

A regular meeting of the Town of Victor Planning Board was held on July 28, 2018 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Ernie Santoro, Chairman; Joe Logan, Vice Chairman; Heather Zollo, Al Gallina, Rich Seiter

OTHERS: Wes Pettee, Town Engineer Consultant; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Councilman Dave Condon, Town Board Liaison; Kate Crowley, Conservation Board; David Nankin, Lee Wagar, Gordy Phillips, Mary Phillips, Gene Pratt, Phillip Thomas, Gina Thomas, MaryAnn Snyder, Tony Anguish, Brian Chappell, John Butler, Darlene Butler, Bob Cantwell, Ruth Nellis, Dave Nellis, Jean Laitenberger, Steve Zumbo, Cherly Jones-Richter, Joel Richter, Dennis Buchovecky, Dante Gullace, Stephen Gullace, Ken Curry, Jim Bold, Carol Commisso, Patrick Liberti, L Mason, Miles Rugg, Susan Loughnane, Ken Fyfe, Bill Connell, Nan Hooker, Tom Hooker, Chuck Witmer Jr, James Byll, Eleanor M Barry, Nathan VanBortel, Jim Andre, Kathy Hearn, Scott DeHollander, David Hahn, Gerald Birmingham

APPROVAL OF MINUTES - *There were no Planning Board minutes for approval*

CORRESPONDENCE RECEIVED

- Mary Phillips & Elsie Graham re: Gullace Project
- David Welsh – Gullace Project

BOARDS & COMMITTEE UPDATES

Planning Board reported by Kim Kinsella

- August 14th meeting
 - Public Hearings
 - Qualdieri, Richard is requesting to construct an in ground pool located at 7605 Arbor Glen which is in the Limited Development District
 - Finger Lakes Radio Group – Crown Castle located at 90 Baker Rd is requesting to replace an antenna
 - Song Hill Winery located at 521 CR 9 is requesting approval to hold festivals
 - Decisions
 - Victor Heights Parkway – Lot R is requesting approval for a 25, 592 flex building
 - New Application
 - McDonald's located at 7633 SR 96 is requesting approval to update their signage

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.

APPLICATION MODIFICATION

GULLACE PROJECT

Preliminary Site Plan

Appl No 19-SP-17

Owner – Lynaugh Road Properties, LLC

Zoned – Multiple Dwelling

Applicant is requesting approval for 62 for-sale condominium townhomes. The west portion of CR 9 will remain 14 duplex units. The east portion of CR 9 will be a mixture of 2 and 3 unit bldgs and a single 4 unit bldg. This has been reduced from 69 units.

Mr. Robert Cantwell from BME addressed the Board along with Alan Knauf from Knauf Shaw, the Developer's attorney. Also present were Mike Bogojevski from BME and the applicant Dante Gullace and Steve Gullace.

Mr. Cantwell – As was read in the public announcement, we have reduced the overall plan build out from the last April 10th workshop meeting. At that time, it was an informal workshop and I think the input that was given at that meeting was excellent. The current plan that was submitted a month or so ago does reflect the proposal that was presented informally, conceptional to the Board at that time and as was mentioned it is a reduction from the previous application, from 69 condominium townhome units to 62.

With regards to the various sets of plans that were submitted, we did submit revised utility, grading and a complete plan set to address many of the technical comments that we received from the Town's consultants as well as input from the Planning Board itself. We also did update the Engineer's report with additional technical data to support the engineering revisions that were made for the new application.

A couple of minor changes to the previous plan. We did provide a dedicated road cul-de-sac which is shown on the plan as Road B. Again, that is proposed to be dedicated to the Town of Victor and it does meet the standard cul-de-sac design criteria.

We have also provided overflow parking spaces to reflect the minimum number required based on the overall 62 units. We have shown on the site plan 25 spaces to be proposed to be constructed with an additional 6 proposed spaces to remain land banked. In addition to the visitor's spaces, we have shown essentially 4 parking spaces per unit, which includes 2 garage spaces for each of the condominiums. It also includes a minimum of 2 parking spaces in the driveway of all the units on the site as well. So we are well in excess of what the code requires.

We also did receive some input from the Board about incorporating a mixture of front and side load units on the plan. So where we had the ability to provide side load garages, we have shown those. That includes the driveways which are actually shown on the proposed site plan and the location of those driveways.

Also with the application, we did provide an initial response to all of the technical comments from the various town consultants as well as town staff comments, Building Dept

comments. With this new application we also did respond specifically to some of the input that we received at the workshop meeting and relative to additional technical comments from the time of the submission, we did receive comments again from all of the town departments as well as the consultants. We actually received Town Engineer technical comments today and our intent is to respond again in writing to all of those comments and have those submitted back to the town by on or before August 1st. That would presumably allow us to be on the August 14th meeting agenda for your consideration of the application.

With that, I'd be happy to address any specific questions of the Board and I'll turn it over to Mr. Knauf.

Chairman Santoro – I'd like either you or Mr. Knauf to just give us an overview of this project from conception to where we are now.

Mr. Cantwell – I can't specifically recite the exact number of applications that we had for the project.

Mr. Knauf – 140 apartment units was the original application.

Chairman Santoro – They were for rentals.

Mr. Knauf – Correct and we changed based on input from the town, Mr. Gullace changed to owner occupied units. We went to townhouses from apartments and now we're townhouse style condominiums. It's been about 5 years and we've been slowly changing in reaction to the town and making it a smaller project. I guess the most significant change lately has been based on your input to have duplexes on the west side of the road. We really only have one quad unit (on the east side) at this point.

Chairman Santoro – Before I open it up to the Board, are there any comments from our Attorney or Traffic Consultant? *There were no comments at this time.*

Mr. Gallina – I have a couple of questions. One was in regards to the BME response letter dated 6/26/28, Pg 2 Item A-2-e regarding the Coordinated Fire Service Site Plan Review; *Fire and emergency services operations from Church St to units 25-27 is not practical. There would be no clear path maintained to each individual unit.*

Mr. Cantwell – I'm not sure with the way the comment was written. It's not necessarily a question as much as it is a statement. If I understand what you're saying, there would be no clear path maintained to each individual unit. Our response was "acknowledged".

Mr. Knauf – But that's based on the old plan, right? The configuration has changed.

Mr. Gallina – It could be that was resolved through site redesign.

Mr. Cantwell – And we have met with the Fire Chief since that time and provided a turning movement for the fire equipment as well.

Mr. Gallina – On Pg 6 of the 6/26 response letter relative to the decoupling of the Village from the Town and potentially use the Village as part of the drainage site. *It is stated in the plans that the bio-retention area will be constructed on phase 1. Based on previous comments about grading in the Village portion that approval of the Village portion will be approved prior to construction of the Town piece. The applicant should acknowledge that the plan is still to not start construction until the Village portion is approved.*

We acknowledge that no construction can take place in the Village portion of the development until the necessary approvals are granted by the Village Planning Board. The bio-retention area has been shown within Village limits. If the Applicant chooses to proceed with Town approvals prior to a Village application, a grading plan for the bio-retention area could be submitted for review, or an alternate location could be provided within Town lands.

As noted in the response above, the bio-retention area is proposed within the Village lands. A note has been added to the Site Plan, stating that the proposed bio-retention area, and the associated grading and utilities, will require Village approval prior to construction.

Mr. Knauf – The bio-retention area is in the Village. As we indicated at the April meeting, to the extent that we need an approval from the Village, it could be a condition of approval that we would satisfy whatever requirements the Village would have.

Mr. Gallina – I guess that was my point because it just says *a grading plan for the bio-retention area could be submitted for review* and again, I just wanted to clarify a Village approval versus a Town approval.

Mr. Knauf – You can approve this to the extent that we need an approval from the Village for that and we've got to get it.

Mr. Picciotti – I know we talked about that before and you said that you weren't going to do that. We accept this acknowledgement. This bio-retention area is going to serve Town property located in the Town.

Mr. Cantwell – And the Village.

Mr. Picciotti – Yes, that's what I figured. I just wanted to double check and that makes sense.

Mr. Gallina – My last question is on the 6 parking spaces to be land banked. So for the 6 spaces that are to remain land banked, under what conditions would a determination be made or who would make a determination whether or not those 6 additional parking spaces would be required?

Mr. Cantwell – That could be the condominium association, it could be the Town, it

could be a condition of approval to determine that the intent for land banking them was simply to not provide any more on street parking than was necessary.

