1-1.100, 28.04-1-1.200

Applicant is requesting approval for a 1.75 mile long festival of lights to take place during the Thanksgiving/Christmas season spread out over the north course, holes #1, 7-9, 10, 12-14. This was before the Planning Board May 22, 2018.

Mr. Michael Broker, the applicant addressed the Board.

Mr. Broker – I'm coming back after last month's meeting and I've addressed the comments from all of the different committees and boards that had comments and notes. At this point, I'm here to answer any questions or anything else that I need to do to try to move forward.

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

Mr. Broker – There was one other thing about generator locations which I'm able to point out on the site map and asked if I could either mark up the.....*Mr. Broker pointed them out on the overhead screen.*

Mr. Pettee – While we're waiting to bring the plan up on the screen, may I ask a question on something the County brought up for the potential need for a SWPPP? I checked with our stormwater management person at LaBella Assoc and they indicated to me that if you're over an acre of disturbance, it's a DEC requirement where you'd need a SWPPP, it's not something that the Planning Board can waive. I did see your response that you could shorten the trail so as to disturb less than an acre. She also pointed out to me this table for the DEC where a required SWPPP that would only include erosion and sediment control if you're over 1 acre of disturbance and would include bike paths and trails, sidewalk construction that is not part of a road or highway construction or reconstruction project. So depending on the amount of disturbance that you have, if you're less than 1 acre, you obviously wouldn't require a SWPPP but it looks like if you were disturbing over 1 acre and if you were somehow classified as a bike path and a trail, you simply need an erosion and sediment control plan and not any post construction stormwater management practices.

Mr. Broker – Are you able to define what disturbance is classified as? The reason that I ask is because there is a good portion of the trail that we're literally going to be laying stone down on top of grass so we're not actually excavating and digging into the ground and doing anything

other than simply laying stone and rolling it. I guess what I'm wondering is would that be classified as disturbance?

Mr. Pettee – That's a good question. I don't know the answer to that but I could probably find out for you though.

Mr. Broker – Okay because there's a very good likelihood that if that was not classified as disturbance then we'll be under 1 acre of "disturbed" excavated moved earth.

Mr. Pettee – That makes sense...unless one of the Board members know the answer to that question.

Chairman Santoro – It doesn't sound like disturbance to me if he's just going to lay it on top.

Mr. Logan – Disturbance is generally excavation and if that's all you're going to do is mound it up.

Mr. Broker – The only places that we're going to actually dig into the earth would be places along some of the fairways where we don't want to have a change in elevation from the path to the existing golf course. But probably one-third of this trail is going through sections of the golf course that are not golf course playable environment. So in those areas just for the savings of cost as well as time, we're literally just going to be laying it down, rolling it and maintaining it over time.

Mr. Pettee – Just know I wasn't trying to throw road blocks in your way. I just wanted to make sure as there was a concern with the DEC.

Mr. Broker – So is that something that I should inquire with the DEC as to the definition of disturbance?

Mr. Pettee – Why don't we talk tomorrow or later in the week. (OK)

Mr. Broker – The whole light show is going to operate over four 8,000 watt generators. I have specs on them as regards to what the output is on them and noise. They are brand new generators that have built in noise control, they are meant to be silently run. They will all be placed internally on the course well over 250 ft from any property line that we would be around. So the whole thing from the route itself to where the generators will be placed is to be as internal as possible to limit noise and have less of an impact on surrounding properties.

Ms. Kinsella – The County was inquiring where the generators would be placed. They want them located on the site plan so if you would just indicate them on the site plan, that will take care of the request.

Chairman Santoro – What's the size of them? As big as the podium?

Mr. Broker – No, it's a standard generator approximately 2.50 ft x 2.50 to 3 ft. The same thing that someone would run for their house. The light show are LED lights that are very efficient and can be run off of a small amount of power.

Chairman Santoro – Okay, so you're going to follow up with Wes. (Yes)

Mr. Gallina – If the resolution doesn't address it maybe it's a point that states the applicant will be compliant with DEC requirements relative to the SWPPP or disturbance or meeting the minimum.

Ms. Kinsella asked Wes to comment on this.

Mr. Pettee – We actually didn't write a formal letter on this application.

Mr. Broker – There will be 4 generators; one on the back access trail next to north course #13, it's in the middle of #12, 13 and 14. There will be another one on north #10. Another one on north #9 and another one on north #7. *Mr. Broker pointed each one out on the overhead screen.* I will mark them on the site plan.

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

RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina

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

1. A revised site plan and Special Use Permit application was received on May 11, 2018 by the Secretary of the Planning Board for a Site Plan entitled Victor Hills Light Festival.
2. It is the intent of the applicant to have a 1.75 mile long festival of lights during the Thanksgiving/Christmas season spread over the North Course, holes #1, 7-9, 10, 12-14.
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 Conservation Board reviewed the project on June 5, 2018 and recommended the applicant limit the use of net lighting as large birds could possibly get caught in them.

Also, the Conservation Board stated their concern regarding the intermittent stream nearby.

7. 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 returned 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 Victor Hills Light Festival, will not have a significant impact on the environment and that a negative declaration be prepared; and be it further

RESOLVED that the Site Plan and Special Use Permit application of Michael Broker, Site Plan entitled Victor Hills Light Festival, Sheet S100, dated April 2, 2018, received by the Planning Board May 11, 2018, Planning Board Application No. 4-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 applicant comply with NYS DEC requirements for a stormwater pollution prevention plan, if required due to disturbance, which is to be confirmed by the Town Engineer.
3. That comments from the Town of Victor Highway Department dated May 24, 2018 be addressed.
4. That comments from Code Enforcement Officer, dated May 22, 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
Al Gallina	Aye
Heather Zollo	Absent
Rich Seiter	Absent

Approved 3 Ayes, 0 Nays

TORPEY SUBDIVISION

7980 CR 41 (Carried over from 6/26/2018)

Appl 3-SK-18

Zoned – Residential

Owner – Log & Timber Structures, LLC

Acres – 19.13

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.

