

A regular meeting of the Town of Victor Planning Board was held on August 14, 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, Rich Seiter

ABSENT: Al Gallina

OTHERS: Wes Pettee, Town Engineer Consultant; Cathy Templar, Secretary; Councilman Mike Guinan, Town Board Liaison; David Nankin, Alan Bishop, Lee Wagar, Daniela Qualdieri, Fred Edmunds, Pat Ronell, Spencer Read, Conor Gallagher, Patty & Kyle Nota, Amy Holmes, Frank DiFelice, Dan Duprey

### **APPROVAL OF MINUTES**

On motion of Heather Zollo, seconded by Rich Seiter

RESOLVED that the minutes of June 26, 2018 be approved.

Ernie Santoro	Aye
Joe Logan	Absent at the 6/26 meeting
Heather Zollo	Aye
Al Gallina	Absent
Rich Seiter	Aye

Approved 3 Ayes, 0 Nays

*July 10, 2018 Planning Board minutes could not be approved due to not having the required quorum present that were at that meeting. This will be tabled until the August 28<sup>th</sup> meeting.*

On motion of Joe Logan, seconded by Heather Zollo

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

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

Approved 4 Ayes, 0 Nays

The legal notice for the public hearings appeared in "The Daily Messenger". Post Cards were mailed to property owners within a minimum of 500 ft from location of each application along with "Under Review" signs being posted on the subject's parcels.

**BOARDS & COMMITTEE UPDATES**

Planning Board reported by Cathy Templar

- August 28, 2018 meeting
  - Public Hearings
    - Randy Raetz located at 7160 Gillis Rd is requesting to construct a 1416 sf barn and is located in the Limited Development District.
  - Informal Discussion
    - Piper Meadows Subdivision – Applicant is proposing to combine 860 & 870 High Street for for-sale townhouses and single family homes.

**PUBLIC HEARING**

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

**QUALDIERI POOL**

7605 Arbor Glen

Appl No 19-SP-18

Owner – Richard & Daniela Qualdieri

Acres – 3.40

Zoned – Limited Development District

SBL # 6.01-2-13.000

Applicant is requesting approval to construct a 34'x16' in-ground pool and because they are located in the Limited Development District this would require Planning Board approval.

Ms. Daniela Qualdieri addressed the Board.

Ms. Qualdieri – We just purchased the home in December and are looking to put in an in-ground pool. I know there was a comment on the silt fence and I did confirm that it is going up.

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

Mr. Logan asked for applicant to point out the location of the pool. It will basically be at the end of the driveway.

**RESOLUTION**

Motion made by Joe Logan, seconded by Heather Zollo

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

1. A site plan application was received on July 19, 2018 by the Secretary of the Planning Board for Daniela Qualdieri.
2. It is the intent of the applicant to construct a 34' x 16' inground pool in the Limited Development District.
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 August 14, 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 August 7, 2018 and recommended a silt fence be installed during construction.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 14, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Qualdieri pool will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Daniela Qualdieri, entitled Qualdieri Pool, received by the Planning Board Secretary July 19, 2018, Planning Board Application No. 19-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated August 3, 2018 be addressed.
2. That a building permit from the Building Dept. be obtained before construction begins.
3. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
4. 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 Secretary distribute the Planning Board's approval letter.

Ernie Santoro           Aye  
Joe Logan                Aye

Heather Zollo	Aye
Al Gallina	Absent
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays

**FRED EDMUNDS – DECK**

7745 Peepers Hollow

Appl No 13-SP-18

Owners – Fredrick & Peggy Edmunds

Acres – 2.20

Zoned – Limited Development District

SBL # 6.01-1-16.000

Applicant is requesting to construct a 108 sf deck to be located off of the second floor of existing house and because this is located in the Limited Development District it requires Planning Board approval.

Mr. Fred Edmunds addressed the Board.

Mr. Edmunds – Good evening. I would like to build a deck off of the back of the house. There has been an amendment since the original application. I've been leaned on by friends and even the Conservation Board and my wife to put in stairs to access the lower deck. So in consideration of their appeals, I think I'd like to put that before the Board as well and I think that you've received that.

