

A regular meeting of the Town of Victor Planning Board was held on May 12, 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; Joe Logan, Vice Chairman; Heather Zollo, Al Gallina, Jack Dianetti

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; Kate Crowley, Conservation Board; John H. Palomaki, Andy Gallina, Bob Cantwell, David Werder, Mary McCarthy, Larry Fisher, C McLaughlin, Frank Sciremammano, Mike Bogojevski, Gregory Richards, Ruth Nellis, Dave Nellis, Melody Burri, Marsha Senges, Patrick Liberti, Sue Stehling, Sandra Sweet, Gina Thomas, Phillip Thomas, Nan Hooker, Tom Hooker, Dave Hurley, Ken Curry Matthew Hendricks

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Jack Dianetti

RESOLVED that the minutes of March 24, 2015 be approved.

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

Approved 5 Ayes, 0 Nays

On motion of Joe Logan, seconded by Al Gallina

RESOLVED that the minutes of April 21, 2015 be approved.

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

Approved 5 Ayes, 0 Nays

BOARDS/COMMITTEES UPDATES

Town Board reported by Carl Herke

- May 11th meeting
 - Town Board authorized the Town Supervisor to enter into a consulting service with Zaretsky and Associates for Landscaping Consulting services
 - Town Board authorized the Town Supervisor to enter in a consulting service with Powers Archeology LLC relating to the Fishers Ridge project and the historical significance

Planning Board reported by Kim Kinsella

- May 26 meeting
 - Public Hearing for Verizon Wireless to be locate a microcell at 600 Fisher Station Road on an existing building
 - Lehigh Crossing Section 2 requesting final subdivision approval for Section 2
 - Victor Chevrolet for revised site plan

Conservation Board reported by Kate Crowley

- There is an open position on the Conservation Board that will be advertised

NEW APPLICATIONS

WERDER, TRAVIS

590 Log Cabin Rd

Appl No 6-SP-15

Applicant is requesting to extend driveway turn around 5 feet closer to boundary line. RS-6 of the Design & Construction Standards state the set back from property line will be a minimum of 10 ft. Applicant is requesting a 5 ft setback.

Mr. David Werder, applicant addressed the Board.

Mr. Werder – The driveway goes into the house and the turn around is on the side. The end of it is about 10 ft from the neighbor's line and it makes it so the vehicles stick out into the driveway that goes straight into the house. So we would like 5 more ft towards that line so that it's not as much of a concern for those vehicles in the turn around.

Chairman Santoro asked Mr. Werder if he had received comments from LaBella and he had.

Mr. Pettee – We have a comment letter in the file dated May 6, 2015. There was just one comment from Mary Steblein who works on stormwater management at LaBella and we just wanted to be sure that there would be positive drainage away from the neighboring property and the structure at 580 Log Cable Road. We didn't see anything wrong with what was proposed. We noted that the general drainage pattern indicates stormwater run off discharge to the west, away from the town road.

Chairman Santoro asked the Board members for questions.

Ms. Zollo wanted Mr. Werder to point out where the end of the turn around would be.

Mr. Werder – It is gravel right now. This is the existing line so that we don’t back over the edge. Actually the car (shown on the overhead slide) that you see is parked on our property. This gives you an idea of how much space there is. His driveway is probably just a few feet from the property line.

Ms. Zollo – Can you show me where it will extend to?

Mr. Werder – It will go 5 ft out.

Ms. Zollo – So that would be the new property line. Okay

Mr. Dianetti – How close is your neighbor’s driveway to your property?

Mr. Werder – 3 or 4 ft away.

There were no other comments.

SEQR RESOLUTION

On motion made by Heather Zollo, seconded by Jack Dianetti

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 12, 2015 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project entitled Travis Werder – Driveway will not have a significant impact on the environment and that a negative declaration be prepared.

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

Approved 5 Ayes, 0 Nays

RESOLUTION

On motion made Joe Logan seconded by Heather Zollo

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

1. A site plan application was received on April 6, 2015 by the Secretary of the Planning Board for a Site Plan entitled Travis Werder.

2. It is the intent of the applicant to extend the driveway turn around 5 ft from the boundary line. The Design and Construction Standards state the setback from property line will be a minimum of 10 ft.
3. The Town of Victor Planning Board reviewed the Type I Action/Unlisted Action on May 12, 2015 and identified no significant impacts.
4. The Building Department reviewed the site plan application and indicated the Planning Board has the ability to modify the requirements of RS-6 of the Design and Construction Standards.
5. In a letter dated May 6, 2015 LaBella Associates stated that technical aspects need to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of Travis Werder, received by the Planning Board April 6, 2015, Planning Board Application No. 6-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 May 6, 2015 from LaBella Associates be addressed.
3. That the conditions of the Struble subdivision dated November 1994 be complied with.
4. That drainage be maintained per the approved Site Plan and associated resolution dated July 27, 1994.

Ongoing conditions:

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

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

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

Approved 5 Ayes, 0 Nays

LEHIGH CROSSING LOT 3

7890 Lehigh Crossing,
Appl No 7-SP-15 and Appl No 1-FS-15

Applicant is requesting to construct a 14,725 sf single story addition to existing bldg on Lot R-3. Applicant also is requesting to combine Lots R-2 and R-3 to create a single lot AR-3 consisting of 8.265 acres (See 1-FS-15)

Mr. Mike Bogojevski from BME Assoc. addressed the Board.

Mr. Bogojevski – I'm representing Andy Gallina who is from Bluestone Creek. We are here tonight to request final site plan and subdivision approval for the building expansion at Lot 3 at the Lehigh Crossing development. The expansion would be approximately 4,700 sf to the existing building to be extended off of the east side of the building.

For a little background; Lot 3 and the overall property is currently zoned Light Industrial and received overall preliminary and Section 1 final approval in April 2011 and January 2012. The existing Lot 3 received final approval in August 2012, shortly after Section 1 was done. The application is basically for the expansion of the building coming off of the east side of the building. It will include moving a portion of the existing parking and construction of the new parking lot with additional parking spaces for the expansion. Utilities services to be included, everything is coming off of the existing building. There are a couple of minor storm sewer connections and an existing private hydrant to be relocated on the back side.

Everything with the building expansion and the layout of the building and parking has been prepared to conform to the overall preliminary for Section 1 and final approvals.

The application also includes consolidation of the Lot 2 and Lot 3 to make room for the expansion of the building and parking improvements. The existing lot line between Lot 2 and 3 will be removed to consolidate it into one lot. It will be just over 8 acres.

When the overall preliminary approvals were done, the overall SEQR was done and established development thresholds to be used within the overall development. Everything done with this building expansion has been prepared to conform to those development thresholds and are well below the requirements set with previous approvals.

We received town staff comments and provided responses to both Fire Dept and Code Enforcement comments. We also received comments from LaBella at the end of last week. We submitted a response letter to Cathy this morning. If there are any other questions, I would gladly answer.

Mr. Pettee – We haven't had a full opportunity to take a look at the applicant's responses to our May 7, 2015 letter. The majority of our comments were technical in nature, they don't look like they are too difficult to address. We don't foresee any problems going forward. Anything that is in our letter, we would be happy to work with the applicant, coordinate with them to make sure our concerns are addressed.

Mr. Logan – The additional building space, is that going to be offices or is there a mixed use like storage or equipment.

Mr. Bogojevski – I believe it is mixed use but Andy could address that.

Mr. Andy Gallina – The primary use of that expansion is for additional staff and for office folks that we'll accommodate their expansion.

Mr. Logan – So the parking needs, are they set based on the anticipated number of employees or the code requirement?

Mr. Andy Gallina – No it's beyond code actually. It's determined by the actual need and the number of employees that Finger Lakes Technology Group is hiring.

Mr. Logan – So you are actually providing more parking spaces than required.

Mr. Andy Gallina – That's primarily why it seems out of scale and we've consumed most of Lot 2 so that would leave a small rectangular lot. It would seem prudent just to combine the two and hopefully when he expands again, we're all set.

Mr. Al Gallina – *Mr. Al Gallina of the Planning Board is not related to Mr. Andrew Gallina.* No questions but comments on the architecture. First of all, compliments on the existing bldgs. I think the site is off to a very good start. My thought would be, given you are almost doubling the size of the building, is there anything that can be done as far as adding a feature to the sides so that it's not just a rectangular building.

Mr. Andy Gallina – There are some details we can continue along the front.

Mr. Al Gallina – For example on the east elevation where you have the current entry, you have a parapet which is a nice feature there. If we could look to replicate but scale down in size....

Mr. Logan –Where it comes directly off of the parking lot, in the middle of that building if you had something....

Mr. Al Gallina –Something that defines that entry on the east elevation.

Mr. Andy Gallina – We'll take a look at it. It's very similar to the way it exists today.

Mr. Al Gallina – The way I view it, the south elevation, the main employee entrance has a nice feature to it. It sets the entrance off.

Mr. Logan – So Al, you're thinking the east elevation, that door needs more than just a little lintel over the top. It doesn't necessarily have to stick up above the wall but breaks it up.

Mr. Andy Gallina – What I'm sharing with you is, I think we just duplicated that entrance the way it exists today, we're just pushing the wall out. It's the same detail.

Mr. Al Gallina – But the building is much larger now so if you could add a little architectural feature.

Mr. Andy Gallina – The front and the side remains the exact same scale. I'm not sure what you want me to do. You want me to add a stylized entrance beyond what was pre-existing?

Mr. Al Gallina – Given that appears to now be the main employee entrance, yes.

Mr. Andy Gallina – Which was the same condition on the original building.

