

A public meeting of the Town of Victor Planning Board was held on February 14, 2023, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: David Nankin, David Wright, Fred Rainaldi, James Cretekos, Garland Watkins, Greg Buchanan, Todd Markevicz, Ken and Delores Fanton, Doug Eldred, Annabelle Kiss, Maura Steed, George Baker, Councilman Dave Condon, Wes Pettee, Town Engineer; Kim Kinsella, Project Coordinator; Suzy Mandrino, Manager of Technology Support; Lisa Boughton, Secretary.

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

APPROVAL OF MINUTES:

On motion of Al Gallina, seconded by Ernie Santoro:

RESOLVED, that the minutes of the meeting held on December 13, 2022, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Abstention

CORRESPONDENCE:

Delores Fanton re: 1086 Strong Road Subdivision

BOARDS AND COMMITTEE UPDATES:

Town Board representative Dave Condon was present.

PLANNING BOARD reported by Kim Kinsella

Tuesday February 28, 2023

PUBLIC HEARINGS

- Engebrecht Garage, located at 7980 Main Street Fishers, applicant is requesting approval construct a 1,926 square foot detached 3-car garage with a second floor living space.
- Ross Dress for Less, 20 Cobblestone Court Drive, Applicant is requesting approval to redevise 23,027 square feet of retail space at Cobblestone Court (formerly Dicks Sporting Goods). An existing entry façade will be removed

and filled in with a proposed new entrance, new entry façade and a new opening for a grade level loading dock.

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.

HIGH POINT BUSINESS PARK BLDG 300 BALCONY

211 High Point Drive

Owner – High Point 300, LLC

Tax Map # 1.07-1-1.110

Applicant is requesting approval to construct a 925 +/- square foot building addition on the eastern side of the existing 3-story structure to create a terrace area.

02-SP-2023

Zoned – PDD

James Cretkos of BME Associates with Fred Rainaldi

Mr. Cretkos -We are in front of you tonight for a terrace addition to High Point Building 300 that we just recently constructed about 2 years ago and doing some of the interior build out spaces. We did receive comments from several of the town staff which we have provided written responses to. The only two items that we wanted to note on there was a question about why we could not locate this further south of the building to avoid the conflict with the setback and variance from what we obtained from the ZBA. It has to do with the tenant in the first-floor elevation of the building. Where that terrace is it is effectively the southern limits of their space, so we do not have the ability to ship that further south without maybe recreating a linear walkway. You have it with their adjacent windows this is the most appropriate spot.

The other thing I will provide clarification on is the landscaping. There was some commentary from the Landscape Consultant as well as Labella and that had to do with the difference between the renderings we provided. What we did when we put this together was a site plan modification, we really just put the building footprint and deleted one tree that is in conflict with that space. You have a Letter of Credit still in the amount for the landscaping out here. What we are looking to do is there are about 20 trees that we had previously proposed in this corridor, and we are leaving to the applicant to decide the mix of deciduous evergreen to help create the screening. I think they have more of an intent to get some evergreens around the actual façade of the terrace as shown in the rendering. There is only about 8 trees shown in here and there would be some continuation thru the corridor there as per the original approvals. I wanted to note in the on going conditions of the resolution you have prepared it does indicate 17 Autumn Blaze and that was the number reduce from 18 from the conflict.

As noted, we did get our variance from the ZBA last Monday and are here to answer any questions. The only thing that changed from when Linc was the terrace was previously brick and the applicant would like to go with more of a big block stone and help blend it in with the exposed concrete of the first level and create a very natural look up there.

Chairman Logan – We will start with Ernie and the Board.

Mr. Santoro - Is this at the request of the tenant?

Mr. Rainaldi – Good evening, what happened with building 300 which is a full story larger than the prior two buildings. 150,000 square feet. First American is in floor two, floor three and floor four. The first floor has two, potentially three, tenants that occupy it now. When you walk in the entry, which I would beg for you guys to do, it is quite beautiful. You will see that the prime entry where this tenant will occupy podcasts to the left creating an incredibly efficient plan. We have a 3% load or loss factor in that building. The comparison would be Woodcliff has about 14% so that space they can not use for their business function that they pay rent on. To enjoy that efficiency we spend a lot of time we try to make the most efficient use of space and now there is even greater pressure not only making the space future proof but arming it with every tool that will cause the highest level of quality of life for the people who will be working within the space. The boundary of this space and the demand of the tenant for certain amenities to allow for them to be successful that drove the need for the terrace.

Each building and building space offers unique amenity or outdoor amenity. It was our wish early on the First American might occupy the entirety of the building. The world has changed a little bit in the last few years and this allows for us to strengthen building by way of its co-tenancy and offer them the same type of amenities that other employees are enjoying.

Mr. Santoro – The picture shows a couple of fire pits there.

Mr. Rainaldi – That was artistic liberty. If heard terms around people are going out of their way to design these elements, all that means is you take a little bit of the outside and bring it inside and make it easy to do both. Go in and out. It is so beautiful there and looks at the conservation easement across High Point Drive and quite spectacular. This is an opportunity for easy access to enjoy the outside and a very cool company that is moving a significant portion of their entity up from Pennsylvania. It has a very low medium age. It has a lot of very young professionals in there and is a common amenity to service their quality of life in their space.

Mr. Santoro – You would have to have the Fire Department to look at it.

Mr. Rainaldi – We would, and this is something affords a really awesome movement. I will bring the renderings to Kim, and you can see how the space broadcasts out.

Mr. Harter – I have no questions.

Mr. Gallina – I am all set.

Mr. Limbeck – I am good. I am curious if Wes is happy with their responses.

Mr. Pettee – Labella did issue a letter dated February 8, 2023, and did provide a response letter and we are satisfied with the responses and we will issue a letter to close the loop on our review.

Chairman Logan – One quick question. This is earth filled? No basement or anything else below it?

Mr. Rainaldi – There is no basement. What is on the other side of the wall is functional garage space. These blocks will have more ornate texture. The one comment is we will use the conservation board species guide and rhythm the plantings that they work with this and not juts arbitrarily installed. Iti is highly visible part of the parcel and that stretch of office campus and it is really important that this bookends everything well. There will be the stone block and more fun to be up close too but there will be no basement space created.

Chairman Logan – This is a public hearing if anyone is interested in addressing the Board or applicant. Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0

Chairman Logan read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Joe Limbeck:

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

1. A Site Plan application was received by the Town of Victor on January 10, 2023, from Rainbros Associates, LLC (the “Applicant”), for a project to construct a 925 +/- square foot building addition on the eastern side of the existing 3-story structure to create a terrace area (the “Project”).
2. 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 Site were notified by

U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.

3. The Planning Board held a public hearing on February 14, 2023, at which time the public was permitted to speak on the Application.
4. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
5. LaBella Associates reviewed the site plan in a letter dated February 8, 2023, and provided comments.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated January 30, 2023, and provided comments.
7. Zaretsky & Associates reviewed the landscaping plan on January 19, 2023, and referred to the comments provided in the December 16, 2019, comment letter.
8. The Conservation Board reviewed the site plan on February 7, 2023, and stated that they support the project.
9. The Zoning Board of Appeals granted an area variance on February 6, 2023, to allow a 12’ front setback on Lot 4 High Point Business Park for construction of a terrace where §211-24.4.(A) states 30’ is required.

NOW THEREFORE BE IT RESOLVED that the Application of Rainbros Associates, LLC, 205 St. Paul Street, Suite 200, Rochester, New York, Site Plan entitled High Point Business Park Building 300 Balcony Addition, drawn by BME Associates, dated January 3, 2023, received by the Planning Board January 10, 2023, Planning Board Application No. 02-SP-2023, and BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.
3. That the comments in a letter dated February 8, 2023, from LaBella Associates be addressed.
4. That the comments in a letter dated January 19, 2023, from Zaretsky & Associates be addressed.

