

A regular meeting of the Town of Victor Planning Board was held virtually on March 23, 2021 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; Councilman Dave Condon, David Cox, Jack Dianetti, Linc Swedrock, Jeff Smith, Lucas Bushen, Suzy Mandrino, Confidential Secretary to the Town Supervisor; Kinsella; Lisa Boughton, Secretary

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

#### **APPROVAL OF MINUTES:**

There were no minutes to approve.

#### **CORRESPONDENCE:**

Rebecca Sumner re: Brooks In-ground pool

#### **BOARDS AND COMMITTEE UPDATES:**

Councilman Condon from the Town Board.

Councilman Condon – Not a lot to report. As you know we started the year off with our pause waiting to see what revenue would do and working our way thru Covid. I do believe we are starting to come thru on the other side. We made several resolutions which included purchasing some equipment that we had delayed. Also, bringing back a couple of town employees of highway and parks and rec. Things are moving in the right direction and we are continue to do business as it comes before us. I think the other thing that is interesting that came up lastly night and interesting for our residents is that Jack has been attending the Fisher's Fire District meetings with the commissioners. As you know there is a tremendous discrepancy in what the Fisher Fire protection costs as opposed to Victor Fire District and I think they are looking it o doing some studies at the County level and public safety. They are going to look at models both in the state of NY and also models in other states on how they do that. Stay tuned and if you are interested and live in the Fishers Fire District you should attend some of those meetings. The Victor Fire District also meets the same night as you do here. Other than that I would say things are moving along very well.

Chairman Santoro – I am familiar with Fisher Fire District issue since I am in the Fisher Fire District.

PLANNING BOARD reported by Lisa Boughton  
Tuesday April 13, 2021

#### PUBLIC HEARINGS

- Bovee Driveway, located at 1550 State Route 444, applicant is requesting to install a 12" 20 foot culvert and install a second driveway similar to existing driveway to accommodate travel trailer, which will be closer than the minimum 10 foot setback, which would require a waiver from the Design and Construction Standards.
- Brush Barn, located at 8045 County Road 41, applicant is requesting approval for the height of the accessory structure to be in excess of 15 feet. Per §211-31G(1) of the Town code, Planning Board review is required for an accessory structure greater than 15 feet in height prior to a building permit being issued.
- Fishers Landing Façade Modification, located at 7383-7387 State Route 96, applicant is requesting approval to renovate the north facade of the existing 23,000 sf building including removal of a portion of the seam metal roof and conversion of the center element into a gable-end appearance.
- Wilkins RV of Victor, located at 7447 State Route 96, applicant is requesting approval to demolish the existing 13,318 sf showroom and construct a new 18,560 sf showroom that will be attached to the existing service building. The existing two entrance will be removed and a new consolidated entrance will be installed.

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

#### **PUBLIC HEARING**

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

#### **VICTOR HILLS GOLF CLUB SUBDIVISION PLAN 01-PS-2021, 04-FS-2021**

1397 Brace Road

Zoned – Residential 2

Tax Map # 28.04-1-56.111

Owner – Five J Enterprises LLC

Applicant is requesting to subdivide 2.8 acres from a parent parcel of 123 acres. This will be the second and third step in a 3 step process for a major subdivision. The Sketch Plan was acknowledged complete on January 26, 2021.

Jack Dianetti of Five J Enterprises LLC

Mr. Dianetti – Any questions for me? It is actually going to be 2.8 acres. We left a 60 foot strip where the parking is for the hiking trail. It will continue to provide access to the main parcel. Instead of 3.09 it is actually 2.8 acres.

Chairman Santoro – The resolution we have does say 2.8 acres.

Mr. Dianetti – We did that to maintain access for the main parcel from two roads, one Break of Day and the other one is Brace Road. That is also the parking area for access to the hiking trail which is under an easement.

The Board members had no questions.

Chairman Santoro – Anything from the public?

Ms. Mandrino – There are no comments.

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

## RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on February 16, 2021 by the Secretary of the Planning Board for a Preliminary/Final Subdivision entitled Victor Hills Golf Club Subdivision.
2. It is the intent of the applicant to subdivide 2.8 acres from a parent parcel of 123 acres.
3. A public hearing was duly called for and notification was published in “The Daily Messenger”, and whereby all property owners within 500’ of the project parcel 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 23, 2021 at which time the public was permitted to speak on their application.

