

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

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

ABSENT: Joe Limbeck, Vice-Chairman

OTHERS: Mr. and Mrs. O'Shea, Doug Eldred, Councilman Dave Condon, Wes Pettee, Town Engineer; Kim Kinsella, Project Coordinator; Suzy Mandrino, Manager of Technology Support, Lisa Boughton, Secretary.

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

**APPROVAL OF MINUTES:**

On motion of Ernie Santora, seconded by Scott Harter:

RESOLVED, that the minutes of the meeting held on January 24, 2023, BE APPROVED.

Adopted Ayes 4, Nays 0,

On motion of Al Gallina, seconded by Ernie Santoro:

RESOLVED, that the minutes of the meeting held on February 14, 2023, BE APPROVED.

Adopted Ayes 3, Nays 0, 1 Abstention (Joe Logan)

**CORRESPONDENCE:**

Dave Anderson re: Sign Variance at ZBA for Valentown Plaza Sign  
Ed Morrell re: 1086 Strong Road Subdivision (2)

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon was present.

Councilman Condon – I wanted to update you and let you know that last night we did have a public hearing on changing some Town Code on R-1, R-2 and R-3 for accessory structures. Trying to beef that up a little bit to help the Planning Board and the Codes Department. It went

thru without any fan fair and we approved it. You will get the updated codes to hep out with easements and such. I also wanted to comment on Mr. Anderson's documents that he sent to all of us, the ZBA, Town Board and Planning Board and we confirmed with him last night in the public section for about 27 minutes or so and we told him it is not our jurisdiction, not we handle or do as a Town Board. I told him what we do is we notify law enforcement that people are breaking the law by making a let hand turn coming out of there. Wes was nice enough to get up and point out what we FOIL for accidents up there and even thou he showed us a video of numerous cars taking left hand turns going out of there and some going straight across and turning around, there has been no accidents there since 2016. I know you have guys have worked with Rainaldi several times and working on that parking lot. I wanted to share that information. I told him to talk to you.

Mr. Santoro – Didn't he do that once before?

Chairman Logan – We have seen at least one other video.

Councilman Condon – The only thing I suggested to him was that it does say right turn only and maybe it needs a big red sign that says no left turns. I have talked to three of my friends in law enforcement and I also told him that we spend monies on 20 hours a week for additional road patrol and Jack will notify Ontario County and the State police that this might not be a bad place to sit in unmarked car in the North Face parking a lot.

Chairman Logan – I think Fred has gone over and above many of the things he has addressed at that intersection. I have been to the Beer project and sitting there and watched cars constantly take left turns. I don't know other than close that thing. Pretty sure-Fire Department would not be too happy about that.

PLANNING BOARD reported by Kim Kinsella

Tuesday March 28, 2023

PUBLIC HEARINGS

- Parrinello Spa-Pool, located at 7950 Oak Brook Circle, applicant is requesting approval to install a 10 x 20 spa pool and deck extension with new stairs.

*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.*

**EXTENSION OF TIME**

**STONEBROOK SUBDIVISION**

1403 East Victor Road  
Owner – Woodstone Custom Homes, Inc.  
Tax Map #28.04-2-62.000

02-PS-2022  
Zoned – R-2 Residential

Applicant is requesting their first 90-Day Extension of time for the preliminary subdivision approval.

Chairman Logan read the draft resolution.

**DECISION:**

On motion of Ernie Santoro, seconded by Scott Harter:

WHEREAS, in a letter dated January 10, 2023, Jeff Smith of Woodstone Custom Homes, requested a 90-day extension of time for application titled Stone Brook Preliminary Subdivision, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for Stone Brook Preliminary Subdivision

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**PUBLIC HEARING**

*Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.*

**O'SHEA POLE BARN**

145 Baker Road  
Owner – Trevor O'Shea  
Tax Map # 1.02-1-29.000

05-SP-2023  
Zoned – R-2 Residential

Applicant is requesting approval to construct a 32' x 48' x 12' pole barn on 7.5 acres.

Trevor O'Shea, owner

Mr. O' Shea – You about summed it up there. I realize at my first Zoning Board meeting that it is not an interrogation of me but I present something. A little background here. We would like to have a metal pole barn 32 x 48 x12 and need extra space for storage right now. We are going to go as big as possibly can since it is a long term investment. It is over 1,000 sf. We have 7.5 acres and surrounded by woods, and it drops off thru the woods to the road so it is not expected to be visible from the road or from our neighbors. It looks like we have 2-3 acres of grassy land and on the bottom half portion of the yard is where we want to put it. Once it hits the woods it drops off. It is going to be red with a black roof.