Also, originally it was going to be 10 ft wide and again it was suggested that I shouldn't cut myself too short and so I extended that to about 12 ft. It's really not going to make a big impact but I think you should know.

Chairman Santoro asked for public comments and there were none.

Ms. Zollo – I just wondered which direction your stairs would go.

Mr. Edmunds – I had my builder who is a very close friend of mine and a former commercial builder and he was suggesting that we bring it off the side, the end of it. Or we had the thought to wrap it around to come off and land on the other deck.

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

RESOLUTION

On motion made by Rich Seiter, seconded by Joe Logan

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

1. A site plan application was received on June 19, 2018 by the Secretary of the Planning Board.
2. It is the intent of the applicant to construct a 170 sf +/- elevated deck with stairs accessing to backyard.
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 August 14, 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 July 10, 2018 and stated there were no concerns with the information provided.
7. The Code Enforcement Officer reviewed the application June 25, 2018 and July 12, 2018 and have no further comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 14, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Edmunds Deck will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Fred Edmunds entitled Edmunds Deck, received by the Planning Board June 19, 2018, Planning Board Application No. 13-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That a building permit be obtained before construction begins.

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	Absent
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays

**FINGER LAKES RADIO GROUP – CROWN CASTLE**

90 Baker Rd

Appl No 17-SP-18

Owner – Pinnacle Towers Inc

Acres – .90

Zoned – Residential

SBL # 1.02-1-24.000

Applicant is requesting to replace an abandoned antenna with a small FM transmitting antenna. The tower is located on Baker Road and is owned by Pinnacle Towers Inc.

Mr. Alan Bishop from Rushville, NY addressed the Board.

Mr. Bishop – I own the Finger Lakes Radio Group, we have a radio station in Canandaigua, WCGR and the Federal Communication has given us a construction permit for a new FM frequency at that location on Baker Road. I'm currently negotiating one last point for the lease with Crown Castle also known as Pinnacle Towers to replace an existing antenna that has been abandoned, I think it was a 2A antenna with a much lighter FM broadcasting antenna to the point that they felt that no structural was needed because it was much lighter than the existing antenna. We'll be putting our equipment inside their existing building so no electric will be needed or anything like that.

Chairman Santoro asked for public comments and there were none. A motion to close the public hearing was made by Joe Logan, seconded by Rich Seiter. The public hearing was closed.

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

Chairman Santoro – It's just going to replace something that is already there with something different.

Mr. Bishop – Correct

**RESOLUTION**

On motion made by Joe Logan, seconded by Heather Zollo

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

1. A Site Plan and Special Use application were received on July 13, 2018 by the Secretary of the Planning Board entitled Finger Lakes Radio Group.

2. Applicant is requesting approval to replace an abandoned antenna with a small FM transmitting antenna.
3. The Town of Victor Planning Board reviewed the Type II Action on August 14, 2018 and identified no significant impacts.
4. 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 and an Under Review sign was posted.
5. The Planning Board held a public hearing on August 14, 2018 at which time the public was invited to speak on their application.
6. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On August 8, 2018 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
9. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
10. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of The Finger Lakes Radio Group, Inc., project located at 90 Baker Road received by the Planning Board July 13, 2018, Planning Board Site Plan Application No. 17-SP-18 and Special Use Application No. 4-SU-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated August 3, 2018 be addressed.

**Ongoing conditions:**

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

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	Absent
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays

### **SONG HILL WINERY**

521 County Rd 9  
Appl No 16-SP-18  
Owner – Rocco Sacco  
Acres – 23  
Zoned- Residential  
SBL # 7.02-1-79.000

Applicant is requesting approval to hold festivals up to 4 times per year in order to direct market their agricultural products to the public. The events would take place outdoors seasonally between hours of noon to 7pm and limited to 100 people or less.

Mr. Conor Gallagher from Phelps, NY addressed the Board.

