

A public meeting of the Town of Victor Planning Board was held on March 28, 2023, at 7:00 p.m. with the following members present:

PRESENT: Joe Logan, Chairman; Joe Limbeck, Vice-Chairman Scott Harter, Ernie Santoro.

ABSENT: Al Gallina

OTHERS: David Nankin, Mike Parrinello, Tim McGill, Andrew Spencer, Scott Reinhart, Doug Eldred, Councilman Dave Condon, Councilman Ed Kahovec, Keith Maynard II, 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 Santoro, seconded by Joe Limbeck:

RESOLVED, that the minutes of the meeting held on February 28, 2023, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Absent

**CORRESPONDENCE:**

Maura Steed re: 1086 Strong Road Subdivision (2)

Delores Fanton re: 1086 Strong Road Subdivision

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon was present.

PLANNING BOARD reported by Kim Kinsella

Tuesday April 11, 2023

**PUBLIC HEARINGS**

- PMD Addition, located at 727 Rowley Road, applicant is requesting approval to construct a 16,800 16,800 sf addition to the east side of the existing 73,000 sf building to be used for assembly of automation equipment.
- First Light Fiber Site Plan Modification, located at 7890 Lehigh Crossing, applicant is requesting approval to construct a 2,981-sf laydown yard for

storage of Fiber installation equipment associated with ongoing operations. A new fence will be installed around the new paved area.

- Integrated Systems Charging Stations, located at 50 Victor Heights Parkway, applicant is requesting approval to install five (5) dual charging bollards in the pre-existing parking area.

*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.*

#### **PARRINELLO SPA-POOL**

7950 Oak Brook Circle

Owner – Jennifer Parrinello

Tax Map # 5.02-3-7.000

Applicant is requesting approval to install a 10 x 20 foot “spool” (spa-pool) with a 106 sf. deck expansion with new stairs and 1,200 sf paver patio, wood burning fireplace, and 350 sf. upper patio.

07-SP-2023

Zoned – LDD

Andrew Spencer with BME Associates along with owner, Mike Parrinello

Mr. Spencer – As you said this is what we have going on. Putting a pool in the backyard with a slight deck expansion off the back of the home with steps onto a patio area which would then house the spool. For clarification the water surface area will be 10 x 20 feet with the outside edges at 12 x 22-foot overall dimensions. A few concerns were one being fencing around the pool area or property. With discussion with the homeowner, we are intending to put a fence around the entire backyard to fence off the rear yard of the property. They do have dogs and it could be a positive for them and may deter some of the deer coming into the property and should comply with the comments.

The second concern has been raised by Labella about the septic system. It is a preexisting condition and are not going to be disturbing that at all and not moving any soil near that area and should be okay. It is in service and working. All of the materials that we will be taking in excavation of the pool will actually be utilized in the backyard area. We are raising a portion to the north of the pool area. We are redirecting a little bit of drainage around the pool towards the existing stormwater management system to the south. Basically, not disturbing the existing drainage pattern on the site. The existing drainage comes right through the area right now. All

we are proposing is to bring it out and around and back down. Not changing the character of the drainage on the property. The fence will go around the backyard and come in at the south end of the house and stay out of the easement area.

The pool equipment will actually be located and already fenced in area to the side of the garage and houses some air conditioning units and is enough room for the heater and spool. Any work and discharges will be done in that area well away from the septic area.

I think we can provide written responses to all other comments and do not see anything that cannot be resolved.

Chairman Logan – I will open it up to the Board.

Mr. Limbeck – I was happy to see the introduction of the fence around the property and was not certain how to resolve the issue with the code and think that is a great way to go. I am curious to the reference to a spa-pool and a spool. What makes it a spa-pool? Is it a big hot tub?

Mr. Spencer – In essence it is exactly what it is. It will have a three- and half-foot deep section all the way up to a five-foot section. It can be heated and utilized all winter long. It is a very large hot tub.

Mr. Limbeck – Are the jets powerful enough that you can swim in place?

Mr. Spencer – Not on this particular model spool. It is an oversized hot tub. There are swimming spas, but this will not be one of those.

