

A regular meeting of the Village of Victor Planning Board was held on Wednesday, March 22, 2023, at the Village Hall, 60 East Main Street.

MEMBERS PRESENT: Chairperson Meg CHaides
Vice Chairperson Peter Kowal
Member Charles Criss
Member Steven Van Dyke
Member Jeffrey Swan
Planning Clerk Roseanne Turner-Adams

OTHERS PRESENT: Bob Kelly, Todd Smith, Cindy Allen, Marcus Wilkinson, Peggy Palmore, Mike Palmore, Brendon Mahalo, Toni Kiddie, David Kiddie, David Wright, Linda Oley, Jerry Oley, Rebecca Taylor, Michele Harris, Al Turner, L.G. Ryan, Valyrie Yourch, Chad Aeller, William Novak, Adam Proctor, Randy Bebout, Manuel Karam, Karen Mahalo, Peter Muench, Suzanne McCaffrey, Val Cleary, Bill Challenger

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

Resolution #05-23PB

Acceptance of Minutes

On a motion made by Charles Criss, seconded by Peter Kowal, the following resolution was ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Steve Van Dyke was absent)

Resolved, to accept the minutes dated February 22, 2023.

19 Ambassador/Charles & Peggy Palmore

Special Use Permit for Third Dog

PUBLIC HEARING

Ms. Palmore stated that her family recently got a third dog and were informed that they would need a special use permit. Ms. Palmore stated that she did not know anything about it and would like to get up to code. Ms. CHaides stated that it has come to the attention of the Planning Board that there are actually four dogs on the property. Ms. Palmore stated that technically there are four dogs on the property, but one is 13-14 years old and doesn't go outside as much and doesn't bark. Mr. Van Dyke asked what kind of dogs she owns. Ms. Palmore stated that the oldest one is a beagle mix, the other three are a shepherd husky mix, a lab shepherd mix and a pit husky lab mix.

Ms. CHaides explained that there will be a public hearing. Ms. Palmore stated that they do not want to have to get rid of any of the dogs but will if they have to and would

prefer to keep them all. Ms. Palmore explained that the three younger dogs are the most rambunctious.

Chairperson CHaides read the legal notice into the record:

“A public hearing will be held before the Village of Victor Planning Board on Wednesday March 22, 2023, at 7:00 p.m., in the Village Hall, 60 East Main Street, Victor, New York, to consider:

1.) The application of Charles & Peggy Palmore, for a special use permit at 19 Ambassador Drive based on the Village of Victor Planning and Building Department’s requirements and referral. The applicant proposes to add a third dog to their household where the harboring of three or more dogs over the age of four months on any lot or structure in the Village of a continuous period in excess of 30 days shall require a special use permit from the Village of Victor Planning Board in accordance with §69-163 of the Village of Victor code. The property is situated in the R-2 (One Family Residential) District.

Meg CHaides

Village of Victor Planning Board”

On a motion by Peter Kowal and seconded by Steven Van Dyke, Ms. CHaides opened the Public Hearing

Marcus Wilkinson-64 East Parkway

Mr. Wilkinson stated that he is concerned with the three dogs at the property as there have been numerous times that the dogs were let out late at night, sometimes 2-3 a.m. and they were extremely loud and rambunctious. Mr. Wilkinson explained that they now have a 6 month old and are especially concerned with the noise waking up the baby and any further disruptions, especially at night. Mr. Wilkinson stated that he would want the applicant to understand their concern and have a plan for how to avoid nighttime noise. Mr. Wilkinson explained that daytime noise is a concern as well but isn’t covered under the noise ordinance.

Cindy Allen-64 East Parkway

Ms. Allen stated that she owns 64 East Parkway and Mr. Wilkinson is her tenant. Ms. Allen explained that on many occasions Mr. Wilkinson has told her that the barking is very disruptive. Ms. Allen stated that she loves dogs and has a dog herself and would hate to have anything happen to one of their dogs, but it is difficult when people let their dogs out very late at night and let them bark for excessively long periods of time. Ms. Allen stated that if the permit is granted, great for the dogs and their owners but asks that the Palmore’s please be cognizant of how the barking affects everyone else.

