

A public meeting of the Town of Victor Planning Board was held on January 10, 2023, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: David Nankin,, Councilman Dave Condon, Wes Pettee, Town Engineer; Kim Kinsella, Project Coordinator; Suzy Mandrino, Manager of Technology Support; 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 the meeting held on September 13, 2022, BE APPROVED.

Adopted Ayes 4, Nays 0

**CORRESPONDENCE:**

Delores Fanton re: 1086 Strong Road Subdivision

Amy Bartell re: Maguire Site Plan

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon was present.

Councilman Condon – Happy NewYear. I will be here for the first 3 months as your liaison. We went thru our organizational setup last night without any issues. One thing I want to say is that Jack announced at one of the meetings that he was stepping down but he is stepping down as the Board Chairman for the County not for the Town Supervisor.

PLANNING BOARD reported by Kim Kinsella

Tuesday January 24, 2023

PUBLIC HEARINGS

- Valvoline, located at 7503 Main Street, LLC, applicant is requesting approval demolish the existing building (formerly Denny’s Restaurant) and build a 2, 080 sf Valvoline Instant Oil Change.
- 1086 Strong Road Subdivision, 1086 Strong Road, applicant is requesting approval to subdivide 34.42-acre parcel into 11 single family lots.

*The legal notice for the public hearings appeared in “The Daily Messenger” along with “Under Review” signs being posted on the subject parcels. Post Cards were mailed to property owners within a minimum of 500 ft from location for the initial public hearing date of each application. For applications carried over please refer to the Planning and Building Office.*

**PUBLIC HEARING**

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

**VALVOLINE**

7503 County Road 42  
 Owner – 7503 Main Street, LLC  
 Tax Map # 6.00-1-27.110

26-SP-2022  
 Zoned – Commercial

Applicant is requesting approval to demolish the existing building (formerly Denny’s Restaurant) and build a 2, 080 sf Valvoline Instant Oil Change.

Chairman Logan – This application has been removed until next meeting.

**PRELIMINARY SUBDIVISION**

**1086 STRONG ROAD SUBDIVISION**

1086 Strong Road  
 Owner – Trust the Ott Irrevocable Survivors  
 Tax Map # 26.00-1-13.100

04-PS-2021  
 Zoned – Residential 2

Applicant is requesting approval to subdivide 34.42-acre parcel into 11 single family lots including an existing house and garage. This will be the second step in a three-step process for a major subdivision. The Sketch Plan was acknowledged complete June 8, 2021.

Chairman Logan – This application has been removed until next meeting.

**RAVENWOOD GOLF PRO SHOP ADDITION**

929 Lynaugh Road  
Owner – RKH Golf LLC  
Tax Map # 16.00-1-43.112

33-SP-2022  
Zoned – Residential 2

Applicant is requesting approval to expand the existing clubhouse to accommodate an enlarged pro shop. A two-story 1,600+/- sf addition to the eastern side of the existing building along with a 1,700+/- sf patio addition.

Matt Tomlinson of Marathon Engineering and Joe Tomey, and Toby Reh, owner

Mr. Tomlinson – As mentioned we presented last month and were waiting County comments. We received a comment from County with regards to stormwater ponds on site. I think we had answered all of the Boards questions last time around and happy to answer any other questions and can run thru the project again as well. We did reply in writing to Wes’s comments and the landscape and architects.

Chairman Logan – Public hearing is still open. Anyone from the public here to comment? None. Anyone from the Board?

Mr. Santoro – I am up to speed.

The Board was okay with closing the public hearing.

On motion of Al Gallina, seconded by Ernie Santoro, RESOLVED, that the public hearing was closed.

Adopted Ayes 5, Nays 0

Mr. Pettee – We did look at the applicant’s response to our December 5<sup>th</sup> letter and generally we are satisfied with their responses to our comments, and we are working on a letter to close the loop on our review. We are satisfied with any potential condition of approval.

Chairman Logan read the draft resolution.

**DECISION:**

On motion of Joe Limbeck, seconded by Scott Harter:

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

1. A Site Plan application was received on November 10, 2022, from Toby Reh, RKH Golf, LLC (the “Applicant”), by the Secretary of the Planning Board for a Site Plan entitled Ravenwood Pro Shop Addition (the “Project”).

2. It is the intent of the applicant to expand the existing clubhouse at the Ravenwood Golf Pro Shop located on Lynaugh Road. The applicant is proposing the construction of a +1,600 square foot addition to the existing structure along with a +1,700 square foot patio addition.
3. A public hearing was duly called for and notice of said public hearing was published in "The Daily Messenger" and whereby all property owners within a minimum of 500-feet of the Site were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on December 13, 2022, and January 10, 2023, at which time the public was permitted to speak on their application.
5. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. LaBella Associates reviewed the site plan in a letter dated December 5, 2022, and provided comments.
7. The Conservation Board reviewed the project on December 6, 2022, and requested that any trees removed be re-planted elsewhere on the site.
8. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated December 2, 2022, and provided comments.
9. Zaretsky & Associates reviewed the landscaping plan on November 29, 2022, and provided comments.
10. The application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On December 14, 2022, Ontario County Planning Board identified the Project as a Class 1 and to return to local board with comments.

