

A regular meeting of the Town of Victor Planning Board was held virtually on January 12, 2021 at 7:00 p.m. with the following members present:

PRESENT: Ernie Santoro, Chairman; Joseph Logan, Vice-Chairman; Scott Harter; Al Gallina; Joe Limbeck

ABSENT: None

OTHERS: Wes Pettee, Town Engineer; Suzy Mandrino, Confidential Secretary to the Town Supervisor; Mike Newcomb, Kip Finley, Rocco Venezia, Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary

The meeting was opened, the Flag was saluted and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

On motion of Al Gallina, seconded by Joe Limbeck.

RESOLVED that the minutes of December 15, 2020 be approved.

Ernie Santoro	Aye
Joe Logan	Aye
Al Gallina	Aye
Scott Harter	Aye
Joe Limbeck	Aye

Approved 5 Ayes, 0 Nays,

CORRESPONDENCE:

There were none.

BOARDS AND COMMITTEE UPDATES:

Councilman Condon from the Town Board

Mr. Condon – Just let you know that we have gone back to meeting in the board room. We are doing the social distancing and spread out at the board room table and the chairs are spread out. We have not had very much public there obviously and still doing Zoom and YouTube live. Suzy is still broadcasting our meetings. As we get ready to enter into 2021 here we are 12 days in the Board wanted to do a pause, Jack encouraged us, in terms of that people are anxious for...obviously everyone has Covid fatigue. We are not finished with this yet obviously and we are not equipped to open up the rec facility and to do some of those things and obviously we

went ahead and rented that out for the school year anyway. Our pause is really to kind of get us thru the next three months and see what April is going to start to look like and we will have more information and see how the vaccines are getting out in NY and around the country and things of that nature. I think that we really are very pleased to be honest with you with the town employees. We sent kudos to all of our committee members, town employees to work thru these difficult tasks. It is not easy doing Zoom, not easy working remotely all the time and people really hung in there and we are talking about the Highway guys. I never see a truck without the guys wearing their masks and taking it serious and knock on wood we have been pretty fortunate with the town and the County as a whole and I think know we have all known someone who has had Covid and we all know some folks who have suffered some tragedy as a result of it. Other than that I would say that we are off to a good start and wanted to jump in here tonight and I will be with you guys for the first quarter of the year. I follow your minutes all the time and wasn't displeased there was a small agenda for tonight.

PLANNING BOARD reported by Lisa Boughton

- Tuesday January 26, 2021
 - PUBLIC HEARINGS
 - Victor Hill Golf Club Conveyance Plan, located at 1397 Brace Road, applicant is requesting approval to subdivide 3.09 acres from a parent parcel of 123 acres.
 - Ultimate Grace, located at 966 Strong Road, applicant is requesting a special use permit to create a two resident hospice facility with room to "rent" for family members.
 - Tovstukha Addition, located at 1135 Willis Hill Road, applicant is requesting approval to construct a garage and residential addition to an existing single family residence to be used as a second dwelling unit for family or blood relative only.

INFORMAL DISCUSSION

NEWCOMB OIL

8025 State Route 96

Zoned – Commercial

Tax Map # 6.00-1-8.000

Owner – Mike Newcomb

Applicant is proposing an addition onto the existing building and are looking for direction and feedback on proposed façade elevation changes.

Mike Newcomb Owner

Mr. Newcomb – We have owned this gas station since the late 70's. The building is old and in needs to be updated and remodeled and fixed up and we are proposing doing that. I kind of like the period the building was built in the late 60's and would like to stay with that architecture. We basically would just be fixing the building up and adding some to the right side of it and enhancing the front and updating it a little.

Chairman Santoro – Anyone from the Board have any questions or comment at this point?

Mr. Limbeck – The look at the proposed new elevations and I think it is a nice update frankly. The old front elevation looked pretty dated and the reduction and updating in the windows and the additions of the brick work. The variations in the roofline all are pretty attractive to me. I like the way it looks.

Mr. Gallina – I agree with Joe's comments.

Mr. Harter – I had a question more on the site. Is there any proposed changes to the site in terms of lighting or landscaping?