Mr. Santoro – I do not have any comments., It looks like a nice project.

Mr. Harter – I do not have any questions either.

Chairman Logan – Regarding the fencing, I was curious if you need something to protect the pool from kids who might be coming out of the house and going right into. Is there a cover always on it?

Mr. Spencer – There will be a cover for that 10 x 20 area. It is a retractable cover and is prior to NYS Code and allows that to be used to secure the area and will still be incorporated into it. We also need a cover to retain the heat.

Chairman Logan – I was curious at how you look at that cover. Would it support a person on it?

Mr. Spencer – Yes. It can support the weight.

Chairman Logan – I was looking at the drainage pattern that you are redirecting water around the deck and looks like there is the same elevation on either side of the ditch with the lower spot,

but the 565 elevation gets pushed closer to the next contour. Are you intending to make it a steeper area where that goes around or back to the brush line. That would tell me that it would be much steeper and would end up with more grading in the area. Is this a field thing?

Mr. Spencer – In essence this will be a field call about what occurs out here. I think what you are talking about Joe is up in this area here.

Chairman Logan – Where the box is called out for project benchmark to the right of that or the bottom of the box. Contour 565.

Mr. Spencer – We would definitely take a look at that, and anything could be smoothed out in that area and make sure it is a constant slope coming down.

Chairman Logan – I did not see any trees or anything.

Mr. Spencer – There are no trees in the backyard. The rest of the backyard is utilized for lacrosse and soccer and the kids get out there and play and wants to be as level as possible.

Mr. Pettee – Labella provided a letter on March 27, and you have done a very good job addressing most of these comments. I did want to ask a question about the drainage as it may be directed nearby to the septic and leach field. Here we have the leach field and the drainage and have it coming in and snaking around in between some of these improvements. What is the possibility that you could convey this drainage around the outside of this leach field. Are there limitations to that out on site that would prevent directing the drainage more to the outside of the leach field. I think the limitations to that out on site would prevent directing the drainage more to the outside of the leach field.

Mr. Spencer – I think the limitation is that the stormwater management area that is directly to the south of the home that is preexisting which is this drainage here and all of the drainage comes thru into this pond and redirecting it and circumventing this stormwater area. There is a pond area here and the grade is higher here and then comes down. There is a ridgeline in this area as well. It all gets collected into this area here.

Mr. Pettee – You cannot get to that stormwater area going around the outside of the septic is what you are saying?

Mr. Spencer – Not without an extreme amount of grading.

Mr. Pettee – That explanation is fine. The other comments he has addressed, and we touched on the fencing issue. A couple of very minor comments that can be addressed prior to signatures.

Chairman Logan – It is a public hearing so step right up.

Timothy McGill, neighbor

Mr. McGill – I think the only neighbor. I feel like I was totally blindsided by it as a neighbor. I received courtesy from Mr. Parrinello and my trust level is very low. A couple of summers ago on a summer afternoon Mr. Parrinello brought a contractor out and he had some heavy equipment and started cutting down trees in the backyard. My wife went out and asked what you were doing. You are cutting down trees in our backyard. He had papers that he waved and said something about a pool and bullied her away. I got home and looked, and he had machinery and had his contractor grade his lawn and expanded his lawn into my backyard some 30 feet. I have looked at it and have done a lot of real estate transactions and we had no heads up. If I was going to do anything at a side lot with my neighbor, I would tell them I would be starting to cut down trees or get an instrument survey and have it stake the corners. Neither of those things occurred. I paid for a survey and had the corners staked and you can see that he extended his lawn into my backyard. I can't let that stand. If you object, in 10 years you lose that title to an adverse possession.

I put up a split rail fence and cost me over \$1000 and the survey and I relandscaped in my backyard. It cost me a lot of time and money. I thought maybe he would come over and say I am sorry that he didn't know. When you do something like that it is either negligent or intentional, which we call a tort. Mr. Parrinello has never said a word to this day, and this was two summers ago. If I had been given a heads up, then I would have said don't do it that is my backyard. I had an instrument survey when I bought my home in 1996 and anyone would do that.