NOW, THEREFORE BE IT RESOLVED that the application of Toby Reh, RKH Golf, LLC, PO Box 596 Fishers, New York, Site Plan entitled Ravenwood Pro Shop Addition, drawn by Marathon Engineering, dated November 8, 2022, received by the Planning Board November 10, 2022, last revised December 20, 2022 Planning Board Application No. 33-SP-2022, 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 any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.
3. That the comments in a letter dated December 5, 2022, from LaBella Associates be addressed.
4. That the comments in a letter dated November 29, 2022, from Zaretsky & Associates be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a building permit be obtained before the start of construction.

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

This resolution was put to a vote with the following results:

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

Approved 5 Ayes, 0 Opposed

**MAGUIRE SITE PLAN**

8050 State Route 251

Owner – Maguire Family Properties, Inc.

Tax Map #14.02-1-3.110

Applicant is requesting approval to construct a 23,000-sf parking lot addition including landscape buffer, sidewalks, a new tenant entrance and two curb cuts off of Old Dutch Road.

35-SP-2022, 11-SU-2022

Zoned – Light Industrial

Brad Humberstone with Mitchell Design Build

Mr. Humberstone – We have been here a couple times working a few reiteration on this project. We have been working thru this in a couple of phases. This west side portion of 8050 was tabled until now. The owner has a tenant inline for that southwest portion of the building which

drummed up a lot of interest and hast in trying to get this back on the agenda. I am here for that tonight to present the 23,000 square foot asphalt parking lot on the west side of 8050 Victor Mendon Road. The plan is to include about 50 parking spots which was taken from the use and occupancy of the proposed tenancy which has been determined at this point to be a martial arts studio. The unique part about this location is that while the rest of the building is being serviced by the east side there is no way to get to this location thru the building. Everything has ben segmented off and cut off internally when the owner purchased the building and provided five separate tenancies. For ease of accessibility, we had to come up with a solution and that would be to include a parking lot on this side with its own entrance to its land locked tenancy. With this additional parking lot we have to remove existing landscape it this additional parking lot we have to remove existing Landscaping. The goal I mean this this is what we show as an estimated removal the goal is to keep as much as possible especially coming around the corner Victor Mendon and Old Dutch but pretty safe to say that the landscaping and trees and shrubs shown in red will likely have to be removed for the asphalt. Stormwater not a big concern because as we've shown in previous iterations and in comments, we've addressed multiple comments from multiple departments. This building when it was master planned was designed for a much larger impervious area additional buildings, much larger parking lot and the storm water facility was designed with that in mind for future considerations.

We've had a stormwater engineer verify this with a report because we've had comments about it being in the Irondequoit Creek Watershed so we're aware of that we've addressed that and essentially and the additional 23 000 square feet of impervious really doesn't have an impact on the stormwater on the site. There are existing swales that drain everything essentially to that existing facility on site and treat it as determined by the Watershed. One of the big sticking points in topic of discussion is actually the architecture and the look of the façade. I've spoken directly with Mark Kakufka of LaBella to try and get a better understanding of what he's looking for and we've come up with a couple iterations. This was our latest concept which is really just utilizing the existing facade that's there removing some of the ephus overhang and then creating a taller, I don't want to call it a tower portion, but a taller recessed portion similar to buildings within the immediate area. The goal is really to not project off the building too much and not having to do additional structure getting into foundation items and really increasing the cost exponentially to this and into essentially, for lack of better word, tack on to the façade. It's existing, it's masonry it can support you know what we're planning to do and then the whole concept is it's vertical concealed fastener call it metal siding if you will. Again similar to you know driving around Canning Park and driving around these areas is a is a constantly used material.

We're just trying to set this area off as its own being that it now has its own main entrance and owner Dennis Mr. Maguire likes the look at this a lot and I think it looks pretty sharp too considering funding and what we're trying to do with it. Additional windows to add interest and obviously to provide natural light to the interior space. The attempt at replacing landscaping best we can line Old Dutch road with deciduous trees and then a portion of Evergreens towards the north side of the building. I know there's been a contentious point of lighting. We received a letter this morning from some residents in a neighboring residential cul-de-sac area and they seem concerned with lighting. Everything is full cut off lights we're really trying hard to not have any light spillage and you know if need be, depending on the hours of service of this I can't

imagine these lights will be on 24/7. I'm sure that's something that we could figure out if that's a concern once this thing gets operational. The developers really look into to get this done into meet the public best as possible. I guess with that I'll answer any other questions that you guys may have.

Mr. Limbeck - I'm looking at the letter I think you're referencing as well from Miss Bartell from adjacent property, and I guess this question is for you as much as for Wes because it seems to be pretty well researched relative to different bullets in the in the town code relative to new entrances off of the street for the parking lot references. Light industrial district must be environmentally compatible with physical and natural environment etc. etc. so it seems to be well researched and I haven't got the expertise or the familiarity with code to know if it's valid or not. So, I'm curious.