Mr. Newcomb – We would definitely be updating the parking lot lights. We would like to make the site look better with better landscaping. I do not have that plan figured out yet.

Mr. Harter – Ok, just curious.

Mr. Newcomb – We would like to have it from the street to look much sharper than it does now. We are not anticipating changing the gas station canopy or too much else.

Chairman Santoro – Are you keeping the car wash?

Mr. Newcomb – Yes, I would like to put different signage on the car wash. The building would stay and we would put a new car wash inside it but that would not affect the outside at all.

Chairman Santoro – That will be a Dunkin Donuts?

Mr. Newcomb – That is what we anticipate.

Chairman Santoro – Kip would you like to add anything?

Mr. Finley – I agree with everything with Mike. The building is really in very good condition so if you look on the elevation it is just the additional Dunkin part. It will be opened up into the building. We have already goes thru the code ramifications for the building with Al and Sean. As far as that stuff we know what we need to comply with for that. We have Marathon Engineering doing the site work and have the two drive thru segregated so that they separate long before the que and then they come back together at the car wash. Those two things operate at very different times of the day. Dunkin is very busy in the morning and the car wash is more on the way home from work or things like that.

We meet all the requirements and no variance required for the site plan. I did have a question on will the Planning Board be able to, or the one that issues the special permit for the drive thru, is there anything we need to do for that?

Chairman Santoro – It is part of your application. Lisa, do we have a special permit opened up or just the site plan?

Ms. Boughton – It is part of the site plan for the special use permit.

Chairman Santoro – It is all wrapped up.

Mr. Finley – That is what I thought. We hope to make sure you are on board with this because it is in the overlay district. There is a visual aspect in the architecture and wanted to get a feel for everyone liked this idea and now we can move ahead.

Chairman Santoro – We are all nodding our heads yes.

Mr. Finley – Informal review head nodding counts for something.

Mr. Logan – Kip, are you getting rid of the kerosene station there?

Mr. Finley – Mike you should answer that one.

Mr. Newcomb – Do you like kerosene or not and that is how I will answer the question?

Mr. Logan – I have no problems with kerosene. It just looks like it is in the drive thru where the kerosene is.

Mr. Newcomb – We would definitely be taking that tank out and that pump but it is obviously not a big part of our business. It is an afterthought if I decide to put another one in. Even to put a small tank underground nowadays is a \$30, 000 prospect. It probably would not stay to be honest.

Mr. Logan – Are you just matching what brick is out there with the rest of the building additions and the pilasters and things or is it all new brick?

Mr. Finley – The building we have some flexibility although the chimney is a major thing that is in the brick. When Mike built the car wash they found that brick was still available so we feel pretty tied to that but we have flexibility on color of windows, siding, what color the roof is, what color the beams are and all that. I would say probably much tied to the whitish tan brick.

Mr. Logan – Yes, ok. You only have a small portion of the existing building with the brick on it and it looks like you are covering over most of that glass and making a new opening. Shortening it up with the chimney there. I do not see anything on the car wash building that has brick on it unless it is right at the grade level.

Mr. Finley – The whole car wash is white brick.

Mr. Logan – Really? I am looking at it from Route 96 on Google Earth and street view and I do not see any brick there at all unless it is concrete block that is painted.

Mr. Finley – It is a Norman style split face brick so it looks like split face block. When we say brick it's a very large 16 x 4 inch. Bigger than Norman style split face brick.

Mr. Logan – Yes, I think it is a nice update like the others have said. I do not have any problem with it. I appreciate you guys dressing up the site some more.

Mr. Finley – It is kind of a shock to realize the things that were built when we were kids and what no eligible is for the National Register and Preservation. It takes 50 years so ... it's a nice place.

Chairman Santoro – Looks good to me and I think everybody agreeing that this is a good project. So move ahead. Proceed back again.

Mr. Finley – Ok. There may be a little bit of time lag between now and then and we have a fair amount of work to get done.

Mr. Newcomb – Appreciate your time and it is ...I call it a Brady bunch style building but I like the style of the building and I would like to keep it so. Appreciate your consideration.