Mr. Glenn Thornton from Thornton Engineering addressed the Board along with the applicant/owner Mr. Andrew Torpey.

Mr. Thornton passed out an 11x17 of the Concept Plan.

Mr. Thornton – Good evening. Again, we're back probably because I talk too much and I put a --- at the concept approval at the last meeting but we really did want to tidy up the plan so the Board saw something that was more representative of what we're proposing. Obviously, it's a 5 lot major subdivision. Since the original submittal and since the last meeting 2 weeks ago where we came in with a slightly altered plan, we've revised it again. So what you have in front of you is the latest version. Some of the improvements that we've made to the plan is we've moved the common driveway to Lots 4 & 5 farther from the west property line. That gives us the ability to minimize the amount of grading that will be needed for that driveway. The other benefit is it provides a larger contiguous conservation easement along that line.

Currently we do have a 50.6% conservation easement around the perimeter of the property so we're not disturbing any areas near the boundary. At the last meeting, we really hadn't looked at stormwater management from the site. What we're looking at now is a small retention facility in the southwest corner of the property near the street. Basically, we're not going to be directing much run off to that detention facility but it is the roadside swale for the street and I guess historically it's been directed onto the property to the west which has periodically caused some concern. So we do have the ability to put in a small stormwater management in that area.

The rest of the facility, we propose to maintain existing drainage patterns. We don't want to perform a lot of grading to create any type of channelized runoff from the site. Runoff is now dispersed in most every direction from the site, we're going to maintain that.

Since last meeting, we've conducted a lot of soil testing on the site, the deep hole excavations and the soil perk tests. At least in the areas where we conducted the testing, we found a lot of sandy soil with great infiltration. We don't think there's going to be any impacts off site from what we're proposing. Again, during the preliminary and final design, we'll be looking at that more closely.

We will be disturbing more than 1 acre, less than 5 acres so we will have to get a permit. But we're not looking to disturb more than 5 acres with this development which would require the permanent stormwater management controls on the facility such as retention ponds and things like that.

As you can see on the plan, we have located all of the wastewater treatment system areas. They're all going to be conventional absorption trench systems not requiring health department review and approval. The system for Lot #1, the house that's being built now, has been submitted to the Health Dept several months ago and has been approved. So that will be a raised system, an alternative system that they've looked at.

Yes it is a 5 lot subdivision that's being served by 1 driveway access to the street. I will note that the portion of that driveway that serves more than 3 properties is probably no more than 150 ft long. Basically, we have a long common driveway serving Lots 4 & 5 and a shorter common driveway serving Lots 1, 2 & 3. We have the ability to put 2 driveways out onto the street, the problem is it would not be safe, that's the location with the best sight distance.

I think that's it. The other issue that came up was water quantity in the area and Andy did contact Rich Moravec, a hydrogeologist and he's got a lot of history throughout the area drilling wells and as you saw in the letter, he believes that there is very, very little likelihood that 5 additional wells on this property would impact the yield at any other nearby wells. He cited numerous aquifers and the consolidated sands and gravels in the area as well as the water that's available in the bedrock as well.

Chairman Santoro – Is Mr. Woodard here tonight? He had a question about the number and referred to a discussion that we had last year when you were here and we've gotten the minutes. The discussion was not the total number of lots, the discussion was how many lots off of the driveway. If he was here, we could tell him that but he's not.

Chairman Santoro asked for public comment and there were none.

Ms. Kate Crowley – Based on what was presented at the last Planning Board meeting, we prepared 2 conservation easements. One of our suggestions and it's actually in the easements for parcels 1 thru 4 is to allow access road for maintenance of the retention facility. Al Benedict has been doing a very nice job reviewing our easements to make sure they're complete.

For Parcel 5, so that we don't have to cut up the easement boundary which I know sometimes creates confusion for homeowners, we have written in language to allow for a residential septic system within the easement and also to maintain the septic system as well as the soils that would be above it. It's been submitted but unfortunately, we were running a little behind schedule so I think Mr. Torpey got these today.

Chairman Santoro asked for any other questions and if anyone wanted to see the hydrology report and that it would be available in the Planning Dept.

Chairman Santoro – Joe, you had a question at the last meeting about the number off of a drive.

Mr. Logan- And he answered that. I was concerned about it and you addressed why. I guess it's a matter of us agreeing to that as more of a variance from the code. Is that something that we need to write into this resolution or do we need a separate variance for that?

Mr. Pettee – I can give you my understanding on maybe how to proceed with this. My understanding is because it's in the Design & Construction Standards, the Planning Board has the ability to waive something in the Design & Construction Standards without the applicant

needing to go to the Zoning Board of Appeals for a variance. At this point since this is at the Sketch Plan phase, we're not necessarily approving the subdivision, it's just acknowledging the Sketch Plan application is complete. This is certainly the point at which we would want to give them some feedback and direction as to whether or not you may be inclined to provide that waiver or not. So I don't think it needs to be written into the resolution, however, I think for the applicant's benefit, they might like to know before they get into the preliminary subdivision design whether you're in favor to see that as a reasonable alternative.

Mr. Logan – One of the main reason we have it into the code at 3 maximum is because the more you add on, the more difficult it is to get cooperation from owners to get work done on the driveway or the common thread between parcels. So I guess the biggest question is how is that going to be handled with 5 parcels? Is there an HOA agreement, is there pretty strict guidelines for future property owners? Glenn if you have an idea on that on whether we have to have particular language from our attorneys for this.

Chairman Santoro – The only issue is going to be at the road, 100 ft or so.

Mr. Logan – Well you've got 3 parcels on one and 2 on the other and then 5 on the entrance segment. I guess we can talk about this later on when we get into it. But consider when you get through the Sketch and into the Preliminary/Final application, you have something prepared to address that with how it will be in the deed or for a particular agreement that's going to be required, homeowner, HOA or otherwise.