Mr. Al Gallina – I guess I'm not communicating this right. You are almost doubling the size of the building and it looks like now your main parking is on the east side of the building, so you'll have significantly more employees. So just from an architectural standpoint, I'm suggesting that the east entrance could be featured a little more.

Chairman Santoro – What he is saying, it may still be an employee entrance but it's going to get a lot more use.

Mr. Andy Gallina – I understand what he is saying, he wants to add some architectural details.

Mr. Al Gallina – Something that is more than just a double door.

Mr. Andy Gallina – Is this a recommendation or a requirement?

Mr. Al Gallina – That is “my” recommendation.

Mr. Andy Gallina – I'll take it under advisement. We have a tenant and it's a single tenant building and this is something that is discussed and negotiated with Paul and his staff so I'll take it under advisement.

Mr. Al Gallina – Okay

Ms. Zollo – I would concur with Al that as long as the size is increasing that we could spruce up that doorway just a little bit. It doesn't have to be as prominent as the main entrance but just a little something to set it off and give it some architectural features so it looks nice.

Mr. Pettee – Comment #6 that we had in our letter, I didn't get a chance to look at your response but can you describe for the Planning Board the method by which employee access and parking would occur during construction. Also, discuss with the Planning Board the emergency vehicle response access during construction as well.

Mr. Bogojevski – The intent is to build that new parking area on the east side to allow for temporary parking during construction. Keep the existing parking entrance intact as its getting built and allow for the entrance to stay and have access for emergency vehicles and employees. To phase that parking lot which is something that we would look at on the revised plans.

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

RESOLUTION FOR SUBDIVISION

On motion made by Al Gallina seconded by Joe Logan

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

1. A Final Subdivision application was received from BME Assoc. on April 7, 2015 by the Secretary of the Planning Board entitled Lehigh Crossing, Lot 3 Expansion.
2. It is the intent of the applicant to combine Lots R-2 and R-3 to create a single lot AR-3 consisting of 8.265 acres.
3. The application was deemed to be a Type I Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared in 2011.
4. The Planning Board, as lead agency, found that there would be no significant impacts to the environment as a result of the action.
5. The Conservation Board reviewed the site plan application at their April 21, 2015 meeting and indicated no significant impacts.
6. In a letter dated May 7, 2015 LaBella Associates stated that technical aspects need to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of Bluestone Creek LLC, received by the Planning Board April 7, 2015, Consolidation Plat No 2190CX dated April 2015 Planning Board Application No. 1-FS-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 before the Planning Board Chairman signs the approved film original(s), the developer should submit three (3) 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 & Construction Standards be met.
4. That the comments in a letter dated May 7, 2015 from LaBella Associates be addressed.

5. That the comments dated April 29, 2015 from the Building Dept. 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 appropriate standard conditions with the Planning Board's approval letter.

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

Approved 5 Ayes, 0 Nays

RESOLUTION SITE PLAN

On motion made by Joe Logan, seconded by Heather Zollo

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

1. A site plan application was received on April 7, 2015 by the Secretary of the Planning Board for a Site Plan entitled Lehigh Crossing, Lot 3 Expansion.
2. It is the intent of the applicant to construct a 14,725 sf single story addition to existing building on Lot R-3.
3. The application was deemed to be a Type I Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared in 2011.
4. The Highway Department reviewed the site plan application on April 23, 2015 and indicated no significant impacts
5. The Conservation Board reviewed the site plan application at their April 21, 2015 meeting and indicated no significant impacts.

- 6. In a letter dated May 7, 2015 LaBella Associates stated that technical aspects need to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of Bluestone Creek LLC, received by the Planning Board April 7, 2015, Consolidation Plat No 2190CX dated April 2015 Planning Board Application No. 7-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 May 7, 2015 from LaBella Associates be addressed.
- 3. That the comments dated April 15, 2015 from the Fishers Fire Dept. be addressed.
- 4. That the comments dated April 29, 2015 from the Building Dept. be addressed.
- 5. That the applicant submits architectural drawings of the East side of building to the Architectural Review Committee for review.

Ongoing conditions:

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

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

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

Approved 5 Ayes, 0 Nays

DETERMINATION OF SUPPLEMENTAL DEIS ADEQUACY

VICTOR CROSSING – MODIFICATION OF PLAZA HOURS
 Commerce Drive
 Appl No 35-SP-14

Applicant has requested the elimination of the 11 pm to 7 am operating hour restriction from the 2006 Findings Statement. Discussion on the adequacy of the Supplemental DEIS (Draft Environmental Impact Statement) for public viewing.

Mr. James Boglioli from Benderson Development addressed the Board.

Mr. Boglioli – When I was last before the Board in March, there was one outstanding item in the DEIS to address which was the odor impacts. We have resubmitted the DEIS addressing those impacts. We addressed them similarly in the same way they were addressed in the original DEIS which is to describe the impacts, what they could be and how to mitigate them which is use filters. I did read the LaBella comment letter dated May 4, 2015. They concluded that the DEIS appears satisfactory with respect to the basic requirements of SEQR and is ready for public review. So I would ask the Board to set a public hearing period and a comment period and we can begin the SEQR review of the DEIS.

Chairman Santoro stated that we were ready with a resolution for this.

RESOLUTION

On motion made by Jack Dianetti, seconded by Joe Logan

RESOLUTION DETERMINING ADEQUACY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT WITH REGARD TO APPLICATION NOS. 035-SP-2014 AND 004-MS-2014 SEEKING A MODIFICATION TO THE DEVELOPMENT COMMONLY REFERRED TO AS VICTOR CROSSING

WHEREAS, on or about September 12, 2014, the Town of Victor received a Site Plan Application and a Subdivision Application (jointly referred to herein as the “Application”) from Benderson Development Company, LLC (the “Applicant”), in relation to an existing development commonly known as and referred to as Victor Crossing (the “Property”) ; and

WHEREAS, the Application seeks to modify the previous subdivision and site plan approvals of the Planning Board by lifting the limitation on the hours of operation for the Property (the “Action”), which limitation was previously imposed by the Victor Planning Board via the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, on September 26, 2006, the Town of Victor Planning Board approved a SEQR Findings Statement which imposed the hours of operation limitation for the Property, which limited hours of operation from 7 A.M. to 11 P.M.; and

WHEREAS, the Applicant has submitted a Long Form EAF in connection with this Action; and
WHEREAS, the Action has been preliminary classified as a Type 1 action pursuant to SEQR; and
WHEREAS, in accordance with the SEQR regulations, the Victor Planning Board has assumed Lead Agency status with respect to the Action and has issued a Positive Declaration in relation thereto; and

WHEREAS, the Planning Board identified a number of potentially significant adverse environmental impacts per its Positive Declaration which requires preparation of a Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, the Planning Board has received a proposed DEIS from the Applicant; and

WHEREAS, the Planning Board has reviewed the DEIS; and

WHEREAS, the Town Engineer has reviewed the DEIS and has recommended acceptance of the same; now, therefore be it

RESOLVED, that the Town of Victor Planning Board hereby determines that the proposed Draft Environmental Impact Statement (DEIS) is adequate for public review and directs that a notice of completion of the DEIS be prepared, filed and published on its behalf as required in 6 NYCRR Part 617 State Environmental Quality Review; and be it further

RESOLVED, that the Town of Victor Planning Board hereby establishes a public comment period of forty five (45) calendar days beginning on Monday, May 18, 2015, the date of the first filing and circulation of the notice of completion, and ending on Thursday, July 2, 2015; and be it further

RESOLVED, that a public hearing be duly advertised and held on June 9, 2015; and be it further

RESOLVED, that the attached Draft Environmental Impact Statement will be available for public review in the Victor Town Clerk’s Office, and copies may be obtained through the Victor Town Clerk’s Office; and be it further

RESOLVED, that the Chairman of the Planning Board be, and he hereby is, authorized to execute such necessary documents and to take such other actions as will facilitate an orderly and proper SEQR process.

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

Approved 5 Ayes, 0 Nays

FISHERS RIDGE

St Route 96

Appl No 21-SP-07

The DiMarco Group on behalf of Rowley 96, LLC is requesting to develop a mixed use project on approx 100 acres located NW of Lane Rd and NE of State Route 96. December 22, 2014

a revised plan and application was received. Phase 1; the applicant is requesting the construction of 132,200 sf Bass Pro retail center. Existing 4 lots will be re-subdivided to 6 lots. A Special Use Permit will be needed for outdoor storage and display. April 13, 2015 the revised DEIS was received.

Mr. Paul Colucci from the DiMarco Group addressed the Board.

Mr. Colucci – I'm here tonight on behalf of the applicant, Rowley 96, LLC for Fishers Ridge. As you know, we submitted a DEIS to the town in December 2014 and a supplemental submission was made April 13, 2015 with a revised narrative to the DEIS and most recently responded to comments from town staff and consultants with a separate submittal today for amendments to that DEIS narrative which were articulated in the cover letter submitted to Katie Evans. We're here tonight for consideration of the Town Planning Board deeming the DEIS adequate for public review and respectfully request that decision.

Chairman Santoro – And we're prepared to do that.