Ms. CHaides read four letters that were emailed to the Planning Board:

Anonymous

I would like to remain anonymous but would appreciate my email being read aloud

during the hearing for the special permit for a 3rd dog by Charles and Peggy Palmore at 19 Ambassador Dr.

Concerning the special permit by Charles and Peggy Palmore for a 3rd dog, I would like to bring attention that the Palmores have 4 dogs. These dogs have been a neighborhood nuisance for quite some time. They allow their dogs to be outside barking for hours on end, often early in the morning and waking up everyone in my household. It is a high pitch bark which is very annoying even with the windows closed. They not only bark in the morning but also sometimes during the day/evening. This makes it very difficult to enjoy any time outside in our own yard or on our deck as the dogs will bark at the sight of anyone.

According to the village ordinance 69-6 I, "Annoyance. No owner of a dog shall permit such dog to engage in loud howling, barking, crying or whining for a period of time lasting 15 consecutive minutes or longer."

The Palmores have neglected to respect this ordinance and have shown blatant disregard to the peacefulness this neighborhood deserves. There are plenty of other dog owners in the neighborhood that call their dogs inside when they are barking incessantly. I have no issue with someone owning more than 3 dogs, but the Palmores have not proven themselves to be able to handle the responsibility of training their dogs properly or to bring them inside when they are barking.

Thank you for your time and consideration. Best regards

Anonymous

Dear Victor Village Planning Board,

I would like to remain anonymous, but the Village Board is welcome to contact me with any questions or concerns.

This letter is in response to the public notice and request of Charles and Peggy Palmore (residing at 19 Ambassador Drive in Victor) for a special use permit for a third dog. The notice is authored by Meg CHaides.

Thank you to Rosanne Turner-Adams for taking the time to discuss the matter with me last Friday.

To my knowledge, Charles and Peggy Palmore currently have four dogs, although one is aging and does not appear outside much. Their dogs have a history of barking for long durations in violation of Victor Village code 69-6-I, often multiple days of the week, and sometimes at early hours. Over the past month, the incidences and durations have decreased (conjecturally due to the public notice), but the barking remains shrill even

with the windows closed. Anyone resting within earshot is sure to be awakened. I can attest to this personally on many occasions but have been reluctant to report it thus far.

I have no issue with residents of Victor obtaining a special use permit to house more than two dogs, provided they have demonstrated a previous and ongoing compliance with village code and local law, and possess an understanding that it carries a higher level of personal accountability.

Should the Village of Victor be inclined to grant the request, an appropriate suitability inspection should be performed, the dogs should undergo timely, professional, obedience classes (specifically for barking abatement), and proof from a credible trainer should be presented to the Village of Victor code enforcement officer before the permit is issued. Also, any subsequent code violations should be met per section 69-7. This solution provides the Palmore's with a mechanism to house their dogs responsibly and demonstrate ongoing respect for Village code and neighborhood camaraderie.

Respectfully and with Gratitude.

Ruth and Dave Nellis-93 East Parkway

This is in response to the request for a special use permit allowing more than 2 dogs at the Palmore residence, 19 Ambassador Dr., Village of Victor.

We have lived at 93 East Parkway since 1972 and have noted the many residents who walk their dogs around our street and into the Harlan Fisher Park. Most are attended to.

While walking our own dog, we have heard excessive dog barking from the Ambassador Dr. address. Also, the length of time during which the dogs are left outside is questionable, especially during inclement weather.

It appears that all of the dogs at 19 Ambassador are in the house. Allowing them to be outside under control is fine. Unsupervised is not the answer.

With the houses as close as they are in this area, the current Village code 69-163 seems to be appropriate and should stand.

Thank you for your consideration in this matter.

Ken and Susan Fyfe-77 East Parkway

In regard to the R-2 designated request for a special use permit to increase the number of resident Dogs, Ken and I do not agree with granting that request.

