

A public meeting of the Town of Victor Planning Board was held on February 28, 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: Jeff Engebrecht, Dushan Bouchek, Ann Aldrich, Councilman Dave Condon, Wes Pettee, Town Engineer; Kim Kinsella, Project Coordinator; Suzy Mandrino, Manager of Technology Support.

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

APPROVAL OF MINUTES:

There were none.

CORRESPONDENCE:

George Baker re: 1086 Strong Road Subdivision

BOARDS AND COMMITTEE UPDATES:

Ann Aldrich of the Historic Advisory Committee

Ms. Aldrich – I am here with our overview of what we accomplished last year. As we have done the last few years, we had a historic lecture series with 5 lectures. Pat Bolger on the history of the Blazey Farm; John Marks, an historian from Geneva, spoke on the Phelps and Gorham Purchase; Babette Huber did a presentation of the history of the VCS yearbook-the BAGEL; Cynthia Howk, Landmark Society, spoke on the Architecture of Victor; and lastly Wilma Townsend, Curator at the Ontario County Historical Society, talked on the history of textiles in Ontario County.

The lectures were presented on site with an average of 30 attendees, but the YouTube numbers were usually well over 100 watching and had a very successful series of historical lectures.

You can still find them on YouTube. In conjunction with the Cemetery Committee a tour of the cemetery was done with live actors in May at the Old Village Cemetery. Members of the community and other historians, on two separate occasions, began the cleaning of 200-year-old gravestones. There was not much damage that needed repair. A newsletter was sent to Historic Victor plaque recipients to make them aware of grants and other information concerning their

historic structures. Articles were written via the Town Newsletter about the Historic Advisory Committee's activities. We supported the need for a barns survey and I believe that has been started. And lastly, the committee had liaisons attend meetings of the Planning, Zoning and Conservation Boards as necessary.

I wanted to add something myself. I am very appreciative of this committee listening to our committee. I came on 2012 and you have been very receptive to our concerns and supported us.

Town Board representative Dave Condon was not present.

PLANNING BOARD reported by Kim Kinsella

Tuesday March 14, 2023

PUBLIC HEARINGS

- The Fairways Phase III Resubdivision Lots 301, 302 & 315, located at Championship Drive, applicant is requesting approval re-subdivide Lots 301, 302 & 315 into 14 individual townhome units.
- O'Shea Pole Barn, 145 Baker Road, applicant is requesting approval to construct a 32' x 48' x 12' pole barn on 7.5 acres.

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.

ENGBRECHT GARAGE ADDITION

7980 Main Street Fishers

Owner – Jeffrey Engebrecht

Tax Map # 5.00-1-73.122

Applicant is requesting approval to construct a 1,926 square foot detached 3-car garage with a second floor living space.

04-SP-2023

Zoned – Residential 2

Jeff Engebrecht owner

Mr. Engebrecht – Basically you have the drawings in your packet that is an architectural rendering of it. There were a couple of cars parked in that pull off and it will be placed there. There really isn't too much other places for it to go considering the topography.

Chairman Logan – That is an accessory structure up forward of the house and you received a variance for that.

Mr. Engebrecht – The only restrictions they placed on it was that I could not have a Bed & Breakfast type thing there. Which is fine.

Mr. Limbeck – No questions.

Mr. Gallina – *Inaudible*

Mr. Engebrecht – The way that will be corrected and the Code Enforcement Officer pointed that out on the actual plans is right behind in the corner there is a landing which will go up to the building and we are going to put a door to the outside. The landing is right there in the back and the way that the plans show is you come up some stairs from the garage and then go up the stairs to the upstairs. If I install a door right their with a deck and stairs down to grade that would solve the problem. I have to have the plans redrawn because these plans are internet plans.

Mr. Gallina – Has the septic been sized to ensure it can accommodate?

Mr. Engebrecht – That came in this morning and emailed the letter over. It has been checked by Greg McMahon and practicality is that the house will be a little below the septic tank for the house so it will have to have its own tank, but the leach field is down the hill. He sized it up and evidently and his letter states all the footages but it changed the rules that requires less leach now then it did when the house was built.