RESOLUTION

On motion made by Joe Logan, seconded by Jack Dianetti

DETERMINING ADEQUACY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT WITH REGARD TO THE DEVELOPMENT COMMONLY REFERRED TO AS FISHERS RIDGE

WHEREAS, The DiMarco Group / Rowley 96 LLC (the "Applicant") seeks to develop lands comprising approximately 95 +/- acres into a mixed use project entitled "Fishers Ridge" (the "Project") within the Town of Victor (the "Town"); and

WHEREAS, the Applicant submitted an application to the Town of Victor Planning Board (the "Planning Board") on September 18, 2007 (the "2007 Application") seeking approval of the Project; and

WHEREAS, on November 14, 2007 the Planning Board was declared lead agency and classified the Project as a Type I action and undertook an environmental review of the Project pursuant to the New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Planning Board, pursuant to SEQR, adopted a positive declaration with regard to the Project on November 14, 2007; and

WHEREAS, the Planning Board, pursuant to SEQR, received comments from the public, conducted two public scoping meetings, and issued a final Scope ("Final Scope") for the Project on February 12, 2008; and

WHEREAS, pursuant to SEQR, a draft environmental impact statement dated January 2010 (the "2010 DEIS") was submitted on behalf of the Applicant; and

WHEREAS, at the Planning Board's request, the Planning Board's consultants provided comment letters to the Planning Board reflecting the consultants' considerations regarding adequacy of the 2010 DEIS; and

WHEREAS, the Planning Board undertook a thorough review of the 2010 DEIS and its consultants' comment letters in order to determine the adequacy of the 2010 DEIS pursuant to SEQR; and

WHEREAS, the Planning Board adopted a resolution on February 23, 2010 (the "2010 Resolution) determining that the 2010 was inadequate, said Resolution being all made a part hereof and fully incorporated herein by reference thereto; and

WHEREAS, the Applicant submitted a revised application for the Project on December 24, 2014, which amends and supersedes the 2007 Application, and which included a revised draft environmental impact statement dated December 22, 2014; and

WHEREAS, since submission of the December 22, 2014 DEIS, the Applicant has continued to make further, incremental, revisions to the DEIS, ultimately issuing a final revised DEIS on May 12, 2015 (the "May 2015 DEIS"); and

WHEREAS, the Planning Board, continuing as lead agency, has continued its environmental review of the Project and the DEIS pursuant to SEQR; and

WHEREAS, the Planning Board Engineer, Labella Associates, P.C., has advised on the adequacy of the May 2015 DEIS, finding that it is sufficient for acceptance and public review; and

WHEREAS, the Planning Board has undertaken a thorough review of the DEIS, including the December 2014 DEIS and the May 2015 DEIS reflecting the revisions to the 2014 DEIS, as well as reviewing and considering its consultants' comments and advice relating to the adequacy of the DEIS pursuant to SEQR; now, therefore, be it

RESOLVED, that the Town of Victor Planning Board hereby determines that the proposed May 2015 Draft Environmental Impact Statement is adequate for public review and directs that a notice of completion of the DEIS be prepared, filed and published on its behalf as required in 6 NYCRR Part 617 State Environmental Quality Review; and be it further

RESOLVED, that the Town of Victor Planning Board hereby establishes a public comment period of sixty (60) calendar days beginning on Monday, May 18, 2015, the date of the first filing and circulation of the notice of completion, and ending on Friday, July 17, 2015; and be it further

RESOLVED, that a public hearing be duly noticed and held on June 23, 2015; and be it further

RESOLVED, that the attached Draft Environmental Impact Statement will be available for public review in the Victor Town Clerk's Office, and copies may be obtained through the Victor Town Clerk's Office; and be it further

RESOLVED, that the Chairman of the Planning Board be, and he hereby is, authorized to execute such necessary documents and to take such other actions as will facilitate an orderly and proper SEQR process; and be it further

RESOLVED, that a copy of this Resolution be provided to the Applicant.

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

Approved 5 Ayes, 0 Nays

DISCUSSION

GULLACE PROJECT

Located on County 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 of the EAF (Environmental Assessment Form) will be discussed at this meeting.

Mr. Robert Cantwell from BME Assoc. addressed the Board along with Dante Gullace, Chris Gullace and Alan Knauf

Mr. Cantwell introduces the above applicants.

Mr. Cantwell – Just very briefly, we were before a joint meeting with the Town and Village Planning Board a couple of weeks ago. At that time, we presented an updated overall development plan to the joint Board meeting. We also had addressed a number of comments that were raised at that meeting.

Since that time we have submitted written responses to a number of the comments that we did receive from the Town Highway Dept., Parks & Rec, Conservation Board, the Village Engineer as well as the Town's Traffic Consultant and we did receive a few questions and comments from both the Town Engineer, LaBella as well as the Planning Board.

As I mentioned, we did address those comments to the Board in written form. Those comments are dated May 6th. I would be happy to address any questions the Board may have relative to the comments.

To reiterate the proposal includes 71 townhomes within the Town of Victor lands and 17 single family detached patio lots in the Village of Victor. That proposal has been downsized by approximately 40% from the previous formal application that was submitted to both the Town and the Village approximately a year ago.

With that, I'm going to turn it over to Alan Knauf. Alan also did submit as part of our responses to the comments received, a review of the SEQR and some of the logistics of the SEQR process.

Mr. Knauf – Good evening. I did want to just briefly reiterate the SEQR issues. We asked the Board to make a Negative Declaration. We really think that's the only option the Board has given the facts on the record. I think the only real issue that has been raised is traffic but the SEQR is pretty clear that the question is whether this action, this project will have a significant impact. As you know, it's been downsized. It's now less than half of what's permitted under the ordinance. It's an allowed use. We're not asking for any use that is not allowed.

Our traffic consultant Paul Benley made a submission and we crunched the numbers because there was some questions on the numbers. This afternoon we submitted some additional figures and it's pretty clear that there is almost no additional impact. The lower smaller development will result in about 1 car per minute at the peak. At the two intersections on East Main Street, the existing failing turn moves, it's only going to be 4, 5 or 6 per hour. It's very insignificant and at the other intersection, it's not going to add any to the actual problematic turn movements as I understand it.

The point is, is there an existing traffic volume in Victor? Yes. Have developments from the beginning of time to today resulted in a few turn movements resulting in some delay? Yes that's true. But the question here is, does this project have a significant impact? I know that people get confused on cumulative impacts. Cumulative impacts are the result of pending or anticipated future projects that are related. So if there was another project next door, then maybe it would be appropriate to consider it together. But right now, we're just looking at the existing volume of traffic and the point is, we can't go back and mitigate. We have no power to mitigate that and that's not provided for under SEQR. That's something for the Town to address and I cited the Long Island Pine Barrens case where you said you can't use SEQR as a substitute for comprehensive planning. So the Lead Agency can't say "Gee wiz, let's do a traffic plan for the town and this gives us the opportunity". That's not appropriate. The question here is, does this project have a significant impact and I think that not only our consultant but the Town's consultant agreed, in the last submission I saw that it's a very insignificant increase. I also noted the Silverton Glenn development on the other side of the Village is a very similar development in traffic load, resulted in a Negative Declaration. Any other interpretation would, in fact say, any time you build a project in this town that added one car to the intersection or four cars, you've got to do an EIS (Environmental Impact Statement) and in fact impose a moratorium. That's not allowed under SEQR. In SEQR, you look at this project and if there are other projects that are pending or anticipated that are *related*, it can't just be an unrelated project, then you have to do a cumulative impact analysis. But it is not appropriate here.

We think this project, we've gone a long way and frankly we've changed the project in an effort to avoid environmental impacts and avoid the EIS project. We might have to rethink that if there was a Positive Declaration but we certainly think the Negative Declaration is the only option here. I would be happy to take any questions.

Chairman Santoro asked the Board members for comments or questions.

Mr. Dianetti – The argument that you are presenting would then follow that any development that takes place north of Route 96 could be required to do an EIS and for us to issue a Positive Declaration whether you add one car or three cars to the traffic on Route 96. Is that what you're saying?

Mr. Knauf – Yes because right now there are three traffic moves that are existing at F. They are going to be an F in 2018 and it's nothing to do with this project. Whether this project happens or not, they are F turns and F situations. The fact that we're going to add a drop in the bucket, add 3 or 4 cars or 6 cars an hour. With the same logic, if I built a single family house, I might go down Lynaugh and make the turn, whatever, I've added to it and I've made it worse. But that's not the question. The question is; does this project have a significant impact or is it along with other projects that are related or pending or even there might be some discretion with the Board to look at other pending projects that might have a cumulative impact. But right here, it already happened. Maybe things should have been done differently, I'm not going to second guess and maybe it's an issue for the Planning Board when you look at your Comp Plan. But otherwise, you're saying that anytime you add a single car, you've got to do an EIS. The question is not is there an impact, is there a *significant* impact and this is not a significant impact.

Ms. Michniewicz from Clark Patterson Lee – Basically everything that he is saying, I'm in agreement with. If there was nothing else around, you wouldn't even consider this. There is very little traffic. One car, as you were saying, is an impact but it's not a *significant* impact. If you look at the intersections that are only related to the subdivision, the ones coming off of Lynaugh and Church, they are all going to be operating at a Level of Service of A or B. So that's kind of an indication that it's not significant because if there is no other traffic there except what's already on the roadway, you're okay. It's once you get to Route 96 where there is already an issue that you're seeing this level of service and it's a pre-existing condition.

I think that some of the things that you alluded to where the town has been using SEQR as a mechanism to mitigate traffic, now we have a situation where there is something that doesn't need to be mitigated as a result of this project but there are issues that need to be resolved and there is nothing that the town has right now to be able to force that.

Ms. Zollo – My questions are not necessarily related to this.

Mr. Young – Any other potential issues would be to have us walk through the EAF.

Mr. Pettee handed out a draft copy of the EAF. Chairman Santoro explained to the residents what would be taking place.

Mr. Pettee – Based on what I've heard in past meetings and on what the applicant has provided to date, I've prepared a draft of Part 2 of the EAF. I haven't answered all of the questions because I think there are topics to discuss.

Mr. Pettee went through the EAF.

1. Impact on Land – Proposed action may involve construction on or physical alteration of the land surface of the proposed site. – YES; a thru h were all marked No, or small impact may occur.

