

A regular meeting of the Town of Victor Planning Board was held on June 9, 2015 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Ernie Santoro, Chairman; Heather Zollo, Al Gallina, Jack Dianetti

ABSENT: Joe Logan, Vice Chairman

OTHERS: Wes Pettee, Town Engineer; Don Young, Town Attorney; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Carl Herke, Town Board Liaison; Donna Clements, Conservation Board; Kurt Sertl, Brett Mastrella, Jerry Goldman, Steve Lamarco, Rob Wolfe, Mike Simon, John LeFrois, Max Heagney, Rosemary Graham, Cynthia Fisher, Gerrit Heerkens, Chip Testa, Ajay Fade, Kav Malli, Bruce Didsbury, John H Palomaki, Pat Palomaki, Mike Lane, Bryan White, Jeff Davis, Bill Connell, Donna Kiikka, Kent Kiikka, J.R. Lyunch, Daniel Streicher, Brian Emelson, Mike Bogojevski, Gordy Phillips Jr., Wendy Salmon, John Farar, Scott Shinkle, Wes Webber, Jean Jones, Bill Stehling, Christine Winter, Nick Oddo, Alan Knauf, Jackie Klos, Craig Hughes, Ken Rield, Sue Stehling, Douglas Fisher, Mauro Polidori, Karen Polidori, Melody Burri, Laurie Mika, Tom Mika, Andrew Nussbaum, Marsha Senges, Bob Cantwell, Darren Cummings, Scott Harter, Dave Nellis, Ruth Nellis, Chris Debski, Theresa DeRycke, Tom Hooker, Susan Streicher, David Hahn, Nan Hooker

APPROVAL OF MINUTES

No minutes to approve.

CORRESPONDENCE RECEIVED

- Robert Ivey re: Gullace Project
- Marsha Senges re: Gullace Project & Public Comments
- Cheryl McLaughlin re: Gullace Project
- Tom Kurilovitch re: Gullace Project and Public Comments

BOARDS/COMMITTEES UPDATES

Conservation Board reported by Donna Clements

- One site walk at Tuscany Hills regarding some grading that was in progress
- Reviewed Castle Creek Cell Tower
- Took another look at the Gullace Project comments
- Have an open position on the Conservation Board

Chairman Santoro made an announcement that there was a need for an Attorney/Client Privilege meeting.

MOVE TO ATTORNEY/CLIENT PRIVILEGE MEETING

On motion of Al Gallina, seconded by Jack Dianetti the following resolution was ADOPTED

RESOLVED that the Victor Planning Board enter into Attorney/Client Privilege meeting with the Town Attorney at 7:05 PM.

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

Approved 4 Ayes, 0 Nays

RE-OPEN OPEN MEETING

On motion of Al Gallina, seconded by Heather Zollo the following resolution was ADOPTED

RESOLVED that the open meeting of the Victor Town Planning Board be reconvened at 7:20 PM.

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

Approved 4 Ayes, 0 Nays

PUBLIC HEARING

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

CROWN CASTLE WINDING CREEK - CELL TOWER

1067 Azzano Circle (Tuscany Subdivision)

Appl No 9-SP-15 (Site Plan) & 3-SU-15 (Special Use)

Crown Castle Communications is requesting to construct a 130 ft monopole tower and antennas within a +/- 10,000 sf area within a +/- 3,600 sf 60 ft x 60 ft fenced compound area. There will be a gated, gravel access road, w/utility corridor within a 20 ft wide easement from public road.

Mr. Jeff Davis, Attorney with Barclay Damon addressed the Board.

Mr. Davis – I'm out of our Syracuse office and here tonight representing Crown Castle Communications as well as Verizon Wireless in the cell tower application. Crown has been engaged by Verizon to address existing coverage capacity issues and Crown's wireless network as they bring 4G LTE coverage to the area across the State and specifically into the Town of Victor.

This particular application, as the secretary read, is a 130 ft monopole tower and is located and I understand that the thumb drive provided maybe didn't have all of the material so pardon me as I refer to some boards here, if you will (referring to material applicant had for the Planning Board to view). It's located off of the back of the Affronti Development Subdivision. We've updated the plan slightly tonight at the request of the town to show the existing proposed lots within the subdivision so you can see where that is and I can provide the Board additional updated site plans for their next meeting.

This tower in particular is important to the Verizon network as they bring and upgrade their network to the 4G LTE coverage which I'm sure you've seen in the wireless ----- does a wonderful job in the commercials, etc describing what they do with their wireless coverage. 4G LTE coverage is the next wave. It's bringing the high capacity data and speeds that people need on their phones. It's also addressing, in this particular case, a very significant coverage in capacity issue that Verizon has in their network.

We have some additional materials tonight, I'm glad to approach the Board and hand them out to you or I can do that at a regular submission for the next meeting, whatever the Board would prefer. It's difficult for me to talk about them if they are not in front of you.

Mr. Davis handed out a document titled Verizon Wireless Radio Frequency ("RF") Analysis.

The document that I handed out tonight is prepared by Verizon and is a site selection and coverage analysis for their network. It's one of the better wireless coverage documents that you've probably had placed in front of you. The first several pages talk about the network design, how the network works, what 4G LTE coverage means, what it means when they are transitioning over to 700 MHz, etc and what that does to your network.

The back half of that describes the site selection process. What they are looking for, why the need for this facility for the Verizon Network and there are the propagation maps which I'm sure this Board has seen before. They are the multi colored maps that show the coverage gaps, etc.

The first one of those labeled Exhibit 1 shows Verizon's existing network in the area. Their network is really served by the four corners of the sheet of paper. So you have the Victor south site, you have the Fisher site, you have the Farmington site and you have the Hathaway Corners site. The four corners of the paper in front of you provide the existing cell towers that their antennas are located on, that's explained further in the memo. The issue that Verizon is presented with right now is actually in the middle of the page. As you can see, where the white is located, that is coverage gaps in their network. Also, as you look at those gaps, you see all of the smaller roads on there and those are all of the subdivisions and homes, etc. that have been developed in the area over the last several years. That area is the exact area where Verizon needs to provide coverage for their network. Not only coverage for the 4G LTE service but also capacity for all of the people that are there using their phones which are currently overloading the network.

So the proposal is for the 130 ft monopole tower that would put 12 Verizon panel antennas at the top of it and that would provide the coverage capacity that they need to address their network issue. Exhibit 2 in front of you kind of shows the after, if you will, with the increased coverage addressing the coverage gap showing in green. You can see that it infill's the coverage issue between their existing sites, addresses the coverage issue on Route 96 as well as all of those residential homes, business, emergency services that need to get into that area.

That's the purpose behind the site. Specifically, if you turn to the site plan that I have in front of me, the site will come off of Plastermill Road and go up the existing access road that is being built for the proposed subdivision, I think it's an approved subdivision at this time. Then come into the back half of the subdivision which is vacant land, there are existing tall pine trees back there, there is an existing pine grove that is back in there. The proposal is to put the tower within the trees in that area. As I said, it would be a 130 ft monopole. At the base there would be a 60 ft x 60 ft fenced area and within that fenced area would be an equipment shelter for Verizon, that's a 12 ft x 30 ft shelter. The site is designed for additional co-location as required by the code. So we show on the site plan, future intended spots that could be used by other carriers as well as future locations within the compound where they can place their equipment whether it be a shelter or equipment cabinet, depending on what carrier would use it.

Otherwise the site is pretty much an inert facility. It's not manned. There is no lighting for it. Once it is built, it will be there and provide the vertical real-estate necessary for the intent to be a line of site to meet their coverage objectives and it also addresses Verizon so obviously coverage and capacity issues for their network.

As I said, we'll do an additional submission to the Board after this meeting that will provide this document to you formally and for the public record as well as an explanation a little bit more as to the site, the project in particular and the process that Crown went through to their ---- acquisition agents to identify this location. They actually looked at 9 different parcels to try to come up with a location for this site. Out of those 9, there were 4 parties approved from our perspective and then they went through that to determine which ones would meet not only code but would be leasable.

So for a new cell site, you need 3 basic things; it's going to work from an RF perspective, meaning the need for the coverage and capacity is going to be addressed. You have to have a site that you can gain land control over; there's no power of eminent domain for Verizon Wireless or Crown so you have to have a willing landlord. Then third, it has to be zoning compatible. In this case, we did not need a variance for this facility. It does require site plan approval and a Special Use Permit from this Planning Board. We believe that we meet all other zoning restrictions and requirements of the zoning code. This is located in a residential zoning district which we understand is, I think a fourth graded one on the list under the code. But if you look at the zoning map, the entire area over there is residential. So there is actually no other spot that we could go to that isn't residential with the exception of one municipal parcel. We did look at the municipal parcel, it is rated higher on your rating system under your code. However, that parcel is immediately adjacent to the one that we've proposed. (*Mr. Davis goes to the board and points out the location*) It's the immediate adjacent parcel but it's actually lower in elevation and would require a taller tower and is actually closer to the homes of the nearby subdivision. So we chose from a zoning standpoint, that was not the most preferred site from a zoning perspective. I'd like to go a little bit higher on the hillside, shorter tower, further away from the homes. It's also allowed us to get it further into the woods to shield the base of the facility.