Mr. Gallagher – I lease a portion of my Grandfather’s property at 521 CR 9, my Grandfather resides on the property. I lease a portion where I have a “license to farm” winery. I’ve submitted a site plan in order for us to be able to have small festivals seasonally, up to 4 times a year. It would take place only during daylight hours. It would be outdoors, there would be no tents although we will be setting up bistro tables. It would be more like an intimate gathering type of an event where we would serve appetizers and have samplings of our wines. So I’m requesting approval also to at times, have live music. This was something that I cleared up with one of my neighbors on the live music. The purpose of the music itself is really to create ambiance, we’re not marketing musical performances or selling admittance to a concert type venue. So the goal of the music is for people to be able to sit at a bistro table nearby and have a conversation. It would absolutely comply, as the Code Enforcement Officer pointed out, with the Town’s noise ordinance. Any questions?

Chairman Santoro asked for public comments.

Patti Coda from 6705 Song Hill Lane – On the card that we received in the mail (*referring to the postcard mailed out by the Planning Secretary informing neighbors within 500 ft of the application*) are you expecting 100 people or parking for 100 cars? What was the anticipated amount of people at each festival?

Mr. Gallagher – My request for the festival is to be limited to 100 people and that’s not at one time, that’s for the entirety of the event. The way that we would be monitoring that is through RSVP and we would cut off, I spoke to the Code Enforcement Officer about this as well, we

would cut it off around 75 or 80 or so to leave some room for unannounced people to show up. But the way that it comes into our property, we're going to have a couple of people set up for valet parking and once we reach that point, they'll be keeping track of the number of people who are attending, once we reach close to 100 people, we would be turning people away.

Ms. Coda – My other question is also in regards to parking. Have you thought about if some people don't park at the facility, how would you or could you enforce if they try to park on the neighborhood street, in the circle since it's a small street. Is there a way for you to enforce the parking?

Mr. Gallagher – I guess I don't know how to address that. One of the reasons why when I opened up the winery, just by way of history, there's two addresses right now for the property and one of them is on your street, 6717 Song Hill Lane. When my Grandparents sold the portion of the property that became the neighborhood, the Song Hill Manor, they moved their mailbox onto Song Hill Lane and no longer utilized the CR 9 address, it was just a lot less traffic for them to get their mail. When I opened up the winery, I reopened with the post office and the town that address on CR 9 so that I could have a separate address for the winery. So the hope is that the people come in thru that address and not thru the neighborhood. That's the main reason why I opened it so that I would not have any of our activities going thru that neighborhood.

I had spoken with the Code Enforcement Officer about putting a temporary sign up on Song Hill Lane directing people to turn into the driveway.... that way if they are going down that driveway..... but I don't know in terms of street parking. I wouldn't think that was logical because the area where the festivities are, it would be quite a walk for them to get there. I don't even know because of the tree line down Song Hill Lane that it would even be visible. So I would hope that people are not parking there. It wouldn't make sense to me.

Ms. Coda – Are you charging for parking?

Mr. Gallagher – We will be charging an admitting fee for people to come into the event as a whole. But we're not charging for parking. So if they parked on that road, they would have to pay the same amount of money as if they took our valet parking.

Chairman Santoro – We have in our resolution for tonight, a condition to address that issue.

Ms. Coda – Thank you, I have no more questions.

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

Chairman Santoro asked the Board for comments.

Chairman Santoro – The area indicated for parking, what is the capacity?

Mr. Gallagher – I would be guessing because I've never had that many cars there, but it is more than one-half acre. I would say that it could easily hold 75 cars and none of them would be

double parked, we would have room for at least 5 rows of 15 cars and none of them would be double parked. This is something that I spoke with the Fire Marshal about, that we're not double parking cars so they will be able to get out without having to move any other vehicles. I would think that we could easily hold 75 and possibly more.

Chairman Santoro – Did you see the comments from the Fire Dept? (Yes) He mentioned the grassy field.

Mr. Gallagher – I responded to that and part of that was my fault in the communication. I think labeling it as a grassy field was incorrect or inaccurate. It used to be a horse pasture. Since then, the fences have been take down and it is now lawn. We mow it regularly like we do the rest of the lawn on the property. So it's not like someone would be driving over 8" of grass and it's not like we would mow it down just before the event and there would be a bunch of dried grass that had just been mowed. I spoke with him directly about that and the other thing too is that both of the barns on our property have spigots and we have hoses that easily can reach the entirety of that area. So if it were a situation where it was extremely dry as you pointed out, we could water down the lawn the night before and the morning of to make sure there was no issue. I also pointed out when I discussed this with the Fire Marshal that it is weather dependent. So if it were extremely hot, like approaching the 100's, we would likely cancel or reschedule the event.