Now, two days ago I got this postcard. All I know is what it said here. If he did this without your approval, I would assume it is illegal. I don't know whether you are providing a variance or site plan amendment but assume he wouldn't be here before you if it was legal. Restrictions in A LDD have force and effective law. You are changing the law for him. I am assuming without knowing it is going to enhance the value of his property but will diminish the value of my property.

Mr. Pettee – Let's clarify a few things for you so that you understand where the Planning Board is and what we are actually ...

Mr. McGill – I don't know what you are deciding.

Mr. Pettee – The Planning Board does not have the ability to issue variance or change Code at all so the applicant is here for site plan review. They are required to get site plan approval to do what they are proposing. It is permitted but the Planning Board has to bless it. It is a discretionary approval.

Mr. McGill – So if it is discretionary, I would say exercising your discretion to enhance the value of his property sounds great, but anything that enhances his property outside, my family looks right out the window. My back deck is right next to it. We have to look at what is going to happen at these sports and entertainment or whatever. I just heard today about soccer and who knows what

else. We have to look at it and hear it. Maybe you will decide at your discretion and so be it. If you have discretion and there is a Latin phrase “status quo ante”. That is all I am asking. To make a change for someone that could negatively impact my property value and I have no idea what is going on and did not get the courtesy of a heads up. I am more irritated by the lack of courtesy. I can’t imagine doing that with a side lot without telling them.

Mr. Harter – Would landscaping along the common property line be helpful in buffering your visual situation and restoring some things that may have been removed?

Mr. McGill – I did not know there was going to be a fence around it, and I don’t know what he was talking about and if it is allowed or just down by the drainage area. Obviously, any kind would help.

Mr. Harter – Right now you would be telling us you would be looking at a fence? Is that correct?

Mr. McGill – When I walked in here, I didn’t know anything about a fence. I thought I would see people lying around sunbathing and doing whatever they do and Marco Polo. If there is a natural handmade fence, we would be looking at the fence. I am more bothered by the process and that is not the way you should do things.

Mr. Pettee – What is the process?

Mr. McGill – More courtesy. Not you. The Boards fine and you may determine that you say go for it and we will have to live with it. I have a background and it affects my trust level. I think he deserves to have me say that even if it is in a public hearing. Maybe after today he will apologize for what he did two years ago.

Chairman Logan – One of the things about them coming back to the Board in the Limited Development District is to give neighbors the opportunity to voice their opinions about a project or impacts to them that another area of the town would not get that opportunity. Hearing what you said we appreciate your candor. It generates a question for me on the type of fencing you’re putting in? I am thinking chain link fencing is not acceptable.

Mr. Santoro – You mentioned “tort” the statute of limitations is three years and one year for an intentional tort.

Mr. Spencer – Right now we have not decided on what style of fence that may be going around the rear yard of the property, but it will go down the property line and will be 48” in height and could be a decorative metal fence. If it is a decorative metal fence with some screen plantings, Mr. Parrinello is proposing putting in landscaping and plantings in the entire backyard. He did not hire us to do that design and will be done by a landscaper. There is intent to put screen plantings on the northern property line to actually block between the two houses due to similar concern from the backyard of the Parrinello residence and is viewing into the other structure. If

we could have the neighbors talk with one another and may be able to consider a more solid style fence along the northern property line.

Chairman Logan - Being in a LDD I would expect it would be more decorative in nature and not a chain link dog fence that you may see elsewhere. I would be interested to see how we may put some language in this application resolution to reflect that. It need to be a little more descriptive than a fence being in an LDD. Does the Board have any thoughts?

Mr. Harter – I think it should be a nice fence. I have a comment that I noticed in your drawing that you are showing some vegetation along the north line and some trees. Would that area be enhanced with the landscape that you are talking about?

Mr. Spencer – Yes that is correct. What we had discussed was to do some evergreen plantings. *Referenced the survey map where some plantings would be provided.* Parrinello's would like to be secluded from their neighbors as well.

Chairman Logan – Where is the fence line actually going?

Mr. Spencer – It is intended to go from the door that goes into a back-office area and out to the property line and back down and connect to the midpoint of the southern façade of the structure.