- 5. That the comments in a letter dated January 30, 2023, 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 the landscaping elements consisting of twenty (20), on the Landscaping Plan intended to screen the building and buffer the dumpster enclosure from the existing roadway, be perpetually maintained as an effective screen between the balcony addition and High Point Drive, 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.
- 3. The building design shall be consistent with the architectural details as shown on the elevations, entitled Morgan High Point Office Park Building 300, as prepared by Hanlon Architects, and received by the Planning Department on January 10, 2023.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the appropriate standard conditions with 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

VALVOLINE

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

26-SP-2022
 Zoned – Commercial

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

Todd Markevicz with APD Engineering, Skye Hanson, and Garland Watkins with Valvoline

Mr. Markevich – We are here for the continued discussion of the proposed Valvoline. We request that the Board entertain a site plan approval this evening. At the last Planning Board meeting much of the discussion was regarding the building orientation, specifically, the Board's request to rotate the building 90 degrees for some potential concerns they had including light spillage from inside the building as well as car headlights as well as the interior cleanliness of the facility and the potential for the doors to be open and look not as clean as other properties. To that effect we had prepared a response letter dated January 18 submitted to the Board and basically explained our reasons why our client still wishes to maintain the original position of the building as shown on the site plan here. We feel the documentation provided in the letter is adequately addressed those individual concerns and certainly willing to talk about any of those tonight.

In addition, Valvoline is also proposed to swap out the two lower glass panels of the front side garage bay doors. Instead of a clear glass they are willing to look at other options there. Something such as a frosted glass. Final details to be coordinated with the architect for the building as well as with town staff. Otherwise, no major changes since the last time we were here. We have worked with the Town Engineer with respect to irrigation and those comments have been satisfied. We had a couple adjustments to the sanitary connections and ADA stripping and things of that nature and have been signed off. At this point in time we are here and requesting final site plan approval of the layout shown in front of you.

Chairman Logan – We will open it back up to the Board with the information provided to date.

Mr. Harter – I have a couple of questions. I went thru the building elevations and I took a look at the site plan and I think you do have the right orientation of the building. I think it fits the site best as you have it laid out however I think the concern we expressed last time was largely the appearance of the bay doors and indicated you are willing to consider frosted glass and think that is positive. I am looking at your landscaping rendering and wondering if there could not be some more landscaping added to also assist in that regard. I think the concern is the appearance of the building in respect to those bays and don't think it is considered all that attractive. Perhaps some additional landscaping you can put in there that is not deciduous, as I think I am looking at, because those leaves fall and is just a vacant tree. I think that might be something worth considering. Those are my comments.

Mr. Gallina – I pretty much echo Scott's comments and do not need to be redundant.

Mr. Limbeck – I agree. The comments and the latest letter outlining the reasons for maintaining the orientation makes sense. I support that as well.

Mr. Santoro – No questions. I was not here for the other discussions. I read the minutes but no comments at this time.

Chairman Logan – I was the more vocal of the group in terms of the building orientation but had expected to see a site plan at least showing why you could not or not suitable. I guess I am

disappointed with that but at the same time I can not have a strong argument in moving it in the other direction. The Board seems to be accepting of it and do appreciate being able to mitigate the light spillage from inside the building with some frosted panels. On the interior examples of the prototype layout pictures you have glass all the way to the floor on the doors. Which would then be frosted versus not frosted, how far up?

Mr. Markevicz – Basically we would be proposing that the two lower panels would be frosted and the total height there would be four feet which would be even with the sill. Our thought on that elevation that it would be at four feet and would be providing screening for the head lights at that point but at the same time we are also providing potential visibility for emergencies to happen if someone needs to look inside the building or out. It also gets some natural sunlight inside the building.

Chairman Logan – That is my biggest concern other than Scott's comments about landscaping.

Mr. Harter – What is your feeling on enhancing the landscaping beyond what you are showing on here.

Mr. Markevicz – This is slightly different than the one you have in front of you. It is pretty heavily landscaped in general. I believe we are showing three existing conifers, 11 proposed, 15 existing deciduous, 12 proposed so we are talking about a total of 41 trees within the proximity. The other thing I would like to point out is that the main intersection itself we have within the right-of-way there is quite a few deciduous trees there as well. We understand the need for screening and beautification but at the same time I hope you can appreciate the need for the advertising. It is going to be pretty well screened all ready. This exhibit that you see here is the old rendering which was slightly off from what was proposed to the landscaping. The lower one is a more representative of what the landscaping would be, and you can see it has quite a few deciduous and some evergreens in this area. I would also point out that looking down that corridor and look at Wendy's or down that direction there is not much screening at all in front of those buildings and while I certainly appreciate that is a different style of building then what we are talking about here with the service bays but I would ask the Board to reconsider and understand that we are doing quite a bit for the landscaping here and there is already a lot of landscaping on this property in comparison to the surrounding ones. We need some visibility. We don't have a curb cut right there and have one further south on 96 so we need people to see the building to know it is there and to access it.

Mr. Harter – Could you put in low growing shrubs, more of them, I understand that you want your building to be seen and your signs are up high but not so much putting in all coniferous trees but something maybe lower growing. When I look at that photograph, as I mentioned before, it is a great photo for viewing of the year maybe July as well. We have ten other months that during which I don't think it will look like that exactly. Like right about now when the leaves are all off. I think of you get more plantings in there that are not losing their leaves you would be able to buffer and still believe people can find you.

Mr. Markevich – If I can respond to that as well. The grading on the site that such that the road of 96 actually sits higher than our property. Having some of those lower plantings adjacent to the parking lot I don't think they are going to add much to the screening element. If you can envision the road up high and the parking lot down low and you have some shrubbery I think your eye sight would be over it anyways. I can talk with our client but I am not so sure that it is going to be advantageous here.

Chairman Logan – Wes brought up a street view.

Mr. Markevich – I can take a look at the grading plan too and get some actual grades.

Mr. Pettee – This illustrates Mr. Harter's comment about the leaves off in the winter time or fall. You do have a couple conifers here.

Mr. Harter – That is representative of what you would see today. I think that is the area that we would like to see some additional vegetation. Quite honestly, I think that is a reasonable request if we are not going to insist on a rotated building.

Chairman Logan – Could you point out what are the new plantings and what is existing. Help us understand how it is going to be filled in more.

Mr. Markevich – Sure.

Ms. Boughton – We have that image on a slide and there is pointer. There is the landscaping plan.

Mr. Markevich – Do you have this exhibit?

Ms. Boughton – That is the one Skye had sent.

Mr. Markevich – We have the intersection here and the town intro here with the existing deciduous trees. What is not colored in should be the existing trees in the circles that are not colored in. Along the street. We are looking at add plantings here. We are not ignoring this but we have three that are in the right-of-way. One, two, three, four and we are coming in and adding one, two, three, four, five in this general vicinity. In this span we are going to have approximately ten different plantings.

Chairman Logan – What are you adding in the back of the building if anything? Is all the green coloring new?

Mr. Markevich – Correct.

Chairman Logan – Could you relocate a few of those upfront?

Mr. Markevicz – I think if we are talking about lower shrubs that is easier. We need to have some type of visibility. Obviously, it is a commercial property and all about location and visibility and to be fair to our client we need to make sure that is something we can provide here. I would say if you go down the street to the south you will find it is pretty barren landscaped toward the Taco Bell and Wendy's.

Chairman Logan – I think the idea was to screen the garage doors honestly. It does not have to be the full width of the building but if you have a window to the corner pylon here from 96 and another window from cars approaching 96 on Main Street Fishers you have some viability of the two signs you have on the building. If you were to do dome screening more in front of the garage doors to fill in.