Mr. Logan – You made a valiant attempt to satisfy all of our comments. I thought you did a reasonably good job with it. I appreciate your downsizing of the size of the bldgs to 3 units on the east side. I noticed that in your efforts to do the side load garages, for example Units 17 & 18, I'm curious how you accommodate parking guest cars for each of those 2 units on a shared driveway. That seems to me it will be a challenge to get in and out with multiple guest cars. The same thing with Units 10 & 11. It's a minor detail but I could imagine it producing difficulties with such a small amount of space without turn-around space in those paired side load garages.

Mr. Cantwell – The dimension of those, again, are 2 car garages coming from both directions so you have the 2 cars in the garage plus the 2 cars in the driveway immediately outside the garages.

Mr. Knauf – And I think you'd have a shared...part of the HOA you'd need to have ground rules on the shared driveways.

Mr. Cantwell – We had also shown some guest parking in front of those units in the proximity of Units 17 & 18.

Mr. Logan – It looks like those were land banked in front of #11 and maybe in front of #16.

Mr. Knauf – It looks like in front of #11 and #16 constructed and the other ones are land banked.

Mr. Logan – Ok, as long as the spaces are nearby some of those potential conflicts, that is a reasonable solution. Having the doubles on the west side is what we've asked for and I appreciate your addressing our request.

It appears all of the drainage has been properly separated from the Village parcel to your lot on the east side. Is the drainage on the Village parcel engineered to drain to the system on the cul-de-sac and the through road on the Town parcel to tie in somehow in the future or is that completely separate?

Mr. Cantwell – For the Village parcel? (Yes) We have allocated sizing of those storm sewers to accommodate the estimate sub-drainage areas into the system. So yes.

Mr. Logan – That's all I have for now.

Ms. Zollo – I had a question about the location of this bio-retention area. I couldn't find it on the plans that I have.

Mr. Cantwell showed Ms. Zollo where it was located on the grading plan.

Ms. Zollo – I thought that was the part that you were donating to the park. I have a couple of other questions. Our Code Enforcement Officer wanted clarification and I'm also looking for clarification about the distances between the rear of the building to the property line on the north portion of the site. I'm also looking for the distance from the pavement to the property lines on the west side where you have the turn arounds. What is the distance between the pavement and the property line?

Mr. Cantwell – If you look on Dwg #18 which is the condominium townhome plan, for the setbacks on the north property line, it's indicated a 20 ft rear setback over that entire length.

Ms. Zollo – Okay and does that include what the Code Enforcement Officer was asking about patios as well as fireplaces and other bump outs? (Yes)

Mr. Cantwell – And then the area on the western portion, again, on that Dwg #18, there are setbacks shown which the rear setback is a minimum of 20 ft.

Ms. Zollo – But where you have the turn around, the stub, what's the distance between the pavement and the property line?

Mr. Cantwell – We don't have the dimension shown on there but it's approximately 30 ft to the right of way line as a minimum which is what we had used as a minimum front setback in that location. It's the same minimum front setback as all of the other units that do front on Road C.

Ms. Zollo – Okay but you can't tell me the distance between the end of the pavement and the beginning of the property lines for those people on Hillcrest.

Mr. Knauf – You want to know the shortest distance between the edge of the hammerhead and the property line? (Yes)

Mr. Cantwell – It's approximately 20 ft.

Ms. Zollo – Ok, but it doesn't look like it compared to the other 20 ft that you're showing on the other sides, it looks a lot closer than that. I just wanted that to be clarified. Then there were also comments from the Code Enforcement Officer about the density landscape buffer between this proposed application and the existing homes, that there were some gaps. Are you planning to make sure that those are filled and it's a densely landscaped buffer to protect the residents?

Mr. Cantwell – Just to clarify are you talking about the homes on Hillcrest Dr, behind those?

Ms. Zollo – Wherever you are going between the different zonings, you've got to have the densely landscaped buffer. I just want to make sure that it's filled as the Code Enforcement Officer pointed out there were gaps.

Mr. Cantwell – That may have been a comment from a previous plan.

Ms. Zollo – So has the Code Enforcement Officer seen this? (Yes) Has the Fire Marshal seen this?

Mr. Cantwell – Yes and the landscape consultant has also seen this. We have received his comments as well.

Ms. Zollo – And have you addressed them?

Mr. Cantwell – He had no additional comments. He was satisfied.

Ms. Zollo – Okay, because apparently I didn't get those because I was reading through all of this this afternoon and I'm seeing all of these outstanding things especially from the Fire Marshal. I had one additional question about the common private drive. You've got the turnaround between the 2 bldgs there, between Units 26, 27 & 28 and between 23, 24 & 25. You have the turnaround between those bldgs. The Fire Dept was satisfied that they can reach Unit 23 in the event of an emergency? (Yes)

Ms. Templar stated the Fire Marshal was satisfied with their responses.

Ms. Zollo – I wish that I had received them before I spent hours reading through the material. It just makes it difficult for us when we're trying to understand what our consultants are saying and we don't have the information. So he had no problems with getting to Unit 23? (No). Okay that's all I have right now.

Mr. Pettee – I can provide an update from the Town Engineer regarding our most recent letter dated today, July 24th. I won't read the letter verbatim but there are a few things that I wanted to call out that the applicant will need to address and I don't expect them to have answers this evening.

#2 on our comment letter – Sewer District Extension. This property is not currently in the Town's sanitary sewer district so this would require a district extension. That's not necessarily a new comment, we've made that comment previously in previous iterations of this application.

#3 Potential Lighting District – We noticed that the plans include 10 light poles to be located in what would be the Town's right of way after the roadway were to become dedicated to the Town. I think that would require the formation of a lighting district. I just want to make sure that I'm coordinating with the Town staff and also the Town Attorney on that comment.

#5 Concrete Sidewalk to Harland Fisher Park – I'm just looking for clarification as to whether the terminus of that sidewalk was coordinated with the Town's Director of Parks and Recreation. I just want to make sure that the Town is okay with the location of that sidewalk where it leads into the park.

#9 No Parking Sign – I was thinking about whether or not there would be a need for a no parking sign. If we look at the proposed dedicated Road C on the west side of CR 9, the hammerhead turnaround there. I want to also run this by the Town's Highway Superintendent, whether it would be worthwhile putting a no parking sign in that turnaround to make sure it's free and clear in the event of emergency vehicles or town maintenance vehicles need to turn around or even just motorist that need to turn around at the end of that roadway.

#10 Sight Distance Requirements – They've got listed on one of the sheets *sight distance requirements for the intersections of Town Road A as it intersects with Lynaugh Rd.* I just want to be sure that the applicant verifies they are providing the required sight distance at that intersection.

#12 Storm sewer dedication – I think this might require a little more consultation between the applicant's design engineer and our office and maybe Kim Kinsella's office as well. I guess I understand that the applicant is proposing to dedicate the stormwater management facility and stormwater management infrastructure. However, it's my understanding that usually the Town isn't necessarily taking dedication of those and often times there are stormwater management facilities maintenance agreement drawn up where outside of the road right of way ownership would be maintained by the property owner but the Town would have the ability to go in and maintain those facilities if necessary. I might misunderstand that so I just want to make sure we're coordinating on that.

#15 Bioretention Area - *We note that a drainage easement is provided to the Town of Victor. However, it appears as if the access point would be along a utility easement with consistent grade change, posing a potential barrier to access.* This might be something that we need to have the applicant take a look at to see if there is a better means to access that area.

#16 Lateral Plan – There's quite a few laterals located in the vicinity of Road B, the cul-de-sac that is on the south side of Road A. We just want to be sure that there is enough separation distance between all of the water service laterals and any of the sanitary or storm infrastructure that's underneath the ground in that vicinity.

Then there are numerous technical comments in our letter that we would have the applicant address as well. So that's it in a nut shell for the substance portion of our letter.

Chairman Santoro asked for any other comments from the Board or the Consultants.

Mr. Cantwell to Chairman Santoro – I was able to track down the history if you'd still like to reiterate that.

- February 2013 – first application was made for 146 apartments as well as conceptionally 8 single family homes.
- May 2013 – application for 120 apartments and 8 single family homes
- March 2014 – 100 apartments and 7 single family homes to the west
- April 2014 – 100 apartments and to be determined on the western portion of the site.
- September 2014 – 72 townhomes on the east side
- February 2015 – 71 townhomes and were to be for rent
- May 2016 – 69 townhomes
- June 2017 – 69 condominium townhomes for sale
- February 2018 – 67 condominium townhomes and duplexes on west side
- July 2018 – 62 condominium townhomes and duplexes on west side

This was a total of 10 applications.