Chairman Santoro – Do you have any plan to control the people from wandering off your property and onto adjoining properties?

Mr. Gallagher – Our property is kind of wooded in and the area where the festival is, is contained. There are some fences nearby that have horse paddocks and stuff. I think it would be highly unlikely just based on our setup, it's pretty tight. It's got the barns on a triangle, it's got a whole bunch of woods. There really wouldn't be a rationale for people to leave that area. I don't know if I can say that I have a plan but it doesn't.....I guess it didn't occur to me because it doesn't seem to make sense based on the layout.

Chairman Santoro – How many valets would you have?

Mr. Gallagher – It would really depend on the RSVPs but if we were approaching 100 people or approaching the 75 limit or whatever that RSVP'd, then I would ramp up to 6 or 8.

Chairman Santoro – Did you give them any instruction to watch the people and make sure they go where they supposed to go?

Mr. Gallagher – I can absolutely do that. It's really mostly family that have staffed this winery and my Grandfather in particular doesn't want people wandering up by his house. So that's something that all of us will be there staffing the event, we'll be making sure that people aren't kind of wandering around towards any of the houses around the area and that they understand that this is kind of the area where the event is taking place.

Chairman Santoro – Will the music be amplified or acoustic?

Mr. Gallagher – It may be but as I said not loudly. The whole goal is to create ambiance, not to be like a concert type venue. So we wouldn't want it to be a situation where it would be loud enough to interrupt people's conversations. The idea is for people to come, hang out, enjoy the scenery, enjoy the food and our wines in a relaxed atmosphere. So it may be amplified. I have two very close friends who are professional musicians, they are classical trumpeter and pianist. I believe that one of them would bring a keyboard and that would have to be amplified but the trumpet wouldn't be.

Chairman Santoro – Would they be outside or inside? (Outside) And you said up to 4 per year. How many days each?

Mr. Gallagher – I would say no more than 2 consecutive days. I'm requesting permission for that just to have the flexibility in case we have weather related issues and something gets cut short to be able to finish it off the next day. But I don't really have plans at the moment to have them back to back days. In my mind, these are kind of one day events but I would like to have the flexibility so if we had to cancel it on a Saturday, we could move it to Sunday, that kind of thing.

Chairman Santoro – So it would be on a weekend? (Yes) Anyone else have questions?

Mr. Logan – I was looking at the aerial and the discussion on the parking on grass. Locust Hill for a long time had plenty of parking off site on people's yards and things like that in a similar situation. When you have rain events or wet times, cars go up to their axels and get stuck. They ended up improving those areas with gravel and making it more durable. How do you know that you won't experience the same problem having been a horse paddock?

Mr. Gallagher – We've parked on it before for family events so I know that it can be. But on a day like today (*experiencing an incredible amount of rain throughout the day*) it would be canceled. And, quite possibly if this happened the day before the event, this type of rain, it's quite possible we would cancel it. If that parking area isn't parkable, then we're canceling and rescheduling the event.

Mr. Logan – I get concerned because people would look to park along CR 9 which is a County issue and I don't believe there is permitted parking along CR 9.

Mr. Gallagher – There shouldn't be any reason why cars are parking.....it would be very dangerous, it's a 55 mph speed limit. Although I think there are people from the Song Hill Manor who have been pushing the Town Board to get that speed reduced but there should be absolutely no reason why anyone would park on CR 9. There are also 2 other former horse paddocks, they are still fenced in but they have a gate that is car accessible. They are also mowed as lawns so if we absolutely needed to, we could add them. They are kind of south if you're looking at the picture of the parking area (*referring to the overhead screen*) it would be south across the drive from that. There are 2 other paddocks there that are regularly mowed and maintained. So if we really needed an overflow. As I said, capping the event to 100 people, I don't foresee the need that we'll have any parking issues.

Chairman Santoro – How are you going to get these RSVPs? Are you going to advertise? Do you have a list?

