

A public meeting of the Town of Victor Planning Board was held on January 24, 2023, at 7:00 p.m. with the following members present:

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

ABSENT: Joe Logan, Chairman;

OTHERS: David Nankin, Austin Goodwin, Annabelle Kiss, Bill Keyser, Marsha Senges, Brad Humberstone, Doug Eldred, Scott Reinhart, Delores Fanton, Philip Nelson, 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 Ernie Santoro, seconded by All Gallina:

RESOLVED, that the minutes of the meeting held on January 10, 2023, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Absent

**CORRESPONDENCE:**

MR. Keyser re: 1086 Strong Road Subdivision

Mr. Morrell re: 1086 Strong Road Subdivision

Amy Bartell re: Maguire Site Plan

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon was present and no updates.

PLANNING BOARD reported by Kim Kinsella

Tuesday February 14, 2023

**PUBLIC HEARINGS**

- High Point Business Park Building 300 Balcony Addition, located at 211 High Point Drive, applicant is requesting approval construct a 925 +/- square foot building addition on the eastern side of the existing 3-story structure to create a terrace area.

*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**

26-SP-2022

7503 County Road 42

Zoned – Commercial

Owner – 7503 Main Street, LLC

Tax Map # 6.00-1-27.110

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

Vice-Chairman Limbeck – This application has been removed until next meeting.

**PRELIMINARY SUBDIVISION**

**1086 STRONG ROAD SUBDIVISION**

04-PS-2021

1086 Strong Road

Zoned – Residential 2

Owner – Trust the Ott Irrevocable Survivors

Tax Map # 26.00-1-13.100

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.

Vice-Chairman Limbeck – Before we get stated there has been a lot of correspondence. One that we received if the themes I have picked up on is that there seems to be that the project is moving forward hell or high water, The staff put together a flow chart and you may have seen it when you came in on the table next to the resolutions. It shows what the review looks like and thought it was important to have that out for you so that you understood where we are right now. If you were to look to the left-hand side of the flow chart you can see a box that says preliminary plat application and to the right of that a rectangular box of preliminary plat review. That is where we are at. We are at the information gathering stage and to the right of that you can see where decisions are made. The public hearing is still open and we are still gathering data and you may have seen the developer talk about the well drilling that has gone on. That is part of the data gathering and the decision-making process.

In the February 14<sup>th</sup> Planning Board meeting we will go thru a review of SEQRA and that is a NYS requirement that we address 18 items that we have to examine.

Mr. Pettee – That is about right and the SEQR process runs concurrent with the preliminary plan review. Just to go over the three-step subdivision review process. There was a sketch plan concept and that occurred here in the yellow phase. This process has evolved from that into a preliminary plan. There have been a couple of iterations of this plan and the most recent one does away with the proposed public water extension and relies solely on-site wells. We are in this preliminary phase where we are still receiving comments and the public hearing is still open and earlier on in the slide show there was a list showing the correspondence received up to this date and we will bring that slide back up. The Planning Board is looking at this information you have provided as far back as 2021. There is period of time where the applicant did not provide any information for several months so the Board did not have anything further to process so know that more information and the subdivision plans are evolving, we have more comments.

These are a list of comments the Planning Board has received to date. The Planning Board has had instructions from the Planning Board Chair to rereview each of these correspondences and be familiar with them as they continue to deliberate.

At the next meeting we are anticipating is to go thru SEQRA Part 2 and 3 of the EAF. That is where we will be addressing and reviewing a lot of the comments that have been shared with regard to community character, the density and that sort of thing. Also impact to wetlands and wildlife, agricultural lands. We will be taking an in depth look at that thru the environmental process. After the SEQR determination of significance has been made whether a pos dec or neg dec the Planning Board can take action of the preliminary subdivision application. The preliminary review does not constitute preliminary approval. It does not give the developer the opportunity to go out and construct the project. They still need to go thru the final subdivision phase. If they get thru the final approval phase there is also an administrative review and check. A copy of this sheet is available on the back table if you would like a copy.

Vice-Chairman Limbeck – Just to reiterate, we are still in, even thou it has been going on for a number of months, we are still in the data process and no decisions have been made. I hoping that reassures you to know where we are in the process.

Doug Eldred of Douglas Eldred Engineering

Mr. Eldred – First part of December I attended a meeting at the Town Board and they basically said they were not interested in extending the water main. A survey was done in this quadrant of town and the other neighbors said they were not interested in extending water mains even thou it increased fire protection. That made us readjust here and go to a well water supply. In accordance with the DEC requirements, we have to do two tests' wells on the property and on Lots 11 and 7. There they are the ones to the west of the existing house and at the far south end. Both test wells were successful in the required flows and we are getting the water quality information checked out and expect that to be very good from the adjacent wells. We have been