We have been living on East Parkway for five years and have encountered the barking dogs on most days. They are left out in a fenced in yard and are not attended to when the barking occurs. We have a direct sight line to the west end of their yard where most of the noise comes from as they react to the neighborhood activity.

We enjoy the many area residents that walk their leashed dogs down our street and into Harlan Park. Pet owners, for the most part, are very attentive to their pets and any noise that occurs. The most affected are the immediate neighbors.

It is inconsiderate of the applicant to subject their neighbors to the noise. It is also bad pet management to not address the pets' needs (wanting to go inside) during inclement weather or after extended time left alone outside. It is also understood that having more than two dogs is against the current Village code 69-163.

Ms. CHaides asked the Planning Board for their comments.

Mr. Kowal asked if the dogs are licensed with the Town. Ms. Palmore stated that the dogs are not licensed. Ms. CHaides explained that in order to get a license they would need to prove that the dogs have been vaccinated for rabies. Ms. Palmore explained that the dogs are all vaccinated.

Mr. Swan asked what the ages of the dogs are. Ms. Palmore explained that beagle mix is 13-14 years old, the shepherd husky mix is 3 years old, the lab shepherd mix is 2 years old, and the pit husky lab mix is 6 months old.

Ms. CHaides showed a photo of the dogs that was received anonymously via email.

Mr. Van Dyke asked the Palmore's if they have done anything to try and control the barking because obviously the neighbors have complained. Mr. Mike Palmore (Peggy's Son) stated that if they are barking, he tries to get them back inside but it is hard to do with a Husky because they have a mind of their own, but he tries his best.

Mr. Criss asked if the dogs are walked in the neighborhood. Ms. Palmore answered, "yes." Mr. Criss asked how often they are walked. Mr. Palmore explained that the dogs are hard to get out of the house separated so are not walked every day.

Mr. Van Dyke stated that if your neighbors are complaining and the dogs are barking and you can't control them it sounds like you have too many dogs. Mr. Palmore stated that he can control them but that they are dogs and are going to bark.

Mr. Criss explained that there is a reason they have a statute for two dogs in the Village and that is the proximity of the neighbors in this Village is quite close. Mr. Criss stated that he thinks the Palmore's really need to think about the effect the dogs have on the neighbors and it is not good. Mr. Criss explained that he is a dog lover and has had two dogs but now has one dog and cannot imagine trying to control four dogs. Mr. Criss stated that it is beyond reason to have four dogs in the Village and it isn't appropriate for the neighbors.

Ms. CHaides stated that the first thing is that the Palmore's need to get the dogs licensed because it is a requirement that all dogs that reside in the Village need to be licensed with proof of vaccination. Ms. CHaides explained that with the neighbors concerns with the barking dogs that perhaps the Palmore's can consider taking the dogs to training to abate the barking.

On a motion by Steven Van Dyke and seconded by Charles Criss, Ms. CHaides closed the Public Hearing

Ms. CHaides stated that she is going to make a motion in the positive with conditions that they would have to abide by and asked if the Planning Board members are prepared to vote. Mr. Swan stated that he is prepared to vote no for a special use permit but asked who will handle the situation because they have four dogs on their property with no permit.

Mr. Todd Smith, Code Enforcement Officer stated that if the special use permit were not granted and the applicant kept the dogs they can be fined and or the dogs can be taken away. Mr. Smith explained that nobody wants to see dogs taken away but he has received complaints that every morning from 7am to 9am the dogs are outside barking.

Ms. CHaides stated that she proposes that rather than making a decision on the special use permit that the Palmore's are given a period of time in which to bring everything into compliance and see if they have managed their dogs.

Mr. Kowal stated that several neighbors around his home have dogs that bark and he has spoken to his neighbors about it. Mr. Kowal explained that we are not in the country and do not have acres and he is in favor of the code which is two dogs per property in the Village and if the dogs are barking too much they need to be controlled.

Mr. Criss stated that he thinks they should live by the code which says two dogs and that to him having four dogs who are not licensed doesn't speak well for Palmore's. Mr. Criss explained that is not responsible dog ownership and the code is clear that only two dogs per household are allowed in the Village.

