

A regular meeting of the Town of Victor Planning Board was held virtually on April 13, 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, Chris Bovee, Chris Lesperance, Linc Swedrock, 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:**

On motion of Joe Limbeck, seconded by Al Gallina.

RESOLVED that the minutes of March 9, 2021 be approved.

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

Approved 5 Ayes, 0 Nays,

On motion of Joe Limbeck, seconded by Al Gallina.

RESOLVED that the minutes of March 23, 2021 be approved.

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

Approved 5 Ayes, 0 Nays,

**CORRESPONDENCE:**

There were no correspondence.

**BOARDS AND COMMITTEE UPDATES:**

Councilman Condon from the Town Board.

Councilman Condon – Good Evening, the most exciting thing last night was we are moving forward to opening up some summer rec programs which our residents have been anxiously awaiting to see what was going to happen. Obviously it is going to be little bit different and going to be out door venues and more of an outdoor rec program. Authorization was granted to Brian Emelson last night and will hire some rec specialists and assistants and set up some semblance of a rec program this coming summer. The TLC is currently renting the rec building and will continue to rent that thru the summer until September so we will not be using that for any indoor facilities and will not be using Victor Central School for anything. We will be maximizing our participation at the Dryer Road Park, Blue Haven and some of those other places. Looking forward to that and other than that things are good.

PLANNING BOARD reported by Lisa Boughton

Tuesday April 27, 2021

**PUBLIC HEARINGS**

- Gabrielli Minor Subdivision, located at 6756 County Road 41, applicant is requesting to split the existing 10.02 acre parcel into 2 lots. Lot 1 will consist of 4.0 Acres and contain the existing house structure. Lot 2 will consist of 6.0 acres.
- Quatela Office Building Sign, located at 7255 State Route 96, applicant is requesting approval to install (2) LED face lit, flushed mounted signs to the North and West elevation sides of the building.

*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.*

**BOVEE DRIVEWAY**

1550 State Route 444

Tax Map # 39.00-1-19.200

Owner – Chris Bovee

06-SP-2021

Zoned – Residential 2

Applicant is requesting approval 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.

Chairman Santoro – Staff comments are we are waiting for LaBella and Ontario County Planning. You are asking for a waiver from the Design and Construction Standards for minimum setback of 10 feet property line. Asking for waiver of proposed spacing does not meet Access Management from the NYSDOT. Planning Board to consider additional entrances or exits as justified.

Mr. Bovee – I think you explained it pretty well and pretty intuitive. It is a large travel trailer that we just purchased and will arrive between mid-May and mid-June. We are just trying to minimize the impact of getting it into the property. The inlet and outlet, onto the State Route 444 which is a very fast road. There is a little extra money we have right now so the plan is to build that outlet south of the power pole so that I can make that U-turn and what that then provides is two inlets two outlets. It allows me to pull in and out and just alleviates any safety concerns. Looking at that the trailer is only going to be used anywhere from 10-12 times during the summertime and then there is no additional volume and everything remains private. There is no additional business or additional purpose other than to accommodate the larger camper. Questions?

Chairman Santoro – Suzy, anyone call in on YouTube?

Ms. Mandrino – No one has made any comments but have several people watching.

Chairman Santoro – How many is several?

Ms. Mandrino -10.

Chairman Santoro – Wes do you want to start now?

Mr. Pettee – I do have a couple of comments. I did send out a letter to Lisa late today and that is probably why you haven't seen a letter. We did take a look at the proposal in terms the Access Management Standards and Chapter 55 of the Town Code./ Looking at the connection spacing. Typically when the Planning Board is looking at a new driveway or new curb cut we are looking at the access connection guidelines. This particular instance you have and the applicant said earlier that this driveway isn't going to result in any additional volume of traffic entering or exiting the highway. It is simply another pint of access to a single family home to better accommodate and to make a safer ingress and egress to the parcel. NYDOT has reviewed the

project and also issued a Highway work permit and I feel that, I talked to Lorenzo about this proposal, and he also felt that this particular proposal is probably in the best interest of safety rather than to have to back out onto State Route 444 with a large trailer or try to maneuver that way as a single access point they have the opportunity to go use that U shaped driveway. Even though there are two curb cuts onto the roadway it is really going to function as a single sole access for the single family home. If the Planning Board did want to consider issuing an approval on the site plan just to cover our basis you could simply provide that waiver for the standard. I think it is Section 55-6 of the Town Code and that generally would require 660 feet of spacing between driveways or roadways with speed limits greater than 45 mph. The speed limit in this particular location is 55 mph. The two closest driveways to the existing driveway are 160 feet to the south and 80 feet to the north. Already you have a situation where the existing driveways do not necessarily meet a new access spacing code that were in existence obviously prior to the Chapter 55. That is what I have to offer for you guys and happy to answer any questions.

Chairman Santoro – Any questions for Wes? This is similar to a driveway that would come and move around.

Mr. Bovee – Which it is correct and would be a horseshoe basically.

Mr. Harter – I seem to be the one who focuses in on and will do it again. The question I have for the applicant is whether or not there is an alternative to two points of entry onto a State highway whether it is possible to enhance the turnaround within the lot so there is one point of entry as you currently have it.