wells and septic systems. The reason for that is that some wells in the neighborhood are somewhat shallow. If they are less than 50 feet of casing for the well then, the separation distance moves from 100 feet to 150 feet. If you are in the downstream flow from the septic system to a well it goes up to 200 feet. We laid out all the wells to meet the applicable requirements. The two wells that have been drilled to date is one is 60 feet and 90 feet. Neither of those would have required the additional separation but those will be supplied. I did plot the wells on the adjacent properties, I plotted them and did an analysis on for the locations where the particular well may be within 00 feet of a septic. The three houses on the west side of Taylor Road were sort of the critical wells. I did have data on those wells. I certainly would like if anyone can help me out and confirm the wells from those homeowners. It does not look like those are anywhere near in the influenced area of the septic systems. We want to be careful of that. So, that is where we are with respect to that. The well test is in and have gotten new comments from various agencies and in the process of reply to them. I have a meeting set up with the Fire Marshal and Fire Chief and they were concerned with the reduced firefighting capacity which is not different then what is out there now. Well water supply and no hydrants we have to fight it with a tank and pumper trucks. That is what all the folks in the neighborhood had for their existing supply. Beyond on that we have made a number of revisions to the plan, the conservation easements around the woods and the streams and provided berming and buffering along Taylor Road and wherever there are any existing trees that provide that buffering now. Essentially there will be the three houses that provide that buffering to the west which you would see from Taylor Road. Once those trees in those areas grow up there will be buffering in those areas. You really would not see any but the houses to the west on Taylor Road but on Strong Road you certainly can't buffer that out completely but there is buffering with the trees. They will eventually grow and provide buffering there. I will entertain any questions you folks have.

Mr. Santoro – I see a structure over the area.

Mr. Eldred – that is the adjacent property. We are obviously looking to move forward and over the next two weeks finish up with any comments from review agencies. I did want to mention that not only are we providing berming and trees along the frontage but also placing those in a conservation easement. Homeowners will not be able to go in and remove the trees that are provided now. There will be language in the conservation easement that will require replacement of any trees and that nature.

Mr. Harter – I have one question that relates to stormwater. I am looking at your plans and see infiltration test results. I know with a single family residential it is always a challenge to come up with something that works with respect to stormwater and a project of this particular size. My question is what is your plan in achieving that? Is there an area?

Mr. Eldred – The infiltration basin itself will be able to meet the minimum water quality volumes with that. That in itself gave us that. Labella has been reviewing and are not quite finished. The other issue that was brought up was that it would require a waiver to ask to not have to provide drywells for some of the downspouts. If you did not give a waiver on that that would provide some more water quality enhancement because the downspouts would infiltrate in to the

soil instead of having runoff. The soils themselves are perfect and sandy enough to offer infiltration but not sandy enough to allow for rapid infiltration.

Mr. Harter – The location of the infiltration area here that is intended to handle six of them.

Mr. Eldred – The other one just drain directly to the road. Just the three western lots.

Mr. Harter – Is there over detention then?

Mr. Eldred – Over infiltration maybe is the way to look it.

Mr. Harter – I was curious about that and the reason I was curious was that we talked about the separation distances for wells and septic and was curious how stormwater fit into that as well.

Mr. Eldred – There is a 25-foot separation. The infiltration basin to the septic system. The information was provided in the report. I am not sure you have that number correct but I do know that I conform to it.

Mr. Harter – I was just curious to what your plan was.

Mr. Eldred – I did see that there was some accident reports that were collected and forgot to mention that. I looked at them and it seemed like a lot of deer collisions and didn't see any car to car collisions at the corner of Strong and Taylor Road. I think I mentioned previously that the one thing we could possibly do to help out that intersection was to provide a grading easement at the northeast corner. Where the existing house and if Babette isn't too concerned about the trees that could potentially be harmed at that intersection the developer would grant the grading easement. If you sit out there and look to the right, I can measure it but I think it meets the required sight distance but it is obstructed by the hill that rises from the road and the developer would offer a grading easement. That would require to go back on the property to cut that hill back and improve the sight distance to the south. You can see there is a curve in the road there so that would help out in that regard. When I looked at the accident reports we did not see any car to car accidents at that intersection and we went back 7 or 8 years. That is my update and hope to move forward in the next couple of weeks.

Mr. Gallina – No questions or comments.

Mr. Pettee – Just to summarize. The Foil request Labella sent to the Ontario County Clerk's Office regarding the crash data for the intersection of Strong and Taylor Road. We did provide a memo to the Town of Victor and this summarized the information we received from Ontario County. We asked for accident records for that intersection for the past ten years and the Counties response was for 24 events, 9 of which were noted as crashes. Of those 9 crashes, 6 were reported with a vehicle colliding with a deer. There was a car rollover, an intentional vehicle strike due to road rage of a car hitting a pole. We were not able to derive where these events occurred but did note that it was between Taylor road and the road to the south. Dryer, I

think. The remainder of the 24 events were noted as a stopping vehicle, disabled vehicle, livestock and animal concerns. We did not identify in the information provided back that anything was especially dangerous in relation to crashes there. We did evaluate sight distance several years ago on another project in town, although the sight distance...there is a curve there in the road and there are some concerns but there was adequate sight distance for a proposed driveway on a different project. If anyone is interested in seeing a copy of that memo you can go to the towns Planning and Building Office and obtain a copy.

Labella is in the process of completing a review of the new plan that has been submitted including the well information that we have received. We need to do some coordination with our septic engineer and be comfortable with the volumes and draw down on the aquifer and whether or not there are some concerns in that regard. More remains to be provided to the Planning Board so you can make an informed decision. As well as stormwater.

Vice-Chairman Limbeck – You answered my question about the aquifer being able to support the wells. Having said that the public hearing is still open. Please limit it to three minutes and five at the max. We are concerned with any new input based on what you have seen with the wells.