Mr. Gallagher – I have a newsletter list already and on any flyer that we produce, it would say please RSVP. It's really imperative for us to do it because we prepare the food ahead of time. We would need to know, we can't prepare the food for 30 people and have 50 people show up, that would be very bad from a business standpoint. So we really need the RSVPs to happen within a certain margin of error.

Ms. Zollo – So would you do digital responses? You have an email list?

Mr. Gallagher – Email, yes. We have a facebook page for the winery so people could respond to the facebook. I get messages through facebook from customers so I could accept reservations that way. Phone calls, I have the winery's phone number on all of correspondence.

Mr. Seiter – How would you handle any overflow? A friend brought a friend....you have more people than you expected.

Mr. Gallagher – That's why we would cut it off at 75 for reservations to give us some flexibility to that. But once we hit a certain point. As I said, the valet people would be keeping track of how many people. If we reach the point of outstanding reservations but there are already 20 people overflowed, then there would be no allowed overflow after that. So if someone showed up and said they had 3 more friends with them, we would tell them sorry we don't have room.

Mr. Seiter – The parking would be limited to the field and not the internal drive?

Mr. Gallagher – Correct, that was another thing that I talked to the Fire Marshal about. The way the festival is structured, that drive will always be open.

Chairman Santoro asked for any other comments.

Ms. Amy Holmes from 6701 Song Hill Lane – My first question is are any of the parking that you have, will any of those cars in that parked area be visible to any of the neighbors on Song Hill? In other words, my house and my yard looks to this particular property over the white fence and it's a big green field area before your Grandfather's house. Is that the parking you're speaking about or is it tucked behind the trees?

Mr. Gallagher – Tucked behind...you know where the drainage ponds are on the property, the wetlands?

Ms. Holmes – Yes where it starts to get grassy.

Mr. Gallagher – Yes, they're going to be behind the wooded area. I actually had a photograph but it didn't get to Cathy (Templar), I think it was too big. *Mr. Gallagher had a photo on his phone that he was showing the Board members.* So this is a photograph of a staged car in the area.....

Ms. Holmes - ....Would you be able to show us where the parking is?

*Mr. Gallagher showed Ms. Holmes the photo on his phone. Then was asked to point out the area on the overhead screen.*

Ms. Holms – That’s very helpful, thank you. I have a couple other questions. When would the valet be instructing folks to leave via the driveway that is coming out onto Song Hill, is that how they would exit? (Yes) So in off of CR 9 and exit off of Song Hill and out, right? (Yes) And would the neighborhood be getting an advance notice of the dates?

Mr. Gallagher – Yes, absolutely.

Ms. Holms – And we may or may not be on your mailing list. That being said, we would be notified but....

Mr. Gallagher – There’s a gentleman by the name of Brad Harr, if you know him (Yes), he coordinates all contact with the neighborhood and I’m close to him and he usually keeps everybody informed.

Ms. Holms – My last question would be, are you intending to schedule this around a holiday?

Mr. Gallagher – I would try not to, that would be my goal.

Ms. Holms – That’s really helpful, thanks.

Ms. Patti Coda – My last question, the way the festival is structured, when it ends, is it the type of festival where people will be coming in/out all day or do you think it would end at 7:00 and there would be 100 people trying to leave at the same time?

Mr. Gallagher – No, I think they will be coming/going throughout the event. Also to note, I’ve asked for the hour’s noon to 7:00 pm to give me some flexibility. I don’t anticipate it being that long. 7 hours is a long time for me to staff and working an event like this on the weekend. I anticipate it will be shorter but I wanted to give myself some flexibility so that I could do it from noon to 4:00 or from 4:00 to 7:00, that kind of thing.