Mr. Smith read the penalty for offenses if the special use permit is not granted and the Palmore's keep more than two dogs.

Resolution #06-23PB
19 Ambassador/Charles & Peggy Palmore
Special Use Permit for Third Dog

On a motion made by Peter Kowal, seconded by Steve Van Dyke, the following resolution was voted on 0 AYES 5 NAYS

WHEREAS, an application was received on February 13, 2023, by the Secretary of the Planning Board requesting a special use permit to add a third dog to their household at the property at 19 Ambassador Drive; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Village of Victor on the basis of Section 69-13 of the Village Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on March 5, 2023; and,

WHEREAS, all adjacent property owners were timely notified of the hearing and the purpose of the hearing by mail; and,

WHEREAS, a Public Hearing was held on March 22, 2023, at which time all those who desired to be heard were heard 2 persons spoke against the application; 4 letters were received against the application; and,

WHEREAS, it was determined that the applicant actually has four dogs.

WHEREAS, it is a requirement that the dogs be licensed by the Town with proof of rabies vaccination.

NOW, THEREFORE BE IT RESOLVED to **DENY** the special use permit to have more than two dogs at the property at 19 Ambassador Drive.

Resolution #07-23PB
19 Ambassador/Charles & Peggy Palmore
Licensing and Rehoming Two Dogs

On a motion made by Meg CHaides, seconded by Peter Kowal, the following resolution was **ADOPTED** 5 AYES 0 NAYS

WHEREAS, the applicant has 45 days from the date of this resolution to find proper homes for two of their four dogs and to have their dogs registered and licensed at Town Hall, 85 East Main Street.

Victor Landing Townhomes
47 East Street
Public Hearing

Mr. Randy Bebout stated that he is with Bohler Engineering and with him is Adam Proctor of 47 East Street, LLC who owns the property. Mr. Bebout handed out updated plans and explained that they have made minor changes to the plans, which are all highlighted. Mr. Bebout stated that the biggest change is the addition of a 5' x 8'

concrete patio area at the back side of each unit and the rest of the changes were very minor.

Mr. Bebout explained that this project was reviewed by this Planning Board a year and a half or two years ago and the preliminary site plan was approved as a 70 unit apartment complex, but the necessary variance from the Zoning Board of Appeals to eliminate the requirement for covered parking was denied. Mr. Bebout stated that the new plan proposes 55 market-rate townhome units for rent.

Mr. Bebout stated that the application was reviewed by the Ontario County Planning Board on February 8, 2023 and that this Planning Board approved the concept on January 25, 2023 and to date have had two rounds of comments from Village staff which have been addressed.

Mr. Bebout explained that the development is on an 8.7 acre parcel that has federal wetlands in the back which will remain as is. Mr. Bebout stated that the proposed (11) buildings would have five (5) units each with garage space for each unit and a parking space in each driveway. Mr. Bebout explained that all of the utilities to the site are privately owned and rolling toters will be used for garbage pickup. Mr. Bebout stated that additional parking has been provided to meet the parking requirements and a separate office/maintenance building is proposed. Mr. Bebout stated that the project is compliant with all of the bulk regulations for the R3 multiple family residential zone. Mr. Bebout stated that as part of this project the applicant is conveying a small triangle piece of land to the Village where the existing park trailway cuts across the property.

Mr. Bebout stated that the sewer connection will be on the north end of the site and they are providing sewer and water mitigation that meets New York State DEC requirements, so runoff will not increase as a result of this project.

Mr. Bebout stated that the lighting will be dark sky compliant. Mr. Bebout showed architectural renderings showing that each unit is up and down with a garage space and two bedroom units with different colored siding for each quad.

Ms. CHaides stated that she likes the idea of the cement pads on the rear side of each building and asked if a privacy wall between each unit is being proposed. Mr. Bebout stated that they are not proposing a privacy divider.

Mr. Bebout stated that they have addressed all of the comments from the Village Engineer, Village DPW, Code Enforcement Officer, Fire Department and Tree Board.