Mr. Thornton – We can do that. I don't have the answer tonight. I can say yea we're going to beef up the language. I understand what you're saying with the multiple properties involved and the more you get involved, the more difficult it is. As you say, I think we're looking at a small section of the driveway. So I think the common expense to maintain that one small section will be relatively small so I would think the size of the financial obligation would have something to do with everybody's willingness to participate. I think, the longer stretches of driveway that are going to be shared by lesser numbers, there's a greater expense. I don't see this common portion as really being a big issue. But we will look much further into for next time.

Mr. Logan – I can see this getting to the point where the 2 guys at the one end want to do their whole driveway and they see this little stretch and they want to do that with the same paving operation and these other 3 saying they don't need that. So that's where these little issues come in.

Mr. Thornton – I understand.

Mr. Torpey – The driveway ...*Mr. Torpey walked away from the microphone and was inaudible.* So Lots 4 & 5 although it looks like one common driveway that goes back, we did that mainly for fire code in and out. So that will be two separate driveways, just piggyback right next to each other. So they will have their own driveway out to that small common area by the road. Los 1, 2 & 3 on the other hand will have the 3 houses on the shared common drive. So they will maintain that. Their wordage will be for that portion of the drive and Lots 4 & 5 will just be for that beginning portion of it.

Mr. Logan – Okay. I guess that leaves me in the same place that that has to be a well written decision.

Ms. Kinsella – In previous ones Joe, I think what we’ve done is make it a condition of approval that the Town Attorney would review that common access agreement prior to them filing it. So the Town Attorney would have some input into that language. If you want to build into your resolution and to any future resolution as to what you think should be in that common access agreement, I would suggest you do that.

Mr. Logan – Generally, we rely on our Attorneys to advice of that but not at this stage, but down the road.

Mr. Gallina had no further comments.

RESOLUTION

On motion made by Al Gallina, seconded by Joe Logan

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

1. A sketch plan application was received on May 14, 2018 by the Secretary of the Planning Board for a Major Subdivision entitled Torpey Subdivision.
2. It is the intent of the applicant to subdivide 19.133 acres into 5 lots.
3. A public hearing was duly called for and was published in “The Daily Messenger” 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 Conservation Board reviewed the sketch plan on June 5, 2018 and made comments on recommended conservation easements.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of Andrew Torpey, Major Subdivision entitled Torpey Subdivision and Site Plan, drawn by Thornton Engineering LLP, Project #18-664 dated May 2018, received by the Planning Board May 14, 2018, Planning Board Application No. 3-SK-18, the Planning Board **acknowledges receipt of a complete sketch plat application** WITH THE FOLLOWING CONDITIONS:

1. That the comments in a letter dated June 7, 2018 from the Codes Department be addressed on the preliminary plan.
2. That the comments in a letter dated June 11, 2018 from LaBella Assoc. be addressed on the

preliminary plan.

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

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

Approved 3 Ayes, 0 Nays

TABLED ITEMS

SCOUT RESERVE

CR 9/Aldridge Rd

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.

Mr. Scott DeHollander, the applicant addressed the Board.

Mr. DeHollander – I was here at the last meeting with our preliminary plans for Scout Reserve. This project is located at the corner of Aldridge Road and Victor Egypt Road (CR 9). We are proposing 7 lots. We responded to the Town Engineer's preliminary comments and all of the other committee comments that we received to this point.

At the last meeting I did share an update to our plan with the intent of showing a maximum development scenario. Although this is not our intention or any sort of application at this point. We intend to only follow through at this point, the 7 lots that we're proposing which is the plan that is shown on the overhead screen. This was really for the purpose of developing a cost basis for the shared driveway as well as to determine what kind of overall conservation easement areas could be available. We've resolved both of those. We know that there are 19.7 acres available for conservation easement and we would like to talk at the future stages of our application with the Conservation Board.

Chairman Santoro asked for comments from the Conservation Board.

Ms. Crowley – The Conservation Board has not had a chance to talk about the layout as it was submitted to the Planning Board at the last meeting. I did share with the Conservation Board earlier this evening that it was my understanding that Mr. DeHollander wanted to show a complete build out of the parcel and I think we would want to come back and have further discussions about the easements.

At the Conservation Board meeting where we looked at the previous drawing that did not include the additional houses, we couldn't figure out what to do with the conservation easement because they were so close to the homes and also because we didn't know what was going on with Lot 2. So like I say, we'd like the opportunity to revisit it and to have a discussion with Scott about what the best approach would be.

The other thing that I said to the Conservation Board earlier this evening is Open Space is different than Easements. This was based on a comment that Wes made at the last Planning Board meeting. I went back and thought about it. The reason for the conservation easement is to protect the green infrastructure. So at the point where we have a plan and have a rough idea of the location of the homes, we can then take a look at habitat continuity for wildlife and also what are the various areas that do need to be protected on the parcel. So that's where we are now with the Conservation Board.

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

Ms. Kinsella – Joe (Logan) didn't have a chance at the last meeting as he wasn't present to provide any input into this plan. I wasn't sure if the public hearing was still open. (*The public hearing is still open on the application*)

Mr. Logan – I think what we should be doing is making a decision on a plan that just shows the 7 lots without all of the future or proposed extra lots.

Mr. DeHollander – That's correct. The only thing that we want to revise as we move towards final is this conservation easement so that it addresses what's available on the entire parcel with no commitments to additional lots.

Mr. Logan – I appreciate that and that goes into my second comment. Whatever you end up with for a layout, we don't want to cut all of the conservation easement areas up and have them crisscrossing driveways and things like that. Since we're not approving the entire build out of a lot and we're looking at just those 7 lots which does look different than before. I recall this one lot had a huge piece of it as part of that Lot #7.

Mr. DeHollander – Lot #2 has the balance of the property.

Mr. Logan – And that won't be cut up in this application, correct?