Mr. Bovee - That has been thought about. When you look at the property and the east property line which is in parallel with State Route 444 to the north I have a drain field or a septic tank so I cannot do anything as far as turnaround and put the weight on that front lawn. When you look at putting the outlet to the north of that power pole that was on the survey map, that was actually how I first approached this but in demoing the U-turn on the current trailer I have now which is about 10-12 feet less than the one we are going to get I was not able to successfully make that turn. It is too tight. If I built that outlet standing off three feet from the north of that power pole it does not give me the range to turnaround. The idea at that point was to go with the layout that is having that outlet south of the power pole which is what I am presenting.

Mr. Harter – The Code Enforcement Officer indicated that you need to meet the spacing standards and the NYDOT policy standards. IS the NYSDOT waiving their standards as well?

Mr. Bovee – What is that the power company?

Mr. Harter – The New York State DOT.

Mr. Bovee – I am not going to speak as far as waivers or assessment that NYSDOT did. I submitted for a permit with the same layout and materials that I provided you and was granted that permit and that permit is valid until October 2021.

Mr. Harter – I am reading what the Code Enforcement Officer indicated by way of saying it must meet the spacing standards outlined in the NYSDOT policy and standards for entrances to state highways unless waived by the NYSDOT regional traffic engineer. The applicant shall provide evidence of such waiver. My question is has that waiver been issued?

Mr. Limbeck – Is granting the permit a waiver?

Mr. Bovee – I cannot be the first one that has presented offering a second outlet onto State Route 444. How is the NYDOT aside from submitting the highway permit it does not sound like we are familiar with the NYDOT permit being granted in addition to a waiver? If you need a waiver I just need to know the process.

Mr. Harter – I am just reading what the Code Enforcement Officer says part of the packet of information that we received on your application. I have been on the Board for a little while and have not seen a driveway proposed as your proposing it. Quite honestly in my experience this is the reason why we have the guidelines and dimensional we have so as to not create this as to why I asked the question whether or not there was an alternative to what you are proposing.

Mr. Bovee – I think the drain lines and the drain field is self-explanatory and functionally north to that power pole is not going to work and at that point I simply run out of property. I have 20-21 feet south of that pole that again I am trying to work with. This is all in the interest of if for whatever reason I do not get granted the outlet the result is 10-12 times a year parking the 32 feet long trailer and try to back it in and I have a ditch on the left and right of me and the driveway I have now the throat is only 16 feet wide.

Mr. Harter – I would like to ask a question regarding the other piece of information which is Ontario County Planning. Did Ontario County Planning weigh in on this?

Mr. Bovee – I did talk to Chris Day and he said the jurisdiction lie with the NYSDOT and then at one point in time it had been a County Road and now it falls under NYS.

Mr. Harter – This is in reference to Ontario County Planning who review projects that are located on State highways, County highways and within 500 feet of a municipal boundary.

Ms. Kinsella – Scott, it is at the County tomorrow night. That is why you cannot make a decision tonight.

Mr. Harter – Those are the questions and comments that I have.

Mr. Gallina – Given the intent and purpose for enhancing the safety aspects and the geometry of the property I honestly cannot think of any alternative to this. Given the town access requirements again with the intent of not having adding vehicular activity or having two vehicles concurrently going out of adjacent driveway I do not see that as posing any issue given the use

case that we are talking about. Given all the boundary conditions and the purpose of improving the safety on that corridor I certainly have no issues to what is being proposed. Not being a DOT official or an attorney but seems to me that the issuing of a permit is essentially giving a approval from the state to conduct it whether it is a waiver or permit I think that meets the intent. Probably should give Wes or attorney to weigh in on that.

Chairman Santoro - I agree.

Mr. Logan – I agree with Al’s comments. County response not withstanding. The only concern I might have is the parcel right next to you to the south. It is unoccupied and someday someone is going to put a driveway right there and its pretty barrow strip. Wes, you could probably chime in on that too but it will need distances between the driveways so they will be compromised a little bit on where they can put their driveway on that lot. Given that it is not hat terribly wide.

Mr. Bovee – With that that is going to be the Daniel Bree who owns all the fields west of the house and all around so that is the intent of putting the sign out and I believe all the postcards that were sent out.

Mr. Logan – That is fine and I was just looking at the 60 foot wide right-of way based on google earth. Again I have no problem with you doing this. I have the double driveway to get in and out of a hazardous curve on Dryer and can sympathize with you. That is all I have Ernie.

Mr. Limbeck – I would like to make the three points essentially reiterating what Al has said. First it seems the applicant has exhausted the options on his property. Number two is the point of safety and backing into from a highway is not the safest perspective and three the fact that the highway department has granted a permit I think is equivalent of issuing a waiver. I am all for this depending on what happens at tomorrow night’s meeting.

Chairman Santoro – Suzy, anyone ring in yet?

Ms. Mandrino – No comments.

Chairman Santoro – If there is nothing else we will table this to next meeting. We will let the county do its work and get back to us.

Mr. Bovee – Will I get another invite then?

Chairman Santoro –Yes.

**BRUSH BARN**

8045 County Road 41  
Tax Map #38.00-1-1.210  
Owner – James Brush

07-SP-2021  
Zoned – Residential 2

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.

Chris Lesperance of Lono Group

Chairman Santoro – Is this building already up?

Mr. Lesperance – Yes.

Mr. Harter – Ernie, I will need to excuse myself from this application. I have Mr. Brush as a long term client. I will sign off from this application and will sign back on when it is over.

Chairman Santoro – Ok, thank you. I will comment that the height of the barn is 24 feet from grade to peak.

