

A regular meeting of the Town of Victor Planning Board was held on January 25, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: Wes Pettee, Town Engineer; Dave Nankin, Brad Humberstone, Melkon Babigian, Mary and Jeffrey Guinan, Matt Kerwin, Faith Adams, Kevin Swartz, Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary.

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

APPROVAL OF MINUTES:

On motion of Al Gallina, seconded by Joe Limbeck:

RESOLVED, that the minutes of the meeting held on November 9, 2021, BE APPROVED.

Adopted Ayes 5, Nays 0.

On motion of Joe Logan, seconded by Joe Limbeck:

RESOLVED, that the minutes of the meeting held on December 14, 2021, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Abstention

CORRESPONDENCE:

There were none.

BOARDS AND COMMITTEE UPDATES:

Town Board representative Dave Condon had nothing to report.

PLANNING BOARD reported by Kim Kinsella

Tuesday February 8, 2022

PUBLIC HEARINGS

- Bristol Garden Gowing Greenhouses, located at 7432 State Route 96, applicant is requesting approval to construct (4) Westbrook greenhouses, 24' x 144' long x

14' high and (5) Westbrook greenhouses 24' x 120' long x 14' high for growing flower and vegetable plants.

- DISH Wireless at Benson Road, located at Benson Road, applicant is requesting approval to replace equipment on an existing wireless facility.

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.

BRISTOL GARDEN GROWING GREENHOUSES

37-SP-2021

7432 State Route 96

Zoned – Commercial/Light Industrial

Owner – SASRMS, LLC

Tax Map # 15.00-2-20.120

Applicant is requesting approval to construct (4) Westbrook greenhouses, 24' x 144' long x 14' high and (5) Westbrook greenhouses 24' x 120' long x 14' high for growing flower and vegetable plants.

Chairman Santoro – Has been removed until February 8, 2022, meeting.

VANBORTEL PARKING LOT EXPANSION

31-SP-2021

6327 State Route 96

Zoned – Commercial/Light Industrial

Owner – 6327 Route 96 LLC

Tax Map # 28.12-1-16.111

Applicant is requesting approval to demolish the existing house with its accessory structures to extend the parking lot. The proposed parking lot will have a new access drive lane that will tie into the existing curb cut.

Brad Humberstone of Mitchell Design Build

Mr. Humberstone – We are here to present this project that has been tabled since September 14, 2021. At that meeting there was a lot of discussion and comments. We wanted to regroup and go back to the owner and address those comments formally and put together another package and resubmit. A quick recap of what the project entails. This is an expansion of an existing parking lot at the VanBortel Subaru site. The property is owned by the dealership and the expansion is to the east along Route 96. This is a site which currently has a house and some outbuildings and a driveway and connects to Route 96. The proposal is to demolish the abandoned house as well as all the outbuildings, shed, small barn and concrete pad, remove the driveway. There are about eight trees that are impacted and those will be removed an area will be resurfaced to extend the

parking lot to the east. A couple new additions to help clarify what were some issues previously back in September that I wanted to bring up.

There are two parcels that are going to be combined. This was something that was brought up at the last meeting. In talking with the owner, it seemed to make sense and realized we were going to have some greenspace issues to deal with at that parcel and really thought combining them would clear that up and not muddy the waters on that. The second point I wanted to bring up is we are going to eliminate the eastern egress point which was previously part of the job. This was old driveway and connected to 96 and seemed to be a lot of discussion that was not wanted. Our proposal is to remove that completely, but we do want to keep the curb cut to avoid any right-of-way work and in case in the future something wants to come back in there and we do not want to do any work to the curb cut.

The last additional item was that this was presented at the Zoning Board last week. We requested an area variance for front setback. Currently there is supposed to be an 80-foot setback for parking along the 96 corridor and have a little over 41 feet. The Board did not object to this as the whole premises to a line with the existing parking lot and they preferred that. This was presented last week with relatively no objections. That is all.

Chairman Santoro – We do have a memo from the DOT saying that they do not object to two curb cuts but no third one.

Mr. Humberstone – They want us to eliminate the curb cut that already exists?

Mr. Logan – I think they are saying to do what you are proposing here.