PUBLIC HEARING

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

OTT MINOR SUBDIVISION

1086 Strong Road

Tax Map # 26.00-1-13.100

Owner – Trust the Ott Irrevocable Survivors

Applicant is requesting to subdivide the parcel into 3 lots with one lot comprised of land on the west side of Strong Road and the land on the east side of Strong Road will be divided into two lots.

04-MS-2020

Zoned – Residential 2

Chairman Santoro - Waiting for Code, County and Conservation comments. Do we have any of those in Lisa?

Ms. Boughton – We do not have County. They meet tomorrow so there is no resolution tonight but you should have Code.

Chairman Santoro – Yes, It came thru today.

Ms. Boughton – Yes and Conservation Board was added today too.

Chairman Santoro – Have they made their walk yet?

Ms. Boughton – No they have not. Not that I know of yet.

Chairman Santoro - LaBella is waiting for Ag Data Statement. Still waiting for that Wes?

Mr. Pettee – No that has been submitted so we are all set there.

Chairman Santoro – And there is a note that we will need a note on the plans that indicates Lots 2 and 3 are unapproved building lots.

Mr. Pettee – Yes, so I have seen an updated subdivision map which has addressed Labella's comments that we sent out on September 29. They have satisfied that plan notation request.

Chairman Santoro – Thank you. Do you want to tell us a little something? We had it here last month and there were other people on but I see you are the only one now. Refresh the Boards recollection of what you are planning to do.

Ms. Boughton – Last meeting was the O'Neil Subdivision.

Chairman Santoro – It was? Is this one on Strong Road?

Ms. Boughton – That one was County Road 41 this one is Strong Road. This is a minor.

Chairman Santoro - See what a month can do to your brain cells.

Mr. Venezia – What we are proposing, you have the drawing in front of you I am assuming, this is roughly a 50 acre parcel. It has enormous amount of frontage on Taylor Road and a lot of frontage on Strong Road. What we want to do is separate the west side of Strong Road and the south side of Taylor with 35.96 acre parcel and then the remaining parcel on the east side of Strong Road we want to split that into two parcels, 8.5 and a 6.9. These are fairly good size lots and do meet all the zoning requirements. We are not proposing any development at this point and the people that are buying this from the estate are well aware they have to come before you if they contemplate building for site plan approval. That is pretty much the overview.

Chairman Santoro – Right now you are just looking to subdivide?

Mr. Venezia – Just a subdivision.

Chairman Santoro – Anyone from the Board have anything?

Mr. Logan – Not at this time. I do not think there is any real issue with green space and each one is going to be its own lot that will have its own requirements based on this I am assuming.

Mr. Harter – The only question I have for you Rocco is for the easterly parcels is there a safe place to put a driveway cut on those? Is there adequate sight distance?

Mr. Venezia – The one already has a driveway there by the building and I would recommend a safe place would be right in line with Taylor Road on the other parcel. To kind of join up that intersection. There is an existing drive on the southern part on Lot 3 and Lot 2 I would say right at the intersection Scott. Does that make sense?

Mr. Harter – Yeah. I think like Canandaigua, Victor has these access regulations and just wanted to remind you of that.

Mr. Venezia – Would you guys want us to go out and do the sight distances?

Mr. Harter – I think it would be a good thing to confirm that each lot before the property lines are established can support a safe driveway.

Mr. Venezia – So we looked at it Scott and the driveway that is to the barn there is safe and then at Taylor Road but we can certainly can add the sight distances there for you.

Mr. Harter – I think that would be helpful.

Mr. Logan – The one item with that Rocco is if you are coming straight from Taylor Road into the T at Strong there is a double arrow that basically tells cars they have stop as an additional visual. If people run that stop sign for some reason they could go right into the driveway. I would offset it little depending on the sight distances.

Mr. Venezia – We certainly can offset it if that is what you guys desire.

Mr. Logan – That is my suggestion, not a requirement but I don't think it...

Mr. Venezia – Let me do this. Let me show some sight distances in a couple of different places there and then we will wait whoever builds a house come back to you. We are going to make sure it is adequate now and whoever build the house come back to you and you can approve that anyways at that point.

Mr. Logan – Wes, do you have any comment on that? Is there a policy at putting it there? We have done this at subdivisions before where we have asked them not to put the house right at the end of the street because lights will shine in the front or things like that.

