

A regular meeting of the Town of Victor Planning Board was held on September 25, 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 Mike Guinan, Town Board Liaison; Kate Crowley, Conservation Board; Joe Picciotti, Town Attorney; John Nardozi, Lee Wagar, David & Leona Hawkins, Steve Zumbo, David Nankin, Jane Humphrey, George Baker, Carol Anderson, Jeff Knapp, Xuwing Chen, Xuwen Chen, Ken Curry, Amy Kendall, Dale Love, Ed & Norma Halbleib, Jim Bold, Diane Bold, Neil Stein, Chuck Witmer, Jerry Birmingham, Nancy & Gene Pratt, Brian Chappell, Bob Cantwell, James Cretekos, Ruth Nellis, Dave Nellis, Susan Loughanne, Ken Fyfe, Steve Maybeck, Goldy Phillip, Patrick Liberti, Marsha Senges, Sue Davie, Joe Harding, Walt LaRaus, Kathy Hearn, Mary McCarthy, Eileen Neiman, Cheryl Jones Richter, Chris Holtz, Mary Sue Holtz, Dante Gullace, Luba Mason, James Mason, Katie Jainecke, Zac Holtz, Bill Connell, David Welsh, Robert Schlueter, Jean Laitenberger, Janet Kin, Rich King, Eric Lake, Allen Ibrisimovic, David Hahn, Greg Jaimeson, Melody Burri, Ryan McElhiny, Kathy Rayburn

APPROVAL OF MINUTES

On motion of Joe Logan, seconded by Rich Seiter

RESOLVED that the minutes of September 11, 2018 be approved.

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| Ernie Santoro | Aye |
| Joe Logan | Aye |
| Heather Zollo | Aye |
| Al Gallina | Abstained (left during the 9/11 meeting) |
| Rich Seiter | Aye |

Approved 4 Ayes, 0 Nays, 1 Abstention

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

There were no reports from Conservation Board or Town Board

Planning Board reported by Kim Kinsella

- October 10, 2018 meeting which will be a Wednesday due to the Monday holiday
- Public Hearings:

- Meyer's RV Service Center located at 6415 Plastermill Rd
- MCA Group located at 7640 Omnitech Pl to install an antenna tower
- Chase Bank located at 7724 Route 96 to demo Uno's building and build bank
- Amendment to approval resolution
 - LSI Solutions located at 7796 SR 251 to amend 2/15/18 resolution condition #1
- Informal Discussion
 - Blumont Hills located at 6300 CR 41 to discuss subdividing into 35 sites

DECISION

GULLACE PROJECT

Preliminary Site Plan

Appl No 19-SP-17

Owner – Lynaugh Road Properties, LLC

Acres- 16.40 +/-

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 one single 4 unit bldg.

Chairman Santoro – As with the last meeting, we will not entertain public comment tonight nor comments from the applicant. There was a decision read last time, it was moved but it was not seconded. I was not aware at the time that I could second it. I've since checked with counsel and he says that I can. So if that happens again, we will have a second and this will be voted on tonight. I'm not going to read the whole resolution again. There are some minor changes which I will point out. We'll have discussion assuming the motion is passed before the vote.

Chairman Santoro read the individual words and their location that were either added or deleted. The final resolution is as follows:

RESOLUTION

On motion made by Joe Logan, seconded by Ernie Santoro

WHEREAS, the Town of Victor Planning Board ("Planning Board") received an application on or about April 30, 2014 from BME Associates ("the Application") on behalf of Lynaugh Road Properties, LLC (the "Applicant") seeking site plan approval for the property located at 995 County Road 9, also known as Victor-Egypt Road, (Tax Map No. 16.00-1-46.000) for one-hundred (100) apartment units and a clubhouse. The referenced Application was assigned Project Number 18-SP-14, and such land retains a Multiple Dwelling zoning classification; and,

WHEREAS, the Applicant submitted a revised plan on or about February 18, 2015 depicting seventy-one (71) for-sale townhomes; and,

WHEREAS, the Application requesting approval for 71 for-sale townhomes was reviewed under the State Environmental Quality Review Act (“SEQRA”), and was classified by the Planning Board as a Type I Action, and the Planning Board conducted a coordinated review, serving as Lead Agency, and found that environmental impacts from the Application were likely anticipated with regard to: land use; surface water; ground water; impacts to plants and animals; transportation; energy; noise, odor and light; and community character. While the Planning Board found that potential moderate to large impacts might be anticipated with the following, the impacts did not rise to a level of being potentially significant, as more fully described in Part 2, Part 3 and attachments to the Long Environmental Assessment form.

- The proposed action may substantially interfere with nesting/breeding, foraging, or overwintering habitat for the predominant species that occupy or use the project site.
- The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.
- Projected traffic increase may exceed capacity of existing road network.
- The proposed action is inconsistent with the predominant architectural scale and character.

As the Planning Board found that the impacts did not rise to a level of having the potential to be significant adverse environmental impacts, the Planning Board issued a Negative Declaration on June 23, 2015; and,

WHEREAS, The Planning Board received an updated Application on or about May 24, 2016 from BME Associates on behalf of the Applicant seeking preliminary subdivision approval for a cluster subdivision at 995 County Road 9, also known as Victor-Egypt Road, (Tax Map No. 16.00-1-46.000) for sixty-nine (69) for-sale ranch style townhomes within a configuration of 3- and 4-unit “blocks” for a total of 53 units on the eastern portion of the lands (on one side of the road) and 16 units consisting of 2- and 3-unit blocks on the western portion of the lands (on the other side of the road). (It is important to note the parcel at issue straddles the road). The application has been assigned Project Number 2-PS-16; and,

WHEREAS, the Planning Board opened a public hearing on June 28, 2016 for the Application, as required by Section 184-13, Paragraph C (2)(d) of the Victor Town code and Section 276 of New York State Town Law, and the public hearing was closed on October 25, 2016, and the Planning Board’s staff received written and verbal comments issued from the time the updated Application was received on or about May 24, 2016 through October 2016 for the Planning Board’s review and consideration of public comments; and,

WHEREAS, on June 5, 2017, BME Associates submitted a revised site plan, requesting site plan approval for 69 for-sale condominium townhomes, thereby withdrawing the preliminary subdivision application associated with Project Number 2-PS-16. The Planning Board deemed the updated site plan application of 6/5/17 as an extension of the previous site plan application under Project Number 18-SP-14. The Town’s Director of Development assigned a new Project Number, 19-SP-17, to the revised site plan application (hereinafter the “Application” or “the Site Plan Application”) and,

WHEREAS, a public hearing for the Site Plan Application was duly called for, and notification of the public hearing was published in “The Daily Messenger”, and all property owners within 1,000-feet of the subject property were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code. The public hearing was opened for the Site Plan Application on August 8, 2017 and was closed on January 9, 2018; and,

WHEREAS, the Application was further revised and received by the Planning Board on June 26, 2018, which now proposes 62 for-sale condominium townhouses, which would include fourteen (14) duplex units west of County Road 9 and forty-eight (48) units configured within 2-, 3- and one 4-unit blocks on the east side of County Road 9 (hereinafter “the Revised Application” or “the Revised Site Plan Application”) ; and,

