

A regular meeting of the Town of Victor Planning Board was held on March 8, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: Wes Pettee, Town Engineer; Dave Nankin, Francis Rose, David Palmer, Glen Thon, Brennan Marks, David Wright, Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary.

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

**APPROVAL OF MINUTES:**

There were none to approve.

**CORRESPONDENCE:**

There were none.

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon was not present.

PLANNING BOARD reported by Kim Kinsella  
Tuesday March 22, 2022

**PUBLIC HEARINGS**

- Rotach Pole Barn, located at 1373 School Road, applicant is requesting approval to build a 40 x40 pole barn/storage.
- Dish Wireless at Baker Road, located at 90 Baker Road, applicant is requesting approval to install antennas, ancillary tower, and ground equipment at an existing wireless facility with no charge to height or ground space.
- Dish Wireless at Brownsville Road, located at 914 Brownsville Road, applicant is requesting approval to install antennas, ancillary tower and ground equipment at an existing wireless facility with no charge to height or ground space.

**SKETCH APPLICATION**

- Stone Brook Subdivision, located at 1403 East Victor Road, applicant is requesting **acknowledgement of a complete application** for a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15+ acres in the Town of Farmington for a total of 115 acres.

Mr. Pette – In addition to that Labella Associates, our civil engineer will be her to discuss with the Planning Board and present Pump Station #7. You will get more information on the status of that sewer pump station.

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

**BRISTOL GARDEN GROWING GREENHOUSES**

37-SP-2021

7432 State Route 96

Zoned – Commercial/Light Industrial

Owner – SASRMS, LLC

Tax Map # 15.00-2-20.120

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

Fred Shelly of BME Associates

Mr. Shelly – The applicant is requesting site plan approval for the construction of the greenhouse facility as referenced. For the Boards information the proposal has been modified and one of the buildings is for 4 120 x 24-foot buildings and four 144 x 24 so one of the buildings was removed from that to better fit the development onto the site. The updated plan set submitted for the Planning Board for review was revised in response to the review comments that were received from the town staff and the Ontario County Planning Board and did receive some comments from the NYS DOT. As indicated, we did remove one of the 120 x 24-foot greenhouses and have included on the site plan the coordination of a 14 car parking spaces along the southernly boundary line that where there is an agreement with the Thirsty Turtle owners for expansion of their parking lot if required.

Minor revisions to the stormwater pond include installation of a roughly 2-foot-high berm along the ring road that goes along the pond. That is to accommodate the additional flows that will come from the greenhouses and discharge into the stormwater pond. Under existing conditions, the stormwater pond function adequately and contained the ten-year storm but when we increased the flows to that we needed to raise the elevation of that to accommodate that. The outlet pipe will remain as it is and does not need to be revised, however we have proposed an additional spill way on that to allow for discharge for any additional flows out of the pond. The berm will provide a one-foot minimum freeboard during a 100-year storm event. The resulting flows from the site from both the greenhouses and the other areas of the site will be reduced from existing conditions in the neighborhood of 18 – 20% of existing conditions.

The plans were prepared, and written responses were provided to the town and the comments have been addressed to the Town Engineer, Code Enforcement, Fire Marshal, Conservation Board, Ontario County PB and the NYS DOT and the plans have also been revised to include accommodations or directions for the owner to limit the migration of site materials into the state right-of-way. The project also received a variance to allow 41.9-foot front setback from Rowley Road right-of-way and that occurred at the November 1, 2021, Zoning Board of Appeals meeting. I am happy to answer any questions and do understand the Town Engineer is currently reviewing our submission and included drainage memo which included the analysis of the existing and proposed conditions.

Chairman Santoro – Any comment Wes?

Mr. Pettee – The response seems very thorough, and I think that based on the Town Engineer review of these responses we would likely find they have addressed our concerns and Mary, our stormwater expert, is taking a look at the responses as we speak and should be able to provide an updated memo in the next few days.

Chairman Santoro – Anyone from the Board have comments?

Mr. Gallina -No questions.

Mr. Logan – I am interested to see where the parking spaces that you are suggesting for the Thirsty Turtle?

Mr. Shelly – It will be on the right-hand side of the map and did provide a shaded area there and delineation of 14 spaces. The spaces do straddle the property line but however it is an extension, and they are dimensioned based on the edge of pavement from the Thirsty Turtle and into the site 18 feet as required by code.

Mr. Logan – I am struggling to see how you can fit those in when there is already parking spaces in front of all of those. Are they redoing the whole parking lot arrangement in that area?

Tom Sanna of Bristol Garden

Mr. Sanna – Ted Rund one of the owners of Thirsty Turtle had mentioned he would have had to redesign his parking area once they moved those in because it would give him another avenue to put parking there between there and his building.

Mr. Logan – I am looking at the aerial that does show his current layout with that expanded and literally those spots are right up against or into those 14 spaces and I am trying to understand how they will assure that will fit in reconfiguring their parking lot. Maybe that is not your engineering job.

Mr. Sanna – I think Ted would have to answer that and I am just there to provide the area that you asked for.

Mr. Logan – I am looking to see how we can be comfortable approving this knowing that they have enough space to do what they need to do. They sold us on expanding the patio that they could use the parcel thru an agreement with you folks where your greenhouses are going. Wes, have you looked at that?

Mr. Pettee – This is the first I have seen of the updated plan where they demarcated parking spots. I do not think we have provided comments on that previously.

Mr. Logan – You can see the Google Earth aerial.

Mr. Sanna – I would have to say that Ted would have to redesign that am not sure how he would do that, but it would provide more parking for him if it were needed. I know it was one of the things he had mentioned that he felt he didn't need it but if he did need it was available.

Mr. Logan – It seems like the parking lot could fill up pretty fast on a popular evening. If they have 14 spots for their staff, there will be cars down on 96 which they have done before. I m trying to reconcile the two. What I am hearing is there is no formal solution yet and hearing some assurances that Ted think he knows how to do it. I would be interested to see that. That is all I had.

Mr. Harter – I feel the same way about the parking stalls. There is a slight separation between the parking stalls and the building, is that correct?

Mr. Shelly – That is correct. We provided approximately three feet.

Mr. Harter – I am just wondering is there a code item relevant to this when parking is up real tight to a building like that? I would ask Wes maybe or Kim if Code has reviewed it?

Ms. Boughton – Al Benedict did review it on March 3, 2022.

Mr. Harter – With the parking?

Ms. Boughton – He reviewed the updated site plan with comments.