Chairman Logan – Kim had a copy of the letter and she passed it down.

Mr. Harter – That was the only thing I noticed. How many bedrooms is your existing house?

Mr. Engebrecht – It has five.

Mr. Harter – The system install was four bedrooms; do you have four bedrooms?

Mr. Engebrecht – We have four upstairs and then one on the main level of the house which we use a guest bedroom.

MR. Harter – Do you have to upsize the field as well as the tank?

Mr. Engebrecht – Greg said no as far as the size of the leach. We had to install the tank itself.

MR. Harter – If the Town Code Officer is okay with it than I am. It is my understanding it is based on bedrooms and so if you are adding another bedroom it adds the need to do another tank and additional lines but if you have letter from Greg than it is not my purview.

Mr. Santor – I think it looks very nice.

Mr. Engebrecht – My wife is very excited. It is for my daughter and is autistic and my wife would like to see her to have her own place but would like to keep an eye on her.

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 Ernie Santoro, seconded by Scott Harter, RESOLVED, that the public hearing was closed.

Adopted Ayes 5, Nays 0

Mr. Pettee – Labella did issue a letter February 22, 2023, on the proposed garage. We had a couple of questions regarding roof drainage and the septic system and slope stabilization all of which there is a response that the applicant has provided and one of the things we have done prior to the meeting was to take a look at the letter provided by the engineer and their assessment of the existing system as was depicted on the drawing provided. Labella has not had an opportunity to review in detail Greg's response. We can do that and in addition I have drafted a potential condition here for a resolution that I would like to read and have the Board members chime in on.

It goes: Prior to a building permit being issued, that the applicant provide a drawing prepared by a licensed Professional Engineer that depicts the proposed 1,000-gallon septic tank and method for connecting to the existing septic system, and that the Building Department find that the proposed septic alterations and design be satisfactory with regard to function and capacity.

Chairman Logan – Sounds reasonable. Does it also address the size of the leach field?

Mr. Pettee – It is very general here where the Building Department finds that the proposed septic alterations be satisfactory with regard to function and capacity. We are relying on them to identify whether the existing leach lines are long enough and as many as are needed. If they need assistance with verifying that and want to reach out to the Town Engineer, we can help them review that.

Chairman Logan – If we put a provision in there that stated something to the effect that the leach field has reportedly been accepted but these plans will be signed once it has been done with a letter to the Town Engineer?

Mr. Limbeck – That makes sense.

Mr. Pettee – I was looking at the letter from Greg McMahan and it indicates that the system installed was the four bedroom system with the quantity of six 55 distribution laterals for a total of 330 feet. Current standards for a four-bedroom call for 275 feet of distribution lateral. For a five-bedroom system it is 344 feet.

Chairman Logan – So 14 feet short?

Mr. Pettee – Yes, and then we are going to add a sixth bedroom via the garage and based on those numbers and based on Greg's letter they might be a little short.

Chairman Logan – The question is if all six are occupied or one of them a combination guest bedroom/study that is not officially a bedroom?

Mr. Pettee – I am not quite sure how the Department of Health weighs in on frequency of occupation of the bedrooms.

Mr. Harter – They do not differentiate and is solely on bedrooms and perc rate of the soil. The plumbing fixtures that are used today are water saving fixtures but when his house was constructed it was under plumbing fixtures that used more water. I think it may be a little more complicated than just a letter. I think your septic person should take a look at it. It is all bedrooms, perc and plumbing fixtures.

Mr. Engebrecht – I think you have it in your records the system that was installed and inspected.

Chairman Logan – You said you are replacing septic tank.

Mr. Engebrecht – A new one.

Chairman Logan – Is there space to add another leach line?

Mr. Engebrecht – Not on the building pad but the septic system itself is down the hill in a raised area so it is out of the flood plain and there is room there.

Chairman Logan – Typically you would have space for leach lines.

Mr. Harter – That is what the drawing shows. It shows a reservation area, and it might involve placement of another line or two.

Chairman Logan – Did it say 55 foot long?

Mr. Harter – If there are six bedrooms that is quite a bit.