WHEREAS, the development proposed pursuant to the Revised Application is divided into four (4) sections, Section 1 and Section 2, the area between County Road 9 and Lynaugh Road, would consist of 25 and 23 condominium townhomes, respectively. Section 3, the area west of County Road 9 would consist of 14 condominium townhomes. Section 4, the area within the Village of Victor, would consist of 16 single-family lots that would need review and approval by the Village Planning Board (collectively the 4 sections comprising the development which is the subject of the Revised Application may be referred to as “the Project”); and,

WHEREAS, a Traffic Impact Study (“TIS”) was initially prepared by Stantec on behalf of the Applicant in 2013, and portions of the TIS were modified over time due to agency comments and project scope changes. A second TIS by Stantec was submitted to the Planning Board in October 2017, which incorporated the aforementioned modifications, and a revised TIS was subsequently prepared and submitted in April 2018 to address various concerns including the speed of existing traffic in the area of the Project and the impact of that if the Project was approved and constructed and similarly , traffic and pedestrian safety associated with same, including the sufficiency or lack of sufficiency of traffic gaps to allow for safe traffic operations, as well as to address comments from the Town’s Traffic Engineer, Clark Patterson Lee (“CPL”) in the CPL January 19, 2018 memorandum and CPL March 5, 2018 letter. The results of the 2018 TIS indicate that: 1) vehicle speeds on County Road 9 are 15-20mph over the posted speed limit; 2) there are enough gaps in traffic on County Road 9 and Lynaugh Road that would allow for a vehicle on said road to safely make a left turn onto a side road and/or safely exit a side road onto County Road 9 and Lynaugh Road; and 3) traffic calming measures would help address the excessive speed issue.

WHEREAS, the Planning Board made the following additional findings:

1. The proposed for-sale condominium townhomes comprising a portion of the Project which is the subject of the Revised Application constitute an allowed use within the Town of Victor’s Multiple Dwelling Zoning District, and the proposed density, as a mix of duplexes and multiple dwellings, does not exceed threshold requirements as set forth in Schedule II, Area and Height Requirements of the Victor Town Code.
2. The Conservation Board reviewed the Revised Site Plan Application on July 17, 2018 and it indicated that the Project meets the open space requirement; however, it noted that

such space would largely be unusable by the community given the density of the Project site.

3. The Village of Victor's Department of Works, reviewed the Project and provided no comment in regard to the portion of the Project located within the Town's geographic limits.
4. The Application was referred to the Ontario County Planning Board under General Municipal Law, Section 239-m where the Ontario County Planning Board retained application as a Class 2 with comments and recommendation for approval.
5. 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.

NOW, THEREFORE BE IT RESOLVED that the Revised Site Plan Application of Lynaugh Road Properties, LLC, for Preliminary/Final Site Plan approval based on the application submitted on behalf of the Applicant by BME Associates, dated June 2018, last revised July 31, 2018, Planning Board Application No. 19-SP-17, BE CONDITIONALLY APPROVED; and,

BE IT FURTHER RESOLVED, The Town of Victor Planning Board hereby requires, as conditions of site plan approval, the following:

1. To the satisfaction of the Town Engineer, a scaled site plan submission document be filed with the Town and the Town Engineer that depicts site boundaries and property owner information; existing conditions and demolition plan; location and dimensions of condominium townhouses; location and dimensions of proposed easements; proposed road layout and rights-of-way dimensions; parking to be constructed and land bank parking areas; pedestrian accommodations such as sidewalks and crosswalks; water main, sanitary and storm sewer layout, including pipe materials, dimensions and slope; utility manholes and associated details; stormwater management facilities; grading plan showing existing and proposed contours at intervals of not more than two (2) feet; a construction and erosion control plan; lateral plan; landscaping plan depicting landscaping and screening, grading for the overall site and building foundation plantings; lighting plan; roadway and utility profiles; and detail sheets ("the Final Site Plan Submission").
2. That the Applicant obtain approval from the Village of Victor Planning Board for those facilities serving Sections 1, 2 and 3 of the Project located in the Village, as it is recognized that the Project cannot be constructed unless each such approval is granted by the Village, including but not limited to any site plan, subdivision or other approval the Village may require. Further, under no circumstances shall a building permit be issued for the Project by the Town for any phase of the Project unless and until the approvals associated with Sections 1, 2 and 3 of the Project are issued by the Village because the Project as designed is one integrated development located in the Village and the Town. Further, the Applicant should not proceed with Section 4 of the Project without necessary

approvals for that portion of the Project, including but not limited to any site plan, subdivision or other approval the village may require.

3. That the elevations and architecture of the front, rear and sides of the proposed condominium townhomes with square footage of buildings and living space be submitted. The elevations are to be consistent with the colored renderings and elevations drawn by James Fahy Design Associates, which were received by the Planning Board on September 7, 2018 and be set out in the Final Site Plan Submission.
4. That for the proposed Section 4 portion of the Project to be located within the Village, the Applicant incorporate engineering measures into it, including membrane backstops at field inlets and interceptor drains between inlets to direct infiltration away from the residences on East Parkway to the satisfaction of the Town Engineer and as required by the Village. This effort is intended to lessen the potential for groundwater flow towards East Parkway, as noted in the January 2, 2018 Memorandum from LaBella Associates to the Town's Project Coordinator. A copy of the approved plans for Section 4 shall be provided to the Town Engineer to verify such engineering measures are provided to the Town Engineer's satisfaction.
5. That the overflow parking (land bank) spaces be depicted on the Final Site Plan Submission and be constructed at the Condominium HOA's expense. Furthermore, the Condominium HOA shall notify the Town, in writing, of its intent to install the parking, and that confirm such parking will be constructed in conformance with the Final Site Plan Submission when and if the Condominium HOA decides to install the parking in the future. The Condominium HOA shall be responsible for maintenance and snow removal for the overflow parking. A Note shall be affixed to the Final Site Plan Submission indicating maintenance and snow removal are the responsibility of the Condominium HOA.
6. That the Applicant construct the traffic calming measures depicted on the Final Site Plan Submission including as described in the May 9, 2018 letter by the Town's Traffic Engineer, CPL, including:
 - a. Entrance (Intersection) warning signs on both Church Street and Lynaugh Road in both the north and southbound direction. This would also satisfy the Ontario County DPW comment 5 noted in the Ontario County Planning Board's minutes.
 - b. Creation and/or enhancing the transition zone with the following gateway treatments to include tree plantings, welcome signs, and lighting within the transition zone between the Village and Town, as well as the property access points to the satisfaction of the Town Engineer in consultation with the Town Traffic Engineer. These measures shall give the appearance of a narrow corridor and provide a visual cue to drivers that they are entering a different type of environment and should modify their driving to a slower speed. However, such treatments shall not create sight distance issues on roadway curves and side streets.
 - c. Upgrade to the "Speed Zone Ahead" sign on Lynaugh Road to comply with standards within the Manual of Uniform Traffic Control Devices (MUTCD) to the

satisfaction of the Town Engineer in consultation with the Town Traffic Engineer.