Mr. Harter – I had a question on your drainage analysis. You are subject to phase 2 because you are disturbing more than one acre, is that correct?

Mr. Shelly – I believe the disturbance will be less than one acre for the construction of the buildings. As I understand it is they basically install post columns and build off of that. They

are able to build without regrading the entire site. The major disturbance would be the installation of the berm and the minor area towards the rear of the site.

Mr. Harter – If Labella stormwater person is accepting of that I am okay.

Mr. Limbeck – I understand the stormwater plan and am curious thou that when we are growing things, we need water and fertilizer, where does that water go once, we are done feeding the plants?

Mr. Sanna -The majority of the water is absorbed by the soil that the plants ar3e in and the minor amount that comes out is absorbed right into the soil under the greenhouse. The greenhouse floor is porous.

Mr. Limbeck – At some point in time will we have an excess of nutrients in the floors of the greenhouses, or should we be concerned?

Mr. Sanna – I would not be concerned. It is a very minor amount of fertilizer that is used, and a lot of the plants are done on drip irrigation and is controlled water and as soon as it comes to the soil it is shut off. There is not a lot of runoffs.

Mr. Logan – That parking area that Ted Rund wants to take advantage of, is he going to pave that or is it going to be gravel or do you know since it will be partly on your property?

Mr. Sanna – When I talked to him, I think it was going to stay gravel. He was not going to pave it.

Mr. Logan – Right now it is lawn.

Mr. Sanna – There is some lawn there that he would have to remove that is on his property and grade it to the level.

Mr. Logan – I will have to ask Al to see if the code requires more than just gravel. Do you have an objection if it needs to be paved?

Mr. Sanna – No objection.

Mr. Pettee – I have a note to check on the parking. I think there was a Thirsty Turtle site plan and resolution that was done a while back and we could dig those up to see if that talked on any specifics on paving or if just the code is going to require it.

Mr. Logan – That plan had where the east end of the buildings wasn't for parking along the edge of the paved parking lot it was up where it looks like there is stone storage in that area. That is my best recollection of that. If we can work that out it would be great.

Chairman Santoro – Anyone from the public? Hearing none. We are set for tonight and you will need to get the information.

**DELTA SONIC CAR WASH**

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

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

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

Chairman Santoro – Has been removed until April 12, 2022, meeting.

**PRELIMINARY APPLICATION****VALENTOWN MEADOWS**

01-PS-2022  
Zoned – Residential 2

7241 Valentown Road  
Owner – CoMark Holdings  
Tax Map # 1.02-1-21.000

Applicant is requesting approval for a clustered subdivision of a 28.6-acre parcel into 8 individual lots ranging in size from 1.58 acres to 5.87 acres. The property is currently divided by Valentown Road with an existing house on south side of Valentown Road and existing barn structure on the north side of Valentown Road. This will be the second step in a 3-step process for a major subdivision. The Sketch Plan was acknowledged complete January 11, 2022.

Brennan Marks of Marks Engineering here for CoMark Holdings

Mr. Marks – I think you are all still familiar with the application, if I need to go backwards I can. We received comments from the Town Staff as well as the Town Engineer and have been able to address those and we also heard some comments regarding the traffic and sight distances. I made some changes to address some of these concerns.

We acknowledged the concerns of some of the residents in the area. Also we acknowledged that is not a problem of the proposed driveways as much of the horizontal sight distance for Valentown Road around this curb. What we are proposing is a fix for not only the

subdivision and the entrances we proposes but also proposing a fix for the sight distance on the road which will better the traffic and make this road safer. What we are proposing is the removal of vegetation and the embankment along this inside of the curb on Valentown Road. This vegetation has some overgrowth of cotton woods and low shrubs about five to six feet high. There is an embankment that comes up approximately five to six feet off the right of way. What we are proposing is the removal of vegetation along the inside edge of that curve to allow for the 450-sight distance around the curve so if anyone has to react when they are driving down Valentown Road to a deer or car they will have time to react. The embankment will be laid back away from the right-of-way by removal of some soils and the 2 and 1 grade coming off the right-of-way. Not only are we improving the sight distance for the proposed driveways were also improving the sight distance around the curve on Valentown Road which should improve traffic safety.

Other discussions were had at the last meeting about relocation of driveways. The locations of the driveways we picked are based on a few things. One it was pointed out that that point might be the safest point to enter and that is the safest point that we found. There is also a stream that comes thru the site which has an environmental restriction on it and the town of Victor has no impervious area within 75 feet of a Class C stream, so this stream was not able to be crossed and is also promoting the environmental safety of that stream. This is an existing entrance and is an old barn entrance that also has the best site distance. There was also discussion of bringing this entrance which is the lot one and eight down here closer to the entrance to lot two. There is that Class C stream, which is right along here, and we want to maintain that 75-foot buffer as per the Victor Town Code.

What we are proposing is the best locations for the driveway access based on traffic safety and environmental issues. There was some additional comments from the Town of Victor Trails, and we have met with them association. I do not know if they are actually a legitimate group or not, but they did walk the site and they outlines some points of the site which were of interest, mostly in this back area. We did address the comments they provided. They were requesting somewhat up to 5 acres of access onto the private property. The owner of the property is not interested in providing 5 acres of a 30-acre lot. There was some compromises offered for reducing the encroachment into the rear of these properties. What they are doing is accessing it from the Rainaldi's property. Instead of coming as far as the third of the way into lot5 we are proposing maybe coming in up to 150 feet. We are convinced that we can work thru that with the hiking trails in final approvals if this Board is willing to go forward with preliminary approval.

There was also a proposed trail on the lot 8 and again this is private property to the east. We would also be willing to work with the Victor Hiking Trails if the y could provide some sort of a master plan document for the trails instead of requesting access on private property without any type of plan. If they could provide a maintenance program together for these trails and also how they enforce restrictions on private property and also there is an insurance issue. If they could provide that we would be willing to talk to them. At this point we have not any of that information.