Mr. Markevicz – If I could make a request and the Board could consider site plan approval contingent upon maybe us working with the Town Engineer or Landscape Architect to come up with a way to adequately address the concern and ask that maybe we look for some lower lying plantings or perhaps strategically placed.

Chairman Logan – I think the strategically placed is the key. Honestly it is what I think also. If we can have it strategically placed and maybe have our Town Engineer work with you to perhaps move some of the plantings up front. We are not asking you to put more in put if we can put them where they are more appropriate or valuable to the look of the town corridor. Everything else along there is why you look at the different building's architectural renderings. Wnedy's is all brick and we have made some modifications on some of the other facilities. All that we were pretty careful to wish for since it is an architectural overlay district, we push for a pleasing an entry to the town as we can get. That was one of the motivations for turning the building. If we are not going to do that then putting landscaping in front of the bays here. I do not have a problem leaving the corridor open to the corner of the building. You certainly wean to have some visibility and we appreciate that. I can see putting a condition in the resolution for having a final say of the landscaping layout.

Mr. Harter – Who would have final say? Would it be thru our engineering representative and landscaping consultant?

Chairman Logan – I would say the landscape consultant.

Mr. Pettee – Labella would be happy to defer to the landscape consultant on that. It is their expertise.

Mr. Harter – Making sure that the landscape consultant is aware of the conversation we are having tonight.

Chairman Logan – We still have an open public hearing if anyone in the audience has comments. Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0

Chairman Logan – The signage on the building. Is it on two sides still? There was a comment about still signage on the back of the building where it is not needed.

Mr. Markevicz – What you see in front of you is the current architectural elevation. We have it on the front and side. These were all reduced. Are you referring to the third sign in the rear? I believe, Skye correct me if I am wrong, is the new updated elevation exclude that sign?

Ms. Boughton – The one Skye sent me had the rear sign on it.

Mr. Markevicz – Would that be part of the Planning Board approval or is that something we would go for a sign permit and they would have final authority?

Chairman Logan – We have to approve the signage on the building. As it is now it is not consistent with our policy of signage for that building and location. You would have to get a variance from us for that particular sign or remove one of the other ones or just remove it and make a note to that in the engineers final sign off and the set of plans would have to show that being removed.

Mr. Markevicz – Could we proceed tonight with resolution that would approve with two signs and perhaps come back to the town if wanted too.

Chairman Logan – If that is something you want. Right now we are approving it for two signs, one the side facing Main Street Fishers and one facing Route 96.

Mr. Markevicz – If we so chose we can come back in front of the Board. That would be sufficient.

Chairman Logan - Do you know what number that is?

Ms. Boughton - #6.

Chairman Logan – Does anyone have a problem with the numbers over the bay doors?

Mr. Limbeck – How big?

Mr. Harter – Are the illuminated?

Mr. Markevicz – I am not seeing the size on here.

Mr. Limbeck – Ball Park around a foot?

Chairman Logan – I think he was saying 10 inches. Those three signs would be showing the bay numbers. The red and blue, does that say Valvoline?

Mr. Markevicz – No it is just a V on it.

Mr. Pettee – I am putting up a rendering here and this may have been part of their initial submission. I do not believe this is a current rendering, but I brought it up because it shows the numbers above the bay doors and is that what you are looking for approval on? I thought you had talked at a previous meeting where you had forgone the Valvoline logo and just had the numbers?

Mr. Markevicz – Yes, that is fine.

Mr. Harter – We are just going with the numbers. Okay.

Chairman Logan read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Al Gallina, as AMENDED:

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

1. A Site Plan application was received by the Town of Victor on September 8, 2022, from APD Engineering & Architecture, PLLC (the “Applicant”), for a project to demolish the existing buildings (formerly Denny’s Restaurant) on the corner of County Route 96 and Main Street Fishers, and to build a 2,080 sf Valvoline Instant Oil Change. Site improvements would include new pavement, parking, lighting, landscaping with irrigation, reduction of impervious area, and utility relocation/ replacement (the “Project”).
2. 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 Site were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
3. The Planning Board held a public hearing on October 12, 2022, December 13, 2022, and February 14, 2023, at which time the public was permitted to speak on the Application.

4. 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.
5. LaBella Associates reviewed the site plan in a letter dated November 18, 2022, and December 21, 2022, and provided comments.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated October 3, 2022, and December 7, 2022, and provided initial comments. Comments have been addressed.
7. The Town of Victor Stormwater Manager reviewed the site plan in a letter dated September 26, 2022, and December 12, 2022, and provided comments.
8. Zaretsky & Associates reviewed the landscaping plan on September 19, 2022, December 14, 2022, and January 20, 2023, and provided comments.
9. Architect Consultant reviewed the site plan in a letter dated October 12, 2022, and December 9, 2022, and provided initial comments. Comments have been addressed.
10. Town of Farmington Water & Sewer reviewed the site plan in a letter dated January 13, 2023, and provided comments.
11. Town of Farmington Construction Inspector reviewed the site plan in a letter dated October 5, 2022, and January 5, 2023, and provided comments. Comments were addressed in letter dated January 23, 2023.
12. There was a Coordinated Fire Service Site Plan Review on October 13, 2022, and December 23, 2022, provided comments. Comments have been addressed.
13. The Conservation Board reviewed the site plan on September 20, 2022, October 4, 2022, and stated that the native plant manual to be used for choosing species for the project.
14. The New York State Department of Transportation reviewed the site plan in a letter dated October 27, 2022, and had no comments.
15. The Ontario County DPW reviewed the site plan in a letter dated October 28, 2022, and had no comments.
16. The application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On October 17, 2022, Ontario County Planning Board identified the Project as a Class 1 and to return to local board with comments.

17. Pursuant to Section 27-8 of the Town Code, a one-time charge for new connections to the Consolidated District sewer collection system, shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Town Code Chapter 211-27.1 F(2)(d), allows for the reasonable reduction of parking spaces required in the overlay district and shall be permitted by the Town of Victor Planning Board; and,

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on February 14, 2023, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Valvoline Instant Oil Change 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 APD Engineering & Architecture, PLLC, 615 Fishers Run, Victor, New York, Site Plan entitled Valvoline Instant Oil Change, drawn by APD Engineering & Architecture, dated September 6, 2022, received by the Planning Board September 8, 2022, last revised January 6, 2023, Planning Board Application No. 26-SP-2022, and 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 a copy of the executed access easement agreement between 7503 County Road 42 property and Delta Sonic along the proposed internal road network for access out to NYS Route 96 be provided to the Town of Victor Planning and Building Department for their file.
3. That the comments in a letter dated December 21, 2022, from LaBella Associates be addressed.
4. That the comments in a letter dated December 12, 2022, from Stormwater Manager be addressed.
5. That any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.
6. That a sign permit be obtained for the two (2) buildings signs, one facing Route 96 and second facing Main Street, Fishers.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town.

Chairman Logan – Are there any dedicated improvements on this Wes?

Mr. Pettee – I do not believe there is.

Chairman Logan – I know there is tie ins to sewer and water. Can we strike this or leave it in?

Mr. Pettee – We can remove that.

3. That a pre-construction meeting be held prior to the start of construction.
4. That a demolition permit is required for the removal of the existing building.
5. That the landscaping elements consisting of fourteen (14) existing trees “to be protected”

be called out on the Demolition Plan and that tree protection methods should be installed prior to commencement of demolition. The Landscaping Plan intended to screen the new building and parking 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.

Chairman Logan – We have an amendment after I read the following.

6. Submission of an architectural elevation which reflects architectural decisions made at the December 13, 2022, Planning Board meeting as more fully specified in the December 13, 2022, Planning Board meeting minutes entitled Valvoline Instant Oil Change, drawn by Greenbergfarrow dated August 19, 2022, received by the Planning Board December 5, 2022.