I'd be happy to address any questions that the Board may have and I know that there may be some questions from the public. As I said, we'll do an additional submission to the Board as well.

Chairman Santoro asked the public for comments.

Jackie Klos at 6645 St. Johns Parkway – I live right next to the site that is being built by Affronti. A couple of questions that I had; have you done an RF study that's required to have 130 ft tall tower? Can you provide a perspective as to what the tower would look like as well as perspective drawings of what it would look like at the top and what it would look like at the bottom? The same question for the access road; what would the access road look like? Will there be fencing or utilities along the access road that is within the residential area that would not be shielded by the trees?

For the other site that you looked at, I think that you mentioned that there were 4 other sites that were possibilities although they were still residential, are they perhaps better sites where they are not currently developed land next to current homes? With the perspective of what it would look like, will there be lights at the top of the tower that would be flashing all night and things like that? Who will own the land once the project is complete? Will it be owned by the landowners that are building on that site? Also, I understand that this space that the tower will be built on is within the forest which is currently part of the greenspace of this neighborhood. What is the justification, this is a question for the town, for allowing a tower to be built into the greenspace where we don't allow any other structures or changes to that land? I do know that that land, although is currently greenspace, it has already had several trees cut down and the land does have a lot of limbs and the roughage from trees being cut down in that greenspace. So what is the plan and the justification for cutting down additional trees and making changes to that greenspace when we've determined that it is greenspace that should not be touched? That's all I have for now.

Mr. Davis – The packet that I submitted to the Board this evening talks about the RF justification for the site so that'll be part of the public record when we do a formal submission for that and you can probably come down and look at the packet at the town hall but that does go through the need for the facility at 130 ft. So hopefully, that will address your first question. The second was the photo simulations. We have done a balloon fly for the facility and we did take photos as to what it would look like from various vantage points. That'll be part of a submission that we make to the town as well that will address a photo dictation, if you will, as to what the tower will look like.

The access road will actually be using the existing access road that comes into the subdivision itself that is currently under construction. So it wouldn't be coming off of the main road, if you will, Plastermill Road. It will use that access road. Once you're up into the subdivision, there will be a separate access road that will go off from that subdivision up to the tower up the hill. That would be between two proposed building lots that has been approved by the developer to where the access road would go. That would be an infrequently used access road. It would most likely be a gravel drive and go up through but would come off of the interior subdivision road, not the main road, not off of Plastermill. The road off of Plastermill would just be the normal subdivision town road.

You asked about the RF approval for this site. There were four properties that we looked at that achieved RF approval but not every one of those were leasable. So despite the fact that we had an RF approval, meaning the site would meet their RF justification or need for the facility, we were not able to lease, all of those sites were landlord control and the fact it was a much smaller number that we were able to actually gain landlord control and be interested in. Despite that, we did do a pretty exhausted list as to what those contained and the full list of the nine, etc. will be contained in this submission that I am providing for the Board after this meeting. So again, you'll have that as part of the public record. Hopefully, that will address your question.

It will not be lit, it's not required to be lit. The FAA requirement is once you pierce the 200 ft level, you would have to be lit unless there is a recommendation of requirement by this Board to light it in certain circumstances. That is the case in certain towns because they prefer it to be lit for emergency flight reasons. But there are no FAS requirements for it to be lit.

The land will continue to be owned by the current landowner and Crown has a lease with the landowner so it will be owned by the landowner that is completing the subdivision development.

Your greenspace question, I'll have to get back to you on that. It was probably more of a question for the Board, but I'll have to look at that and take some direction from the Board.

Mr. Bruce Didsbury from 1 Berkshire Lane – Are there other cell providers that are going to share the tower besides Verizon?

Mr. Davis – For this proposal, it's Verizon but the tower would be available for any other cell providers that wanted to use it.

Mr. Didsbury – I know in Pittsford they have what they call a “Franken-tower”. It's like a big pine tree. Are there any ideas about doing that type of thing to shield the tower so it looks more environmentally friendly instead of just a steel tower going up?

Mr. Davis – I've done several of the monopine, I don't call them “Franken-pines”. The monopine towers, they work and in the right location, they are very good. I would say that this is not the right location because you have 130 ft tower and probably a 60 ft tree height around it. So it's not going to blend in as well as it can in the Adirondack Park for instance or other ones that we've done where you have more of a 70 to 80 ft tree height and you have a 90 ft tower. In this case, Verizon needs 130 ft height to meet their coverage objectives and when you do that, 130 ft pine trees in this area, they are generally going to stand out more than the existing monopole itself because at the top, instead of being a few feet wide width in order to encompass the 12 antennas that Verizon has in their array, it is more like 25 to 30 ft by the time you complete your branching. So it's a much larger structure on the horizon than the monopole itself. In this instance, it's not the right location for a monopine.

Ms. Cindy Fisher from 6647 St Johns Parkway – Jackie did a good job with a lot of her questions and I had one. Has there been any study in regards to property value decrease for the residential property that is involved? How it's affected by a cell tower that is erected? I only received the notification about this meeting 5 days ago or less. So I had little time to do very much research on how that can affect property values, the existing properties and then the new properties that's

going to be developed. I know that from some of the minor research that I've done, there's up to a 20% decrease in property values in significant studies that have been done showing that people are very unlikely to move near or within the site of a cell tower. To me that equates a lot of loss tax revenue for Victor. That's why I'm concerned right now about the affect on the property values on St. John's Parkway and Camden Hills, it is a very nice development. The average house in there is \$350,000 to \$400,000 and I think that equates to a significant loss of revenue for the town if that happens. Have there been any studies with regards to that been done?

Chairman Santoro – There will be no decision tonight and the public comment period will stay open until the next meeting, another 2 weeks. If you want to make written submissions, please do so whether email or regular mail or you can drop it off.

Mr. Davis – Cell towers like the one proposed here tonight are considered public utilities in NYS for zoning purposes. I've seen numerous studies that deal with residential property values. Probably the most extensive one that I saw was done by the Town of Clifton Park, Village of Half Moon area over in Albany for a site that I was involved in where they commissioned on their own, an evaluation study. They concluded that there was no impact at all from property values and in fact, some cases, it was an encouraging factor for people to live where they had wireless coverage where they could work from home, etc. The studies that I've seen come out to where there is little to no impact or in some cases, a positive impact as a result of having wireless coverage. There's been no specific study commissioned for this facility but I will say they are public utility facilities, they have become ambiguous as part of our landscape as we now use cell phones for just about everything. Most people have 1 if not 2 or 3 when you factor in iPods, etc. It's a requirement to have a wireless network to provide coverage to an area, you have to have antennas in that area. If you go back to the cell map that I showed you before, the coverage map, you can't get coverage into that center area without having antennas there. You can see that they are already basically on the four corners of it. But that general area, when you get in there, you need to provide coverage to it, the public utility nature of the facility, whether that be a cell tower or a water tank, etc. Those are the same bases that are looked at from a property value stand point if a study is conducted like the one done several years ago.

Mr. Kent Kiikka – My mother Donna Kiikka owns the property east of the proposed tower and our questions were mainly about whether a study has been done as to whether there could be an alternate site for the tower because the zoning laws says there has to be a study and if there is another site that had an existing facility and the tower could be put there, that it should be. I also had a question about the priority of the location and if there was another higher priority location such as a water tower or something that these transmission sites could be added to.

I also had a question about the sighting of the tower near the pond as to whether that met the location within 100 ft of a wetland and within 75 ft of the center of a year around flowing stream because there is an outlet to the wetland.

Mr. Davis – Again, the packet that we'll submit to the Board later shows that site justification, the various sites that we looked at for this facility. As I mentioned before this area, the entire area has the need for Verizon within this network is located within either an R1 or an R2 zoning district. There is a priority scheme in the town zoning code. The highest one is existing facilities and there are no existing facilities within the area to put the antennas on. I can tell you that if

they could do that, they would have done that a long time ago. It's a lot easier to come in, as you know under your code, and do a co-location on an existing facility to put your antennas on. There is nothing there that will provide the coverage. They are actually on all of the nearest towers. They are at the four corners of the paper that I showed you earlier. So they are on the nearest existing towers. Those sites have been upgraded to 4G LTE coverage already so you're seeing that propagation map that shows you what the network looks like. Thus, the need for the facility in the middle.