David Wright of Victor Hiking Trails

Mr. Wright – We have been incorporated as a 501C3 for 30 years, so we are proud to be a recognized organization in Victor. For the record we did go Saturday morning and walked the property with Adam Reitz from Parks and Recreation and is there new trails manager. There were three or four of us from Victor Hiking Trails as well as a representative from the developer. Adam pointed out that it is very difficult to hike straight up a hill and if we were to follow the northern property line of 5, 6, and 7 that is basically what you would be doing. That little V shaped there is what we walked. The point of the lower edge of the v is basically the high point of the hill that you can see from the road and even thou this is a very small trail we were looking at the future where this could be used to connect over to the Seneca Trail which is the existing red trail that basically runs from the town line with Perinton all the way south to the townline with east Bloomfield. These are also some future trails that we have been looking at. This is an existing trail that is part of the Genesee land trust that we have recently completed. This is Mary Francis Bluebird Haven, and this is Monkey Run. These are trails. This is where the gas line currently goes. In 2019 Master Plan for Victor Parks and Recreation this is a proposal for a future trail to connect from Victor Egypt Road over to the Seneca Trail. These are not in any plans and are just future plans that as these areas get developed this would be opportunities to make connector trails. To connect trails to existing trails and trails to parks. This little section here is ideal because it is close to the power lines which is not ideal but gets you into the woods off the steep slopes underneath the power lines and is not very interesting to be a walking thru a managed meadow which is underneath the power lines and will always be like that. We are looking for opportunities for the community to enjoy and get exercise and go out and watch the birds and basically why we thought that would be an opportunity for a trail.

I understand the builder's resistance to having it anywhere near existing homes or future homes and also is our desire. We do not want to be walking thru someone's backyard but if you are out there and see the top of the hill is mainly low trees and low bush. We are not looking to clear the top of the hill and are looking for a single-track trail that would be suitable for multi-use for hiking and mountain biking and those kinds of things.

Chairman Santoro – You are going to have to work this out the builder.

Mr. Wright – Yes, we want to work with the developer. Come to some agreeable compromise that would make it a usable trail and not straight up the hill and not right on the property line and give us a little leeway to make it manageable. We have always wanted to work with the developers because we basically do, or we don't have a trail.

Mr. Logan – I asked Wes to bring up the plan for 4, 5, and 6.

Mr. Wright – I did forget to mention that we are not looking for a revocable permit from the landowners, we are looking for a town trail easement so that the town would be able to be

responsible for the trail and maintain the trail they would be able to supervise the trail. We are like an advisory group for the Victor Parks and recreation, they would be the ones that want a trail easement.

Chairman Santoro – Is that in their budget right now?

Mr. Wright – There is nothing in their budget right now and this would not be developed at all until we had connections to the Seneca Trail thru the other property. I just recently found out that Rainaldi's had sold the property where it will be all residential and we will have to work with a new owner on that to get permission to have a trail on their property. We have not done that yet, but we will. I do not know who it is and was going to stop in his morning.

Mr. Limbeck – All of this area is a conservation easement, so we are going to be denying the potential homeowner the use of his land and they are going to have bicycles...

Mr. Wright – The landowner, even thou it is conservation easement, they still own it and still have some things they can do it with it. They can not put a building on it or cut down all the trees but there is many examples of town easements within conservation easements.

Mr. Limbeck – Is it usual to run thru or that deep into someone's property, isn't more usual to go along a property line?

Mr. Wright – It all depends on the lay of the land. If it is a swamp, we are not going to walk on the border line, if it is too steep a hill, we are not going to be going along the property line. an example done recently was the apartment proposed on Main Street Fishers with Morrell and they have several apartments and single-family homes, and, in that case, it made sense to go around the perimeter and the backyards of those properties but still in the conservation easement. The terrain allowed it.

Mr. Limbeck – That dictates a lot. We can not build a trail straight up a hill.

Mr. Logan – Wes brought up the document I was referring too.

Mr. Wright – We were looking at coming in somewhere in this corner and again we need permission from the new landowner that is proposing all of these apartments or single-family homes. This little creek is the same one that comes thru. We would access from the road in this corner, and you can tell by the topo lines you are going straight up the hill. We are looking to follow a contour line to get up to this area then we would come out and join another major trail that would run east west.

Mr. Logan – There is a concern about having a dip that deep into their property.

Mr. Wright – this right here is the highest point and we walked from this area we went out that high point to see what the view of the vista would be. It does make it more interesting if

you have an opportunity to follow around in a circle rather than a straight line. That is what we are looking for and if you are down here you cannot see up there. The hill is steep, and a lot of brush and it is winter, and I still could not see down to the field. You could see over to the other hill but could not see any of the field down in this area when you are standing up there.

Mr. Logan – The only thing I want to point out is right in here there is a high point. There is a saddle right in here and if instead of dipping down into the property.

Mr. Wright – That blue line there is not where we are proposing. We would stay north of the high point.

Mr. Logan – You are within less than 100 feet.

Mr. Wright – You are right and there is that little valley there that is wet, and we will avoid that as well.

Mr. Logan – Right here you are climbing up the hill. This blue line I interpreted as the desired path.

Mr. Wright – No, not that far south.

Mr. Logan – if you wandered along the line by going in and out a little bit through the contours of the saddle and up you can just barely dip into the property rather than going much further.

Mr. Wright – We do not want to come down in this area here because it is wet. We want to stay somewhat close to the property line until we get up into this area here then looking to go to that high point.

Mr. Logan – It sounds like you can work something out with them to keep it as close to the property line as possible.

Mr. Wright – Like I said, we are not planning to do anything until there is a possible connection to the other trails.

Mr. Logan – You are basically talking about a town trail easement?

Mr. Wright – It would be a town trail easement for sure.

Mr. Logan – It would be a certain strip where the trail would be gone and not the whole block of property north of a certain spot?

Chairman Santoro – What about parking?

Mr. Wright – Parking would be at Valentown, and you can access the Seneca Trail from Valentown or across Turk Hill Road at the plaza that has Bed Bath and Beyond in the back parking is where we currently park if we are going to hike on the Seneca Trail. We would not be looking for parking spots on the road. It does not make sense.

Mr. Harter – I wonder if I can ask some questions about the drainage. Could you tell us about the drainage plan for the project? I am looking at your plan and nothing is really jumping out at me. Is there stormwater treatment on each of the individual lots? I see a storm infiltration trench design as a detail, but I do not see where that would be.

Mr. Marks – We provided a drainage calculation based on the disturbed area for the four new residential building lots. The proposed drainage is for each individual house. The storm leaders will connect out to the road drainage of Valentown Road. The storm leaders will have a 60-foot strip of infiltration chambers in the sandy soil with a high perc rate. Based on the calculations provided the litigation for the impacts on the 1- and 120-year storms will be little to no impact. With the sandy soils on the site in general, hydraulic soil group Class A, there is no runoff and .02 CFS runoff at proposed conditions for the 10-year storm.

Mr. Harter – Based on the disturbance you are basing your disturbance on four lots but you're actually proposing 7 lots total. The other ones are not being proposed at this time?