Chairman Santoro suggested that each of the subparagraphs should be read briefly primarily so everyone knows what the Planning Board is looking at.

- a. The proposed action may involve construction on land where depth to water table is less than 3 feet. – NO or small impaction may occur.

Mr. Pettee - In the information that I've looked at, I wasn't able to find anywhere that the depth to the water table was 3 feet or less. It looks like the water table is greater than 3 feet.

Discussion:

Chairman Santoro – That doesn't affect standing water that appears from time to time, snow melt or something else?

Ms. Zollo – I thought that the Conservation Board identified some wetlands and our materials show wetlands on this site. Is that correct?

Mr. Pettee – Wetlands are going to be a little bit different than ground water.

Ms. Kate Crowley of the Conservation Board – One of the things we observed during our site walk of this property is that there is standing water evidence and in fact some of the pictures we took during the site walk indicated that. We had also asked if the site could be reviewed for existing vernal pools or underground springs, particularly in the portion near Harlan Park. Those were in our comments from our meeting on April 21st.

Mr. Cantwell – We did submit the jurisdictional determination from the Corps of Engineers with our original application material as supplemental environmental assessment form information. The determination from the Corps did identify; we also included a copy of that determination, that it is a non-regulated wetland and that's what the determination came back. Basically, it was an isolated area. On the site walk, the area of wetness is roughly in this location (pointing at plan) and the reason for that is because that is a little bit of a sump and whereas that originally drained to the north, it no longer does drain to the north efficiently because of overgrowth and siltation over years on the site itself. That's what is creating the ponding.

Mr. Pette continued with the subparagraphs under question 1 of the Full EAF.

- b. The proposed action may involve construction on slopes of 15% or greater. – NO or small impact may occur.
- c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. – NO or small impact may occur.

- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. – NO or small impact may occur.
- e. The proposed action may involve construction that continues for more than one year or in multiple phases. – NO or small impact may occur.
- f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). - NO or small impact may occur.
- g. The proposed action is, or may be, located within a Coastal Erosion hazard area. – NO or small impact may occur. – NO impact would occur in that regard.

Mr. Pettee stated that he didn't have any other impacts for "h. Other impacts".

Ms. Zollo – And we know this isn't going to be phased over more than a year.

Mr. Pettee – My understanding is that the applicant has indicated that this project would be phased and perhaps it would occur for longer than a year but the thinking behind answering the way I did was that it didn't seem like there would be a significant adverse impact as a result of the phasing.

Ms. Zollo – OK.

- 2. Impact on Geological Features – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site. – NO

Mr. Pettee – I've checked no here. So there was no need to answer the subparagraphs below.

Ms. Zollo – I have a question about the grading and excavation because in their responses it talks about the fact that their grading will include typical design approaches which may include walk-out basements, etc. Where they are talking about the walk-out basements is on the smaller properties the 4.4 acres. I'm just curious how you are going to do the walk-out basements when it's sloping upwards. Are you going to move the hill so you can have walk-out basements?

Mr. Cantwell – The walk-out basements would be in this vicinity here (pointing to plan) and probably true here.

Ms. Zollo – OK, not across the street? I thought you were talking about across the street.

Mr. Cantwell – No, the walk-out basements would be in the village primarily. There might be some walk-out basements for the Townhomes. We have not done final grading design, but that could be possible there, if that is what you are referring to.

Ms. Zollo – I thought this was talking about the northwest parcel.

Mr. Cantwell – The correspondence that we just submitted and addressed, we did reference walk-out basements. If you're referring to the original Environmental Assessment Form....

Ms. Zollo – So my question is if you are indeed including walk-out basements in that northwest parcel, how much grading is going to take place? When we are answering these questions on the first section about land forms, I just want to know how much excavation we're talking about.

Mr. Cantwell – How much in terms of volume of material? (*Yes*) We have not done our calculations to assess total grading from that standpoint. I can't tell you we would be moving 5,000 cubic yards. We will grade and do as little earth work as possible, but having said that there is a cross slope in a north south direction on that property.

Ms. Zollo – OK, thank you.

Mr. Cantwell – Alan just reminded me, we did submit a preliminary grading plan using five foot contours for the overall project, so that does show the grading.

3. Impact on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams rivers ponds or lakes).

Mr. Pettee – I've indicated NO here, but we're certainly looking for Planning Board feedback as to whether or not you would agree with my response or if you want to go forward in another direction.

Ms. Crowley – I just wanted to mention that there are federal wetlands on this site. Again, I want to make a pitch and I'll actually build on some of the comments that Bob just made on the vernal pool that now exists on that property. Conservation sometimes is a living element on a parcel. There are pools there that support wildlife in the spring that are unique within the Town. I would respectfully ask you to consider that.

Mr. Pettee – We could add that under subparagraph (l) it's on the top of page three.

Chairman Santoro – So do we change that NO to a YES?

Mr. Logan – You'd have to put NO to all the other subparagraphs and add a special note on (l) Other impacts, which Wes is referring to.

Mr. Pettee – Question 3: If we change the response to YES, we would go through a – k, and we would need to determine whether there is no or small impact for each of those or if they are a moderate to large impact.

Mr. Logan – You've pretty much said that there are none. Kate brought up the special one, so if there is any other disputes on any of the other subparagraphs I understand that, but it doesn't sound like there are in my opinion.

Mr. Pettee – Is the Planning Board in agreement, a-k, we could indicate NO or small impact may occur. Do you want me to go through each on of them?

Mr. Dianetti – I think what Kate is alluding to is there are some known spots on the property that are wetlands and the Conservation Board I'm sure would like to see some type of provision made to protect those areas. I don't know that it is more than that at this point.

Chairman Santoro – What is (d) then?

Mr. Logan – Freshwater or tidal wetland. Wes is looking it up on his reference book.

Mr. Cantwell – Mr. Chairman, can I address that? Part of what Kate is referring to, that wooded area that is being annexed from the Town to the Village to supplement the amount of acreage for the Fisher Park is intended on being a not to be disturbed area, so that is preserving the habitat, if you will, in the wooded portion of the site. We did respond in writing to that comment that the Conservation Board had.

Mr. Logan – All the grading and the channelizing of runoff effect, contribution of water to those wetlands, in other words are you channeling it away so you don't have a wetland anymore? That would be the bottom line question.

Mr. Cantwell – We can certainly discharge some of the drainage in the rear yard areas that currently flows to that area now. The objective is for us to do green infrastructure to promote infiltration.

Mr. Logan – So these questions being discussed will help you focus on how to deal with the wetlands; whether or not the runoff gets channeled away totally or partially or not at all. So it's good to have it in here as yes there is an effect; it may be small but we have to focus on that during design.

Mr. Cantwell – Exactly.

Chairman Santoro – So that still wouldn't affect the checkmark on “no” or “moderate”?

Mr. Logan – It would still be no or small, as long as it's addressed.

Mr. Knauf – And we would address it during the design.

Mr. Logan – It's noted, it's in this form.

Chairman Santoro – Do you think we need to put anything under (l) or would (d) cover it? It looks to me like it would.

Mr. Knauf – It's not a true wetland, so I think it's a vernal pool.

Mr. Logan – We'll make sure we focus on how that's dealt with and what effects there are in the file.

Ms. Crowley – If that's the case, then my suggestion is let's lay out the natural features on the site plan so that we know that the proposed development actually fits the site.

4. Impact on Groundwater – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. – YES
 - a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. – NO or small impact may occur.
 - b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. – NO or small impact may occur.
 - c. The proposed action may allow or result in residential uses in areas without water and sewer services. – NO or small impact may occur.
 - d. The proposed action may include or require wastewater discharged to groundwater. – NO or small impact may occur.
 - e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. – NO or small impact.
 - f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. – NO or small impact.
 - g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. – NO or small impact may occur.
5. Impact on Flooding – The proposed action may result in development on lands subject to flooding. - NO
6. Impacts on Air – The proposed action may include a state regulated air emission source. - NO.
7. Impacts on Plants and Animals – The proposed action may result in a loss of Flora or Fauna. – We've indicated NO.

Mr. Logan – You probably will have a challenge from some about the trees and the habitat there, however small. Are you looking up the definition?

Mr. Dianetti – These are all identifying endangered species.

Mr. Pettee reads from his workbook – *The question asks the reviewing agency, in this case the Planning Board, to evaluate potential impacts to plants and animals. Some of the sub-questions that follow are specifically related to threatened, endangered, rare species, or species of special concern. Significant natural communities and natural landmarks, however, other sub-questions explore impacts to predominant species using the site or impacts to large areas of habitats that are not fragmented. Habitats are used by all fauna: insects, reptiles, amphibians, fish, mammals, birds, for breeding, hibernation, reproduction, feeding, sheltering, migration, or over-wintering. The habitats may be used year round, seasonally or on a transient basis. For threatened and endangered animal species, modification of their habitats not only adversely effect the animals and their ability to survive but could be considered a take which may require an incidental take permit.*

Mr. Logan – This is a pretty isolated tree stand or wooded area. Maybe that is what you were thinking when you were doing this Wes.

Chairman Santoro – I think some of the opinions were that a lot of it is scrub or new growth.

Mr. Cantwell – I would also interject that we did request Natural Heritage review for the flora and endangered species and the documentation was actually included in the original supplemental information to the Environmental Assessment Form.

Mr. Pettee – To answer this question I'm reading from the New York State DEC, Department of Environmental Conservation, workbook. They mention to answer this question, review Part 1 questions e-m. There are a few others there. It mentions *if the proposed project does not involve any loss of flora and its associated fauna, then check "no" and move on to question 8. If the project includes land disturbance that will remove terrestrial or aquatic plants, there also will likely be some level of animal loss, therefore, where land clearing and grading occur and vegetation will be removed, check "yes" to question 7 and then answer sub-questions a-j.*

Chairman Santoro – Then I guess we have to put a YES on that.