The question regarding the pond; we are outside the 100 ft buffer for any wetlands. The wetland buffer requirement right now, the 75 ft requirement, we confirmed that today. It's also within the facility. If we needed to, we could actually move it even further but we are outside that buffer area.

John Farar from 6363 St John's Parkway – I had a quick question. I had actually been reading a little bit about how cell phones will affect health because I've got 4 kids ranging from 1 year to 9 years. My question about this, has there been any long term health studies having it located this close to residential areas as to how that might impact those who live around us?

Mr. Davis – I'll answer that question in two ways. The first is the legal way and that is, as I'm sure the Board is aware, health affects can not be considered in the zoning of a cell tower under the Cell Communications Act of 1996. So that is something that the Board can not consider in this decision making.

That being said, the cell towers are frequently located within residential areas. They are put on bldgs, they're located in schools, etc. There have been numerous studies done regarding that. These operate at extremely low power which is the reason you need numerous cell sites and towers. I've lived in the Rochester area for quite some time, it's not like Brighton where you have a lot of towers up on the hill and they're FM radio towers and TV towers and they are trying to broadcast a signal that's going to reach all of Monroe County and the neighboring counties. As you see here, our cell towers operate at an extremely low power primarily as a result of this. This is a watt to half a watt of power for your phone. It can only talk back so far to a cell tower facility so it used to be when the networks were originally designed, if you can go back that far, back to the 1990's, they put up 500 ft towers and were trying to get as much signal as they could because nobody had phones, if they did, they carried a big bag on their shoulder. Technology has gotten to the point now where your phone is in your pocket or much smaller than the one that I have and the tower heights have come down because there are a lot more people using them, there is much more capacity, it's a highly regulated area from the FCC in terms of how much power and wave length that they can operate under. As a result, you have many more facilities in an area versus your typical tower for TV or radio because everything operates at such low power. So all of this is governed by the FCC, all the equipment is FCC approved to operate only within certain frequencies, certain power levels and that's the network that exists throughout the US and really throughout the world. As I said, these facilities are designed and implemented in facilities all over the country where you are in close proximity to people because people use their phones in close proximity to towers. So it's part of the network.

Ms. Donna Kiiikka – I own the property that this is involved in. This company had approach me before and I said to this company that I did not think a tower in that location was appropriate and I didn't pursue it further. But it looks like they found someone who had a piece of property that

they couldn't do anything with and they are going to get money for it, so that person said Okay. I don't think it's appropriate for that location. I think if you look at the code that you'll find that this is one of the least areas that would be appropriate for a tower in this town. Thank you.

Mr. Davis had no response to comments.

Ms. Jackie Klos – I just had a couple of follow up questions. You mentioned that there were a couple locations that you did look at and the options that were available, I just wanted to confirm that none of them were available for lease. You're confirming that there are no other options that you've investigated that would be appropriate for this. Also, in the RF study, did you confirm that 130 ft is the only available option? Did you do any studies to show that perhaps 80 ft or 90 ft, the coverage that they would offer....I didn't get a picture of the coverage area? Would that coverage area be complete based on your proposal if it was significantly less in size?

I know that there are several trees in that area. I don't know how tall the trees are but I was just wondering if you looked at the height of the trees and how far above the trees the proposed cell tower would extend given the topography and the tree height.

Also, just a question for the justification for the greenspace. I think this is more of a question for the Board, I don't know if that is a follow up question that I would get a response to here or if I should ask at a different time.

Mr. Pettee – As part of the Tuscany Hills Subdivision, there was an overall greenspace requirement which I believe the project met. What we can do as we don't have an answer for that question today. But we'll go back into the record, we'll go back and look at the Tuscany Subdivision and give some feedback to the Board to respond to your question so that they know whether or not the greenspace requirement is still being met if this were to be constructed.

Ms. Jackie Klos – Just to add to the woman that spoke previously, I think that this is a very good initiative that the town has taken to ensure that a lot of the developments do have the greenspace. However, the neighborhood has donated greenspace as well. I think the town has taken a lot of effort and the Board has taken a lot of effort to invest into new communities. I see that this community has proposed a sidewalk in their neighborhood and I think that is a great initiative that the town is really looking to build communities. I know they connected my community with this community as well just to have a connected neighborhood. I appreciate that we're trying to save the trees and to save the land so I just would like that to be something to be taken into consideration. I do see that Affronti did tear down some of the trees that were in that greenspace, against the code, against their proposed plan and they did sell that lumber to make a little bit of extra money on the land. So just something that I would like the Board to take into consideration is that for your proposal and your vision of the future of the town, and the parties involved here and who will be benefiting from this tower in the future. Just take those things into consideration.

Mr. Davis – Again, I think the submission we make will address a lot of your follow up questions on the other options and the height considered. This is line of sight technology so every foot that you drop is a decrease in coverage. I know Verizon did look at that to provide the minimum height necessary to meet their coverage objectives. Even in the submission that I gave the Board tonight, even at 130 ft, there is still some coverage closer to Route 96 that isn't

completely filled in with the coverage gap so any lower would actually make that a little bit worse.

My final comment would just be about the comment made for the need of the facility and the benefit, etc. Wireless is a benefit to the community. If I polled the room, I guarantee that most everyone has a cell phone and they use it. They use it when there is a need for an emergency, they use it when there is a need to call home, and they use it as their primary home phone. Land line phones are going obsolete. The data shows there are more wireless phone connections than land line phone connections in the US. That is how the network, our economy, our technology has grown to this point. It is a network, it is a tower that will be built as part of the network but it does provide a benefit to the entire community.

Mr. Darren Cummings from 1081 Trevor Run – This picture does zero justice for anybody here to really get an idea as to where this is going. I think they should have been more responsible and shown up with maybe a satellite image showing the 70+ homes directly adjacent to this tower. In fact, that corner in the lower left is my property. I was in my backyard and I saw that balloon fly and all 70 homes in our neighborhood will see every inch of this tower. I'm very familiar with the wetland back there. I'm very familiar with the amount of wildlife back there. And, being a Verizon Wireless customer, I don't have any signal problem at my home. So I think, moving forward, it would be responsible to get more information, a better depiction of where they are trying to put this. We've heard a lot about what Verizon is going to get out of this; I don't think the community is getting anything.

Chairman Santoro – I think he said he was going to provide in his next package, some information about that.

Ms. Clements – We reviewed this project at our last meeting and it was my understanding when we sat down with the applicant's engineer, I believe Mr. Lynch, that the average elevation which kind of locates that 60 x 60 compound on the front of that drumlin was at 645. It was my understanding that it was not in the middle of those pine trees which means it's really not at the top of the drumlin and that was one of our concerns. With respect to impacts to this property, I can speak to the open space and the conservation easements that have been placed on that subdivision. This particular portion of the site is in a "site specific" conservation easement. So what we do, we go through and say these are the allowable uses and the type of activities that can happen within that particular conservation easement. The developer had approached us for the potential of allowing a cell tower to be put in here, that they would have to propose this to the Planning Board. So we looked at it from an environmental standpoint. The driveway that would access this cell tower compound would be gravel. Our concern was that it wouldn't be an impervious surface, that the grading be minimal, that the removal of trees would be minimal, and that there would be no impact to the pond or the NWI wetlands that surround it. We have requested, I think the town had requested specifically, that the limits of disturbance be shown clearly on the plan because the submission that we reviewed did not have that. But we did sit down with Mr. Lynch and talked about what they were proposing. What they are showing now, the driveway was supposed to be relocated so that it would minimize grading into the compound. The Conservation Board felt very strongly that they needed to show some existing pictures which I did receive. I requested that the location where they were standing, the direction that they were looking at be shown on a plan so that you could see where those pictures were. It was

my understanding that the trees in that area in the photos that I saw wasn't densely wooded. The trees were maybe 8 to 12. But I'm sitting back there with my computer looking at the topography and the residents on the adjacent Camden Hills are higher than the cell tower location so they are going to see it and that's one of the things that we had suggested that you need to show the public what it's going to look like. So I'm assuming that's going to be available in your next submission.

Chairman Santoro stated that we are handcuffed by Federal regulations and that there is only so much that we can do.