Chairman Santoro – We still do not agree with providing a third access point for this business. We understand that it is a separate parcel, but it is currently proposed to operate as one business. A cross access agreement can be put in place so that, even in the event of the sale of the property, access would still be allowed. As for emergency access, the two existing entrances already allow for emergency vehicle access if one is blocked. If the town and developer still believe this driveway is absolutely necessary, we would allow it if one of the other two existing driveways was removed.

We have additional DOT that came in today. The plan shows grass outside of the proposed parking lot, at that farthest entrance to the east, in its entirety of private property, and no specific work in the State ROW, we accept what they are proposing at the road edge. In other words, if they want to only leave the driveway portion that is in the State ROW alone, and get rid of the rest of the driveway, similar to what has else been done just about 300' to the west, then we are alright with it. No work in the State ROW means no highway work permit is needed. If this separate parcel is ever to be redeveloped as something else, and there is a desire to have an entrance there in the future, then the Town will seek NYSDOT input. Signed Greg Trost, Assistant Resident Engineer.

Mr. Humberstone – Perfect.

Mr. Limbeck – I am all set.

Mr. Harter – Relative to the curb cuts you are proposing to obtain that is the area of edge of pavement to the right-of-way that is currently existing, and the rest thereafter is lawn?

Mr. Humberstone -Yes, you are talking all the way to the east side, correct?

Mr. Harter – DOT has not asked you to remove that so I do not think we could probably could either. Was the variance granted when you appeared before the ZBA?

Mr. Humberstone – It was not, and I think we were out of order on how we presented. I think it had to go to County Board first and then we are representing to the ZBA.

Mr. Harter – Any approval we might issue tonight would be contingent on receiving a variance?

Mr. Humberstone -Yes.

Mr. Harter – A third entrance is out. I appreciate hearing the comment on merging the two lots together because it seems to kind of jump out at me when I look at your project as a necessity. That means you are going to be a Lot Line amendment.

Mr. Humberstone – Administratively, yes.

Mr. Harter – In conjunction with that can you provide a surveyor's certification on the boundary that you have shown here on your drawings. So we have some confidence in the dimensions that are being shown. You have multiple bearings and distances from those variances but there. no surveyor seal or certification to tell us that the property lines from which those dimensions are being taken are actually accurate. The density calculation that you did on the Zoning information, I take it that is a gross calculation where all the parcels are considered combined and then you are talking the impervious area and dividing it into the overall parcel area, is that correct?

Mr. Humberstone – Yes.

Mr. Harter – Individually do the parcels satisfy the requirements for greenspace?

Mr. Humberstone – Individually no. That is why they are being combined.

Mr. Harter – On the final plans would you show whatever the final tally is on a per parcel basis. I guess you do not want to subdivide the remaining lots, right?

Mr. Humberstone – There are going to be three lots here as opposed to four.

Mr. Harter - Also on your site location you show three parcels but there is actually four?

Mr. Humberstone – Yes, two are being combined to one. The site location is a proposed final.

Mr. Harter – The site location is upon completion of the subdivision.

Mr. Humberstone – That is correct. It is a postage stamp lot that did not make a whole lot of sense.

Mr. Harter – I saw it and it is pretty vague. I think that is all and think it is important that when you are playing around with property lines that you have a surveyor sign off on it.

Mr. Logan – That hit all the buttons I had. The trees that you are removing and the landscaping, the combination of the lots themselves and the elimination of the third access from DOT perspective.

Mr. Gallina – I am good as well. It has addressed all the discussion points we had at the last meeting.

Chairman Santoro – Anyone from the public have any comments? Hearing none.

Mr. Harter – Can I ask a question? Wes, are they ok with your stuff?

Mr. Pettee – I have not taken a full detailed look at the updated site plan as of yet but at a quick glance it appears that we will not have any further concern but I think one of the conditions in this draft resolution that the Town Engineer be satisfied with our previous comment letter and in order to do that what we would do is provide a letter to close the loop on all of our comments to help confirm our concerns have been addressed. I do not have a problem if the Planning Board wants to move forward, and Labella can follow up with what remains to be resolved.

Chairman Santoro – We can rework that condition then, number two.

Mr. Pettee – I think I would leave it the way it is. That was the date of our letter September 14, 2021. We will take a look to see if those comments have been addressed prior to presenting these plans for signature.