Chairman Logan – I am looking at Mr. McGill's fence on the survey drawing. Are you going to have two fences parallel within a couple of feet?

Mr. Spencer – Yes. If it is his property, then that is his property. Mr. Parrinello cannot remove that, and we would propose a fence on the property.

Chairman Logan – I would not expect to see it less of a fence because there is another fence there already. Is it more closed in so the dogs can't get through it or is it more of a decorative separation?

Mr. Spencer – It needs to meet the NYS Building Code and for a fence of this nature there is a dimension between the styles of the fence. I believe it is a 4-inch separation. It is either a solid body fence or allows that enclosure and the dogs kept in.

Mr. Spencer – I am wondering if an updated plan showing that fence and some landscaping might be appropriate given the input we have received.

Chairman Logan – I think that is appropriate showing exactly where the fence line is intended and the anticipated style with height. I think we should have that on the plans before it is signed off on.

Mr. Spencer – If you could provide that as a condition to the approval, we will add that information and show where the screen plantings will be planted and the style of the fence.

Chairman Logan – Mr. McGill do you have any other questions. I am going to close the public hearing.

Mr. McGill – Thank you for your questions, I appreciate it. I would just say that if you ever drive down our street our split rail fence looks really nice. I do not know if this will look nice, but it is not up to me and appreciate your suggesting that it should look nice.

Mr. Parrinello – Only because it is a public hearing and matter of public record. I believe what Mr. McGill said was grossly inaccurate and exaggerated the facts. I had an instrument survey as we all do when we buy homes. I did my best to endeavor to the point. I do apologize in public for what may have been deemed to you to be a slight but however I will be perfectly honest, we improved the property and our shared side lot by taking down trees that were dead and potentially dangerous for my children who are young. I did not get a courtesy relative to the split rail fence, nor did I get a card in the mail. That is neither here nor there. As it comes to enhancing our property ...yes, I do want to do that. I think it will enhance the entire neighborhood as well and am not the only one on the street who has done what we are planning to do.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Chairman Logan – We do have one exception that we will add, and the landscaping proposed.

Chairman Logan read the draft resolution.

**DECISION:**

On motion of Joe Limbeck, seconded by Ernie Santoro:

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

1. A site plan application was received on March 7, 2023, from Michael Parrinello (the “Applicant”) by the Secretary of the Planning Board 7950 Oak Brook Circle, Pittsford, NY.
2. It is the intent of the applicant to install a 10 x 20 foot “spool” (spa-pool) with a 106-sf deck expansion with new stairs and 1,200 sf paver patio, wood burning fireplace, and 350 sf upper patio with fencing around the backyard of the home.

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 28, 2023, at which time the public was permitted to speak on their application.
5. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The Conservation Board reviewed the project on March 21, 2023, and had no concerns.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated March 22, 2023, and March 23, 2023, and provided comments.
8. Labella Associates reviewed the site plan in a letter dated March 27, 2023, and provided comments.

NOW, THEREFORE BE IT RESOLVED that the application of Michael Parrinello, Site Plan entitled Parrinello Spa-Pool, drawn by BME Associates, dated March, 2022, received by the Planning Board March 7, 2023, Planning Board Application No. 7-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 the comments in a letter dated March 23, 2023, from Code Officer be addressed.
3. That the comments in a letter dated March 27, 2023, from LaBella Associates be addressed.
4. That the site plan depict the location of the proposed fence as well as the proposed landscaping at the northern lot line adjacent to 7944 Oak Brook Circle.

**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 prior to construction.

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	Absent
Scott Harter	Aye
Joe Limbeck	Aye

Approved 4 Ayes, 0 Opposed, 1 Absent

### **PRELIMINARY SUBDIVISION**

#### **1086 STRONG ROAD SUBDIVISION**

1086 Strong Road

Owner – A6 Property Holding, LLC

Tax Map # 26.00-1-13.100

04-PS-2021

Zoned – Residential 2

Applicant is requesting approval to subdivide the 34.42-acre parcel into 11 single family lots including an existing house and garage. This will be the second step in a three-step process for a major subdivision. The Sketch Plan was acknowledged complete June 8, 2021.