Mr. Santoro – What is that red VR sign for?

Mr. Harter – It is a building code for trusses.

Ms. Kinsella – It says it needs to be installed on the outside of the addition and all exterior locations. It is a building code thing and Code Enforcement will check to make sure it is there.

Mr. Harter – It is a reflective sign to identify structures in NY. Is the barn going to have any plumbing fixtures or anything like that or is it dry storage use with electricity?

Mr. O'Shea – Dry storage with electricity.

Mr. Harter – Exterior lighting proposed?

Mr. O'Shea – We do not have any plans for it.

Chairman Logan – Thinking there might be a light next to a door or something like that.

Mr. O'Shea – Deer might set it off.

Mr. Gallina – I have no questions.

Chairman Logan – I do not have any questions either. This is a public hearing if anyone is interested in addressing the Board or applicant. Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Chairman Logan read the draft resolution.

**DECISION:**

On motion of Scott Harter, seconded by Ernie Santoro:

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

1. A site plan application was received on February 3, 2023, from Trevor O'Shea (the "Applicant") by the Secretary of the Planning Board for a Site Plan entitled O'Shea Pole Barn (the "Project") for the property located at 145 Baker Road, Victor, NY.
2. It is the intent of the applicant to construct a 32'x 48'x12' pole barn on 7.5 acres forward of the frontline of the house.
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 March 14, 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 Conservation Board reviewed the project on February 21, 2023, and had no concerns.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated February 15, 2023, and provided comments.
8. Labella Associates reviewed the site plan in a letter dated March 6, 2023, and provided comments.
9. Applicant received an area variance on March 6, 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 Trevor O'Shea, Site Plan entitled O'Shea Pole Barn, drawn by McCormick Engineering, dated January 4, 2023, received by the Planning Board February 3, 2023, Planning Board Application No. 5-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 March 6, 2023, from LaBella Associates be addressed.

Chairman Logan – I apologize Wes, I forgot to give you an opportunity.

Mr. Pettee – Based on our March 6, 2023 comment letter we are wondering about the driveway if there would be any proposed driveway to the barn and grading?

Mr. O'Shea – We are not going to attach a driveway to it and our driveway is gravel right now.

Chairman Logan – No intention of bringing gravel to the barn?

Mr. O'Shea – No.

Mr. Pettee – Just to note the level of disturbance that they have indicated on their EAF and this is a Type II Action was basically the footprint of the barn.

Chairman Logan – I know there is a threshold of level of disturbance that they shouldn't exceed .

Mr. Pettee – For classification of SEQRA it would be 10 acres for non-residential and then some indicators that could reduce that to 2.5 acres under certain circumstances and we are nowhere near that. We are under an acre of disturbance. We touched on lighting. We are curious where the septic system is on the plan.

Mr. O'Shea – Here is the house and part of the reason why we put it in front of the house.

Mr. Pettee – That is it.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a building permit be obtained for the garage prior to installation.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**FAIRWAYS PHASE III – RESUB OF LOTS 301, 302 & 315**    01-FS-2023  
Championship Drive    Zoned – R-2 Residential  
Owner – Fairview Ponds LLC  
Tax Map # 6.02-1-300.000  
Applicant is requesting approval to re-subdivide Lots 301, 302 & 315 into 14 individual townhome units.

James Rittenthaler with Passero Associates

Mr. Rittenthaler – You pretty much covered it all and are here seeking approval for the resubdivision of lots 301, 302 & 315. Lot 301 is proposed to be subdivided into 4 different lots with 302 and 315 subdivided into 5 different lots. This is Phase 3 and been here before following all the same design and style of the previous lots that we have subdivided. We are proposing no changes from our previous plans.

Mr. Gallina – No questions.

Mr. Harter - I want to verify my understanding that this was originally proposed to be subdivided this way and this map is based on an as built then?

Mr. Rittenthaler – It is when the foundations go in and then the resubdivisions so there is no difference from what we originally filed and from where the building gets placed.

Mr. Santoro – Very common. No problem with it.

Chairman Logan – How many more of these do you have?

Mr. Rittenthaler – Just two more.

Mr. Pettee – Just a very minor comment that we were looking for the applicant to put the applicable zoning district on the plat sheet. You can leave the mylar here if you would like.

Chairman Logan read the draft resolution.