Mr. DeHollander – It will not. It will remain a large lot, 22 acres.

Mr. Logan – So Lot #2 is shown with a house but eventually it will be cut up in your scenario.

Mr. DeHollander – It potentially could be. The Town Engineer asked how the balance of the property could be developed and that's what generated this solution. It's not, as I said, an application or an intention at this point. We used it only to resolve issues around the sensitive environmental areas that need to go into a conservation easement at this time and what the cost basis might be for developing the back. The further you go back, the more expensive it is and we're not sure that there is a cost basis to support that at this point. That's the purpose of this first phase with the 2 lots on a shared driveway.

Mr. Logan – So this plan that you're applying for now should show a conservation easement that you're not going to have to ask for a modification of to build out the balance of the property, correct?

Mr. DeHollander – Yes. I think our intention, what we'd like to do as part of this first phase and this would be the conversation that we'll have with the Conservation Board, is those areas that are environmentally sensitive that need to be locked up in a conservation easement of maximum reservation and we'll make sure that those are part of this application. That would be all of the wetland area and the buffer that we intend to preserve at the back of the property between the Thruway and our lots.

Mr. Logan – So we're not going to make a judgement at this point to the feasibility of or approve the ability of these other lots.

Mr. DeHollander – No, absolutely not.

Mr. Logan – That's not what you're asking and that's not what we're going to act on.

Mr. DeHollander – But we'll come back with a conservation easement that is in excess of the 50% requirement and preserves those two critical pieces.

Mr. Logan – And would allow if you decide to carry on the ability to put these homes in without disturbing that conservation easement.

Mr. DeHollander – Yes and there would probably be some additional areas added to that conservation easement at that time. So we'll satisfy the 50% or more, protecting all of the sensitive environmental areas.

Mr. Logan – I think it would be good to work with Kate (Crowley) and her Board to determine all of that. She'll have this (referring to the plan showing future sites) and agree to it or not agree to parts of it, then the final plan for this particular application will show that input.

Ms. Kinsella – I just want to clarify. You want that shown on the preliminary plan prior to moving forward with final? (Yes)

Mr. Gallina – The location of the conservation easements.

Ms. Kinsella – Yes, we want that straightened out at preliminary before final, correct?

Mr. Logan – Yes and it will reflect the importance of those areas for the Conservation Board and will help Scott obtain the easements for those areas. Then you'll know what you have to work with in the end.

Mr. DeHollander – I think that's what we did with the drawing that is out there right now. It shows the limits of the areas that we intend to preserve. We can add that to a plan titled Preliminary.

Mr. Logan – It looks like most of it will be on Lot 2.

Mr. DeHollander – There will be some conservation easement areas also on all of the other frontage lots.

Mr. Logan – I just want to make sure that it is somewhat contiguous, at least with the features whether its drainage areas or creeks, etc.

Mr. DeHollander – Yes, the impact of my project is fairly significant relative to timing. We're anxious to achieve the preliminary approval point with a strong commitment to resolve these issues, obviously we'll get these hammered out and everyone will be satisfied with these at final. It's important to me to have some momentum at this point.

Mr. Logan – Understood. I just want to make sure that you are able to achieve that and move forward in the future with something without having to come back to us with any kind of roadblocks.

Mr. DeHollander – That is exactly the purpose of the plan that I prepared at the last meeting.

Mr. Pettee – I may have misunderstood when Kate mentioned that she wanted to work with you on the easement portion. Is there going to be an opportunity before you put this conservation easement on the plan that you title Preliminary, is the layout and configuration of that easement going to be shaped with the Conservation Board or is it essentially going to be what you provided on that plan at the last meeting? I thought Kate mentioned that she wanted to have some dialog with the Conservation Board and with you.

Mr. DeHollander – Our opportunity is here. The requirement is to provide 50% of the land area. We're dealing with something that is in excess of 50%. We have 19.7 acres available on a 28 acre parcel but that feels like 60/40 or better. Our intention is to work with the Conservation Board within those limits and not trample on some future opportunity and in an area that is not sensitive and that could be developed. So there's at least some conversation and I think even if we took the break right now and I came back in two weeks with a preliminary plan that had these meets and bounds, there would still be additional refinement through final. I encourage that kind of refinement and my commitment is to achieve mutual satisfaction as to what the final limit should be before it goes into the Clerk's office to be filed.

Mr. Logan – So since there's the ability to maybe revise my earlier comments about having it put on the preliminary plan. Since there is the opportunity to refine it with the Conservation Board, maybe I'd be comfortable with moving forward with that commitment and then we don't have to approve anything final until that has been resolved to the Conservation Board's satisfaction.

Mr. Pettee – I think if you provide that conservation easement along with some dialog as to why it's located where it is, what the particulars are. The environmental features, obviously the wetland that you're putting in the conservation easement, I think that would also help the Planning Board rationalize a potential SEQR Negative Declaration on the preliminary subdivision plan before they take action on that.

Chairman Santoro – That's something you'd like to see, I'm sure.

Mr. DeHollander – Yes, my understanding was that would be potentially what would happen tonight to complete the preliminary process with the completion of SEQR.

Chairman Santoro – I don't know that we can do that tonight. You need to get this conservation easement issue straightened out first.

Mr. DeHollander – I'm hearing two different things but I'm at the Board's mercy for whatever movement you want to take on my application.

Mr. Pettee to Ms. Crowley – What is it specifically with the conservation easement that you are looking to do with the applicant?

Ms. Crowley – One of the things that is difficult to do with this map is to actually see the conservation easements. My suggestion is that we get the Conservation Board a map where we can see the easement. It doesn't come through up here and we can take a different approach with regards to the easements that appear to be directly behind the houses. There's another easement that is coming here and I think we would want to have a discussion of can we provide more easement towards the back where the evergreens are. Then what is the intent in the area where the pond is and is wet and poorly drained. That's the conversation that we want to have. Then we can come back and say okay, here's where the open space is going to be, here's where the homeowner's are going to recreate and mow their lawn and here are the places that are going to have the easements.