Chairman Logan – At the last meeting the Board acted on SEQR with no adverse impact. With that in front of us the next step of the process is the set of preliminary plans. We will walk us thru how we got here and the specifics.

Mr. Pettee – We will recap what happened at the last meeting. The Planning Board did act on SEQR and issued a negative declaration. There was a few items at the last meeting that we touched upon including impact on groundwater. We talked about that the proposed project would result in the installation of 10 new water supply wells to serve 10 new residential homes. Labella had a professional geologist consider and evaluate the proposal as well as the hydrogeological setting and provided feedback on the adequacy of the water supply. Per the Labella memo from the geologists there is every expectation to believe that the test wells were representative of the aquifer conditions at the site and that wells drilled the other lots of 1086 Strong Road Subdivision would encounter similar suitable water supply conditions. We also concluded there was more than sufficient ground water recharged across the site to sustain the demand for 10 new residences of the subdivision. Lastly, the potential adverse impacts on water levels and adjacent offset water supply wells are not expected or at minimum at most.

We also touched upon the topic of community plan and consistency with community character. The Planning Board did take a careful look at these issues because there were so many public comments related to the character of the community and the topography and the changing conditions that would result from the project. We identified that there is concept level future land use potential; density changes map on page 816 of the Town Comprehensive Plan within which the project site is located as an area where the town could consider increasing residential density from the least dense to a medium density. Obviously, this project is adhering to the density requirements of the existing zoning district of .33 units per acre.

We talked about some of the others of how the project is consistent with various sections of the comp plan. Numerous residences had provided written correspondence indicating the proposed density while permitted in the residential A overlay district is not in character with the existing neighborhood across the street on Taylor Road. 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 to what is being proposed with the current project that the Planning Board is considering. Despite the proposed configuration having somewhat less lot frontage than some of the existing lots on the north side of Taylor Road.

The design plans have been modified from the initial submission, partly in response to community comments and the design has changed to provide a varied setback of these homes from Taylor Road so they were not all lined up at a similar setback from the right-of-way. 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 neighborhood.

To me the way the Planning board reviewed and evaluated this project, you have identified there are impacts associated with the project, but the impacts have not risen to the level of being significant and warranting the need for a pos dec and impact statement. Accordingly, at the last meeting you passed a neg dec resolution. Do any of the Board members have any questions on that?

Mr. Limbeck – Yes, I do. We looked at Item #2 which was the geology being as well as Item #17 and #18 that you referenced. Each of those had multiple questions and in each of them there was at least item that was moderate to large. I don't disagree with the negative declaration, but I am very curious on what it would take to trigger a full environmental review. Is it a cumulative effect or a number, one particular item on the part 2 be sufficient to trigger a full review?

Mr. Pettee – With question #2, Impact on Geological features.

Mr. Limbeck – I know there are only two areas in the town that show as significant. The drumlin on Gillis Road and I believe there is an area in Fishers.

Chairman Logan – The Kettles of Fishers and the drumlins up in the Gillis Road area. That is what you brought forward as you were reviewing this, Wes.

Mr. Pettee – That is right. What we indicated was the check box for moderate to large under Impact to Geologic features was in regard to the locally recognized varied topography. The public has mentioned the change to the drumlins and just for clarification purposes, the project site does not appear to have what is being termed drumlins. There are some drumlin features in the Town of Victor. They are largely located in the eastern portion of the town north of the NYS Thruway. What we have here may be locally significant and locally recognizable to the neighbors and for that reason is why we identified it as moderate to large impact. Looking at the SEQR EAF workbook there is an opportunity to identify these impacts and determine whether they are small or large. Here are some examples of small impacts: Landforms are located on the project site, but the project will not affect the reason the feature was included in the database. This is specifically talking about items on the NYS database. There will only be a temporality limitation of access to the feature during the construction phase. Moderate to large impact: There will be a severe limitation or elimination of access to the site containing the feature and there will be alteration to physical aspects of the feature in anyway. The setting of the feature will be physically altered, or new structures will affect the esthetic care and setting of the feature.