**DECISION:**

On motion of Ernie Santoro, seconded by Scott Harter:

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on February 6, 2023, from Fairview Pond LLC (the “Applicant”) by the Secretary of the Planning Board for a Final Subdivision entitled Fairways Phase 3 Townhomes, Lots 301, 302 & 315 Resubdivision (the “Project”).
2. It is the intent of the applicant to resubdivide Lots 301, 302, and 315 into individual lots for each individual townhouse unit for a total of 14 lots.
3. Pursuant to Section 27-8J of the Town Code, a recreation fee of \$1500 for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit as identified in the Planning Board approval resolution dated October 9, 2012.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of The Fairways Townhomes, LLC Final Subdivision entitled Lots 301, 302 and 315 of the Fairways – Phase III, drawn by Passero Associates, Drawing #20203040.0004, dated February, 2023 received by the Planning Board Secretary February 7, 2023, Planning Board Application No. 01-FS-2023, 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 from LaBella Associates dated March 13, 2023, be addressed.
5. That the Subdivision which was approved on May 22, 2007, be modified and the Application of the Fairways Townhouses, LLC dated June 7, 2022, for a modification of the approved subdivision be granted, provided that the Developer comply with all



conditions stated in the prior Final Subdivision Approval, dated May 22, 2007, and further complies with the requirements herein.

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

1. That the final subdivision complies with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. 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).
3. That in the event the created lot lines, do not coincide with the constructed buildings, an administrative lot line adjustment is possible providing all regulations are complied with.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**PRELIMINARY SUBDIVISION**

**1086 STRONG ROAD SUBDIVISION**

1086 Strong Road

Owner – A6 Property Holding

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.

04-PS-2021

Zoned – R-2 Residential

Chairman Logan – I will let Wes take it from here.

Mr. Pettee – A month ago we started to look at Part 2 of the EAF. There were a couple of issues that we did not fully review at the last meeting. Before any action can be taken on the subdivision we have to finish SEQRA and go thru Part 2 and 3 of the EAF. Tonight what we have drafted is a revision of what we had at the last meeting. We had a question about impact on groundwater and I would like to go thru that with you and Community Character. There has been a lot of correspondence that has come in from the public regarding community character and believe everyone on the Board has multiple opportunities a multiple time the information that has come in.

For the benefit of the folks that might be viewing online I can bring up Part 2 of the EAF. If there is anything you want to revisit that we talked about last time on these 18 questions lets take the time to take a second look at some of these.

**Impact on Land**, yes. But we indicated that each of these subcategories we identified no or small impacts would occur. There are some justifications in the Part 3 EAF attachment. It is unchanged from the last meeting.

**Impact on Geologic Features**, what we did change here is on sub question (C). We identified that there was locally recognized varied topography and indicated that there isa moderate to large impact. The reason we provided in the narrative elaborates on that.

Per the New York State Unique Geologic Landforms project, a joint venture between the NYS DEC and the New York State Museum – Office of the State Geologist, the topography of the project site is not identified as a unique or unusual land formation such as cliffs, dunes, waterfalls, erratic rocks, gorges, glacial features or caves. The only two portions of the Town recognized in this instance are the drumlin field at Gillis Road (located on the east side of the Town) and the Kettle Hole Lakes at Fishers Road and Benson Road (located on the northwestern edge of the Town).

However, the project site is characterized by rolling topography that is locally important to the character of the neighborhood and the Town of Victor. The pasture landscape provides scenic value to the existing community, as nearby residents have commented on the quality of the scenic value and the effects that the project may have on the landscape. Although the project site is privately owned, the site is readily visible from public vantage points (right-of- way). The proposed project would alter the rolling landscape, but not to a degree that would eliminate or significantly detract from the existing topographic character. Of the 34-acre project site, approximately 10.5-acres is proposed to be disturbed. Therefore, about 24-acres on the project parcel will retain its existing geologic and topographic form. The mass grading of the site would alter, but continue to provide, varied topography. The site will be physically altered, and new structures would affect the character of the settings.

**Impact on Surface Water**, we evaluated an updated engineers report and SWPPP info and I talked with our Stormwater Manager, Mary Steblein, and she felt that in large part we can work

with and accept what has been provided. There are some small refinements that need to go over at final. We have indicated no or small impact. The narrative has not changed since last meeting.

Chairman Logan – Is that the same thing as flooding?

Mr. Pettee – Flooding is one of the subcategories here.

Chairman Logan – Some of the comments received addressed current flooding that occurs or flooding that will be aggravated by the subdivision. How would this make it worse?

Mr. Pettee – I do recall seeing a public comment that surface water may be draining onto the road, but our evaluation indicates that the project isn't going to result in any new water. We are not discharging onto the road. The site infiltrated very well so we do not see this project is going to impose any new flooding concerns on the roadway.