Mr. Pettee – We can move #6 up to conditions addressed to prior to chairman’s signatures and also #7.

7. Submission of a sign elevation packet which reflects decisions made at the February 14, 2023, Planning Board meeting as more fully specified in the December 13, 2022, Planning Board meeting minutes entitled Valvoline Instant Oil Change, drawn by Greenbergfarrow dated August 19, 2022, received by the Planning Board December 5, 2022.
8. Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m., and 7:00 a.m. to 6:00 p.m. on Saturday. An Area Variance will be required by the Zoning Board of Appeals should the applicant wish to conduct business outside of these hours.

Mr. Pettee – One question for the Planning Board was if you were looking for evergreen shrubs?

Mr. Harter – I would say we want something that has year-round ability to provide some sort of buffer.

Mr. Pettee – I have in here an additional condition prior to signature that evergreen shrubs be depicted on the landscape plan along the Route 96 frontage to serve as a screen to the garage bay doors and the quantity and placement be to the satisfaction of the towns :landscape Consultant after said consultant has reviewed the record from the February 14, 2023, Planning Board meeting.

Mr. Harter – Understanding our goals and objectives.

Chairman Logan – With those amendments and etcetera.

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

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.

Chairman Logan – We still have public hearing open. This evening we are at a point in the process where we are going to begin environmental review of the application. Wes could you bring us up to speed on where we are in that process.

Mr. Pettee – Where we are in this process is we are at preliminary subdivision stage. We received numerous items of public correspondence which the Planning Board members have reviewed thoroughly. As part of the preliminary review this is where the Planning Board looks at the potential environmental impacts of a project and goes thru the SEQRA process. We are going to begin that tonight. As you can see on the chart, which are available at the Building Department, sketch plan, preliminary subdivision entails all of this here and we are in the process of reviewing SEQR. A decision on the preliminary subdivision can only be made after SEQR has concluded. The conclusion of SEQR cannot happen until either the Planning Board issues a negative declaration indicating there are no potential for a significant adverse environmental impact or until a finding statement has been adopted should the Planning Board chose to issue a pos dec on the project.

They can make a decision on the preliminary subdivision. The Planning Board does not legally have the opportunity to reject a proposal based on before they have taken a hard look at the environmental factors under SEQR. They have to consider the proposal, the developer and the application needs to be given due process and only at that point after they have reviewed SEQR can a Planning Board make a decision whether to approve or deny a project.

Chairman Logan – With that we have had multiple meetings over the last year and half to review and accept, receive comments from the public, comments from the developer, deliberate amongst ourselves from what we are hearing from the public towards the application so that we can ferret out all of the important issues to the community for this application. What we need to do is

move ahead with the process as Wes said. This would be the last public hearing meeting so we can begin deliberations. What I would like to do is open up the floor for any other public comment that you may have. Understanding that we have received multiple correspondence from many of the residents and if there is anything else you would like to add to that. I do not want to close the floor until you have had a chance. I am not going to close off the acceptance of public comments but I am going to say the closing of the public hearing does still afford you the opportunity to submit additional letters to the Board that we can deliberate on. In the interest of being fair to everyone on the Board and the applicant, we need to close off public comment and allow the process to move forward for our environmental review.

Is there anyone here that is interested in making additional comment to the Board before closing the public hearing?

Maura Steed of Strong Road

Ms. Steed – One of the questions regarding the process and where things are going. Specific issues are being discussed about the conservation. Is there any way we can know what is going on with that process where we might have questions we would like to ask regarding it? I do have questions where they have perc tests or the drainage test and how fast the water is going to go. Does anybody test the water after it has gone thru and if there are contaminants and pollutants in the water? Does it get filtered out in the ground and we know there are things that do not get filtered out. I have questions about what the testing involves and how it is assessed. Do not know if that is something we can have any information about or is that in the public's domain.

Chairman Logan - I am going to defer to Wes in a minute here but we will be very open on how we review all of the different elements of the SEQRA and forms that we go thru to determine if there are major or minor impacts on each one of these.

Mr. Pettee – With regard to water quality and specifically you are concerned about septic systems and the potential water to...

Ms. Steed – Not just septic but even tearing up the drumlin and how that affects the surface water and everything that runs off of it. They obviously permit that you can have. The more we build around us the water is definitely going to be flowing differently and north on Strong Road and the last couple of years there has been water flooding over the road and has never happened before. I think it is a concern.

Mr. Pettee – Those are the type of things we are going to touch on in the environmental review. You may have additional questions as the Planning Board is deliberating on these issues and I would suggest you reach out to the town staff at some point if your questions are not being answered by the discussion happening here. As far as the septic systems go and the water supply. That is also going to be reviewed by the NYS Department of Health. This is a reality subdivision and it requires Department of health approval.

Ms. Steed – Am I understanding correctly that the subdivision is going to move forward as it has been designed with the number of houses that has been put there even with the request that we have all made to have some of that changed.

Mr. Pettee – There is no guarantee that the subdivision is going to move forward in the way it has been presented. That is how we have to do our evaluation however because that is what the applicant has proposed.

Chairman Logan – In our deliberations as Wes has alluded all of the things people have brought up will be discussed in terms each of these elements. You will hear that deliberation. If you don't hear some thing or have a question please pass a note onto town staff and we will get it. Anyone else?

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0

Mr. Pettee – Before I get started, Doug is there anything else that you want to chat with the Board on before we start.

Mr. Eldred – I don't think so. I can recap the latest things. As you recall the Town Board did not approve the water district and we switched to a well water supply and tht required per Health Department to do two test wells. Those test wells a have been done and completed. Both the flow requirements and the quality requirements have been met with those two test wells. The other question that keeps coming up is the markers for the conservation easements. There are a whole bunch of them and part of that is because we are doing an unusual thing where we are putting some front landscaping in conservation easements with the understanding that was part of the buffering system that the Board and neighbors seem to a want. If you don't want that would love to take them out and put them somewhere else but then if you do want it does create a lot of little tiny conservation easements all in the front because you have to go in between the driveway.

The other thing in regards to those is what are you going to use as a marker. My thought is we just plant a little pine tree. If we just pine trees in at the corners, it would be semi-permanent visual situation. Iti s up to you.

Chairman Logan – I suspect the tweaking of all this will happen at our review and will not affect the environmental review.

Mr. Eldred – The final thing is I listened to some of the concerns of water over the road and do not think it would affect these properties over here. We requested a waiver to use the drywells for the downspouts. My thought was for these three houses we would go ahead and put downspout drywells in since that is the area that drains to the north. Lots 1, 2, and 3. I think that

is it. I did get a response and submitted the SWPPP, the fire department had a unusual ask for the calculations of the fire flow using pumpers and hoses. They were obviously pretty disappointed that we are not extending the water main so they are putting in 2,600 feet of hose in. The way they want to fight the fire is to go from the fire hydrant then put three pumps along the route and it does give them fire flow at the house. It is no different than anything else. It is out here and we did provide those calculations with some minor modifications on the SWPPP and drainage report. I know I have a drainage district to do and easements. Unless there are some other things from you we have the berms and the trees and not seeing much of anything except these three houses that are uphill until the trees in front get more mature.

Chairman Logan – I suspect if we have questions you will hear about it.

Mr. Limbeck – Wes, before we get started. For the benefit of the people that are here we have to determine if there is no or small impact or large impact. Can you talk about the significance of one or the other especially if three is a large impact.

Mr. Pettee – Within SEQR there are certain parameters or elements that the Planning Board will review or identify whether the project is going to cause or potential to cause a small impact or no impact at all. Therefore it is not seen as a concern in terms of the project having an adverse impact on the environment. There is also a category or column where the Planning Board has the opportunity where an impact is moderate to large. That does not necessarily indicate that yes there is a significant adverse impact and then the Planning board has to decide whether or not it is and how important that is and the scale of it. Just because you have a moderate to large impact does not necessarily mean that the Planning Board is going to jump to a pos dec. What is the importance of the impact, what is the duration, what is the potential for irreversibility and how can a project be modified to minimize that moderate to large impact. There is a bit of assessment that goes along. Does that cover it for you?