Mr. Knauf – Our calculation for density potentially 171 so we're way below that. One thing that I wanted to mention on the agenda, it's listed as subdivision and we're really seeking site plan.

Ms. Templar stated that she would correct that.

Chairman Santoro – There is some indications in some of your applications that there might be blasting.

Mr. Cantwell – I don't think that we anticipate any blasting will be done.

Chairman Santoro – Okay, no blasting. The public hearing was closed some time ago but we're going to give the members of the public a chance to make comment at this particular time. If anyone has any comments, please step forward.

Ms. Mary Phillips from 948 Lynaugh Road – I'm speaking also representing my sister Elsie Graham at 959 CR 9. We are the property owners boarding the Gullace property on the north all the way from Lynaugh Road through to Church St/CR 9. Because the proposed bldgs in the Gullace development plans are so close together and so near to our property line, we are asking again that a fence be installed and maintained by the developer. This fence should be all along the boundary line from Lynaugh Road to CR 9. I've noticed in the plans that you do have scheduled to have trees along there and they will be beautiful but we are sure that we really need a better barrier than just the trees. We really think that we need a fence to protect us from people and their pets.

We have had in the past a few problems with people coming across from the park and then through Gullace's woods and then into our open field and perhaps

unknowingly thinking that's public land. So we are a bit apprehensive and we'll have so many more people coming. We really don't want to provide a dog park in our backyards and open fields! Thank you.

Chairman Santoro – Thank you

Chairman Santoro asked the public to keep their comments to 3 minutes or less.

Mary Schneider from 2 Valley View Circle which is on the western portion of the development, it's below Hillcrest. We have a detention pond in the corner of our backyard which has been the subject of some issues with the Village of late. On July of last year it flooded and flooded a bunch of yards. So our concern really is it's a hill from Hillcrest all the way down into our development. The highest point is Hillcrest and then it goes down. We want to be certain that the properties on the western portion do not topically drain towards us. I'm not talking about sewage drainage, I'm not talking about storm sewers, I'm talking about a burst of rain and the run off. Because there is so much pavement in the development over there, there's not a lot of grass to absorb that water. So we would like, if we could, for the Town Engineer to talk to the Village Engineer because our property is in the Village and we're subject to the Village Code Enforcement and the Village Engineers planning, if you would make sure that you're talking together and that that's addressed.

Chairman Santoro -That issue was raised in a prior meeting and you may not have been present at that time but there was an explanation about the run off being directed away from the houses on Hillcrest and down towards the north.

Ms. Schneider – Just so you know, we also have underground springs in the area and that complicates things. As long as you're talking to the Village Engineer. This is a new problem that has developed in the detention pond. Thank you

Chairman Santoro – Thank you

Mr. Pat Liberti from 996 Kensington Court – I just want to point out something that has been a concern since we realized that the Village portion of the plan has been kind of shelved I guess at this point. By doing that you lost what was originally another outlet or inlet of traffic into that development. Hillcrest was originally going to be connected across and go through where that little cul-de-sac is right now.

The concern that I have is whether or not a traffic examination was done as to how busy that new cut through road is going to become and I say cut through because already many of us in that northwestern part come down and you can't make a left onto

96, everyone knows that. So you want to get across to Lynaugh and come on down, it's easier to make a left.it's going to be much easier once that traffic circle is going to be built, that will be the preferred way, everybody is going to come through this development and try to get down to that traffic circle. So there is a lot more traffic I think, there's only one way in and one way out. That's going to become a major cut through. There's going to be a lot more traffic I think than realized.

In addition to that, my bigger concern is that traffic is coming down CR 9 at 55, let's be honest 65 mph, coming up to someone who is stopped waiting to make a left turn onto this new Road A. And, I have a real concern that you're going to have a lot of backed up traffic. There's no way around on that road. You can't kind of pass a car that's waiting to make that left turn and it's going to be a very popular left turn. Believe me, I know because right now I have to go back up to Lane and Lynaugh and go around. Its human nature, folks are going to cut right across. I'm just concerned that at a 55 mph intersection, that additional traffic, whether or not anyone has looked at that or if there are plans for some sort of traffic abatement there. Right now there is nothing, as far as I know nothing planned for a light or a stop sign or anything. And you could have a similar situation at this new intersection that you basically have down at Main Street which is cars just getting stacked up. However, at this point, it's 55 mph traffic, it's not 25 mph traffic and I think that also presents a bit of a safety worry.

I'm just concerned about that. I travel it all the time and every time I go by the --- --- I imagine coming to a stop right now making a left hand turn with cars behind me coming at 60 mph and the fact that they are going to try to get around but it's curbed, you can't. I just want to bring that up and make a point of it because I think it's something that wasn't originally as big of an issue when you had 2 ways in and out of that new development but now we've lost the extension of Hillcrest. That makes that intersection even more important.

Chairman Santoro – Thank you. Chairman Santoro asked Jennifer Michniewicz if she had any comment.

Ms. Michniewicz – The traffic volumes that will be generated as a result of this project are so minimal. In order to put in stop signs, traffic signals, things like that you have to meet certain guidelines, certain warrants and the traffic that will be generated from this project are so minimal that they don't even warrant that.

As the developer mentioned, when we started this process back 5 years ago, there was quite a bit more development anticipated. Ontario County has reviewed the most recent submission and they said that if this came before them today, they wouldn't even look for a traffic study because the traffic volumes from this project are so minimal.

Will this be a cut through? Potentially, but as far as this development is concerned, those are the limitations.

Ms. Zollo – What about the speeds on CR 9? Are they going to be changed?

Ms. Michniewicz – The Town has been for years trying to request NYS DOT to modify that and we're putting together some information for the Town to reapply because NYS DOT has to approve the speed limit change on town roads. So because of the numerous traffic studies, there's a lot of data now that can be provided to DOT as far as speeds, accidents and traffic calming measures.

Ms. Zollo – Okay, thanks.

Mr. Picciotti to Ms. Michniewicz – I just have one question if you could go back for a second. I know there were several gap analyses that were done to the extent that there is a change here with the cut off of that road. Is the traffic too minimal to look at a gap analysis?

Ms. Michniewicz – Yes, in the most recent update to the traffic study, they did look at a gap analysis and that was primarily because the traffic volumes on Lynaugh and Church had increased over the years since they first did the study. So we wanted to be sure that with that increase in traffic, there would still be enough gaps in traffic. So on Church and Lynaugh there is enough of an acceptable gap for somebody to turn in or turn out of this roadway and be able to do so safely and they more than exceed the requirements there.

Mr. Picciotti – That would include the intersection that this gentleman was talking about as well? (Correct)

Mr. Logan to Ms. Michniewicz – The intersection that he was talking about, is that the Lane Rd roundabout or the one that's going in at the bottom of Lynaugh?

Ms. Michniewicz – Lynaugh and Route 96, that one is programed for 2020 by NYS DOT.

Mr. Logan – The town study has in it as you know the addition of a roundabout up at Lane and Lynaugh.

Ms. Michniewicz – The 6 key projects that were identified as part of the plan does include a roundabout.

Mr. Logan – So between that roundabout and the Village line on Church St/CR 9 that

would then be a lower speed limit after a project like that?

Ms. Michniewicz – And that’s one of the things that we’re going to try to hang our hat on because you’ve got a roundabout which is supposed to slow down traffic, why speed back up to 55 so that you can slow down to 25 mph.

Mr. Logan – So that is in the works?

Ms. Michniewicz – Yes, in fact Ontario County reviewed it and they support the reduction and they recommended reducing the speed limit from Duck Hollow Rd just north of the thruway where that underpass is and then to the south. Within that area it has a real residential feel, there’s a lot of subdivisions. Once you get north of Duck Hollow it starts to become a little bit more rural.

Mr. Logan- Thank you

Mr. Nathan VanBortel from 6797 Ally Rise, the northwestern most neighbor to the proposed property. I just recently moved to Victor and to start out, I would just say that I was shocked to find that the Planning Board felt that this fit the characteristics of the neighborhood given the purchase price of the adjoining property that I paid. Again, it came as a surprise to me to learn of the --- and the scope of the project.