Mr. Lesperance – The building is already up and was an existing building. It was a horse barn and the part that was elevated was where they had hay and hot water heater up there. The customer wanted to bring it up so that he could stand up in that area. It was an existing building and is already up.

Chairman Santoro – You do have a letter from your only neighbor who can see it. She says it is complementary in nature. It is the section on the right in the drawing and the left in the bottom drawing.

Mr. Limbeck – The renderings we are seeing now is that what we will see once the roof has been raised?

Chairman Santoro – That’s what it looks like know.

Mr. Lesperance – Correct. It has been raised.

Mr. Limbeck – I do not have any questions.

Mr. Logan – No objections and no comments.

Mr. Gallina – No questions and no objections.

Chairman Santoro – Cannot see any problems and it is a building that has been there for a lot of years. They are not increasing the height as a result of this application they are asking for

approval of existing height that at the time was in violation of the Design and Construction Standards. Anything from the public?

Ms. Mandrino – No comments.

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

### RESOLUTION

Motion made by Joe Logan, seconded by Joe Limbeck.

WHEREAS the Planning Board made the following findings of fact:

1. A site plan application was received on March 8, 2021 by the Secretary of the Planning Board for a Site Plan entitled Brush Barn submitted by Christopher Lesperance for the property located at 8045 County Road 41, Victor, NY.
2. It is the intent of the applicant is proposing the height of the accessory structure to be in 24 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.
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 April 13, 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 Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated March 19, 2021 and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on April 13, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Brush Barn 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 Chris Lesperance, Site Plan entitled Brush Barn, received by the Planning Board March 8, 2021, Planning Board Application No. 07-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.

**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 before the start of 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	Aye
Scott Harter	Recuse
Joe Limbeck	Aye

Approved 4 Ayes, 0 Opposed, 1 Recuse

**FISHERS LANDING FAÇADE MODIFICATION**

7383-7387 State Route 96

Tax Map # 15.00-2-80.000

Owner – The DiMarco Group

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.

08-SP-2021  
Zoned – Commercial

Chairman Santoro – We are waiting for Ontario County comments so no resolution tonight. ZBA for a variance on April 5.

Mr. Colucci – I can add a little color on that Ernie.

Chairman Santoro – There a comment that height limit is 35 feet and this exceeds that. Also needs a lighting plan.

Mr. Colucci of The DiMarco Group

Mr. Colucci – We have submitted the final portion of renovating this building as most are aware we added 4,000 sf addition on the rear of the e building in 2018 and that is when we put Victor Vet Care in the building. There was a portion that was fairly shallow and was about 35 feet deep and we extended the depth so it is approximately 55 feet deep across the back. At that same time we put a car wash interior for Enterprise. Also in 2018 we put a rear façade along the building to dress it up. We took all the meters and electric and took it off the back to try to make it a little more ethically pleasing as Duddle Bugs patrons travel frequently around the back of it.

Flash forward to now and we have submitted the final portion of renovations that includes the front facade where we would like to get rid of the outdated roof that runs along the front of it. When we bought this building we renovated it in 2000. It was a collection of masonry and building cobbled together and we put that façade on. It included the canopy over the center portion as shown in the existing condition picture. Our goal is to get rid of the green standing seam roof and create a more esthetically pleasing front elevation. To answer the questions that came from Code Enforcement, I did respond in writing yesterday or last week to both the March 11 from Al Benedict. The initial elevation that was sent in was incorrect with depicting the height of that central element. We are not planning to raise that above what is existing today. We want to take the existing peak and rather than have it sloped roof back we want to tip that slope roof back and create a gable section that would be that central element.

Those dimensions unfortunately are incorrect. The actual existing height to that peak is 31 feet and 9 inches which is below the 35 feet. We are not planning to raise that above what is there today. We would keep that frame work that is there today. There are existing four columns and a portion you can walk under, a covered walkway. Our plan is to wrap those existing column that are there with a wood veneer. We are actually proposing a rough sewn wood timber to create a timber frame look. Replace the green standing seam roof on the central element portion to a dark bronze and peel the standing seam off the left and right side and ultimately do an efface finish that matches on the back. The paint scheme that is on the back of the building and sides would be carried around the front and the same efface look. This allows us to have a little bit more prominent sign field for the tenants. The y come up about 2 feet rather than being below that mansard where we feel it takes away from each of the tenant store front identities. Really kind of freshen it up.

I did also respond to Labella's comments relative to the Architectural review that was prepared by Mark Kukufka. I submitted some response and a drawing that is labeled A-100 which now accurately reflects all the heights and proportions of the building. We are keeping the right and

left side lower like it is today. We are not proposing to raise that or add any additional height and that maintains that vertical articulation that is there across the front today. We are hopeful that this is looked at as a positive transformation for the plaza. We do want to continue to invest and upgrade Fisher's Landing and we are excited to freshen up this building. I will answer any questions you have.

Chairman Santoro – Any questions?

Mr. Gallina – No questions. I do agree. I think the general dated look to the current façade and think this is a nice enhancement.

Mr. Logan – You guys had proposed a different elevation some years ago when you were proposing architecture on the other buildings in the plaza. Not Doodlebugs but the two vacant or three lots. Kind of an Arts & Crafts or similar style. I was wondering what happened to those elevations and that vision?