Chairman Logan – Drainage or runoff will that be directed more away from the road with the impervious surface and houses or is it not changing the flow pattern and right along the road there is open drainage across the front of all these lots.

Mr. Pettee – The configuration and the surface water drainage patterns may change slightly from what they are based on today's conditions but not to a degree that would cause a significant adverse impact or concern with flooding of the roadway.

The site contains a NYS DEC Classified stream (Class C), identified as 846-107 from the DEC EAF Web Mapper and DEC Environmental Resource Mapper. The proposed project is not likely to impact the stream, as the proposed subdivision includes a conservation easement within which the stream is located. No mass grading would occur in the conservation easement at the southwest of the project parcel. The proposed project includes design practices that will minimize soil erosion or otherwise minimize and avoid stormwater discharge that may lead to siltation or other degradation of receiving water bodies. Moreover, the proposed project is not anticipated to affect the water quality of any water bodies within or downstream of the site of the proposed action.

**Impact on groundwater.** We had a left a few of these blank at the last meeting. We did provide a letter on March 6, 2023, and indicated that we had a professional geologist analyze the site as well as the water and well completion reports for Lots 7 & 11. This internal Labella memorandum which is attached to our March 6 letter and available at the Planning and Building Office. In summary there is every expectation to believe that the test wells are representative of the aquifer conditions at the site and that wells drilled on the other lots of the 1086 Strong Road Subdivision will encounter similar suitable water supply conditions. We have also concluded that there is more than sufficient groundwater recharge across the site to sustain the demand of

the 10 new residents of the subdivision estimated to be 4,000 gallons per day. Additional site recharge replenishing the confined aquifer under the type A conservation easement portion of the property likely adds an additional 3,000 gpd.

The potential to adversely impact water levels in existing, off-site wells is a function of the availability of recharge. Since our analysis indicates that there is adequate recharge to supply the needs of the 10 new lots in the subdivision, potential adverse impacts on the water levels in adjacent, off-site water supply wells are not expected, or are believed to be minimal at most.

With this evaluation we have indicated that yes there will be an impact each of these subcategories:

- a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. No or small impact.
- b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. No or small impact.
- c. The proposed action may allow or result in residential uses in areas without water and sewer services. Yes, that is going to occur but the impact we have indicated as no or small impact.
- d. The proposed action may include or require wastewater discharged to groundwater. No or small impact. That has also been a concern by the public whether on site septic systems would lead to potential contamination of the ground water supply. We have taken a look at and the DOH will also review and will need to approve these septic systems. The design meets the DOH requirements so we expect no significant adverse impacts would occur.
- e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. No or small impact.
- f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. No or small impact.
- g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. This is not necessarily a commercial application of pesticides we indicated No or small impact.

Chairman Logan – Is there a minimum distance between wells?

Mr. Pettee -There is, and I believe it is 150 feet and in some cases on this plan the applicant has provided 200 feet of separation. One of the lots does show currently and the applicant is working to resolve this and shows separation distance between a well and septic on an adjoining lot and that will be moved to provide that separation distance.

Chairman Logan – On Lot 7 and Lot 9 the two wells are very close together. Is that something we should be concerned about. They have got to be at most 70-75 feet away.

Mr. Pettee – I did not get any indication from our geologist that was a concern, but we would be happy to take a second look at it.

Chairman Logan – The well on Lot 9 seems to be the most flexible in terms of where you can relocate it. You can move it further south towards Lot 10 and has the whole back yard to move it and not within a conservation easement and I would think you can spread that and you will get way more than 200 feet away from leach fields and at same time split the difference between the wells on 7 and 10. That is a comment in the future if it does not move.

Mr. Pettee - **Impact on Flooding.** The proposed action may result in development on lands subject to flooding. We know that the property is not in a floodplain or on land that would be susceptible to flooding and is why we indicated no, there is no impact here.

Chairman Logan – Susceptible to flooding in terms of a river overflowing a bank or runoff flooding from a creek getting too high up and overflowing its banks. Not cross the road ditch flooding.

Mr. Pettee – **Impacts on Air** remains unchanged. **Impacts on Plants and Animals** remains unchanged from the last meeting. **Impact on Agricultural Resources** remains unchanged. **Impact on Aesthetic Resources.** remains unchanged. **Impact on Historic and Archeological Resources** remains unchanged. **Impact on Open Space and Recreation** remains unchanged. **Impact on Critical Environmental Areas** remains unchanged. **Impact on Transportation** remains unchanged. **Impact on Energy** remains unchanged. **Impact on Noise, Odor and Light** remains unchanged. **Impact on Human Health** remains unchanged.