Mr. Pettee – Maybe as an alteration to this condition I have indicated: Prior to a building permit being issued, that the applicant provide a drawing prepared by a licensed Professional Engineer

that depicts the proposed 1,000-gallon septic tank and method for connecting to the existing septic system, and that the Building Department and Town Engineer find that the proposed septic alterations and design be satisfactory with regard to function and capacity.

Mr. Harter – That sounds good.

Chairman Logan – It is general enough that alterations could include the addition of a leach line in a box. This is prior to issuing a building permit.

Mr. Engebrecht – There isn't any real rush. I still need the plans drawn.

Chairman Logan – Certainly in concept and everything you have done we have no issues with that it is just making sure the engineering works.

Chairman Logan read the draft resolution.

DECISION:

On motion of Joe Limbeck, seconded by Ernie Santoro, as AMENDED:

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

1. A site plan application was received on January 24, 2023, from Jeff Engebrecht (the "Applicant") by the Secretary of the Planning Board for a Site Plan entitled Engebrecht Garage (the "Project") for the property located at 7980 Main Street Fishers, NY.
2. It is the intent of the applicant to receive approval to construct a 1,926 square foot detached 3-car garage with a second floor living space.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within a minimum of 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a virtual public hearing on February 28, 2023, at which time the public was permitted to speak on their application.
5. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated February 21, 2023, and provided comments.

- 7. Labella Associates reviewed the site plan in a letter dated February 22, 2023, and provided comments.
- 8. Applicant received an area variance on January 19, 2023, from the Zoning Board of Appeals due to the accessory structure forward of the front line of the primary structure.

NOW, THEREFORE BE IT RESOLVED that the application of Jeff Engebrecht, Site Plan entitled Engebrecht Garage, drawn by The House Designers, dated October 26, 2022, received by the Planning Board January 24, 2023, Planning Board Application No. 04-SP-2023, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

- 1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
- 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 22, 2023, from LaBella Associates be addressed.
- 4. That the comments in a letter dated February 21, 2023, from Code Enforcement 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. Prior to a building permit being issued, that the applicant provide a drawing prepared by a licensed Professional Engineer that depicts the proposed 1,000 gallon septic tank and method for connecting to the existing septic system, and that the Building Department and Town Engineer find that the proposed septic alterations and design be satisfactory with regard to function and capacity.

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

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

Ernie Santoro	Aye
Joe Logan	Aye

Al Gallina	Aye
Scott Harter	Aye
Joe Limbeck	Aye

Approved 5 Ayes, 0 Opposed

ROSS DRESS FOR LESS

03-SP-2023

20 Cobblestone Court Drive

Zoned – Commercial

Owner – Cobblestone Court LP

Tax Map # 1.02-1-9.000

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.

Dashan Boucek with Onyx Creative

Mr. Boucek – We are going into the Dick’s Sporting Good space and fill in the vacant spaces. It is about 110 feet across and goes from Plato Closet and over. It is a L shaped space with a loading dock now behind the shops. It is a low-grade loading with exterior lift. The parking stays as is. The transformer is to remain. We will redo the entire storefront and have provided some renderings with a neutral color scheme except for the ROSS blue. I have brought a sample board to go with the renderings.

Mr. Limbeck – Is it the Dober white?

Mr. Boucek – It is the Dober Whitee, tan colored and the blue and cream color. They are all in the same family. I was out there today and put it up to the Hobby Lobby and it was pretty well with the color scheme.

Mr. Limbeck – This rendering is most accurate?

Chairman Logan – Colors yes but they changed the signage, sign layout.

Mr. Boucek – I have updated the renderings and can pass them out.

Mr. Gallina – No questions. It is good to see a reuse and repurpose of the site.

Mr. Santoro – No questions. I think it looks pretty good.

Mr. Harter – I want to confirm that you are reusing the entire Dicks store. There is no extra space after this, nothing in between you and Hobby Lobby?

Mr. Boucek – There is a lot of room. We are taking a portion nearest the closet store and substantial amount still left. I believe leasing is working on it.

Chairman Logan – Could you point to the segment? DO you have a loading dock access in the back of the building? If that space was occupied, how would you be able to use it?