5. 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.
6. The Conservation Board reviewed the project on March 16, 2021 and had no comments
7. The Town Engineer, LaBella Associates, provided a comment letter dated March 23, 2021, identifying no issues to be addressed.
8. The Town of Victor Code Enforcement Officer, provided a comment letter dated March 1, 2021, identifying issues to be addressed.
9. 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 fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 23, 2021, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Victor Hills Golf Club Subdivision, will not have a significant impact on the environment and that a Negative Declaration be prepared.

AND, BE IT FURTHER RESOLVED that the preliminary/final subdivision application of Five J Enterprises LLC, Major Subdivision entitled Victor Hills Golf Club Subdivision, drawn by BME Associates, dated October 2020, last revised February 19, 2021, Planning Board Application No. 01-PS-2021 and 04-FS-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the Preliminary/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 Constructions be met.
4. That the comments in a letter dated March 1, 2021 from Code Enforcement Officer be addressed.

**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 Standard 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. The applicant shall be aware that this approval does not mean that the new lot is an approved building lot. Site plan approval will be required prior to the lot becoming buildable lot and before a building permit can be issued.

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	Absent
Joe Limbeck	Aye

Approved 4 Ayes, 0 Opposed, 1 Absent

**BROOKS IN-GROUND POOL**

7876 Hidden Oaks

Owner – Raymond Brooks

Applicant is requesting approval to install a 700 square foot in-ground gunite pool at rear of property. This parcel is located in the Limited Development District.

10-SP-2021

Zoned – Limited Dev. District

David Rex of Precision Pool and Spa

Mr. Rex – We propose to install a gunite swimming pool approximately 24 feet off of the house. We have a 48 foot setback on one side and 107 foot on the other side and a little over 500 feet from the rear. We propose per the grading plan we submitted to take the spoils and fill in a deep swale to the right even with the pool. Pretty straight forward. Nothing special other than what we are submitting on the drawing. I understand we are in the LDD. We went before the

Conservation Board and I believe we meet all the setbacks. I am not sure what would hold this up from a permit being issued but I am here to answer any questions.

Chairman Santoro – Suzy, in the materials there was a mockup of what it was going to look like. Can you find that?

Ms. Mandrino – I only had the one page.

Mr. Logan – I have it up.

Chairman Santoro – That is what they intend to do?

Mr. Rex – Yes sir.

Chairman Santoro – The Board members have seen this since it was in our packet. Those that are tuning in have no idea what they were going to do.

Mr. Logan – My opinion is very ambitious and impressive. The ground does slope away from the pool quite a bit and you mentioned that are going to be using the excavation to create the fill downslope. Is that true?

Mr. Rex – From the bottom half of the 3D picture to the back where the slide is we have approximately a 18 inch drop total from where the chaise lounges are to the slide. There will be no patio on the back side. She wants to preserve the natural setting and actually create the slide to be set into the woods. We proposed to just fill the back with the dirt and around the backside of the pool it does drop substantially. Those hills go from – nine feet to plus 60 feet. As far as where the actual pool is being set the grade is to be terribly significant. Roughly eight to ten feet past the pool it does drop substantially.

Mr. Logan – In this grading plan the house is close to the lounges. This is the rock slide. Is there any geotechnical expertise helping you with this for slope stability and things like that?

Mr. Rex – We are going to put silt fence up around the entire area to protect the area. As far as..I propose to keep the natural grade that is there and not change it. We are going to use the spoils but maintain the existing slope.

Mr. Logan – You are just putting extra fill in this area where the pool has to stay level underneath this rock feature.

Mr. Rex – The pool is eight feet in the ground as far as depth right there. I do not see an issue with that at all.

Mr. Logan – Ok, those are the only questions I had.

Mr. Gallina – Just one question. I did not see any indication in the layout relative to fencing. What is the applicant's intent to provide the necessary fencing?

Mr. Rex – We did have the fencing. We are going to use the house as one wall of the fence. All of the doors will be alarmed with NYS code compliant door alarm and the fence will be right behind the slide and come back to the house on both corners of the house. I think that was in our original building permit application.

Mr. Gallina – No issues with that. Just needs to be documented somewhere in the application and I am sure that has been contemplated in the installation.

Mr. Limbeck – I think it is a nice design and very attractive. Are you moving any trees to put in the pool?

Mr. Rex – There were a couple dead trees that were removed and went thru with the Conservation Board. She did look into an Arborist that was negated immediately. There were about three dead trees that were removed but all of the existing trees have been maintained. She is installing a cleaning system in the pool as well to deal with the trees.