7. That as required by Section 211-25 B(4)(e)[1] of the Victor Town Code, and to the satisfaction of the Town Engineer, the Final Site Plan Submission must provide a ten-foot wide landscaped area along all property lines, excluding points of ingress and egress. The landscaped area must be densely planted with a mixture of shrubs and trees, which shall be no less than six-feet high at the time of planting, to create an opaque screen to the satisfaction of the Town Engineer. The ten-foot wide landscaped buffer must be depicted on the Landscape Plan and planted along the municipal boundary line of the Town and Village of Victor, along the lots identified as "12V" through "16V" noted within future Section 4 of the project.
8. That to the satisfaction of the Town Engineer, the Applicant depict lighting on the Final Site Plan Submission that is full cutoff, as required by Chapter 131 of the Victor Town Code, and that catalog cut sheets be submitted to the Town's Code Enforcement Officer for he or she to verify that proposed light fixtures comply with Chapter 131 of the Victor Town Code.
9. In addition to the landscape screening, to the satisfaction of the Town Engineer, the Applicant shall construct a six-foot tall wooden stockade fence and it shall be depicted on the Final Site Submission along the northern property line of the project, which will serve as a boundary between the Project and properties with tax map numbers 16.00-01-45.1 and 16.00-01-43.2. Furthermore, the Condominium HOA shall be responsible for maintenance and upkeep of said fence.
10. To the extent Ontario County requires the Applicant to participate in and be a part of a sidewalk and/or storm sewer crossing encroachment agreement, that the Applicant work with the Town's Project Coordinator to execute such agreements.
11. That in order to be effective the Final Site Plan Submission must be stamped by a Planning Board representative or signed by the Town Engineer.
12. No final signature/stamp in accordance with condition 11 can be affixed on the Final Site Plan Submission until and unless all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
13. That the comments in a letter dated September 5, 2018 from LaBella Associates shall be addressed to the satisfaction of the Town Engineer; including comments related to the clarity of steep slope depiction, accessibility of stormwater management facilities and bioretention areas, storm sewer velocity, erosion and sediment control sequence, submission of a Stormwater Pollution Prevention Plan (SWPPP), sewer district extension, lighting district, and letter of credit.
14. That comments from the Town Highway Superintendent dated September 10, 2018 be addressed to the satisfaction of the Town Engineer, including the need for the cul-de-sac to be designed and depicted on the Final Site Plan to meet the Town's Design and

Construction Standards, including the radius at the entrance to the cul-de-sac, and that the turnaround in Section 3 be depicted on the Final Site Plan to meet the Town's Design and Construction Standards.

15. That comments from Town of Farmington Water & Sewer dated August 4, 2018 shall be addressed, including resolving details of sanitary lateral size, materials, fittings and clean outs.
16. That the activity related to trucking in and placing fill, or removing topsoil and earth be limited to the hours of 8:00 AM to 5:00 PM, and may occur Monday through Friday only, and not on Saturdays or Sundays. Any trucks used to transport fill, topsoil or earth shall be covered. Any trucks delivering fill or removing topsoil / earth shall not utilize "Jake Brakes" nor exceed posted speed limits on Church Street or Lynaugh Road.

Ongoing conditions:

1. That the Revised Site Plan as depicted in the Final Site Plan Submission comply to the satisfaction of the Town Engineer with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year Maintenance Bonds shall be field by the Applicant with the Town for all improvements to be offered to the Town for dedication. That such Maintenance bonds be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town and be in a form deemed acceptable by the Town Engineer and the Town Attorney.
3. Should underground water conditions be encountered during construction, the Applicant shall address the encroachment and impact of same to the satisfaction of the Town Engineer.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board's approval letter to include the Village of Victor, 60 East Main Street, Victor, NY 14564.

Chairman Santoro asked for a discussion:

DISCUSSION ON RESOLUTION

Mr. Logan - #4 on Page 4, we talked about work that needed to be engineered and included in the project approved by the Village, approved for this project. Is that as we discussed for any updates? I know Mr. Knauf requested a change in the language.

Chairman Santoro – What was the change that he suggested?

Mr. Logan – It was regarding that the project did not require completion of Section 4 but just engineering approved by the Village for this project in the Village itself. If you look at the email from Joe Picciotti that was received from Alan Knauf; *the approval should not be contingent on*

approval of Phase 4 by the Village, i.e. we should be able to proceed even if we never did that phase. So in other words, this is a stand-alone project and any engineering that is done that uses Village facilities needs to be approved by the Village before this project can proceed and not that the Phase 4 in the Village would need to be approved. I just want to make sure that this is in the proposal and not requiring them to finish Phase 4.

Mr. Picciotti – Just for clarification purposes. The condition as it's set forth in the current version of the resolution requires that the approval for Phase 4 be issued by the Village and that our approval of the project is conditioned on that. I'm informed by the Town Engineer that in fact the stormwater and other measures that need to be built in the Village, do not require that Phase 4 be built but other measures would be required. So the proposed change to that condition would simply indicate that the Phase 4 would not have to be built but those measures that would be needed to support the project is located in the Town and that the Village would need to approve would still need to be required. That's the "gist" of the proposed change to that condition.

Mr. Logan – I misspoke it's Condition 2 on Page 4. So Phase 4 could or could not happen and this could still be advanced as proposed if it's approved.

Mr. Picciotti – And the Village would still need to approve those things in the Village that would need to support that part of the project that's located in the Town.

Chairman Santoro read the amended conditions:

That the Applicant obtain approval from the Village of Victor Planning Board for those facilities serving Sections 1, 2 and 3 of the Project located in the Village, as it is recognized that the Project cannot be constructed unless each such approval is granted by the Village, including but not limited to any site plan, subdivision or other approval the Village may require. Further, under no circumstances shall a building permit be issued for the Project by the Town for any phase of the Project unless and until the approvals associated with Sections 1, 2 and 3 of the Project are issued by the Village because the Project as designed is one integrated development located in the Village and the Town. Further, the Applicant should not proceed with Section 4 of the Project without necessary approvals for that portion of the Project, including but not limited to any site plan, subdivision or other approval the village may require.

Chairman Santoro asked for any comments or questions regarding this condition.

Mr. Logan – So we're going to include that modification in this resolution.

Chairman Santoro asked for a motion of approval for the amendment of the change that was just read.

Motion was made from Joe Logan and Chairman Santoro seconded the motion.

Chairman Santoro asked for any other questions or discussion on any of the resolution.

Mr. Logan – I understand Heather you were concerned about elevations being provided around the building itself?

Ms. Zollo – Yes, we only have the front elevations of the proposed bldgs. We don't have sides or rear elevations, nor do we have elevations for the side load bldgs that are on the plan.

Mr. Logan – Can we condition the resolution to come back and have those approved? Have them submit them for approval or can they put in writing the description of the character of the building on the 3 other sides, if they're just going to be plain walls or will there be other architectural features. I'd rather to see elevations to tell the truth.

Chairman Santoro – It would be Condition 3 on Page 4.

Mr. Logan read the condition with suggested changes:

That the elevations and architecture of the proposed condominium townhomes be consistent with the colored renderings and elevations drawn by James Fahy Design Associates, which were received by the Planning Board on September 7, 2018 and be set out in the Final Site Plan Submission.