Mr. Pettee - Section 211 24 of the Victor Town Code, Light Industrial District regulations, there's an introductory paragraph that describes a bit of the purpose right and it indicates light industrial districts are districts created for the light industrial use it is the intent of this District to provide areas for research or development of materials methods or products and for compatible high technology and light manufacturing uses that are environmentally compatible with the physical and natural environment of the neighborhood or such services enumerated in the special use permits section hereof. It is the intent of this District to permit industries which are compatible with those industries and businesses located in various industrial neighborhoods. The integrity of the town's industrial base will be maintained by restricting the district to land uses which are strictly industrial in nature or which provide a service directly related to primary administration of the industrial organization.

Mr. Limbeck - So it is a martial arts studio?

Mr. Pettee - It doesn't sound like a martial arts studio would necessarily fit but really that the compatible with the physical and natural environment it's really speaking to the use of the property and my understanding is that the proposed use here, the studio, is a use allowed with a special use permit. That's something that the Planning Board would need to act on as well as the in addition to just the site plan so I think those are overarching goals that the district intends to adhere to and doesn't really provide a specific, at least in this introductory paragraph, a specific measurable outcome. I think the Planning Board generally does balance and look at the site plan elements and takes into consideration those elements that are reviewable to help assure that you know the particular land use is compatible with the surrounding neighborhood.

Mr. Limbeck - Relative to her comments about incidental storage Sub (d) (8) says shall be shielded from view by fencing landscaping and other appropriate measures and we're talking about removal or at least protection of some of the shrubbery that currently shields the neighbors and I think probably the lighting would carry out through as well. She talks about glare which I'm not sure is valid or tied to that as well.

Mr. Pettee - There are some additional provisions and requirements noted in section 211-24 subparagraph (d) (8) does mention incidental storage Outdoors shall be shielded from view by

fencing. My understanding though is that this particular proposal doesn't involve any outdoor storage.

Mr. Humberstone – Correct.

Mr. Pettee - As far as lighting goes, the Chapter 131 lighting code 161-131, so we have done a review of the proposed light fixtures, they've submitted the catalog cut sheets for the light fixtures as well as the lighting plan, and so far as we can tell right now the full cut off light fixtures, basically that will mean the light the illumination is directed straight down at Nader, so that's going to help minimize and avoid the light trespass across like the right-of-way boundary and should also shield the source of illumination from adjoining properties as well. Lighting will result in some form of, I don't want to say sky glow, but off-site there is going to be a presence and an indication perceptible to the eye of there being lighting but from what their proposal is indicating they are code compliant with the lighting code.

Mr. Limbeck - So the issue of the quantity I think she mentions 18 new fixtures and the height are compliant and reasonable I guess?

Mr. Pettee - In the number of fixtures, the 18, I suspect that part of the reason there are 18 as opposed to five is lighting uniformity. In the parking lot if you have the fewer lights you have and the more space and distance you have between them, you're going to come up with dark spots in a parking lot or in a pedestrian walkway so the number of lights helps to provide some lighting uniformity and the height, I believe, is code compliant as well. There are other things you can do to maybe minimize the number of fixtures. I suppose if you have them at a higher height their projection is going to go to a wider footprint so it's kind of a trade-off the lower you go probably in order to maintain that lighting uniformity you're going to have more fixtures. There's a bit of a trade-off yeah.

Mr. Limbeck - Appreciate it. Part of me says did you know you were moving next to an industrial area and the other part of me wants to make sure we're being sympathetic to that and doing everything compliant and reasonable to work with a developer as well.

Mr. Pettee - For the public's benefit the town's lighting code is fairly progressive in terms of protecting the surrounding neighborhood and the environment. It's very sensitive to keeping illumination cast down so as to avoid sky glow and also to avoid light trespass, disability glare all these technical terms that are found in in Chapter 131 of the Town Code. The code itself when there's an applicant that's complying with the lighting code, it's generally a very good proposal in terms of impact on the surrounding neighborhood.

Mr. Limbeck - Thank you appreciate it.

Mr. Gallina – I have no questions or comments.

Mr. Harter - I have a couple of questions. Are you seeking a waiver from the Planning Board regarding the proximity of parking to the right away?

Mr. Humberstone - Yes, on the grounds I've discussed this with I believe Kim and Wes separately the idea that it's something that the Planning Board can allow based on there's a code section in here somewhere in my notes if the road is going to be widened in the future something along those lines and also based on the grounds of right across the street at Danforth is a condition that kind of sets a precedent. Essentially that's what we're really trying to do and actually not make it any worse than what's across the street we're trying to be better than that from a setback standpoint. Is that what you're asking?