Like I said, the point that you made at the last Planning Board meeting, it very much resonated with me that not all open space has to be in these easements.

Mr. DeHollander – I think it's unfortunate that this plan did not copy well. The area with the easement is patched and apparently didn't copy well for this.

Ms. Crowley – Okay and like I said it's difficult to see here too. Let us get an original and start working with you on these easements. It's doable.

Ms. Kinsella – Kate, you have a meeting next Tuesday. Is it something that if he provides it, he can come to your meeting next Tuesday, straighten that out and then we can put you back on the

24th (of July)? So you're next week at the Conservation Board and the following week you're back at the Planning Board.

Mr. Pettee – We'll prepare a draft Part 2 and 3 of the EAF so that we can hopefully conclude that process at the next meeting and potentially have that resolution prepared for action.

Mr. DeHollander – Okay thank you.

Ms. Trillaud – I'd just like to say too that this is different than what you gave us at the last Planning Board meeting. I don't think we ever got it electronically. *Referring to the plan being discussed.*

Mr. DeHollander – Yes, the pdf will be forwarded.

Mr. Logan – It would help if we see it before the next meeting.

Mr. DeHollander – Yes, okay, thank you.

INFORMAL DISCUSSION

CHRYSLER DOGDE RAM & JEEP

6484 State Route 96 SBL # 28.12-1-36 & 28.12-1-41.21
11.33 Acres

Applicant would like to discuss a new car dealership proposal.

Mr. Matt Indiano, applicant addressed the Board. Mr. John Caruso from Passero Engineering also addressed the Board.

Mr. Indiano – My engineer hasn't arrived yet!

Chairman Santoro asked Mr. Indiano to explain the project.

Mr. Indiano – We've been chosen by Chrysler Dodge Jeep Ram to put in a new car dealership in Victor. They love the area, love the demographics and they've asked us to put up a new building. So we wanted to come here for an informal discussion on the project and to get some ideas from the Board members on the temperature for the project.

Chairman Santoro – You didn't have a lot of leeway for the design of the building for your Chevrolet dealership. What's the position on this one?

Mr. Indiano – It's a whole different story. To go into a little bit more depth, they are more flexible both inside and outside. They do have their general look but I know with Chevrolet, it was a very hard line. I think that Chrysler does have some leeway both inside and outside. And,

the building as you can see, is a whole different look as opposed to the blue GMC. You've got more of a rustic look on the Jeep side and the general EFIS face on the Dodge Ram truck side.

Mr. Logan – I'm a little reluctant to put you through the ringer on this one. But I would like to see some variations of this. But I think you have more issues with the lot itself. There's the 100 year floodway and you'll have real problems building in that area for this particular lot. I'd love to have you in the town with another dealership but I don't know if this is the right lot for that honestly. We'll let John (Caruso) address it when he arrives.

Mr. Indiano – I will certainly let John deal with that. I did learn the difference between the flood way and the flood zone. But I'll defer to the engineer on that which would be the best way to go.

Ms. Kinsella – We've had a couple of meetings with Matt and John, Wes, myself, Supervisor Marren and Al Benedict. So we've gone around a little bit with the floodway and the flood plain, that's what he's talking about. We've talked about that internally and suggested that he come before you to get some feedback on the overall plan, the building elevations and that kind of thing before he moves forward. If you have suggestions for him, then he could incorporate those into an application. Wes do you have anything else to add?

Mr. Pettee – Would you speak to the proximity to your project to any residential zoning or is that more of a question for John?

Mr. Indiano – It is a question for John. We have 2 sites that we have under contract. We went onto this site because the first site had a little bit more residential around it. This particular site, I don't believe has any residential issues.

Chairman Santoro – It's a fairly busy area traffic wise though.

Mr. Indiano – I know it's a busy area traffic wise but that being said, Route 96 corridor is a busy area but we, Victor Chevrolet, haven't seen an impact on the traffic. There's never this huge inflow in and out. You might have a customer or two there purchasing a vehicle, you may have customer's coming and going in the service department, but I think you might say the pressure we've put on the traffic is minimal, a lot less than we thought it would be even with that store down there. So I would assume that with this store, there's not really going to be any additional pressure on the traffic.

Chairman Santoro – Well Route 96 is wider at Victor Chevrolet than it is here.

Mr. Indiano – Yes it it.

Mr. Pettee – You talked previously about the economic impact that you have on the community. I don't know how much that plays into reviewing a site plan but what I've heard with your existing dealership, it seems to have a positive impact on the community.

Mr. Indiano – It does. We started out selling 8 cars a month, Randall Chevrolet started about 8 new cars a month and I believe he had 5 employees. Now we have over 50 employees. We sell

well over 100 cars a month. Our taxable revenues that we pay sales tax on, when it was Randal Chevrolet I believe it was about \$8M, now we're upwards of \$60M. So those are dollars that not only go to the State but the County, hence back into Victor. We spend \$9,000 a month at Kwik Fill just in gas sales. We order Salvatore each and every Saturday to the tune of \$180. We go to Railside and buy groceries there. We do put a lot of money back into the community.

Mr. Logan – You said you were doing that and that's great and we thank you. (Thank you) It's good to have a successful business like that.

Mr. Indiano – As far as Victor Chevrolet goes, I believe we've been good citizens. We've held up our end of the bargain when the Town asked us to do something, we did it. I don't believe we've had any code enforcement issues. We do love being in Victor and would like another opportunity to have another dealership here.

Ms. Crowley – Can I just observe something on the map. This area if I remember correctly, I see the flood plain noted. That whole area is quite low and there is one section of it, I think someone did some fill in there so that would be the only other observation that I would make.

Chairman Santoro – Are you talking about Mud Creek or Fish Creek?