Mr. Venezia –Right. I understand.

Mr. Pettee – Joe, Scott Harter has made a great point and Rocco sounds like he is willing to go ahead and get some sight distances and measurements for subdivision plan. I think it is a wise thing to do.

Mr. Venezia – I certainly can do it. I do not mind doing it at all. I am going to give Scott the GPS and have him shoot it for me.

Mr. Harter – Well Rocco, you know that we have had discussions you and me about Canandaigua and driveways and access and all that happy stuff. So here in the Town of Victor we have the same discussions going.

Mr. Venezia – So what you are telling me is you are just as sophisticated as the Town of Canandaigua? Always thought you were way ahead of them actually.

Mr. Logan – I can see being south of the Taylor being better than north of Taylor cause if you are on north looking south there is a crest just past Taylor and some issues seeing vehicle over that ridge.

Mr. Venezia – I will be sure to look at it from a couple different angles to give you guys enough knowledge to make a decision.

Mr. Logan – Thank you.

Mr. Limbeck – This is my first minor subdivision. Even thou I have completed the rookie year I have still got some questions. I do not know if we need to ask about open space requirements or are there other things that we would talk about with a major subdivision that we need to be aware of for a minor. I do not know what the rules are so I am not sure what questions I should be asking.

Chairman Santoro – You can ask whatever you want. This is an informal discussion.

Mr. Limbeck – My concern is wildlife corridors, open space and I do not know if conservation easements are required in a minor subdivision environment. Rocco I am very interested in the preservation as much of the natural features on the properties as we can. Have you given thoughts to that?

Mr. Venezia – So to answer that Joe, because it is a subdivision and do not know where houses are going to go and all that good stuff we are little hesitant to designate conservation areas where someone might want to build. At this point the lots are so big and if someone builds a house on 8 and half acres they are only going to affect less than tenth of an acre with their driveway and their house. I think that in itself certainly on the 35 acre piece we are preserving a ton of land and likewise on the other piece on the east side we have a lot of land that untimely will be conserved like it is known. I think we end up with structures that are already there on the Westside and the east side there might be two new structures. I think still both size parcels. I understand there is conservation easement requirements but I do not know at this point it might be a little restrictive to a potential buyer. I am not sure the buyers are on this but I know they were invited. If they are it might be a good time for one of them to chime in.

Mr. Limbeck – Here is my perspective. In December we reviewed a major subdivision down the road from you and there intent was to just to sell lots and we came back with a request that they spend a little more time looking at conservation easement because of the open space requirements and that is where my confusion or my unfamiliarity with minor subdivision requirement versus major.

Mr. Pettee – I can help with this. I can direct you guys to Section 211-46 of the Town Code which is open space. It reads as follows:

For all major residential subdivisions of land, 50% of the gross land area of the subdivided parcel must be set aside for open space. Minor residential subdivisions will not require an open space set aside.

So there is no requirement for open space set aside here which also would mean there is no requirement for conservation easements here.

Mr. Logan – Wes, as soon as one of the new owners of each parcel decides that they want to subdivide for additional lots it becomes than a major subdivision. Correct?

Mr. Pettee – It may be. I would certainly defer to the Code Enforcement Officer to make that determination but you are right. If further subdivision does occur and they create more than four lots...

Mr. Logan – I think it may be three.

Mr. Venezia – State laws states that four lots less than 5 acres. If they were to divide it into 10 five acre lots they would be exempt but if the cut off four lots and four that are less than 5 acres. Correct Scott?

Mr. Harter – That is right.

Mr. Venezia – I am not sure your rules go with it but I think it does Scott.

Mr. Harter – The town regulations you mean? I would have to check with Kim but I think Joe's comments is good. He is right that it could trigger depending on how they are figured.

Mr. Venezia – Rest assured Joe, we are working for the estate right now and the estates desire it to approach you and sell it like we are proposing. Any further division or site plan would have to come before you and you have that opportunity at that point.

MR. Logan – My point was to just make sure that they were aware that any further subdivision may subject work to additional rules and regulations of the town.

Mr. Venezia – They are certainly aware of that Joe.