Mr. Harter - I'm familiar with the 80-foot requirement as it relates to the corridor study that includes Route 251 of which you're a part. I'm also familiar with area variance requirements that take into consideration the neighborhood. I don't know if going before the Zoning Board is an option as well. Personally, I'm not in favor of granting waivers but I have another related question and that is the when I'm looking at the enlarged plan that you present and the layout and the dimensions that you show. You show a property line right along the edge of pavement of Old Dutch Road. This kind of reminds me of an application we had at the last meeting, we had an applicant who was showing a property line along the edge of the pavement as well and I don't see any survey certification by a licensed land surveyor or anyone to confirm the position or dimensions of the property lines as shown. I think prior to asking for us to consider these dimensions that you're mentioning that you're certified apparently, I'd like to know that the property lines are in the right place.

Quite honestly, I don't feel comfortable with the property lines where you have them shown. They're merged in with an aerial photograph and I don't know based on where I see that photograph based on where I see the power poles based on way where I see the easement that is identified. When I look at Pictometry online, I look at Oncor, I see the right-of-way approximately 10 to 15 feet further towards the building where you show it. I would like you to check in with a licensed land surveyor and have him confirm the boundaries that you're showing on this application that relate to the dimensions you're showing such as a dimension of 32 feet eight and a half inches. I'd like to be confident that 32 feet eight and a half inches is exactly what you're talking about there and I don't really think that's achievable if you don't have that back up to your plan that you're presenting to us. Those are my comments.

Mr. Santoro - What are the size of the trees that you're going to be putting in?

Mr. Humberstone - They're somewhere on the plan. I don't know off the top of my head what they are. I believe they're sugar Maples, and they grow to be 40 feet, they are sugar Maples. I don't know, somewhere on our on the drawings they show.

Mr. Santoro – They are not going to be Fir trees?

Mr. Humberstone - We're going to have I believe a couple of, three, fir trees to the North.

Mr. Santoro - Sugar Maples are not going to block light in the wintertime.

Mr. Humberstone - Are we trying to screen the entire building? I'm sorry what's the intent of?

Mr. Santoro - I would like to see how light if it should escape from the property would be affected by the foliage that you put in.

Mr. Humberstone - But is there a problem with the light. Can you see light from the neighboring property?

Mr. Santoro – I understand that you're going to see it but we're trying to mitigate it as much as we can and that's why I asked the question.

Mr. Humberstone - But are trees the best way to do it because I mean that blocks the entire building?

Mr. Santoro - If a tree is big enough and wide enough it'll do it.

Mr. Humberstone - I guess but why do you want to block the entire building?

Mr. Santoro - I want to block the light okay not the building.

Mr. Humberstone - I mean the trees will do more than what's currently there now. Currently once you get past the first 100 feet of the southern part of 8050 there's no trees. There's a couple lights on the building now over top of existing exits but we're adding trees along the entire length of the building going north along Old Dutch Road.

Mr. Santoro - You show eight trees on the border, approximately on the border, and they're all going to be Sugar Maples?

Mr. Humberstone - It's a variation of Sugar Maple and something else that's on the plan. Mr. Zaretsky of the Landscape Consultants...

Mr. Santoro - Will get us some more specific information at some point?

Mr. Humberstone - They're on the drawing sir.

Mr. Santoro - I know they're in the drawing but I want an explanation. I can see them on the drawing right there. Can you get that for us.

Mr. Humberstone - Why the trees are the species that they are or an explanation of ?

Mr. Santoro – What they'll do as sugar Maples as opposed to conifers.

Chairman Logan - I do have a few questions myself. Yes, we're trying to mitigate what has been implemented into the architectural standards or guidelines of the of the Town by asking to break up the façade. Now whether it's hiding the facade with foliage or painting in patterns or adding windows or facade treatments that you've spoken with our architect about. I didn't see a lot more than just where the entrances to the building for your new tenant. I would have expected to see those plantings along the footing or foundation wall the entire length of the building and

that would start to break it up but is there something you can do with color variation on the face of the building that maybe reduces the footprint or the view shed I guess of the wall. Whether you have a darker stripe across the top?

Mr. Humberstone - Like the monotony?

Chairman Logan - Right and that is not something that we're like trying to perpetuate. When you come before the board when an applicant comes before the Board to improve or upgrade or change the use of the building, change the function that's when we're we have the advantage of you know upgrading the lighting for instance to full fixtures you know that sort of thing. I didn't see an attempt to go beyond the entrance that you're proposing for your new tenant. I would like to see that.

Mr. Humberstone - Continuation of the pattern? yeah could

Chairman Logan - I do not know if the Architect Consultant commented on that Wes. Can you bring that forward to him?

Mr. Pettee - We can transmit your preferences and this conversation for some feedback.

Chairman Logan - Regarding Scott's comment about right of way, I agree with that. We've seen several parcels now where right of way is not well defined on the plans but is where is the 80 feet start from? Is it from the right-of-way line or center line? Do you know Wes? Does that mean you're right up against the building if you go 80 feet, so you have no opportunity to do any parking and there's already a loading dock there and stuff like that.

Mr. Pettee - It says no vehicular parking shall be permitted within 80 feet of the road right of way.