Bill Keyser of Taylor Road

Mr. Keyser – You have seen this slide before. It suggests seven new lots rather than the 10 new lots. I want to point out some troubling concerns or conditions in this new proposal that result from trying to squeeze in ten new lots rather than seven. The developer has extracted every square foot from the proposed lots for easements. All the cross hatched areas are in order to satisfy the 50% open space requirement. Notice in particular the absurd areas on Lots 1 and 2. Tiny triangle between Lots 4 and 5 and the illogical areas on Lots 9 and 10. The developer defines these areas with little squares on the map and on the actual sites with markers but doesn't tell us what those markers will be or look like. Notice the number of markers, a total of 70 in total. You can be sure any homeowner will disregard or remove them the day they move in. With this plan and this number of markers is it impractical, unenforceable, unsustainable and utterly ridiculous and it results from squeezing in ten new lots. The house on Lot 5 is the only front-loaded garage in the development. I strongly request that all proposed houses have side loaded garages rather than front. Fewer houses would allow for this. None wants to look at an open garage door with garbage cans, toys and the typical household accumulations.

Norice the complicated grading plan on 4, 5 and 6. Nature provided wonderful natural flowing terrain noted as drumlins. Caring up the land like this is horrible and unnecessary with fewer lots. The design world has a principle called K.I.S.S an acronym for Keep it Simple Stupid. It states that when a design becomes obviously forced or overly complicated it is not the right solution. This proposal for the reasons stated above have reached that point. Because this proposal can be done does not mean that it should be done. Thank you.

Ed Morrell at Taylor Road

Mr. Morrell – I was one of the guys very frustrated with what I was seeing. I want to reiterate one thing to you. You should all have the pictures. I believe the 1086 proposal is attest case for the whole southwest wedge of Victor. This area has not only been agricultural but possess such stunning beauty. The agricultural will soon be lost, it is inevitable. We can still maintain the landscape and the views for the town's residents. To do this the developer needs unique plans not just cost-effective ones. Density must be the chief consideration. The ten two story houses will detract from the glacial beauty of the landscape. The view by the residents will certainly be limited by the extreme density of the houses. Please view the attached photos. There are two photos of the well digger and you will realize that it is about the height of a two story house. You will notice that you cannot see the tree line at all. Putting a couple of trees in the front or making a berm is not going to help the view of the people of this town. It is all about density.

My last point is please do not let the south wedge of Victor become another suburb of Rochester but a continued treasure for Ontario County.

Delores Fanton of Taylor Road

Ms. Fanton – I would like to thank Mr. Keyser and Mr. Morrell because they are really spot on and cannot agree with them more. One of the things that concerns me is that at the last meeting about this subdivision in 2021 when I expressed my concerns about all the blind drives going up and the absolute certainty that someone was going to get hurt, probably children, and one of the Boards member suggested that the developer come back with a cul-de-sac plan. That has not happened. Right now there are seen cuts proposed on Taylor Road. I live at the bottom of the hill and I think the reason there are not any accidents is that when you want to make a left you have to gun it. It is the only time I ever stomp on my gas is when I'm coming out. I cannot tell you how many times. I went south to come back in because a left turn is so dangerous. Maybe the lack of accidents is because we are not making that left turn. If you come up Taylor Road it is already very dangerous. The blind spots are true and cannot go into the left lane. When people have lawn services up the hill I generally go down Mile Square because I cannot go around them. Seven cuts and now trees I'm not going to see the car, the child or the bike and all of sudden we are going to have to drive a couple miles away just to get over to 251. It seems unreasonable. We already have the two safety concerns coming up the hill. I am also concerned about the density and put that in my first letter in 2021 saying if I wanted to live in a subdivision I would have built my house in a subdivision. We did not want that. Also, the problem is I am writing the same letter and we are not getting feedback from the Board. We are really concern and I am at the bottom of the hill and we are going to get flooded. It happened one year except it wasn't the peoples fault. It was a weird winter. It froze and the front yard became the catchment basin and we dug a trench into the woods. The creek froze over and went into our front yard. The next day Town of Victor came and dug out a big trench on the south side of Taylor Road. With the destruction of all these houses and driveways and the landscaping isn't going to soak up the amount of water. Right now, there is long grasses in there now and from long term growth. The depth of the roots are much deeper than newly disturbed. We are not going to get the

absorption that we are getting now. I am not looking forward to having our property flood all the time. The problem is we are not getting feedback. The cul-de-sac, what happened to that. We have already got wells on 11 and 7 and that seems to be set in stone. It looks like it is going ahead come heck or high water because we have already got wells on lots. If you put in a cul-de-sac the wells might be in the middle of the road.

Mr. Pettee – I wanted to comment on the wells. They had to go out and dig test wells to provide qualitative and quantitative water supply. I do not know if those are going to be permanent wells but just test wells to do some sampling. They are not authorized to be used as wells.

Ms. Fanton – What happened to the idea of the cul-de-sac? The request by this Board.

Vice-Chairman Limbeck – At this point we are responding and examining the developer's proposal as it is portrayed up on the Board. They did not choose to propose a cul-de-sac. It is not up to us to dictate what they propose. We are examining the pros and cons of this proposal. He did not propose a cul-de-sac for us.

Ms. Fanton – When your Board suggested it wasn't it a "you should do it"?

Vice- Chairman Limbeck – It does not have any weight to force him to do it.

Ms. Fanton – How will we find out before it is approved? I am concerned about this and see so much wrong going on with this. We do not want to live in a subdivision and the beautiful area destroyed. We understand it was sold to a developer and we understand there will development. We do not want a subdivision.