Mr. Davis – I understand the gentleman's comment on the facility, the map and there was a thumb drive but we'll do additional submissions for the Board. I think from the Conservation Board comment that was just made, that stand of trees that you were referring to I think is here (showing on the overhead). This is the tall pine trees that exist. It shows very clearly on an aerial photo, those are the much taller stand of trees that are there. This is the wood limit that is all existing trees. On the back side of the drumlin is where the facility is proposed so it's on the back side of the existing trees, so those trees would remain as part of the application. I know that one of the comments and one of the discussion items from the Conservation Board is to just orient folks a little bit. We'll put together an aerial photo that shows the location, shows the ---- area and something that can be put up on the presentation board.

Ms. Jackie Klos – I just wanted to note that I believe there are two conservation areas on the plot. One is this area and the other is directly behind my lot. I did notice that last year they did cut down a significant amount of the large trees in my conversation area and I just went quickly to Google Earth and you can see the image where it appears to be very similar in the conservation area on that side where you can see a large whole of trees and it appears as those there are still some limbs that are down in the forest over there. So I would imagine if there aren't a lot of trees being cut down it's probably because they've already been cut down. I just wanted to add that.

Chairman Santoro stated the public hearing would remain open and the public comment period would stay open and if anyone wanted to submit anything in writing to do so.

Mr. Pettee – LaBella Assoc., we are working on our comments for this particular application. We wanted an opportunity to listen to the public tonight to be able to capture some of those comments in our comments to the applicant. There are a number of items and we'll try to get this out to you this week.

Ms. Zollo – The residents asked about the impacts to the greenspace. So we're going to find this out but I'd like to find out what percentage of the greenspace will be impacted by the tower. Not just that we'll still have enough left but how much will be impacted. I was also wondering if you could provide a cross section so that we can see what it's going to look like from the resident's perspective, how much higher than the existing trees it will be.

Mr. Davis – I think the photo simulations will probably address that better than a cross section on the plan but we'll do both. For the percentage of greenspace, we may just coordinate our

response with the Town Engineer once you've had a chance to look at that, maybe you could get back to us and let us know those calculations.

Mr. Gallina – Just for clarification, on the photo simulations, would that include simulations from the various homes in the adjacent area. It's nice to see what it's going to look like from a balloon but I'm more interested in visual simulations from the surrounding homes as to what it will look like.

Mr. Davis – We did a balloon fly, we basically use that to identify the height of the facility. Then we take a picture of that, then we photo simulate the tower into the height of the balloon.

Mr. Gallina – Then there would be a simulation from vantage points....

Mr. Davis - ...From a public vantage point, I'm not going trenching across somebody's property without their permission.

Mr. Gallina – But from the roadway.....

Mr. Davis – ...From the roadways, yes we can get some photos from that area and attempt to photo simulate that way, yes.

Mr. Gallina – Thank you

The discussion ended at this point.

VICTOR CROSSING – MODIFICATION

Commerce Drive

Appl No 35-SP-14

Applicant is requesting a change to the hours of operation to allow the shopping center to operate between the hours of 11 pm to 7 am, which is restricted by the previously issued SEQR findings and approvals.

All oral and written comments received will be transcribed by Tammy Figler, Alliance Court Reporting, Inc. The complete transcript will follow in the minutes when received and is made part of this Public Hearing.

EXTENSION OF TIME

VALENTOWN PLAZA LOT 3

High Street

Appl No 3-SP-14

Applicant is requesting a site plan modification which was approved May 22, 2007. The proposed amendment is to construct a 25,000 sf one story bldg where 20,700 sf was previously approved.

There was no one present representing applicant.

Chairman Santoro announced that this would be the final extension for this application. There were no comments.

RESOLUTION

On motion made by Jack Dianetti, seconded by Heather Zollo

WHEREAS, in a letter dated May 1, 2015, Andrew Moroz from BME, requested a 90-day extension of time for application titled Valentown Plaza, Lot 3, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the *final* 90-day extension of time for Valentown Plaza Lot 3.

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

Approved 4 Ayes, 0 Nays

DECISION

VICTOR CHEVROLET Revised Plan

7200 Route 96

Appl No 45-SP-14

Applicant has submitted a revised building plan with some minor site plan revisions.

Mr. Jerry Goldman, attorney and agent for Victor Chevrolet addressed the Board.

Chairman Santoro asked Mr. Gallina to give a report from the Architectural Review Committee meeting that was held prior to the Planning Board meeting.

Mr. Gallina – The applicant had provided three alternative renderings in which there was a consensus on Version A. From our previous meeting, there were a number of items that we had provided back to the applicant on and they came back with these three alternative views. Again, there was a consensus from the Architectural Review Committee that Option A was the third submission that many of the recommendations from the previous feedback were incorporated. We had made some additional comments this evening. In these rendering you really can't see it, but there is a center service bay area, just to the right of the main showroom that we looked for some additional enhancements to, just add some dimensions, some features to that area. We thought it was pretty stark compared to the rest of the design.

Also to consider the building material selection on the columns which were added in the front of the building to have more of a fieldstone look versus a modern stone. Then a request to

put some level of clapboard siding on the showroom area. That's basically the feedback that we provided.

Ms. Zollo – I think you pretty much covered what we talked about. We were looking for some additional enhancements to that center area, next to the showroom.

Mr. Goldman – We did have a good discussion with the Architectural Review Committee on this matter. While we show on the above slides all three versions, we seemed to have settled on Version A as the one as Al pointed out. We think that we're pretty well resolved on this front piece in terms of the entry and the entry elements. There are some limits that we have in taking it any further in regards to the design as was requested by the Architectural Review Committee. We can put a little bit more highlighting relative to breaking up the look of the service area and try to carry some different color up and down. But in reality, we think that we've pushed the envelope just about as far as we can to this point with Chevrolet. We're actually beyond the envelope but we think we can get there with them. We would request the Board's consideration. I know there was discussion relative to these elements and we do take them seriously but we think that we're pretty much where we can go with it and would request that the Board consider our Elevation A proposal and hopefully we can get through the process on this.

Mr. Dianetti – They've made a lot of concessions. They've been working hard at it. I'm okay with it.

Ms. Zollo – I just don't think the metallic siding meets our requirements. As long as its color wise and especially the stone we're looking for on the pillars, I don't see what would be objectionable to that with Chevrolet.

Mr. Goldman – The stone, as you point out, we have the stone pillars which do carry all the way around on the site. It is a design element and a design factor. This is not something which I think we can definitively say we can't get. But this is the best design that we can really offer on this. I don't know that this should be a major sticking point at this point but I guess we'd like to hear more from the Board relative to that.

Mr. Gallina – I offered the building that is under construction almost immediately across Route 96 which I think has more of the characteristics of the architectural guidelines. I think if we could move with that last architectural feature of the siding, I think it would tie in very nicely into that immediate area. That's just my opinion.

Mr. Goldman – Unfortunately, that is something that we can't commit to at this point. I'm hopeful that that's not going to be a sticking point after all of this process and after all of the concessions that have been made to this point.

Chairman Santoro – I've got a resolution to read.....

Mr. Goldman -Let me make this point, if there is a need for further dialog relative to the architecture on this, I know that this isn't typical to what you normally do but nothing that we're talking about would change the footprint of the site or anything else with regards to the site. If

we're prepared relative to the site factors, we would like to at least see if we could get a site plan approval except for the architecture so we can start getting signatures and go do our work and get all of that done.

Chairman Santoro – We run into problems leaving “open ends” on these resolutions of late. We are really not inclined to do that. We like to get all of the loose ends wrapped up and tied. If you want to submit something else, we would be glad to look at it but to leave that as an open issue, we can't do that.

Mr. Goldman – Can we at least request some sort of *straw pole* before we get to a resolution on this? That may make a difference in the whole scheme of things as to how we approach it at this point.

Chairman Santoro – I can read the resolution and you can see how the vote goes.

Mr. Goldman – Then it's a vote and then we're kind of locked in.

Chairman Santoro – Well you've heard the comments from the Architectural Review Committee. Joe (Logan) is not here tonight but he was a variable.

Mr. Goldman – I think we know where Joe might land on some of these issues. So it really does come down to whether we are willing to take the accommodations that we've made and say okay we've done the best we can over here. If it's going to be something where the Board is going to dig their heels in relative to that element, I think we may need to defer.

Mr. Rick Millham from Victor Chevrolet – Chevrolet will not agree. Chevrolet has its branding requirements unfortunately. As much as we might not like the blue and gray ACM panels, that is their branding requirements. So that is not a negotiable item. We're not even sure quite frankly, that the current design would be approved but we're willing to at least step up and take that to them. This is the first time in 3 or 4, well at least 3 Architectural Review Committee meetings that all of a sudden we hear that we need clapboard siding like those guys across the street. The guys across the street don't have Chevrolet as their franchise owners. Our hands are tied. We've made quite an investment in this property and the dealership. We've brought a lot to the table in terms of revenue to the County and to the Town in particular. We're committed to being good, responsible citizens out here. Unfortunately, our hands are tied and we're left with what we're left with. So it's either not do anything and have the continued eyesore that there is there; leaking roof, an area in the back of the building that continually drains into the building or we build something that Chevy will agree to. That's all I have to say at this point. Thank you.