Mr. Pettee – Let's change that to YES. (*Question 7*).

Mr. Logan – I would still agree we are talking no or small impact on all of these.

Mr. Gallina – It could be moderate.

Mr. Pettee – Are you OK, if we go through the subparagraphs here?

The consent was yes.

- a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site – NO.

- b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. – NO.
- c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site – NO
- d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the federal government. – NO
- e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. – NO
- f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.

Ms. Crowley – OK, that's where it gets sticky, because we have also read the website and the Town can actually determine a significant natural community. The question is, is this area big enough. What I would offer to the Board is the fewer disturbances on that area, and that is where the Shagbark Hickory are, it's where the vernal pool appears to be, if there can be consideration given to that area and the adjacency, you can protect as much of it as possible. In any of these cases you can answer no or small impact but it is one of those types of natural resources that are disappearing and there are not a lot of them in the Town. If you want to know what is out there, that is what we are trying to do for you.

Mr. Dianetti – Kate, the Conservation Board goes through this, right, and you fill one of these out?

Ms. Crowley – Yes.

Mr. Dianetti – Did we get a copy of it, I didn't see it.

Ms. Crowley – We had a lot of discussion, I would have to ask, because I think we filled out both the short and the long for this site. I think we started with the long and then were asked to fill out the short. I could get it and if we didn't retain a copy of the long form, we could do it at our next meeting. We had a lot of discussion about the water there.

Mr. Dianetti – This is being used, I believe, for whether or not to issue a positive or negative declaration. I think, in my mind if you can mitigate some things before you get to that point and acknowledge that you are going to do certain things and not do other things, than it can go a long way in determining what kind of declaration you get. I think if we have something from the Conservation Board that identifies those things, it can help both sides in the equation and move forward without causing undue pain on either side. That's more information is better than less.

Ms. Crowley – I'm more than willing to take that work back to the Board.

Mr. Dianetti – From my perspective, everyone may not share that.

Ms. Crowley – Like I say, the problem here is that it is isolated. It's small. Is there a big impact to a lot of animals, no, but it's a sensitive area. Do you want us to do the long form?

Chairman Santoro – Could you email that around.

Mr. Pettee – So subparagraph f, are we going to indicate at this point no or small impact?

Chairman Santoro – I would say yes, because we don't have a significant natural community there.

- g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project impact.

Chairman Santoro - I would say small there. Anybody disagree?

Mr. Gallina – I'm not sure how I would evaluate that whether it's small or moderate. We don't really have any facts to move it one way or the other.

Mr. Pettee – Let me see if can get some guidance from the workbook. *This question explores the role the project site plays in the areas ecology and biodiversity. Use of the term predominant is intended to be synonymous with common and describes species that are abundant in a natural community. Habitats are used in different ways depending on the species. Actions can interfere with nesting, breeding, foraging and over-wintering habitat by removal of vegetation or by changing the conditions of that habitat, such as altering the amount of sunlight that reaches the ground, the temperature of the water, or removal of important habitat features such as rocky outcrops or dead trees used for nesting. Other features of the proposed project can also interfere with those activities by creating excess noise, placement of buildings in a location that obstructs travel or placement of bright lights. In order to answer this question the reviewing agency may need to find out or ask the applicant to supply information on the basic habitat needs of the predominant species found at the site. A substantial interference is not specifically defined in SEQR, but should be considered by the reviewing agency in relation to the scale and context of the site and project. In general, a substantial interference would be when the change to the habitat features on the project site are of considerable importance, large in size quantity, or when the habitat is largely, but not wholly affected. An example of a substantial interference is the removal of 8 out of 10 acres of northern hardwood forest existing on a site or building of a road and a 15,000 square foot building in the middle of a large, unbroken expanse of forest that would fragment the habitat and reduce its value to those species needing large areas of unbroken forest.*

Chairman Santoro – I don't think we have that.

Mr. Cantwell – I would like to interject that the proposed stormwater management area along Lynaugh Road will, in fact, create habitat as well, using the green infrastructure practices. The native plants that will be used to compliment the design of that facility would provide a diverse habitat and open water, quite frankly, that isn't there now.

Chairman Santoro – As long as you brought that up, and before I forget, John was that you who sent that LEED's (*Leadership in Energy & Environmental Design*) information around or was that your son?

Mr. John Palomaki – That came from my son and I forwarded it to you.

Chairman Santoro – Are you considering any LEED certifications here or not?

Mr. Cantwell – No, usually LEED relates to building construction, more of a commercial standpoint as opposed to a residential area.

Chairman Santoro – We just got this today, so I can't speak to that. Maybe I can forward the email to you and you can look at it.

Mr. Cantwell – To answer the question further, as I alluded to a few minutes ago, we have to comply with the green infrastructure practices in the new manual not only of DEC, but also the Town of Victor regulations. A lot of the site development components to LEED's projects do relate to site development, but that's just a small portion of LEED's certification. There are some elements of site work that would actually be consistent with what the new green infrastructure practices dictate.

Chairman Santoro – Thanks, are we on i now?

Mr. Gallina – What do we answer for g? Do we have a conclusion there?

Chairman Santoro – I think we concluded no or small, didn't we?

Mr. Pettee – There is a little more guidance here, if you don't mind me taking a look, reading it. *Will there be an impact? A small impact could occur under one or more these circumstances. A very limited amount of vegetation and habitat features will be removed leaving the large majority of habitat available. No excessive noise, light, fences, or walls will be part of the project and won't interfere with the ecology and the ability of the species to survive. It is under moderate to large impact, it is likely that one or more moderate or large impacts could occur under one or more of these circumstances, the following: A large percentage of vegetation is removed and replaced with lawns or other cover types and structures; a major feature of the habitat is removed, such as removal of all ground vegetation; large areas of trees will be selectively removed to thin the forest and allow more sunlight to reach the ground. This will change the ecology of the forest and invested species that will live there; the project will include structures built along areas known to be important over-wintering or travel corridors; fencing or walls are placed that will prevent normal movement from one location to another; bright lights will be placed that will interfere with nocturnal species.*

Mr. Gallina – Based on that definition, I would interpret that as a moderate impact.

Ms. Zollo – Me too.

Chairman Santoro – Al thinks moderate, Heather thinks moderate.

Mr. Cantwell – The project will require the planting of trees, landscaping, in compliance with the Town of Victor’s landscaping guidelines as well, so there will be mitigation to some extent throughout the site.

Mr. Logan – So whatever category we give it, you’re still going to be looking to address the mitigating factors. So even if we check off moderate, we can mitigate it hopefully to the satisfaction...

Mr. Gallina – In that definition, even if you are replacing natural with lawn, you’ve essentially disrupted...

Mr. Logan –That’s true, but we have to look at it, it’s something to focus on.

Mr. Pettee - OK, I’ve got it recorded here as moderate.

- h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

Chairman Santoro – I don’t think so.

Mr. Gallina – What is the acreage that we are disrupting?

Mr. Logan – The whole project.

Mr. Gallina – So how can you not say yes to that?

Ms. Zollo – Didn’t we just hear that even though it is small there is the Shagbark Hickory and the other natural features that are located there are important to the Town because there aren’t that many left.

Mr. Pettee – Part 1 of the SEQR EAF that the applicant provided indicates that the total acreage to be physically disturbed would be 17.6 acres.

Chairman Santoro – That’s more than 10.

Ms. Zollo – That works for me.

Chairman Santoro – Make that a moderate.

Mr. Logan – So we have to define the habitat type and information source.

Mr. Knauf – The area that needs to be protected was the area down there which is not going to be disturbed anyway. So that was the area they've been talking about, where the Hickories are. It's the section that is going to be annexed to the Village, that's going to be left alone.

Mr. Logan – We need to define that. We need to say how many acres there are.

Mr. Gallina – It's not just forest, it's also grassland too. It includes grassland.

Mr. Logan – Understood, and that goes to Kate's comment, we need to identify all the natural resources on the site, the appropriate acreage. By saying, no or small impact, or even moderate doesn't matter, we are still going to identify the acreage and address that.

Mr. Knauf – I have no problem with that, to try and figure exactly where.

Mr. Logan – Your point is well taken. As long as we can have that as part of our review, let's define everything, all the natural resources on the site. I think we are going to address all of these at some point, in some way, during the process.

Chairman Santoro – So mark that (h) as a moderate then, i...

- i. The proposed action involves use of herbicides or pesticides.

Mr. Logan – It's not a golf course. It's not industrial or commercial. What other action would there be? Would it be commercial fertilization of the grass to help it grow nicely and all that, is that included in part of that?

Chairman Santoro – It says commercial, industrial or recreational projects only.

Mr. Pettee – Right, it doesn't mention residential properties.

Mr. Logan – So this would be a NO.

8. Impact on Agricultural Resources – The proposed action may impact agricultural resources. – NO
9. Impact on Aesthetic Resources – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

Chairman Santoro – Later in the body it reads, an officially designated Federal, State or local scenic or aesthetic resource.

Mr. Logan – There is nothing like that out here.

Chairman Santoro – And there is officially designated scenic views.

Mr. Logan – At publicly accessible vantage points. I don't see where this applies.

Chairman Santoro – I don't see it either, I would say a NO for that.

Mr. Logan – The only thing you might possibly say is that there is a park right next door. I don't know if that is a view shed.

10. Impact on Historic and Archeological Resources – The proposed action may occur in or adjacent to a historic or archaeological resource.

Chairman Santoro – Not that I have seen.