Mr. Colucci – Good memory. That was an idea some years ago and that would have taken that central frame and ultimately gotten rid of it and would have add to additional structure. We looked at actually doing this now out of true timber frame and taking that front canopy off. We wanted to try to do a timber frame front on this. We respected your comments back that Arts & Craft didn't really fit in this corridor where I think some type of timber frame and more natural elements do. When I priced the timber frame I was shocked. The demo of the central element and then building everything back to create that. We tried to work within the confines of the structure that is there. We are going to try to use rough sewn timber to create a true wood look. We are going to try to make it look like timber frame but give some good depth. The proportions on those columns will be between 12-18 inches and we are also adding that rough sewn timber along the eave and the rake of that center element. It really looks like a structure that is being held up by timber. This is our fall back that we think is commensurate with the investment we can make in the plaza.

Mr. Logan – I was looking at the elevations that we got in our packet and you said you made a few changes since then. I am trying to figure out what the roof really looks like on the sides of the features in the center. Is it sloping toward the parking area again? By outstanding seam is it shingles? I am not sure what you are using?

Mr. Colucci – The existing photo that was up earlier shows what is there. It is a standing seam and there is no gutters. It sheds along the left and right side onto the sidewalk and then the covered canopy out to the parking lot. It's not a large roof area. We are not anticipating that the drainage patterns change any or no need to add gutters. Really the reason for making a gable end is we were never really crazy about the way the roof element looks from the side on that center piece. It is minimal and doesn't really have any depth to it. Looks a little underwhelming so our thoughts with pulling it forward and adding a little depth to it and create a little better look.

Mr. Logan – The elevations shows that the left and right roof are higher than the façade to the left and right of that. Did you lower that to meet the top of it in another view?

Mr. Colucci – I submitted another drawing on Friday labeled A-100. I do not know if we can pull that up. That was a little further along with the Architect and we dimensioned things more appropriately and went out there and measured. Our plan is to keep the height of all of the elements as they exist today.

Mr. Logan – I am looking at A-100 and it does say in the lower right. The elevations shows 31.9 I think you said. The flanking roofs are actually going to be taller by a couple of feet then the balance of the new efface that is on the right and left of that.

MR. Colucci – Those will stay top the same height. Basically if you think about it we are pulling that mansard off and the framing that creates the slope and we have a flat plane that we are putting glass on and cover it with efface and put some coping. That height of that left and right side where the mansard is coming off is going to be he height that it is today. It will be a bit more prominent of an area where it is not broken up by partial mansard and then a efface band below.

Mr. Logan – On the existing you have some signs. Code 2 on the left and Victor Vet Care on the right of the Fisher's Landing pillar centerpiece. On your sketch here that we are looking at I think you had Fisher's Landing above that rectangular area where it now says Fisher's landing.

Mr. Colucci – Correct. The plan would be to have a new Fisher's Landing sign and put it up in the gable section and move Brooks and Harlow, who is a tenant in the small building next to the dental care office. We just moved her recently into the center. Her temporary banner is up there now.

Mr. Logan – That is all I got.

Mr. Limbeck – It was very happy to see the addition of the A-100 drawing to the packet. The original design that I saw looked pretty sterile. The vertical articulation makes a huge difference in the appearance and it makes the design very pleasing. I am glad you made that change. It looks good to me.

Mr. Pettee – I do not have any comments thanks.

Chairman Santoro – We cannot make a resolution tonight anyways so thanks for the presentation Paul and hopefully the County will come thru and we will have you back on next time.

Mr. Harter – I had to log back on something happened and lost the connection. I do not have too many questions. I think the improvement is nice. I had a question regarding some of the lighting was going to be improved in conjunction with this project or not?

Mr. Colucci – I failed to mention that I did respond to Code Officer. The only lighting changes would be under the canopy. There is existing can lights and we would swap those out to LED conversions. Same number of lights in the same location in lieu of what they are as if they are LED.

Mr. Harter – I think you have some wall paks on the south side. Are you going to do anything with those or not?

Mr. Colucci- No additional lighting proposed at this time. We do have the site lighting that we did years ago that illuminates this area pretty well. We really do not know that adding sconce lighting is going to contribute greatly to any illumination necessary. We are not proposing any additional lighting at this time.

Mr. Logan –Scott, did mention those wall paks on the side. They are not dark sky compliant. I think we have developers and owners as they update their building put the appropriate lights on their structures. I would expect to see those two lights on the south side and anywhere else that would be dark sky compliant. That would be cutoff facing down.

Mr. Colucci – I will take a look at those. I hadn't focused on that but that is a good point. We will take a look at those.

Mr. Harter – I agree with Joe. Those look to be not dark sky compliant.

Mr. Logan – They project outward and downward too.

Mr. Colucci – Take care.

**WILKINS RV OF VICTOR SITE DEVELOPMENT**

09-SP-2021

7447 State Route 96

Zoned – Commercial/Light Industrial

Tax Map # 15.00-2-19.111

Owner – BLW Properties of Victor, LLC

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.

Chairman Santoro – Are we still waiting for LaBella comments?

Mr. Pettee – Yes, we are still working on our formal comments. We do have some thoughts that we can share in this meeting. We are still working on the review of the stormwater prevention plan. More to come.

Chairman Santoro – Was at the Conservation Board March 16 this year and a site walk on April 3. Joe Limbeck did you go on that?

Mr. Limbeck – I did not. I was not able to make it.

Chairman Santoro – Did anyone?