I just wanted to say to Miss Zollo’s comment, my primary concern if this project does go through as presented, would be that buffer. I just want to make sure that the proposed property doesn’t rely on the established buffer for the Quail Ridge development and make sure they invest in kind of their own buffer. I’ve seen proposal of a lighter buffer and I just want to go on record saying that’s something as an adjoining property owner that I would not support. Thank you for your time and consideration.

Chairman Santoro – Thank you

Ms. Liubov Mason from 120 Church Street – I have a few things. One of them is, I’ve been here 7 years and it’s been from the very beginning that we moved here, we’ve seen all of the proposed maps and plans and they are very hard to read and they are very hard to decipher, they are blurry, they are not accurate and everything is very approximate. That is very unprofessional and strange and scary to us because maybe it would be like this and maybe it will not be like this and nobody really knows, kind of approximate. This also goes for all of the dates.

We live on Church Street and I can time it, we have every 20 minutes trucks loaded with dirt going to Antonelli. We cannot sleep because of the trucks going by.

This is going to be like this for us for the next 5 years, right? Antonelli is building 15 houses, this is going to be how many times more? So this is very, very difficult for us and makes us want to move and we love being here. That's one. So very approximate, everything is very approximate.

How long is this going to be? That's my #2. #3, we asked for less units in each bldgs and what happened to the very last one that has 4 units. There's a little toe just so we can have our own way, 4 units. What happened to that building? It's very strange. That's all for now. We are watching very carefully and we are very concerned. Thank you.

Chairman Santoro – Thank you

Mr. Gene Pratt from 12 Andrew St, on the corner of Church and Andrew St. – I'm not a traffic engineer and I talked about my concerns relative to traffic in the past. I found the comment interesting that there would be no appreciable increase in traffic based upon this development. As Liubov was saying, I was wondering what was going on with all of the dump truck traffic. I live on the hill, so when a dump truck goes up and down the hill, we're well aware of it and this was actually mentioned by other neighbors as well. It prompted me say what's going on with all of this dump traffic. So I took a ride out and noticed the development on the corner of Gillis and CR 9. So I was planning on saying or bringing up the same issue that I brought up before, is that the intersection of Church St/Main St was deemed as and I don't know how they rate it but it failed by the DOT in their study. So how can we say that this and other developments don't have any appreciable effect on the traffic flow? If you have a failed intersection, it's failed and additional traffic means it's going to fail even further. So, once again, I was an engineer but not a traffic engineer, so I just don't understand the logic and the terminology and so on. Thank you.

Chairman Santoro – Thank you

Ms. Ruth Nellis from 93 East Parkway – I'm glad that you are looking into that hammerhead, the west there. We live on the end of East Parkway and it's a narrow turnaround and our driveway actually becomes the hammerhead. Occasionally people are parked at the end of the street as they may be there and the trucks, UPS, garbage, whatever, they have a terrible time. The other day our neighbors were having their driveway done, the truck had to back out the length of East Parkway. So I encourage the engineer to really take a close look at that and maybe look at East Parkway in comparison.

The path to the park. We frequently walk over there. The path actually goes to what is commonly referred to as the "swamp". In the dry season, it is dry. But most of

the year it's wet. Kids go out there and it's up to their knees in water. In the winter the water freezes over, it's icy. So I don't know if that's quite the appropriate path for maybe senior citizens to take to the park.

Also, I'd like to note that we haven't had any recent up to date elevations, renditions, pictures of what these units are going to look like. We have no idea of what the structure is, the colors, nothing. So I would like to request that.

My last thing, as recommended by our attorney, Peter Weishaar, he said that I should submit this. *Referring to a letter which Ms. Nellis read: Pursuant to the requirements of Public Officers Lay Section 103(3), also known as the Open Meetings Law, I hereby request that you provide a copy of the proposed resolution that may be scheduled to be discussed by the Planning Board at its upcoming meeting regarding the Gullace Project. Please provide this copy by email at the time it is distributed to the members of the Planning Board.*

Frequently there is terminology, phrasing, verbiage that we, the residents, don't understand and we would like to be able to clearly take part in this process. I have a hard copy of it but I can email it to Cathy. Thank you very much.

Chairman Santoro – Thank you

Mr. David Hahn from 6795 Ally Rise – I live on the west side and one of the most affected property by this and I think my comments are relevant. Last meeting, a couple of Board members indicated they felt the west side looked in character. I don't think it looks 1% in character with what's around there. Three sides are surrounded by single family homes. There is 2 rows of 6,000 sf plus bldgs, feet apart from each other which is more than 3 times the size of my house. My yard borders this property.

In contrast the east side is going to have two layers of single family homes buffering from these massive bldgs. My yard end, these bldgs begin. Actually the west side, the density is higher. There is 4.5 acres and 14 units which is 3.14 families per acre. On the east side there is 48 divided by 17.13 acres or 2.8 families so it's actually denser on the west side.

What I wonder is for several meetings, the general consensus of the Board was to have the single family homes at least on the west side, this whole thing is crazy but at least on the west side. We know it can be done, it was part of the plan in 2013, it was going to be annexed into the Village and people seemed to be on board with it. This doesn't at all fit the character. I just hope you would take that into consideration.

One other thing, a couple of meetings ago, Mr. Cantwell and Mr. Knauf referred to the property on the north side as an empty lot. Well, that's my yard gentlemen, okay? I'm not sure if you're familiar with a yard, but that's my yard, it wasn't an empty lot. I mow it, my house sits on it and now I've got these massive bldgs right next to it. It just isn't at all correct.

I just want to insist that you go back to reviewing that west side for single family homes. It can be done. We know it can be done and it should be done. I've just got something that I want to leave with you. I laid over their proposal what it looks like against the homes around it and the plan of 2013 which was single family homes. Now that looks more in character. *Mr. Hahn handed this to the Chairman.* When you kind of see these massive bldgs and the surrounding of the much smaller homes, it doesn't at all fit the character. I appreciate your time.

Chairman Santoro – Thank you

Mr. Tom Hooker from 57 East Parkway – I have a ton of things. I sent you all a letter back on April 12th, after the meeting you had here. I had about 30 questions on it and I haven't heard any responses on any of them. It would be kind of nice, I'd love to go through it now but it would take more than my 3 minutes. But I'll give you another copy. There's a couple of them that really should be considered. Last year you told the Gullace's that they should come back with a plan for duplexes on the entire property. They basically ignored you. On the west side I see that you do have duplexes over there, that's great. But the requirement for duplexes is 1 building or 2 units per acre and those are almost twice that. I don't know if you've addressed that but that is the code.

I do have a lot of other things here and I'm just going to give you another copy of what I sent on April 12th, okay, but we'd sure like to have some responses to some of our questions. Thank you and we very much appreciate all of the work that you're doing. You've got to be getting tired of this. They've got to be running you down as well as us and I think that's their job. Okay, thank you.

Chairman Santoro – Thank you

Mr. Miles Rugg from 27 Somerset Lane – Good evening. I back up to Harland Fisher Park. I'm a school bus driver in this district for 11 years. When I look at my 77 passenger bus trying to get through that maze there, I don't see it happening. Have they taken into account us getting students picked up, especially those that are 3rd grade, kindergarten to third grade because those are to be picked up with a parent available and we can see them and they can see us. I don't see that, there's no way that if someone is in that one area there where there is that cul-de-sac is back in the corner there, I don't know how you pick up a kindergartener that the mom has to see me, I have to see them and I'm driving a 77 passenger bus. All our busses unless the student has a special requirement to be on a small bus, they ride a 77 passenger bus. I don't know if you understand how big that is but I want to tell you, we do a lot of tricks with our 77 passenger buses but that one looks like it would really be hard to do it. Thank you.

Chairman Santoro – Thank you

Mr. Dennis Buchovecky from 26 Woodworth Street – I don't live near this project but I live downstream from Silverton Glen. I've lived there for 25 years, roughly 23 years and being downstream from Silverton Glen, I've experienced significant flooding for about a 3 year period of time and I think Jack Marren is well aware of this. I've met with Jack Marren dozens of times over the course of 2013 to 2015. In 2017 it caused over \$100,000 worth of damage to my house, my entire backyard was flooded. So I guess I'd like to know what the Board is going to do to actually implement and enforce a stormwater management plan for this new development because they haven't done it for the last four years.

Chairman Santoro – We have a conflict here because you are presently in litigation against the town.

Mr. Buchovecky - But I can still voice my opinion, right?

Chairman Santoro – You can voice your opinion but you can't get answers from us.