Chairman Santoro –Any calls in Suzy?

Ms. Mandrino – No comments.

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

## RESOLUTION

Motion made by Al Gallina, seconded by Joe Limbeck.

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

1. A site plan application was received on March 10, 2021 by the Secretary of the Planning Board for a Site Plan entitled Brooks In-Ground Pool.
2. It is the intent of the applicant to install a 700 square foot in-ground gunite pool at rear of property.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within a minimum of 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.

4. The Planning Board held a public hearing on March 23, 2021 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Conservation Board reviewed the project on March 16, 2021 and requested the areas of disturbance be marked with the silt fence.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated March 23, 2021, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 23, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Brooks In-Ground Pool will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of David Cox of Precision Pool & Spa, Site Plan entitled Brooks In-Ground Pool, received by the Planning Board March 10, 2021, Planning Board Application No. 10-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer, dated March 23, 2021 be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

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	Absent
Joe Limbeck	Aye

Approved 4 Ayes, 0 Opposed, 1 Absent

### **O'NEIL SUBDIVISION**

02-PS-2021, 05-FS-2021

7874 County Road 41

Zoned – Residential 3

Owner – William and Victoria O'Neil

Applicant is requesting for a 7 lot major subdivision on 76.4 acres located on County Road #41 and Strong Road. Six lots will be created for a new single family home. The existing home will remain on lot 7. This will be the second and third step in a 3 step process for a major subdivision. The Sketch Plan was acknowledged complete December 15, 2020.

Linc Swedrock of BME Associates

Mr. Swedrock – The plan is very consistent with the plan we reviewed in the conceptual planning phase. The same lot configuration. It is 76 acres into 7 lots. Lot 7 has the existing house on it. Basically after we met with the Planning Board last time we went and coordinated with the individual buyers with the conservation easement locations which are shown on this plan. We coordinated them with where we see the developable areas and also making sure we were meeting 50% per lot. Also trying to preserve areas that made sense. I also went to the Conservation Board and walked it with them on March 13, 2021. We went thru and reviewed how we came up with what we did for the Conservation easements. We also had left lot 4, the big 30 acre lot. We left that without showing a conservation easement on because it is going to be continued to be farmed. Did it make sense to show the conservation easement since if we try to put makers up they are going to get hit by a tractor? We left that with a note that once they go to develop that it would need 50% open space and at that time you could decide the 50% area for that.

We did receive comments from staff, County Planning and Labella's comments. They are hot off the press and did send written responses back to the town this afternoon. I did get written responses back but I think the other things we talked about were where we had gotten some indications from the preliminary perc and soil test that were performed out there that so far everything they have tested indicates a conventional system out there. It will all be septic's and wells. We got some additional notes and things that staff are looking for and we feel comfortable adding those to the plans. The next step after the subdivision would be for each of

these individual lots owners to come in with their site plans for these specific lots. I think it is consistent with what we talked about last time and we are working our way thru it.

Mr. Pettee – Maybe before I chime in. Are we in a public hearing? Maybe I will defer to any public comments that might be out there first.

Ms. Mandrino – No comments yet from the public.

Mr. Pettee – I would like to share one. It is not a major concern. There were a couple of comments that we had revising notes and so forth on the plan. The only thing you might want to consider and I pointed it out in our letter. Linc has already responded that he is open to listen to what the Planning Boards discussion is. You have got a conservation easement that comes out between Lot 5 & 6. I wanted to suggest the Planning Board to consider the proposed conservation easement configuration would preclude the future ability for shared ingress and egress if that conservation easement comes all the way out to the right-of-way. I do not know if we can get a picture of the area between Lot 5 & 6 and I can point out where I am thinking about here. Just in case there is a need for a future shared access point along Boughton Hill Road or County Road 41.

Mr. Swedrock – They are pretty big lots. We were sort of consistent with how we were applying sort of what we were doing to them. There is two utility poles right in the area where the easement is to the right. There is some right in the middle of that easement. I think the driveways would probably...it is hard to say and is one of those deals where we were trying to be consistent and try to preserve the middle of the lots.