Mr. Pettee – For what it is worth your Town Engineer did make the site walk.

Chairman Santoro – Some of the comments were an Area variance or redesign needed for being within 100 feet of wetland. Area Variance modification or redesign needed for 80 foot setback for Open Displays. Planning Board cannot reduce setback unless it was clustered subdivision which this is not. Need lighting plan manufacture specification. Area Variance or redesign is needed for light shall not exceed .75 foot candles at property lines. Area Variance or redesign needed for drive aisle less than 26 feet width. Planning Board to have applicant justify the # of parking space provided and approve. Area Variance for the fence being constructed forward of the front line.

Alex Amering of Costich Engineering, Brian Wilkins and Denise Haggerty

Mr. Amering – Thank you for the introduction. It obviously exists as an RV Dealership today. Many of you probably know it as the former Ballantyne RV. Brian purchased it a number of years ago to expand his operations. He currently owns a facility in Churchville and Bath NY. The project encompasses about 9 acres. The overall parcel is much larger about 24 acres and largely comprised of wetlands which I think you will see come up in a number of the comments. We proactively hired a wetland consultant who flagged the wetland. We surveyed it and the entire site because we knew some of the preexisting non-conforming setbacks which Mr. Benedict brought up. The summary hits on the big items. We obviously would be demolishing the existing showroom. As it exists today there is a separate showroom, a separate service building and then a showroom with offices. All of Brian's other locations they have a consolidated building where there is a parts department which creates a better business flow. Having the showroom, the offices, the parts department and the service all together in one facility.

I will start by saying this is the first time the Board has seen this plan but we have been working for a number of months on a site plan that we think kind of best fits this particular site. Obviously we are constrained in a number of directions. When Ballantyne was originally built, Omnitech did not exist on the west side of the project. We are bordered by 96 on the North and primarily wetlands wrap the entire project itself. We're very cognizant of where we placed the

building. As you can see we pushed it close to 96 as we could while connecting the two buildings. There will be approximately a 15 foot hallway connecting the two. Other than that we obviously made concessions for employee parking, customer parking but I think you will find the site itself flows much better. The display areas are closed off from the public areas. A number of items we have gone ahead and proposed as part of this site plan set which you have. A bunch of the lighting will be replaced and upgraded with more modern LED, downward facing dark sky compliant fixtures. As you had already alluded to there was one Code comment about the spill at the property line. We would have no issue revising the plan so a variance would not be needed for that. We have also incorporated a couple different stormwater practices. The Ballantyne project really predated any type of stormwater requirements. The majority of the site just sheet flows to the wetlands. We took the opportunity to implement some of those practices. You will see a couple raingardens that are at the rear of the parking areas and also a stormwater facility which will be northeast. Also, alluded to in the introduction that this layout really catered itself to putting a new entrance location in which would allow us to eliminate the existing two curb cuts over to the west side of the projects by Omnitech.

We did proactively reach out to the NYSDOT. The current layout is obviously largely contingent on that driveway location. I believe thru the referral process the state also responded that they were generally in favor of the location. We would have to go thru the permit process for that work. Some additional steps I believe you have already covered. We did have the opportunity to meet with the Conservation Board and their comments were largely based around the wetland. They were happy with the opportunity to incorporate stormwater management and also the landscape that has been incorporated. We walked the site with them and the Town Engineer Wes. One of the items that we would be proposing around the perimeter that borders the wetland would be a fence which would delineate where the edge of the developed property is and where the wetland and the buffer is. We would be incorporating a more decorative fence along 96. It would be an aluminum fence which if you are familiar with the self-storage project to the southeast is a very similar in nature. Around the rear would be a more traditional chain link fence.

During the site walk the Board members also brought up the opportunity to potentially implement some plantings along the drainage ditch which goes thru the center of the site. I am guessing you guys are somewhat familiar but it crosses under 96 from Bristol's nursery and then feeds into the wetland. I think we can incorporate some plantings that would create a more natural stream buffer along that portion of the project.

As far as onsite utility infrastructure there is sewer and water. There were some comments from the Fire Department which we are comfortable working with them on regarding hydrants spacing, access to the fenced in locations. Just touching on some of the other code comments that were received. The drive aisle we have no issue revising to meet the Town Code. So no variance would be required there. The fence we would be looking to go the ZBA for a variance. We believe that is somewhat essential to the operation and in particular the portion on 96 could be done so that it is esthetically pleasing. As I mentioned it kind of matches some of the

businesses along that corridor. One of the items also in the code letter was regarding a variance for the wetland buffer. Being in the NYS DEC wetland there is 100 foot buffer associated with it. That is one item we would like to clarify with the code official. When the plan was approved in mid-90's for Ballantyne it was approved with the current layout. Since that time there really has been no expansion in the rear of the project and I am not sure if a variance was granted at the time or if it something that has since been revised in the code. Also mention was the parking. A lot of applications this particular use falls within a number of different parking generators per the town code. We have office, showroom and what we would be considered a warehouse where they store parts. We do have the benefit of working with Brian and knowing what his other facilities generate so we would be happy to provide a more detailed breakdown of the parking itself. Obviously we are not motivated to put more parking in then what would be needed but enough to meet the needs of his business.

I think I hit on most of the comments we have received to date. What I would like to do is give Brian an opportunity to talk a little about the operation and how this redesign of his facility creates an opportunity of a number of things on the site.