Chairman Logan - In this case they're kind of hobbled because the building is too close to the road to get any parking but it's already been accepted to have at least the loading dock there in the past. It looks like you're removing a loading dock.

Mr. Humberstone - There's no loading dock anymore that was a previous submission.

Chairman Logan - It was not an add-on it was already there?

Mr. Humberstone - There's nothing on this facade right now, there's a there's a couple egress doors.

Chairman Logan - Okay sorry I'm looking at Google Earth.

Mr. Pettee - I would like to finish the paragraph. I should have finished the paragraph it so it says no vehicular parking shall be permitted within 80 feet of the road right-of-way. The Planning Board may reduce the front setback if there is no need for a future service road or road widening.

Chairman Logan - We did discuss I think the last time or at least in our planning meeting but you mentioned that you're got a precedent across the street. They're set back as much further for their parking area in terms of you know distance to the parking lines then what you're proposing. You've got utilities, you've got water, you got electric overhead, you've got gas there too. You have got a lot going on. I'm not against putting this parking here I'm trying to work our way through that we can justify this to provide the variances that you would need to do this work. All this parking you're proposing, is that strictly for the new tenant or is it just because you'd like to put it all in at once for future tenants?

Mr. Humberstone -No I mean it's based on the new tenants and is about 7,500 square feet and the type of use it is a combination of A3 and B it's based on town parking code. It's kind of what it breaks down to.

Chairman Logan - Would have events there if you will or classes?

Mr. Humberstone – I think I said in one of my comments along the way that it certainly classes. and again, I would imagine normal business hours and at nighttime traditional martial arts studios. As far as events, possible but I would imagine it's few and far between.

Mr. Pettee - You think they would be amenable to land banking some parking and maybe not constructing it at all right in one phase. Could they land bank some?

Chairman Logan - Or do they know they need that much I guess that's the question. Did they ask for that much parking?

Mr. Pettee - Maybe they only want to construct or maybe their immediate need is just to construct half of what is depicted. Maybe you could show the others as land bank, I'm just exploring some thoughts here.

Mr. Humberstone - I mean I guess, it kind of goes against what the Town ode says but if that's something that we can you guys can make the determination that you don't need as much parking as what it the calculations.

Chairman Logan - So for the use and the square footage of the tenants space the Town Code requires that stretch of parking, is that what you're saying?

Mr. Humberstone - It requires about 50 parking spaces and I have to put them in somewhere.

Chairman Logan - I mean I can imagine event if you have a couple of clubs competing or something or you know demonstration or whatever, they need a lot of parking so that's not something that wasn't getting in.

Mr. Humberstone - Would it be used 50 spots be used all the time constantly? I can't imagine it would.

Chairman Logan - My comment regarding lighting is make sure they're full cut off but I don't know if I buy the argument that this change is going to affect the residents across the other section which is all Light Industrial and much heavier industrial use. The Danforth building blocks half the parking anyway from that neighborhood. I certainly understand them not wanting more light than they have to, but this is pretty minor lighting in the grand scheme of things. You haven't requested 25-foot poles which would shed a lot more light and be higher up than what these wall full cutoff light fixtures. I'm not worried about that lighting; it is about as minimalist as you can get and still require and still maintain a security lighting for that that sidewalk area in front of the car park. If you only built part of this Wes they wouldn't be able to be able to get the second in or out entrance that they're proposing ?

Mr. Pettee - I guess possibly or depending on, maybe look at a reconfiguration or maybe for the immediate needs if land banking were to be considered and allowable by the Planning board maybe only one entrance ingress and egress property instead of two.

Mr. Humberstone -Wes, when you say land banking you mean literally parking on the grass?

Chairman Logan – No.

Mr. Pettee – You would show o the site plan where future parking would be. Example, 50% of what you are showing is identified on the plan as land banked parking that might be constructed at some point ion the future. There would be no intent to park on the grass. It would reduce the impervious surface area and provide an opportunity later on if the parking need and demand were there it could be constructed because it shown on your site plan as land banked.

MR. Humberstone – Would that be something I would have to come back to the Planning Board to discuss or how does something like that work?

Mr. Pettee – As long as it is shown on the site plan as land banked parking, you do not need to come back to the Planning Board.

Ms. Kinsella – Correct. If it shown and approved, its just not built. It is shaded in, and you would not need to come back for approval and would be approved now and sown as land banked.

Chairman Logan – There isa small bump out where there is an existing transformer, You could bank all the parking right here as grass. Still have your driveway cut thru and in the future construct that if you need the extra parking. That is an example. Show it in the plan with dotted lines as future parking if necessary.

Mr. Humberstone – Would the second curb cut be included with hat as well?

Chairman Logan – If your intent is to have it in the future you wouldn't have to put that in there if you do not need it.

Mr. Humberstone – Would the second curb cut be part of that land banking illustration?

Mr. Pettee- I suspect that you could include that second curb cut in as part of your land banked area so if your immediate need are to construct one curb cut that could probably be. I would want to verify that with the Code Officer.

Mr. Humberstone – We did the second curb cut because from an aerial standpoint it made sense with where it was and the practicality of having a 350-400 foot long dead end.