Chairman Santoro – Anything else you want to add or subtract?

Mr. Pettee – I think we need to take a nice look at the comments Scott Harter shared tonight and make sure those are resolved and having a surveyor certification on the property lines and measurements. That would be fine.

The Board was okay with closing the public hearing.

On motion of Joe Logan, seconded by Joe Limbeck, RESOLVED, that the public hearing was closed.

Adopted Ayes 5, Nays 0.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Scott Harter:

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

1. A site plan application was received on August 10, 2021, by the Secretary of the Planning Board for a Site Plan entitled Van Bortel Parking Lot Expansion.
2. It is the intent of the applicant to demolish the existing house with its accessory structures to extend the parking lot.
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 September 14, 2021, and January 25, 2022, 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 Conservation Board reviewed the project on September 7, 2021, and provided comments.
7. New York State Department of Transportation reviewed the site plan and, in a memo, dated August 17, 2021, and September 15, 2021, and provided comments.
8. The Town of Victor Fire Marshal reviewed the site plan and, in a letter, dated August 24, 2021, and has no comments at this time
9. Zaretsky & Associates reviewed the landscaping plan in a memo dated August 25, 2021, and January 24, 2022, and provided comments.

10. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated August 28, 2021, September 18, 2021, and January 21, 2022, and provided comments.
11. The Town's Stormwater Management Officer reviewed the site plan and, in a letter, dated August 31, 2021, and provided comments.
12. The Town of Farmington Code Enforcement Officer reviewed the site plan in a letter dated September 2, 2021, and provided comments.
13. The Town Historian reviewed the application on September 8, 2021, and had no objection to the demolition of existing house.
14. LaBella Associates reviewed the site plan in a letter dated September 14, 2021, and provided comments.
15. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On September 8, 2021, Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 25, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, VanBortel Subaru Parking Lot Expansion, will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Mitchell Design Build, Site Plan entitled VanBortel Subaru Parking Lot Expansion, drawn by Mitchell Design Build, dated August 2021, received by the Planning Board August 10, 2021, last revised January 14, 2022, Planning Board Application No. 31-SP-2021, 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 September 14, 2021, from LaBella Associates be addressed.
3. That comments from the NYS DOT dated August 17, 2021, and September 15, 2021, be addressed.
4. That comments from Code Enforcement Officer, dated January 21, 2022, be addressed.

- 5. That comments from Stormwater Manager, dated August 31, 2021, be addressed.
- 6. That an approval from the Zoning Board of Appeals for an area variance for front set back requirements be granted.
- 7. That an Administrative Lot Line adjustment be completed to combine Tax Map #28.04-02-65 (6315 NYS Route 96) with Tax Map # 28.04-02-64 (6305 NYS Route 96).
- 8. That a demolition permit be obtained from the Building Department.

Ongoing conditions:

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

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

Mr. Harter – I think we had more item that I mentioned regarding certification by a surveyor as to the property lines. Certification to the property line shown on the drawing by a licensed land surveyor.

Chairman Santoro – With that amendment a motion to approve?

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

SWARTZ POLE BARN

44-SP-2021

7716 Lower Fishers Road

Zoned – Limited Development District

Owner – Kevin Swartz

Tax Map # 6.00-1-60.110

Applicant is requesting approval to construct a 36 x 24 ft pole barn with a 10 ft ceiling also included is an 8 x 24 ft porch.

Kevin Swartz of Lower Fishers Road

Mr. Swartz – We are hoping to construct a pole barn. The area where we hope to do this there was previously a 10 x 12 shed that was there when we purchased the home in 2016. The shed had fallen into a state of disrepair. The base had rotted, and the ceiling was shifting off the foundation. I spent some time this past summer removing that and disposing of it. As I said we bought the home in 2016 and our goal has been to maintain and improve the property as much as we can. We maintain 4.1 acres about 2 of which are mowed and two which are wooded. We have several tractors, blowers, lawn carts to remove debris and maintain the property. We feel that a pole garage would be a safe place to store the equipment to allow us to maintain this property and of course to match the color to the house. I did do the research around distance from the property lines and seemed to be well within the bounds.

Mr. Gallina – I have no questions.

Mr. Logan – No, he provided some images of the barn you intend to put up and I guess the only thing is if any of the neighbors have objected. Have you spoken to any about it?