Ms. Coda – Thank you

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

### RESOLUTION

On motion made by Joe Logan, seconded by Heather Zollo

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

1. A site plan application was received on July 11, 2018 by the Secretary of the Planning Board for Song Hill Winery Farm Festival.
2. It is the intent of the applicant to hold festivals up to 4 times per year in order to direct market their agricultural products to the public. The events would take place outdoors seasonally between hours of noon to 7pm and limited to 100 people or less.
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 August 14, 2018 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action under the NYS 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 August 7, 2018 and questioned how the ponds & wetlands would be protected from pedestrian and vehicular traffic and debris.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On August 8, 2018 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. The Use Variance that was approved on May 6, 2013 was rescinded by the Zoning Board of Appeals on June 18, 2018.
9. The Codes Dept reviewed the project and forwarded comments dated July 17, 2018 to be adhered to.
10. There was a Coordinated Fire Service Site Plan Review on August 7, 2018 with comments forwarded. On August 10, 2018 stated that all comments had been addressed.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 14, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Song Hill Winery Farm Festival will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Conor Gallagher, entitled Song Hill Winery Farm Festival, received by the Planning Board Secretary July 11, 2018, Planning Board Application No. 16-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That hours of festival would not go beyond 7:00 pm.

2. That the site plan approval will be for one (1) year and will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10 day period.
3. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
4. That any temporary signage be removed from the site entrance during non-business hours and shall not be placed within the right of way per Town Code.
5. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
6. The proposed use conforms to all applicable regulations in the district which it is located.
7. There shall be no on street parking during the events.

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

DISCUSSION:

Mr. Logan – Before we do the motion I have a question on #6 *The proposed use will not cause substantial injury to the value of other property in the neighborhood.* How do we do that?

Chairman Santoro – I don't know how we would do that either.

Mr. Logan – It's not a practical requirement. We have a year to evaluate it, if there are complaints. If something happened that people would not want to be in that neighborhood any longer, I can imagine that would be a big complaint.

Chairman Santoro – Do you want to take it out then?

Mr. Logan – I would just as soon take it out. It's not something that you can enforce.

Chairman Santoro asked the rest of the Board members and they were in agreement.

Mr. Logan – I'd rather not put something in even setting precedent that you can't enforce. So I would take that condition out.

*The motion continued with the amended resolution.*

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

Rich Seiter                      Aye

Approved 4 Ayes, 0 Nays

Mr. Gallagher – Just a follow up question. So 1 year from now I would need to come back to renew. What is the process for that? Do I prepare the same package all over again? Is there a streamline process for renewal?

Ms. Templar stated that she would contact him and let him know the process.

Mr. Logan – I would suggest that we would like a little report on how successful you have been and how the events had gone. I'm sure we'll hear from the neighbors one way or another.

Mr. Gallagher – The only thing, I've requested up to 4 events, I don't think I'll be doing 4 over the next year. So it won't be the same as if I'd done 4 throughout the year.

Chairman Santoro –We like to review these after a year with new applications. If there has been no issues, it's a possibility that the next time you come in, it might get a longer period with that special use.

Mr. Logan- You don't have to do this every year if things are going well.

Mr. Gallagher – Okay, thank you.

## **DECISION**

### **VICTOR HEIGHTS PARKWAY - LOT R**

61 Victor Heights Parkway

Appl No 9-SP-18

Owner – DeFelice Lands LLC

Acres – 3.73

Zoned – Light Industrial

SBL # 15.01-1-35.100

Applicant is requesting to construct a 25,592 sf flex building for up to 6 individual tenant spaces to include 5 loading docks. This project was before the Planning Board 6/26.

Spencer Read from Mitchell Design-Build addressed the Board.

Mr. Read – Mr. Frank DiFelice is also here tonight representing the ownership group. As mentioned we were here in June. I think there was one main point in which we were discussing which I'll talk about. We've also received numerous comments back from the reviewing agencies. I wrote a fairly lengthy response letter to address most of those points. You should have received it a week ago. A couple of points, largely the project is unchanged. I will hit on a couple of specific points that we made minor modifications to.

The major issue that we were discussing at the last meeting we attended was the easement that was shown previously kind of going diagonally through the property. We had a lot of discussions. I know Al Benedict was concerned about the actual feasibility of a sewer tie in going through there. After a lot of research by Mr. DiFelice and Kim Kinsella of the Town and so on, it was actually determined that that easement was never an actual formerly filed easement. It was shown on a very, very early application during the subdivision of these properties but subsequently the easement was located in a different location and a copy of that easement was included in my response letter that you should have. So that easement would allow the apartment complex to the west to be able to tie in to the northwest of this property. So there is no easement through this property so that has been removed as part of this revised application. I think that was one of the major Town Engineer comments that we had previously that we were discussing.