Chairman Logan – I would suggest you have a small turnaround and go back in and back out. That would be a limit of what to start with and if you truly need it you can come back and finish that off.

John Angilina, owner of the martial studio

Mr. Angilina – I own the martial arts center on school street. We are proposing to go over there, and I came up here to view this operation. I can tell you the reason for that second curb cut is that I had called the transportation department at school. We have about 300 Victor families over there now and 175 are kids. They get dropped off by the school bus five days a week. That was a concern to make sure they still would be willing to come up and drop off he children and they said they would. They didn't really specifically mention the curb cut but did mention not wanting to drop the children off on the road.

Chairman Logan – If you pull in with a school bus you want to keep going thru. That isa good perspective to hear.

Mr. Angilina – The use right now is we are not going to have any big events but we do have at any given time there could be 60 or 65 students in there. We run dual classes after school, and it is hopping.

Chairman Logan – The purpose of land banked parking is that you will find some developments that will propose land banking because they do not know if their tenants are really going to need it or not. If you need the parking no need to landbank it if your just coming back six months later and putting it in.

Mr. Angelina – Right ow I have counted the cars in the parking lot and there could be 40-45 cars especially when the parents are coming to pick the kids up and there is the transfer of classes in there.

Chairman Logan – You wrap around that building with the parking.

Mr. Angilina – We do now. Fortunately, there are not too many tenants in there now. Thank you.

Chairman Logan – I think the biggest thing for me is the architecture and planting s along the building.

Mr. Pettee – The Labella letter from January, the applicant has responded to those but we have not had a full opportunity to verify those responses. We are in the process in doing that. We

need to examine the response from Pinewood Engineering. I do not suspect there will be an issue. They did a good job. I guess hearing a little bit of the new information from the anticipated occupant, maybe the land banked idea is not such a good idea. If they have a school bus going in there maybe, they need to pull thru. Maybe that is not the route to go. I can take some of this conversation back to the Architect and can update our comment letter.

Chairman Logan – You are on for the next meeting. I think you have heard a few things that you will need to bring back to the Board. Sounds like your tenant needs that parking and a pull thru makes sense.

Mr. Pettee – I would like to echo Mr. Harter’s comments about the lot lines. That is something we did not pick up and that is an excellent comments and will need some follow up there to make sure they are accurate.

### **REFERRAL FROM TOWN BOARD**

#### **LOCAL LAW Cannabis Retail Dispensary Overlay District**

Town of Victor Town Board is considering adoption of a Local Law to amend Chapter 211, Zoning, of the Town of Victor Town Code to create a Cannabis Retail Dispensary Overlay District. Town Board is declaring its intent to serve as Lead Agency.

Chairman Logan - Which the Planning Board often does for other things. Planning Board will review the proposed local law. David, do you have any remarks about it and what the Town Board's feeling is on this or motivation perhaps.

Councilman Condon - I think if you look at the map, we spent quite a bit of time with Wes and LaBella obviously making sure we had buffer areas, and you can see on part of the map we actually looked down by Willowbrook originally. We were going to do all that industrial Area first and just stay north of Chili's and along the 96 Corridor. Then you start looking at the hiking trail along Willowbrook, so we cut that out because it really wasn't necessary to have the overlay District go that far. We then looked at some of the other areas that we wanted to make sure were included. I think the Board's intent is that it's coming and we want to be out in front of it and we want to keep control of where it's going to be. The thing in there with the law and a lot of it's going to be like when the hours of operation, when it can be open, when it can be closed, and things of that nature. I think the Board is probably going to move forward on it. I don't see any resistance from the Town Board but we wanted to get it out for the Planning Board and for you guys to take a look at it to see if you had any thoughts or any comments that you wanted for us to take back and maybe some things that we have overlooked or haven't considered. With Wes being here representing the Planning Board he's got direct contact obviously with Jack and the rest of the Town board as well.

Mr. Gallina - What's the consequence of not having a Town ordinance approved? Does that mean that it's not permissible or it could go anywhere?

Councilman Condon - It's a great question. I think Wes can answer that.

Mr. Pettee - I can answer that. So currently a year ago, I think it was December 2021, there was a deadline by the end of the year where a municipality needed to opt out if they chose to and that is opt out of retail sales of cannabis. There's another form or type of use of on-site consumption facilities. There's those two types of cannabis facilities and the town at the time chose to opt out. Basically, they said no we're not going to permit the retail sales of cannabis or the on-site consumption. Just prior to that the Town Board or the town was considering opting in on retail sales alone and that draft law was submitted to the Planning Board for review and comment. I think at the time some of the comments that I remember hearing and I'm just going from distant memory here was that well maybe the town should hold off and see what other communities do.

Mr. Gallina - And view the impact on the community right the longer term impacts?

Mr. Pettee - I don't know that's really been present here to evaluate so I think the first retail sales cannabis license was issued in New York City within the past few weeks and past month. In any event the Town Board is considering now creating this overlay District that is in draft format now largely the northern part of town overlaying on the commercial district and some PDD areas. They're just considering allowing for retail sales alone. They're thinking of opting in on retail sales, they are not considering opting in on with on-site consumption.