Mr. Goldman – We're kind of between a rock and a hard place. I think over the course of the months, it's become pretty clear that this group has been willing to work as hard as they can to try to accomplish the objectives from the Town's point of view as well as trying to serve our other master, if you will and that's Chevrolet in regards to this. We just need a little bit of help to get us past the finish line is really what it comes down to.

Chairman Santoro – Well what is your pleasure? I can read the resolution and take a vote. We don't have all of our members tonight so you would have to have 3 out of the 4 of us.

Mr. Goldman – We would request the opportunity to take one more step and take a look at it and perhaps move it down 2 weeks and see if there is anything we can do to address the comments we've received.

Chairman Santoro – That will be fine.

Mr. Goldman – Thank you.

A comment from the audience was inaudible.

Mr. Goldman – Mike makes a good point. While I know you don't want to separate parts of the approval, can we reach some sort of consensus or understanding that we're now solely focused on the architecture as a last remaining issue?

Chairman Santoro asked Mr. Pettee to comment.

Mr. Pettee – Our latest letter dated May 26, 2015, the applicant did receive a copy of that and they have responded to our letter and their letter is dated June 5, 2015. Just today we received revised storm sewer calculations that we requested and those check out and they are fine. The remainder of the items have been addressed or we can just verify them on a set of approved plans, probably the mylars. So from LaBella's perspective as the Town Engineer, we're all set.

Chairman Santoro – And there will be and this is part of any resolution not just for you but all resolutions from now on, a statement that says; *If an underground stream is encountered during construction, it shall be addressed to the satisfaction of the Town Engineer.* We've been having some problems in the town with things like that and we just want to be sure that our bases are covered. So as not to surprise you.

Mr. Goldman – Okay, but going back to my question, are we solely at architecture?

Chairman Santoro – I think so.

Chairman Santoro asked the rest of the Board.

Mr. Gallina – I don't think we have any other issues with the site plan.

Chairman Santoro – That would be correct.

Mr. Goldman – We appreciate that.

The applicant will return requested information by Wednesday, June 17th before noon.

Chairman Santoro recused himself from the next application. Mr. Al Gallina conducted the meeting.

NEW APPLICATIONS

VICTOR COMMUNITY CHURCH

7500 State Route 251

Appl No 10-SP-15

Applicant is requesting to build a 6,000 sf addition to existing bldg. The gravel driveway is proposed to be expanded 42,475 sf.

Pastor Steve Lamarco, Pastor of Victor Community Church, Bryan White of Elliott Engineering and Robert Wolf of Wolf Architecture addressed the Board.

Pastor Lamarco – I believe the Planning Board has seen as we discussed the potential for this project in the past, we own the property at 7500 Route 251 which currently does not look at all like the picture that is on the above screen but the property does exist. The bldgs that you see in the lower picture do exist. We are planning to renovate the bldgs and bring them up to an acceptable presentation in our community. Also, we are proposing an addition on to the back of the property of about 6,000 sf which is primarily worship and fellowship space for the purpose of the church ministries.

I'm happy to try and answer any questions although my expertise at certain levels of this project was compared to the other 2 gentlemen that are with me. Robb Wolf who is the architect that we are working with and Bryan White of Elliott Engineers is also working on the project with us.

Mr. Robert Wolf – Our office is located at 3 North Main Street, Honeoye Falls. As the Pastor said, currently there are two concrete block bldgs. They are in need of updating. The plan immediately is to put on a timber framed front entry to kind of announce the entry of the building. We are looking to get rid of the old front entry which is a little confusing. The whole concept of the church is to be inviting. It's a very vibrant organization with a lot of people interested in investing their time in this site and I've seen that to date. They do have people show up and are anxious to improve this site.

The first phase will be to occupy this space, fill the larger building in the back and then the front entry. The second phase will be the façade improvements and the port cochere where people can get dropped off under cover. The final phase will be site work and site amenities.

I guess the balance of what you're interested in is the site so I'll turn it over to Bryan.

Mr. Bryan White of Elliott Engineering Solutions located at 540 Packetts Landing in Fairport – As you see before you, the site plan. To date, we have received mostly all of the comments. We just received LaBella's on Friday so we are in the process of making revisions and updating comments. A couple of the main concerns right now are that we will probably be looking for a variance for is the parking. As you can see, we have parking up in front, all along the side and even up along the back. We do have a few areas that we're calling out as future parking that we would like to land bank. The code calls out 1 parking space per 2 occupants inside. That has

been studied throughout various traffic studies and also Monroe County did a study in 2007 that states that 1 parking space to 4 occupants inside is more of a standard to use for churches.

We have been using our own traffic counts. We had an informal meeting here in March 2015 and since that date, we've been doing traffic counts with occupants. On average we are about 1 to 2.5 with about 180 average people that come on a Sunday. We did have a minimum of 149 and that had about a 1 to 2.1 ratio and then Easter was also in there and that was 240 people and that was a 1 to 3 ratio. So with that basis, you can see that the more people that are coming, the fewer parking space demand is actually needed.

To address Fishers Fire Dept comments; we plan on removing a couple of spaces in here and adjusting this. We will be losing 2 more spaces. So that would be 99 parking spaces for primary construction which that Easter Sunday with the 240 people, we only used 84 parking spaces. For that, we still feel that the 99 spaces will suffice for what the needs will be for 2 or 3 years as the church grows.

Also as pointed out, the parking in front infringes on the 80 ft setback from the right of way for parking. Right now we are at about 30 ft so we would be asking the Board to be looking for a variance to allow us to have parking in front. If that's not a variance and is just an approval within the resolution.....

Mr. Gallina – That's an existing condition?

Mr. White – Right now it is about 78 ft where the existing parking falls. The existing parking lot is from this point south, we would be adding about 6 spaces here and then the 14 spaces in this area. At this point, I'll turn it over to any questions that you may have for me.

Pastor Lamarco – Just before the questions, if I may. I checked properties that are in the area in terms of parking area from the edge of the road. We would be looking at, I believe about 50 to 55 ft off of the edge of pavement. Is that correct?

Mr. White – Where it stands right now, we would be about 45 ft from edge of pavement.

Pastor Lamarco – There is a sidewalk that is at the current front of the building that I believe is 5 to 6 ft wide. If that was not needed because that wouldn't be the main entrance any more, then we could recover another 5 to 6 ft from setback. But in checking neighboring properties, the property to the west parks within about 10 ft of the edge of road. It's a residential property but it's the property next door and we'd be well behind that. Some other neighboring properties on Route 251 are 50 ft or less to edge of pavement. So I don't think we would be out of line with what already exists and the character of the area. I just wanted to mention that.

Mr. Gallina – Would that require a zoning variance or site plan approval?

Mr. Young – I think you can vary the number of parking spaces at the Planning Board level. But I think the setback from the road would require a variance.

Pastor Lamarco – Our understanding was that the Planning Board can make a determination on setback. That was from a Code Enforcement Official.

Mr. Pettee – We can get verification from the Town’s Code Enforcement Officer, traditionally if you would need some type of setback waiver, it would be a variance to the Zoning Board of Appeals. But in this particular instance, in our letter dated June 5, 2015, comment #6 we noted that Town Code Section 211-32 A.2.d.1.a indicates “*No vehicular parking shall be permitted within 80 ft of the road right of way. The Planning Board may reduce the front setback if there is no need for a future service road or road widening.*” So it would appear that perhaps the Planning Board has the authority to provide some sort of waiver but we should get verification from Code Enforcement.

Pastor Lamarco – That’s what I was trying to express of what our understanding was.

Mr. Dianetti – Is the parking out front for handicap accessibility?

Mr. White – As it stands, handicap will be...now this will be our new front entrance and you have handicap accessibility right in front. With it being as close to the front entrance as it is, that would probably be for more elderly or families with young children.

Mr. Dianetti – How much room do you have in the back? It doesn’t look like you have a lot of room, it’s mostly parking lot and not a lot of room in the back to expand the parking lot.

Mr. White – That’s why this area, because we do have a stormwater management area, so we would have a little bit of future parking back here and a couple of spaces in this area in the back. Even with those future parking areas, the back and the front, we would also meet the greenspace requirement. But in the back it starts to pitch off even more back here. You wouldn’t be able to expand the parking any further.