Mr. Pettee – This is the area I was speaking of and I wasn't paying too close attention to any utility poles or any existing conditions that might be out here. I was considering that for some reason if there was a need to share a lot access. If there is a lot access here on Lot 5 and there was some difficulty finding an access her for Lot 6 maybe cutting the conservation off so this remains white and allows for a driveway to go in there. Wanted to run it by the Planning Board in case they felt it was a good idea. That is really my only comment here. As was discussed previously, typically for a subdivision application we get information on perc tests and sufficiency of the lot to accommodate septic systems and water. We have spelt it out clearly in our review letter as BME Associates has done as well. This is merely the applicant trying to convey land to others who will be responsible for providing that documentation if they want to build on the lots.

Mr. Gallina – I do not have any questions Ernie.

Mr. Limbeck – I like what they have done in general with the conservation easements particularly on Lot 3. You indicated that they have been talking with the perspective buyers. I like what is happening on Lot 3 with the conservation easement encasing the wetlands and assuming that is going to satisfy the potential buyer in terms of use of the property. I am comfortable with leaving Lot 4 without an easement and assuming there is something in the deed thou that will guarantee an easement is placed if it is no longer used for agricultural. Is that the case?

Mr. Swedrock – Right now I have the note on there that says it will remain Ag and minimum of 50% of the property must be placed in a conservation easement with any future application to the town.

Mr. Limbeck – I am happy with the way it is going to look. No further comments Ernie.

Mr. Logan – I have got a couple questions. If we look at Lot 3 and I was looking at this wetland that is here and is at 810. If you go over to this spot here it is 808, which is lower than the boundary for the wetlands. It tells me that this is potentially going to stay wet as well and I am not sure why that is not called out as wetland. Depending on where a house might go are you talking about down here somewhere where it is a lot higher or closer to the road?

Mr. Swedrock – It looks like it might lend itself to closer to the road. They would have to go either closer to the road or if they did something in the back they would have to look at that when they try to get back there with a site plan. We walked it with the Conservation Board and can definitely tell that wetland is low. You can see low area on the other side. The 810 which is down next to the 15 foot side block label, over to the left, which is low too. I did not see any wet area in there. Maybe it ponds once in a while but there was not anything there that indicated a wetland. You can tell the wetlands.

Mr. Logan – It is such a steep drop-off in this area to the north.

Mr. Swedrock – It might make sense to walk something out there. That will be up to when they go in and start deciding where they want to put the house. They wanted to leave flexibility in the front of that wetland so we originally had that easement going out on the east side all the way to the road and we added it to the back. We originally had it there and added it into the back because they wanted more flexibility there to bring the driveway in on that side.

Mr. Logan – If you came in here and wrapped around and perhaps put a house back up here. That was my biggest thing. It seemed that there was enough low spots across this whole area and looking at making a lot area instead of the conservation easement that it would be a problem. That is all I had.

Chairman Santoro – Does anyone else have anything? We do not have a resolution on this. Do we keep the Public Hearing open Kim?

Ms. Kinsella – If you like or you can close it. It is up to you.

Chairman Santoro – What does the Board feel? Suzy anyone call in?

Ms. Mandrino – No, there are no comments.

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

Mr. Logan – We are coming back next time to finalize this? Anything else outstanding Wes that needs to be addressed?

Mr. Pettee – As far as I know there is nothing else that needs to be addressed. I did have an opportunity to review the BME response letter they provided today. There isn't anything that appears to be a show stopper that wouldn't be able to be addressed as a condition of approval. We would be happy to draft a resolution for consideration at the next meeting.

Mr. Logan – I would do that. Give you a chance to make sure you have all your ducks in a row.

### **FINAL SUBDIVISION**

#### **WILLIS HILL ESTATES, PHASE 2(Formerly Anderson Subdivision) 06-FS-2021**

1025 Strong Road

Zoned – Residential 2

Owner – Woodstone Custom Homes

Applicant is requesting approval to create 23 lots, including 1 flag lot, on the east side of Willis Hill Road as a cluster subdivision using Town Law 278. The phase will include approximately 32 acres of conservation easement in addition to the 49 acres created in Phase 1. This is the third step of a major subdivision.

Lucas Bushen of Marathon Engineering

Mr. Bushen – I have a figure that I can share on my screen so that I can walk you thru it. It is a colored rendering. This is Phase 2 of Willis Hill Estates, previously Anderson Subdivision. It is 23 lots on the east side of Willis Hill Road and as you may remember phase one was five lots over on strong road those were estate lots, larger lots. The future phase three is an additional 25 lots on the west side of Willis Hill Road but phase two is comprised of these 23 lots, 22 are built off of this new roadway Walden Hollow. Those 23 lots include one flag lot as you can see this lot is set sort of up on the hill tucked into this clearing area and then in addition we've got one, we'll call it a state style lot, in phase two. This is similar to the lots you saw in phase one so this is the 23rd lot in in Phase Two. Phase Two is 56 acres overall it's this entire property you see here over connecting to Modock Road. In a significant area that 23 acres are going to be set aside for conservation area as you may remember most of the conservation area was reserved in phase one there was a significant portion of land between Willis Hill and Strong Road.