Councilman Condon - That's correct. There's no appetite for a lounge if you will. There is really no appetite for that from the Town Board, but the sales and I think what the other part of it is that I think other towns are starting. In our reluctance wasn't that we didn't see it coming our reluctance in the beginning was the state was so far behind and we wanted to see what the state was going to do as far as bringing the law down and where the funding would come to help some of these folks that want to get up and running and those things. I think that's when we took pause, we're saying hey we're going to opt out because we can always opt in later and that was kind of our intent to opt out let it ride here for a year and get a feel for where it's headed, what the community is thinking, and what people are talking. To be honest with you, the folks that have approached us and talked to us about it and you know there's been a little bit of a buzz but frankly there really has not been any resistance to it. I think we wanted to have control where it was going to be and how we were going to set it up and where the overlay District would be and that's where the boat's coming from.

Mr. Pettee - If the town does nothing, I guess to answer your question, if the town does nothing and doesn't pursue this any further than the retail sales would not be allowed in the Town of Victor. The town, my understanding, is the town needs to if they were going to allow retail sales, they would need to adopt a law like what is presented and placed in your Dropbox and create this overlay district is how they've chosen to do it.

Mr. Gallina - Again just one person's opinion I still see no compelling need to move forward at this point. I think there's still unintended consequences that aren't understood and I just don't see the need to pursue it at this time.

Mr. Santoro - My son and daughter-in-law live in New York City and what he's told me is there are several shops in his neighborhood where that is being sold but not as marijuana. They sell a t-shirt for \$50, and they throw in a bag of marijuana for free. Is the board aware of that?

Councilman Condon - I think that's occurred in Victor. I know for a fact that it's occurred in other towns and I think that's one of the reasons why we want to move in this direction because then we can put a thumbprint on it and then possibly go after those folks that are violating it.

Chairman Logan - Maybe I don't understand. So, somebody sells a t-shirt at any retail store or on like private market or how does...

Mr. Santoro - A retail store.

Chairman Logan - So you can go to Spencer's buy a T-shirt and they'll throw in a bag. I didn't mean to be pejorative towards Spencer on anything but that's bizarre to me that that could even happen, legally, but I'm kind of with Al. I don't see any compelling reason to add that to the retail character of the Town. I'm surprised to see resistance unless we just haven't.

Councilman Condon - The public meeting is coming up it'll be interesting to see. I mean obviously we all would love more participation from the public and don't always get it and maybe this will bring some more feedback from some residents. When we have surveyed informally talking to Residents within the town, they're kind of like eh. If there is not an opposition to it and it's coming, let's get out in front of it.

Mr. Gallina - Is that the character of the community that we want to be known as? The retail center of Ontario County.

Mr. Limbeck - I share that as well, having said that looking at the map on the eastern side behind Cobblestone Court there's no 100 foot buffer there between the apartments and the back of Cobblestone Court. Is that an oversight or it seems to me that line should keep going north to separate or provide a buffer between Cobblestone Court and the apartments to the east on Turk Hill Road there? You see where I'm looking Wes?

Mr. Pettee - Yes, I do.

Mr. Limbeck - Up behind Hobby Lobby.

Mr. Gallina - What's the purpose of the 100-foot buffer again?

Mr. Pettee - The 100-foot buffer, the pink line that you see on this map, that's a regulation that's already in place so the 100-foot buffer line is a depiction of a town zoning requirement where permitted use is in the commercial of any of any commercial use. Whereby permitted uses in a Commercial Zoning District that abut a residential zoning District. That's why you don't see the pink line extend on the eastside North.

Mr. Limbeck - The commercial is a rental property.

Mr. Pettee - Because there's not a Residential Zoning District adjacent.

Chairman Logan - That's a constellation and it's all PDD. One of the comments that I recall making was not thinking it was a great idea to have cannabis sales at adjacent to a residential neighborhood even with a hundred-foot buffer. I would have cut everything off from State 96 East except for Valentine Square. It leaves basically Eastview Mall campus, Cobblestone Court, High Street Extension area and Commons Boulevard. I guess the East View and Target area. I see that Home Depot is specifically left off of there but so was Mitchell. I remember some comments from resident when we went through this before about Commerce Drive and Walmart plaza and those two plazas being adjacent to Rolling Meadows and Meadowlark neighborhoods. I would not have included those two sections in this overlay District. My comment is I don't think we need this at all in the town. There's already one right down here in the village. I don't agree with that choice being right next to residential neighborhood either on the Whistle Stop site and I don't even know if they're open yet because isn't there some lawsuit.

Councilman Condon - They're not selling any marijuana products.

Chairman Logan - I think there is a lawsuit going on that that keeps people from becoming eligible for licenses yet. Because the state has kind of put this in the lawsuit, I think it was discriminating towards people other than those who have been disadvantaged. You understand what I'm saying? So that's my opinion. If that's passed along in the meeting minutes you hear comments from Joe, Al and me.