Pastor Lamarco – There’s a couple of ways from a church standpoint that we can deal with potential growth, parking and capacities and things. That mostly has to deal with scheduling. If we were to grow beyond what is comfortable, a church setting, you’re not trying to pack people in so they are uncomfortable. People want to be in a space that they can enjoy. Even churches in our town already have multiple services to deal with the number of people attending and involved in the church. That’s just the strategy that we would look to if parking became an issue or capacity became an issue. Again, our typical times of operation for our larger groups are almost completely opposite of normal retail or business hours. So I don’t think the impact that way is significant.

Mr. Dianetti – It’s not a traffic issue, it’s a parking issue.

Pastor Lamarco – You could deal with that with scheduling.

Ms. Zollo didn’t have any comments at this time.

Mr. Pettee – We have a few comments that I can share. One is we’re looking for the stormwater management report. There is a stormwater facility on site and they would just need to be in compliance with the Irondequoit Creek Water. You’ve got that comment, correct? (Yes) The sanitary sewer extension, I believe we do have that information now in our office.

Mr. White – That was submitted on May 20th.

Mr. Pettee – This property is not within the sanitary sewer district right now. So there would need to be a Town Board action aside from this Planning Board action to include them in the sanitary sewer district.

The parking lot grade in one portion of this site looks to be between an 8% to a 9.5% slope which is very steep for a parking lot. Generally, you see parking lots within 2 to 5% slope. For example, if you look at Eastview Mall, the parking lots slope in those areas that measure about 4%. So it gives you a comparison.

That's pretty much it. There are a number of other items on here that are more technical in nature. But I wanted to call your attention to them.

Mr. Gallina – I think you got some feedback from the Board. Do you have any other comments or questions for us at this point?

Pastor Lamarco – I don't believe so.

The discussion ended at this time.

Chairman Santoro returned to meeting.

Mr. Jack Dianetti recused himself from the following application.

LEHIGH CROSSING LOT 10

7891 Lehigh Crossing

Appl No 11-SP-15

Applicant is requesting to construct a +/- 15,000 sf single story bldg w/parking for 70 vehicles.

Mr. Mike Bogojevski from BME Assoc addressed the Board along with Kurt Sertl from Bluestone Creek, LLC and Gallina Development and Brian Emelson from Town of Victor Parks & Rec Dept.

Mr. Bogojevski – We are here tonight to request final site plan approval for the proposed building on Lot 10 of the Lehigh Crossing Development. The proposed building will be used for the Town's Park & Rec Dept which is why Brian is with us tonight. The building will be 15,000 sf with a single entrance off of Lehigh Crossing Road. The property is currently Light Industrial which was approved with the overall preliminary in Section 1.

The original approvals established the lot standards which the site plan that we've done conforms to. The building itself, the entrance will at the northeast corner. The parking layout is on the north and east sides. We have proposed a sidewalk to the entrance on the northeast corner which will have flush curbing along the parking spots to allow access to the door. Utilities will be connected from the existing utilities stubs that were installed with Section 1. We do have a

small portion of storm sewer that will be going in along the north and east sides of the parking lot.

We have 70 parking spaces proposed to meet the required amount of parking per the preliminary in Section 1 approvals. Both the parking and all other development thresholds, including greenspace, building coverage have been done to conform to the original preliminary in Section 1 approvals which set the development thresholds for the overall Lehigh Crossing development.

The stormwater will be directed to the south. There is an existing pond south of Lot 10, 11 and 12 that was installed with Section 1. Basically, the majority of the stormwater run off from the parking and the building will direct the sheet flow to the curb cuts in the parking areas so that it can drain to the grass areas and drain to the south via swales. We do have a small portion of storm sewers with inlets along the northern side to collect a portion of it and drag it to the south.

As part of the Engineer's Report that was submitted, we did include a comparison as we did with previous Lot 3 to compare the development thresholds with this lot to the overall development thresholds that were approved with the overall subdivision.

We have received some comments from the Town and LaBella. We've submitted written responses and are waiting to submit final plans until we get additional comments from the Board. With that, I'd be glad to answer any questions. Kurt and Brian are here also to help answer questions as far as the building and the use of the building.

Chairman Santoro asked the Board members for questions.

Mr. Pettee – LaBella does have a letter in the file dated June 2, 2015. Some of the items that we had comments on; the future building addition that is depicted on the plans and we asked whether or not they are seeking approval for that particular addition at this time or is that going to be something they would return to the Planning Board for in the future. They responded that *the future addition is not proposed at this time. It is the intent for the applicant to return at a future date to obtain any necessary approvals.* It looks like they will add a note to the site plan clarifying that.

Accessible ramp; we asked about whether one was needed and the applicant indicated there is a flush curb on that sidewalk with the pavement so there is no need for an accessible ramp.

The majority of remaining comments are technical in nature. They've had an opportunity to respond. There's not much more that I can share at this point other than say that we will issue an updated letter just to verify that all of our concerns have been addressed.

Ms. Zollo – My notes, I think are questions that LaBella asked, parking grades, lighting plans, sanitary sewer capacity. Were those all in your letter?

Mr. Pettee – I don't think we had anything about the grading for parking. The sanitary sewer capacity, we did not comment on that. But we can follow up on that.

Ms. Zollo – Those were the things that I had and it seemed like we were just missing a few things here.

Mr. Pettee – My understanding to the SEQR review with respect to the sanitary sewer, I think we were set on that. But I think it's probably an issue that has come up enough times that it would be worth while to check in with Mike Shaffron of our office just to reassure that the Planning Board is okay with going forward.

Ms. Zollo – Okay, those were notes that I had, about the front setback, the lighting plan, the parking lot grade.

Mr. Bogojevski – As far as parking grades; the overall parking grade is fairly minimal. The overall subdivision was graded and the building pads were set with the overall of Section 1 construction. The grading itself for the parking and the building pad are fairly minor and the grades themselves for the parking lot are pretty flat.

The overall sewer capacity; that's also something that was designed with the overall Section 1 and also the overall preliminary design of the subdivision to include both Section 1 and the future Section 2 which is still to be constructed. That took into account the full build out and allowable build out of all of the lots. As far as the sewer capacity itself of the existing sewer in Section 1 that it is tying into, it has enough capacity.

Ms. Zollo – Is that something Wes, as this gets built out...I thought we had to look at that again.

Mr. Pettee – I can revisit the SEQR resolution and the documentation and bring that back to you so that we are all familiar as to where we stand as to when and if this sanitary sewer needs to be revisited within the build out of Phase 1 or 2.

Mr. Bogojevski – The comparison chart on the Engineering Report, does include the overall allowable sewer capacity that was used for the design of the sewer. In fact the pump station was installed with Section 1 and it also tallies up the anticipated demands from existing lots and proposed lots. If you look at the Threshold Chart, the last line, it tallies up the sewer flows.

Mr. Pettee – Yes, it indicates the overall allowed would be 53,500 gallons per day and the existing flows with Lots 1 and 3 which are built are 5,722 gallons per day. If you add Lot 10 into that, they would be at 7,222 gallons per day which is below the 53,500. So it looks like you'd be at 13.5%.

Mr. Bogojevski – That would be for Section 1 and 2. We are well below the thresholds.

Mr. Gallina – Based on the tenant use, is 70 spaces for parking sufficient based on the intended use of the building?

Mr. Bogojevski – The proposed parking meets the requirements.

Mr. Brian Emelson – Actually, in the design of the facility, we asked for more parking than was originally in the plan for the project just based on our existing condition. Then adding a large recreation space, the gymnasium would require some more parking. So they accommodated that for the parking.

Mr. Gallina – I just know that you are so successful with your programs, we just want to keep people from parking on the streets.

Mr. Emelson – They did at our request, add 25 spaces.

Mr. Kurt Sertl - Just to address Heather's question, there is no setback encroachments at all on that proposed site plan.

Mr. Bogojevski- The setbacks are per the overall Section 1 approved plans. There is a building set back and a parking setback and both are conformed to.

Chairman Santoro asked for Architectural Review comments.

Ms. Zollo – We only had the one view of the building which is what you're seeing (referring to the overhead screen). We asked that they try to break up that larger addition on the back with some kind of an eave overhang or carrying that molding that's on the front to the back.

Mr. Sertl – The drivit crown. The way that building is laid out, that front section is 7,000 sf (basically 70 x 100) and the back high bay section is 8,000 sf (80 x 100) and Brian needs 20 ft clear there. So that is why we have the multiple height building. We will look at that higher section where you see the three window bands, either putting an eave on that or running that Drivit cap around on the top. We've got an exterior gutter there so I just need to be careful with constructability. We'll look at that.