Mr. Limbeck -Rather than going into a lot of detail Wes and I think we have talked about this a lot. My question is more generic. With that one moderate to large be enough significance to move us a full environmental review or does there need to be a magic number, or do we make a determination that one item is so significant that we would need not to issue the neg declaration. More a procedural thing than a specific to this project.

Mr. Pettee – It varies on a case-by-case basis, and you do look at the number of items that you have checked as moderate to large. Just because we have one that is checked moderate to large you also need to identify the duration of the impact and the likelihood of the impact and how it is important. What is the duration of the change in the landscape. It is probably permanent because some residential homes will be on the project parcel and that is going to be an irreversible item. The duration is probably permanent. The likelihood of the impact, we know it is going to happen in a specific area of the project site, there is a significant amount of the acreage project parcel that is being preserved as part of the 50% open space requirement and the applicant providing a conservation easement in that area. A portion of the site will likely be impacted but how important is that impact? Is it not important, is it fairly important or is it very important? Those are a few of the questions you can ask or evaluate on those parameters and say is this going to be a significant adverse impact that it is important and does it warrant further environmental consideration by issuing a pos dec and environmental statement.

Mr. Limbeck – Given the scenario we would be tending towards the moderate size to moderate to large and if we were on the other side then we may have a second decision to make. I think the procedural I was looking to get clarification on.

Chairman Logan – Part of that is if you do have a moderate to large there is the opportunity to try to mitigate that. You wouldn't necessarily have to go to a pos dec if you mitigated that effect.

Mr. Pettee – That is correct. The applicant or the Planning Board can demand or change the plans to minimize or avoid those impacts. If you can minimize or avoid those impacts to a reasonable extent to where you are comfortable issuing a neg dec. You can do that.

Mr. Harter – I think Wes's comment is correct. No two projects are ever the same and that is true here. If there was a massive excavation, like if the engineer wanted to put the homes right next to the creek and he wanted to relocate the creek I would say that would be a large impact and you're heading into a pos dec from that. To the contrary many of these projects are designed by engineers and do not want to create a lot of excavation and do not want to change the natural topography because that is what is enticing to the people who want to purchase the homes. I also think we have a frontage lot subdivision surrounded by frontage lots in a residentially zoned area. Bottom line. These homes are accessed by automobiles as are the neighbors around us. All the neighbors contribute to the traffic issues, and we all experience it in the Town of Victor and at that intersection. I think moderate to small on almost all these impacts is appropriate.

Mr. Santoro – Wes, could you explain further what you commented on before that the only real drumlins in the town are north of the thruway.

Mr. Pettee – I would be happy to bring up a graphic. This is a digital elevation of the Town of Victor. You can see the green areas are the lower lying areas in the town. This is Route 96 corridor, 490 and Village. Over on the eastern side of town north of the thruway, you will see these linear features that are oriented north to south. Those are characterized as drumlins. One of those is recognized by the state and on a list in the EAF. This project, 1086 Strong Road, is over here towards the Town of Mendon. We do not see those north south areas of these drumlins.

Chairman Logan – It does look like there are some north south features, whether or not they are considered drumlins that is another question.

Mr. Pettee – Just by looking at this they are more prominent over here on the eastern side of town. Basically, the drumlins are blunt on one end and taper off gradually on the other end.

Chairman Logan – Like a comet.

Mr. Limbeck – There is a large one as you are getting down to the end of Gilis Road that runs parallel; to Brownsville Road. There is another one on Cline Road as you are heading towards Blazey Road.

Mr. Pettee – That is what I wanted to point out. You do see over here at Strong Road you do see some changes in color where the green is the lower lying elevations and as you get higher you get some yellow and orange. There is varied topography.

Chairman Logan – I think it is important for anyone who is watching to see the exhibits that Wes has been discussing and to give them some understanding of about the background on our decision and what we have considered, which is quite substantial, I think. Is there anything else Wes that we should be looking at.

Mr. Pettee – I do not believe so. Procedurally you have completed the SEQR process and that allows you to take action on the preliminary subdivision application.

Chairman Logan – I think what we have done to date is considered the current plan and our deliberations regarding SEQR and environmental impacts. Having approved a negative declaration last time, I think we can look at the draft resolution for the preliminary plan set. If the Board is comfortable with that, I will read it.

