

A public meeting of the Town of Victor Planning Board was held on April 25, 2023, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: David Nankin, Steve Schultz, Tim Lochner, Donald Davis, Amanda Gump, 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:

There were none.

CORRESPONDENCE:

Dave Anderson re: TNT Fireworks Tent
Kathleen Morrell re: 1086 Strong Road Subdivision

BOARDS AND COMMITTEE UPDATES:

Town Board representative Ed Kahovec was present.

PLANNING BOARD reported by Kim Kinsella
Tuesday May 9, 2023

PUBLIC HEARINGS

- Johnson Pole Barn, located at 7355 Dryer Road, applicant is requesting approval to construct a 2,100 square foot pole barn with a 720 square foot covered space.
- Toth Sports Addition, located at 71 Victor Heights Parkway, applicant is requesting approval to construct a 1,350 square foot warehouse addition on the west side of the existing facility for storage of scoreboards and electronic signage.
- Daum Site Plan, located at 7246 Valentown Road, applicant is requesting approval to construct a single-family residence on Lot #7 of the Valentown Meadows Subdivision.
- Gilmore Site Plan, located at 7234 Valentown Road, applicant is requesting approval to construct a single-family residence on Lot #6 of the Valentown Meadows Subdivision.

- Ridley Site Plan, located at 7896 County Road 41, applicant is requesting approval to construct a single-family residence on Lot #6 of the O’Neil Subdivision.

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.

PMD ADDITION

06-SP-2023

727 Rowley Road

Zoned – Commercial/Light Industrial

Owner – Rowley Real Estate Prop, LLC

Tax Map # 15.00-2-34.211

Applicant is requesting approval to construct a 16,800-sf addition to the east side of the existing 73,000 sf building to be used for assembly of automation equipment.

Steve Schultz of MRB Group

Mr. Schultz – I think we went over pretty much all of the particulars of the application last week and did receive some comments from the County and Labella. I think we have addressed all the concerns.

Mr. Pettee – Just for the record our first letter dated April 10, 2023. We had some comments, and the applicant did respond, and we were able to provide a response letter today April 25, 2023. They have addressed our comments on building access and circulation and building mounted light fixtures and provided a catalog cut sheet and identified the backlight and up light and we are okay with that. They relocated the temporary sediment basin that was previously located in an infiltration basin on their first submittal. They have relocated that out of the infiltration basin. We are satisfied and have no further comments.

Chairman Logan – Anything from the Board for the applicant?

Mr. Harter – I just noticed that you are replacing essentially the easterly parking with a building?

Mr. Schultz – Yes and adding some other parking to make up for that.

Mr. Harter – The displaced parking is compensated for but not entirely. Parking needs changed?

Mr. Schultz – Yes parking needs are less now. We have a lot of people working from home now, so they do not need the parking on site and feel the 140 spaces are more than adequate. The addition is not adding employees but just space for equipment.

Mr. Santoro – I’m good.

Mr. Gallina – I am all set.

Mr. Limbeck – All set as well.

Chairman Logan read the draft resolution.

DECISION:

On motion of Ernie Santoro, seconded by Scott Harter:

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

1. A Site Plan application was received on March 7, 2023, from Progressive Machine & Design, (the “Applicant”), by the Secretary of the Planning Board for a Site Plan entitled PMD Addition (the “Project”).
2. It is the intent of the applicant to construct a 16,800 square foot addition to the east side of the existing 73,000 square foot building to be used for assembly of automation equipment. A reduction in parking spaces from 273 to 146 is being requested.
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 25, 2023, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. LaBella Associates reviewed the site plan in a letter dated April 10, 2023, and provided comments.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated April 7, 2023, and provided comments.
8. A Coordinated Fire Service Plan Review on the site plan was done March 14, 2023, and

April 6, 2023, with comments satisfied.

9. Zaretsky & Associates reviewed the landscaping plan on March 15, 2023, and provided comments.
10. The application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On April 12, 2023, Ontario County Planning Board identified the Project as a Class 1 and to return to local board with comments.

WHEREAS, the Town of Victor Town Code Chapter 211-27.1 F(2)(d), allows for the reasonable reduction of parking spaces required in the overlay district and shall be permitted by the Town of Victor Planning Board; and,

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on April 25, 2023, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, PMD Addition, will not have a significant impact on the environment and that a negative declaration be prepared; be it further

RESOLVED, that the Planning Board allow the reduction of parking spaces from 273 to 146 parking spaces be approved by the Planning Board; be it further

RESOLVED that the application of Progressive Machine & Design, 727 Rowley Road, Victor, New York, Site Plan entitled PMD Addition, drawn by MRB Group, dated March 6, 2023, received by the Planning Board March 7, 2023, last revised April 21, 2023 Planning Board Application No. 06-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 April 10, 2023, from LaBella Associates be addressed.
3. That the comments in a letter dated April 7, 2023, from Code Officer be addressed.