Mr. Kowal asked if the patio area is shared between two units. Mr. Bebout answered "yes." Mr. Proctor stated that the patio is really not for storage or patio sets but more for safe egress so when they open the door they are not going onto the lawn. Mr. Kowal explained that if he were renting and had a patio he would put a grill, table and

chair out. Mr. Proctor stated that they can be separated with a clear division between them, and each apartment would have a 5' x 8' patio.

PUBLIC HEARING

Chairperson CHaides read the legal notice into the record:

"A public hearing will be held before the Village of Victor Planning Board on Wednesday, March 22, 2023, at 7:30 p.m., in the Village Hall, 60 East Main Street, Victor, New York, to consider:

1.) The application of 47 East Street, LLC/Victor Landing Townhomes located at 47 East Street. The applicant proposes to construct a 55 unit townhome rental complex consisting of 11 individual buildings and a separate office/maintenance building. Each townhome building will have 5, 2-story units with a single-car garage. The parcel is located in the R-3 multiple residence zoning district.

Meg CHaides, Chairperson
Village of Victor Planning Board"

On a motion by Charles Criss and seconded by Peter Kowal, Ms. CHaides opened the Public Hearing

Peter Muench-9 Coville Street

Mr. Muench stated that since the Silverton Glenn development was built up the hill, the storm system has been overwhelmed and during rain events, Coville Street floods. Mr. Muench asked the Planning Board if they are addressing the storm system that is already overwhelmed when you have overflow coming out of retention ponds that meet the current DEC requirements. Ms. CHaides stated that the Village Engineers and Department of Public Works would address that as part of the whole application.

Mr. Muench asked what the change would be to the traffic pattern. Mr. Todd Smith stated that the traffic would flow straight through Ellis Street. Mr. Muench asked if there would be stop signs. Mr. Bebout stated that there will be stop signs. Mr. Muench explained that he sat on his porch before he came to the meeting and counted 72 cars that went through the stop sign by his house. Mr. Muench suggested flashing lights. Mr. Kowal asked if the 72 cars went through the stop sign without stopping. Mr. Muench stated "yes." Mr. Kowal stated that 72 people from Jacobs Landing went through the stop sign. Mr. Muench stated that it is a serious concern and is an ongoing problem. Mr. Muench stated that the Great Brook Apartments were recently re-roofed, and the roofers were working on Saturdays and does not think it is appropriate for workers to be making noise at 7am on a Saturday so would like to know what the construction hours on the proposed project would be. Mr. Muench stated that he would also like to understand dust mitigation procedures because it is in a residential area.

Mr. Muench asked if any green building is being considered such as recycling construction debris. Mr. Muench also discussed truck traffic and that we do not want mud on our streets so street cleaning should be done every day. Mr. Muench asked if

the proposed units are gas or electric. Mr. Proctor stated that the units are proposed to be all electric.

Karen Mahalo-48 Ketchum Street

Ms. Mahalo stated that she has lived in her home for 20 years and her house is the house with the pool in the back and the proposed townhomes will be right up against her backyard. Ms. Mahalo stated that she was told that the property was forever wild. Ms. Mahalo stated that she is concerned about traffic and that the road is not monitored, or snow plowed very well right now and cannot handle the amount of traffic that is already on there. Ms. Mahalo stated that maybe an exit out to Main Street could be considered. Ms. Mahalo stated that she understands that the owner is not from the area, so in her opinion, someone who is building townhomes on a property that he isn't going to monitor affects the current residents. Ms. Mahalo stated that she has put a lot of money into her backyard and would like 100% screening so she doesn't see the buildings behind her house and doesn't want it to be screening that takes 20 years to grow but real screening that will be in place on day 1.

David Wright-33 Ketchum Street

Mr. Wright stated that he looked at the county website and it showed this property is zoned SCR-3 which is senior citizen residential. Ms. CHaides stated that the zoning has been changed. Mr. Wright stated that he is concerned about parking lot lighting and light spillage off the property. Ms. CHaides stated that it is a requirement that lighting be zero sky and is standard procedure for developments.