Mr. Mark – there is 2, 3 4 and 8. Lot 1 is existing.

Mr. Harter – I would leave it up to the Town Engineer to go into further detail on the stormwater. I was curious what you were doing.

Mr. Mark – The remaining lots in the rear we are showing as a potential building lot because we did not propose something that necessarily could not be built with the conservation easement. These would also be subject to site plan review in the future.

MR. Harter – In terms of disturbance, should they not be included in the overall disturbances as potential; future lots and take a look at the entire project as part of our approval.

Mr. Mark – Those lots could never be built on. If the owners that purchased the front lots, they could purchase them and leave them as a vacant lot, or someone could buy it as a recreational lot. Like other towns, Gorham, they request infiltration based on house site plan.

Mr. Harter – I will yield to the Town Engineer on drainage and disturbed areas if that is ok. I think that question will also relate to SEQRA, but we are not there yet.

David Cocquyt with CoMArk Holdings

Mr. Cocquyt – Just one with one comment to the trails. We did the site walk with the trails on Saturday and as you pointed out Mr. Logan, that one piece does come rather far, and that

blue line was the proposed trail and comes rather far into the property. I repeatedly said we would offer a limited buffer of 50 to 75 feet along the back line. That was repeatedly pushed into that lookout who has every steep slope, and the saddle is in my opinion the best location for that trail. We are more than willing to work with the trail system based on some limited impacts, however, what is proposed is very loosely worded and a concern from the owner's standpoint to give free rein to the trails without a master plan that does show anything with the long-term plan behind it. We are willing to work with the town and the trails when there is a plan but at this time, I am concerned it is too loose to react to as an owner of the property.

Mr. Logan – the reason I had Wes bring that plan up was based on the response that you gave in discussing the site walk and discussions out in the field. It was my impression that that blue line was the trail that was discussed that you had some objections too and that is why I was looking at it so closely in terms of contours. If we can keep the trails within the contours that makes sense near the property line. It sounds like you are willing to do that and just do not want to invade deep into the parcels.

Mr. Cocquyt – We have made an offer of up to 2 acres with a sidewalk easement along Valentown Road or the back property line up to 50 or 75 feet from the north property lines. There was also a stubbed trail on the southside of the property that was very briefly discussed but never walked or explained. That does not really seem to start or end anywhere and has no parking. I also on the plan that was just brought up that I have not seen before and was not referenced anywhere else that they also propose along the east property border which was never discussed.

Mr. Logan – As you just stated, Dave did bring forward a concept master plan showing all the facilities that we already have and the potential in that area so there has been some thought into why they are asking for this. If the two of you can get together and at least move that forward and keep in within a tolerable space, I do not see that you have a problem helping them out.

Mr. Harter – Relative to the clearing you are doing on the hillside. Did you get a conformation back from the engineer if that would take care of the problem?

Mr. Mark – We received the comments yesterday. We put together the plan to clear the vegetation and prepared and sent tot the town today.

Mr. Pettee – With regards to the soils that you are going to be removing to improve sight distance, do you know the volume of soil that is going to be moved and where it would go?

Mr. Mark – Limited. It would most likely go across the street. It depends on the excavator at the time. It could be hauled off but most likely it would be placed on the other side of the street where we are going to put a driveway in. My thought is that it is gravel soils and will be used for fill. If I had to guess a volume I would guess two trucks, 25 yards.

Mr. Pettee – Thanks.

Mr. Wright – If I could address the sidewalk on Valentown. That did not come up in the discussion, but I do not want to speak for the town or for Parks and Recreation, but I do not believe they have any intent to put sidewalk on Valentown Road. They do have in their 2019 Master Plan improvement for roads like Valentown Road that are two lane town roads to widen the shoulders for bike lanes. I think that will happen in the future but there is no intent to put sidewalk on Valentown Road.

David Palmer at Valentown Road

Mr. Palmer – Did any of the Board members take my advice and go up and look at the traffic.

Mr. Harter – I did.

Mr. Pettee – Your Town Engineer also went up and visited the site and pulled into the driveway and backed out.

Mr. Palmer – I have a question. Supposedly this land is put into an environmental conservation. Who pays the taxes on this land? The owner does?

Mr. Cocquyt – I do.

Mr. Palmer – I have a suggestion for you still. The two houses on the north side of the road. You might want to orient them a bit different. In August it is very hot, and people are paying millions of dollars for these houses and would like to sit on the deck.

Chairman Santoro – Is that not what the homeowners going to have some say in?

Mr. Palmer – I am just looking at the picture there and I have lived on the road all my life and I can not sit out in my front yard and talk to anyone because you can not hear them over the traffic. Something to think about. There is a quality of life for sitting on those decks. Maybe you put trees up to help with the noise. If you are going to go do this, it will make it better for these people buying these houses.

Chairman Santoro – That will be up to him.

Mr. Palmer – I am trying to help him because he is going to do this anyways. Another question. What happens two years from now when he comes back and wants to put four more houses in? Can he do that? He cries hardship and isn't making enough money and wants to stick more houses in.

Chairman Santoro – That is in the future, and we are not talking about the future tonight. We are talking about the present application.

Mr. Pettee – I can confirm the proposed density there on this project site can not be exceeded per the Zoning law.

Mr. Palmer – You already told me at the last meeting you can put a house axon one acre lot.

Mr. Pettee – Yes, I may have said that but that does not mean that...there are density requirements and there is density overlay district so it means for the parent parcel, per the overlay zoning the applicant would not be able to come back and add additional homes to this project area.

Mr. Palmer – It will be interesting when he starts digging these basements. They are going to be 8 feet deep? They will not be patio homes.

Chairman Santoro – This conversation is not on the record since we can not hear the responses. Direct your questions up here.

Mr. Palmer – When he digs these basements, they are going to be 8 feet deep, and that land is now seven feet below grade of the road. He is going to hit water.

Chairman Santoro – That will be his problem.

Mr. Palmer – He may wake up the next morning and find ponds. God is not making any more land.

Glenn Thon of Valentown Road

Mr. Thon – My wife and I have lived on Valentown Road for 60 years and always a lot of changes. Within in the last 20 years they took from John Wilson about 30 feet and gave it to me because they wanted to change the curve of the road. They did that without much thru the Town Board. They all sat on John Wilsons front yard and worked everything out there rather than a meeting. The road is constantly getting busier and busier. I had an opportunity to go out to my newspaper box around 7:30 in the morning on a workday and you have to be very careful stepping to get into your mailbox. My wife and I have been in our front yard raking leaves and had a light post 25 feet into my yard. A car came across my yard and missed my wife and I and took out our post. The speeds on Valentown Road are terrible.