Mr. Harter – I am not sure that I have a comment. What happens if we don't do this if we just don't identify any particular area what's the downside?

Councilman Condon - They wouldn't be able to open up that store. If we don't pass a law or have a district or have an area if we don't pass a law allowing it then we cannot do retail cannabis in the Town of Victor.

Mr. Harter - The State of New York won't tell us that you can do it just anywhere then they won't.

Councilman Condon - If you opt out right and then you occur...

Chairman Logan - We've already opted out so you can't sell cannabis products within the town.

Mr. Limbeck - We can put it in our code anytime but we're thinking that time is of the essence since other communities are doing it as well.

Chairman Logan – You're getting the Board's opinion.

Councilman Condon - I appreciate it. If you want to talk revenue, they're probably a substantial revenue but there's other ways to make revenue. Al's argument is if it does become law and if you know there's a place at Metro mattress they're not coming down to these guys over here right to buy the same thing. Once they get their license ...I also thought in the code there might be something about how many liquor stores you could have. You know we talked about how many and there isn't anything in the code about how many liquor stores you can have.

Mr. Harter - I have a question. For the properties that are included in this map, have you had any conversations with the property owners to the extent that they're in support of this or not in support of this? Being included or not included. For example, Eastview Mall, say with respect I'll use Spencer's for examples, would they want this status.

Councilman Condon - I think what you're going to find people on both sides of the argument. You'll find people say well it's going to increase foot traffic for retail sales and a lot of commodities and what not. Foot traffic is foot traffic. Does it lead to sales of other items? I don't know, does it led to increased revenue and I think at the end of the day, and I will take these comments back to the Board, but at the end of the day is do we need to put our stamp on it or do we sit or do we move and to find out really how much of a push has there been? There's been some. There's been some interest and some folks that are ready to go and want retail of cannabis. Our thought and setting this up is well we're going to dictate where it's going to go.

Mr. Limbeck - I have in my head right now is a retail cannabis place in the mall where Claire's is and then people are tossing down gummies on the way out the door and then the food court is a hangout for stoners.

Ms. Kinsella - I don't know much about it, only because we've talked about this at our staff meeting this morning and we were talking about how people get their licenses and who the licenses are distributed to initially. My understanding from what supervisor Marren had said was if somebody has a federal, and Lisa correct me if I'm wrong, a Federal Loan something to do with a federal loan or government they wouldn't be allowed to have it. Let's say Wilmorite has a Federal Loan they can't lease a space to somebody that's going to sell retail cannabis. That is my understanding. Now if they don't, they could go into the mall but my understanding from what Jack said it would not be allowed right now in the mall. Because of that caveat so to speak.

Mr. Gallina - I think your broader point is again we don't really understand how pursuing this will impact the character of the community, unintended consequences and again if all we're chasing is tax revenue. We spend a lot of time on this Board talking about characters of community fit and I just think that it's a bridge too far in my opinion.

Chairman Logan - Honestly there's communities in the area that are more than happy to sell it fine. It's not like we need to provide a place for them to sell.

Councilman Condon - I think your comments are very valid and I will take them as heartfelt as they are intended back to the Board and like I said I'm anxious to see and I hope that some folks come out. I hope some other folks come to a Town Board meeting and speak up on behalf of it because you know we are we're all appointed or elected and without public feedback it's very difficult. This is not an easy decision.

Mr. Harter - Is it helpful to perhaps consult with some of your adjoining towns who have enabled this. I was at Pittsford Plaza recently and they have the "releaf" center and I'm not exactly sure how the town of Pittsford looks at it but they seem to be kind of finicky as a town as I understand them to be. There might be some best practices that are available through other towns that

benefit us. I agree with Al's point, I don't personally, this is just personal opinion, I don't personally think that I'd like this area you know the notoriety of this being the Cannabis zone for the Town of Victor. If there are other areas that could fit the bill I guess what sticks in my mind is that if you sell it seems to me there's got to be some place nearby where you would consume it. I think that leads to other thoughts and I haven't really thought that through quite honestly.

Councilman Condon - It's interesting when you drive into town in Canandaigua, they have the parks that say no smoking and leash laws with the dogs and things of that nature. Now I notice driving down 332 right there by Tops, no consumption of marijuana in public. I mean people ignore it obviously, you walk into a store or walk down the street and walk down Kershaw.

Mr. Gallina - That's your point right because it's not an easy decision for the town what's the hurry? Contemplate it, wait see how it plays out.

Chairman Logan - Especially since we haven't even seen anyone become licensed yet and we don't know what the impacts to the community are from a retail perspective not to mention the health problems.

Chairman Logan - Interesting to see how the community voices their opinions at the Town Board meeting. We certainly don't need to be Lead Agency on this one. We're going to defer to the Town Board.

Motion was made by Scott Harter, seconded by Ernie Santoro, RESOLVED the meeting was adjourned at 8:02 PM

Lisa Boughton, Secretary