Chairman Logan – When you say remains unchanged. Yes but no or small impact.

Mr. Pettee - **Consistency with Community Plans** remains unchanged in comparison to the last meeting. I would like to take a look at #18 **Consistency with Community Character.** This is a draft document that we are going thru here and this draft narrative is also in draft format and if you do not agree with it this is the time to talk. The way this has been structured to date this would seem to lead towards a SEQRA Neg Dec. Before we get into #18, I would like to articulate that if you are looking for design changes or changes in density, the way we have articulated this it would be very difficult to request the applicant to change the density if you were to issue a Neg Dec to the proposal in front of you now. It seems to me that you would need to find there is potential for significant adverse impact with regard to community character if the density is really a concern for you.

Let's go thru with Consistency to Community Character.

Chairman Logan – Before that Wes anybody have any other comments on #1-17?

Mr. Santoro – No questions.

Mr. Gallina – No questions.

Mr. Pettee – This is a straw document and does not necessarily mean this is everyone's perspective.

The Concept Level Future Land Use Potential Density Changes Map on page 8.16 of the Town's Comprehensive Plan identifies the area of Town within which the project is located as an area where the Town could consider increasing residential density from the least dense to a medium density. The proposed density is in compliance with the Town's Residential Overlay Zoning District for the property (Residential A Overlay Zoning District), which allows 0.33 units per acre. This Overlay Zoning District is the most restrictive district for residential density, as the other Overlay Zoning Districts (B and C) allow for 0.5 units/acre and 1 unit/acre, respectively.

Numerous residents have provided written correspondence indicating that the proposed density, while permitted within the Residential A Overlay District, is not in character with the existing neighborhood across the street (Taylor Road) to the north. The existing homes in the area have been built over a number of years; however, the density of the existing homes across the street is not significantly different than what is being proposed, despite the proposed configuration having somewhat less lot frontage than some of the existing lots on the north side of Taylor Road. In fact, one property on the north side of Taylor Road is a flag lot with approximately 30-feet of frontage at the right-of-way.

The design plans have been modified from the initial submission to provide a varied setback from Taylor Road. While the initial submission included depictions of home sites that would have been a consistent setback from the roadway, home sites for Lots 4, 5 and 6 have increased setbacks away from Taylor Road, which provides consistency and continuity of the existing residential development on the north side of Taylor Road. The visual character of the neighborhood will be changed, and the proposal reflects a design that is generally consistent with the design, placement and intensity of use of the existing neighborhood.

With that draft narrative what I have indicated here is Consistency with Community Character. Yes, it is somewhat inconsistent with the existing Community Character.

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

f. Proposed action is inconsistent with the character of the existing natural landscape. No or small impact.

With that are there any questions or do we need to talk about any of these items or existing community character or comparing proposal.

Mr. Harter – I agree with the items checked in #18. I think that is correct based on my evaluation and what I have seen and heard over the last year. I think knowing the geologist person took a look at the draw down tests and confirmed that the private well supply is going to be acceptable as it is for the neighbors surrounding. I think that is a positive and an answer we did not have the last time we met. It looks like the separation distance can be met and maybe one needs to be tweaked. I think what you have done Wes in my world I would consider it normal for a residential subdivision of this size and scale.

Mr. Santoro – Is this all-in compliance with state and local requirements?

Mr. Pettee – I believe it is. If we are talking about local requirements with regard to zoning and the town's development review process then yes it appears to be in compliance with all local requirements. As far as state requirements it also appears to be in compliance. I think Labella and the town will likely defer to the Department of Health on final approval of the reality subdivision as well as the septic systems.

Mr. Santoro – The reason I ask is that it was brought to my mind is the Gullace subdivision which was several years ago which we spent several years on. It ended up with a 3-2 denial which was then appealed to Supreme Court and was sent back to us or reconsideration because there was no basis for what we did and I want to be sure we are in compliance if we approve this. We are not at that stage yet but that is my concern.

Mr. Harter – With that concern in terms of SEQRA and sequence on an application you have to step thru the application exactly as we have done it and came to this juncture. What I have seen on these applications is the Health Department and the Phase II Stormwater compliance and all those permits and approvals are the quality control and mitigating circumstances associated with it. If we did not have Health Department, Phase II Stormwater plan or something like that it could be ambiguous at this point but see those agencies that ensure quality control and provide for the mitigation so that they work it is a good example on many residential subdivision this size or larger that have seen this type of application before. I do not see anything here that would represent anything but acceptance of what has been done in terms of the work you have calibrated here. It is a candidate for a Neg Dec.