Mr. Gallina – There is a loading dock as a part of this addition in the northwest corner.

Mr. Boucek – This is still available.

Chairman Logan – As far as the signage goes, I am assuming it goes with the required maximum space for the store front?

Mr. Gallina – Did we get dimensions on the signage?

Chairman Logan – There are two logos on either side pouf the store front that says ROSS in an oval. Is it considered three signs?

Mr. Pettee – That isa great question and maybe we can follow up with the Building Department to find out whether those logo plaques are also considered in the calculations for maximum signage.

Ms. Kinsella – I would anticipate that they would be since they advertise the business, and we will have to check with Code Enforcement.

Mr. Boucek – I believe we are going for a separate permit on the signage. The will check that when we submit.

Chairman Logan – The approval tonight would be for the architecture without the signage. Are you asking for approval of this tonight?

Mr. Boucek – We would have to get a permit to put the signage up.

MS. Kinsella – If the signage does not meet the Code requirements it will require a variance.

Chairman Logan – We can approve it pending Code and that it complies with the town sign code.

Mr. Harter – What is the disposition of the remaining portion of Dicks Sporting Goods in terms of the façade that will be abutting your façade?

Mr. Boucek – If you look at this drawing it will remain as is for now.

Chairman Logan – This is a new entrance area adjacent to where Dicks has been. You're not taking Dicks down and putting your up?

Mr. Boucek – It is part of the old Dicks space.

Mr. Harter – Will the Dicks entrance and former sign...

Mr. Boucek – That secondary entrance that is between what Ross will be and Hobby Lobby there is another one there in the middle.

Chairman Logan – Is that the former Kmart?

Mr. Santoro – Is this an illuminated sign under the soffit? Right under the R.

Mr. Boucek -Correct, right at the entry way of where the door is there will be sign.

Mr. Santoro – What will it say?

Mr. Boucek – Ross Dress for Less

Mr. Santoro - Another sign then?

Mr. Boucek – It will be part of the sign package.

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 Joe Limbeck, seconded by Al Gallina, 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 Al Gallina:

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

1. A site plan application was received on January 25, 2023, from Dennis Barcena of Onyx Creative (the “Applicant”) by the Secretary of the Planning Board for a Site Plan entitled Ross Dress for Less Facade (the “Project”) for the property located at 20 Cobblestone Court Drive, Victor, NY.
2. It is the intent of the applicant to revise 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.
3. A public hearing was duly called for and notice of said public hearing was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the Site were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on February 28, 2023, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Architectural Consultant reviewed the project on February 20, 2023, and provided comments.
7. The Town of Victor Code Enforcement Officer reviewed the application and provided comments in a letter dated February 16, 2023.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on February 28, 2023, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Ross Dress for Less Facade will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Dennis Barcena of Onyx Creative, Site Plan entitled Dress for Less Facade, drawn by Onyx Creative, dated January 17, 2023, received by the Planning Board January 25, 2023, last revised February 27, 2023, Planning Board Application No. 03-SP-2023, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer, dated February 17, 2023, be addressed.
3. That comments from Architectural Consultant, dated February 21, 2023, be addressed.

Chairman Logan – Should there be a condition on the signs?

Mr. Pettee – The Code Officer does call out the signage and square footage in his comments so that would address that.

Chairman Logan – My other question is the other two wall signs that say Ross are included.

Ms. Kinsella -It is my opinion that they would be.

Chairman Logan – Is the area satisfactory?

Ms. Kinsella – That is what that condition would address is the Code Enforcement comments. It has to conform. You can approve it the way that it is but has to meet the Code otherwise they would need a variance.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. The building design plan shall be consistent with the architectural details as shown on the elevations, entitled Ross Dress for Less Facade drawn by Onyx Creative, dated January 17, 2023, received by the Planning Board dated February 24, 2023.
3. That a building permit be obtained for the new entranceway and loading dock.

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

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

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

Approved 5 Ayes, 0 Opposed

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 – This application has been removed until March 14th meeting.

Motion was made by Joe Limbeck, seconded by Ernie Santoro, RESOLVED the meeting was adjourned at 7:42 PM

Lisa Boughton, Secretary