So phase two files away the rest of that conservation easement so there's a large conservation easement out behind the lots. This is part of lot 204 the flag lot and there's some additional Conservation easement set over on the estate lot to sort of create a buffer between the rear yards of that lot in the rear yard of the cluster lots. So along Willis Hill road there's currently no water or sewer so we're bringing water up from Modock Road so that's just south of this page and that's where the water main currently terminates. We're bringing that up into our subdivision we're extending it further along Willis Hill Road through this area to service lot 223 so it really will

extend all the way across our development it's about 2400 linear feet of 8-inch water main. In the future that will cross the road to phase three and ultimately loop down to strong road and create a loop system for the water authority.

That design and plan has been submitted to the Water Authority and has been under review for about a year now. That has been developed with their input. As I mentioned the sewer is also not available in this area yet so we are extending that from up north. It is currently at the intersection of Willis Hill Road and Route 251. That is about 2,400 feet of gravity sewer that is being extended along the roadway and up into our subdivision. Ultimately to serve both Phase two and Phase three of the development. All 48 of those lots would be on the gravity sewer. That sewer has similarly has gone through of about a year of review. A lot of back and forth and a lot of input from the town, LaBella, the Town of Farmington and as you can imagine the design of the gravity sewer is a little more complicated than a pressurized water main system. All the locations of those man holes where the main is set and where it crosses the road and how, that has all been worked thru in great detail with the town. The design you see on a final Phase two plan submitted has been a result of that work back and forth.

Gas and electric are readily available on Willis Hill Road so those will be easy connections and extensions into the subdivision. That leaves stormwater, which as with the rest of the utilities in the subdivision we design from an overall standpoint. So consider all of the Phases and the lots being proposed. There are two stormwater management facilities. Both are on the west side of Willis Hill Road. You can see them here the blue circles. This site has really good soils. They are high infiltration, sandy soils which is really great from a stormwater standpoint. We are able to treat the water really the best way with the perspective of the DEC. These are both infiltration basins. Essentially meaning that they will provide storage for the storm events but a significant portion of that stormwater will end up infiltrating into the soil within these facilities. These are both being constructed with Phase two. Ultimately sized to handle both Phase two and three of the development. Storm, sewer will come across Willis Hill Road and enter into this infiltration basin from there it will overflow into the secondary infiltration basin before discharging offsite. Most of this area already drains to this location. Between the infiltration basins that we are adding we will be reducing the runoff rate from the site to this area.

We are also proposing an improvement. This is Mr. Turner's driveway. Right now the stormwater flows over his driveway with no real channelization. We are working with him to upgrade his driveway and install a culvert under the driveway, such that the stormwater will have a place to go. It is not a significant amount of stormwater that leaves this site but adding a pipe underneath his driveway will help improve that area.

Finally, the on other thing I wanted to mention is this area of the roadway there is a hill that intrudes into the shoulder of the roadway. It restricts vision as you are coming North bound from this northbound lane. You sort of cannot see this area and is blocked off. Obviously, that will impact the vehicles coming in and out our subdivision. Particularly, from the Phase three entrance. One of the things we are proposing is to address that issue. Essentially we are going to be cutting back that bank where it currently comes up right up to the edge of pavement will be shifting that back 8 feet. Taking that same slope and just pushing it back away from the road to create more of a natural shoulder area. That will open up the distances right thru this area. It

will also allow for drainage to behave properly in this area and will allow us to bring our water main thru this area. One of the components of that element of the project is that Jeff will address this sight distance issue as part of the proposed development. He is asking that the Town Highway Department assist with trucking of those materials and with traffic control. That was an idea that we floated to the town and it seemed like they were open to that sort of combined effort to address this existing issue on Willis Hill Road. I should note that it was part of the proposed Willis Hill improvements to install a gabien wall there. This alternate approach will save the town from having to install the gabien wall and the joint effort is sort of where the idea came from. It seemed like the Town Highway Department was open to assisting in that way. It will just be a matter of scheduling that and coordinating availability there.