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	Aye
Joe Limbeck	Aye

Approved 5 Ayes, 0 Opposed

TNT FIREWORKS TENT

10-SP-2023, 01-SU-2023

4-20 Commerce Drive

Zoned – Commercial

Owner – Victor Square Retail LLC

Tax Map # 6.02-2-47.100

Applicant is requesting approval for a temporary tent for sale of NY sparkling devices from June 20th thru July 5th. Hours of operations to be from 9am – 10pm.

Amanda Gump of TNT Fireworks

Ms. Gump – As you said, basically we are going back to the same location that we have been for the last few years. With the new addition of the entrance there to the parking lot we were advised and made the adjustments to the site plan. Same as what we have been.

Chairman Logan – Wes, do we need to specifying how far away from the existng entrance that the tent should be placed so they are better prepared to put the tent in the right place. Would that help?

Mr. Pettee – From what I see here there is a bit of a bulb out on the left side with the no left turn arrow. I suspect as long as they are staying off of that curb next to the access drive, they will be fine.

Chairman Logan – I wonder if that is also interference from anyone leaving the plaza or that bump out is a big enough setback. It looks like you have shifted it enough and not up against the X on the aerial.

Ms. Gump – It is 40 feet in length so it would take up six to seven parking spaces. There is nine spaces there so we can even bump it down to the end if you wish to give more space.

Chairman Logan – I would suggest not having that close. Maybe two spaces over.

Mr. Pettee- I concur with you.

Chairman Logan – Let's say no closer than two parking spaces. I prefer not to push it as far over and think the residents are somewhat sensitive to the location of the tent. As long as that is enough space for carts to not be inhibited and would hate to see them try to get around the tent when it is right up against it. The two spaces makes sense.

Mr. Limbeck – No questions.

Mr. Gallina – No questions.

Mr. Harter – I am looking at an email correspondence from Dave Anderson, who is one of the neighbors nearby, expressing concern about closure time and lights. Have you had a chance to see this email?

Ms. Gump - I have not.

Mr. Harter – Are you staying open until 10 o'clock?

Ms. Gump – We would like too if possible. 10 o'clock is when we have done it in the past and are not opposed to that if that is what the Board wishes. Lighting we do not do anything on the outside of the tent and is just plug in light that are in the inside and is not a whole lot that is distracting in that sense. Whatever you decide is wonderful for us.

Mr. Harter – If you are not opposed to 9 pm then that is what the neighbors are asking.

Ms. Gump – I am happy to oblige.

Chairman Logan – We will put 9 to 9 in the resolution.

Mr. Santoro – No questions. That was the only thing I was going to comment on.

Chairman Logan – Appreciate you being flexible and is nice to have it as long as possible, but it is a sensitive neighborhood and how close you are does make some difference to them. It is a public hearing if anyone has anything to say.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0

Mr. Pettee – LaBella does not have anything further.

Chairman Logan – Tent placed two spaces over from the bump out and the port of potty on the other side of the tent. We will put that as a condition.

Chairman Logan read the draft resolution.

DECISION:

On motion of Joe Limbeck, seconded by Al Gallina:

WHEREAS the Planning Board made the following findings of fact:

1. A Site Plan and Special Use application were received on April 3, 2023, by the Secretary of the Planning Board entitled TNT Fireworks Tent.
2. It is the intent of the applicant to put up a 30' x 40' temporary tent and a temporary container for sale of NY sparkling devices from June 20th to July 5th. Hours of operation will be from 9am to 9pm.
3. The proposed use of the property is a permitted Special Use in Chapter 211-23.
4. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
5. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
6. The proposed use conforms to all applicable regulations in the district which it is located.
7. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
8. The Planning Board held a public hearing on April 25, 2023, at which time the public was permitted to speak on their application.
9. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on April 25, 2023 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, TNT Fireworks Tent, will not have a significant impact on the environment and that a negative declaration be prepared; and be it further

RESOLVED that the application of American Promotional Events, received by the Planning Board April 3, 2023, last revised April 25, 2023, Planning Board Site Plan Application No. 10-SP-2023 and Special Use Application 01-SU-2023, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated April 19, 2023 be addressed.
2. That comments from Fire Marshal, dated April 06, 2023, be addressed.
3. That a Peddler's/Solicitor's License be obtained from the Town Clerk prior to erecting tent and sales.
4. That if the Peddler's/Solicitor's License is suspended, the tent will be removed at the owner's expense within 10 days.
5. That hours of operation from June 20 to July 5 to be 9:00 am to 9:00 pm.
6. That the site plan approval will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10-day period.
7. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
8. That any temporary signage be removed from the site entrance during non-business hours and shall not be placed within the State Route 96 right of way per Town Code.
9. That there be a limit of 2 signs on the tent and shall be compliant with Town Code.
10. That the tent be placed so as to keep the two (2) parking spaces vacant that are immediately north to the right in/right out access drive.