Mr. Wilkins – Thank you everybody to take the time and looking over our proposal. We are pretty excited about this project. I am Brian Wilkins, the owner, and originally out of Cornell NY. We have four locations. Bath, Churchville, Victor and a location north of Syracuse. We purchased this property from Ballantyne RV in 2017. We are four years in. When we bought it we figured at some point we would need to do an investment into the facilities. Wanted to take a few years and make sure we had our feet underneath us and we are to the point of wanting to do that. We really think a new building would benefit everyone. From an esthetics standpoint the building has aged and can certainly a new building would look great among the corridor there. A new facility would allow us to provide a better customer and employee experience. There is also the safety factor in that it is an old building and old buildings you will always run into possible safety issues. We are just think it is time for a new building.

When we started looking at this project we have talked about it for a few years now. We debated between one building and two buildings. One building meaning just a replacement of the current showroom or two buildings being a replacement of the current showroom or one building trying to combine the two. From a business standpoint it really works better for us if we are all in one building. It provides for a more proficient business flow and a better customer and better employee experience. It allows us to reduce the number of driveways from two to one. It does comes with some constraints and that is what we have been working thru. This will be the third building that we have built. The Bath facility is what we built in 2006. The Churchville facility we built in 2015. We worked with the same contractor, Kevin Bragg, on all three. We have a good template down that works. I think Alex is going to show some pictures and we build a nice good looking building and take pride in our facilities, we really look ford to bringing this facility up to a more modern looking facility.

Chairman Santoro – Wes went on the site walk. Do you have any comments Wes?

Mr. Pettee – I can provide some comments and I will share a couple of photos I took on the site walk. There is a stream that goes thru the site. What we are looking at is that I am pretty close to Route 96 looking back at 96 and across the street is the Bristol's garden center. Obviously you can see here where the stream comes thru under the roadway into the project site. Just another view of the stream right next to the Wilkins monument sign looking back towards the wetlands and Omnitech. Omnitech is the development beyond the trees there. Just another look at the stream and proximity of the driveway and parking surface to the stream. This stream obviously leads back into the wetland complex. You have the three culverts here it provides the vehicles to get from one side of the property over to the other side of the property. This is my last picture and this is closer to the wetlands. This might be where the Code Enforcement Officer called out there shouldn't be construction or impervious surfaces closer than 75 feet of the centerline of the stream. I am not sure how that compares to the timing of when this project was initially built by the former owners. One of the things that has already been talked about is the wetlands. I would be interested to see what type of feedback NYSDEC has in terms of infringement of the 100 foot buffer. As the Planning Board and applicant knows, in addition to that buffer the town has a more restrictive law, Section 211-30 paragraph A, which mentions no construction or impervious surfaces within 100 feet of wetland. It is an additional protection on that DEC wetland. Which is why the applicant would need to get a variance.

For the portion of the new building would be within that 100 foot buffer so I think that is what is the triggering method as to needing a variance. Aside from that I do not have a whole lot of comments right now. We will have a formal comment letter assembled shortly. Although LaBella did provide some architectural comments which I think the Planning Board could review and comment on just to be sure. You might want to ask the applicant how they are meeting some of those guidelines and Route 96/251 corridor overlay district guidelines to make sure we are hitting on some of those. That is it for right now.

Chairman Santoro – Does the applicant like to respond to what Wes just said or should I go to the Board?

Mr. Amering – We can chat quickly. Still digesting the letter about the architecture and going back to the code section and making sure we understand the intent of what the code was targeting. My initial thoughts were, I think the reviewer acknowledge this, some of the code items were more directed towards business that would attract pedestrians and street scape which understandably there is large variable of businesses on that stretch of road. I think we need a little more time to dig into what the intent of some of the code sections were. Obviously review with the project architect and the owner some of the more material items. The material items with no surprise cost implications. I think in particular the comment about the long side of the building facing the road is somewhat a condition of the adaptive reuse of this property. I think you will find it is a theme to what we are proposing. If we were going and clearing a new 9 acre site things would be differently laid out. There are a lot of restraints on how we arrived at this plan.

Regarding the pedestrian connection on the front side of the building, I understand certainly with the number of different uses that has an important benefit. I do not think too many of the folks coming in are going to be walking in off the street. We welcome the opportunity to dig in to that a little more to respond formally and get some weigh in from the project architect.

Mr. Logan – As usual I have quite a few comments. I have a question about the location that you decided on for that addition and the culvert positioning, the drainage ditch. Frankly, a need for an access to Omnitech place. My concern is that you have selected the entrance to Route 96 where you get all this traffic accelerating to get past one another to get from two lanes to one lane and you have pretty large trailers and vehicles towing heavy trailers to get it out onto 96 in a pretty difficult location. I would suggest you consider a second access to Omnitech place because of the future in Victor's plan is to have an alight at that intersection. It would be a whole lot safer to get vehicles out onto 96 with a light. Even right now to get it from Omnitech place onto 96. I would be interested to hear Wes's thoughts on that and honestly I am surprised that the DOT would be happy with the location of the entrance on 96 where you placed it rather than having that lane access location near where it is now. It does not have to be right where it is but you start dropping off that lane as soon as you get past your driveway. I guess my thought would be why not but the building on the other side and get it closer to Omnitech and perhaps but a culvert in and bury the creek that goes thru your site to avoid runoff from your site going directly into the creek and making it work its way over to the stormwater management facility. You can avoid some of those wetland disturbances. I know it is a recreation of exactly what you guys went thru. I am think that might be benefit to cap your flow on your site and would rearrange parking quite a bit and wouldn't waste a lot of lane space where the creek is now. Frankly it is safer to get out onto 96 from Omnitech than it is from where you are showing that driveway entrance.