Toni Kiddie-10 Ketchum Street

Ms. Kiddie stated that she moved from Farmington to the Village by choice because she was seeking less traffic and previously lived with her backyard facing Mertensia Road where she saw an increase in traffic. Ms. Kiddie stated that one of her main concerns is that the entrance to this development will be where you walk down to the park from Ellis Street and safety is of concern. Ms. Kiddie explained that she is also concerned about privacy for the people facing the backs of the proposed units.

Linda Oley-1 Ellis Street

Ms. Oley asked if a stop sign is proposed at the end of Ellis Street near the proposed entrance for this development. Mr. Smith stated that there is a proposed stop sign at the end of East Street. Ms. Oley stated that every time she walks down East Street she notices that cars do not stop at the stop sign and do not even slow down. Ms. Oley stated that one property she sees in Great Brook Apartments is an eyesore with bicycles and garbage buildup behind them. Ms. Oley stated that in the Spring she brings a garbage bag to pick up garbage she finds along the trail near the apartments.

Mr. Proctor stated that there was a wooden structure that someone built near the apartments that he took down two years ago.

Brendon Mahalo-48 Ketchum Street

Mr. Mahalo stated that he also picks up garbage that comes from Great Brook Apartments and there is someone who lives there who built a wooden fort in the woods where teenagers hang out. Mr. Mahalo stated that if you walk there now you will see chairs, Trump flags, bicycles and garbage cans and in the summer the lot is filled with stuff. Mr. Mahalo stated that if Great Brook Apartments had on site management they would say the stuff would need to be picked up, but it is not happening. Mr. Mahalo explained that this proposed development will be more of the same. Mr. Mahalo stated that he has concerns about drainage and water backing up in Jacobs Landing due to the proposed development.

Peter Muench-9 Coville Street

Mr. Muench stated that the Planning Board is hearing from passionate folks here tonight and asks who is accountable for getting the residents answers to their questions and concerns such as stop signs and stormwater. Mr. Muench stated that he would be more than happy to provide answers to their questions. Mr. Muench stated that he is looking for answers from the Village regarding the overwhelmed retention ponds and the continuity coming together.

Valyrie Yourch-44 East Street

Ms. Yourch stated that her home was built in 1995 and the traffic has gotten so much worse than it used to be. Ms. Yourch stated that no one pays attention to the stop sign on Coville Street and it makes it hard for her to pull out of her driveway. Ms. Yourch explained that you can enter and exit Jacobs Landing via East Street or Proximity Way but most people use East Street. Ms. Yourch asked if a traffic light has been considered for Maple Avenue or an alternate entrance and exit for Great Brook and the new development.

Manuel Karam-23 Walling Street

Mr. Karam stated that it was mentioned that the concept for this development had already been approved and is curious as to what that means in terms of the public hearing. Ms. CHaides explained that a concept plan is just a sketch of what they propose, and the property is already zoned as multiple dwelling. Mr. Karam asked if there is still an opportunity to say no to this project or are we just ironing out the details. Ms. CHaides explained that we are probably ironing out the details because concept approval has been given. Mr. Karam stated that it is very disheartening to him because he has lived here since 2021 and moved in with his family looking for a very quiet neighborhood for his 4 and 2 year olds and this is the first he has heard of this project. Mr. Karam explained that it is dangerous for his kids to scooter around the neighborhood near the apartments and has concerns about more traffic.

Michele Harris-3 Ellis

Ms. Harris stated that she cannot begin to tell you how angry she is now and she moved to her home almost three years ago and did not buy a home in Canandaigua or in Victor with land around it just in case something were to eventually be built there. Ms. Harris explained that when she was looking for a home in Jacobs Landing she saw a sign on the left hand side that says 'Welcome to Victor Municipal Park, Village of Victor'. Ms. Harris explained that she never saw any 'no trespassing', 'keep out' or 'private property' signage, so she bought the home. Ms. Harris stated that the park sign needs to be taken off the left side, which is private property, and put on the right because it is deceitful and shame on Victor Village for not making it obvious. *It was later determined that the park sign is actually on Village property.*

Bill Challenger-54 Ketchum Street

Mr. Challenger stated that he has lived here for 13 years now with his family and moved here because it is a quiet neighborhood. Mr. Challenger explained that there are trees and green space and didn't want to live in an area that had significant high density housing because it leads to a different type of community than what Victor has been known for. Mr. Challenger explained that we are already overrun in many ways, traffic is obscene on Rt. 96 and schools are overcrowded in Victor. Mr. Challenger stated that his realtor and neighbors told him that the property near the park was forever green space. Mr. Challenger discussed the negatives of high density housing.