Vice-Chairman Limbeck – I think the best way to understand it is to keep attending as you have been. As we progress with the fact finding and particularly the SEQR process goes into depth and each one of the categories have multiple pieces to it and will have to make decisions on it or not of the impact. By your continuing attendance you will learn about the process. I am hoping that the flow chart helps you understand where we are.

Ms. Fanton – With what Mr. Morrell said about the conservation easement. I did not think that is in the spirit of the conservation easement. It does not make any sense for what an easement would be. You certainly cannot have a walking path.

Vice-Chairman Limbeck – You could get copies. There are three different categories of conservation easement from no touch to ones that are adaptive to the property. The language in those would help you understand that.

Ms. Fanton – How do we know what kind of easements these are?



Vice- Chairman Limbeck – Proposing no touch I believe. Two different types. No touch along the south part of the property and along the berms, oh less restrictive along the roads so that they could replace trees that would come down.

Ms. Fanton – How would that be enforced?

Vice-Chairman Limbeck – The code department.

Ms. Fanton – We have to keep track of 70 easements and spy on our neighbors. Is that what we have to do?

Vice-Chairman Limbeck – If you chose.

Ms. Fanton – If it is an easement it is an easement. Is the burden on us?

Mr. Pettee – Often the Code department would be notified by a neighbor or concerned resident, drive byes. The Code Officers are out in the community doing work and might recognize as they are driving around addressing other scenarios they might notice. It is not going to be a weekly assignment for a staff person to go out and verify an easement is being adhered to. It is part of being a neighbor, a part of the community an enforcement officer will be out there and they will notice.

Mr. Fanton – So when someone does something it is allowed to be. At the last Town Board meeting they were talking about a Hold harmless and it is on an easement what Victor does is a hold harmless.

Mr. Pettee – That is a different scenario all together. That was for some sort of utility easement. Was it a conservation easement?

Ms. Kinsella – It was a drainage easement and a fence.

Mr. Pettee – That is completely different animal. This Board has the ability to review these conservation easements and identify whether or not they will be meaningful. Whether there is a strange configuration or a lack of easement the Board may suggest to consolidate the one area of the property. That decision has not been made yet and a decision might be made in that regard going forward.

Ms. Fanton – I have called four times about this and that in one meeting it was stated that there may not be a poured foundation within 75 feet. My neighbor has that and electrical and heat and running water. If my neighbor has already done that what is to keep these people from doing the same thing. I do not know how we can enforce anything when it was stated about the 75 feet and all of a sudden, my neighbor is right there.

Mr. Pettee – we cannot speak to what happened with that particular property, but we are evaluating and reviewing this particular proposal to what the standards are today.

Ms. Fanton – Who do I ask?

Mr. Pettee – I would go to the Planning and Building office.

Kathleen Morrell of Taylor Road and Harloff

Ms. Morrell – I want to reiterate the danger of pulling out from Taylor going left on Strong. I have been driven off the road three times and I tell you once with a man shaking his fist. If I had been killed or maimed more attention would be given to all of the traffic, there. The amount of traffic coming down isn't the same as living there. It is a dangerous intersection because of the amount of traffic and the high speed of the cars coming over that hill. I wish you could please pay attention to that. I am not the only one that has been driven off the road. Our next door neighbors have to go down the other end of Harloff to get to Strong. It is aggravating to feel that we have no protection, and nobody cares. It is very dangerous. There is more to it than what code meets.

Mr. Eldred – Could you go to the slide from Ed Morrell or Mr. Keyser. I just wanted to point out that this is the typical way you would determine density of you were doing a clustered subdivision. The underlying zoning here is for 3 acre lots. What happened back in 2000 was that this area of town we don't want any more than 1 lot per 3 acres. That is overlay district as opposed to a restriction on the property to developable land. It does not apply in this area. You have to understand based on the Comp Plan they took this whole area and made it low density. That is the way this came about. There are three lots on the north side of Taylor Road that is less than 3 acres which is the average acres of these here. There are lots to the north that are less than three acres as well. This is completely consistent with the areas of the neighborhood as well. On top of that we have done a lot of mitigation measures to help it more consistent. I cannot help there are trees on Taylor Road that block the views of the houses. If we did have those trees we would have to take out trees to build those houses. The fact that this over density thing is a perception not a reality. Like I said you will only see the three western lots for a period of time. The berm is five foot high so looking from the road into the site you won't see the houses from that angle of view. Believe me I don't like to put all these conservation easements all over. I would love to take the whole back area and make it conserving easement. The Board and the neighbors were concerned that if we put in trees and berms and such to screen the houses that they could knock down the berms and take out the trees. That is completely the reason for these easements particularly along Strong and Taylor Road so it is protected. If you want hose out of there I can take them out. It does not help the salability of the lot. My suggestions for the markers would be to put pine trees in where the markers would be. They would be something you could see visible from out there.

The front loading on lot 5. I don't know if any of these house are front loaded or side loaded. The Planning Board has no restriction on where to put the garage. That particular house is back and buffered by the berms and trees from the front.

With regard to the sight distance. I have been out there many times. You turn your head right to see if cars are coming it is not ideal. Which is why oi suggested the developer would be willing to cut back the hill there and give the easement to the town to improve that sight distance. The location of the driveways. I said from the very beginning that these driveway locations would determine based on sight distance. Som time you see them close together and sometimes in different parts. Unlike some of the homes on the other side of the road we did it to maximize the driveways.