Mr. Logan – So what we're seeing are the elevations on the front and I'd like to see rear and side elevations since they do backup to other residential parcels in the Town and there has been voiced concern over the appearance and the size and scale of the bldgs.

Mr. Picciotti – You could add that as a condition to #3.

Chairman Santoro read the condition again and stated they would have to submit the elevations to the Board for subsequent approval.

Mr. Logan – I would say all else being equal, if that's a condition, it would be just like a sign and things like that, it would be an approval before they could advance anything on a project.

Chairman Santoro – No building permits unless they do that. (Correct) Do we also want to add a condition that they set forth the square footage?

Mr. Logan - Square footage in terms of the definition of square footage per unit? Or the footprint of the bldgs?

Chairman Santoro – The entire structure.

Mr. Logan – It has dimensions for the entire structure. So the question is are we defining the exact perimeter and area on the plan or are we looking for the square footage that a real estate agent would sell it. (Both) You want both, okay.

Chairman Santoro read the following amended condition:

That the elevations and architecture of the front, rear and sides of the proposed condominium townhomes with square footage of buildings and living space be submitted. The elevations are to be consistent with the colored renderings and elevations drawn by James Fahy Design Associates, which were received by the Planning Board on September 7, 2018 and be set out in the Final Site Plan Submission.

Chairman Santoro asked the Board members if they had any comments on this amended condition and there were none. Chairman Santoro asked for a motion to the modified condition.

Motion made by Joe Logan, seconded by Chairman Santoro

Chairman Santoro asked for any questions on the remaining content of the resolution and there were none.

Chairman Santoro – Hearing none, we'll open it to a vote. We will go in order of seniority but I will go last.

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

Approval 2 Ayes, 3 Nays

The application for 62 for-sale condominium townhomes was denied.

Chairman Santoro – The next step will be the applicant will make a decision on whether to contest this resolution in court, that's called an Article 78 proceeding. They need to file it within 30 days and we fully anticipate that they will. If the court decides that this resolution is contrary to law, the court can require it to come back, make changes, make additions, make it better or make it worse. That's what we're looking at.

PUBLIC HEARING

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

ANDERSON, CAROL SUBDIVISION

Strong Rd
Appl No 2-MS-18
Owner – Carol Anderson
Acres – 161.90
SBL #14.00-1-39.111

Applicant is requesting to subdivide 161.90 acres into 2 lots. Lot 2 will consist of 1.510 acres, Lot 2 will consist of the remaining acreage, consisting of approximately 160.39 acres.

Mr. Tom Fromberger from MRB Group addressed the Board and with him was Carol Anderson.

Mr. Fromberger – As described we are proposing a 4 lot subdivision, the application before you is for 4 lots. The parcel is approximately 161 acres. Lot 1 consist' s of Carol Anderson's home and Lot 2 is her sister Jane's homestead, Lot 3 is the gap between those 2 and then Lot 4 is the remaining piece. We would like to amend our application and we are only seeking tonight for the subdivision of Parcel #2 which would be Jane's homestead, the smaller lot on the left corner (on Strong Rd).

Chairman Santoro – That's the only one that you're seeking approval for tonight?

Mr. Fromberger – Yes. We did receive comments from Code Enforcement as well as the Town Engineer. We have responded back to the Town Engineer's comments. We did receive Conservation Board comments as well and they had nothing specific. We concur the comments indicated by Code Enforcement.

Mr. Logan – Would you describe the subdivision one more time.

Mr. Fromberger – On the location map (on the overhead screen), the parcel is the shaded area plus 3 lots. This is Lot 1, 2, 3 and Lot 4 is the remaining portion of the lots. Right now the application is for the subdivision of these 3 and we are revising that to just a 2 lot subdivision.

Mr. Logan – So Lots 1 and 3 are going to remain contiguous with the rest of it. So you're just taking off a lot for the house. (Yes) So this particular lot crosses Willis Hill Rd?

Mr. Fromberger – Strong Road is on the west side and Willis Hill Rd crosses through it. Our proposed lot is off of Strong Rd.

Chairman Santoro asked for public comments and there were none.

Ms. Kate Crowley – Joe, one of things that might help is that what's up on the screen doesn't show the entire parcel. You are accurate, we did not have any concerns about the subdivision.

Mr. Logan – I was just looking to define this particular parcel. It surprises me sometimes when I see these things come up how big some of the parcels are still left in town and you don't expect to see them. This one Willis Hill cuts off a good chunk of it.

Mr. Fromberger – It's a nice piece of property. It has farm areas, rolling hills, it has an airplane landing strip on it and there are some scenic corridors through it.

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

RESOLUTION

On motion made by Al Gallina, seconded by Joe Logan

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on August 20, 2018 by the Secretary of the Planning Board for a Minor Subdivision entitled Carol H Anderson Subdivision.
2. It is the intent of the applicant to subdivide 168.3 acres into 2 lots. Lot 1 will consist of 1.510 acres, Lot 2 will consist of the remaining acreage, approximately 160.39 acres.
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 September 25, 2018 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Conservation Board reviewed the Unlisted Action on September 4, 2018 and had no comments on the proposed subdivision.
7. Code Enforcement reviewed project on September 13, 2018 and have no outstanding comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 25, 2018 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Carol Anderson Subdivision 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 Carol Anderson, Minor Subdivision entitled James M & Carol H Anderson Subdivision, Project No N17-056, drawn by Kocher Surveying, P.C., dated June 22, 2018, received by the Planning Board August 20, 2018, Planning Board Application No. 2-MS-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated September 20, 2018 from LaBella Associates be addressed.

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

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).

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

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

Approved 5 Ayes, 0 Nays

HOLTZ, ZAC SUBDIVISION

Blazey Rd

Appl No 3-PS-18 & 3-FS-18

Owner – Holtz Revocable Trust

Acres – 52.30

SBL# 7.00-1-93.110

Applicant is subdividing 52.247 acres into 2 lots. Lot 1 will consist of 45.061 acres and Lot 2 will consist of 7.186 acres. Lot 2 would consist of a single family home.

James Cretkos from BME Assoc addressed the Board.

Mr. Cretkos – As you know we were here on May 8th with the Concept Plan review. You accepted it as a complete application at that time. Per the pre-application meeting that we had at the end of last year, we are going through a major subdivision process because the parcel has been subdivided enough times to trigger that. However, through discussions with the Town Engineer and Ms. Templar, they've allowed us to submit a Preliminary/Final application which is very much appreciated.

As you know the property is located to the west of the Blazey Road and Richardson Road intersection. As Cathy mentioned the overall parcel is 52 acres approximately and we will be subdividing off that parcel into 2 lots. 1 lot will be approximately 7 acres which will be the site of the new single family house as well as a new accessory barn structure.

The property was granted an area variance by the Zoning Board of Appeals on February 5th of this year to allow the accessory structure to be placed forward of the front line of the primary structure on the property. Due to the size and the height of the accessory structure, the applicant does acknowledge that the Planning Board must review it as part of this application.

As part of the application that we submitted are building elevations as well as some photo simulations from a couple of locations; one along Blazey Road and one along Richardson Road to give some perspective of what the property will look like once completed. The accessory structure will be a slab on grade building while the single family house will have a full basement.