That is Phase two in a nutshell. As you can tell it has not changed much since our preliminary conversations. If there is any questions I will be happy to address those.

Chairman Santoro – Wes do you want to chime in now or later?

Mr. Pettee – I do not think we are in the midst of a public hearing on this particular application. The public hearing was held during the preliminary overall subdivision phase. LaBella has not yet finished our comments on this final subdivision application. We do have comments for the offsite sanitary sewer. As Lucas said there has been a lot of dialogue between LaBella Associates, the town and Marathon with regards to the placement and location of the offsite sanitary sewer. We are happy with where it is located. I think the comments that we have a more technical in nature. I do not think there is anything really that will be show stoppers. We have got sanitary sewer comments for them and also to touch about that little bump out on Willis Hill Road. Do you see the design plan? You can see the proposed grading that would take place. I want to be sure that it is clear that the Town of Victor wouldn't be participating in a private development here. I had Wade Daley out of our office talk with Mark Years, the Highway Superintendent, about potentially participating in this. The Willis Hill Road reconstruction project is not a full reconstruction but there is an anticipation of using town funds to build a gabion wall at this particular location here where this proposed grading is. The town would be doing this work as part of that Willis Hill project anyways. If we can figure out a way to combine or look at the scheduling of this. Lucas was talking about the scheduling of the proposed development and this particular work along with the town's roadway project. Just to coordinate that so it is not as if the town is going to be helping promote or do the applicants project for them. It is that this work would be going forward anyways.

We have got some comments on this particular grading plan here and some feedback from Mark Years and Wade Daley. That should be forthcoming. I am still a little concerned as we note in the preliminary overall subdivision on the steep slopes on lot 205. There is some 1:2 slope proposed at the rear yard of lot 205. It is immediately adjacent to the flag lot driveway just north of that flag lot driveway. Initially they had proposed a 1:1 slope back and as a result of our comment where we were initially asking for a geotechnical report to assure that the earth could accommodate the proposed slope. They did increase the area of grading there to minimize or avoid the 1:1 slope and now there about 1:2 with some slope stabilization measures. I would feel more comfortable if the applicant would be able to provide a letter maybe from a geotechnical professional. Does not have to be a full blown geotechnical report but maybe a geotechnical

professional indicating based on the proposed slope stabilization and the soils onsite the project would be a blue to accommodate those slopes without any adverse effects in the long run. I think that would be helpful for the Planning Board to feel more comfortable in that regard.

The sight distance issue we have gone over. That sight distance issue as Lucas said, is an issue for both Phase two and Phase three. We need to take care of it in Phase two and cannot wait till Phase three. I noticed there was some notes on the drawings about open cutting of Willis Hill Road. We will defer to the Highway Superintendent on that. We will have some other additional details but those are the big ones that I wanted to bring up to the Board.

Chairman Santoro – Anyone on the Board have questions?

Mr. Logan – I can appreciate the slopes stability question or trying to resolve that because Shire Way I think had some slope problems right up the road when they tried to put in some keystone retaining walls and they were failing I think they ended up doing a lot more back there than they anticipated. I agree with you Wes about your concern over the stability behind 205. I don't think I understood exactly what you mean by that the town wouldn't be participating. Meaning they would be providing shared services when they do this because it will save them money or they will do trucking?

Mr. Pettee – The applicant's intent or request is that the town provide trucking of the material to an offsite location. The town would be participating in that. It is just that I did not want to make it sound like the work wouldn't be done if this project wasn't going to be done. The work would be done as part of a town sponsored project anyways.

Mr. Logan – So they are not realigning the road thru that little wiggle in the road? It's just clearing an area off the side to get better sight distance?

Mr. Pettee – For sight distance and then there will be some opportunity for a shoulder. Right now there is really not much of shoulder there at all. It provides better sight distance for the location of the proposed intersections. It might straighten out the lanes a little bit and provide a bit of a shoulder too.

Mr. Logan – I am just looking at it from a street view and you cannot see around the corner. I have driven that a million times. It will be good to pull it back so that you can see everything that is oncoming around that curb. I am all for that.