A couple of other minor changes that were made. There were numerous comments received from a couple of different agencies, Al Benedict, Conservation Board as well as LaBella. So we revised the stormwater pond to create some flat area between the residential area and the pond and added a continuous row of evergreens through there to provide additional landscape buffer in that area. We tried to respond to the comments about the landscape buffer that way.

Lastly, there were some questions from LaBella regarding a reciprocal access easement between the two properties because the access drive to enter this is technically on the neighboring property. My response to LaBella's comment on that was that both of these properties are owned by the same ownership group so I don't know legally if we can create an easement between ourselves. But I spoke with Mr. DiFelice and we have absolutely no problem working with LaBella and if an easement is required at this point, we'll put one in. If there is a condition that an easement be created at a later date, if there is a sale of property, we'll do that. Whatever LaBella and the attorneys work out, Mr. DiFelice said he'd be happy to oblige.

I can go into more details but that's all of the changes. I'd be happy to answer any questions.

Mr. Logan – I missed the first meeting on this. Wes was filling me in on it. An adjacent easement is used for the septic for Eastview Manor. I did get a chance to review the site plan and I really don't have a problem with this. It's good to have more businesses come in and development so I'm fine with all of the changes and clarifications that you discussed.

There were no other questions. Chairman Santoro asked the public for comments and there were none. A motion to close the public hearing was made by Joe Logan, seconded by Rich Seiter. The public hearing was closed.

## RESOLUTION

On motion made by Rich Seiter, seconded by Heather Zollo

WHEREAS, the Planning Board made the following findings of fact: A site plan application was received on May 22, 2018 by the Secretary of the Planning Board for a Site Plan entitled Victor Heights – Lot R Flex Bldg.

1. It is the intent of the applicant to construct a 25, 592 sf flex building for up to 6 individual tenant spaces to include 5 loading docks.
2. 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.
3. The Planning Board held a public hearing on June 26, 2018 at which time the public was permitted to speak on their application.
4. 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.
5. The Conservation Board reviewed the project on June 19, 2018 and encouraged plantings, trees in the southwest corner of the parcel.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On June 13, 2018 the Ontario County Planning Board returned the 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 Heights Parkway Lot R will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Mitchell Construction Contractors Inc, Site Plan entitled Victor Heights - Lot R, Flex Building drawn by Mitchell Design-Build, Project 17.061, Sheets S000, S100 thru S107 and ES-1.0 dated April 6, 2018, received by the Planning Board May 22, 2018, Revised August 3, 2018 received by the Planning Board August 8, 2018 Planning Board Application No. 9-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 June 26, 2018 from LaBella Associates be addressed.
3. That comments dated June 8, 2018 from Architectural Consultant be addressed.
4. That comments from the Fire Marshal dated May 25, 2018 and July 6, 2018 be addressed.

5. That comments from Code Enforcement Officer dated June 18, 2018 and July 3, 2018 be addressed.
6. That comments dated June 29, 2018 from Landscape Consultant be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. The building design plan shall be consistent with the architectural/landscape details as shown on the details and elevations, entitled Victor Heights Lot R Flex Building Sheet A-200 and A-201 drawn by Mitchell Design-Build dated January 26, 2018 received by the Planning Board May 22, 2018.

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	Absent
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays

**NEW APPLICATION**

**McDONALD'S REVISED SIGN**

7633 SR 96

Appl No 15-SP-18

Owner – Widewaters Route 96 Company III, LLC

Acres – 7.20

Zoned – Commercial

SBL # 6.00-1-16.121

Applicant is requesting approval to add 1 new menu board and 1 new pre-menu board in both drive thru lanes for a total of 4 new boards. Once installed, the existing signage will be removed.

Mr. Pat Rowell with Flexlume Co addressed the Board.

Mr. Rowell – As stated in the application, what McDonald's is looking to do is to replace their existing menu boards on each lane with these new ones, they're almost like television sets is the best I can describe them. Although, the existing boards are 58 sf each and I believe about 7 ft high, just under 7 ft high, the new one will only be 6 ft high and the menu board itself will be only 20 sf and the pre-board will be 10 sf. So we're only talking the total of 30 sf per lane versus the 58 that is currently there. Again, both of these units are driven by electronics from the restaurant with pricing and they change from breakfast to lunch to dinner. As I've seen these, they are pretty much like an LED television set but they are not like an LED message center, they're not bright, we're not talking like a message center.