Discussion regarding Planning Board procedure which is three steps 1. Concept 2. public hearing 3. final

Ms. CHaides stated that the property is zoned as a multiple dwelling parcel. Mr. Challenger stated that if it is zoned multiple dwelling it doesn't mean that they have unilateral decision to do whatever they want on that property. Mr. Challenger explained that it doesn't have to be approved, and if it is, we wouldn't need a Planning Board. Mr. Challenger stated that his understanding of a Planning Board is to plan the community, look at the overall community, and find ways to improve Victor, maintain the good parts of Victor, and find benefits for the citizens of Victor and prevent detriments.

Discussion regarding concept review and that the proposal is reviewed by the Village Engineer, Department of Public Works, Fire Department, Tree Board, Building Department and The Ontario County Planning Board

Mr. Swan stated that the Planning Board has a public hearing to get input from the community. Mr. Swan explained that the project is not approved until we hear from the public and take their comments and concerns into consideration. Mr. Swan explained that the Planning Board works for the residents and he appreciates the input to help make their decision. Mr. Swan explained that he has not said yes or no to this project and is listening.

Discussion regarding Planning Board procedure and the possibility of having the public hearing at the concept stage to help the board.

Mr. Challenger asked if there is still an option for this plan not to move forward because the community is overwhelmingly against it.

Mr. Van Dyke stated that the Planning Board will let the developer answer the questions and concerns raised at this public hearing.

Ms. CHaides explained that we do not have to approve the plans tonight and would let the developer address the questions and concerns that have been raised and have the Village Engineers, Department of Public Works and Fire Department review them.

Discussion regarding zoning, drainage issues and traffic problems

Jerry Oley-1 Ellis Street

Mr. Challenger stated that five years ago there was extremely heavy rain and Coville Street was under water which ran back to the stream that runs up to the park leaving a foot of water on Ellis Street. Mr. Oley explained that fortunately his home is banked up far enough so that he didn't have any water in his basement but others needed to get water pumped out. Mr. Oley stated that it isn't a new problem, and he doesn't know why the problem has lingered.

Discussion regarding how the land is zoned.

Ms. CHaides stated that the Planning Board does not have the power to change zoning and that the Village Board would have to address that. Mr. Bob Kelly, who is a Village Board Trustee, advised to call the Village Clerk and be placed on the Village Board agenda to speak as part of open discussion to address the issue. Mr. Kelly stated that it is possible to change zoning but is a complicated and difficult process to go through.

Mr. Criss stated that many years ago Jacobs Landing was zoned Industrial and one of the concerns the Planning Board had was what would happen to the people on Coville Street backing up to that property if someone put in some kind of industrial plant, so the zoning was changed. Mr. Criss explained that it was changed to R1. Ms. CHaides stated that it was originally called the Historical Reproduction District because the neighbors objected to the fact that originally that project was supposed to have 150 homes and it was changed to a more specific historical reproduction and less dense neighborhood than it was originally zoned for.

Ms. CHaides explained that this parcel of land has been zoned multiple dwelling for many years. Ms. CHaides stated that it was rezoned to be senior citizen subsidized housing in 2007 but then changed back to multiple dwelling in 2013.

Discussion regarding public notices and 500 foot range to which they are mailed.

Al Turner-78 Coville Street

Mr. Turner stated that he has lived on Coville Street for 80 years and that before Jacobs Landing and Great Brook Apartments were built, that land was like a playground.