Mr. Limbeck – I think we can all agree on that. I think the builder has taken the concerns that you folks have expressed on the last several meetings about site lines and the speed and that moved to pull back the embankment and vegetation. I think it will make it a lot safer for those folks to get in and out of the driveways.

Mr. Thon - It isn't site lines. The speed has to be lowered. I have talked to the Highway Superintendent and hem and haws with him. It is speed and traffic. They have to change that.

Mr. Limbeck – It is my understanding that the Town Highway Superintendents is constrained by NYS rules governing the speeds set on types of roadways. It would take a petition to the state DOT.

Mr. Thon – It is the same story I get from him.

Mr. Limbeck – It is a true story.

Mr., Thon – Why doesn't he do it?

Mr. Limbeck – I am not sure if he has or hasn't.

Mr. Thon – I know he hasn't, but speed and traffic and the other thing is the heavy trucks go down Valentown Road and I have seen the trucks with the 90-ton limit. They go down full and empty. High Street is a 12-ton limit. There is no limit on Valentown Road.

Mr. Limbeck – I cannot speak to that.

Mr. Thon – Noone is listening to me. Isn't this one of the places where I can give my comments.

Mr. Limbeck – Your comments are going on record but our ability to respond and act on it is nil.

Mr. Thon – Maybe one of you fellas will be in that position where you have to make a decision. I think I am making an enemy of my town highway superintendent who I have known since he was a kid. We have to do something about the speed and weight limits.

Mr. Pettee – Just curious, you have taken the opportunity to speak with the Town Board regarding these concerns you have with the speed on Valentown Road?

Mr. Thon – I have not talked to the Town Board.

Mr. Pettee – I think that might be a good opportunity to express your concerns.

Mr. Thon – These gentlemen are part of the Town Boards.\

Mr. Pettee – No they are not. This is the Planning Board and is an administrative body. I am suggesting you talk to the legislative body the rule making and law-making body for the Town of Victor.

Mr. Thon – Are you talking about the Town Supervisor?

Mr. Pettee – Yes and the Town Board.

Mr. Thon – He is in Albany more than he is in Victor.

Francis Rose of Valentown Road

Mr. Rose – How much of this bank are you going to take off in order to see around that curve? Back in 1959 when they built this road it is all raised up all the way to High Street. You propose to take this dirt here and will need to fill that in and right there will be a pond. Right now, it runs right down there and into the creek. I know how things are across from my house because the town did the same thing. They promised my father that if they could take this hill but make it level to the porch and raised it another 4 feet. We used to pass the cows across the road, and we cannot anymore. How much of this can you take off to make that sight better.

Chairman Santoro – He said a couple of truck loads.

Mr. Rose – A couple of truck loads is nothing. You might run into brick sand over there. I do not know why you can not put a culvert. You do not have a 75-foot buffer right there by that house.

Mr. Pettee – Let me summarize for you. After the last Planning Board meeting, I went to visit the site on February 24, 2022, and took some photographs and talked with Wade Daley, transportation engineer and he looked at the sight distances and we came up with the memo with our concerns for not each and every instance of driveway sight distance but there was a couple of concerns. As a result the applicant has provided an updated subdivision plan which includes some grading on the south side of Valentown Road, which we have not had the time to thoroughly review and confirm the sight distances are going to be adequate. Where do feel, it is going to improve the situation. We did observe some of the traffic flow that was out there and was in the afternoon and we observed the speed of traffic going by and that sort of thing. I certainly understand the public commentary about the concerns of traffic and the cars. Some of the may speed and there is not much the Planning Board can do about that. There were quite a few that seemed to be going the speed limit and maybe even below the speed limit. Some people are probably pretty cautious when the drive that road and maybe because they live in that area, and they know the circumstances. It was a varied experience out there. I was a little nervous pulling out of the existing driveway that was on the Southside of the road and primarily due to the limited sight distance looking east towards Victor Egypt Road. The proposed improvement here is intended to help create a safer environment for not only the folks pulling out of these proposed driveways but for the people who are already traveling the road to avoid running into anyone pulling out of these proposed driveways.

Mr. Marks – This is what we submitted earlier today showing roughly where we are going to remove vegetation. This is a close up what we are looking at. Most of this is vegetation and there is slight embankment that will be laid back to allow for that sight distance on the hedgerow on the east side.

This is lot 1 looking towards Victor. That tree is in the right-of-way and will take that down and back the vegetation to the right-of-way line. This is looking east from Lot 1 which is where the existing house is.

What we have basically is this telephone pole here is where the Lot 3 and 4 enter out next to this telephone pole. That also impedes the same view. If you flip back to the site plan, I can show you where that wedge is that we are removing. We have taken it out of the conservation easement and is approximately 15-20 feet deep at the deepest point. We have taken it out of the conservation easement also proposing to write an easement to the town and highway department for vegetation control.

Mr. Harter – Looks like a good solution to me. It is mostly vegetation that we are talking about.

Chairman Santoro – On Willis Hill they took vegetation and soil out.

Mr. Pettee – If you are comfortable going thru the draft Part 2 of the EAF we can do that. If you would like some confirmation about sight distances and any related concerns related to the Irondequoit Creek Watershed requirements, we can try to satisfy those to help, make you feel more comfortable with the draft SEQRA.

Mr. Harter – My sense is if you can button up those issues then I think we can get thru Part 2 pretty quickly. We might hit a snag along the way without it.

Chairman Santoro – We think everybody looking at this as the next meeting?

Board agreed.

Mr. Harter – That will give enough time for your person to go and take a look at this information and confirm what is being proposed is going to do the trick for the sight distance and a benefit for the town.

Mr. Pettee – It should make any subdivision final application approval pretty quick. We are hammering out the details and the highly technical components during the preliminary subdivision review.

Chairman Santoro – We can probably close the public hearing now.

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.

## **FINAL SUBDIVISION**

### **SOUTHGATE HILLS PHASE 2**

East Victor Road

Owner – BRW of Greece LLC

Tax Map # 28.04-1-48.000

01-FS-2021

Zoned – Residential 2

Applicant is requesting approval to construct 15 lots on 10.14 acres under the clustering provisions which will include all associated utilities and stormwater management.