Those are my initial thoughts on this. I am fully supportive of this expansion you have been proposing. I have been to your facility a number of times and I like the consolidated building approach for sure. I have been down to the other site too. You do a good job with layouts on those other sites. I think this one could be improved with some site work. I do not know if Wes wants to weigh in on my comments about the culvert but those are my thoughts.

Mr. Pettee – I appreciate your comments. Very interesting thoughts in terms of relocating that site access onto Omnitech Place. One thing we can look back to the Access Management Plan and one of the conceptual maps consolidating ingress and egress to this parcel. It calls out it reducing that from two points of ingress/egress to one. It happened to that particular map and at the Access management plan kind of supposed that entrance would be on 96 but also it does not precludes an opportunity to provide an access to Omnitech Place in lieu of access to 96.

Mr. Logan – Wes, they are still looking to maintain the access to 96 and not suggesting to eliminate that. I am suggesting moving it so that you are closer to where the two lanes are rather than being in a more dangerous spot in my opinion where these cars are trying to merge into a

single lane on 96 and have a separate entrance exit from Omnitech for large vehicles for safer egress from the site. You can get off of 96 easily but getting on is very difficult at that location.

Mr. Pettee – we might also want to ask about the project sponsor or the owner about operations and whether an access point onto Omnitech would serve them in that capacity. Feel free to comment on that Brian if you can.

Mr. Amering – This is something Brian brought us up to speed pretty quickly when we started sketching for this project. They have a very specific model were folks come in off the roads and park in the customer area they then enter the showroom. What you would see off the left or west side and they walk out a separate door with a sales representative and they will help them thru the display areas. It separates the public portions versus the display portions and how they have been stocked. I don't think we have eliminated connecting to Omnitech as an option. Chiming in on the creek that runs thru there for better or worse I am sure Mr. Wilkins would love to pave over it but it is designated as a Federal Wetland so while we haven't eliminated that it would make the site layout a lot easier. At this point we are trying to avoid the creek impacts as much as possible.

Mr. Wilkins – That was certainly my understanding. I did not think we had the ability to do anything with that creek. The location of that creek makes it difficult to but the building on that side of the existing building. We did look at that at one point and switched to the other end because we thought we would be infringing on that creek. The other thing important from a layout standpoint is and Alex alluded to this is that we like to have the inventory for security standpoint behind the building. That is why we have customers coming down the driveway and parking is to the left of the building. People would come in the building and cycle thru the building to go out to the inventory. Where if you had the drive entrance off Omnitech you have a long ways that you are trying to funnel in coming traffic to that building.

Mr. Logan – Would it be possible to provide some egress to Omnitech for people towing RV's or driving large RV in addition to this? Maybe after you have had some service on this you think you go out to Omnitech and that is how you exit the property with the towing vehicle because it is safer. You can leave it set up the way you have just consider a different flow that gets you to Omnitech and to make that connection.

Mr. Wilkins – That entrance would then be coming into the display area of the RV's and you would have the long driveway or you would have people driving thru the display which I am not thinking would be the safest thing. You have people out walking around looking at RV's. We try to contain the area where customers are driving RV's to the parking lot area. If you open up the whole site to customers driving RV's around I would have some safety concerns with that.

Mr. Logan – I guess I was thinking if you flowed them along the back side of the lot over to Omnitech you can keep all of your inventory up front, you could keep the buildings and entire inventory area towards 96 and just have the back part of the lot contain a driveway that gets you

to Omnitech. I envisioned very difficult egress from the site onto 96 with the speed and everything else. It is hard enough to get out now and going uphill and trying to get out and make a left turn. I cannot imagine with a full size towing vehicle that it is easy to get out with the traffic on 96 at times. Those are my comments and can take them for what it is worth.

Mr. Harter – I had couple of comments. One is, is there a detail for the proposed decorative aluminum, security fence? Is that something that has been shared with us? I do not see it in the plans.

Mr. Amering – It appears on sheet CA501. We also have some photos of their other facilities and this particular fence was used in Churchville, which also gives you the opportunity to look at the photos of the buildings. Obviously we all appreciate architectural elevations but seeing what they are proposing might help.

Mr. Harter – I would be interested to see what it would look like from a colored photo perspective.

Mr. Logan – It is on their rendering Scott. On the front of the building there is small section of it. I do not which building is yours since it looks like it is on another site in Churchville.

Mr. Harter – The other question I had was are you subject to a setback to your front parking along 96 as a part of the corridor plan? Are you subject to an 80 foot setback on that?

Mr. Amering – We are. In the 90's when Ballantyne was approved they got variance for a 50 foot setback. At some point during the previous owner's tenure the parking must have expanded towards 96 so Brian inherited a project that has a setback in the range to 14-15 feet. It is certainly a pre-existing non-conforming item but we acknowledge that we are going to have to address that with code and go thru the process that is required there. Not in his defense the first thing we obviously did was go out and located all the parking areas and designed within those boundaries and the new pulled out the town code and as you found out in the code letter there are a number of non-conforming items. The setback at Omnitech is a little different because Omnitech wasn't there and the parcel was subdivided where the corner is. It's an interesting one.