Mr. Buchovecky – Okay, I just want to let everybody in the room know, the Town over the last 4 years has done a poor job of enforcing stormwater management. They've required me to get the DEC involved who wrote violation notices. The Town did not issue any violation notices to the development so I had no choice, I met with the Town over and over again and the Town, including the Supervisor Jack Marren, did nothing to resolve this problem, okay. So it's either incompetence on the part of the Town, it's clearly something's wrong when something goes on for years, okay. It looks like their trying to address the issue now after 4 years of course. I think it's important to know that there may be stormwater issues with this new development. Its high density townhomes and I know that you guys have used Silverton Glen as a reference model for this community.

Chairman Santoro – Okay, thank you.

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

The discussion ended at this point.

PUBLIC HEARING

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

VICTOR CROSSING ADDITIONAL BUILDING

Commerce Drive – Victor Crossing Plaza

Appl No 14-SP-18

Owner – Main Street Stop, LLC

Acres – 94.46

Zoned – Commercial

SBL # 6.04-1-78.000

Applicant is requesting to construct a 3,868 sf freestanding building with an outdoor patio. The property is owned by Main Street Stop, LLC consisting of 94.46 acres and is zoned Commercial. This is the first time this application has been before the Planning Board.

Mr. James Boglioli from Benderson Development addressed the Board.

Mr. Boglioli – I'm the attorney for Benderson Development. As noted, we're here for the last building at Victor crossing. It's 3,868 sf and that would complete the build out at Victor Crossing. We're allowed 23,287 sf and with this site, it will be 23,287 sf exactly.

Just to orientate the Board, (*Mr. Boglioli pointed out different areas on the overhead screen to the location of the proposed building*) this is the Chipotle building out front, Route 96 is in this area, this is the remainder of the plaza with Kohl's, Walmart is not showing on the plan, this is the 15,000 sf building you approved a number of years ago and this is the proposed 3,868 sf building.

It was always originally proposed in that area so it's consistent with our actual 2007 approval. There is a small parking lot in the back. The sidewalk comes across the front and that's with a crosswalk

across to the sidewalk which goes around the building and back out. We have a patio up front. There was always a patio proposed. A large sidewalk area with landscaping consistent with the other landscaping at Victor Crossing. The landscaping is around the building to buffer it from the road. The dumpster is located in this area. The dumpster materials match the building with the brick and stone work consistent with the building and the gate out front.

The building elevation is consistent with what we've built there. That includes the use of Hardi Board, EFIS siding, the second story windows, the brick work, the peaked roofs, it does have a trellis along the front, it wraps around the side. The materials the EFIS and brick work all break up the vertical and horizontal parts of the building. We do use fabric awnings consistent with the other awnings that we've installed on site. All the HVAC units, the parapet wall on the flat part of the building, there's 3 ft wall, we screen the HVAC units with the parapet wall. You're familiar with that because when you look at the side, you can't see any of the HVAC units on current bldgs, same design that we currently use.

That is basically the project at this point. We have received all of the town comments and have responded to all of them. We resubmitted the plans and have addressed the comments.

Mr. Seiter – What do you have in place to safeguard the pedestrians from that building to the adjacent building. It's a pretty busy corner right there.

Mr. Boglioli – We have a crosswalk and if the Board would prefer an addition to that, it would be a speed table. I can do that also but we put the 3 speed tables here which kind of slows the traffic down as you're coming down. I didn't propose a 4th speed table at that location but we can do that.

Mr. Seiter – Plus the traffic coming in from 96 is moving along pretty well.

Mr. Boglioli – Yes and we'll put pedestrian crossing signs, we're also proposing that. I find in our typical developments, when you start putting bldgs on both sides of the road, people tend to slow down because of the crossing traffic. With the crosswalk and the pedestrian crossing signs, we think that's going to be enough. I don't foresee an issue....

Mr. Gallina -You added a 3 way stop there also.

Mr. Boglioli – Yes there's a stop there too. It slows the traffic down also.

Ms. Zollo – What is the height of the building?

Mr. Boglioli – The height is actually lower than the building next door.

Ms. Zollo – It's lower than the strip plaza?

Mr. Boglioli – The peak is just below the 15,000 sf building.

Ms. Zollo – Lower than the strip? (Yes) Okay, that was my concern that it was going to be tunnel like in there.

Mr. Boglioli – and if you look at the east elevation, that's the elevation that's going to be facing the shopping center, so that faces Kohl's. The north elevation faces the 15,000 sf building and the west elevation faces Route 96. So this is what you're going to see when you come down Route 96. You're actually not going to see the biggest part of the building.

Mr. Logan – No real concerns. It fits with the plaza. The peak, I think is probably higher than the lighting out there. I think we had 25 ft restrictions on the posts.

Mr. Boglioli – The lighting is 25 ft. The peak of the existing building next door is higher than the lighting.

Mr. Logan – I just wanted to make sure other than that I really don't have any problem with this.

Mr. Gallina – I would agree. I think it's consistent architecturally and certainly with the intent of the use of that last site so I have no issues.

Chairman Santoro asked for public comment and there was none.

Chairman Santoro asked about signage.

Mr. Boglioli – It will be consistent with the rest of the plaza. The corner element is going to have 2 signs consistent with the building next door because you have one facing the parking lot and one facing the other parking lot and the rest of the tenants will probably have a sign consistent with that. All of our signs are consistent in height and size.

Ms. Zollo – This is for 1 restaurant or multiple.....

Mr. Boglioli – One restaurant.

Chairman Santoro asked for any other comments 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 Site Plan application was received on June 20, 2018 by the Secretary of the Planning Board entitled Victor Crossing NYS Route 96 and Interstate 90.
2. It is the intent of the applicant to modify its site plan to construct a freestanding 3,868 sf restaurant building.
3. The site plan originally approved by the Victor Planning Board in February of 2007 included a sf freestanding restaurant in the location of the now proposed 3868 sf building.
4. The now proposed site plan is consistent with the approved 2007 Site Plan and also consistent with the SEQRA Findings Statement adopted by the Planning Board September 26, 2006. Thus, no further SEQR review is required.
5. A public hearing was duly called for and was published in "The Daily Messenger" and all property owners within 1,000' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
6. The Planning Board held a public hearing on July 24, 2018 at which time the public was invited to speak on the application.

7. Zaretsky and Assoc reviewed the application June 30, 2018 and have no comments.
8. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On July 11, 2018 Ontario County Planning Board retained application as a Class 1 with comments.
9. The Town of Farmington Water & Sewer reviewed application on July 14, 2018 and had no concerns at this time.

NOW, THEREFORE BE IT RESOLVED, that the application of Benderson Development Company, LLC, Site Plan entitled Victor Crossing NYS Route 96 and Interstate 90 drawn by Costich Engineering dated March 2, 2018 received by the Planning Board June 20, 2018, revised July 11, 2018, received by the Planning Board July 20, 2018 including architectural elevations received June 20, 2018, Planning Board Application No. 14-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 comments in a letter dated July 19, 2018 from LaBella Associates shall be addressed.

DISCUSSION

Chairman Santoro asked Mr. Pettee if the Town Engineer had any questions. Mr. Pettee responded that all of their comments have been addressed and the July 19th comment letter had been responded to. Mr. Pettee would be sending a formal final comment letter to close the loop but they are all set.

3. That comments in a letter dated June 28, 2018 from Code Enforcement Officer shall be addressed.
4. That the comments in a letter dated July 13, 2018 from LaBella Assoc architectural review shall be addressed.
5. That the comments in a letter dated June 26, 2018 from the Coordinated Fire Service Site Plan Review shall be addressed.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for

Land Development, including Section 4.

- 2. That a pre-construction meeting shall be held prior to the start of construction.
- 3. 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.
- 4. The building design shall be consistent with the architectural details as shown on the elevations, received by the Planning and Building Dept on June 20, 2018.
- 5. The dumpster design shall be consistent with the architectural details as shown on the elevations, received by the Planning and Building Dept on July 23, 2018.
- 6. All screening shall be similar in material and color and integrate with the proposed building materials and subject to the review and approval of the Planning Board. This shall include but not be limited to mechanical equipment, dumpster enclosures, transformers, meters, or RPZ vaults.

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

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

Approved 5 Ayes, 0 Nays

Ms. Zollo to Mr. Boglioli – I don’t know if you’re aware but there are a number of sections in the stockade fence that are down.

Mr. Boglioli – I’ll look at that. Someone usually calls me and I let our guys know but no one has actually called. Sometimes they don’t see it with all of the vegetation up. Is it on your end of the site or all the way?