Mr. Limbeck – It does. For each of these categories the state has provided guidance on how we make a determination of that particular. It helps guide us towards small, moderate to large whatever.

Mr. Pettee – What we have here is a draft Part 2 of the EAF. It is something that Labella has taken an opportunity to put together for you to consider. This is not Labella's document. This is something to help you shape as a Board and make a determination on the se items. I want to reiterate that this is an opportunity for dialogue amongst Planning Board members. There may be questions that we have that we can ask the applicant. There is no more opportunity for the public to weigh in during these meetings. With that I will get going.

1. Impact on Land. Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. Indicated Yes.

Even thou I have all these subcategories marked off as no or small impact we did some research and per the NRCS web soil survey the depth to water table is greater than 200 cm or greater than six and half feet. Per the NRCS the depth to bedrock is greater than six and half feet across the entire project parcel. Construction may occur for a period that exceeds one year due to the

proposed number of houses, however, the duration of construction for any single residence is anticipated to be less than one year. The project would involve mass grading of a portion of the project site which would involve a total disturbance area of approximately 10 and half acres per Part 1 of the EAF question D 1(b). Removal of approximately sixth tenths of an acre of forested land, however, the project includes a stormwater pollution prevention plan, erosion control measures as depicted on the construction erosion control plan and revegetation of disturbed areas. These measure will minimize or avoid the potential for significant adverse environmental impacts associated with increased erosion. The project site is not identified in the Town of Victor Natural Resource Inventory co-occurrence. The co-occurrence inventory identifies area in which multiple natural resources exist within co-occurrence with one another and the co-occurrences are greater than 10 acres in size. These resources include wetlands, woods, steep slopes, streams and floodplains.

- a. The proposed action may involve construction on land where depth to water table is less than 3 feet. No or small impact.
- b. The proposed action may involve construction on slopes of 15% or greater. No or small impact.
- c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. No or small impact.

Chairman Logan – Wes you stated 200 cm to ground water or more? Does that impact at all the ability to build a basement or do we have to know that where the water table is before you elevate the building?

Mr. Pettee – Let me see if I understand your question correctly. Your question is on whether or not these homesites would accommodate a basement due to the level of the water table?

Chairman Logan – Is that a generic comment on where the average water surface is or if it is more than three feet you can build a basement you just need pumping water all the time.

Mr. Harter – Or gravity drains.

Mr. Eldred – To help you out with that item. We did do eight foot deep test holes on every lot because of the septic systems and found no ground water in those. When we drilled the test wells the shallowest was 61 feet so in essence I am thinking the ground water is going to be below that 61 feet. If you look at some of the neighboring wells where they actually went down to bedrock it was in the neighborhood of 130 feet. I am not seeing based on the tests that we did there is really no instance of ground water within the basement regime.

Chairman Logan – Thanks. I was just ,making sure that whatever that ground water level is that it does not impact your ability to build a basement. I wouldn't want my basement underground water level.

Mr. Eldred – The true ground water level is around 160 feet deep. There is a couple of veins of perch ground water based to the test wells around 60 feet and the other around 80 feet.

Chairman Logan – Thanks Wes.

Mr. Pettee - The 15% slope there are some areas where these homesites are located and more of them are located in the conservation easements area.

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

2. Impact on Geological Features. The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site. For example, cliffs, dunes, fossils, caves. There is a little bit of information here I wanted to share per the NYS Unique geological landforms project joint venture between the NYSDEC and the NYS Museum Office of the State Geologists. The topography of this site is not identified as a unique or unusual land formation such as cliff, dunes, waterfall, erratic rocks, gorges, glacial features, or caves. The only two portions of the town recognized in this instance are the drumlin field at Gillis Hill on the east side of the town and the Kettle Hole lakes at Fishers Road and Bensin Road located on northwestern edge of town. However, the project site is characterized by rolling topography that is locally important to the character of the neighborhood and the Town of Victor. The pasture landscape provides scenic value to the existing community, although the project site is privately owned the site is readily visible from public vantage points such as the public right-of-way. The proposed project would alter the rolling landscape but not to a degree that would eliminate the existing character. The mass grading of the site would alter but continue to provide varied topography on the site and will be physically altered and new structures would affect the character of the setting.

- a. Identify the specific land form(s) attached: We do not really have anything recognized other than locally. No or small impact.
- b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. No or small impact.
- c. Other Impacts: Locally recognized varied topography. No or small impact.

Mr. Limbeck – I appreciate the narrative you provided about how the locally recognized topography. We are putting seven houses there and we are going to have to build pads for the houses and grade for that and certainly that rise up towards Taylor Road is part of the drumlin as it exists. Would we be moving more towards moderate given that we are flattening a given portion of that?

Mr. Pettee – That is a good question and if you look at the context of the site. While there is a portion of each of those parcels being leveled off for the purpose of creating a house pad the

grading plan illustrates modification of contours. As you can see it can be somewhat difficult to read. If you look at the dash lines that are a little more faint and gray. Those are the existing contours and the proposed contours are a little bolder and you can see that portion of these project parcels would be leveled off for these potential house pads. There is still that undulating topography here in my assessment. This is your document. Even though I had indicated no or small impact if you feel it is more moderate it is fine to check that off and provide a little more reason.

Mr. Limbeck – Are we looking at 10 or 15% of the 33 acres being modified if you will.

Mr. Pettee – If I recall correctly it was about 10 ½ acres of total disturbance out of 33 acres.

Mr. Limbeck – I think moderate is more appropriate. I don't know if the rest of the Board agrees.

Mr. Harter – I think you are changing it and disturbing it temporarily but it becomes revegetation. As to whether you are changing natural topography to something completely different, I think where the houses are located that would be true, but I think any good grading plan will take advantage of the natural topography and want to blend with it. I think the aesthetics are important to the new homes.

Chairman Logan – Yes.

Mr. Eldred – I wanted to point out that a lot of the grading. This goes over to these mounds. One thing we found important listening to everyone was that these mounds quite frankly could have been 2:1 slopes and done half of the grading but that would not have been within the character of the neighborhood. The mounds we are creating are 3:1, 4:1 slopes and the reason I did that was because that is more in character of the natural drumlins that exists on the property. All I am trying to say is even though it looks like a lot of grading. It wasn't going averse to the existing topography but with it. When you look at the site from the road they are fairly moderate slopes coming up as opposed to berms which you might think of as going up steep flattening off. This is not the case. More like rolling mounds. That was a mitigation for that in regard to grading. We will use the earth to help block the view because that seemed to be why the neighbors wanted but not block it with something that was adverse or contrary to the existing rolling topography of the lands. That is why the contours are fairly far apart.

Chairman Logan – hearing comments from the public over the last year or so one of the comments was that it was going to be drastic impact to the land like Shire Lane. In my mind that subdivision was an extreme example of how much you can regrade a site. They had retaining walls that failed and very steep slopes and all kinds of things.

Mr. Eldred – I have gone to a lot of extent to make the mounds moderately sloped as opposed to steeply sloped.

Chairman Logan – Is that 3:1 behind the houses?

Mr. Eldred – Yes. When I created these mounds in the front it was more like 4:1. These are

more conforming with the character of the land.

Mr. Gallina – Wes, maybe the way to address this is to mark it as potential of moderate to large impact and there is the mitigation of the applicant of all that will be mitigated.

Mr. Santoro – Are we going with moderate to large on that one?

Chairman Logan – I think we are.