The Board was in agreement to move forward.

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 Preliminary Subdivision application was received by the Secretary of the Town of Victor Planning Board on August 25, 2021, from A-6 Property Holdings, (the “Applicant”) for a Preliminary Subdivision entitled 1086 Strong Road Subdivision, (the “Project”) for the property located at 1086 Strong Road.
2. It is the intent of the Applicant to develop 11 single-family residences on the 34 +/- acre property located with frontage on Taylor Road and Strong Road, where said property is within the Town’s Residential-2 Zoning District and within the Town’s Residential-A Overlay Zoning District (0.33 unit per acre).
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-feet of the Project site were notified by U.S. Mail. An “Under Review” sign was posted at the Project site as required by Town Code.
4. The Town of Victor Planning Board (the “Planning Board”) opened a public hearing regarding the Application on September 28, 2021, which remained open until February 14, 2023 when the Planning Board formally closed the public hearing. The public was afforded the opportunity to speak regarding the proposed Application during this timeframe, in accordance with Section 184-13 C (2)(d) of the Victor Town Code, and in accordance with Section 276 of New York State Town Law.

5. The Planning Board has also received and reviewed multiple pieces of correspondence from nearby residents and property owners who have expressed concern over a number of issues including, but not limited to, traffic, community character, drainage and density. All correspondence is in the Town's file for the Application.
6. The Application was referred to the Ontario County Planning Board under Section 239-n of the General Municipal Law. On September 8, 2021, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
7. The Conservation Board reviewed the project on September 7, 2021, November 1, 2022, February 21, 2023, and provided comments.
8. A Coordinated Fire Service Review was completed on August 26, 2021, October 21, 2022, October 31, 2022, January 19, 2023, January 20, 2023, January 24, 2023, and comments were provided.
9. Labella Associates reviewed the preliminary subdivision and made comments in letters dated October 13, 2021, and March 6, 2023, and provided comments.
10. Code Enforcement reviewed the preliminary plan on September 28, 2021, and October 28, 2022, and provided comments.
11. The Town of Victor Highway Department reviewed the preliminary plan on August 31, 2021, and November 1, 2022, and provided comments.
12. The Town of Victor Stormwater Manager reviewed the plans on September 27, 2021, October 27, 2022, January 23, 2023, and January 24, 2023, and provided comments.
13. The Town and Village Historian reviewed the plans on September 17, 2021, October 28, 2022, and January 17, 2023, and provided comments.
14. 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 of Victor prior to issuance of a building permit.
15. The Planning Board has considered the need for sidewalks within the subdivision and has determined that they would not be required.

WHEREAS, that the Planning Board hereby waives Chapter 55, Section 55-6, Paragraph D of the Victor Town Code that would require 440-foot separation between driveways as part of access spacing requirements, as the proposed land use does not generate a significant amount of traffic, nor do Taylor Road or Strong Road have the volume of traffic that warrant adherence to access spacing; and,

WHEREAS, the Planning Board hereby waives Section 2.7.9.3 of the Town's Design and Construction Standards, for Lots 4, 5, 6, 7, 8, 9, 10 and 11, so as to allow roof drainage to discharge onto splash blocks and convey drainage to drainage swales where abutting or downstream properties will not be adversely affected, and such disconnection would promote opportunity for roof drainage to be infiltrated into soils; and,

WHEREAS, The Planning Board classified the Project as a Type I Action under the State Environmental Quality Review Act ("SEQRA"), 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; and, the Planning Board carefully reviewed the Long Environmental Assessment Form and did not identify the potential for at least one significant adverse environmental impact associated with the proposed Action 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 issued a Negative Declaration that is more fully articulated in the Planning Board's Negative Declaration resolution passed on March 14, 2023;

NOW, THEREFORE BE IT RESOLVED, that the preliminary subdivision application of Steve D'Anna of A-6 Property Holdings, Major Subdivision entitled 1086 Strong Road Subdivision, drawn by Douglas Eldred Site Engineering , Sheets 1 through 11, dated August 2021, received by the Planning Board August 25, 2021, last revised March 13, 2023, Planning Board Application No. 04-PS-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 Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.
3. That comments in a letter dated January 20, 2023, from Fire Marshal be addressed.
4. That comments in a letter dated October 28, 2022, from Code Enforcement Officer be addressed.
5. That the comments in a letter dated March 6, 2023, from LaBella Associates be addressed.
6. That the comments in a letter dated January 24, 2023, from the Stormwater Manager be addressed.