Mr. Swartz – I have spoken to the neighbors that surround us and have let them know about the intent of the project. They all seem to be okay with it.

Mr. Logan – There seems like there is enough greenery trees that provide good screening. I have no issues.

Mr. Harter – This is the photograph of what you would like to do?

Mr. Swartz – Correct, the only difference would be that it is not the color, but it is what it will look like in terms of dimension.

Mr. Harter – There are two garage doors. IS there a driveway proposed to access it?

Mr. Swartz – No, there would not be a driveway. It would be to make sure I can get tractors in and out, but I would not pave that. It would just be grass surrounding it.

Mr. Limbeck – No, it looks very nice. I see you have gutters and downspouts to help drain off. Electricity but no running water in the barn?

Mr. Swartz – Yes, electric but no water.

Mr. Pettee – I do not have any comments.

Chairman Santoro – Any comments from the public? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Scott Harter:

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

1. A site plan application was received on December 4, 2021, by the Secretary of the Planning Board for a Site Plan entitled Swartz Pole Barn submitted by Kevin Swartz, for the property located at 7716 Lower Fishers Road, Victor, NY.
2. It is the intent of the applicant to construct a 36' x 24' pole barn with a 10' ceiling which also includes an 8' x 24' porch.
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 January 25, 2022, 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 Conservation Board reviewed the project on January 4, 2022, and had no concerns with what was presented.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated December 8, 2021, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 25, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Swartz Pole Barn, 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 Kevin Swartz, Site Plan entitled Swartz Pole Barn, received by the Planning Board December 4, 2021, Planning Board Application No. 44 -SP-2021, 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.

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

212 WHISTLE STOP ROAD HOUSE DEMO

48-SP-2021

212 Whistle Stop Road

Zoned – LDD

Owner – Melkon Babigian

Tax Map # 5.01-1-26.000

Applicant is requesting approval to demolish existing structure leaving the foundation intact.

Melkon Babigian of Whistle Stop Road

Mr. Babigian – We embarked on this journey back in June when we bought the property under foreclosure. It took five months to get the folks who were foreclosed on out, so we are a little behind from a point of view of being able to get plans and being able to show you what we want to do with the property. The existing house was in a condition where we originally felt that we would be able to try to utilize a significant portion of the existing house but in the time that we took and filed for this meeting we have found and decided that even keeping the foundation would be difficult for us and that would be some thing that would change in terms of how the

Board has it listed in front of them. We would essentially like to build a house on this property that my family can grow in and our family and kids. It is really a property for us to be able to take and have our home and grow and live. We are excited about it since it is in Victor and Ontario County. The project is one which we are going to take a hopefully build something that we like as opposed to what is there. Anything that we need to do for the town in providing information of what is in the house prior to taking it down. We are going to harvest as much as the house as we can which is the intention in order to try to use the timber that is there from 1985 and cannot get anymore.

The amount of damage and the situation in the house is a problem. That is where we reached our decision when we were finally able to gain access to the property. We will be back to see you a few times showing you plans and all the things we want to do and hopefully get that approved.

Chairman Santoro – We do have a memo from Babette Huber, Town Historian, and she says she has no problem with the demo.

Mr. Gallina – No questions.

Mr. Logan – No questions and it looks like you are going to clean up the site and get a beautiful property with it.

Mr. Babigian – Everyone we met has seemed to be familiar with that address, so it has been interesting.

Mr. Harter – The only question I have is a clarification. You are here tonight for the demo indicating that you are going to be keeping the foundation intact. You then mentioned you might change the footprint of the building based on what you found at this point. Will you be coming back to the town for some limited site plan approval on the new house?

Mr. Babigian – Not only site plan approval but we will have a full set of plans and show you what we want to do and because it is a LDD we want to be in a position where we can show you what we want to do. Yes the footprint of the house would change based on the fact that we have been in there and now that we have been getting into everything in the house there is nothing we want to keep. Meeting with the architect and the engineers, their suggestions were that if we were to take and keep the foundation we would be in a situation where we would probably be spending more money-making compromises associated with how that foundation is constructed. We do not know what we are going to find on the outside of that foundation once we get into it. The comments that came back from the engineers were that we probably want to get rid of it.