Mr. Pettee-

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

- a. The proposed action may create a new water body. No or small impact.
- b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. No or small impact.
- c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. No or small impact.
- d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. No or small impact. While no identified wetlands per DEC mapper and NYI mapper there is a DEC class stream that goes thru the property. However, that stream is entirely within a proposed conservation easement and no construction or disturbance to the bed or banks will be occurring.
- e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. No or small impact.
- f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. No or small impact.
- g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). No or small impact.
- h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. No or small impact.
- i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. No or small impact.
- j. The proposed action may involve the application of pesticides or herbicides in or around any water body. No or small impact.
- k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. No or small impact.

Just as a reminder and Joe you talked about this, if we need to visit the EAF or SEQW workbook online we can do that if we need assistance.

4. Impact on groundwater. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. Indicated Yes. There are some blanks here that are incomplete and I wanted to ask the applicant

a question. Labella has a hydrogeologist looking at the well reports you have provided for Lots 7 & 11, the two that are required for DOH. By chance have you run any of that by the Department of Health?

Mr. Eldred – No we haven't. We have to get a preliminary approval before they will entertain. As far as impacting the groundwater we are looking at perch levels at 60-90 feet so the real ground water, for example, when you design the septic system you have to be two feet below the trenches. As far as the depth of filtration is in 40 feet filtering and secondly the other thing you worry about is infiltration and rapid perc test. We didn't have any of that. It is an ideal situation for septic systems. My opinion there isn't any impacts from the septic systems and the ground water. The conditions are not unlike what they are across the road and my understanding is there is well across the street as shallow as 30-40 feet. Same type of strati and is a nice soil for septic systems. The conditions are good based on everything I have seen including the well tests.

Mr. Pettee – I am in agreement with you there. I am reiterating but the depth to the ground water to each of those sample wells was 34 feet. The recovery rate after the draw down seems to be reasonable too at 6 minutes.

Mr. Eldred – I did not recall anything being at 34 feet. Maybe I was thinking it was the depth of the wells.

Mr. Pettee – One was 90 feet and the other was 61 feet.

Mr. Eldred – That perch ground level may be at that 34 feet. Those happen to be in the two lower areas of the site.

Mr. Limbeck – We have talked about recovery rates being 6 minutes for one well. How do we quantify the ability of the amount of water available in the aquifer for eleven homes. What would be the net impact of everyone getting up in the morning and going to work. How long does it take till it goes to an unacceptable recovery rate?

Mr. Pettee – I am hoping to get more detail from our hydrogeologist and hoping the Department of Health and understand you cannot get that.

Mr. Eldred – These wells are all 150 feet apart and there is a draw down curve at each well. It is a hydrogeologic situations. With the separation between the wells they should not be drawing down and I discussed it with the well driller.

Mr. Pettee – We will have the opportunity to share a graphic.

Mr. Limbeck – Are we putting this on hold till we have the data.

Mr. Pettee – You did provide an analysis in terms of providing the minimum separation requirements and your septic systems. We would like to take a little more time to be sure we have that characterized.

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. Indicated No

6. Impacts on Air

The proposed action may include a state regulated air emission source. Indicated No.

7. Impact on Plants and Animals. The proposed action may result in a loss of flora or fauna. Indicated Yes.

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

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. No or Small Impact.

c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. No or Small Impact.

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. No or Small Impact.

Mr. Harter – Is this per your check on the website that identifies these features.

Mr. Pettee – Correct.

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. No or Small Impact.

f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. No or Small Impact.

g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. No or Small Impact.

h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. No or Small Impact.

i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. Even thou it is for commercial, industrial or recreational we have indicated No or Small Impact.

8. Impact on Agricultural Resources. The proposed action may impact agricultural resources. Indicated Yes.

a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. There are approximately 21 acres of the 34-acre site

that had soils identified as prime soils or statewide importance. The project would convert ag land to a residential use including future lawn and meadow. It is unlikely that the land would be used for agricultural in the future as the project includes creating 11 parcels, ten of which will be built upon and likely be owned by different property owners. The reason I did moderate to large impact is that the irreversibility. It is likely that the proposed use and change to land will be irreversible and is a loss of the prime soils for agriculture.

b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) This project is not going to create a barrier to access to agricultural land, but I think the conversion of the prime soils to something other than ag use covers the point.

c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. No or Small Impact.

d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. This is another one where I have indicated moderate to large Impact may occur.

e. The proposed action may disrupt or prevent installation of an agricultural land management system. No or small Impact.

f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. No or Small Impact.

g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. No or Small Impact.

Chairman Logan – Does the town have a municipal farmland protection plan?

Mr. Pettee – It is wrapped into the towns comp plan.

Chairman Logan – Does it identify specific area/parcels in the town?

Mr. Pettee – It identified parcels where there was active agriculture and parcels where there was prime soils but beyond that it did not recommend a strategy for maintaining those parcels as farmlands.

Chairman Logan – You would have to buy the rights to it to retain it as farmland. The town would have to do that.

Mr. Pettee -

9. Impact on Aesthetic Resources. The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. Indicated Yes.

a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. No or Small Impact. The key is there that we do not have designated local resource or federal or state.

b. The proposed action may result in the obstruction, elimination or significant screening

of one or more officially designated scenic views. No or Small Impact.

c. The proposed action may be visible from publicly accessible vantage points either seasonally (e.g., screened by summer foliage, but visible during other seasons) or year round. No or Small Impact.

d. The situation or activity in which viewers are engaged while viewing the proposed action is:

1. Routine travel by residents, including travel to and from work. No or Small Impact.
2. Recreational or tourism-based activities. No or Small Impact.

Mr. Limbeck – I would challenge that based on feedback we have had from the public. I would like to discuss D and E a bit more. I think that is one of the prime objections to the project. We have heard from one resident that people stop on the roadway to enjoy the view of the property and certainly the residents that surround the property. Move that to moderate.

Mr. Pettee – I am looking at the workbook here for those questions. When a proposed project is part of or visible from a scenic or aesthetic resource, it will be viewed by many different people in different circumstances. This question explores whether the project site is in a location that will be viewed on a daily and constant basis by members of the community and/or if it is within a location that also has an important role in recreation or a tourism economy of the area. Both are important and changes to scenic and aesthetic resources may have adverse impacts on both the quality of life of residents and broader economic impacts.

Under analysis:

- How often will members of the community view the project site?
- Is the project site in or viewed from a scenic or aesthetic resource that is important to recreation in the area or to tourism?
 - If so, how?
- How will that project site change the use or perception about that scenic resource?

Will there be an impact? If the project site is not visible from or within a scenic or aesthetic resource, it will not have any related impacts. Check 'No, or small impact may occur.'

Some examples of small projects that might fall into this category are:

- The project site is visible from minor roads used by a limited number of local residents only and is not part of a recreational or tourism related activity.
- A limited portion of the project site is visible, but because it is not in sharp contrast to the scenic resource or surrounding land uses, there will be no diminishment of the designated resource.

Moderate to Large Impact:

Some examples of moderate to large impacts that might fall into this category are:

- The project site is visible from major roads and highly traveled routes used by many residents and visitors.

- The project site is visible from, is in, or obstructs a scenic resource that plays a key role as part of a recreational or tourist asset of the community.
- The project site is visible and because it is in sharp contrast to the scenic resource and surrounding land uses, will significantly reduce enjoyment and appreciation of the scenic resource.

Chairman Logan – My opinion is it fits within the small impact definition that is there. I do not see how that is a moderate.

Mr. Limbeck – I would agree with d. ii. Recreation or tourism but certainly d. I of routine travel by residents to and from work is moderate to large.

Chairman Logan – It says in which viewers are engaged while viewing the proposed action. People are commuting by they are not stopping and enjoying the scenery from a park or pull over area.