Mr. Gallina – There has been an abundance of community feedback on this project. I know there is a frustration from the community that the town Planning Board is not hearing or ignoring the feedback and I think it is the opposite that we have taken all that feedback and as I have reflect back on the feedback the three major things that we consistently heard were community character, traffic and safety and the ground water and/or flooding. We are going thru the SEQRA process in a diligent way and fact based and applying the criteria and agree with the assessment that Wes draft.

Mr. Harter – I think also on the subject of traffic and safety. I heard that loud and clear when the public came here, and I think it is a valid observation but not something that stands in the way of this project being approved and think this problem pre-exists before this subdivision application.

Chairman Logan – On that note about traffic I agree with you Scott. The intersection this project has to do nothing about. I think Doug talked about clearing the roadside foliage on the southwest quadrant where the old house is out in front to see if there was a way to make an improvement on sight distance. I think that is the only way this project could have an effect on sight distance. Having said that, to do nothing the subdivision does not introduce any type of barriers or problems in terms of sight distance. Yes, the intersection may be dangerous perspectival or in reality but there is no accident history there. I know the residents have said they are concerned about pulling out there and don't like it. It is a town obligation to look at but it is not something the development can do.

Mr. Harter – I agree. I think if we had numerous sheriff's report saying there were multiple accidents there every week and some type of linkage to those accidents with this particular site I would say you have a valid issue there with traffic but I do not see that here.

Mr. Santoro – The developer at Willis Estates did do that. They tore up the hill that it was on.

Chairman Logan – They took away a big obstruction that was there.

Mr. Harter – That is a good example because we all went and saw that. When I drove to Willis Hill, I could feel myself going into that hillside. I think that is a good example of a project where we did work with a developer and engineers that took it upon themselves to take the queue and modify that hillside. I do not see that magnitude of a problem here. I think anything would help and whatever Doug is able to do within his limits of his projects whether it is vegetation trimming or whatever. I think that if anything this subdivision would be doing it would be introducing a few more cars on a daily basis.

Mr. Santoro – It does not affect the traffic on Strong Road. It is going to be what it is.

Chairman Logan – Talking about projects like on Valentown Road. They had to move driveways and do some clearing and grading as well near the barn. We do work with this and listen to the public and look at our own engineers and employ some of our own common sense.

Mr. Harter – In both cases there was an opportunity to improve the situation. Neither project created the problem. Eleven lots is not a project of the size and scale that has an impact to go into the last box, large to moderate, I do not see those happening.

Chairman Logan – Early on some of the residents were concerned about the lot widths and all being consistent. We commented to the applicant to rearrange and he pulled one house to Strong Road and pulled houses back from road frontage. There is only one house with a front



garage proposed and that is set back far. I do not see that as an argument. I agree with Scott that we have listened to the public and taken this into account and processing and talked to our engineer and talking it through.

Mr. Harter – I know there were comments made about changing the design and the engineer changed some of the layout and tweaked things this way and that way. There was a proposal from one of the residents for an internal road and am sure their economics of the project would not justify that. We are surrounded by frontage lots and that is being proposed here and I do not see any incompatibility. If we were bringing in a new YMCA, I would say you have some big community characteristics to deal with. That is not the case in this is residential development in a residentially developed section of our town. The items that appear in our Comp Plan are goals, often times suggestions, but they have not been codified beyond whatever we find in our Zoning and Planning regulations. It is important to know that it appears as a goal does not mean it is something that could detract from an approval of a project. The goal may or may not be achieved. From what I have seen of this project the developer and the developer engineers have been very careful to stay within the legal boundaries of everything we have put out there for them to do.

Mr. Santoro – Speaking from someone who was on the Comp Plan committee, I agree with that comment.

Chairman Logan – Was any other thoughts before we move on.

Mr. Pettee – This has been a great discussion and is the dialogue that needs to happen prior to any decisions being made. I did draft a resolution for a potential negative declaration which I would like to hand out. I would like to comment on something that we had suggested as a thought or a consideration for the developer to look at. In terms the designated open space, previously we have seen the iteration of a conservation easement on the southwest corner where it is a no touch conservation easement and things are to be left as is and helps preserve the integrity of the water body back there. There have been some other sporadic conservation easements on the front of lots or side of the lots. One of the things the Town Code allows for is to get to that 50% open space. One of those methods is to dedicate land to the town, or to create a conservation easement and the last is something that says some other form acceptable to the Planning Board and our Town Board.