Chairman Santoro asked for public questions.

Ms. Lee Wager from Beauchamp Way – Can they be made to fix that pothole before they get to replace the sign? I know that it's a silly request but...

Chairman Santoro – I don't know if this gentleman has anything to do with that. I think it's the State that has to do that.

Ms. Wager – Is the entrance a State Road?

Chairman Santoro – Well I don't know which hole but there's one at the entrance.

Chairman Santoro – These are what the proposed signs will look like?

Mr. Rowell – Yes those are the proposed ones. Again, based on the square footage, they both are the dimensions that I gave you so that the menu Board itself is actually two of the pre-boards, that's where you come up with that square footage.

Chairman Santoro asked for any other public comments and there were none. Chairman Santoro asked for a motion to close the public hearing which was made by Joe Logan, seconded by Rich Seiter. The public hearing was closed.

Ms. Zollo – You have 4 existing signs?

Mr. Rowell – No, there's currently 2 menu boards. *Mr. Rowell showed a photo on his phone of what they will look like and described them away from the microphone.*

Ms. Zollo – So you're adding to then.

Mr. Rowell – It does require new foundations because of the electronics being driven into these.

Ms. Zollo – So these will be on the drive before you get to the menu boards?

Mr. Rowell – The pre ones, yes. You should have received a survey of the site showing the locations. Yes, if you're waiting for the customer ahead of you, it would be readable at that point. They are roughly 10 to 15 ft behind the menu board.

Mr. Logan – They are within the same island drive thru. It's not like they are out in front of the building.

Mr. Rowell – They are only visible pretty much from the driver of the vehicle.

Mr. Logan – You'll never know they are there until you're in the drive thru.

Mr. Rowell – They don't face the highway at all, they're in the back of the property.

Ms. Zollo – Then the other one is changeable.

Mr. Rowell – It's all done electronically. The best I can describe it is it looks like a television. They are illuminated but very dull based on the ones that I've seen. They don't light up as bright as the menu boards that are currently there that have fluorescent lights inside of them.

Ms. Zollo – So this one is half the size of the existing?

Mr. Rowell – Less than half. The existing one is 58.50 sf and the new one is 20 sf. The pre-board is 10 sf. So that gives you 30 sf per island where we currently have 58.50 sf per island. So we're reducing the overall footprint of the menu boards.

There were no other questions.

## RESOLUTION

On motion made by Joe Logan, seconded by Rich Seiter

WHEREAS, the Planning Board made the following findings of fact: A site plan application was received on July 9, 2018 by the Secretary of the Planning Board entitled McDonald's Menu Board.

1. It is the intent of the applicant to replace the existing menu boards by adding 4 new boards (2 in each lane) and then removing existing boards.
2. 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 14, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, McDonald's Menu Boards replacement, will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Flexlume, entitled McDonalds’s USA, LLC, drawn by Donna A Elliott Architect, dated March 30, 2018, received by the Planning Board Secretary July 9, 2018, Planning Board Application No. 15-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer dated August 6, 2018 be addressed.
2. That the menu board design shall be consistent with the details as shown in the photos received by the Planning Board July 9, 2018.
3. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
4. ~~That a building sign permit be~~ obtained before the start of construction of new boards or

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

DISCUSSION

Ms. Zollo – Can I just ask a quick question. So you said that these are internally lit, correct?

Mr. Rowell – Yes in the same context that your television is internally illuminated.

Ms. Zollo – Okay so you’re not going to add spot lights or anything like that?

Mr. Rowell – No, it’s just like turning on a TV outdoors. It’s nowhere the brilliance that is currently there now.

Ms. Zollo – Okay thank you.

*The motion continued with the amended resolution.*

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

Approved 4 Ayes, 0 Nays

There were no other discussions.

Motion was made by Joe Logan seconded by Heather Zollo RESOLVED the meeting was adjourned at 8:00 PM.

Cathy Templar, Secretary