Mr. Limbeck – That is why I say (i) is routine travel to and from because a lot of people go by it on the road and certainly there is no recreation or tourism based activities.

Mr. Harter – Doesn't it have to be according to what Wes read that it has to be some type of major highway which it isn't.

Chairman Logan – Major roads and highly traveled routes used by many residents and visitors. I don't see how it goes with that.

Mr. Limbeck – I disagree. I will bow to the Board.

Mr. Pettee – There are other opportunities to talk about this particular topic when we talk about community character. We leave those as No to Small.

e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. No to Small Impact because we don't have it designated. While people do recognize it is a pretty area and value to that we do not have anything designating it.

f. There are similar projects visible within the following distance of the proposed project:

- 0-1/2 mile
- 1/2 -3 mile
- 3-5 mile
- 5+ mile

Similar projects include those of the same use, but also of similar scale, context, dimensions, density, design, or location.

- How many land uses are similar to the proposed project?
- How far away are those similar projects?
- How are the land uses similar?

If there are no other similar users will the proposed use, be in sharp contrast to the overall landscape?

Some examples of small projects that might fall into this category are:

The project is fully or partially visible, but there are other land uses of similar scale, design, density, dimension, or location both nearby and far away so that the context of the scenic resource does not change.

Some examples of moderate to large impacts that might fall into this category are:

The project is visible, but there are none or very few other land uses of similar scale, design, density, dimension, or location nearby so that the context of the scenic resource changes and the proposed activity will be in sharp contrast to existing resources.

Mr. Limbeck – What would the closest subdivision be then? Shire or Branwell Park?

Chairman Logan – This is not like either of those. These are houses built along the road there is no entry drive or dedicated roadway like Bramwell Park.

Mr. Limbeck – It is a subdivision thou.

Chairman Logan – You are subdividing the land.

Mr. Harter – They are frontage lots.

Mr. Pettee – I have on the screen an aerial that shows the parcel layout here. I do not know the subdivision name over here but you have residential development to the north which are frontage lots and along Strong Road.

Chairman Logan – It is all frontage lots along Strong Road with the exception of one or two. Most are private drives.

Mr. Pettee – I have no or small impact.

Mr. Santoro – What about the existing houses on Taylor Road?

Chairman Logan – I think they are frontage lots also.

Mr. Pettee -

10. Impact on Historic and Archeological Resources. The proposed action may occur in or adjacent to a historic or archaeological resource. We do not have any documentation with potential archaeological resources. Indicated No.

11. Impact on Open Space and Recreation. The proposed action may result in a loss of recreational opportunities, or a reduction of an open space resource as designated in any adopted municipal open space plan. Indicated Yes.

a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater

storage, nutrient cycling, wildlife habitat. No or Small Impact.

b. The proposed action may result in the loss of a current or future recreational resource. No or Small Impact.

c. The proposed action may eliminate open space or recreational resource in an area with few such resources. No or Small Impact.

d. The proposed action may result in loss of an area now used informally by the community as an open space resource. No or Small Impact.

12. Impact on Critical Environmental Areas. The proposed action may be located within or adjacent to a critical environmental area. Indicated No. There are no state recognized critical areas in the Town of Victor.

Mr. Harter – Can I ask a question on the prior one. It says as designated in any adopted municipal open space plan. Do we have one?

Mr. Pettee – We have an open space index that is a component of the town’s natural resources inventory from 2014.

Mr. Harter – Is this identified?

Mr. Pettee – It is identified as an open. I can pull up the map.

Mr. Harter – That’s okay. We have to come back for the geologist one.

13. Impact on Transportation. The proposed action may result in a change to existing transportation systems. Indicated No.

Mr. Gallina – While I do not disagree with that it might be worth going thru the sub bullets so the public can understand what constitutes that.

Mr. Pettee -

a. Projected traffic increase may exceed capacity of existing road network. No or Small Impact.

b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. No or Small Impact.

c. The proposed action will degrade existing transit access. No or Small Impact.

d. The proposed action will degrade existing pedestrian or bicycle accommodations. No or Small Impact.

e. The proposed action may alter the present pattern of movement of people or goods. No or Small Impact.

14. Impact on Energy. The proposed action may cause an increase in the use of any form of energy. Indicated Yes. There will probably be some utilities there that are extended in terms of electric.

a. The proposed action will require a new, or an upgrade to an existing, substation. No or Small Impact.

- b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. No or Small Impact.
- c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. No or Small Impact.
- d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. No or Small Impact.

15. Impact on Noise, Odor, and Light. The proposed action may result in an increase in noise, odors, or outdoor lighting. Indicated Yes.

- a. The proposed action may produce sound above noise levels established by local regulation. No or Small Impact. We do recognize that the noise created during construction would likely have an impact on the neighborhood. After the completion of construction it would be anticipated the noise levels would return to what they are today.
- b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. No or Small Impact.
- c. The proposed action may result in routine odors for more than one hour per day. No or Small Impact.
- d. The proposed action may result in light shining onto adjoining properties. No or Small Impact.
- e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. No or Small Impact.

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

17. Consistency with Community Plans. The proposed action is not consistent with adopted land use plans. This is a difficult question to answer because there are instances. Even though I have indicated Yes, this is not consistent with the plan there are elements that are consistent with the plan. I think it warrants we go through these items. There is a lot of information to go through with the town Comp Plan and Natural Resource Inventory.

- a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). No or Small Impact.
- b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. No or Small Impact.
- c. The proposed action is inconsistent with local land use plans or zoning regulations. No or Small Impact.
- d. The proposed action is inconsistent with any County plans, or other regional land use plans. No or Small Impact.
- e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. No or Small Impact.
- f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. No or Small Impact.
- g. The proposed action may induce secondary development impacts (e.g., residential or

commercial development not included in the proposed action). No or Small Impact. There are a number of items we might want to think about here. The concept level feature land use map that is in the Comp Plan on page 816 identifies the area of town in which this project is located as an area where the town could consider increasing residential density from least dense to a medium density. For example, .33 units/acre to half a unit per acre/ The current proposal does not reflect that potential in density change. It adheres to the maximum density currently permitted. As you know we have other projects come before the Planning Board and Town Board in change the zoning density map that did follow the theory of that concept level feature land use density change map. Also, Chapter 2 in the Comp Plan has the following goals:

- Respect and protect the natural topography.
- Preserve or restore hubs and links across the landscape that anchor and connect green infrastructure networks and provide an origin or destination for wildlife and ecological processes moving to or through the network.
- Integrate a green infrastructure conservation and planning approach into Victor's long term planning and development review process.
- Provide an interconnected network of green space that conserves natural ecosystem values and functions and provides associated benefits to human populations.

One of the things that I am feeling this particular proposal does to address one of those goals is it does provide that lineage along the stream and preserves some of the forest area to the rear of the property and focused the development on the open meadow. There is some presence of green infrastructure there. IS the project respecting and protecting the natural topography? I will leave that for the Planning Board to decide. There are efforts in the grading plan to maintain some of that rolling topography even though there would be the construction of these residential homes.

Under Chapter 4 in the Comp Plan:

- Ensure that all elements of Victor's community character valued by residents are preserved.
- Adopt a conservation-based approach that addresses the ecological and social impacts of sprawl and the accelerated consumption and fragmentation of agricultural and open land.
- Foster a regional, landscape-scale approach to open space preservation that takes into account how open space on any particular parcel contributes to the open space needs of the town as a whole.

I offer some of that to you and maybe look for a little bit of your feedback and your feelings on how this proposal may be consistent with the Comp Plan or if you find elements that are inconsistent with the Comp Plan. Again, I don't want to put you on the spot and if you want some time to think about that and email town staff or me your thoughts for a discussion at the next meeting.

Chairman Logan – I remember Wes asking about whether or not this was in the area deemed considered for increase density from 3-2 acres per parcel and I think the conclusion was that it was not in that area. It is north of Boughton Hill Road which there are some area that did change.