With regard to digging a foundation within 75 feet of the creek it is not possible here. We are a minimum of 300 to 400 from the creek.

Which house is Ms. Fanton? Across from Lot 1. You are downstream from us. After listening to you my only thought is that it would be a good idea to retain the downspouts for the three western lots. Of course, it would reduce the drainage. Instead of relying on the infiltration basin it would be smart to include drywells on those three lots. The soils are very pervious.

I do not know if they are going to be one story or two story. Quite frankly people who have built on these type lots would prefer one story homes. We are suggesting front load garages. I don't know how many people are going to drive by and count driveways. You will see three houses until the trees grow up. Understand that a lot of the grading will be to put berms in and buffering to the houses. The other thing is that we would love to get rid of those easements in the front. The Conservation Board said the elements were well thought out. I have no interests putting these easements in but it was done for a purpose.

Vice-Chairman Limbeck – Thank you all.

**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 – I do not know how much more in depth you want me to get on this. I was here a couple of weeks ago and received comments from that meeting and sent a formal letter back. If there is anything in particular to go over I can. I would like to think I took v=care of many of the comments from last time.

Mr. Santoro – Just the questions of the types of trees you were going to put in there. Have you done that?

Mr. Humberstone – Yes, we completely changed the landscaping plan altogether. The conifers are going all along the westside of the building.

Mr. Santoro – Thank you.

Mr. Harter – I went thru what you did and think you did a good job. You answered the questions that were in my mind. The photographs were deceptive. Seeing a certified survey makes the dimensions a lot more real. The visual light analysis that you did, and I actually drove out there tonight and to see what I could see. I also took a look of the elevations of that area using County lidar and the elevations are about the same. The topography drops off and then comes back up and I agree that what you can see mostly from those homes are from Danforth and it does block from the two areas that you showed.

The only question I had was the proximity of the one curb cut to the proximity of the intersection and if his traffic person had anything relative to that. Is it to close or is it reasonable?

Mr. Pettee – I'm not sure I have an answer for you for that tonight. I can look into the code here and see if I can identify anything with the access management.

Mr. Harter – That was my only question and think you did a good job.

Mr. Gallina – I agree with Scott and think you did a good job responding to the questions that we raised at the last meeting.

Vice-Chairman Limbeck – I am looking at your letter from the 19<sup>th</sup> and your comment number two with the layout of the trees and all that are coming out and going in. I believe it address the concerns of the neighbors. We did receive another letter from the neighbor concerning that. I want to make sure we are in compliance with the code she sites.

Mr. Pettee – Is this the 211-24? I will bounce to that, There was a comment from Amy Bartell regarding making sure the development complied with the Section 211-24 of the Town Code. To clarify the code describes the lighting for light industrial districts in general and is a very broad code and specific in elements in sections that would apply in certain circumstances. This particular project for example will not have any outdoor storage and you are not manufacturing anything. There are certain provisions in this code that are not applicable based on the use. However one of the concerns was in regard to screening. In order to properly screen the property from residential neighborhood and comply they suggested coniferous trees to maintain code compliance. The specific section that has to do with screening is section 211-24 (d) 11 which describes the following:

Whenever a permitted use in the district is located adjacent to any other district, a fully landscaped buffer shall be provided along the full length of the adjacent district. A one-hundred-

foot buffer shall be required adjacent to residential districts. A thirty-foot buffer shall be required adjacent to other districts. This buffer area shall be planted and perpetually maintained with live trees and shrubs at least six feet in height and shall have such other grading and landscaping as necessary to visually and audibly screen the industrial activity from the adjacent district.

Basically, what this is saying is that if a property adjoins or abuts a different zoning district then this would apply. This particular property does not abut and adjoining zoning district to surround it by light industrial with the exception of to the south and the opposite side of 251 is a different zoning district. You are not doing any work of the south side of the building. It is all on the westside. With regard to complying with code and buffering I think you have done, and the Planning Board is generally satisfied with the landscaping buffer that you are providing in your current depiction.

Vice-Chairman Limbeck – I agree. I think it addresses the neighbors' concerns.

Mr. Harter – I think also the landscaping consultant indicated he was satisfied with what you indicated and also you indicated you had lowered the lights and I think that is worth noting.

Mr. Pettee – I am also going to reference the towns Design and Construction Standards and that is going to provide some guidance. I believe based on the DEC standards and I will also verify with Lorenzo team that the spacing between the intersection of Route 251 and the southern most access point is adequate and safe. We can make that a condition of the resolution. There is a standard detail that the town has and is called Standard detail RS6, the driveway layout detail that depicts separation distance from the intersection distance of edge of pavement of 55 feet. I think you are well beyond that. We do know that it meets the towns standard that is in the current design standards but will confirm that this is a safe layout with Lorenzo.

Mr. Harter – The reason I ask is because of the Valvoline project that we had before us. The entrance by Denn's is a really good example of how when you have a curb cut that is more than 55 feet and how when the community grows and traffic increases and becomes more problematic then when it was first approved. I really ask that more in the vein of traffic but know that Old Dutch Road is not exactly Fishers Road. Does not carry the same amount of traffic and probably never will.

Mr. Humberstone – The intention is to keep the driveway across from the Danforth driveway.

Mr. Harter – Does it agree with that?

Mr. Humberstone – That is the intention.