Since the time of the application, we did incorporate comments that were received from the concept plan. Based on that review included a full fire truck turn around as well as pull off areas to be compliant with the fire code due to the length of the driveway and how far back from the road that we're located. The other major change is we finished doing the percolation testing of the site and we will be doing a raised bed system. The soils were not as conducive as we hoped. We did do extensive testing throughout the site to try and locate it to avoid that situation but we were unsuccessful.

The property is currently zoned Residential 2 and is also within the residential overlay district. For this application we have received comments from several of the town agencies including the Town Engineer, Fire Marshal's Office, the Conservation Board as well as the Code Enforcement Officer. We have provided written responses for all of those comments. The change that we did make at this time was per the Conservation Board's request to revise the open space easement or the conservation easement for the property. It now includes all of the wooded area at the northern portion of the property and some areas along the western and southern areas of the property to try to make it a little bit more contiguous with the wooded areas that are located off site.

There are a couple of comments that were generated that we would like to discuss with the Board. The first one had to do with the markers and conservation easement signage. We realize that we need to do the markers along the easement boundaries but we weren't aware that there were any special conservation easement signage that would be required. If there was, we would ask that to be waived as there is no public access to the property. The conservation easement language that is written only allows the town to come in for inspection to be compliant with that. So we really feel that we don't need to have the conservation easement signage on the property.

The second request is to allow us to discharge the downspouts to splash blocks. Based on the testing for the septic system, given that the soils are a little uncondusive to infiltration so we would prefer to let the runoff flow over land for filtering purposes as opposed to trying to do a dry well to infiltrate into the ground which would potentially just end up as kind of a pool of water.

The last question was from LaBella and it had to do with the letter of credit. Obviously, since we are a major subdivision application, there are some requirements that would need to be made for that letter of credit including all of the sanitary water. As this is a single family house and there are no public utilities associated with it, we request that the letter of credit be limited to erosion control and whatever the town inspection fees would be for that.

Besides that if there are any other questions, myself or Zac Holtz would be more than happy to discuss.

Chairman Santoro asked for public comment.

Ms. Crowley – The Conservation Board wrote a conservation easement for this parcel that we asked Ontario County to take a look at. We’re trying to be as Ag friendly as possible. So we’ve even waived the stipulation that all plants come from the Native Plant Manual because we’re assuming that the Holtz’s may want to plant fruit trees and obviously most of them are not native. One suggestion that we would have for the Planning Board and the applicant to consider is that we write into the easement that conservation easement markers would not be required as long as the land is used for agricultural purposes and that those markers would have to be placed if use of the land was to change in the future. That may be a way to both provide for future uses of the land and also allows them to farm because they are right, a post in the center of a farm lot doesn’t work.

Mr. Cretokos – I’d like to add that we agree with Kate’s recommendation and we did bring you the easement language that was prepared by the Conservation Board and we are acceptable to that.

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 Rich Seiter. The public hearing was closed.

Mr. Logan to Ms. Crowley – I noticed in the plan that the conservation easement encompasses the leach field and the septic system. Why would we do that?

Ms. Crowley – If I remember correctly, the leach field was moved to have it further away from the stream that’s there and also so that it’s in soils that are more leachable. What we have done with other conservation easements where leach fields are part of the easement is we allow for maintenance of that leach field and anything that’s at the surface that’s required so that we can create contiguous conservation easements. Does that answer your question?

Mr. Logan – It does but I’m just wondering why we wouldn’t just move the easement so that’s not included in it. Just go around the leach field and adjust another line.

Ms. Crowley – That’s easily done as long as everybody agrees to that.

Mr. Gallina – That makes it simpler.

Ms. Kinsella just wanted to be sure that the conservation easement would still equal 50% if that piece was taken out. Ms. Crowley stated that it would still meet the requirement.

Mr. Logan – If it still meets it and you just take it out of there, I’m fine with that.

Ms. Crowley asked the applicant if they were in agreement. Mr. Cretekos stated they were fine with that and they would need to adjust the line on the plan to be sure they still meet the 50%.

Mr. Logan –Rather than incorporating it into a conservation easement, let’s fix it now before you get everything set.

Mr. Cretekos – We don’t have any reservations to that. We will obviously be submitting revised plans based on the rest of the comments so we can incorporate that.

Mr. Logan – I understand that there is a variance given for the barn being in front of the house. I’m not quite sure why that was necessary.

Mr. Cretekos – Your code requires that.

Mr. Logan – The code I understand but why do you feel a need for the barn to be in front of the house? Why not just flip the locations.

Mr. Cretekos – That’s just the applicant’s preference as to how they are planning on using the property. We went through discussions with the Zoning Board of Appeals at the time and we wanted to make sure they were comfortable granting the variance before we proceeded submitting the site plan application to this Board.

Mr. Logan – I mean it’s a fresh site, there’s nothing on it. It would make more sense to have put the barn behind the house. I still don’t see the need to do that but since they got the variance, that’s fine. I was wondering why we had the code if it’s easy to change. I mean there’s no physical reason to do that.

Mr. Cretekos – Again, it’s just the applicant’s preference in how the site is configured and the discussions that we had with the Zoning Board of Appeals at the time.

Katie Jainecke – I’m Zac’s wife and the reason why we have it located the way that we do is the house is located on the high point of the land. We kind of went there with the idea of this is where we wanted to build the house and designed everything around it and decided that would be a good spot for the barn. We weren’t going to rearrange and that’s why we applied for the variance. The house is in a good spot, it’s a nice high spot and has a great view. It is preference, but...

Mr. Logan –Having said that, we've approved applications before when a house was set well back from the road which this is but I was just curious why....

Ms. Jainecke -It's a really nice spot.

Mr. Logan – I'm sure it is. I'm not trying to give you a hard time, I just want to make sure that we understand all of this. Thank you.

RESOLUTION

On motion made by Heather Zollo, seconded by Joe Logan

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

1. An application was received on September 17, 2018 by the Secretary of the Planning Board for a Preliminary/Final Subdivision entitled Holtz Property.
2. It is the intent of the applicant to subdivide 52.247 acres into 2 lots. Lot 1 will consist of 45.061 acres and Lot 2 will consist of 7.186 acres. Lot 2 would consist of a single family home.
3. It is the intent of the applicant to construct a 1,350 sf accessory structure with the average height of 15 ft.
4. The applicant received a variance from the Zoning Board of Appeals on February 5, 2018 to allow the construction of an accessory structure forward of the front line of proposed residence.
5. 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.
6. The Planning Board held a public hearing on September 25, 2018 at which time the public was permitted to speak on their application.
7. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
8. The Planning Board, as lead agency, found that there would be no significant impacts to the environment as a result of the action and a negative declaration was prepared.
9. The Conservation Board reviewed the project on September 4, 2018 and understands that the topsoil will not be removed from the site but reused on the site.
10. The Planning Board waived the requirement for the downspouts going to the storm

sewers or dry wells. Applicant has indicated the downspouts will go to splash blocks.

11. 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 for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 25, 2018, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Holtz Property Subdivision, will not have a significant impact on the environment and that a Negative Declaration be prepared.