Mr. Turner explained that we took the Jacobs Landing residents in and are good neighbors because we learned to live with what we got there. Mr. Turner stated that one other thing is that there are a lot of smart people here but where were all of you when they wanted to put the Marijuana shop up where they did. Mr. Turner stated that we all stepped on ourselves there. Mr. Turner stated that we can live with each other if we have to and if the apartments are built, we will survive. Mr. Turner stated that if any of you walk by his house, stop by his porch and he will give your dog a cookie. Mr. Turner stated that if this development is approved, we will all live together in one of the best neighborhoods in the village.

0 persons spoke in favor of the application and 12 persons spoke against the application.

On a motion by Charles Criss and seconded by Steven Van Dyke, Ms. CHaides closed the Public Hearing

Mr. Bebout explained that he would like to address some of the public hearing comments.

Mr. Bebout stated that in 2013 when the property was rezoned there was a low turnout for the Village Board meeting when there was an opportunity for public comments. Mr. Bebout stated that the owner of the property Adam Proctor is local and lives in Rochester and also has an onsite maintenance guy, so he is not from out of state or a ghost landlord.

Mr. Bebout discussed the history of the project.

Mr. Bebout stated that the project meets all of the zoning requirements.

Mr. Bebout stated that onsite testing was done to make sure that drainage from the site allows for infiltration to eliminate stormwater concerns. Mr. Bebout explained that the project meets all state requirements and was also reviewed by the Village Engineer.

Mr. Bebout stated that a stop sign and possibly a stop bar will be provided to control traffic.

Mr. Bebout explained that construction hours will follow DPW requirements.

Mr. Bebout explained that as part of this project there will be bi weekly inspections to make sure water isn't running off the site, roads aren't getting dirty and that they are not making a lot of dust.

Mr. Bebout stated that there was a good comment about recycling and green measures and can work with the contractor to consider recycling construction materials and to be as efficient and as sensitive as possible to that.

Mr. Bebout explained that there was a comment about the property being forever wild but the Proctors have privately owned the property for a long time and he has a right to develop the property within the zoning.

Mr. Bebout stated that in regards to screening it is their intent to keep as much of the vegetation as possible within the means that allows them to grade.

Mr. Bebout stated that any lighting will be dark sky compliant but do not propose any lighting close to the property lines.

Mr. Bebout stated that he can provide a traffic trip generation report to the Planning Board.

Mr. Bebout stated that he appreciates the concerns that the residents have raised. Mr. Bebout explained that they are not building a cheap product and they will follow all of the New York State rental laws. Mr. Bebout stated that he thinks this project will be a great addition to the village.

Discussion regarding concerns

Ms. CHaides explained that the concerns have been addressed and asked the board what they would like to do.

Mr. Kowal stated that he doesn't know if he can make a decision tonight based on what he is hearing from the residents and needs more time to process it.

Mr. Van Dyke stated that he needs more time to decide.

Mr. Swan stated that he would like to see a traffic trip generation report and would like time to think about the public's concerns.

Mr. Criss stated that unless there is a moratorium on development if someone comes in with appropriate zoning and legitimate plans that meet standards that they have to meet, there is very little the Planning Board can do to say no. Mr. Criss explained that what a resident may want and what is appropriate for a piece of property may be two

different things. Mr. Criss stated that he doesn't know quite frankly how he is going to be able to say no.

Mr. Challenger asked if the village has the ultimate authority to determine whether or not a new development is in the best interest of the community.

Mr. Bebout explained that the Village denied the initial project proposal by denying the variance for the elimination of covered parking. Mr. Bebout explained that it would be difficult for a Planning Board to deny the project when it meets all of the zoning requirements.

Mr. Challenger stated that there are legitimate problems that this proposed project will make worse.

Ms. CHaides stated that this application will be tabled until the concerns of the nearby residents are addressed. Ms. CHaides asked Mr. Bebout for a traffic trip generation study and stated that she will talk to the DPW regarding the drainage. Mr. Kowal stated that he would like to talk to the DPW about getting speed humps installed in the area.

Tabled until April meeting.

ADJOURNMENT Meeting adjourned on a motion at 9:45 pm

Roseanne Turner-Adams, Planning Clerk