From an Architectural Review Committee standpoint, do we need that on the north side only, north side and west side? I generally wouldn't put it on the south side which is the back. So my question to you is; certainly the north side and then do we need to have it on the west side as well?

Ms Zollo – That's the trail side? (West side, yes) It would look nice and add to your building.

Mr. Sertl – The west side is the peak, that's the profile you're looking at so there are no gutters on that side. It would be a little bit more difficult to do that. You could certainly do the eaves. I'll look at doing something north and west and are we okay to leave the south side as it is?

Mr. Gallina – Yes

Chairman Santoro – How close are you to 50% build out for the entire project?

Mr. Sertl – There are 6 lots in Phase 1 and 6 in Phase 2. I would say with the development of Lot 3, we would be 50% of Phase 1 or 25% of the overall project.

Mr. Gallina – I think 50% was the trigger point for traffic and/or sewer, to revisit. 50% of the overall, not of Phase 1.

Chairman Santoro asked Mr. Gallina about the needed architectural comments. Mr. Gallina suggested putting a condition into the resolution.

Mr. Emelson stated he has a lease agreement with the applicant and would like to start by July.

RESOLUTION

After the resolution was read but before the vote was taken Ms. Zollo wanted to know where the HVAC was going to be located and if it was going to be roof top and screened.

Mr. Sertl stated it would be three rooftop units that would go on the lower roof, about 55 ft back from the front of the building and approximately 35 ft back from the north and south side. They are clustered into the middle of the building as much as possible to keep them out of sight. They are 3/4 ton units, total of 47" high.

On motion made by Al Gallina, seconded by Heather Zollo

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

1. A site plan application was received on May 8, 2015 by the Secretary of the Planning Board for a Site Plan entitled Lehigh Crossing, Lot #10.
2. It is the intent of the applicant to construct a 15,000 square foot single story building.
3. The Town of Victor Planning Board issued a Negative Declaration on March 8, 2011 which considered the proposed site development. This development of Lot #1 parameters fall within the thresholds established through the SEQRA approval.
4. The Conservation Board reviewed the project on June 2, 2015 and stated no significant impacts.
5. In a letter dated June 2, 2015, LaBella Associates stated that technical issues remain to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of Bluestone Creek, LLC, 1890 South Winton Road, Suite 100, Rochester, New York, Site Plan entitled Lehigh Crossing, Lot #10, drawn by BME Associates, dated May 2015, Drawing 02 - 09, received by the Planning Board May 8, 2015, Planning Board Application No. 11-SP-15, 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 2, 2015 from LaBella Associates be addressed.

3. That the comments in a letter dated May 14, 2015 from Bruce Zaretsky, the Town's Landscape Consultant, be addressed.
4. That comments from the Al Benedict, Code Enforcement Officer, dated June 3, 2015 be addressed.
5. That comments from the June 9, 2015 Architectural Review Committee meeting 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. 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 (10%) of the final construction cost, as determined by the Engineer for the Town.

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

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Aye
Heather Zollo	Aye
Jack Dianetti	Recused

Approved 3 Ayes, 0 Nays, 1 Recusal

DETERMINATION OF SIGNIFICANCE

GULLACE PROJECT

995 Co Rd 9

Appl No 18-SP-14

Applicant has submitted a revised Concept Plan for project. Applicant is requesting 17 single family lots in the Village of Victor and 71 for-sale townhomes in the Town of Victor on 22.1 acres. Proposal includes approximately 0.7 acres to be conveyed to the Village through the annexation process.

Discussion on Part 2 and 3 of the EAF (Environmental Assessment Form) will be continued at this meeting.

Mr. Bob Cantwell from BME Assoc and Alan Knauf, Esq. addressed the Board.

Chairman Santoro explained that they were missing a member of the Planning Board this evening and that the decision would need to be 3 to 1 in order to pass. Mr. Knauf stated he understood that the Board would need to vote again at the next meeting (if there was a tie) because there needs to be a SEQR determination.

Mr. Knauf – We are here on the SEQR determination. I'm not going to go through all of the issues. Basically, we think that there are no potentially significant impacts. I think if you Pos Dec this development it would not only be inconsistent with the previous decisions that the Board has made but you'd basically be saying that any development in the town would have a Positive Declaration. I think a question might have come up about trees. Bob Cantwell was going to address that issue.

Mr. Cantwell – Before I address that, just real quick, when we were in front of the Board a couple of weeks ago, we had distributed responses on four of the small to moderate impact categories of the Part 2 of the EAF. So obviously, we recognize the fact that we didn't give you an awful lot of time to review those replies. So hopefully, you had a chance to review those within the last couple of weeks.

As a result of other input that we did receive at that meeting, we had gotten a request from one of the Planning Board members to contact the Victor School District relative to the projected number of students that might be expected. We did do that and just as we had prepared and referenced at the meeting a couple of weeks ago, there are very few students that the District would expect based on the track record of students at other similar projects in the town have experienced.

I think independent of that, the Town Building Dept also did make a request to solicit input from the school district. Again, I think the bottom line is that there is very little impact on the school district from the standpoint of a significant impact given the fact that the proposal is geared towards the "empty nester" type of targeted market and represents very few school aged students expected. So again, we did provide the written input relative to that issue.

As Alan had indicated, we also did receive a couple of additional comments from the Conservation Board that we can certainly address. We feel that those issues are probably a little more pertinent to the consideration of the preliminary design plans moving forward that can be addressed, more in the specifics. We certainly don't feel that those are significant environmental impacts relative to satisfying SEQR and quite frankly, the Conservation Board's comments reflect that sentiment and I think they even included in their written responses the fact that they do support a Negative Declaration being granted as far as SEQR.

Going back 2 or 3 years ago on a very cold winter day, we walked the site with the Conservation Board and one of the comments that was addressed was relative to preserving some of the more mature wooded areas on the site. I remember and recall, at that time, that there was some shag bark hickory trees in this vicinity which is kind of the southeastern portion of the site, in the Village of Victor. It's the part of the property that abuts the Harlan Fisher Park. You can kind of see the existing wooded area of the park which is probably about 150 ft or so in terms of its dimension from our property line to where the open area in the park exists.

Getting back to Alan's question, there are items that were identified on the site walk. There are a couple shag bark hickory trees that actually are located and shown on the concept plan. We did also show those on the black and white copy of the existing conditions plans. So

that was submitted as part of the modified drawing documentation that was submitted in February. So relative to the Conservation Board comments, we will certainly address and preserve as many of the existing trees that abut the park as possible. The proposed road does have a grade that starts from Church Street and gradually transitions to a lower elevation once it connects into the town parcel. The intent, not that we have completed final grading plans or utility plans which would be the next step but these homes would all likely be walk out basements to account for the existing grade that does fall from the proposed road to the direction of the park.

With that in mind, that would allow us to save as many of the trees in that area as possible. So again, the intent by the applicant would be to save as many of the trees as possible.

Mr. Knauf – I just might add that Mr. Gullace's family farmed the parcel. I think the only exception is where the hickories were, it was a separate lot that was acquired. But the rest of the area was farmed so this is not old growth forest or even an old forest. I think he stopped farming in the 1980's so it's sort of returned...it's a lot of scrub trees, not a high value area. But with that being said, the intent is to preserve as many trees as possible. The Gullace's do not want to take down any trees that are not necessary. Obviously, the development will be superior with more trees and they are going to plant trees. So that's not their intent. The only real high value trees that we've identified were in that area next to the park that would be preserved.

I think we addressed the issue of the vernal pool and the stormwater. First of all, it's not a regulated wetland and the stormwater detention area is actually going to be a superior habitat that we're going to create compared to the vernal pool. So again, we would ask that you make a Negative Declaration. The question is whether there is a potential significant environmental impact. I think the decision to not make a Positive Declaration is really safe because there really aren't some potentially significant impacts, not any development because any development does have some impact on the environment, you're always going to take down trees. Any development more than 10 acres is going to take down trees, it's going to happen. But we're going to preserve trees and plant trees. I think we step back, the project is significantly scaled down which has really mitigated any potential impacts.

If we went the route of the Positive Declaration, we'd really have to rethink that, whether we wanted to continue with the scaled down development. Mr. Gullace is willing to go forward with this smaller development at this stage but that's assuming he's going to get the Negative Declaration which we think is warranted and otherwise be inconsistent with what this Board has done in the past with similar developments.

Mr. Dianetti – Do you have a plan for the enhancements to the mitigation area, the stormwater management that would create the improved habitat that you're referring to?