Mr. Logan – Are there any historically designated buildings in the area, adjacent to?

Mr. Cantwell – We did send the application to SHPO (*State Historic Preservation Office*) and they did respond and they did say that there was no significant affect. That is in the correspondence.

11. Impact on Open Space and Recreation – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. – NO

12. Impact on critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area. – NO

13. Impact on Transportation – The proposed action may result in a change to existing transportation systems.

Mr. Pettee – This is where we have not provided you a draft response and we were looking for your feedback.

Mr. Logan – They provided a lot of traffic assessment of the area and our traffic consultant has indicated that it is not a significant increase in traffic impacts. It's hard to argue against that in my opinion.

Ms. Michniewicz – The question states: The proposed action may result in a change to existing transportation systems. I don't think that this development will result in a change. I think that the impact will be negligible. The average travelling person will not be able to feel the difference.

Mr. Logan – We are improving pedestrian accommodations adjacent to the site and through the site, connectivity with other areas, so d will actually be NO. There are no pattern or movement changes. With all these things it's hard to justify anything other than NO.

Mr. Pettee – Is there any interest by the Planning Board for me to go through some of what the New York State DEC workbook indicates.

Mr. Gallina – Yes, I'd like to hear it.

Mr. Pettee – Part 1 question D, 2 j – *This workbook includes a table defining thresholds for significant traffic increases. That table uses the number of new vehicle trips made during peak traffic hours, early morning and late afternoon, to help determine if a substantial increase in traffic is likely to occur as a result of a proposed activity. It assumes that a project generating fewer than 100 peak hour vehicle trips per hour will not result in any significant increases in traffic. Use of the table is intended, however, to identify projects that may potentially have traffic related impacts and require a traffic study. Once triggered the impact assessment should continue in the context of the project in order to understand possible traffic impacts. For example a multi-family development or a retail shopping center of 6,000 square feet on a busy commercial street may not have a large impact in a more urban environment. The reviewing agency should evaluate the following sub-questions and decide if there will be any impact. If there will be an impact, the reviewing agency must then evaluate the magnitude of that impact and decide if the impact will be small or moderate to large. This will depend on the overall scale and context of the proposed project as described in the introduction to Part 2. The reviewing agency should be reasonable when conducting this review. If the proposed project exceeds a numeric threshold and a question, is presumed to be a moderate to large impact. If the proposed project does exceed a numeric threshold and a question the reviewing agency should consider the scale and context of the project in determining if an impact may be small or moderate to large. These sub-questions are not meant to be exhaustive. The reviewing agency should use other impacts sub-question (f) to include any additional elements they feel need to be analyzed for potential impacts.*

Ms. Michniewicz – So Wes, going back to the first statement about more than 100 vehicles during the peak hour. When this traffic study was first conducted, under the previous plan with the higher number of units, the PM peak was 112. Now it's down to 67. The AM peak is 62. If this came before the Planning Board now, I don't know if a traffic study would have even been required under SEQR. There is some judgment call in the way that that statement is written but I'm just telling you the difference between the numbers.

Mr. Pettee – I'm going to read a little bit more here. *Will there be an impact? There will be no impact if the proposed project does not add traffic to existing roads. Check no or small impact may occur. Small impact: A small impact could occur under one or more of the following circumstances: The project will add some level but not substantial traffic to the area and existing roads have the capacity to handle that level of traffic without reconfiguration; the project will add some level but not a substantial traffic to the area and minor access management techniques can be successfully used to control minor traffic issues. Under moderate to large impact - moderate to large impact could occur under one or more of the following circumstances: The project adds substantial traffic to the area; the project adds some level of, but not substantial traffic to the area but due to current road traffic and intersection conditions the road does not have the capacity to handle it.* That information I just read is pertinent to subparagraph a. – Projected traffic increase may exceed capacity of existing road network.

Mr. Logan – Because it already does.

Mr. Pettee – I put the cart before the horse there. I started reading the level of impacts before I described subparagraph (a) but, I guess before you get into that, you need to identify whether or not the proposed action may result in a change to existing transportation systems which I think Jennifer was commenting on previously.

Mr. Logan – I don't know if I just got confused by what you just said Wes. If you could restate, there was a phrase in there that sounded interesting because it seemed like it was defining where we are. The current system doesn't handle the current levels of traffic and we are adding to it. I'm paraphrasing, but is that part of moderate, significant, moderate to large? So if you are in a situation where the current traffic levels are beyond the ability for all of the traffic network to handle the current traffic and then you are adding more to it, does that mean this is a moderate or large impact? It sounded like that's what you were stating. Then you said you might have put the cart before the horse and I'm trying to figure out what cart was there.

Mr. Pettee – Let's start from the beginning here on question 13. Let's say that Yes, the proposed action may result in a change to existing transportation systems. So if that's the case we look at subparagraph a.

- a. Projected traffic increase may exceed capacity of existing road network.

Mr. Pettee – The online manual indicates a moderate to large impact could occur under one or more of the following circumstances: *The project adds substantial traffic to the area or the project adds some level of, but not substantial traffic to the area, but due to current road traffic and intersection conditions, the road does not have the capacity to handle it.*

Mr. Gallina – Sounds like our scenario.

Mr. Logan – Sounds like that's where we are. We are already having challenges in several scenarios. Correct me if I'm wrong Jennifer, that there are areas in this traffic network servicing this community that are already, I don't want to call it failing, but are already beyond capacity.

Ms. Michniewicz – Yes.

Mr. Logan – So there are a couple of intersections or identified areas that are beyond capacity and we are adding traffic, at whatever level, to that.

Ms. Michniewicz – Right. Playing devil's advocate, what would be the next step? The next step would be mitigation, however, the two intersections at Route 96, the applicant's traffic consultant analyzed those, and they can be improved if you give more green time to the side streets, actually, if you put in traffic signals. New York State DOT does not want traffic signals. The mitigation means is not being approved by the agency that owns the roadway. The intersection of Lynaugh and Church, up there it's not Church, it's County Route 9. Ontario County looked at it. The traffic consultant looked at putting in additional lanes and it doesn't do

anything to mitigate traffic. They looked at putting in a four-way stop. It improves it to a level of service “B”, however, Ontario County and all of the manuals say you can’t just put in stop signs, you actually have to an analysis to see if it’s warranted, and it’s not warranted. So the mitigation that would improve the level of service is basically a violation of the traffic code, you’re putting in stop signs. If this is true, what do you do, you can’t mitigate.

Mr. Gallina – My thought would be that we answer the question and then as part of the follow-up or closure on this we would have to document all that. At least we have a logic track of how we got to where we are versus just checking no and having people say well “what have you guys been smoking?” At least there is logic on how we got to the conclusion.

Ms. Michniewicz – Exactly.

Mr. Cantwell – I think the other thing relative to the design of the project and even going all the way back to the beginning of lining up intersections, and the fact that we have mitigated to some extent, certainly the concentration of traffic on any one particular point because we have essentially four points of connection into the existing road network, which gives options for coming to and from the project. Camden Hills, for example, with the connection that was eliminated through that project that ultimately was going to connect further to the east. All of those vehicles now from Camden Hills are emptying out onto Lynaugh Road and from a distribution standpoint, they no longer have options as far as mitigation to compound an existing intersection that is already failing. Again, as part of the design of the project, the four points of connection to the network does in fact, from our standpoint, mitigate to some degree the options for the residents.

Ms. Michniewicz – Right and the Village section before had a cul-de-sac on it, now it’s connected. I was really pleased to see that.

Mr. Logan – We just need to document this well, we still have to acknowledge that it does fit a particular category.

Mr. Gallina – It fits the definition in my opinion.

Ms. Michniewicz – I think so too.

Mr. Logan – Bob, the ultimate result is probably the same, but we need to make sure we’re doing this right.

Mr. Knauf – Does everything you build in the town fit this description though, if you think about it? If you really get down to it no matter what you build that question is going to be true. So no matter who steps to the podium, with any proposal here and I’m talking, there is a lot of discussion about north end, south end; the problem here is Route 96. When you do these traffic studies it’s all about queuing. What lengthens your time in the queue – traffic on Route 96. Eventually, if I build a huge development south of the Town that adds a huge volume to Route 96, the time in the queue on Lynaugh Road is going to be extended. It doesn’t matter where you

build here, those queue times are going up and all these intersections will fail. I don't care where you go, we have this problem.

Mr. Logan – I think you just heard though, the discussion, that there probably won't be anything done to these intersections by this particular application, but we still have to acknowledge in the guidance that SEQR gives us.

Mr. Knauf – So you just address it in your findings.

Chairman Santoro – We're on number 13 and it's left open as a blank so what is the Board's pleasure, to check yes on that one?

Mr. Logan – I would say yes there is, based on the description of moderate to large we may end up having to say that the applicant is doing all they can, which may mean nothing other than providing the right circulation pattern, Jennifer you talked about that cul-de-sac, and providing a variety of entrances and exits out for people to use at different times of the day.

Mr. Knauf – Plus we downsized from where we were significantly.

Mr. Logan – We're addressing the volumes that you are proposing in this particular application so the relative size...

Chairman Santoro – As you might suspect, we've seen developments come in at a very high density and go down, it's not uncommon.

- a. Projected traffic increase may exceed capacity of existing road network.

Mr. Pettee – From the discussion I heard it sounds like the Planning Board would like to check off "moderate".

Mr. Logan – Based on the guidance that is there, yes. We don't want to contradict that guidance.

- b. The proposed action may result in the construction of paved parking area for 500 or more vehicles – NO
- c. The proposed action will degrade existing transit access. – NO

Chairman Santoro – I don't know what they mean by that but it doesn't sound like it.

Mr. Logan – You're not putting a road block in there for busses to go by.