AND, BE IT FURTHER RESOLVED that the Planning Board hereby waives the requirement for installing conservation easement markers so long as the property is used for agricultural purposes.

AND, BE IT FURTHER RESOLVED that the preliminary/final subdivision application of Zac Holtz, Major Subdivision entitled Holtz Property, drawn by BME Assoc, Sheets 1 through 4, dated March 2018, revised August 18, 2018, received by the Planning Board August 20, 2018, Planning Board Application No. 2-PS-18 and 3-FS-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the final 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 before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments in a letter dated September 21, 2018 from LaBella Associates be addressed.
5. That the comments from Code Enforcement Officer dated September 14, 2018 be addressed.
6. That the Coordinated Fire Service Site Plan Review comments from the Fire Marshal dated August 27, 2018 be addressed.

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 Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
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.

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

APPLICATION HELD OVER FROM 8/28 MTG

DUNBAR HILL SUBDIVISION

Lane Road

Appl No 2-PS-18 & 1-FS-18

Zoned - Residential

Owner – RB Land Company LLC

Acres – 4.70

SBL # 15.00-1-51.300

Applicant is requesting approval for a revised plan for a 4 lot single family residential clustered subdivision. Lot 1 will consist of 0.762 acres, Lot 2 will consist of 1.845 acres, Lot 3 will consist of 1.259 acres and Lot 4 will consist of .870 acres.

Mr. Walt Baker from DSB Engineers addressed the Board along with Steve Philipppone from Redstone Builders, the property owner.

Mr. Baker – Good evening. With me tonight is the owner, Mr. Steven Philipppone, if you have any questions for him, he'd be happy to answer them. As the Secretary mentioned, we are here tonight for Preliminary/Final approval for the 4 lot subdivision. If the Board will recall we were in last month for a conceptional review and prior to that we had the original plan that we submitted with the 4 lots but was on a dedicated road. Subsequent to that, we revised it to the 4 lots having individual driveways. The conservation easement is still 50% and it's a clustered

subdivision based on the fact that the frontage needs to be 150 ft wide and we are proposing 2 flag lots versus the original plan in which there was the cul-de-sac which also had its own issues with the zoning conditions.

We did receive comments from the Town Engineer, the Fire Marshal and the Code Enforcement Officer. The Fire Marshal was one of the ones that we responded to and discussed with him earlier this week and received a comment back from him that he's okay with the individual driveways. He was leaning towards having a combined driveway, however, as you all know, sometimes you get into issues with home buyers and maintenance fees and shared costs and whether or not they want to use this contractor versus that contractor. Steven has run into that issue before so we explained all of that to the Fire Chief and the Fire Marshal and he agrees that the separate driveways are fine as long as they meet town standards which we do have the driveways at the 12 ft width which is required. The flag lots as long as they are, the code requires that you have a 10 x 30 turn off for emergency vehicles to utilize for that. He did mention about adding little radiuses on the corners, which we will do, to be more conducive to vehicle turning movements, etc. We have no issues with that.

The Code Enforcement Officer had some comments regarding the trees that we discussed at the last Planning Board meeting between the 2 flag lots. We did widen out the lots. Actually, our concept plan had 20 ft which is the minimum requirement for a flag lot per the code. We've increased that to 30 ft. We put trees between the 2 flag lots, down the center which we discussed with the Board briefly and we thought that was a good idea so we added the trees in. Subsequent to that Al (Benedict) mentioned that the flag lots, even though the code says 20 ft, the standard details for residential driveways says it's supposed to be 10 ft from the property line. So it's a little difficulty with the code as far as what's adhered to when you have a minimum of 20 ft, even though we increased it to 30 ft, still he's saying 10 ft from the property line. So if you have a 10 ft and a 12 ft driveway and another 10 ft, you're 32 ft. But the code says 20 ft minimum for a flag lot. So I guess we need clarity on that as far as how we can handle that. The Fire Marshal is comfortable with a 12 ft driveway. The trees, the Board mentioned about delineating between the two properties and making it so it's not right next to each other. So we showed that on the plan. Al mentioned also about a 10 ft clear from the driveway which would be 12 ft per emergency vehicle access. So we have another little issue, do we put the trees between the 2 flag lots or not? I guess we need clarification on that or do we decrease the trees and go to shrubs or something like that which would be tolerate with the Victor guidelines. We did look in the Native Plant Manual to see what trees were acceptable for the area. We could do shrubs versus trees. Would that be less invasive for emergency vehicles, even though emergency vehicles are 8.50 ft wide on a 12 ft lane so how do the trees affect the 12 ft lane when we have the trees centered and we have 10 ft from center of the tree. The canopy from the tree could be large so that's why I was suggesting shrubs. If this would be something the Board could give us a little direction on.

We did receive the other comments from LaBella regarding sidewalks. Obviously, we know that there was a grant that the Parks & Rec was going for, for this whole area which included this property. So having to put up the 420 ft of sidewalk across our property when it seemed like it was in the grant funding seems little excessive.

Chairman Santoro – They could use that funding for other things.

Mr. Pettee – My understanding is that the project in which the funding was awarded was redesigned and the construction has already occurred. It was a Safe Routes to School Sidewalk Project. There was a Lane Rd pathway that was paved and a lot of funding went directly onto the school property itself instead of going onto the Lane Rd portion between the school entrance and High St. It's my understanding that there's no grant funding remaining because it was redesigned and allocated to the school grounds.

Mr. Baker – This project, even though it's 4 lots and would be considered a minor subdivision, it was classified as a major subdivision. We've had board meetings regarding that and had to go to the Town Attorney and the Client's Attorney regarding the parent parcel of this which was done back in 1977 or 1992 but anyways the code changed and we're not grandfathered. Apparently, this is being lumped in with the previous subdivision of this parcel back then. So we fall under the classification of a major subdivision even though it's only a 4 lot subdivision.

Chairman Santoro – The town has a sidewalk plan and this property is smack in the middle of it.

Mr. Baker – LaBella did mention that the Board has the ability to waive the rec fees so it kind of lessens the impact on the expense.

Mr. Pettee – It's my understanding that the town is amenable to having the applicant and developer install sidewalks in lieu of paying the Parks & Rec fee per lot.

Mr. Gallina – I guess I see those as two separate, distinct items.

Chairman Santoro – Well it's a trade off.

Mr. Gallina – Not necessarily. We are requiring sidewalks of many of the developments and I'm not aware of any where we waived the Parks & Rec fee.

Chairman Santoro – I think Parks & Rec said they were amendable to that.

Mr. Pettee – That's my understanding.

Mr. Gallina – Parks & Rec maybe but I'm not necessarily saying that I believe or agree with that position.

Mr. Logan – It's Parks & Rec that have been going after these funds for sidewalks along Lane Rd and that's what they did on the last 2 projects, the one through the school and the one that was just built within the last month. This is part of that system for a future grant and honestly that stretch of sidewalk is a lot more expensive than the 4 fees they would get from the lots.

Mr. Baker – It's about double, yes.

Mr. John Nardozi from 7151 Lane Road – The only question that I had is regarding the open space and what's going to become of it. (*Mr. Baker stated it would be a conservation area*) Does it remain woods, grass or lawn or who maintains it?