Ms. Crowley – Yes, obviously the proposed dealership is between the two. It was a site that we had reviewed recently, Auction Direct is right next door. That whole area is low and at one time, years ago, the whole thing had flooded during one of the major storm events. It may have been the same storm where Great Brook flooded.

Mr. John Caruso – So my good friend Matt Indiano introduced himself. You all know where the project is located, east of Auction Direct. So let me tell you a little bit about the project and then what we looked at as far as the SEQR issues and we too also saw the flood plain and the water condition out there.

The building is about 25,000 sf and it's going to be one story whereas the current Chevy dealership that they own has the offices above. All of the offices will be down on one floor. They'll have about 16 service bays which means we have to accommodate the parking in the back. But the site is large enough to accommodate what we propose to do.

Mr. Logan – How many parking spaces do you have at the Chevy dealership? I'm looking at 400+ for this one.

Mr. Indiano – It's more than that.

Mr. Logan – Okay.

Mr. Caruso – We have proposed to combine the two parcels into one. In the design we've been able to accommodate really everything that we need and that even includes the drainage on each side of the property. There are some creeks there and we're able to uphold the 75 ft setback and 150 ft corridor. It's big enough to center this with what we want to do in the middle and allow

the preservation of the drainage along each side, stormwater management of course and plenty of parking.

I think our biggest accomplishment that we're able to do is staying away from the creeks, upholding some of the preservation to the creek line and internal circulation, we're going to be able to pull car carriers into this, park them in back, unload them, they won't have to do it in the street which is always an issue with our dealerships that we've done in the past. Access is another SEQR issue that we looked at. We proposed to have two lanes out but in this section of 96, it's really not bad. One of the things that we note from our experience in car dealerships, the in/out is not really high and we'll show that.

Other things that we were considering in respect to SEQR of course is lighting, what does that do? And that's really about it. Protection of the adjacent creeks, access, lighting, stormwater management. That's what we could see. Part of this process for us tonight is to hear from you and what you're concerned about so we can address that. And of course all of the things inside, zoning ordinance with respect to how we care for petroleum products and all of that. They're really good at doing that now. They know how to do it with their current dealership and with this one being here, they can use the same service people to come right down the street. So petroleum products are cared for in the same way the code requires.

I think the biggest issue we're going to have is the variance we're going to need to request to do this. One of them is we'd like to pull the project a little bit more forward towards the roadway. Similar to what we did on the other project but here it's on the arch of a road so everything is setback a little bit more which is one reason we want to pull it a bit forward. But the other one, it helps get it out of the flood plain.

The other one is if there is going to be service in the dealership, there's 1,000 ft setback requirement to the property line and 500 ft to any structure. So this graphic shows 1,000 ft setback around the property (*referring to a plan that was passed out*). I've prepared this graphic to show you the significance of the 1,000 ft set back requirement to any residential zoning from the Commercial/Industrial zoning in which we are proposing automotive service and repair. The significance is we're trying to show here is what does it impact? I have to tell you, we've already kicked the tires a little bit on SEQR because we were looking at another site and when you throw this 1,000 ft line, it sort of encapsulated a whole residential area which we thought would be problematic. So we looked at another site and the alternative analysis we looked at, this is site #2. We're here a month later than we wanted to be because the first site we looked at, we thought zoning would be an issue and this variance and we were contemplating going Planned Development District. We chose not to here, just to go and fight out the variance and show the significance of it. But I think what we're trying to show here is most of the area that is impacted by that is Commercial Industrial and the waste water sewage treatment plant is nearby. It's just this one little piece in this long sliver of land that has some apartments on it that's on the other side of the creek. *Mr. Caruso points the location of the apartments out on the map.*

Mr. Logan – Those are other houses along McMahan Road too that are residential as well.

Mr. Caruso – So we think that this business will employ about 50 people similar to what they have now. Their hours of operation will be similar, 8:00 - 8:00 and the service dept will be closed, I think the current zoning is 7:00 – 7:00 and they can certainly be inside that. They close service before they close sales.

Mr. Logan – So for me John, a few things would stick out. You have the flood plain nearby, right at the edge of parking I think you've kept out of that. I don't know about the 100 year flood plain. Are you in the flood plain with this development?

Mr. Caruso – Yes, Kate who spoke earlier is right, somebody filled that property. It's one of the engineering things that we're going to do, we're going to evaluate it. Who knows if that fill is good and when I first looked at the piece with Matt, I said that it looked like it was filled and it's good but who knows what they put in there, nobody has built on it. So we're going to have to test it. It might have to come out. It might be one of those things where.....

Mr. Logan - There's chunks of concrete in there because I've seen it.

Mr. Caruso – And it might be one of those things where this is the cost of doing business on Route 96. People have done things in the past but it might have to all come out if you want to do something like this.

Mr. Logan – So is it your intent to build it up out of the flood plain?

Mr. Caruso – Absolutely, our intent regardless of the material there will have to be suitable. So yes, we'll build this parcel up. It won't be a two story building on one side and one up front, no we're not going to do that. We're going to fill the site and that's why it's even better for us to be able to contain the creeks that run along side of it because the site will be up and out of it. We've already been in contact with FEMA about going for a ----. That's probably the biggest SEQR issue is doing that in this area.

Mr. Logan – Those apartments along there appear and I don't know what elevation they are at but you've got to be careful about affecting them if you're changing, if you're doing a ---- application revisions to those bldgs.

Chairman Santoro – You wouldn't be changing the course of the creeks would you?

Mr. Caruso – No, but you know they just did put the new creek....well they're doing it now. *Referring to the bridge work on SR 96.* So that culvert is going to be upsized, it's going to pass that flow. So absolutely you'll end up having to do some sort of compensatory volume displacement check, that's part of the process.

Ms. Crowley – If I could interject. This may also be a good thing for both Mud Creek and Fish Creek. You could consider re-channelizing that water creating a real riparian area because Fish Creek in particular is a stressed creek. So like I say, this may be something that we could work with.