Approximately 3.99 acres will be placed in a conservation easement. This will be the third step in a 3-step process for a major subdivision. The Preliminary Plan was acknowledged complete January 11, 2022.

Linc Swedrock of BME Associates

Mr. Swedrock – We have gone thru Sketch and preliminary and here to request final tonight. All the conditions of your preliminary approval. We have been working addressing since the last time we were here before your sidewalks up to the Auburn Trail, road names and changed the lot numbers to continue from last phase, started grading work out there and have worked to address all the staff comments. We have provided written responses to all the comments, and we have buttoned up all the staff comments and provided written response to those. A lot of them were regarding the trail design which they had not seen and had to go out and do that design since we were here last time. With that we are looking to do final, and everything is consistent with what you have seen and the only changes to the plan have been to address staff and Board comments.

Mr. Pettee – I will bring to your attention that allow the D and C standards may allow the Planning Board to waive the section requested by BME, Southgate Hills 2, the Fire Code of NYS indicates that a fire apparatus access road is required prior to construction materials being onsite. That means that the road is required to support fire apparatus under all weather conditions. It is the towns understanding that as of last week the contractor that is doing the grading of the site could not get good compaction results because of the soil conditions. They decided to cease operations until site conditions improve. They have moved offsite and have temporarily stabilized the site.

Mr. Swedrock – If it is all right, I was going to do the final approval first and then if we want to talk about that second. I guess we have to do it all as conditions of approval. What we

understood was that we were requesting the waiver for the first four lots off of East Victor Road because they have fire apparatus access from East Victor Road for the first four lots. That was the initial interpretation that we received from code. We were asking for the waiver so that we could start construction on the first four house along East Victor Road. The reason we are asking is because they are looking to move their construction crews right from Southgate 1 to Southgate 2 to keep them here on site. That is new to me, I did not hear that comment before. The reason we made the request was that we thought could request it to build the first four lots along East Victor Road and it would provide the access.

Chairman Santoro – We just got it today too.

Mr. Swedrock – That was the reason for our request. We reached out to code, and we thought we could get the waiver and it is really a construction timing is the reason why we are asking for the waivers.

Jerry Watkins of Riedman Associates

Mr. Watkins – In addition to the East Victor Road, if you look on the map and at the top, we have a stone road put in that will be used to access to the pond in the back and that is also in. It is 9 inches of stone and capable of carrying the town trucks when they have to do maintenance back there. As Linc said, in our first section right down the street we have 28 lots, and everything is sold except for the model, and we have a spec house going up. Everything else is gone. With the pandemic it has been hard to get contractors and get in their schedule. We used to be able to build a house in four months, it is now six months. What we are trying to do here is we do have some pipework in to help the drainage that flows from the south to the north but we cannot get compaction of the soil right now. What we would like to do is hold off till late April or early May before we would go forward with these four houses but that would allow us to take the contractors at the other site and get in their schedule now that we would have the ability over the next six weeks to do so. It is crazy out there with scheduling. We used to be able to get kitchen cabinets in three weeks and now it is 17 weeks. We are trying to keep things rolling here. All these houses we would start the four houses and would not sign contracts on them, and they would all be spec houses. We would like to get a little relief so we can keep rolling.

We have another 10 lots across the street, I heard Wes say that Pump Station 7 will have some action on that. We have been delaying on coming in before you for the other 10 lots, but Linc has the paperwork today to start working on that. We have a hole in our shoe to keep things rolling here.

Mr. Limbeck – Have we had any feedback from the Fire Department about the liability of granting you the waiver?

Mr. Watkins – We have not heard from them. I talked to Al Benedict, and he was going to talk to them. There is a hydrant across the street from us, so we are within 300 feet of that hydrant for these four houses.

Mr. Pettee – Could you point out the four houses you are talking about? Is it four deep or the four closest to East Victor Road?

Mr. Watkins – Two in on both sides of the road. The ones you are identifying. The problem is that the soil we want to move is at the cul-de-sac and we have to move it toward the middle and the middle is where we cannot get compaction.

Chairman Santoro – Are you going to be able to get compaction at all?

Mr. Watkins – Yes, when it dries out. We have Geotech studies done at the property.

Mr. Swedrock – I guess if the Planning Board is okay with it the ultimate decision comes down to Codes whether they issue a Building Permit or not, right?

Mr. Harter – If they are comfortable issuing a building permit?

Mr. Swedrock – Our understanding was that if we have the hydrant across the street and as long as we were within that proximity to East Victor Road, we were meeting the fire requirements.

Mr. Harter – Do we have something in writing to that effect that we can fall back on?

Mr. Watkins – I have an email from Al Benedict, February 28<sup>th</sup>, he is talking about the section of the Design and Construction Standards 4.1 C 22; the following conditions must be met prior to a building permit being issued; road base, sidewalk, if applicable, all public utilities and all drainage be installed. The Planning Board can waive these requirements except for the installation of availability of public water as this is part of the NYS Fire Code.

As I said, there is a hydrant right across the street.

Mr. Harter – Is not the one we are speaking about relative to the Fire Marshal, isn't that the applicable person? I think what Ernie restated is relative to the Fire Marshal. Am I correct in that assumption?

Ms. Boughton – The Fire Marshal does review it and I do not believe he has the authority to waive anything.

Mr. Harter – I am curious to what his opinions would be with respect to the request for the waiver.

Ms. Boughton – I have not heard back from him on that.

Mr. Harter – I do not know about the rest of the Board, but I do not feel really comfortable about granting a waiver if I have not heard from the person who is the designated expert in this area.

Mr. Pettee – Does the Town Staff know if this sort of arrangement happened previously where a building permit was issued prior to a road being constructed and that sort of things and if so, how many homes were allowed.

Ms. Kinsella – I know that we have done it and the Planning Board has allowed it in the past many years ago. It has usually been for one house and usually has been a model on a corner where there is access to the hydrant.

Chairman Santoro – What does the Board think about that? Can you live with two houses?

Mr. Watkins -We will take two if we can. Prefer the four.

Chairman Santoro – Trying to make everyone happy.

Mr. Limbeck – Following the logic of what Kin just said, two would make sense right? Going to deep off the road would not. I agree.

Mr. Swedrock – The two would be basically the one fronting on East Victor Road.

Mr. Logan – That is one deep off of the road off of the driveway, not two deep. They are asking for two deep.

Mr. Watkins – We have the stone road up there at the top.