Mr. Cantwell – We have just shown that plan in schematics and again, that proposed facility is along Lynaugh Road. It also does include both the pretreatment as well as the stormwater management. So it's water quality as well as water quantity. The design of that facility ultimately would require Town Engineer review as well as the DEC compliance with the green infrastructure practices. So again, that's more than just a hole in the ground at this point. It has to have features that would also lend itself to have the habitat.

Ms. Clements – We actually went back through and looked at all of our comments and then summarized. The two questions on the EAF that the Planning Board had indicated as a potentially moderate to large impact, we took even a closer look at. The first one was the impact to surface water. I believe you guys got all of our comments. What we did was looked at all of the available information and then looked at our comments and one of the concerns that we repeatedly heard from the residents was the groundwater and the high groundwater table, potential for springs on site and we have requested that the applicant clarify the presence of springs on the site. Not that that would potentially trigger a Positive Declaration but just to be aware of the conditions on site. The Federal wetlands, we'd like to see those on the plan. You certainly could create additional habitat that might be a higher quality but it would be nice if we could preserve those. We summarized our comments and for the public's benefit, we have looked at this from day 1. As part of the pre-application process, we take a look at what all of the existing features are on site and we document them. We document them consistently and we site our authoritative sources that coincide with our pre-application process. They also "dove tail" into the SEQR process and it helps us when we are filling out these forms so that all of the environmental issues get vetted.

So with that, we didn't go so far as to say that it should not be a Positive Declaration but did say that based on the information available to us, we did not believe it would trigger a Positive Declaration. We didn't find any moderate to large impacts.

The other question that you had looked at and said it was a moderate to large impact was the impact on plants and animals. It is clearing more than 10 acres of forest, that is what the applicant has indicated. We did look at, base on the information available to us on the existing land cover that is provided in the NRI. We actually provided a cut for you guys so that you could look at that. It talks about the nesting, breeding, foraging of the predominate species. Any time you disturb more than 10 acres, you do disrupt the native species on site but they are commonly found in the area. We did have a resident provide some additional information which we included in our packet about the Long Eared Bat that has recently been put on the endangered species listing.

We have summarized and they have been consistent from the beginning. We've reiterated things that we still have questions on. Is there anything additional you need from me?

Ms. Zollo – I have one question for you. Does this development fit the site?

Ms. Clements – The density is an issue that the Planning Board has to determine. We have dealt with other projects that have had more environmental impacts with respects to steep slopes and existing mature trees, wetlands and streams. One of the things that the applicant has said is there are no co-occurrences on the site but that is not entirely true. They are not documented in our NRI as one of our co-occurrences because we base those on streams. The three natural features that are on the site are wetlands, woods and slopes. The slopes are not significant with the exception and this is the verbiage that we have consistently used to rank our co-occurrences within the town. There is only one area according to the mapping that we have in the northwest corner of the site where the slope exceeds 15%. So the ranking of slopes would only be a 1 out of 3.

Woods, not really being able to go on site now, we've already done our site walk and our original comments were made prior to having all of the information that we have now with the NRI, but looking at the woods and saying that it's a relatively diverse population of somewhat

mature trees which we've requested of the applicant that they put the significant trees on their plan, the shag bark and I also noticed there is a really huge tree, about 36". We had requested that they identify those, in particular where it abuts with the residential areas. So we have said that perhaps the woods would be a 4 out a possible 5.

The wetlands, again, not being able to go in there and actually look at what types of plants are in there but we assigned that a 3 out of 5. So to rank this co-occurrence with wetlands, woods and slopes, we said it would rank an 8 out of 13. Not a particularly high ranking co-occurrence but not a low one either. I don't know if that helps but looking at it from a holistic what's on site, if the density is....the density is what the density is. That is up to the Planning Board. There are sometimes that we come in and say absolutely, the project does not fit the site. This is one that I did not hear that from the Board.

Ms. Zollo – We are looking for you to answer that.

Ms. Clements – There aren't the environmental features that would typically say...if you have steep slopes, woods and highly erodible soils, it becomes easier to say, you can't put a large rectangular footprint on a site and say it fits the site because then you have to re-grade it and start moving dirt all over the site to get it to balance. We've seen it in other projects where you have to take so much earth off of the site and put it someplace else. That's not this site. I will say, not as a Conservation Board member but as a person who sat through the Comprehensive Plan Committee for years that this was one of the parcels that...the type of parcel that puts the higher density development where there is existing infrastructure, the gray infrastructure, the road work, the sewer, water, close to the Village for a walkable community. Those are the types of things that we talked about in the Comp Plan Committee. It does fit that, not from a Conservation Board standpoint but from what I participated in during those Comp Plan meetings.

There were no other comments.

RESOLUTION

SEQR DETERMINATION with the respect to the proposed development by Lynaugh Road Properties, LLC. commonly referred to as the "Gullace Project" at or about Church Street where it intersects at Hillcrest Drive at or about the boundary of the Village of Victor and the Town of Victor.

WHEREAS, Lynaugh Road Properties, LLC (the "Developer"), owner of property at or about the east side of Church Street where it intersects at Hillcrest Drive in Victor, NY, at or about the boundary of the Village of Victor and the Town of Victor (portions of parcels with Tax Map IDs 16.00-01-46 and 16.18-03-1.2) (the "Property"), has submitted a site plan application to the Town of Victor Planning Board relating to the development of said Property for multifamily residential use; and

WHEREAS, in connection therewith, the Developer has also submitted applications to the Victor Town Board and the Village Board of Trustees relating to annexation of approximately .7 acres of Property from the Town into the Village, and to the Village Planning Board for the

development of single family homes in the Village adjoining the border of the Property in the Town (collectively, the “Application”); and

WHEREAS, since its original submission, the Developer has revised the Application to address concerns which were raised by the public, and the current Application, 18-SP-14, as revised, calls for 17 single family homes in the Village of Victor and 71 for sale townhomes in the Town of Victor on 22.1 acres; and

WHEREAS, on May 27, 2014, the Town of Victor Planning Board adopted a Resolution setting forth its intent to serve as Lead Agency for State Environmental Quality Review Act (“SEQR”) purposes with respect to the Application; and

WHEREAS, on May 29, 2014, letters were duly sent to all involved agencies setting forth the Victor Planning Board’s intent to serve as Lead Agency for SEQR; and

WHEREAS, greater than 30 days have passed since duly evidencing its intent, and there have been no objections to the Town to Victor Planning Board serving as Lead Agency, and therefore, by operation of the SEQR Regulations, the Victor Planning Board is Lead Agency with respect to the Application; and

WHEREAS, the applicant has submitted part 1 of the Long Environmental Assessment Form (“EAF”) regarding the said Application; and

WHEREAS, with the assistance of its consultants, including the Town Engineer, the Town Attorney, and the Town Traffic Consultant, as well as Town Staff, the Victor Planning Board has carefully examined the EAF, the Application, all materials accompanying the Application, and all other materials related thereto, including information and comments offered at its meetings; and

WHEREAS, at the request of the Planning Board, the Town Engineer has prepared Part 2 of the EAF as well as well part 3 of the EAF for the Planning Board’s consideration; now, therefore, be it

RESOLVED, that the Victor Planning Board hereby approves Part 2 of the EAF, as attached hereto; and be it further

RESOLVED, that the Town of Victor Planning Board has evaluated the Project and the Long Environmental Assessment Form using the criteria for determining significance identified in the SEQR Regulations using said Part 2 of the EAF and finds that, although potential environmental impacts were identified, none of the impacts were found to be significant; and be it further

RESOLVED, that, therefore, the Planning Board finds that the Application and related project will not have a significant adverse environmental impact, and the Town of Victor Planning Board hereby issues a Negative Declaration of Environmental Significance, as indicated in the attached SEQR Full Environmental Assessment Form, Part 3 – Evaluation of the

Magnitude and Importance of Project Impacts and Determination of Significance, as modified by the proposed additions, which is also hereby approved; and be it further

RESOLVED, that the Board’s adoption of the Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law of the State of New York and implemented under 6 N.Y.C.R.R. Part 617; and be it further

RESOLVED, that notice of this Resolution and the Notice of Negative Declaration shall be filed to the extent required by the applicable regulations under SEQOR and/or any other relevant statute or regulation; and be it further

RESOLVED, that the Chairman of the Planning Board be and hereby is authorized to execute any further documents that may be required to complete the issuance of the Negative Declaration authorized herein.

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Nay
Heather Zollo	Nay
Jack Dianetti	Aye

Approved 2 Ayes, 2 Nays

Due to a 2 to 2 vote, this will be voted on again at the next meeting.

There were no further discussions.

Motion was made by Al Gallina seconded by Jack Dianetti RESOLVED the meeting was adjourned at 10:15 PM.

Cathy Templar, Secretary