**Ongoing conditions:**

1. That the major subdivision comply with Town of Victor Design and Construction Standard Land Development, including Section 4.
2. That all conservation easement markers be shown on final plans.
3. Should underground water conditions be encountered during construction, the Developer is to address the encroachment and impact to the underground water conditions to the satisfaction of the Town Engineer.
4. That at the request of the Planning & Building Department, a pre-construction meeting shall be held prior to the start of construction.
5. That a Town of Victor Highway work permit be obtained before construction of curb cuts on Taylor Road and Strong Road.
6. The applicant shall be aware that yard trees are required per §184-16C(7) of the Victor Town Code.
7. If the applicant would like the Town of Victor to be responsible for the long-term maintenance of the stormwater facility the applicant shall apply to have the property become part of the Town of Victor Drainage Improvement Area (“DIA”). This application process involves submitting a Map Plan and Report that the Town Engineer will review and then the Town Board would have to approve adding the property to the Town of Victor DIA.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning

Board's approval letter.

Mr. Santoro – I have a question first. It refers to the properties to be developed, does that include the existing house on the corner?

Chairman Logan – Yes, 11 houses.

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

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

Approved 3 Ayes, 1 Opposed, 1 Absent

Chairman Logan – That is the last of this agenda item.

Mr. Eldred – A quick question. All these lists of items to be addressed they all have been addressed. There has not been anyone that hasn't been satisfied with the responses.

Chairman Logan – It is formal to include it to make sure they are all addressed.

Mr. Eldred – It makes it look like it is incomplete.

Mr. Pettee – I think you have done diligence in responding to all these comments. At least for Labella Associates we need to close the loop on our review and will get you an updated letter.

Mr. Eldred – As far as I know they have all been satisfied since I have not heard back from them.

Mr. Pettee – I am happy to work with the Planning Department to make sure everything is addressed. To recap what the preliminary subdivision is and that is the substance, and the large review happens at the preliminary stage and when we are also evaluating SEQ, and it is a very large hurdle to take. That is where significant refinement might be done and in the final application that is generally seen as crossing your T's and dotting your I's. It is generally a much quicker process than the preliminary subdivision.

Mr. Eldred – The other question I have is whether or not the Board is satisfied with the conservation easements and the discussion we had last time with the easements along the roadways and setback areas.

Mr. Santoro – So as long as the markers go in.

Mr. Eldred – I suggest putting pine trees at the corners or if you have a different marker you want to use.

Chairman Logan – It has been done with a boulder here and there where people did not want to see marker.

Mr. Eldred – Unless Wes has something, the final plans are going to be exactly the same as preliminary plans because we have addressed everything.

Chairman Logan – The last plan I saw was that some things still needed to be refined. The well location on them.

Mr. Eldred – I updated them.

Ms. Boughton – They were submitted, and I just need to wrap up final comments from everyone.  
Chairman Logan – I would like to take a sharper look at the conservation lines.

Mr. Eldred – I am trying to get rid of gray areas so that when I come back in here and says you need a five-week period for final review. I am looking at the fact that there are no unsatisfied comments. The plans have been updated. The only issue is the conservation easement. I am looking to close the gap and see if we can get this over with. If you do have other items, I would like to hear them before I turn right around and submit for final. I need to wait for Wes's response.

Chairman Logan – My biggest comment about conservation easements is that I want to see them as sufficient as adjacent as possible.

Mr. Eldred – I did want to point out if you read my letter that I wasn't stopping them at every driveway. There is an access conservation easement so if you were to take them out you would still have enough acreage. I am trying to close the loop.

Motion was made by Ernie Santoro, seconded by Scott Harter, RESOLVED the meeting was adjourned at 8:15 PM

Lisa Boughton, Secretary