Mr., Gallina – First of generally in support of the redo of the site design. I think in principal what is being proposed is a nice enhancement. That being said certainly support some of the commentary from Joe and Wes. Relative to the architectural I think the one area of focus that I would like to see is primarily the north elevation. Particularly that long bay of garage doors to see what can be done to enhance that north elevations. Plus concern with the south elevations that it faces away from the 96 and the viewing. I think the east and west with some minor modification would probably be acceptable. Again if we are really focusing it would be the north and the garage door section to try to enhance the look. Other than that no other comments or questions at this time.

Mr. Limbeck – The wetlands is a swamp. It hasn't been treated very well in the past. I know it was a concern with the proposed Fisher's Ridge project. It actual serves as a filter for the water that goes into the aquafer and it quite fragile actually. I appreciate what you are doing in terms of the addition of the storm management facility. I commend you for taking that into consideration when you are working on the site. I am very interested to see how we end up reconciling the existing condition on site with requirements of the code. Again I think you have taken the right step in the right direction and do commend you for your attention to that. I actually do like what Joe proposed that the concept using Omnitech as an access point. If nothing else for a place that you could take delivery of new inventory. I think that would improve some of the safety in and out of 96 and actually improve customer flow in and out of your driveways. I think that is worth a second look. Those are my initial thoughts.

Chairman Santoro – We have little work to do. Applicant is going to be getting back to us. Do we have the Ontario County comments back yet Lisa?

Ms. Boughton – No they are on for tomorrow night also.

Chairman Santoro – We will have to table this till the next meeting. Hopefully we will be getting this moving along. We can put you back on.

Mr. Amering – We will be responding to a number of comments getting clarification and doing more homework on our end. I appreciate all the feedback.

### **O'NEIL SUBDIVISION**

7874 County Road 41

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.

02-PS-2021, 05-FS-2021

Zoned – Residential 3

Chairman Santoro – The public hearing is closed on this. We are waiting for the Ontario County DPW comments. We do not have those yet.

Ms. Boughton – No not yet.

Chairman Santoro read staff comments.

Mr. Swedrock – I think last time we were here we reviewed the plan and everything and I think you guys were good. We discussed the plan and addressed all the comments and provided written responses back before and then provided revised plans back to the town. I think we

addressed the majority of the comments. You just addressed a few I have not seen so if there were more comments about percs and things but we had addressed everything and submitted revised plans back. We showed the conservation easement markers. We showed the notes that were applicable. We talked about not showing the conservation easement on because that is remaining as a farming operation. We had put a note on the plan. I noticed the Code Enforcement Officer believe made another comment about showing the easement. Again there is no development proposed on that lot at his time. I think it is up to the Board if you are looking for a condition of that. We do not have any plans for the big lot. We added the markers, addressed the comments and submitted back a revised plan. I think that was about all I had. Certainly any additional comments that I have not seen we can talk those through.

Mr. Gallina – No father questions.

Mr. Limbeck – No comments.

Mr. Logan – I agree. Nothing further.

Mr. Harter – No comments either.

Chairman Santoro – I have a resolution. Staff and Wes worked to get it for tonight. It was emailed separately.

### RESOLUTION

Motion made by Scott Harter, 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 O'Neil Subdivision.
2. It is the intent of the applicant 76.4 acres located on County Road 41 and Strong Road into a 7 lot major subdivision. Six lots will be created for a new single family home. The existing home will remain on lot 7.
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 and April 13, 2021 at which time the public was permitted to speak on the application.

5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The application was referred to the Ontario County Planning Board under Section 239-n of the General Municipal Law.
7. On March 10, 2021 Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
8. The Conservation Board reviewed the project on March 2, 2021 and a site walk was scheduled and completed on March 13, 2021. They had concerns about protecting the Drumlins and would like to work with potential buyers early in the process to help with home placement on the parcels.
9. The Town Highway Department reviewed the project on February 25, 2021 and had no concerns.
10. The Town Engineer, LaBella Associates, provided a comment letter dated March 23, 2021, identifying issues to be addressed.
11. The Town of Victor Code Enforcement Officer, provided a comment letter dated February 26, 2021, and April 12, 2021 identifying issues to be addressed.
12. 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 April 13, 2021, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, O'Neil 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 William O'Neil, Major Subdivision entitled O'Neil Subdivision, drawn by BME Associates, dated February 16, 2021, last revised April 7, 2021, Planning Board Application No. 02-PS-2021 and 05-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 23, 2021 from LaBella Associates be addressed.
5. That the comments in a letter dated April 12, 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 lots are approved building lots. Site plan approval will be required by the Planning Board prior to lots becoming buildable lots and before issuance of a building permit.
4. Future property owners for lots will need to perform deep hole and percolation tests, witnessed by the Town Engineer, and submitted as part of the site plan application for review by the Town Planning Board.
5. That placement of all conservation easement markers shall be shown on final plans, and conservation easements must be filed on or about the time subdivision mylars are filed.

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

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

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

Approved 5 Ayes, 0 Opposed,

**FINAL SUBDIVISION**

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

**TABLED TILL NEXT MEETING**

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.

Application had been removed until April 27, 2021 Planning Board Meeting.

Motion was made by Joe Limbeck seconded by Joe Logan RESOLVED the meeting was adjourned at 8:42 PM

Lisa Boughton, Secretary