Vice- Chairman Limbeck – Any other comments from the Board? Anyone from the public? The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Vice-Chairman Limbeck read the draft resolution.

**DECISION:**

On motion of Ernie Santoro, seconded by Al Gallina as AMENDED:

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

1. A Site Plan and a Special Use Permit application was received on December 6, 2022, from Mitchell Design Build, (the “Applicant”), by the Secretary of the Planning Board for a Site Plan entitled Maguire Site Plan (the “Project”).
2. It is the intent of the applicant to construct a +/- 23,000 SF asphalt parking lot along Old Dutch Road on the west side of the existing building at 8050 Victor-Mendon Road. The purpose of this request is to satisfy the requirements of the proposed new tenant, a martial arts studio, which is planned to occupy the remaining 7,500 sf suite that is completely separated from the existing parking lot on the east side of the building. A new, separate tenant entrance will be provided to enhance the west side of the building and provide an appropriately scaled and designed point of entry.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on January 10, 2023, and January 24, 2023, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated December 30, 2022, and provided comments.
7. LaBella Associates reviewed the site plan in a letter dated January 3, 2023, and provided comments.

8. The Town of Victor Highway Superintendent reviewed the site plan in a letter dated December 13, 2022, and provided initial comments.
9. Zaretsky & Associates reviewed the landscaping plan on December 14, 2022, January 9, 2023, and January 20, 2023, and provided comments. All comments have been addressed.
10. Architect Consultant reviewed the site plan in a letter dated December 22, 2022, January 6, 2023, January 20, 2023, and provided comments. All comments have been addressed.
11. Town of Farmington Water & Sewer reviewed the site plan in a letter dated December 16, 2022, and had no comments.
12. There was a Coordinated Fire Service Site Plan Review on December 23, 2022, and provided comments.
13. The Conservation Board reviewed the site plan on December 20, 2022, and supports the proposal as presented.
14. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On January 14, 2023, Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board allows the 80-foot setback for parking to be reduced to 74 feet. (*Correction to 25 feet*)

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 24, 2023, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Maguire Site Plan, will not have a significant impact on the environment and that a negative declaration be prepared; and, be it further

RESOLVED that the application of Mitchell Design Build, Site Plan entitled Maguire Site Plan, drawn by Mitchell Design Build, dated December 6, 2022, last revised January 19, 2023, received by the Planning Board December 6, 2022, Planning Board Application No. 35-SP-2022, and Special Use Permit 11-SU-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 the comments in a letter dated, January 3, 2023, from LaBella Associates be addressed.
3. That the comments in a letter dated, December 30, 2022, from Code Officer 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 Highway permit be obtained before construction of the curb cuts.

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

Mr. Pettee – Had a potential edit for a condition based on the waiver. One of the conditions is that the Town Engineer confirm separation of the southernmost access point to the NYS 251 intersection be found to be safe and adequate for anticipated future traffic volumes.

Mr. Harter – That sounds good.

Vice-Chairman Limbeck – I agree.

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

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

Approved 4 Ayes, 0 Opposed



**ROYAL CAR WASH SITE PLAN MODIFICATION**

01-SP-2023

607-609 Rowley Road

Zoned – PDD

Owner – MDC Coast 24, LLC.

Tax Map #6.00-2-76.110

Applicant is requesting approval to add (6) new trees to help mitigate the loss of (3) trees that were intended to remain on site per previously approved plan.

Austin Goodwin for Passero Associates with Rick Caruso with Royal Wash Development

Mr. Goodwin – Our story is pretty short. You hit more than half of it in the definition. We are doing the Victor site and during the pavement excavation for the new parking lot and vacuum stalls and while doing so the excavator hit roots for the three trees in that area and ripped them. As such the tree was unsavable. We all know accidents happen and we do not want to take lightly and wanted to come to you with a modified site plan to replace the three trees that were lost but to double the trees to show that it was an accident and we are here to make things right to make sure you are happy with the design.

The trees that would be going in would be three (3) Scarlett Oak trees, two (2) White spruce trees and one (1) Zelkova tree which is consistent with the landscape plan that was previously approved for the project already and we are just adding more of them for the trees that were lost. We did get comments from Bruce Zaretsky who is the landscape consultant for the town who provided no comment to the amended six trees added. Unless you have any questions for us.

Vice-Chairman Limbeck – With my conversations with the Planning Board staff it was noted that on as many as four occasions somebody was given reminders that the trees needed to be marked and saved and they were not marked when the contractor whacked the roots. Why were the trees not marked?

Mr. Caruso – I have spoke with Victor Excavating and it was a mistake. They felt as they were doing the excavating, they were damaging so many roots around those trees that they took it upon themselves to make the decision to take out and replace them. Unfortunately, I said we should have called for approval and t hat was what should have been done.

Vice-Chairman Limbeck – Had they been marked do you think they would have thought twice?

MR. Caruso – I can't answer that, but I think possibly. The way they explained is that they are very experienced and during many projects this is done all the time but again it came down and had some words and last we want to do is upset anyone at the town. We will do anything we have to do to make it right. Hopefully the six trees we add is okay.

Vice-Chairman Limbeck – One of the trees that came down was 18 caliper and pretty mature. What are the size of the trees you are proposing?

Mr. Goodwin – This was sent by Mr. Burns. On the plan the table at the bottom show the minimum caliper size that are proposed to go in for the trees. The ability to go buy a tree of that size is not something that could be reasonably done. We can buy a tree that meets Town Code to the minimum caliper size but ultimately, we cannot replace a tree one for one of that size. Another reason why we went and said lets double the amount that was taken out as a way for you to find it as appropriate mitigation for the more mature trees taking out and we will put twice as many bac that were taken out.