Mr. Smith – The point was that the gabion wall and the capital improvement program for Willis Hill was going to be done this year but because of Covid it was uncertain to when it would be done. Understanding that we needed to resolve this Phase two and Phase three sight distance problem we offered to do an alternate plan and in many ways would save the town some funds in terms of not having to that gabion wall that was proposed. We are cooperating with getting something done that we were anticipating having done and with the gabion wall our sight distances were adequate. Without it they weren't so that is why in the long run this is a better solution in terms of a natural feature rather than artificial feature along the roadway. It will be much less maintenance in the long run for the town. Going back a little bit in terms of

stabilization of slopes. We have had very good success in our Hidden Oaks Subdivision which was the soil characteristics very similar to this and we have ...both Hidden Oaks and Arbor Glenn, but more recently Arbor Glenn where we have a number of lots that have stabilized the slopes behind the homes with soil characteristics very similar to this and have a great deal of success. I would welcome any one of you to go visit several of the lots. Lot 12, 13, 14 and lot 9, they all had slopes greater than what is being recommended here and we have had no difficulty. We were careful grading, restoring and providing stabilization during that process. I do not disagree with Wes that we are certainly welcome to have a professional opinion here. We have had a great deal of experience doing this. I do not anticipate any problems.

Mr. Pettee – Jeff, could I ask a follow up question on that? Out of curiosity, the other projects that you are referencing and recognizing that you have had success there. Do you by chance have off the top of your head, can you estimate the elevation change of those slopes? Are we talking 10 feet or 15 feet?

Mr. Smith – In terms of the total height elevation? Substantial. Nearly 100 feet on lot 13 of Arbor Glenn. We had some substantial hillside reworking up in the 50 to 100 feet. Some of the lots, lot 9, was closer to 30 or 40. Lot 13 and some of the others was on the easterly side of Arbor Glenn, not to say we weren't concerned, we were making some substantial grading changes and we established swales behind the homes. Regraded the hillside and behind the homes. Particularly Lot 13 was very substantial.

Mr. Pettee – Just to bring the Planning Board to speed on the area that I am looking at here. This was kind of the area that I was talking about, 1:2 slope. It looks like the maximum elevation change for this slope is about 25 feet. That is the area I was speaking of.

Mr. Smith – That was modest compared to what Arbor Glenn was.

Mr. Bushen – If I could contribute one other point to this conversation. A significant factor when you are talking about slope stability is the water passing over that slope. That is a lot times what compromises the integrity of the slope. Both of these areas do not have a significant drainage area coming to them. It somewhat of an isolated side of the hill. You do not have a lot of rain water that washing over that slope. We flattened this one out to 1:2. We are really just trying to balance the steepness of that slope and the amount of trees we are to preserve at the top of it.

Mr. Smith – It is not something we thought of but clearly these were not drainage areas directed towards the slopes that we were cutting into in terms of Arbor Glenn or Hidden Oaks. These are both fairly old subdivisions now and to my knowledge there has been no difficulty in any of the drainage patterns.

Mr. Pettee – I appreciate the dialogue here. Thanks to being attentive to the comment.

Mr. Harter – The question I had was would the modification that is proposed and discussing in lieu of the gabion. Do we know if it was analyzed that it will provide adequate sight distances as required?

Mr. Bushen – We looked at the geometry in selecting how far back we want to bring it. The eight feet is actually plenty to open up those sight distances.

Mr. Pettee – Scott, I can get confirmation on that just so that you are comfortable from both sides of the table.

Mr. Harter – I was just curious, I think it is a good idea to have a geotech take a look at it. It is right on the town right-of-way. It is not within a private piece of property. It has a big impact for the traveling public. It is a cautious thing to do. Think it is wise to do that.

Mr. Limbeck – I think it is wise to get the professional opinion but I appreciate the fact that Jeff and his team are willing to do this. It seems that adding the shoulder and given that the town project is probably not going to happen this year I think it is a smart thing to do so that the public does not have obstacles. I like the idea.

Chairman Santoro – I drive down there frequently. I believe there are some trees on that mound. What is going to happen to them?

Mr. Smith – There are some trees there. There is only one substantive one out on the hillside. There isn't going to be a whole lot of clearing there. I do have pictures of the area that we can share with the Board. It will be fairly modest. That is one reason why we are recommending a little bit steeper slope than longer because there would be more clearing involved. We are really trying to protect the more mature trees along the roadside but admittedly if you think about it some of these 20 inch caliber trees are way too close to the road. We are still respecting them. It is the last thing I want to do is take down a lot of mature trees. I think we have documented in pictures and there is only one of substance and it is maybe 12-18 inches. That is one reason why we would prefer to keep the slopes somewhat steep. It will minimize the amount of vegetation being removed.