Chairman Santoro – We have a comment that came in from YouTube. Deidra Kirk, 147 East Victor Road. It says that she has no confidence they will manage all the runoff during the construction. My property is still flooded from the sewer lines that was started last summer. She adds, please do not waive the water management. They are building in a swamp and without proper drainage and grading my property will flood.

Mr. Watkins – She is the property next to it. We are solving that property problem with a 30-inch storm going right thru our site to the pond up top. That pipe is in.

Chairman Santoro – Another message from Deidra Kirk, says make them do their job to code, please do not cut corners. What about this flooding?

Mr. Swedrock – This is lower back there and has always been low. Once we put a 30-inch pipe in with an interceptor here that is collecting that area and bringing it over to the pond and then draining down to the creek. We have looked at the design, Labella has looked at and we are comfortable with the design in how we are handling stormwater. She could have water in her

backyard, but we are draining everything on our site that comes to that lower and drains to the north.

Mr. Harter – That 30 inch.

Mr. Swedrock – We have swales in here and we are taking it all to the north to the pond and that is really where the drainage pattern goes now. There is a natural lowery in the middle of the site. The drainage area is being maintained. We have done our due diligence to control and handle the stormwater management on the site.

Mr. Logan – Is it already in? The pipe?

Mr. Swedrock – The pipe we put it in as part of this drainage.

Mr. Logan – It is actively draining the way you proposed for final design.

Mr. Swedrock – It is under construction conditions. They cannot get compaction.

Mr. Logan – The pipe will carry water?

Mr. Swedrock – The pipe will carry everything. It is going to be temporary construction conditions right now because they cannot get the compactions and finalize grading in that area, so it is unfortunately it is a temporary construction deal. It is designed for full buildup to drain that whole area.

Mr. Logan – Doesn't that make it a challenge to put in the house foundation?

Mr. Swedrock – These aren't cut, those units on the road. Those basements will be uncut. The middle area of that road is going to be in fill we are cutting from the cul-de-sac and filling that center area.

Mr. Logan – I am just wondering if you cut are you going to hit the water table or are you going to get water in the basements and need active drainage for those houses. Pumping from a sump pump for instance?

Mr. Swedrock – Theses are quite a bit higher so these basements will be above that water table from where that 30-inch pipe is.

Mr. Logan – Those two houses then will not be affected by this water situation you have?

Mr. Swedrock – They are quite a bit higher.

Chairman Santoro – I have another comment from Deidra Kirk, my yard is flooded because the sewer contractor did not grade the lawn back to what it was. The manholes are under water all the time.

Mr. Watkins -That was for a different project that is across the street.

Mr. Swedrock – That is the sanitary sewer along East Victor Road, not the drainage in her back yard? Just to clarify.

Mr. Logan – Sounds like it. She needs to speak to developer.

Mr. Limbeck – Will that 30-inch pipe impact her backyard positively; will that take care of some runoff in her backyard as well?

Mr. Swedrock – It is designed to collect that whole area. It is designed as an inlet at 853. The rear of her backyard is around 856 or so. It will slope towards that inlet. That inlet is at 853 and to answer your question Joe, the walkouts on the buildings along East Victor Road are 858. SO five feet higher.

Mr. Logan – Her beef is with the developer for Blumont it sounds like, and she needs to talk to Code Enforcement and they would get to Blumont. Kim is that correct?

Ms. Kinsella -She has been in contact with Jeff Smith.

Mr. Logan – That is moving along on its own and had nothing to do with these guys?

Ms. Kinsella – Exactly.

Mr. Swedrock – I think our design is designed to everything we can do do drainage in the back there.

Mr. Harter – You are under construction now and you do not have everything set per your design and you are working to get that set?

Mr. Swedrock – Yes, it is still rough graded, and it is not fine graded. It is doing what it is doing to convey it to that pipe to try to keep the water off the site so we can do the work.

Mr. Watkins -We have SWPPP report fr4om Glenn Lockwood from Labella one day and he said everything is functioning on the site good. It is started and such.

Chairman Santoro -Anything else from the Board or public? Hearing nothing.

Mr. Harter – Can I just confirm the waivers that you asked for. I noticed there is a waiver here for the downspouts.

Mr. Swedrock – Rear downspouts, Section 4.1.C.22 is the road base public utilities and drainage facilities, 4.1.C.23 is that prior to issuance of a building permit the Town Engineer must inspect the public sewer and determine that connection is appropriate. Those were the couple waivers.

Mr. Harter – You need a waiver for access to driveways based on our Code? Entrances.

Mr. Pettee – Are you talking about connection spacing standards?

Mr. Harter – Access management in terms of the entrances and drive distance in feet based on the speed limit. For the entrance of the subdivision.

Mr. Pettee – Connection spacing for intersecting roadways.

Mr. Harter – I think we find in many instances that is a waiver that we need to issue. I know it is in our Code and there is another manual that was issued.

Mr. Swedrock – While he is looking up that one. Basically the splash block ones we are connecting all of the buildings into the storm sewer in the front but the walk outs will be on splash blocks.

Mr. Harter – Okay, I understand that now. Wanted to make sure we have our waivers tallied up.

Chairman Santoro – What does the Board think about letting him put the two houses up? Everyone okay with that?

The Board agreed on the two houses.

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Joe Logan, seconded by Joe Limbeck as Amended:

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

1. An application was received on January 24, 2022, by the Secretary of the Planning Board from Riedman Acquisitions, LLC for a Final Subdivision entitled Southgate Hills Phase 2
2. It is the intent of the applicant to develop 15 lots on 10.14 acres under the Clustering Provisions of Chapter 184, Article V of the Victor Town Code. The Application includes associated utilities, roadway, stormwater management facility, sidewalks on site as well as along East Victor Road, as more fully described and depicted on the preliminary subdivision plans. The Application also includes placement of approximately 3.99 acres into a conservation easement in an effort to contribute toward the 50% open space requirement for major subdivisions. The Applicant is also requesting certain lands now known to be part of the existing East Victor Road right-of-way, which was approved on January 24, 2022, by the Victor Town Board.
3. The Planning Board opened a public hearing on October 26, 2021, November 9, 2021, and closed the public hearing on January 11, 2022, during which time the public was afforded the opportunity to provide comments on the proposed final subdivision application.
4. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared.
5. In a letter dated March 7, 2022, Labella Associates and provided comments.
6. The Town's Stormwater Management Officer reviewed the site plan and, in a letter, dated February 28, 2022, offered comments.
7. Pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.
8. The Town Engineer has previously advised that sanitary sewer pump station 7 (PS-7), located at the corner of East Victor Road and New York State Route 96, is at capacity with the approvals of the Blumont Rise Subdivision and Victor Jeep site plan. An updated evaluation was conducted by LaBella Associates between October and December 2021 using pump run times from January 2020 through October 2021. LaBella assessed pump station capacity, existing flows and projected flow rates. Within the near-term build out of Southgate Phase 2 (West side of East Victor Road / 15 lots only), along with other approved projects under construction (Blumont Rise / Victor Jeep) PS-7 would be at capacity considering the station is well maintained and ongoing construction results in no increase to extraneous flows (inflow and infiltration).
9. In a letter dated January 4, 2022, the Town Engineer indicated that sight distance from the proposed road intersection at East Victor Road would be satisfactory and recommended that three trees be removed, south of the proposed intersection, as is identified by a note on the Grading Plan indicating "Remove any remaining trees within

right-of-way for sight distance improvement”.