Mr. Gallina – No comments from me.

Mr. Santoro – Sounds reasonable to me.

Mr. Harter – What is the caliper? IS that being the approximate diameter? IS it an inch to two inches?

Mr. Goodwin – I can not read it from here.

Mr. Harter – I am looking at the drawing here.

Mr. Gallina – Depending on the species there is one and half to two caliper, two inch to two and half and the spruce are six to seven feet in height.

Mr. Harter – I guess it isa judgment on the part of the Board as whether it is okay. Al, I know you have been involved with this project quite a bit and yield to you.

Mr. Gallina – Honestly since most of this is viewed from the thruway I am less concerned about the view shed.

Vice-Chairman Limbeck – I am not happy that the trees came out and think given four opportunities to mark them and that led to an assumption by the excavator to remove them. What is done is done and my suggestion that would make me happier is if you did not go with the minimum sizer and got the biggest ones you could afford to put in and would fit the size. That is a thought on my part.

Mr. Harter – I am okay with that and do not think it is a bad thing to go higher and I think being in this business for quite a while it is that we shouldn't reinforce the ability of excavator to design the project. I think a larger tree would be a good symbol.

Mr. Goodwin – My only concern at the moment is being that these are not a man made object we are subject to the nurseries inventory and would hate to have you say you want a tree of this size and the nursery says we will not have that for a couple years.

Vice-Chairman Limbeck -Iti s just a thought or a gesture of goodwill and acknowledgment to do better.

Mr. Caruso – Would it be okay to search for those trees and do the best to find them? I agree with you and will do our best to find those and do not have a problem with that.

Mr. Harter – If you can show a reasonable effort and for some reason they are impossible to get but if you show an effort it would be a positive thing.

Mr. Pettee – In regard to finding larger nursery stock one of the things as the Planning Board might want to consider is to not approve an updated landscaping plan until you have more information from the applicant in terms of what size trees, they can get rather than approving a plan tonight, It is completely up to the Board.

Mr. Harter – It is a good suggestion. This is not something you are going to do tomorrow. If we have a two-week period to work with.

Ms. Kinsella- There is a problem. They have a Stop Work Order on the project. If you let us know that if that is the case we can lift the Stop Work Order if they are going to come back. I do not have a problem with that as long as it is directed by you.

Vice-Chairman Limbeck – Is that okay with the Board?

Mr. Harter – I think we need to button it up and have the best option. Release the Stop Work Order and we will see you in a couple of weeks.

Vice-Chairman Limbeck – We will see you with a proposal of the stock that will be available in spring for you.

Mr. Goodwin – The biggest thing is if we can continue to work and probably won't find those trees right now and willy take some time. Those trees might be available in the spring.

Mr. Pettee – I do not think there would be an expectation that they be planted right now, and I think the Planning Board and the town would be satisfied that at some point during the upcoming growing season.

Mr. Harter – I did not know there was a Stop Work Order on the project. If you could research what is available and obtain it by June for planting between now and then. Something of decent caliper and commercially available.

Vice-Chairman Limbeck – Procedurally where does that put us?

Mr. Gallina -Can we do it with a condition prior to signature that evidence of procurement of acceptable stock and that way they do not have to come back and if it is a condition prior to signature?

Mr. Pettee – That is a fine suggestion and the only issue there is that the Board would be leaving it up to Town staff or maybe the landscape architect to make that decision and maybe that is the appropriate decision to have the Landscape Consultant to review.

Mr. Gallina – We have certainly deferred to our consultants on other topics and would be comfortable.

Mr. Goodwin – To clarify, would it be that we would go thru modify site plan approval on the condition that we would submit to Mr. Zaretsky and he finds that what we submit is acceptable and would refer to him? He finds that is an appropriate effort.

Vice-Chairman Limbeck – Would we put a time frame on that?

Mr. Pettee – I think the Planning Board is looking for a response relatively near in the future so in the next two weeks and can identify what type of tree you can get in the next three four months to plant and provide that information the Planning and Building Office with a updated landscape plan identifying the trees and sizes and can refer that the Landscape Architect. Provided he is satisfied after hearing the Planning Boards concerns that plan would be ready for signatures. You need a deadline by when you need this plan.

Ms. Kinsella – They would need to plant those trees prior to them getting Certificate of Compliance and need to make sure that those trees were planted.

Mr. Goodwin – That is appropriate.

Mr. Gallina – One last question, is all the site work excavation complete or do you have other trees at risk?

Mr. Caruso – There is more work to do and no more trees at risk.

Mr. Harter – Do we want the landscaper to know we are looking for something greater than the minimum size?

Ms. Boughton – I had asked him that question this morning and he has not responded back with comments.

Vice- Chairman Limbeck –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 4, Nays 0, 1 Absent

Vice-Chairman Limbeck read the draft resolution.