We have had instances on past projects where we have indicated Southgate Hills 3, there was a back lot line on some of those lots where initially a conservation easement was proposed and was just a sliver of land. We were questioning how meaningful that conservation easement would have been and rather than establishing a conservation easement we had them identify it on the plans with some shading and callout that the area between the lot line and rear setback is designated to be the open space. One of the suggestions we made in our most recent letter as an open space alternative we asked the applicant to calculate the amount of acreage that would be covered by the various setback requirements of the R2 zoning District, for example, the front setback and side setback. Perhaps some or all of these requirements can be used in lieu of some of the open space “B” easement as to reduce the community concern as related to the non-uniform, noncontiguous open space “b” easement that would require a larger number of

conservation easement markers. You recall there was some concern over the number of markers. The Town Code allows the Planning Board to consider some other method. I do not know if we have a graphic to show that, but I think Doug has done some preliminary calculations and identified that to avoid the need for that second type of easement it would use some setbacks.

Mr. Gallina- The only thing I would add to that is that the applicant has responded to the concerns of the community around the view sheds from the street. Part of what precipitated the creation of some of the smaller easements was to preserve shrubs and trees from the road. I do not think we should lose sight of that as one of the goals.

Mr. Eldred – By the way the document was very well done. There is basically two things. What AL started to say is that in your community character thing you may want to also reference that we put in berms of flatter slope and more drumlins like along the roadway and also planted trees on them as a mitigation effect for community character as it both replicates some of the rolling hillside in the back and provides trees that will be bigger trees. I did like Wes's suggestion a lot and basically if you take the 50-foot front setback all the way through here, it does cover all the trees with the exception of a couple that I can move up into that area. The reason I have some of them back in these areas was the berm itself was going back into that area. I do not see and thinking about it gather and thinking of Wes's observation it does make a lot of sense to just use the 50-foot front setback area that includes all the buffer trees and the forefront of the berms as opposed to the jerky little things that we had. The main reason I did that was to include the back of the berm. I like that idea. These trees area buffer from Strong Road and with those elements we get to the 50% level, and I like the front setback area easement if the Board is in favor of that. It is simple and straight forward and will put pine trees in.

Chairman Logan – From my perspective easements should be marked in as unvaried ways as possible, straight lines at least or one marker per lot per line not two or three zigging and zagging all over. As we go through this is there a way to make them one flowing line so that everyone mows to the same spot.

Mr. Eldred- I think that is what this accomplishes. I was probably a little too concerned about preserving this rolling hill and behind the trees. That is beyond the viewshed from Taylor Road.

Chairman Logan – Conservation easement is also for continuity for wildlife and forestation. It stays more natural in a contiguous way.

Mr. Eldred – The other thing I will point out is there are septic systems in there and again you are not going to disturb that area. I do not see that as a negative as you will. There are driveway crossings and when I did the calculations, I took out the driveway crossings and we still got 50%. If the Board is happy with that, I would like that suggestion used.

Chairman Logan – I suspect we will be getting into that.

Mr. Pettee – This is not something that needs to be decided tonight.

Mr. Santoro – Do we have to hear from the Department of Health?

Mr. Eldred – I cannot submit until I have preliminary approval. I have to have SEQRA and preliminary approval.

Mr. Pettee – They are aware of the project.

Mr. Eldred – I have asked them questions about the septic and leach lines. I have sent them the plans and have had discussions with separation distances. It used to be you needed 100 feet and that was it. Now there is other circumstances that I have to increase to 150 feet or if you are along the flow path up to 200 feet. As far as input from them we have that on those issues but cannot do their formal review until we get the preliminary approval and all subject to moving forward. I have been quite anxious and would love to see if there is a way to move it forward. I wrote a letter and need to move forward. I can come to your office Wees and go thru the items one by one. I am complaining but not complaining. I think having a good resolution is good and very important, particularly with the neighbor involvement and is very well done. I would like to move it along.

Mr. Pettee – I do have a resolution for SEQRA and am happy to answer any questions. I will defer to you Joe if you would like to read it.

Chairman Logan – I think we are at the point where we can.

Mr. Santoro -So as long as the public understands that we approve this the project is not approved.

Chairman Logan – Wes has made several references on the process and each time we move along does not mean we are approving the whole project. We are getting to the stage where we can review plans.

Mr. Harter -We would still have Final to go and input from the Health Department.

Chairman Logan – Hearing no objection.