10. The Subdivision involves adjustment of the current East Victor Road right-of-way whereby the Town will be conveying a portion of the right-of-way to the developer, and in exchange, the Victor Town Board has requested that a 5-foot wide sidewalk be constructed within the proposed project, as well as along the west side of East Victor Road from the proposed road intersection at East Victor Road to the Auburn Trail.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby issues a waiver to Section 2.7.9.2 of the Town of Victor Design and Construction Standards so as to allow for rooftop drainage from the rear of the proposed homes to be discharged onto splash blocks, where the Design and Construction Standards generally requires all roof drainage to be conveyed into the storm sewer system. However, in no instance shall drainage from splash block impact adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of Riedman Acquisitions, LLC, Major Subdivision entitled Southgate Hills Phase 2, drawn by BME Associates, dated January 18, 2022, received by the Planning Board February 1, 2022, Planning Board Application No. 01-FS-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the final subdivision 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 before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments in a letter dated March 7, 2022, from LaBella Associates be addressed.
5. That all conservation easements show placement of markers on final plans.
6. That a 5-foot-wide sidewalk be depicted and constructed by the applicant from Southgate Hills 2 Subdivision along the west side of East Victor Road to the Auburn Trail.

**Conditions that are on-going standard conditions that must be adhered to:**

1. That the major subdivision 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 percent (10%) of the final construction cost, as determined by the Engineer for the Town.
3. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
4. That a pre-construction meeting shall be held prior to the start of construction.
5. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
6. That a Town of Victor Highway work permit be obtained.

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

Mr. Logan – Ernie, do we need an ongoing condition limiting development construction for two building sites.

Chairman Santoro – Yes, we need some wording for that.

Mr. Pettee – I might suggest the following: That the Planning Board hereby issues a waiver to Section 4.1.C.22 of the Town's Design and Construction Standards so as to not require the road base, sidewalks and public utilities to allow construction for a maximum of two lots, specifically Lots 29 and 43, which adjoin East Victor Road, as it is understood that East Victor Road would serve as the required Fire Apparatus Access Road.

Mr. Logan – At some point they are going to satisfy the requirement for the road. Do we need to put anything in there until such time as the road has been successfully constructed consolidated, compacted or whatever you want to call it, to accommodate emergency services? Sounds like that was the issue.

Mr. Pettee – It wouldn't hurt.

Mr. Logan – They can do the two houses but at some point, they will need to be given permission to build the rest of them and the way we do that is to make sure the road then has been constructed and inspected that will support emergency equipment.

Mr. Pettee -This would allow them to construct the two homes closest to East Victor Road

because East Victor Road would serve as that fire apparatus access road, and they have access to a nearby hydrant. This all subject to building permit review as well. We could clarify in this condition that the remaining lots could be constructed once the new roadway is found to be of satisfactory condition to serve as the fire apparatus access road and that the remaining public utilities have been installed.

Mr. Limbeck – Wouldn't that be moot for the further building permits anyways? Wouldn't those conditions have to be met for the further homes?

Ms. Kinsella – Yes.

Mr. Limbeck – So do we need the language?

Mr. Logan – They are not able to do any of that work until the road base has been put in properly. We are given them permission for the waiver of just those two buildings once they come in and build that.

Mr. Limbeck – They could not get a building permit approved for the further house if all the other conditions. The conditions would have to be met before we can grant the permit.

Mr. Logan – Yes.

Mr. Limbeck – I know where you are going but the more, I thought about it, I thought it would be come moot once the project proceeds.

Mr. Logan – As long as they can show they have satisfied that problem.

Mr. Swedrock – I think your other code says we have to meet all the Town of Victor Design and Development regulations, so you are only granting a waiver for these two lots. The rest of them have to meet the requirements. I think just making sure you are identifying the two lots is still covered.

Mr. Limbeck – Wes specified the two lots that the two lots pertain too.

Mr. Swedrock – Do we need a waiver from the sewer if we have sewer along the frontage?

Mr. Pettee – Those two lots are going to be trying into the new sewer.

Mr. Swedrock – But they have available sewer on East Victor Road. We are not going to tie into that.

Mr. Logan – You can not get a C of O until you get it all tied in.

Mr. Swedrock – We will need that waiver.

Mr. Pettee – The same goes for Section 4.1.C.23 that prior to the issue of a building permit the

Town Engineer must inspect the public sewer to determine that connection is appropriate.

Mr. Logan – Are you already going to do that? You can not get a C of O until they have it all hooked up?

Mr. Pettee – You are looking for a building permit prior to the Town Engineer. We will not be able to inspect anything.

Mr. Swedrock – I think your condition is that you will grant a waiver to allow the building permits to be issued for lot 43 and Lot 29, a waiver from that section with the understanding that before the C of O is issued you will have to meet that condition. You are giving us a building permit, but we still have to meet that requirement before we can get a C of O.

Ms. Kinsella – Yes, you are not going to get a C of O without the sewer.

Mr. Swedrock – So we are asking for a waiver for you to waive that condition to allow us to get a building permit for Lot 43 and Lot 29 with the understanding we are still required to meet that requirement before Certificate of Occupancy.

Mr. Pettee – As far as the connection spacing for intersecting roadways. Section 2.9.5 Intersection Design Requirements of the Design and Construction Standards says intersections of collector streets by other streets shall be spaced not less than 800 feet between centerlines. I think we are slightly above 800 feet between the existing Southgate Hills drive, and this proposed roadway.

Mr. Harter - You do not think we need it?

Mr. Pettee – I do not believe so.

Mr. Harter – So we have our waivers all lined up.

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 8:44 PM

Lisa Boughton, Secretary