Mr. Harter – Yes, I am familiar with that scenario. I wanted to make sure that what we are granting you tonight potentially is just what you asked for in terms of the demo but keeping the foundation. Can we amend it or requires another application?

Chairman Santoro – It is in the findings of fact, and I can read that.

Mr. Harter – We are going to address a new foundation. Leaving the foundation intact for future home but I think you are saying you do not want to leave the foundation intact.

Mr. Babigian – We do not. I don't believe it was on the actual permit application.

Ms. Kinsella – You can amend it as part of the resolution. Unless you have an issue with him removing the foundation.

Mr. Harter – I do not have an issue with him removing the foundation. I know how it was advertised, presented, and wanted to make sure we were clear on that.

Mr. Babigian – I appreciate that and will make a point that everything in the future is laid out properly and we are not asking for anything above and beyond what you have presented in front of you. We are probably going to be here a couple more times.

Mr. Limbeck – I commend you for taking this on. This has been an issue for the neighbors and the town for quite a while. It is a big project to demolish and start fresh. I commend you for doing that.

Mr. Babigian – Appreciate it. We built a property on Cayuga Lake. We had torn it down and built a structure there that came out really nice. Lot of glass and steel but very basic shape. Hoping to do something similar here and excited to come back and show you those plans once we have been able to take everything away.

Chairman Santoro – Anyone from the public have any comments?

Faith Adams at Whistle Stop Road

Ms. Adams – Right now there is big metal gate when you come down the street and is in front of 212. I was wondering if he was planning on keeping that gate there?

Ms. Babigian – No, the gate was put in place to make sure that no one was gaining access to the property. We had a significant issue with the family and other people who felt they could go there and do whatever they wanted to do. It is going to be a construction situation so from a safety point of view we do not want anyone to wander onto the property or think they can go on there while under construction. We have removed eight 30-yard dumpsters of garbage and all kinds of stuff already. That has nothing to do with the structure.

Ms. Adams -My second question is does he plan to demolish the barn that is on the property as well?

Mr. Babigian – No, this has nothing to do with the barn. We really like the barn.

Chairman Santoro – Any comments from the public? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0.

DECISION:

On motion of Joe Logan, seconded by Al Gallina:

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

1. A Site Plan application was received on December 23, 2021, by the Secretary of the Planning Board entitled 212 Whistle Stop Road House Demolition.
2. It is the intent of the applicant to demolish existing house at 212 Whistle Stop Road.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 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 25, 2022, at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Town Historian reviewed the application on January 21, 2022, and had no objection to the demolition of existing house.
7. The Code Enforcement Officer reviewed the application and on January 11, 2022, forwarded comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 25, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, 212 Whistle Stop Road House Demolition 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 Melkon Babigian, Site Plan entitled 212 Whistle Stop Road House Demolition, received by the Planning Board December 23, 2021, Planning Board Application No. 48-SP-2021, 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 demolition permit be obtained from the Building Department.

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

GUINAN POLE BARN

6485 County Road 41
Owner – Jeffrey Guinan
Tax Map # 40.00-23.310

46-SP-2021
Zoned – Residential 2

Applicant is requesting approval to construct a 30’ x 48’ x 16’ pole barn for personal storage.

Chairman Santoro – I am recusing myself on this one.

Jeffrey Guinan of County Road 41

Mr. Guinan – The homestead sold to the east of me and with that went the barns and the storage that we all enjoyed. I am still a part owner of 62 acres of corn between myself and the

homestead. I have the typical side by side lawnmower that are out in the snow and need storage. I believe we gave you a color chart so the siding and the trim will be on there. The building estimate an all the materials that will be used. It is 15 feet from the corn lot and is grass right now. It will reduce the mow time in the summer. I have installed a culvert pipe and French drain to take the water out to the road. When the snow clears, we will over that with gravel and crusher run and taker the sod out where the barn goes and hopefully get on the calendar for the builders. It will bring it to 30 feet to the back of the house and electricity is planned down the road. The cost of building materials and building a barn I do not have any plans right away to get electricity out there.

Mr. Limbeck – It looks pretty straight forward. I am looking at your quote from the builders and there is a note at the bottom for the owner to check for underground wires before drilling. Be careful with that and you will need to make that call to 811 and when they do the stake out it is only good from 10 days. Make sure you coordinate with him. Other then that it looks like a decent project.