Chairman Logan read the draft resolution.

**DECISION:**

On motion of Scott Harter, seconded by Ernie Santoro:

WHEREAS, on or about August 25, 2021, the Secretary of the Town of Victor Planning Board received a Preliminary Subdivision application from A-6 Property Holdings (the “Applicant”) to

subdivide approximately 34.42-acres at 1086 Strong Road into 11 single-family residential lots, including individual on-site septic systems for each lot, entitled 1086 Strong Road Subdivision (the “Project”) located on the south side of Taylor Road and west side of Strong Road, Tax Map No. 26.00-1-13.110; and,

WHEREAS, the Town of Victor Planning Board (the “Planning Board”) preliminarily classified the Project as Type I Action under State Environmental Quality Review Act, pursuant to SEQRA’s implementing regulations at the November 9, 2022 Planning Board meeting, and initiated the Lead Agency coordination process by transmitting Part I of the SEQRA Environmental Assessment Form and project information to Involved and interested Agencies, including the Victor Town Board, New York State Department of Health, and the Monroe County Water Authority; and,

WHEREAS, no Involved Agencies objected to the Planning Board being lead agency, or 30-days had passed since Part I of the EAF was transmitted to them, therefore, the Planning Board assumed Lead Agency status by resolution at the December 13, 2022, Planning Board meeting; and,

WHEREAS, the Town of Victor Planning Board, as Lead Agency, has carefully reviewed the Project, Part 1 of the Long Environmental Assessment Form, application materials including but not limited to the subdivision plan set, Engineer’s Report, Stormwater Pollution Prevention Plan, Well Yield test and flow report, and has also carefully reviewed and considered written public comments regarding the proposed Project, public comments expressed during the required public hearing for the preliminary subdivision application, consultant and outside agency review comments, including comments from the Town Historian, Ontario County Planning Board, Code Enforcement Office, Stormwater Management Program Manager, Town Highway Department, Coordinated Fire Service, Town Engineer, Conservation Board, and environmental record concerning the Project, and,

WHEREAS, the Planning Board has caused the completion of Parts 2 and 3 of the Long Environmental Assessment Form, including attachments thereto, and has carefully reviewed and considered the same, and has not identified the potential for at least one significant adverse environmental impact.

NOW THEREFORE BE IT RESOLVED that no potential significant adverse environmental impacts were identified with the proposed Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and based upon the hard look, analyses and other information presented in the Full EAF Parts 1, 2 and 3 the Town of Victor Planning Board hereby determines that the proposed Project will not present the potential for a significant adverse environmental impact and hereby issues a Negative Declaration; and,

BE IT FURTHER RESOLVED, A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and this resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Act.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

Mr. Pettee – There is a draft resolution for preliminary subdivision approval if you want to consider that tonight. It is draft format and can edit as we go through it.

Mr. Santoro – I think we should wait for the next meeting.

Mr. Harter – I would like Doug to submit to the Health Department. We are doing this Type 1 Action on their list.

Chairman Logan – I would suggest we hold off to the next meeting.

Mr. Pettee – You need the preliminary approval to submit to the Health Department?

Mr. Eldred – I will submit it to the Health Department but hopefully we have a preliminary approval soon. I would like to see a preliminary approval tonight.

Mr. Harter – There is still final to go.

Mr. Eldred – I think Wes's comments are the only one left to resolve. We could do final at the next meeting.

Chairman Logan – Wes what is outstanding?

Mr. Pettee – He has everything that he needs but we do need a clean plan set for signature and be able to sign an approved plan set. If you were to consider the resolution one of the conditions is that they satisfy Labella comments prior to signature. We would expect the applicant to provide a set of plans for signatures. There are some things we need to see cleaned up. I feel that can be done through conditions of approval.

Chairman Logan – The Health Department see signed plans?

Mr. Eldred – No.

Chairman Logan – I am inclined to agree with Wes and the most part nothing is going to change.

Mr. Gallina – Technically I would agree with that, and I would prefer to wait until the next meeting.

Mr. Santoro – Next meeting would be very short.

Mr. Gallina – Given there was inclement weather tonight I feel as thou it would be in our best interests to wait.

Mr. Eldred – I have one more request. Could the final plan be considered preliminary and final at the next meeting?

Chairman Logan – I think we have some things to talk about.

Mr. Pettee – We need to talk about conservation easements.

Ms. Kinsella – We do not have an application for final.

Motion was made by Ernie Santoro, seconded by Scott Harter, RESOLVED the meeting was adjourned at 8:35 PM

Lisa Boughton, Secretary