- d. The proposed action will degrade existing pedestrian or bicycle accommodations. – NO

Chairman Santoro and Mr. Logan mention they would be increasing them and/or improving them.

- e. The proposed action may alter the present pattern of movement of people or goods.

Mr. Gallina – Is there any guidance on that? I'm just thinking out loud while you are looking, there could be people who historically went down to Route 96, but now they are going to go up and around.

Mr. Pettee – *Alterations of traffic patterns include both vehicular and pedestrian traffic. This would include changes, including but not limited to rerouting; creation of one-way streets; installation of roundabouts; construction of new streets; addition of new intersections or ramps, etc. to streets, roads, intersections, sidewalks or other pathways.*

Mr., Logan – That would be a yes, not whether it's small, moderate or large.

Mr. Pettee – Under small impact, they've listed existing roads and transit systems exist and have the capacity to handle added traffic, but minor signage and traffic signals may be needed. Under moderate to large impact they've indicated new or altered roads; intersections; transit facilities; access control or signal systems are required to handle the additional demand related to the proposed project.

Chairman Santoro – Does that include the intersection created by the project?

Ms. Michniewicz – That's just to handle the demand. That's not the project itself? Is that how I'm understanding it?

Mr. Logan – They stuck the word demand in there. As soon as you said demand, that changes the focus of that question.

Ms. Zollo – It sounded good that we have these new intersections; we have new sidewalks, that's good.

Mr. Logan – They are not there because of demand, they're there because we need to access the road from the property. These are dedicated roads, correct, both Village and Town, the ones being created by this?

Mr. Pettee – Do you want me to go over what's in the guidebook again? *Alterations of traffic patterns include both vehicular and pedestrian traffic. This would include changes, including but not limited to, rerouting; creation of one-way streets; installation of roundabouts; construction of new streets; addition of new intersections or ramps etc. to streets, roads, intersections, sidewalks, or other pathways. Under analysis they've indicated: How will the modification of existing roads; creation of new roads; or change in existing access impact current motorized and not motorized traffic patterns. If no alteration to the existing pattern of movement of people or goods is proposed than there will be no related impact. Check no or small impact may occur.*

There was a consensus among Board members that small or not impact was the answer.

Mr. Logan – It's amazing how much more detail you have to go into to discern what they want.

14. Impact on Energy – The proposed action may cause an increase in the use of any form of energy.

Mr. Logan – You are going to have houses that you have to heat.

Chairman Santoro – Number (d) I think is the thing that puts it into the yes.

Mr. Logan – I don't know 100,000 square feet of buildings?

Chairman Santoro – Yes, there are 88 buildings.

Mr. Pettee – If the project includes some form of construction activity, a change to a more intensive land use, new and expanded building or structure there will be an increase in the use of energy. Check yes to question 14 and then answer sub-questions a-e. It sounds like we need to check yes.

Chairman Santoro and Mr. Logan discussed that there would be no new substation, but that RG&E may fix the substation themselves, but the impact would be “no or small”. (a)

- b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.

Mr. Gallina – That would be a yes, wouldn't it?

Mr. Logan – That would be a small impact.

- c. The proposed action may utilize more than 2,500MW hrs per year of electricity. – NO or small.
- d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. – YES, but Small impact.

Mr. Gallina – It's yes, but what is the criteria for small, medium, or extra large?

Mr. Pettee – There is not likely to be an impact on energy if the proposed action does not require new upgraded creation or extension of substations; energy transmission supply systems, nor does it use more than 2,500 MW hrs of energy or is building less than 100,000 square feet of building area. Proposed projects that include land uses similar to those in the surrounding area and that follow the New York State energy code are likely to have only a small impact. Example: Residential development in an already suburbanized area.

Chairman Santoro – Well, that's what we've got, so that's no or small.

15. Impact on Noise, Odor, and Light – The proposed action may result in an increase in noise odors, or out door lighting. – YES
- a. The proposed action may produce sound above the noise levels established by local regulation. – No or small impact may occur.
 - b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. – NO
 - c. The proposed action may result in routine odors for more than one hour per day. – NO
 - d. The proposed action may result in light shining onto adjoining properties. – No or small impact.
 - e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. – No or small impact.

Chairman Santoro – If you add anything it's going to be a little brighter, but probably minimal.

- f. Under (f) Other impacts: I've indicated construction noise related to project construction which is anticipated to be temporary. – No or small impact.

16. Impact on Human Health – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. – NO

Chairman Santoro - I've read over all of these, has everybody read them? It doesn't look like any of them apply.

17. Consistency with Community Plans – The proposed action is not consistent with adopted land use plans. – NO

Chairman Santoro – It's consistent with zoning.

Mr. Gallina – Have we confirmed that the sewer system is adequate to handle this?

Mr. Pettee – We've done a preliminary look at the sanitary sewer system's capacity and right now there isn't an indication that it would be a concern. We don't have a formal engineer's report that has been submitted with the application. LaBella will do a more comprehensive review once we have that information.

Mr. Gallina – I'm reading (f) under (17) with the idea of the sewer system in mind. So maybe we mark it as moderate with that engineering study to confirm.

Mr. Santoro – I don't think we have enough information to say that it's going to be any impact at all.

Mr. Gallina – Well, we don't know, so wouldn't the logical thing to do be to complete a study to confirm that there is no issue? Again, traffic and sewer, two things that come up in every topic. I just think we need to positively affirm its capacity.

Mr. Cantwell – We did provide the amount of water usage with the original EAF, so that was provided to the Town Engineer to assess the capacity. But as Wes indicated, I think at the last meeting, we did acknowledge that a sewer district sewer extension would have to be completed as part of the project's review.

Mr. Gallina – It sounds like we need to expand infrastructure.

Mr. Young – The first question is whether it is consistent with adopted land use plans.

Mr. Gallina refers to sub-question f.

Mr. Pettee refers to the guide book – When you look at #17, the proposed action is not consistent with adopted land use plans. Recognizing that this is somewhat generalized. As Al mentioned if you are looking specifically at sub-paragraph f, that's really more detailed. I think the guidance material refers to what Al is saying.

Mr. Knauf – Isn't it directed more towards if you're "not" consistent. What they are saying is if you are consistent, then you're fine. But if you're not consistent then we answer these other questions. If it's not consistent, do we have these other impacts? Someone could say that a) it's not consistent with the proposed land use and b) we have these other problems. We are expanding the infrastructure, we're doing this, this and this.

So the first question is, is it consistent with the adopted land. If it is, then you move on. If not, then I agree, you answer these other questions because that becomes extra information that says that we're not only not consistent but we have all of these other problems. That's really what the question is asking.

Mr. Logan – He makes a good argument.

Mr. Pettee – I'm wondering what the current draft Comp Plan says about sanitary sewer and whether there is any direction given to up and coming projects.

Mr. Mark Tayrien from LaBella Assoc. answers question.

Mr. Tayrien – As I recall the draft Comp Plan which has yet to be adopted, with respect to sewers, the two instances where it's mentioned, one is where it alludes to but I don't think it applies to this but in the instance where sanitary sewer is extended out to the rural areas where you prefer to preserve open space and notes to that it potentially brings development along with it or facilitates development to enter into the more rural open areas where you would prefer it not go. The other provision is a recommendation that the Comprehensive Plan, before sanitary sewer districts are extended, a master plan for sanitary sewer service be developed by the town. I think the underlying thought is along the same lines that the incremental extensions of sanitary sewers without any thought or planning of what the consequences might be is something that

needs to be avoided and what needs to be done instead is the sanitary sewer needs and the appropriate locations for sanitary sewer needs, to be done in more of a master planning comprehensive fashion where you look at the town as a whole and basically layout a sanitary sewer system as a goal, the same way that you might do a road network rather incrementally eat your way into these open rural areas.

Mr. Gallina – Somewhere in this assessment, I would like to comprehend the impact analysis on the sewer system. Where we bucket it, how we respond to it, how we document it, I guess I'm less concerned with as much as it is somehow documented and assessed.

Mr. Logan – Isn't that normally part of the site plan review? You look at it and see if the sewer system can handle it. We've done that on just about every other project. I go back to that first question, if it's "no" then you move on. Then you do a site plan review and then ask if the sewer system can handle it or does it need to be expanded.

Mr. Gallina – We're going to do it and wherever we want to do it, I'm less concerned about how it gets documented. If it's part of the site plan review process, so be it.

Mr. Logan – I was just looking at this particular issue, if it's not consistent then you've got to justify what things the project could affect and that would include sewer. To justify whether or not the community could handle something that is not consistent with community character.

Mr. Gallina – I understand the technicality of it. It's unfortunate, I think the SEQR process is to access all of the impacts on the environment and the community and we're kind of word smithing it to fit just the way the question is laid out.

Mr. Pettee – So part of the action is to extend the sewer district and the SEQR is supposed to take that into account. So if part of the action is to extend the sewer district to accommodate this one individual project, is that project or action consistent with the town's draft plan? I think Mark mentioned there is a recommendation in the Comp Plan to do a town wide master plan for the sanitary sewer system.

Mr. Logan – So if the lot is already zoned for a particular use which requires sanitary sewers, then it's really in the plan already that you need to get sewers to that lot. There is no way that they are going to have septic out here for all of this, correct?

Chairman Santoro- Is that part of the Farmington Sewer District?

Mr. Logan – I thought that was part Village and part Farmington.

Mr. Cantwell – A portion of it does drain into the Village. The rest of it goes to Farmington. After all of the work that we've done and the whole water and sewer shed, we've never had an issue with the capacity at the Farmington Sewage Treatment Plant. They have always characteristically wanted as much as they can handle. I guess the question is when you did the SEQR for Tuscany a year or so ago, did that issue come up on that project albeit a smaller project but that drains into the same sewer system.