Mr. Baker – What we do with this entire site which is almost 5 acres, the Town Code requires that we have 50% of it in a conservation easement. *Mr. Baker demonstrated where the lot lines were and where the conservation easement is located.*

Ms. Kate Crowley – What we had talked about with Steve (Philippone) is the back of the parcel is wet and there is a wetland there. What we had talked about that instead of those “dog legs” in between the parcels that that could be open space, that the residents could mow. The conservation easement would be around the exterior and would be site specific, there would be no vehicular traffic in the back of the parcel but the residents would be able to use the front of it. The larger area in the front corner (adjoining Mr. Nardozzi’s parcel), we would recommend that it be planted with trees to develop a buffer between it and the parcels next door. That’s our recommendation.

Mr. Nardozzi – And concrete sidewalks?

Chairman Santoro stated the code doesn’t allow asphalt sidewalks and that they would be concrete sidewalks.

Mr. Nardozzi – The homes that you’re going to build, are they single story or 2 story? (2 story) Square footage? (2,000 sf) And their lawn will look as good as mine? (Hopefully!)

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

Mr. Gallina – So just again, I think we’re conflating the sidewalks and the Parks & Rec fee and personally I don’t support that. The second thing is part of the reason I think the applicant is having such difficulty fitting the requirements of the flag lots and the width of the driveways is that we’re still trying to cram 10 lbs into a 5 lb bag. From day 1, I thought that 3 lots would be more appropriate for the site.

Mr. Pettee – We did get a comment letter assembled. In front of you we did put together a cost estimate of what sidewalks would be on the Lane Rd frontage. We’re estimating approximately \$12,750 for a 5 ft wide sidewalk. That’s based on excavation and disposal of existing material at the depth of 11” (6” of subbase material and a 5” thick concrete sidewalk). There’s a little more justification of where we got our pricing from. It’s probably fairly accurate.

One of the items that we’ve requested and I don’t know whether or not a delineation has been done for the wetland on the site. There is an NWI wetland depicted on the map and there is some grading that appears close to that NWI wetland but I don’t know that we had seen an actual delineation so if you’ve got a delineation report or something you could provide, that would help us evaluate whether or not there’s any adverse impacts to that wetland.

Mr. Baker – We did have Gene Pollett go out there and id it. We had the topo done. We had Gene id it first and Steve met with the Conservation Board at the site, he hired Gene Pollett to delineate the wetland. The surveyor went out there and did the topo and when he did the topo he

picked up all the flagging. All the flagging that was picked up, is the delineation line that is on the plan.

Mr. Pettee – That’s the delineated wetland? I was under the assumption that that was the NWI’s inventory.

Mr. Baker – That was on our concept plan but when we did this, we had the surveyor pick it up. We can give you Gene’s report that basically has these points that he flagged. What’s on the topo is purging. The lines you see on that map are all identified. (*Mr. Baker pointed out the individual items on the overhead map*) These are the contours lines that drain into the pond which actually go off into this pond. So the drainage leaves the site, so the wetland that he identified is on here even though they don’t connect into the pond next door. It’s basically a depression area here.

It was requested that Mr. Baker send this report to the Planning Board Secretary and the Town Engineer.

Mr. Pettee - #7 in our letter, I’m wondering if this is some cross reference or duplicate comment with Al Benedict’s comment, the *roof drainage daylight to swales*. We mentioned that the plans show the roof leaders daylighting to swales and per the Town’s Design & Construction Standards, roof drains shall be into the storm sewer system. We know that a storm sewer system is not available, then dry wells need to be used according to the Design & Construction Standards. If we’re not doing drywells, we would need to provide a waiver to that particular provision to the Design & Construction Standards. I didn’t get a chance to review Al’s comments.

Mr. Baker – Basically, the soils are not conducive to providing dry wells because they are designed to be in permeable soil where it would go into a well and then percolate into the subsoil which these soils would fill up and sit there like a bathtub basically.

Basically, with the wetlands, Steve and I were talking earlier, the conservation easements, seeing this is a clustered subdivision, would the Board consider reducing the size of the 2 frontage lots and taking this conservation line and moving it to the rear so that we could have the conservation area more towards the rear of the property which would be probably more beneficial to the conservation people. *Mr. Baker stated that they would still leave the conservation area on the side towards Mr. Nardozzi’s parcel.* What we could do is shorten up the property lines and to get 50% is still kind of difficult. We had areas in here that would have to be delineated with markers and signs, this is in somebody’s backyard showing where they can and can’t go. If we turn it around and made these 2 frontage lots not as deep, we could turn around and move these 2 houses a little closer, shortening up the driveway which would be a benefit to the Fire Marshal and move all of the conservation to the rear and actually decrease some of the grading that would be back here as well. Obviously, it’s basically a clustered subdivision and the Planning Board has the ability to do that.

We did keep this lot at the 33,000 minimum square feet so we would basically reduce this. It’s 220 ft deep so their backyard is about 180 ft deep, it’s pretty large. All 4 lots are large and they are 150 ft wide minimum because that was the code and that was the difficulty we had

with the original cul-de-sac design because of the width of the property only being 430 ft wide, we couldn't get the 60 ft right of way, 2 lots and the lots in the back off of the cul-de-sac.

That's when we were advised to go to the Zoning Board of Appeals and then when Al (Benedict) came back from vacation, all of a sudden he said the Planning Board could handle it as a cluster subdivision. Go to the Planning Board and seek approval as a clustered subdivision. So here we are. This little project has quite a history already.

Chairman Santoro asked for questions/comments from the Board.

Ms. Zollo – Again, I think Al (Gallina) suggested if you reduced it to 3 houses, you wouldn't have all of these difficulties trying to fit it.....

Mr. Baker -Right but we have almost 5 acres, it's not a small piece.

Ms. Zollo – I had asked earlier for our Highway Dept Supervisor to comment on the number of driveways in such a small area and he didn't really weigh in, he just said "Yes, they're there" and to avoid that you could have a cul-de-sac. I really wanted a comment as to what he thought about whether it was going to be problematic to have the 4 driveways where they were with driveways across the street and so on. He wasn't really helpful. I didn't get an answer.

My other question was about how much grading and soil bulldozing, moving the dirt are you going to be doing on this property? Are you going to have to regrade the whole site?

Mr. Baker – We show the contours so it drains away. Actually, we're doing less grading without the cul-de-sac. With the cul-de-sac, the site had to be raised up, we would have had to bring material in.

Ms. Zollo – Okay, so you're not going to be doing that with this.

Mr. Baker – No, now we're going to be digging the basements and using the basement cut on site, pull the topsoil out of the way, dig the basement, and then take the basement spoils and grade it around the lots.

Ms. Zollo – Around the lots, okay. So not extensive, re-engineering on the property. (No) Okay, that's excellent.

Mr. Baker – That was a benefit getting rid of the cul-de-sac idea.

Ms. Zollo – I think on one of the previous renderings, you actually showed where these driveways line up with the ones across the street.