Ms. Zollo – Multiple on our end along the back.

Mr. Boglioli – I’ll send someone back there to take a look at it and fix it.

Ms. Zollo – Okay thank you

Mr. Gallina asked Mr. Boglioli about Pi Pizza and when they would open. Ms. Kinsella stated that they do have a building permit. Mr. Boglioli stated that he hopes they will be open by the end of summer.

APPLICATION**SCOUT RESERVE**

CR 9 (Carried over from 7/10/2018)

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 +/- acres into 7 single family lots.

Mr. Scott DeHollander, from DeHollander Design addressed the Board.

Mr. DeHollander – I'm here to talk again about our preliminary plan for Scout Reserve Subdivision. It's a little over 28 acres. We've responded to the Town Engineer's comments for the preliminary plan review. *Referring to the overall plan on the overhead screen.* On the overall plan, it represents one of the things that we've been working on for the last month or so and that's the coordination of that grayed out area. That's where we intend to make our conservation easement. It's a combination of natural resource and open space easement. The total for the conservation easement is over 15 acres and the open space easement is the lighter gray shown which bumps the buffer between the thruway right of way from 150 ft out to 200 ft at the back of the property.

I believe we've reached a consensus with the Conservation Board on this configuration. And I think as I explained in the previous meetings, the reason why there's a white area on Lot 2, an area that's not in an easement. We are just reserving an area for a possible future phase of this project although there is really nothing planned at this point beyond Lots 1 and 2 which would share a driveway that ultimately could be extended into the back.

There were 2 comments from the Town Engineer that we received late last week. They're specific to tree lines on Lot 2, they are missing from that plan but they follow closely to the house footprint to Lot 2. We don't intend to take any trees down as part of this project beyond where we are showing building footprints. Within that area that is not included in the conservation easement on Lot 2, we're not intending to take any trees down.

The second comment was regarding additional wetland delineation shown on the revised plan verse what we included on our May 14th application. That is true, we had additional delineation done so that we would have a better understanding of the trajectory of the wetlands on Lot 7, they actually taper off of the lot as oppose to extending deeper into the lot. Then we wanted to be careful about how a conservation easement protected a wetland that exists on the rear portions of Lots 4 & 5. Thank you

Chairman Santoro asked for public comments.

Ms. Kate Crowley I want to make sure that everyone understands where the Conservation Board and the applicant ended up at the last Board meeting. The Conservation Board did agree that the area that has the NWI wetland should be an area that people recognize as No Touch, that's by law. What you don't see on this proposal are the potential for 3 homes in this area (referring to the area along CR 9 - Lots 2E, 2F & 2G on revised mark-up dated 7/11/18;

1/3-3/8 N L 05/8 CR 5/8 W 1/3 L 1/3 0001 N L 17/8 3/8 E L 1/8 V L L F E 1 - 1/3 2/3 1 V T N L N L 0 E L F 1/3 CR 5/8 1/3 j CR 5/8 7/8 5/8 CR CR E - 0 N L 1 N L 05/8 ■ H T 5/8 - - H T 1/3 1/8 5/8 1/3 L F 5/8 N 05/8 - N L - 2 P r n 2 1/3 1/8 CR 5/8 L F 1 - 05/8 0 E L F 5/8 3/8 1 05/8 CR 1/3 0000 H T 0001/3 - 0 f 0 0 f 0 0 j P t f i 0 1/3 N L N L 05/8 - 11/3 CR 3/8 1/8 1/3 N 05/8 V T H T W E N L 0 1/3 - 3/8 W E N L 0 - 1/8 1 N L N L ' L F 1/3 0 CR 5/8 5/8 N 05/8 - N L E L F N L 0 1/3 N L N L 0 E L F W 1 V T 0003/8 2/3 5/8 N L 05/8 1 H T 5/8 - L F H T 1/3 1/8 5/8 1/3 CR 5/8 1/3 P t " L F W 5/8 N L 1/3 0000 5/8 3/8 1/3 2/3 1 V T N L W 0 1/3 N L 1 H T 5/8 - L F H T 1/3 1/8 5/8 W 1 V T 0003/8 N 05/8 1/3 - 1/3 - 3/8 12/3 0 E 1 V L F 000 R s W 5/8 ' 000000 0001 L F 5/8 L F 1 N 05/8 17/8 N L 0 E L F 2/3 V T 7/8 7/8 5/8 CR 05/8 CR 5/8 j CR 5/8 7/8 5/8 CR CR E - 0 N L 1 W 113/8 5/8 3/8 1/3 CR 5/8 1/3 E - 7/8 CR 1 - N L 17/8 ■ H T 5/8 - - H T 1/3 1/8 5/8 1/3 L F 5/8 N 05/8 - N L 05/8 0 E L F 5/8 3/8 1 05/8 CR 1/3 000000 H T 0001/3 - 0 f 0 0 f 0 0 j P t N L 0 1 L F 5/8 1/3 CR 5/8 5/8 05/8 CR 0 CR 5/8 5/8 - L F P t f i 0 1/3 N L E N L j H T 5/8 - L F H T 1/3 1/8 5/8 j W 1 V T 0003/8 N 05/8 1/3 - E L F E 7/8 N L 05/8 H T 1 N L 5/8 - N L E 1/3 000 1 W - 5/8 CR W 1/3 - N L L F N L 1 1/3 3/8 3/8 N L CR 5/8 5/8 L F E 0 CR 5/8 1/3 N L 3 1/8 0 1/3 - 05/8 N L 05/8 N L 1 H T 1 0 CR 1/3 H T 0 R s E - 13 1/3 000000 N L 05/8 N L 0 E - 0 L F N L 0 1/3 N L 0 1 W E N L 0 1 H T 5/8 - L F H T 1/3 1/8 5/8 P t f f 0 5/8 CR 5/8 ' L F 1/3 000 L F 1 1 - 5/8 N 0 1 CR 5/8 H T 1 N L 5/8 - N L E 1/3 000 0 1 V L F 5/8 05/8 CR 5/8 j 05/8 7/8 5/8 CR CR E - 0 N L 1 H T CR 1 H T L F 5/8 3/8 R 1 N L 1/2 " E revised mark-up dated 7/11/18 j P t " 0001 N L 17/8 3/8 E L F 1/8 V L L F E 1 - 1/3 2/3 1 V T N L N L 0 E L F 2/3 1 V T - 3/8 1/3 CR R s 05/8 CR 5/8 j 05/8 7/8 5/8 CR CR E - 0 N L 1 R 1 N L 0 j 1/3 - 3/8 N L 05/8 5/8 0005/8 0 1/3 N L E 1 - 1/8 0 1/3 - 05/8 N L 0 1/3 N L 11/8 1/8 V T CR L F 1/3 - 3/8 N L 05/8 W 1/3 N L 5/8 CR N L 0 1/3 N L 1/8 1 N 05/8 L F E - 1 - N L 1 N L 05/8 H T 1/3 CR 1/8 5/8 000 05/8 CR 5/8 P t ■ - 5/8 17/8 N L 05/8 N L 0 E - 0 L F N L 0 1/3 N L N L 05/8 - 11/3 CR 3/8 L F V T 0005/8 L F N L 5/8 3/8 W 1/3 L F 1/3 W E 3/8 5/8 CR 2/3 V T 7/8 7/8 5/8 CR E - N L 0 1/3 N L 1/3 CR 5/8 1/3 j 5/8 1/3 L F 5/8 N 05/8 - N L 1/3 0001 - 0 W 5/8 L F N L 2/3 1 V T - 3/8 1/3 CR R s 17/8 R 1 N L 0 j P t † 0 5/8 L F 5/8 5/8 - N 0 1/3 H T L F W 05/8 CR 5/8 N L 0 E L F E L F 1/3 000 L F 1 1/8 1 - L F 5/8 CR 0 1/3 N L E 1 - 5/8 1/3 L F 5/8 N 05/8 - N L j CR 5/8 7/8 5/8 CR CR E - 0 N L 1 N L 05/8 1/2 5/8 1/3 L F 5/8 N 05/8 - N L 3/8 1 0 0005/8 0 L F 1 - R 1 N L 1/2 E 05/8 0 E L F 5/8 3/8 1 05/8 CR 1/3 000000 H T 0001/3 - 0 f 0 0 f 0 0 j P t † - N L 05/8 - 11/3 CR 3/8 ' L F 1 H T E - E 1 - E E 7/8 W 5/8 N 0 1/3 CR 0 N L 0 E L F 17/8 7/8 1/3 L F 1/8 1 - L F 5/8 CR 0 1/3 N L E 1 - 5/8 1/3 L F 5/8 N 05/8 - N L E N L ' 000000 2/3 5/8 1/8 1 - 7/8 V L L F E - 0 N L 1 N L 05/8 0 1 N 05/8 1 W - 5/8 CR 2/3 5/8 1/8 1/3 V L L F 5/8 - 1 W R s 1 V T ' CR 5/8 N 0 1 W E - 0 L F 1 N 05/8 N L 0 E - 0 E N L 05/8 - R s 1 V T 0 1/3 0 5/8 N L 1 L F N L 1 H T N 0 1 W E - 0 1/3 - 3/8 N L 05/8 - R s 1 V T 1/8 1/3 - L F N L 1/3 CR N L N 0 1 W E - 0 2/3 1/3 1/8 0 1 0 5/8 CR 05/8 CR 5/8 P t - 1 E - L F N L 5/8 1/3 3/8 W 0 1/3 N L W 5/8 W 5/8 CR 5/8 N L 1/3 0000 0 E - 0 1/3 2/3 1 V T N L E 2/3 5/8 1/8 1/3 V L L F 5/8 W 5/8 0 1/3 0 5/8 05/8 1/3 CR 3/8 1/8 1 - 1/8 5/8 CR - L F 7/8 CR 1 N 0 N L 0 E L F - 5/8 E 0 0 2/3 1 CR E j 05/8 7/8 5/8 CR CR E - 0 - 5/8 N N L N L 1 R 1 N L 0 j 1/3 2/3 1 V T N L W 1/3 N L 5/8 CR 1/3 - 3/8 1/3 000 L F 1 † N L 0 E - 0 N L 05/8 CR 5/8 E L F 1/3 2/3 V T E 0003/8 E - 0 CR E 0 0 N L 1 - N L 05/8 1 N L 05/8 CR L F E 3/8 5/8 17/8 N L 05/8 H T CR 1 H T 5/8 CR N L R s 000 E - 5/8 E L F 1/3 " 0 113/8 - 5/8 E 0 0 2/3 1 CR " 2/3 V T 7/8 7/8 5/8 CR W 0 E 1/8 0 W 1 V T 0003/8 2/3 5/8 1/3 2/3 E N L W E 3/8 5/8 CR j 5/8 1/3 L F 5/8 N 05/8 - N L 1/3 0001 - 0 W 5/8 L F N L 2/3 1 V T - 3/8 1/3 CR R s 17/8 R 1 N L 0 j P t f i 5/8 V T - 3/8 5/8 CR L F N L 1/3 - 3/8 7/8 CR 1 N 0 - 1/8 1 N L N L N L 0 1/3 N L 05/8 W 1/3 - N L L F N L 1 CR 5/8 L F 5/8 CR 0 5/8 N L 05/8 CR E 0 0 N L N L 1 1/8 0 1/3 - 05/8 N L 0 1/3 N L 2/3 1 CR 3/8 5/8 CR 3/8 5/8 H T 5/8 - 3/8 E - 0 1 - W 05/8 CR 5/8 N L 05/8 0 1 V L L F 5/8 W 1 V T 0003/8 2/3 5/8 P t f f 0 E L F E L F W 0 1/3 N L W 5/8 1/8 1/3 N 05/8 V T H T W E N L 0 1/3 N L N L 05/8 - 11/3 CR 3/8 N 05/8 5/8 N L E - 0 1/3 - 3/8 W 5/8 ' CR 5/8 0001 1 0 0 E - 0 7/8 1 CR W 1/3 CR 3/8 N L 1 R s 1 V T CR 1/8 1 N 0 N 05/8 - N L L F P t