**DECISION:**

On motion of Scott Harter, seconded by Ernie Santoro as AMENDED:

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

1. A site plan Application (the “Application”) was received on January 10, 2023, by the Secretary of the Planning Board from MDC Coast 24, LLC (the “Applicant”) for a Site Plan Royal Car Wash Landscape Modification.
2. It is the intent of the Applicant to add (6) new trees to help mitigate the loss of (3) trees that were intended to remain on site per previously approved plan.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the project parcel 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 January 24, 2023, at which time the public was permitted to speak on the Application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the Applicant provided Part I of the Short Environmental Assessment Form.
6. Zaretsky & Associates reviewed the landscaping on January 19, 2023, and stated no comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 24 2023, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Royal Car Wash Landscape Modification will not have a significant impact on the environment and that a negative declaration be prepared; and, be it further

NOW, THEREFORE BE IT RESOLVED that the Application of MDC Coast 24, LLC, 2851 Monroe Avenue, Rochester, New York, Site Plan entitled Royal Car Wash Site Modification, drawn by Passero Associates, dated January 6, 2023, received by the Planning Board January 10, 2023, Planning Board Application No. 01-SP-2023, 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.

**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.
- 3. That the previously approved landscaping elements consisting of six (6) Green Vase Sawleaf Zelkova, and twelve (12) Neon Flash Spirea, including the addition of, two (2) White Spruce, three (3) Scarlet Oak, one (1) Green Vase Sawleaf Zelkova, on the Landscaping Plan intended to screen the new parking and vacuum area from the adjacent roadway be perpetually maintained as an effective screen between the facility and New York State Route 96, and that if any of the aforementioned landscaping fails to provide as an effective screen due to death or disease of any one or number of particular tree(s), shrub(s) or bushes, the vegetation be replaced with the same or equivalent tree(s), shrub(s) or bushes, in a timely manner so as to provide the perpetual screening desired by the Planning Board.

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

Mr. Pettee – This will be #2 under conditions to be met prior to Chairman signature. That the applicant provide an updated landscape plan to the Planning and Building Department by February 14, 2023, for a referral to the towns Landscape Consultant for review and that Zaretsky & Associates confirm that the updated landscape plan is adequate to address the concerns and requests of the Planning Board that were noted at the January 24, 2023, Planning Board meeting regarding the need for a more substantial caliper in-size tree to compensate the loss of mature trees that were to be preserved.

Is that February 14 date okay with the Board? That is just the date they would need to provide the updated plan and gives them three weeks to communicate with nurseries.

Mr. Goodwin – That would relieve the Stop Work Order and give approval on the condition that we submit this information to them by the next meeting,

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

Ernie Santoro	Aye
Joe Logan	Absent

Al Gallina	Aye
Scott Harter	Aye
Joe Limbeck	Aye

Approved 4 Ayes, 0 Opposed, 1 Absent

**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.

Vice-Chairman Limbeck – Wes has an update on the cannabis for us.

Mr. Pette – I am going to share my screen. There has been a potential change in the Overlay District boundary which is not depicted on this map. There has been some discussion here at the town hall and this area and this is about where Mens Warehouse is. It is adjacent to a residential Zoning District and then there is a building in Victor Crossing where Pi Craft Pizza is located and Five Guys also. They would like to pull the boundary of the Overlay District away from the residential district so as to not allow for Cannabis retail sales in these areas by Rolling Meadows Subdivision. There is a slight change in the draft regulations that the Town Board may consider at a future meeting that excludes these buildings in this location here.

Vice-Chairman Limbeck – Would they do that by moving the red boundary line?

Mr. Pettee – This red boundary line is simply a depiction of an existing 100 foot buffer requirement for commercial properties to adhere to when they adjoin a residential zoning district. This black dash line would change to exclude these buildings in this location.

Vice-Chairman Limbeck – And anything future that would go in there or is there room to develop?

Mr. Pettee – Correct that would exclude that.

Mr. Harter – Anything on the other side of that line is an area in which you could have a dispensary?

Mr. Gallina – My comment is that we are splitting hairs and is irrelevant. If we think that somehow preserves the nature of the environment. I think this is ridiculous.

Mr. Santoro – Has the Town Board had their public hearing on this?

Mr. Pettee – They are going to hold one in a few weeks. Basically, we want to solicit from the Planning Board here if you concur to still have the Town Board still be the Lead Agency for potential or consideration of the Local Law.

Mr. Santoro – They said they wanted to so let them have it.

Mr. Harter – They have our comments from last time. It reminds me of discussion in the past about adult entertainment.

Mr. Gallina – Either you want it or you don't and it will be zoned in this general area.

Mr. Pettee – I am all set with this here.

Vice-Chairman Limbeck – I would support changing that.

Mr. Harter – I wanted to mention a couple of observations. One observation was that site we approved on Phillips Road and Fishers Road, Max Vasta, and I drove by the other day and took pictures and I will share those with you. They have signs out there for remote starters and cars for sale in the right-of-way and smashed up cars. I do not remember that being what we approved.

Ms. Kinsella – We had taken him to court to get him to comply and we finally got him in the C of O. We can go back and check what he has out there against the approval. It is a lot of babysitting.

Mr. Harter – The second item was on the treetop project by Fishers Ridge. I remember when that project came in and they had a real estate sign in front. I drove by and the real estate sign has been changed over to a person and it has lights on it.

Ms. Kinsella – Code Enforcement has been out there recently to talk to him about the signs and the sign in the window. I did not realize it was lit.

Mr. Harter – I did not either till I drove by. Just fyi.

Ms. Kinsella – We will take it back to Code Enforcement.

Motion was made by Ernie Santoro, seconded by Al Gallina, RESOLVED the meeting was adjourned at 8:42 PM

Lisa Boughton, Secretary