Ms. Zollo – As of late, all of the projects we've been looking at, we're less concerned about the Farmington treatment plant than we are with the pump stations that get it to the treatment plant. That is where the capacity issue comes up and this is much bigger than Tuscany.

Mr. Logan - I think maybe what Bob is referring to is we didn't do that in SEQR, we did it on site plan review.

Mr. Cantwell – Exactly.

Ms. Zollo – Okay and as Al said, I think we're consistent with our community plans because, you're right, the zoning is there and we'll have to address this somewhere else.

Mr. Logan – So to me, #17 Community Plans would be no and the sewer question would come up during site plan review.

The Planning Board was in agreement that #17 Consistency with Community Plans would be no.

#18 Consistency with Community Character – The proposed project is inconsistent with the existing community character.

Mr. Gallina – This one will have some discussion on it because it's higher density housing than what exists today although it's consistent with how it is zoned.

Mr. Logan – So is that the community character?

Mr. Gallina – The character is what's existing.

Mr. Logan – The zoning is existing also, they are not rezoning the property.

Mr. Pettee reads out of the handbook the explanation.

Community Character is defined by all the man made and natural features of the area. It includes the visual character of a town, village or city and its visual landscape. But it also includes the building structures and their uses, the natural environment, activities, town services and local policies that are in place. These combined create a sense of place or character that defines the area. Changes to the type and intensity of land use, housing, public services, aesthetic quality and to the balance between residential and commercial uses can all change community character. Most proposed actions will result in some change in community character. There are probably few that will result in no change at all. Examples of actions that may not affect community character include passage of a local law that is not related to land use or other discretionary actions that require SEQR but do not result in building or development. Note questions #18 asks if the proposed project is "not" consistent with community character. Reviewing agencies will need to first understand what the existing community character is. Sometimes this is clearly defined in a comprehensive plan, as such, reviewing agencies should be familiar with those plans. Other times, the review agencies will need to discuss and articulate

what the community character is. Reviewing agencies should then ask and answer sub-questions a thru g in order to understand what changes the proposed project might bring to the community. A comparison of current conditions to those that might exist after implementation of the project will determine if the action is inconsistent with the existing community character or not. If the reviewing agency decides that the action is consistent with community character then check "no" to this question and move to Part 3. However, if you find that the proposed action is not consistent with existing community character, then answer sub-questions a thru g to evaluate the size and potential impacts resulting from the inconsistency.

#18 Consistency with Community Character

Mr. Logan – If you read all of the items, you could say “yes” that there are no, small moderate or large depending which item this is. The basic question is; is it inconsistent with the existing community character and I’d say “no” because that is the way it’s zoned.

Ms. Zollo – I don’t think the guide lines mention zoning. They talked about what’s there and what’s there is a park and a bunch of single family homes.

Mr. Logan –So that goes to the question of needing to know what the definition of community character is of that area and does that include multi family dwellings or not.

Mr. Dianetti – the zoning is intended to direct where community character is going and this was zoned Multiple Dwelling.....

Ms. Zollo -30 years ago

Mr. Dianetti -It’s been zoned for that for over 25 years. That almost by definition is what the proposed community character is. Why don’t we look at a thru g and answer them and see what the impact is when we answer those questions before we check yes or no at the top. As I’m reading through these, I think we’ll get a clearer picture of what’s going on. But I think when you are talking about “what is” and what is, is the zoning that exists today and what exists there is multiple family. I think that is something that we have to consider.

Mr. Cantwell – I would just like to mention that this is a joint review of both the town and the village. The single family homes in the village are absolutely consistent with what’s surrounding those to the south. In terms of character, again how is character defined? Character is a sense of density and as mentioned this is a permitted use. Single family homes on the town’s property, it’s been interpreted that those are not a permitted use under the existing code. Again, that’s just a comparison of what the code dictates. In terms of density and yield, if you were to take Quail Ridge East, those lots are approximately 10,000 sf per lot (i.e. 4 units per acre). This proposal, the total site area is 22 acres and if you were to look at the 88 units, that’s 4 units per acre. So in terms of density, if character has a connection to a density figure, this is absolutely consistent with the density of, and the lot sizes, albeit single family homes, in Quail Ridge.

Chairman Santoro – Do you want to go through the questions then?

Mr. Gallina – I would like to follow Jack’s proposal and answer the sub-questions and then that would lead us to a final answer.

- a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. – NO
- b. The proposed action may create a demand for additional community services.

Mr. Logan – Schools-yes, police and fire-yes, sewers-yes.

Mr. Knauf – I don’t really agree with that because additional schools, and additional police is not necessarily accurate. Additional schools would mean you are going to build another school.

Mr. Logan – It says additional community services.

Chairman Santoro – That’s the question.

Ms. Zollo – It says demand for additional services.

Mr. Knauf – But what is demand for additional services? If you have three police officers and you don’t add another one it’s not....

Chairman Santoro –Well, it says it may, that is the question.

Mr. Logan – Then it is no or small I guess.

Mr. Knauf – Yes, I think it would be small and I don’t think, especially the townhouses, there are not going to be a lot of school age children.

Chairman Santoro – I know that is your aim but it could happen differently. “May” that is what the question says.

Mr. Logan – So no or small Ernie?

Chairman Santoro – I’d say that at this point.

Mr. Gallina – We don’t know, it’s indeterminate.

Mr. Logan – We may determine that in the actual review.

Mr. Pettee continued reading the sub-questions.

- c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. – NO
- d. The proposed action interfere with the use or enjoyment of officially recognized or designated public resources. – NO

- e. The proposed action is inconsistent with the predominant architectural scale and character. – MODERATE
- f. The proposed action is inconsistent with the character of the existing natural landscape.

Chairman Santoro – Well, anytime you build something...

Mr. Pettee – Would you like me to read the guidance? *The consensus was yes.*

The natural landscape plays a large role in defining a community's character. For example, a municipality may define itself as a rural community because of a large amount of open space and farming or one may defined as a mountain town due to being in the Adirondacks. Water bodies, open lands, forested lands, topography, natural communities and wildlife, and unique geologic features all contribute to the natural landscape. When these resources are reduced, fragmented, or eliminated the natural landscape can change.

Under analysis: What are the features that make up the natural landscape? Are some features more predominant than others? What changes from the natural landscape will result? How visible to the general public will these changes be? How much area will be impacted? Will there be an impact? If the proposed project does not physically alter the landscape or change the cover type or reduce, eliminate, or fragment natural resources, there will be no related impact. There may also be no impact if the project site is located in a heavily developed area already largely disturbed and built upon. Check No or small impact will occur.

Chairman Santoro – I would say small.

Mr. Gallina – I would agree.

Mr. Logan – So overall #18 is YES.

Mr. Knauf – There may be some impact on community character, but the question is, is it inconsistent with community character and I think the answer is no it's not inconsistent.

Mr. Gallina – Depends how you define consistent.

Mr. Knauf – The question is the community. Yes, it's going to change this particular plot of land, any development would, but it's zoned this way and it is consistent with the general community. It's a suburban development in a suburban town.

Chairman Santoro – It says "inconsistent with the predominant architectural scale and character".

Mr. Knauf – I'm saying the overall question, not the sub-questions. You never get to the sub-questions.

Chairman Santoro – But we did get to the sub-questions.

Mr. Knauf – You were doing that to help but it's not really how the form is....

Mr. Gallina –So ignore the answers because we didn't like them!

Mr. Knauf – These are if no, then answer the questions. If you believe it is inconsistent with community character, then you can look at these other things and say OK.

Chairman Santoro – We are concluded with this form now. This is a form that we had to complete, not you. We've now finished. Is everyone all set with it?

Everyone was comfortable with completing the form.

Chairman Santoro – Is there any more tonight on this project?

Mr. Gallina – Ernie would the next step on this be that our consultant draft a response?

Chairman Santoro – We have used this as a basis to make a determination on if it's a positive or negative declaration, plus everything else that might come shortly after this.

Ms. Evans – The next suggested step for the Board would be for the Part 3 EAF (Environmental Assessment Form) to be prepared along with your determination of significance. The Part 3, in listening to the Board fill out the form, I heard for all those moderate to large impacts, I heard moderate identified in all of those situations. Is that accurate?

Chairman Santoro – What do you mean, all those situations?

Mr. Pettee – In any situation where the Planning Board responded that there would be moderate to large impact, that's a category to be checked, it was clarified that anything checked in that category was to be moderate. Is that what you were getting at Katie?

Ms. Evans – Yes. Going through all this, every time the Board did not check no or small impact may occur, if you checked moderate to large, I listened for the words yes we think that is moderate. I wrote it down every single time. I have it noted that you have identified moderate impacts which then would be elaborated in a Part 3. That would direct us also to prepare a determination of significance.

Chairman Santoro – OK, everyone else set with that? (*Yes*)

Mr. Young– For each one of those marked YES, there is a handful on the sub-questions, this Board is going to have to make a decision whether any or all of those trigger a significant impact sufficient for a positive declaration and require an EIS (Environmental Impact Statement). As far as where we go from here, I wonder if it might be appropriate for the consultants to try to elaborate on what we heard tonight, finalize the Part 2, the checked boxes, and try to put down on paper some of the comments that we heard tonight into a Part 3 so this Board can refine it as

needed and then make a determination as to whether there are indeed any significant impacts that would trigger a positive declaration or, if not, whether they would issue a negative declaration.

Chairman Santoro – That sounds like the next step.

The conversation ended at this point.

Chairman Santoro entertained a motion to adjourn.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 9:30 PM.

Cathy Templar, Secretary