Mr. Pettee to Ms. Crowley – That little sliver that is depicted as a conservation easement on the west side (Lot 1). Is the Conservation Board happy with the way that's shown now?

Ms. Crowley – No. Doing a 15 ft buffer like that doesn't preserve any natural resource. What we talked to Scott about and like a said, this is the solution that we came up with, is we were fine with eliminating that sliver knowing that you have setbacks for both of those properties. As a town resident, I don't know if I would want to put my house right next to whatever the neighbor

has right over the property line. We also talked to Scott moving this one house back further (Lot 7). I think elevation begins to limit what you can do here. But what we talked about is we were fine with whatever was going to happen to this area. Back in here and the whole wetland limit is the natural resource that you're trying to preserve on that property.

I also know there has been concern about culvertizing this and will we have a large enough culvert for this water that comes from across the road and I'm sure the Town Engineer and the applicant will work that out. Any other questions? Thank you.

Chairman Santoro asked for any other comments.

Mr. Pettee – We did provide an updated comment letter dated July 20, 2018. I'm not going to go through all of the comments but there were several comments that have been addressed, there are several in the process of being addressed. At this point, we feel that as the Town Engineer we would be fine if the Planning Board wanted to go through SEQR Parts 2 & 3 and if the Planning Board desired to entertain a resolution, we would be fine with that as long as there were conditions applied to that resolution. One of which being any outstanding comments left in our letter be addressed. If you'd like, I'm ready to go through Part 2 of the EAF, I don't think it'll be too time consuming.

Chairman Santoro asked the Board members if they'd like to go through the SEQR and the Board decided yes.

Mr. Pettee started the review of the SEQR:

Mr. Pettee – This is an unlisted action, it doesn't meet the threshold for a Type 1 Action. It required at a minimum a short EAF. The applicant did fill out a long form which is fine, it's certainly a good tool to use in reviewing a subdivision application even if it's not a Type 1 Action.

1. Impact on Land – Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.
 - The answer is yes however all of the sub-questions I checked no or small impact may occur. There wasn't anything there that caused me to be concerned enough that there would be a moderate to large impact on the land.
2. Impact on geological features – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.
 - I checked no in this regard
3. Impact on surface water – The proposed action may affect one or more wetlands or other surface water bodies.
 - I checked yes. Although there is some affect to an NWI wetland. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. So even though there is some impact to the wetland, it's not rising to a level that would be moderate to large. The same with all of the rest of those under this question. If you'd like we can go to the on line guidance that DEC provides but I'm pretty confident that these would be ok. *The Board was fine with the answer/explanation.*

Ms. Crowley – So one of the things that is noted on this map is that there is the potential for some fill on Lot 7. Where do you address that in the Part 2?

Mr. Pettee – The impact of the fill....

Ms. Crowley - ...it's a small area 'today'. Then the question is if it turns into something more than that, do we have to go back through the SEQR again?

Mr. Pettee – Do you mean if a potential subsequent development is proposed?

Ms. Crowley – If the placement of the house changes and you want to fill more of that area because that is also something that we discussed.

Mr. Pettee – That's an interesting question, I'm glad you brought that up. I think for the purpose of what's shown, what's been depicted and is proposed today, we could continue as we are here. But if for some reason it changes, maybe at the time a building permit is applied for, they could take a look to see if there is a change with what they are proposing with their building permit application versus what was reviewed and approved.

Ms. Crowley – Then mitigation is required.

Mr. Pettee – Yes, that's a great point, thanks for bringing that up.

4. Impact on groundwater – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.
 - We've indicated no. There are sanitary sewers and they are connecting to them.
5. Impact on flooding – The proposed action may result in development on lands subject to flooding.
 - In the office I was considering whether or not I should check no. However, when I was reading the guidance I ended up checking yes because they're doing some work within the stream channel.

Mr. Logan – Does a stream even run onto the property? Would it have a floodplain?

Mr. Pettee – The action may or result in or require modification of existing drainage patterns.

Mr. Logan asked Mr. Pettee if there was a blue stream on the map. Is there even a floodplain on the site? Mr. Pettee will research this.

Mr. DeHollander - Al (Benedict) made a determination that it was an intermittent stream. It's Zone C and there is no floodplain.

Mr. Pettee to Mr. Logan – Since we don't have a floodplain perhaps no should be checked.

Mr. Logan – There are some drainage patterns but it has nothing to do with a regulated stream.

Mr. Pettee checked no for the impact on flooding.

6. Impacts on air – The proposed action may include a state regulated air emission source.
 - We've indicated no.
7. Impact on plants and animals – The proposed action may result in a loss of flora or fauna.
 - Although yes was checked, no or small impact may occur has been checked on all of the subsequent questions. There are no endangered or threatened wildlife species identified based on the NYS resources. Although there's going to be some vegetation taken out, it's going to be somewhat of a loss but not significant.