Mr. Logan – It won't affect my opinion about what you are doing now. It is not an issue but going forward if someone comes forward to divide a 35 acre for 10 houses or something than it will be a major for sure. If you divide it in half or thirds.

Mr. Venezia – I 100% understand.

Mr. Logan – Thanks.

Mr. Condon – Joe, you are correct the Town Law is four. Four subdivisions off the parent parcel and that went into effect in 1977. So anything after that off the parent parcel becomes a minor or major subdivision.

Mr. Harter - I think that Rocco is also correct that the acreage matters so if your lots are smaller than 5 acres in size than it triggers that but if they are larger it does not.

Mr. Logan – So how do we capture that if something comes forward say five years from now even. It is noticed that that parcel was part of a three lot subdivision and that needs to be taken into consideration.

Mr. Condon – That history would be recorded with our Codes. It would be the town's responsibility.

Mr. Limbeck – I think that actually came up a year and half ago over on Lane Road when the Phillipone company bought that whole lot and were going to cut it into four lots but the three houses along High Street were a minor subdivision and him subdividing further caused it to be a major I think.

Mr. Logan – It is not unheard of for sure.

Mr. Gallina – We have covered all the points and I was on Joe's thinking that we need to be consistent with the applicant we saw in December but if the different ion is major versus minor subdivision than I am certainly fine with where we are at on this one.

Chairman Santoro – Anyone else?

Ms. Boughton – I would like to just tell you Rocco that only applicants and owners are allowed on the Zoom invite. I know that there is some public comment that Suzy is waiting and I know that the potential buyers were asking questions. Just to clarify that only Board members, applicant and owners are allowed on the Zoom invite but they can comment on YouTube.

Mr. Venezia – I am able to do it because I am the applicant?

Ms. Boughton – Yes you are.

Mr. Venezia – Ok, that is fine. Can I ask you a question? Is this a public hearing?

Chairman Santoro – No.

Ms. Boughton – Yes. This is the public hearing for Ott.

Chairman Santoro – Man, I am so confused tonight.

Mr. Venezia – I am confused because if the public can't have input how can it be a public hearing.

Ms. Boughton – They can. They can comment thru YouTube.

Mr. Venezia – Oh I am sorry.

Ms. Boughton – Suzy is just waiting for Ernie to ask for public comment and then she start reading off all those comments.

Mr. Venezia – So you will do that before we sign off?

Chairman Santoro – We are going to do that right now.

Ms. Mandrino – The first comment is from a Sarah Conzano at 23 Rothbury Circle. She says: In regards to 1086 Strong Road subdivision it is in a location where Victor's Access Management Plan conceptualized a potential future road connection. She wanted to know if this is a realistic possibility considered by the Board.

Mr. Limbeck – I do not know where the road connection would be. I am unfamiliar with it.

Mr. Pettee – So what I can do is in preparation for the next meeting I can bring the Planning Board up to speed with the Access Management Plan and the town official map. We can help resolve that comment. I do not think we are prepared tonight to discuss it in detail but we can prepare for the next meeting.

Mr. Logan – Is that the connection between Willis Hill and Strong? Taking Taylor to run thru to Willis Hill Road?

Mr. Pettee – Yes, that is right.

Mr. Logan – That would cut that lot in half.

Mr. Pettee – Yes.

Mr. Logan – In terms of considering that the Anderson is just north of there and did envision a connection all the way thru but in the end it was not made a connection all the way thru. It is a cul-de-sac. In this case I guess it would be Taylor Road all the way over to Willis Hill than leading into Modock if that even worked. Geometrically I do not see how that functions. I would be interested to see what you come up with their Wes.

Mr. Pettee – Ok.

Ms. Mandrino – There is another comment by Jon Aldrich on Taylor Road saying: It is a potential dangerous intersection and that people fly down Strong Road all the time.

Mr. Logan – The sight distance counts for that driveway.

Chairman Santoro – Can the person that made that comment clarify what he mean by they come down the road all the time?

Ms. Mandrino – Just says that he lives on Taylor Road and people fly down Strong Road all the time and that it is a potentially dangerous intersection.

Chairman Santoro – Is that fly down, f.l.y?