Mr. Baker – Yes, actually they are on this grading plan as well. You can see the one to the west is basically lined up with the driveway across the street from us. (Okay, I see them now) There's basically 2 driveways that are across the street from us and in the entire 430 ft there's only 2 driveways on the opposite from us.

Ms. Zollo – What about the third one? It looks like there's a third one right across the street from Lot 4.

Mr. Baker pointed out the driveway locations.

Mr. Baker – These are residential lots. How often do people go in and out?

Mr. Gallina had no additional comments.

Chairman Santoro – They are coming back with a revised plan.

Mr. Baker – Will the Board entertain shortening up those frontage lots so we could put the conservation to the back? Is that something the Board would like to see?

Chairman Santoro and Ms. Zollo stated they would like to see this.

Chairman Santoro stated he would leave the public hearing open.

Mr. Steve Philipponne – I don't have any strong feelings about the trees between the 2 driveways, whether they are trees or shrubs of some sort. I just want to satisfy the comments with regards to that. It's not that important to me. It would be nice to have some trees through there or maybe we do less trees or whatever. We can reconcile as far as opinions go.

Chairman Santoro suggested Arborvitaes.

Mr. Philipponne – With regards to the sidewalks, if we can cluster this a little better, that would help reduce some of the development cost, if you will. And, if it's agreeable to everyone, we can waive the park fee. I think that would be a suitable compromise, if you will for the sidewalk issue. I don't agree with Wes' cost estimate, I think it's closer to \$15,000 and probably inspection fees and all of that, it starts adding up, it's probably a few thousand more than that. At this point, I just don't want to deal with the sidewalk issue any more. I didn't expect to have it come back up. I thought it was dead for a while. I hadn't seen it in a lot of comments and we saw it come up kind of at the last minute today. But I just want to put it to bed frankly.

Chairman Santoro – So we'll see you at our next meeting?

Mr. Baker – Well it depends on the time frame for submittal and distribution of the revised plan.

The Planning Board Secretary will contact Mr. Baker with submittal information.

The discussion ended.

APPLICATION HELD OVER FROM 9/11 MTG

SCOUT RESERVE SUBDIVISION

County Road 9
Appl No 3-FS-18
Owner – DeHollander Design, Inc
Acres – 28.72 +/-
Zoned - Residential

Applicant is requesting final approval for a 7 lot subdivision on 28.72 +/- acres. The subdivision will contain five 1.01 acre lots, one .58 acre and one 23.09 acre lot, all will have frontage to Aldridge Rd.

Mr. Scott DeHollander addressed the Board.

Mr. DeHollander – I think the last time we were here, Ernie you explained it perfectly, we kind of ran into a “bugaboo” on Lot 7 and its impacts with the Army Corp permit that’s required for the grading. We put a lot of time and effort addressing that concern over the last 2 weeks and I want to say thank you to Wes for helping us with that issue. To sum up that, I’d like to put on the project at this point is we’ve moved all the way from Sketch to Preliminary, we’ve completed SEQR, we’re at Final and this is our second meeting for Final. We’ve got a frontage site plan here that has full sewer and water, a very reasonable project. We would like to work through the remaining technical issues with Wes. We feel they are minor. We feel we’ve addressed the Army Corp issue satisfactorily to frame it into the context of a construction permit. There would be no opportunity for a disturbance in the wetlands until such time a building permit is pulled and the Town has full control over whether that gets issued or not. There’s no need to do earthwork for our project, each lot is individually viable.

So that’s the sum up that I’d like to put on it but I don’t want to take a lot of time talking. I hope everyone had a chance to read our response letter. I think we outlined a couple of really good points relative to what we’re going to be doing for the construction permit for the Corp. I’m available to answer any questions. It’s very important to me personally for a strong consideration for a Conditional Final Approval tonight. So if you could muscle through, I’d really appreciate that.

Chairman Santoro asked for any comments or questions from the Board.

Mr. Logan – No comments, I think working on 6 instead of 7 is certainly much more viable at the moment. It sounds like the details on Lot 7 will be worked out later, right?

Mr. DeHollander – Absolutely. I respect with a great deal, the Army Corp. It’s not our intention to take a step in the direction that we’re not supposed to take. We just never saw it in the context that LaBella did. We saw it as a construction permit but we started the process and if there is something that brings us back to the Board, we have no problem coming back.

Chairman Santoro asked for any additional 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. An application was received on August 13, 2018 by the Secretary of the Planning Board for a Final 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. 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.
3. Part E, Section V of the applicant's Final 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".
4. An "Under Review" sign was posted on the subject parcel as required by Town Code.
5. On August 21, 2018, the Conservation Board reviewed the final plan and stated that a separate conservation easement for Lots 1 and 2 would be reasonable.
6. 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.
7. The Town of Victor Planning Board issued a Negative Declaration on July 24, 2018.
8. On August 31, 2018, application was mailed to the U.S. Army Corp of Engineers.
9. On September 11, 2018, the Planning Board indicated that sidewalks would not be required for this subdivision.

NOW THEREFORE, BE IT RESOLVED that the final 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 September 17, 2018, Planning Board Application No. 2-FS-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the final 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 before the Planning Board Chairman signs the approved film original(s), the

developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.

3. That the comments in a letter dated September 11, 2018 from LaBella Associates be addressed.
4. That the Applicant provide documentation to the Town's Planning and Building Office from the New York State Department of Health indicating their acceptance of the proposed shared sanitary forcemain for Lots 1 and 2, or the Final Subdivision Drawing include, to the satisfaction of the Town Engineer, separate sanitary sewer services for Lot 1 and Lot 2.
5. That the Final Subdivision Plan depict the 50-foot wide easement on the east side of the property that was provided to "Polidori" per Liber 01372, Page 0654-0660, which is noted on the Sunset Manor Final Subdivision Plan.
6. That there will be no variances granted for any primary or accessory structures that would be built on Lot 7 that would encroach on any side setbacks and any front setbacks. Any accessory structure would have to fit within the area that was outside of the wetlands. A note shall be added to the final subdivision plan indicating this.
7. That the comments in a memo from the Highway Department dated August 20, 2018 be addressed.
8. That the conservation easements be clearly labeled on the final plan as to the type of easement for each lot.
9. That the final plans show the placement and type of conservation easement markers.
10. That the conservation easement on the west side of Lot 1 be no less than 15 feet wide.

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

1. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
2. Two-year maintenance bonds shall be provided by the Developer to the town for all improvements to be offered to the Town for dedication. Maintenance Bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten percent (10%) of the final construction cost, as determined by the Engineer for the Town.
3. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest

version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).

4. No Building Permit shall be issued for Lot 1, Lot 2, Lot 3 or Lot 7 until the applicant has provided to the Town of Victor Planning and Building Office a Jurisdictional Determination from the U.S. Army Corps of Engineers, and to the satisfaction of the Town Engineer, provide documentation that all U.S. Army Corps of Engineer's comments have been addressed.
5. Any Building Permit application for construction of a residential structure on Lot 1, Lot 2, Lot 3, or Lot 7 be submitted to the Town Engineer for review.
6. That a pre-construction meeting shall be held prior to the start of construction.
7. 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.

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

Approved 5 Ayes, 0 Nays

There were no further discussions.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 8:25 PM.

Cathy Templar, Secretary