Chairman Santoro – Had a question on the running back culvert under Turner's driveway. Runs into a Federal Wetland. Do you need get any approvals from them?

Mr. Bushen – There is no permit required to maintain that existing flow pattern. No, since we are not touching the wetland we are just maintaining drainage towards it so there is no permit required.

Chairman Santoro – Anything else?

Mr. Gallina – One more comment or thought on the improvement on Willis Hill for sight distance. Like you I drive it several times a day and it is not a good condition. I think an improvement there is well needed. Part of our resolution unless the applicant is able to secure the towns concurrence to supporting it in some way shape or form, the resolution should indicate that it is the obligation of the applicant given the timing. So that we do not get into some dispute after because the town is not participating and the improvement isn't made. I want to make sure that it clear accountability on the completion of that work.

Mr. Smith – I think that is reasonable. We are trying to be good neighbors and try to contribute to the town since we knew it was needed. If it doesn't happen we will bear that out.

Mr. Gallina – Jeff, I think it would be great if the town can. It makes perfect sense. I do like to avoid a dispute after the fact that says.

Mr. Smith - I concur. I think that is reasonable. If we want to do the project as Wes and LaBella has made clear we would need to resolve those sight distance even if it weren't obligated to be reserved for Phase two it was going to be for Phase three. We have committed to resolve it for Phase Two.

Mr. Gallina – The only other comment is and you do not need to bring up the schematic again. I think it is Lot 201 that first one adjacent to Willis Hill. I know there is an adjoining property to the south of it. While it shows nice green on the colored map I think those are all deciduous trees and bushes so this time of year there is very little buffering. If you could put in a couple of evergreens or something to provide some around the year buffering between 201 and adjacent property. I think that would be well received by the neighboring tenant.

Chairman Santoro – They have already commented on that during prior meetings on privacy.

Mr. Smith – I do recall that and there are quite a few deciduous trees.

Mr. Gallina – For 6 months a year it is no issue.

Mr. Smith – Conifers would be nice and I am sure we could contribute to some of that.

Chairman Santoro – Anyone else? That being the case I guess we have no further business tonight.

### **EXTENSION OF TIME**

#### **WILLOW RISE TOWNHOMES**

McMahon Road

Owner – Bella Estates LLC

Applicant received approval to create 45 residential townhomes on approximately 6.4 acres off of McMahon Road on September 22, 2020. Applicant is requesting their first 90 day extension of this approval.

01-PS-2020, 3-FS-2020

Zoned – Multiple Dwelling

Chairman Santoro – There is a bit of difficulty. They have not paid their outstanding fees to the town. They were sent a notice March 1, 2021 and the account was more than 90 days past due. We discussed this with counsel too and we can decline to give that extension until all fees are paid.

Mr. Logan – If they do not get a extension of time doesn't it revert back to the process again and having to go thru a whole motion of approvals?

Ms. Kinsella –Technically yes but what we can do is just provide the Planning Board with the materials that you have already approved and just reapprove it. The town has been trying to collect the fees over 90 days and we have been unsuccessful to do that. Otherwise it will go to collection.

Mr. Gallina – I guess we deny the extension at this point.

Mr. Logan – I was not challenging that so much as looking at the processing and what is the implication of denying it.

Mr. Gallina – It is as reapproval at that point.

#### RESOLUTION

Motion made by Scott Harter, seconded by Joe Logan.

WHEREAS, in a letter dated March 15, 2021, Walt Baker, D.S.B. Engineers & Architects, P.C. requested a 90-day extension of time for application titled Willow Rise Townhomes, and,

WHEREAS, on March 1, 2021, the Town of Victor's Finance Director issued a letter to Frank Affronti in an attempt to collect outstanding engineering fees due to the Town of Victor that are more than 90 days past due; now, therefore, be it

RESOLVED, that the Town of Victor Planning Board DENIES the first 90-day extension of time for Willow Rise Townhomes until such time that the Town of Victor Finance Director confirms in writing to the Planning Board that payment of all outstanding fees has been made by Frank Affronti.

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

Mr. Limbeck – Could we request the Conservation Board to invite us to site walks. I would really like to be able to have the opportunity to walk some of these sites. I think it would help me understand a little bit better what the properties look like and some potential issues might be.

Chairman Santoro – We used to do that.

Ms. Kinsella – We can extend an invitation.

Motion was made by Joe Limbeck seconded by Joe Logan RESOLVED the meeting was adjourned at 8:15 PM

Lisa Boughton, Secretary