Ms. Mandrino – Correct. He also added in regards to driveways coming out onto Strong. He wants to make sure they are in a safe place.

Chairman Santoro – that would be one of the things the sight distance would tell us.

Ms. Mandrino – There is another comment also if you are ready for that. Sarah Conzano she says: if the Westside of Strong Road is subdivided in the future prompting a major subdivision would it result in a conservation easements on their existing lots? Lots 2 and 3 on the east side of Strong Road.

Mr. Pettee – That Isa reasonable question right. There is potential that in the future that maybe a property owner might want to subdivide the parcel. As far as where the conservation easements are placed the Planning Board would want to look at the environmental resources that are available in these locations to determine what the best place for these conservation easements is. Would they be contiguous to other conservation easements in the area? Maybe there are some environmental resources like steep slopes or wetlands or stream. There is DEC classified stream on the parcel on the southwest corner of Taylor and Strong Road. That is potential location for the se conservation easements but I think that would be determined at the time a future application comes into play. It is probably not be likely for Lots 2 and 3 on the east side of Strong Road if that is not part of a future subdivision than it is not likely that a conservation easement will be placed there, I guess that is to be determined.

Ms. Mandrino – That is it for the comments.

Mr. Gallina – I guess Wes, to the extent that the lots on the east side were purchased a no longer owned by whoever is contemplating developing the west side. I do not know how you can any additional future restrictions on those parcels. The 35 acre parcel would have to bear the total requirements if the conservation easement.

Mr. Harter – Right.

Mr. Logan – Can you look at it the converse way if you take those two lots on the east side and one of them is subdivided into two more ,lets for instance and triggering a major subdivision than you have to look at the conservation only on those two lots. The rest of the land on the west side south of Taylor is all farmland and stays that way. You could go around within this with multiple iterations I think. I am with you Al. You cannot encumber any of the parcels with a particular conservation easement in a minor subdivision like this for the future. Whoever comes

up first with the subdivision gas to look only at their parcel what can be or needs to be done for conservation easement.

Mr. Gallina – That in itself may preclude further subdivision potentially.

MR. Logan – Certainly of the two easterly lots but the main lot 35 acre lot I am sure will have some additional restrictions for a number of house and area available for conservation and all that.

Chairman Santoro – Comments on that or questions? Any other comments from anybody else Suzy?

Ms. Mandrino – No, Sarah just added that they wouldn't be subdividing any further on Lots 2 and Lot 3. They are separate purchases.

Mr. Logan – That certainly makes sense. They are not huge lots for a major subdivision.

Mr. Venezia – Sarah is one of the buyers correct?

Ms. Boughton – I believe so yes from past correspondence.

Mr. Venezia – My son has been working on but I believe that is true.

Chairman Santoro – Is that it for the comments Suzy?

Ms. Mandrino –Yes.

Chairman Santoro – Any other comments from the Board or Wes?

Mr. Pettee – I do not have anything further right now. Thanks.

Chairman Santoro – Is this coming back next meeting?

Mr. Venezia – if they are ready we can place them on the January 26 if they would like to be placed there.

Chairman Santoro – How about that Rocco?

Mr. Venezia – Are you waiting on me?

Chairman Santoro – Yes, would you like to come back at the next meeting?

Mr. Venezia – I guess I have to yes.

Chairman Santoro – That is January ...

Ms. Boughton - January 26 and we will have County comments back by then also.

Mr. Venezia – On the 26 if the attorney’s involved call men I can tell them the 26 we might get approval.

Chairman Santoro – Depends on. Waiting on County comments.

Mr. Venezia – If they are back by then we would should be able to get approval by that meeting?

Mr. Harter – Sounds like Wes comment is that it has to be understood in terms of the toad extension or whatever that was about.

Mr. Pettee – We will address that topic at the next meeting as well as the sight distance issue and we can prepared potentially to have a decision at the next meeting.

MR. Venezia – I will get that in the couple of days. I will email you some in a couple of days.

Chairman Santoro – Any other business? That was the last one.

Motion was made by Joe Limbeck seconded by Scott Harter RESOLVED the meeting was adjourned at 7:48 PM.

Lisa Boughton, Secretary