Mr. Harter – From this drawing that was presented are the contours accurate to the extent that this is at a high point and the drainage falls off to the southwest and a little bit to the north. There is no problem for drainage or anything like that?

Mr. Guinan – No sir.

Mr. Harter – You are intending to put it 15 feet off the easterly property line, and you are in compliance with the side setback requirements?

Mr. Guinan – Yes.

Mr. Logan – What is the rear side setback?

Mr. Harter – It is 15 feet.

Mr. Gallina – I am all set.

Mr. Logan – Open to the public for comment. Anyone have any comments?

Mr. Logan – I have no problems with this application.

Mr. Pettee – Maybe I did not catch the full discussion of how you introduced the project. Is there a French drain heading out towards the road? Is that something that is proposed as part of this project?

Mr. Guinan – It has already been installed by Brandon Bodine Landscaping. The original construction was a swale along the back of the house directly out to the road to a culvert pipe that goes under County Road 41. It had a few high spots in it where the water would pool to the

east of the garage so he took care of those and put in a French drain all the way out and put a culvert pipe so my driveway can extend past the house and get to the barn in the future. It will be gravel and stone.

Mr. Pettee -Thank you.

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

Adopted Ayes 4, Nays 0, 1 Recuse

DECISION:

On motion of Al Gallina, seconded by Scott Harter:

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

1. A site plan application was received on December 17, 2021, by the Secretary of the Planning Board for a Site Plan entitled Guinan Pole Barn submitted by Jeffrey Guinan, for the property located at 6485 County Road 41, Victor, NY.
2. It is the intent of the applicant to construct a 30' x 48' x 16' pole barn for personal storage.
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 January 25, 2022, 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 Conservation Board reviewed the project on January 4, 2022, and had no concerns with what was presented.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated January 7, 202172, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 25, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Guinan Pole Barn, 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 Jeffrey Guinan, Site Plan entitled Guinan Pole Barn, received by the Planning Board December 17, 2021, Planning Board Application No. 46-SP-2021, 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.

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	Recuse
Joe Logan	Aye
Al Gallina	Aye
Scott Harter	Aye
Joe Limbeck	Aye

Approved 4 Ayes, 0 Opposed, 1 Recuse

T-MOBILE/TRANSCEND WIRELESS at COBBLESTONE 47-SP-2021, 13-SU-2021
 140 Cobblestone Court Zoned – Commercial
 Owner – Cobblestone Court LP
 Tax Map # 1.02-1-8.000/PLZA
 Applicant is requesting approval of an existing wireless station, which includes replacement of panel antennas, removal and installation of coax cables and 1 battery cabinet and site support cabinet.to replace (3) antennas at existing wireless communication facility.

Matt Kerwin of Barclay-Dameon Law Firm

Mr. Kerwin – On behalf of T-Mobile/Transcend Wireless proposing this modification request. It is an existing facility. T-Mobile currently has 6 antennas there, four are on the western side of the building and two on the northern side of the building. Right now, they are flush with the parapet wall on both sides. What we are proposing is to replace the six antennas that are there with six new ones. Three of them would be slightly bigger than the ones that are there and three would be slightly smaller than the ones that are there. We are also proposing a five-foot increase in the antennas centerline height which would cause the antennas to pop up over the wall on the western side. I should point out that this depiction here is not accurate, if you drive by the site the existing antennas are sticking out above that wall but not entirely, about 2 feet over the top. The top of the structure is much taller than the top of the antennas, we would not be increasing the height of the base station at all. This is an eligible request under Section 64. We are also proposing to add six radios which will be located behind the big antennas. You would not be able to see those unless you were standing on the side, and they fit right behind the tall antennae. They are there to help promote the efficiency and the performance of the antennas. We are also proposing two additional cabinets on the base on the roof. We are going to relocate one of the existing cabinets to the outside.

We are also removing three coax cables and adding three HCS cables to help the performance of these antennas. Aside from that everything else is remaining the same. I should point out that all the antennas and related equipment will be visible will be painted to match just like the existing that are there.

Chairman Santoro – Nay questions from the Board?