Mr. Logan – Okay, that's good to know. Then the other thing would be lighting as you probably are aware. We've commented on that on other properties along here and how the spill over would affect if you're raising the lot, keep lights down for all the residents in that area.

Mr. Caruso – I totally agree. It's one of the things on our list. I think the good news for us is we've worked in your community before, we know how sensitive you are to lighting even lighting up at the carwash. But Matt has experience on his current site on a set of lights that you have approved before. We're going to look there. One of the things we talked about when we first brought it into the Supervisor's office, you guys have done this before, we're going to look back at the old comments and try to get this right sooner. It's been done before and we're going to try to look and see how the Board reacted and we pick up on that and integrate it into the design. In addition to us seeing SEQR issues that we should address, tonight we wanted to hear your feedback, what are some of the things we can integrate into this plan from your experience that you like to see, I'll take notes and we'll do it.

Chairman Santoro – At least you don't have to dig into a steep slope!

Mr. Caruso – When they first called me and told me about the parcel, the first site, they said it was on Lane Road. So I went over to Lane Road and I said we have an offset intersection here, how am I going to deal with the traffic here? I'm looking at the slope going up and it wasn't too bad and I'm scratching my head and it was Victoria Lane, not Lane Rd. The guy who called me on the phone had the wrong...he didn't tell me Victoria Lane, he said Lane Rd.

Tonight's informal, I appreciate the opportunity to do a short presentation. But we're looking for your comments. I heard flood plain, sensitivity, we know how the community likes us to protect the creek. We will be filling in the flood plain so we'll be looking to make sure there is no ---- engineer wise to the adjacent properties.

Mr. Logan – Maybe some landscape buffering on the east side between you and the residential properties, some trees.

Mr. Caruso – You know it's really thick in there. It's really thick to see across the creek. I'll make a point to point that out.

Mr. Logan – Take some views looking to the east, which would be helpful to visualize.

Mr. Caruso – I really think with the variance that we want to ask for to move the property forward, Matt and I've been talking about how we can landscape the front but with low height so it looks good but below the bumper height growth and we've done that before with numerous dealers that we've represented along Ridge Road. Everybody on Ridge Road parks their car almost up on the street line to try to get views. They are literally in the right of way.

Mr. Logan – Is there a house and barn on that property right now?

Ms. Kinsella – Yes there is a house there on the corner opposite East Victor Rd.

Chairman Santoro – Are they occupied? (Yes) So that would be coming down I would assume.

Ms. Kinsella – John do you want to talk about the driveway location? I know we talked about that informally with staff.

Mr. Caruso – There is a guide rail that protects. When I looked at the opportunity to align it with Mark's Pizza, it doesn't seem that there is any benefit. It's not like there is a street across the way with anything heavy. This location offsetting it to the right of the building gives us a straight shot to bring in a tractor-trailer and something this long, come in and have it park in this area here and unload.

Mr. Logan – That's a whole lot better than unfortunately some businesses along there having had to unload vehicles. Kitty's place up the street from you, they're always on 96, it's ridiculous.

Mr. Caruso – I appreciate you bringing that up. We don't unload in the middle of the road.

Mr. Gallina – Did you look aligning it with East Victor Road as a potential action coming further east with the entrance?

Mr. Caruso – No because we want to sort of stay in the middle of that. ...it's in the middle of two creeks, this is on an island. It's a very difficult piece of land to develop. I tell Matt that he's doing a huge favor to these sellers because they would not be able to do this individually. The way to do this, someone with the wherewithal to purchase both of them, combine them into one, go through the fill operation and they're literally going to create developable land. I don't have to tell you the value of space on Route 96 and I'm not sure that this is a project that the community would want further west or north along 96 as you call it.

Chairman Santoro – I don't think it should be closer to McMahan Road than it is.

Mr. Logan – No, I think you need that distance between McMahan and even the driveway into those apartments would be a challenge. You've got the bridge and you'll have guiderail from there.

Mr. Caruso – There are 2 huge culverts here and here. This piece of land is literally built on an island. This ---- where it goes under the railroad tracks...

Mr. Logan – And it's located across from a pizza place which seems to be a business plan of yours!

Mr. Caruso – One of the benefits of a project like this is what are the 50 people that work here, where do they eat and buy their gas and where do they shop and Matt told me some incredible stats about his current location and what his people spend in the community just because he knows he works with these people. They're out to lunch and every Saturday is pizza day.

Mr. Logan – He went through a litany of those things before you got here.

Mr. Caruso – So the economic impact alone is interesting. Anything else that I can take note on?

Mr. Logan- Architecture.

Mr. Pettee – I don't think I have anything else for you.

Mr. Caruso – It is in the overlay district so it will require architecture review and I wanted to say because we know to bring that....

Mr. Logan - ...I know that we ultimately put you through the wringer and had to agree to GM's specs and Ernie asked the question earlier John before you got here about what kind of issues you'd have on the façade of this building. Matt stated not nearly as stringent. I think they probably have some goals but I would like to see you incorporate some materials, the stone and things like that in parts of the architecture so it's not 100% EFIS to break it up. If you can take a look at that as you're going through this to see what you can do to soften it.

Mr. Caruso – That's exactly what I'm looking for, thank you.

Chairman Santoro referred to the building elevations submitted, asked what was in the front corner of the sidewalk. Mr. Indiano stated it was a picture of a jeep surrounded by rocks.

Mr. Pettee – Just a quick note to follow up with what Kate (Crowley) said with the Riparian buffer. Kate, I don't know how you feel about this but maybe the applicant could come before you, actually submit your site plan. Would it be worth going to a Conservation Board meeting to get more input or more detail on the Riparian buffer?

Ms. Kinsella asked Mr. Caruso if he'd be willing to go to the next Conservation Board meeting.