Mr. Logan – Do the bats play into this? If he's going to be clearing trees, you have to comply with State regulations on when he can do that. It may be small as long as the clearing is done prior to March 1st or April 1st or whenever the bats come out and start nesting. Then you can't take them down until the end of October. It's the long eared bat and it's very disruptive when planning projects that require removal of trees bigger than 3 or 4 inches.

Mr. Pettee – I should know the answer to that because my colleague who sits across from me at work deals with bats all of the time. So I'll find that out.

8. Impact on agricultural resources – The proposed action may impact agricultural resources.
 - The answer here is no
9. Impact on aesthetic resources – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.
 - No has been indicated.
10. Impact on historic and archeological resources – The proposed action may occur in or adjacent to a historic or archaeological resource.
 - The answer is no

Mr. Pettee – For Kate's benefit, if you feel there is something that you have a question on, please feel free to speak up.

11. Impact on open space and recreation – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
 - The answer is no
12. Impact on critical environmental areas – The proposed action may be located within or adjacent to a critical environmental area.
 - We checked no, there are no critical environmental areas in the Town of Victor per DEC's definition.
13. Impact on transportation – The proposed action may result in a change to existing transportation systems.
 - The answer is no.

14. Impact on energy – The proposed action may cause an increase in the use of any form of energy.
 - Yes there is some impact on energy but very small.
15. Impact on noise, odor, and light – The proposed action may result in an increase in noise, odors, or outdoor lighting.
 - We've indicated no
16. Impact on human health – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.
 - We've indicated no
17. Consistency with community plans – The proposed action is not consistent with adopted land use plans.
 - We've indicated no because it fits the zoning.
18. Consistency with community character – The proposed project is inconsistent with the existing community character.
 - We've indicated no as the project generally is consistent with the community character.

Part 3 is very short and we've indicated:

The Town of Victor Planning Board has evaluated the Action and the Long Environmental Assessment Form using the criteria for determining significance identified in 6 NYCRR Section 617.7 (c)(1) and in accordance with 6 NYCRR Section 617.7 (c)(2) and (3), and the Town of Victor Planning Board hereby determines there are no significant adverse environmental impacts anticipated as a result of the proposed Action.

This is just draft for your consideration. We did hand out a resolution for your consideration tonight which includes the SEQR language for the Negative Declaration as well as provide conditional approval of the preliminary subdivision plan. *Mr. Pettee gave Mr. DeHollander a copy of the resolution.*

Mr. DeHollander – I just have one comment on the bats if it's appropriate. It looks like clearing less than an acre is not restricted to the dates. There is no bulk clearing proposed by our project. Our expectation is that each lot would be cleared as the building permits are pulled. There will be no mass grading or clearing.

Mr. Logan – It's just if you are taking trees down, it doesn't matter how few trees, I think you still have to be within a certain time period to remove them because you see that all the time, even on our transportation projects, if it's just a bridge footprint, you're talking one-quarter acre or less, you still have to take care not to remove trees after a certain period of time.

Mr. DeHollander – Okay Joe, I respect that, I was just reading from the NRCS.

Mr. Logan – I was just looking for you to not get into trouble as you are clearing pieces. I'm not saying it affects your application one bit. It's just how it works within SEQR.

Mr. Gallina – Does it only have to be in a tree where they are nesting?

Mr. Logan- If you're going to clear a lot or an acre, you have to do a bat survey to see if they are actually nesting in there because you don't want to affect them.

Mr. Pettee – I think there is a certain species of trees they are attracted to for nesting. I think it might be the shag bark hickory. I'll ask Cathy Spencer in our office.

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

RESOLUTION

On motion made by Joe Logan, seconded by Rich Seiter

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on May 17, 2018 by the Secretary of the Planning Board for a Preliminary Subdivision entitled Scout Reserve Subdivision, requesting to subdivide approximately 28.72-acres into seven (7) residential lots within the Town's R-2 Zoning District.
2. The Sketch Plan for the Scout Reserve Subdivision was deemed complete by resolution of the Planning Board on January 9, 2018.
3. Each proposed lot is depicted to have the required minimum frontage of 100-feet on a public road, as required by the R-2 Zoning District.
4. Part E, Section V of the applicant's Preliminary Engineering Report refers to preserving the future development of Lot 2, and LaBella Associates noted in their June 22, 2018 letter that "the proposed shared driveway appears to be positioned for future expansion". The applicant indicates in their June 23, 2018 letter that "The decision to pursue a future subdivision of lot 2 will be made based on the success and feedback of the initial frontage project".
5. A public hearing was duly called for, and notification was published in "The Daily Messenger", and whereby all property owners within 500-feet of the subject parcel were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
6. The Planning Board opened a public hearing on June 26, 2018, and continued the public hearing on July 10, 2018 during which time the public was afforded the opportunity to provide comments on the proposed subdivision application.
7. The Conservation Board reviewed the project on June 19, 2018 and suggested the limits of disturbance be clearly marked on the subdivision plan. On July 17, 2018, the Conservation Board reviewed the location of the conservation easements to be shown on the preliminary plan and also reviewed the draft conservation easement language.

8. The Town Engineer, LaBella Associates, has provided a comment letter dated June 22, 2018 and an update letter dated July 20, 2018 that indicates various items need to be addressed before final approval.
9. The application was referred to the Ontario County Planning Board under Section 239-n of the General Municipal Law.
10. On June 13, 2018, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
11. The Parks and Recreation Department reviewed the plans on June 8, 2018 and asked for clarification regarding the open space.
12. Pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.
13. The application was deemed to be an Unlisted Action pursuant to NYCRR, Part 617 of the State Environmental Quality Review Act regulations.

WHEREAS, the Town of Victor Planning Board, as Lead Agency, has comprehensively reviewed and considered Part 1 of the Environmental Assessment Form, application materials, public comments and environmental record concerning the Proposed Action, as well as completed the applicable Parts 2 and 3 of the Environmental Assessment Form and identified no significant impacts; there for, be it

RESOLVED, that no potential significant adverse environmental impacts were identified with the proposed action using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and the Town of Victor Planning Board hereby finds and concludes that the Proposed Action will not present a potential significant adverse environmental impact and hereby issues a Negative Declaration for the Scout Reserve Subdivision; and,

BE IT RESOLVED that the preliminary subdivision application of DeHollander Design Inc, Major Subdivision entitled Scout Reserve Subdivision, drawn by DeHollander Design, Sheets 1 through 3, Project 118, dated April 2018, last revised July 15, 2018, Planning Board Application No. 1-PS-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the preliminary 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.
2. That the comments in a letter dated June 22, 2018, and July 20, 2018 from LaBella

Associates be addressed.

3. That the comments in a letter dated June 22, 2018 from Code Enforcement Officer be addressed.
4. That the comments in a letter dated May 21, 2018 from the Coordinated Fire Service Review be addressed.
5. That the comments in a letter from the Director of Parks & Recreation dated June 8, 2018 be addressed.
6. That the comments in a memo from the Highway Department dated May 24, 2018 be addressed.
7. That the conservation easements be clearly labeled on the preliminary plan as to the type of easement.
8. That the preliminary plans show the placement and type of conservation easement markers.
9. That the conservation easement on the west side of Lot 1 be no less than 15 ft wide.

DISCUSSION

Conversation took place regarding #9.

Mr. Pettee – Maybe we should ask Scott if he'll be comfortable with #9 reading *no less than 15 ft wide*. Mr. DeHollander agreed.

CONTINUED

10. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Construction Standards be met.

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

1. That the major subdivision comply with Town of Victor Design and Construction Standard Land Development, including Section 4.
2. That 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.

AND, BE IT FURTHER RESOLVED, that the Planning Board makes no assurances or guarantees of the future ability to further subdivide Lot 2, and that any future subdivision of Lot

2 would require the submission of a new subdivision application and would also be required to undergo a separate and distinct environmental review pursuant to the State Environmental Quality Review Act.

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

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

Approved 5 Ayes, 0 Nays

Mr. Logan to Mr. DeHollander – I have a quick question not related to this particular application but in a future sense, you had those 3 houses along CR 9. The subdivision that has already been approved has a loop driveway into it and what you're showing you have to cross that in an odd spot on that driveway. Have you worked through any of that with the developer for that piece?

Mr. DeHollander – No but I'll be reaching out to do that. We're focused on this right now.

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

Cathy Templar, Secretary