Mr. Limbeck – I see you are adding two battery cabinets. Are there existing battery cabinets there now?

Mr. Kerwin – I do not know the answer to that. If there are, they will be replaced by these.

Mr. Limbeck – DO you know if they are lithium-ion batteries?

Mr. Kerwin – I do not know what type of batteries they use.

Mr. Limbeck – the reason I ask is there is a specific firefighting requirement for lithium-ion batteries and depending on the quantity that you have it may involve reporting to the Ontario County Emergency Planning Commission and the Fishers Fire Department. Understanding what type and how many is important for the firefighters.

Mr. Harter – Just so I am clear we are looking at a roof plan of a building located on the property?

Mr. Kerwin – Yes, this is an aerial view of the roof.

Mr. Harter – You do not have an aerial showing the building itself showing where it is on the site?

Mr. Kerwin – This is Turk Hill and Route 96 and right on the corner there.

Ms. Boughton – It is where Umi’s and Moes are.

Mr. Harter – There is already existing equipment, and you are upgrading and based on what I see on the roof plan that is a pretty busy roof in terms of communication things.

Mr. Kerwin – Our communication equipment is located right there and some cabling going here and here. I can not speak to what these rectangle and squares are here. I do not know where the other carrier’s equipment is located on the roof.

Mr. Harter – I understand where you are now and that helps me out. I noticed the existing antennas are by Moes?

Mr. Kerwin – There are two or three right there.

Mr. Logan – No questions.

Mr. Gallina – No questions.

Mr. Pettee – I did have a comment was about the protruding of the antennae above the parapet wall and he has addressed that comment. There is a couple more minor detail comments that we had in our letter that we sent out today. The package that was submitted is comprehensive and included documentation about the structural ability of the building to accommodate the loads and as well as the brackets and mounting surfaces for the antennae. We are all set.

Chairman Santoro – Anyone from public? Hearing none.

On motion of Joe Logan, seconded by Joe Limbeck, RESOLVED, that the public hearing was closed.

Adopted Ayes 5, Nays 0

DECISION:

On motion of Joe Logan, seconded by Joe Limbeck:

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

1. A Site Plan and a Special Use application were received on December 21, 2021, by the Secretary of the Planning Board entitled Transcend/T-Mobile at Cobblestone – 140 Cobblestone Court.
2. Applicant is requesting approval to replace (6) panel antennas with (6) new panel antennas, support equipment within the existing rooftop platform will be upgraded and existing cables will be replaced.
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.
4. The Planning Board held a public hearing on January 25, 2022, at which time the public was invited to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 617.5 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
7. The proposed use conforms to all applicable regulations in the district which it is located.
8. The Town of Victor Code Officer reviewed the application on January 4, 2022, and provided comments.
9. LaBella Associates reviewed the application on January 25, 2022, and provided comments.

NOW, THEREFORE BE IT RESOLVED, that the application of T-Mobile Northeast LLC by Transcend Wireless, 103 Monarch Drive, Liverpool, New York, Site Plan entitled Transcend/T-Mobile located at Cobblestone, drawn by CCG, received by the Planning Board Secretary December 21, 2021, Planning Board Site Plan Application No. 47-SP-2021 and Special Use Application No. 13-SU-2021 BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman’s signature on the site plan:

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

- 2. That comments from LaBella Associates, dated January 25, 2022, be addressed.
- 3. That a building permit be obtained prior to the proposed construction begins.
- 4. That the color match the banding color pattern behind the panels.

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

DELTA SONIC CAR WASH

40-SP-2021, 10-SU-2021
Zoned – Commercial/Light Industrial

7463 State Route 96
Owner – Dilip Patel
Tax Map # 6.00-1-64.100

Applicant is requesting approval to demolish the existing buildings and to construct a 13,914-sf interior detail building located along NYS Route 96, a 10,257-sf exterior building car wash with 3,185 sf prep hut, located behind existing Taco Bell, a 13,164-sf indoor vacuum building and outdoor vacuum area located behind Wendy's, along with new lighting, landscaping, pavement and drainage.

Chairman Santoro – Has been removed until February 22, 2022, meeting.

Motion was made by Scott Harter, seconded by Joe Logan RESOLVED the meeting was adjourned at 8:00 PM

Lisa Boughton, Secretary