Mr. Pettee – I can bring up that map.

Mr. Harter – Wes, to your point that when we took a look at one of those other projects, we were able to look at the Comp Plan and that section on a recommendation for different density. That was an increase in density. Here we are talking about a decrease in density?

Chairman Logan – We are talking about the least dense.

Mr. Petree – Currently now this parcel is zoned as least permitted density out of all the density designations. This map identifies the potential of increasing the density in this area.

Mr. Harter – I thought it was the other way.

Chairman Logan – I think that is what we are holding the developer to is the least dense.

Mr. Harter – Until it is converted to zoning we have to work with what we have.

Chairman Logan – As with Blumont Rise, they proposed to go to a denser development on Strong Road to a less dense development on Blumont. We opted not to change that. That was a targeted area of increased density within the town because there is sewer and water being brought into that subdivision. Here there are no sewer and water it makes sense to retain what the developer. I do recall asking this question over a year ago and I thought it wasn't one of those areas with the potential to increase the density.

Mr. Limbeck – I like Wes's suggestion that we revisit this at the next meeting. I would like to take another look at the Comp Plan.

Chairman Logan - That is fine, we are not ending the discussion on this.

Mr. Harter – With respect to item 17 letter (g) with the water main that was proposed and now been removed, When the water main was proposed I think that would have been true but I think with individual wells precludes anything happening in that regard. Although the firefighting is a challenge to the engineer. When you bring a water main you increase growth.

Mr. Pettee – Here is the map of the concept level future land use potential density changes. This is a map that is in the town Comp Plan. This is concept level only. It is not mandating that something happen. We have got these different categories here commercial, high intensity, neighbor density, rural density in these colors. These proposed changes to a greater density they are characterized by this dark red, medium red and dark pink. It shows some cross hatching in there and identifying some areas in there that are least dense going to a higher density. That includes for example the Stone Brook Subdivision. That is where the density changed from half a unit per acre to one unit per acre.

Chairman Logan – They doubled the density.

Mr. Pettee – That was identified in this brighter red category. If you go to the other side of town

we have got Taylor Road and you can see that is also in the same red category and essentially maybe the town could consider if they wanted to increase the density there.

Chairman Logan – This is not actually zoning regulations but proposed.

Mr. Gallina – I think what is important is that we are trying to tie it back to the Comprehensive Plan that should be considered for increased density.

Mr. Pettee – There are other areas of the town that were considered for decrease density. The theory was that they wanted to maintain the build out level of a certain population. If you are increasing the density in some areas you have to decrease the density in other areas. This you will find if you look at the blue category. This light blue on 444 and out on Boughton Hill Road and Malone those areas were considered conceptually to decrease in density and this was all about transferring zoning rights and sending rural countryside and having them located closer to where infrastructure is or where other density in the town is similar. You have those areas as sending districts and here off of main Street Fishers and Benson Road. That is one small point in the Comp Plan to considered.

Chairman Logan – The bottom line here is the developer is not requesting an increase in density. The density is least that it could be here. That certainly goes toward what we consider to this application. We can revisit this.

Mr. Pettee –

18. Consistency with Community Character. The proposed project is inconsistent with the existing community character. I have indicated Yes.

- a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. I have no or small impact.
- b. The proposed action may create a demand for additional community services (e.g. schools, police and fire). I have no or small impact.
- c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. I have no or small impact.
- d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. I have no or small impact.
- e. The proposed action is inconsistent with the predominant architectural scale and character. I have no or small impact.
- f. Proposed action is inconsistent with the character of the existing natural landscape. No or small impact.

Mr. Limbeck – Two questions. We have heard from Babette several times about the existing house and the lack of maintenance. I am not sure what is going to happen with that and it has not come up much to my knowledge. (e) the existing homes along Taylor Road and Strong Road have been built over a wide number of years and just by the fact of the proposed homes will all be built in 2023 and 2024, they will all look different yet similar in their architectural theme but I would suggest it to be moderate. They will probably look different in character from the existing

homes. I would like to talk about that a little bit more.

Chairman Logan – Are you suggesting if they were built over 15 or 20 years and they will all different or similar architecture to the existing homes that would be no or small impact? You made the comment that (e) is inconsistent with predominant architectural scale and character. So, scale there is some pretty big houses.

Mr. Limbeck – I am going with the character.

Chairman Logan – Character is that it is a different style and a different era of construction. Would it be less of the same architectural style than what is across Strong Road.

Mr. Limbeck – As you come down Strong going south you have a barn that was converted to a home. If you go up Taylor Road, you have homes that were built over 50 years old. By virtue of the area of which the homes were built they are going to look different from the homes that are built now. The character is going to be different from the new homes than the ones that are existing.

Chairman Logan – Again, if they look that different do you think that is something that is a large impact?

Mr. Limbeck – I think it is bigger than small or no.

Chairman Logan – I disagree but understand. You can have 10 different houses there of different design. I think Doug even indicated that he doesn't have control over what the architectural style of what is going in there. It may be the same builder and gets constructed.

Mr. Limbeck – Is this going to be opened up to different builders or is one builder going to be doing the site?

Mr. Eldred – Right now it is likely to be one builder. If this approval process takes much longer it could be more than one builder. The architectural style is what it is.

Chairman Logan – It is whatever someone wants to build is my point.

Mr. Limbeck – I don't see any log cabins going up.

Mr. Eldred – You see a lot of homes that go up and try to reflect 50 years or so. Going back to the original statement of can you really even see the houses. You can see parts and might see a driveway.

Mr. Harter – Another component to that is landscaping. When these sites start off they are pretty raw and thirty years later it is a completely different neighborhood. The homes across the street are already enjoying the mature landscaping.

Mr. Eldred – Scott is articulating something that I'm struggling with. Here we have open land

with no trees on it. We can't be like across the road where they have mature trees. All we can do is to try to reflect what is across the road by putting in trees and mounds. Which are part of three discussions. It is almost like if thing was wooded the public would be concerned about taking down woods and usually that is more of an impact than building on farmland. Mu point is we can only do with what we have out there and that is an open field and we can only mitigate with the tools we have and that is grading and landscaping.

Chairman Logan – Any other comments? Clearly we are not complete with this. Wes, any other things we need to follow up with on this?

Mr. Pettee – This was good to go thru this document and what we will have prepared for the next meeting is a final draft that you could potentially act on for SEQRA. We could draft a determination of significance by the substance and additional details you are looking for here.

Chairman Logan – Thank you for going thru that.

EASTVIEW MALL CHARGING STATIONS

100 – 1020 Eastview Mall Drive

Owner – Eastview Mall LLC

Tax Map # 6.00-1-12.100

18-SP-2022

Zoned – Commercial

Applicant received approval on August 23, 2022, to install (20) twenty EV charging stations in the front parking lot of Eastview Mall. Applicant is requesting their first 90-day extension of this approval.

Chairman Logan read the draft resolution.

DECISION:

On motion of Ernie Santoro, seconded by Al Gallina:

WHEREAS in a letter dated January 20, 2023, Livingston Energy Group requested a 90-day extension of time for application Eastview Mall #20 Charging Stations.

THEREFORE BE RESOLVED that the Town of Victor Planning Board grants the first 90 day extension of time for the Eastview Mall #20 Charging Stations.

Chairman Logan – I believe they had to work on putting the transformer in the right place.

Ms. Kinsella – They needed a stamped site plan survey. It has been a difficult job. We are still waiting for that for labella to sign off on that.

Mr. Pettee – Their previous site plan lacked sufficient engineering detail.

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

Motion was made by Joe Limbeck, seconded by Scott Harter, RESOLVED the meeting was adjourned at 9:30 PM

Lisa Boughton, Secretary