Mr. Caruso – So you're wondering what my hesitation is. We're really tight on how much space we have around and outside of the development box that we have. We're going to be filling to create space to construct this on. I don't know how much....and we've already shown a 75 ft offset from the property lines to meet code for protection of the water course. So it's a significant amount of land that's been given up already to the protection of the water course. I don't know how much is left to offer a Riparian buffer so I'm hesitant on agreeing to go to a meeting in which we're going to develop that when I'm not sure we can give it to her. Then if I don't give it to you then we are a hostel applicant.

Chairman Santoro – Until you hear what they have to say, how will you know?

Mr. Caruso – Because I know the site.

Ms. Crowley - But we're not asking for an applicant to give anything up. What we're trying to do is we're trying to talk to you about different approaches that you can take near that waterway. It would have nothing to do with the building or the area in between. Sometimes it's getting the correct permissions to plant some of the low shrubs in there just to keep people away from that water and to cool it down. That's the type of discussion that we want to have with you especially since you're filling. You may want to berm those edges and keep people away from the water. Like I say, we can actually improve the quality of that water.

Mr. Gallina – I think working with the Conservation Board early in the application process is probably going to have a better outcome.

Ms. Crowley – We're not looking to take.

Mr. Caruso – I'm not sure that we could do anything. It's a 75 ft no fly zone so then are we agreeing that it's going to be okay to go in there and do disturbance? You have to do destruction before you can do construction.

Ms. Crowley – I hear you.

Mr. Caruso – And it's full of woods and trees. I don't know if we would really want to do it. That's all I'm saying.

Chairman Santoro – I think it's worth a talk though.

Ms. Crowley – Absolutely

Chairman Santoro – You don't have to agree with anything next Tuesday, just get some input.

Ms. Crowley – I'll tell you, one of the things that we did and it was for either a brewery or a winery that is near Mud Creek, we just asked them to clean the garbage out of the creek.

Chairman Santoro asked for any other comments or questions.

Mr. Caruso – Let me speak off of the record....*Mr. Caruso was notified that nothing is off the record during a meeting and that the entire meeting is recorded and transcribed....* We know you folks, we know what you look for in our plans, we try to bring that game. We just did a project for you, the carwash where we came in 2 years ago and we said that we knew the building was not historic but we're willing to work with you. 2 years later, since we put our hand out, 2 years later the visions, other than this Board, changed the path that project went through for an approval. When you go to the extent that the Danielle's did to save that part of the building, how many different gyrations of that were there. It wasn't easy and all we were trying to do is preserve a building that really wasn't historic...

Chairman Santoro ... Well it was historic.

Mr. Logan – It was historic

Chairman Santoro – That's why we wanted it preserved.

Mr. Logan – Maybe portions of it weren't historic but the main piece that was saved was the oldest piece, most historic.....

Mr. Caruso -I don't think it was on the list....

Mr. Logan – It had a marker on it.

Mr. Caruso – No, it wasn't on the registry.

Mr. Logan- Didn't it have a sign right out in front, one of those blue and yellow signs?

Ms. Kinsella – Yes there was a sign.

Mr. Caruso – Mr. Logan it was not on the registry. It was something that they did because they wanted to get along but what I'm just saying is that sometimes you try to work and we're going by the rules in the code here and sometime when you try to work along, it goes sideways. Now I'm not opposed to this but I'm telling you when we tried to work along and we did work it out but it was way more than I thought, in my opinion, off the record, way more than I thought it needed to be. There was no way to control that once it went down.

Mr. Logan – This Board had a lot of history with that building. I know that we're going sideways a little bit in the conversation but there was a lot of importance put on the building back then. Cole & Parks put a lot of effort into saving and improving that structure to bring it back but based on some previous elevations and views of the building, a lot of history at that site, it may not have been designated historic but it was historic eligible, I believe and it was important to the Town so that's why it went the way it did.

Chairman Santoro – If you hadn't done it I doubt you'd have gotten approvals.

Mr. Caruso – Our people went into the building and we're the ones that determined....

Mr. Logan- It's going to end up being a nice project when you're done. This project here can be similarly beautiful, if not historic, it's certainly for the environment. I think that's what Kate is saying. We can improve that stream corridor, you're doing a lot of earth work on the rest of the site but giving that buffer a clean-up and an opportunity for it to become more cleansing, if you will, better water quality, etc is something that is important to the Conservation Board and the Town and certainly for the public. So I think with a few things not anywhere near what you jumped through there, I don't think it's going to delay your project a lot, if at all. We're trying to work with you.

Mr. Caruso – So I'm a guy who gets permits. That thing is tree'd all the way and that 75 ft area, I don't know how we can agree to go in there and do plantings, but maybe we can. If I get near a stream bank then it's onto the Army Corp of Engineers for a permit....then okay call the Army Corp of Engineers and ask them if they'd look at your stuff that you submitted 3 months ago and then they say "Who?" This is my world, okay, I'm telling you that before we go green to disturbing stream banks and cleaning up and things like that, I'm cautious here on day 1, that's all I'm saying.

Mr. Logan – And that would be part of your due diligence by going to the Army Corp and saying this is what we'd like to do. The Town is interested in improving the water quality along here, how do you feel about this and have some informal discussions with them. If not, a formal application to them to address this. If they say no, they don't want to talk to you, if they don't want you to do anything to it....

Mr. Caruso –You just said to me maybe we should make an informal application to the Army Corp of Engineers. Nobody in the world wants to do that. Nobody wants to get caught up.....

Mr. Logan –That's true.

Mr. Caruso – My goodness. We're all for trying to make it better but I don't think that we want to offer to go into the stream bank or anything like that. We're already preserving 75 ft, let's go see what's happening in there that's outside the realm of the Army Corp of Engineers that would be our path.

Mr. Logan – And maybe that's what Kate was talking about, not into the stream itself. But it's worth a conversation with the Conservation Board.

Chairman Santoro – Okay, let's see what you come up with next.

Mr. Caruso – I will. I thank you for your input.

The discussion ended at this point.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 9:50 PM.

Debby Trillaud, Secretary in for Cathy Templar