Mr. Pettee – Here is a copy of the site plan that depicts the right in/right out at the Victor Square Plaza and as you see to the north it is to the left on this map. To the north of the right in/right out we are asking this condition to require the tent be placed where it leaves these two parking spaces open.

Ms. Gump – Would you like me to submit an updated site plan.

Chairman Logan – Yes that would be helpful.

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

DAVIS POLE BARN

1155 Hunters Run
Owner – Donald Davis
Tax Map # 27.01-1-9.000

12-SP-2023
Zoned – Residential 2

Applicant is requesting approval to construct a 1,496-sf pole barn with a height of 17 feet.

Donald Davis, owner

Mr. Davis – I am looking to put a pole barn on the property. I have worked with Adam a bit to understand the guidelines to which I should adhere too. I believe I have done that. I need to put a small gravel driveway up to the structure. The structure will be off to the left side of the leach field. I had the leach field surveyed to be sure to know where that is. I added 50% additional space to make sure there is no issues there. We are more than 10 feet off the property line and about 20 feet of the property line to the left and more than 10 feet as the drive comes in from Hunters Run. That is the overview of the site with the extension of the driveway and the septic that is in place.

Chairman Logan – Do you have a sense of how far the septic edge would be to the barn. I do not see that dimension on there.

Mr. Davis – It is 61 feet and gives me the additional 50% and another 10 feet to play with at the left of the barn, but I can move it closer to the property line if I need it too.

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

Mr. Gallina – No questions.

Mr. Limbeck – I will defer to West to see if his comments are addressed.

Mr. Santoro – Have you heard from any neighbors at all?

Chairman Logan – We do not have any correspondence from the neighbors. They received postcards.

Mr. Harter – My first comment is that I agree with Labella's comment number 3 with the septic system and getting a scaled drawing that incorporates all of this. We have a lot of drawings here and they are not synchronized with one another. This reminds me of the one we did not too long ago with the individual putting in the Geothermal and how that individual is coming up with their measurements and how others come up with measurements. That is my one comment. Mt secondo one is a question is that is it permissible to have a second driveway on a parcel such as this or do you need to consolidate it onto one driveway.

Chairman Logan – Is there a reason you didn't want to put it at the end of your existing driveway behind the house to the east?

Mr. Davis – There is a right of way for a drainage there and is somewhat of a wet area there.

Chairman Logan – DO you have public water or a well water?

Mr. Davis -Public. There was well at one time put no longer and is capped.

Chairman Logan – That was my biggest question you are investing in a new road and is still a driveway.

Mr. Davis – I looked at putting it on that side of the property but because of the drainage and the wetland I felt I needed to move it to the other side of the property.

Mr. Pettee – LaBella does have a comment letter on this project dated April 14, 2023, and am having a little bit of trouble connecting the dots in terms of the different drawings you have that depict the house and proposed location of the barn and the separation distance between the barn and side lot line. It looks like one drawing superseded on April 24, 2023, and this drawing shows there is 70 feet between the proposed barn and the property line. The one that appears to have been received yesterday shows 20 feet versus 70 feet. I understand the septic is on the same side of the house where the barn is proposed.

Chairman Logan – This one show the septic way over here and the other sketch shows it 66 feet away and I not sure what that distance is.

Mr. Pettee – The drawings are not matching up and I am having a hard time.

Mr. Davis – With Adams’ recommendation I went back and redesigned the initial proposal, and this drawing shows the septic incorrect. After we had surveyed, and you can visibly see it when there is a light amount of snow on the ground the septic is as the survey shows.

Mr. Pettee – When was your most recent survey done?

Mr. Davis – It is dated here July 19, 2022.

Mr. Harter -Which one is that? That is a layout from a wastewater contractor. That is not a survey. Those are measurements from them. Myers Environmental.

Mr. Pettee – I see that the drawing is not too scale. They did show the distance between the side of the house and the septic distribution box or maybe the septic tank.

Mr. Harter – Looks like 13.8 to the septic tank.

Chairman Logan – Then 7 feet to the first leach line and 8, 16, 24 to the last one. I am not sure what that line is? Grass?

Mr. Davis – The copies of the overview show the septic and where the proposed barn is. I measured myself to show the distance from the septic based on Myers review.

Chairman Logan – I think what we are working thru here is understanding that it will probably work but we do not know if this is the exact location. If you used a tape location map which is what an environmental firm might do it would have to have more dimensions on it and nail everything down. None of this is to scale it looks like. The survey map is but it shows incorrectly the septic system. Looks like 1973. I think it is a schematic with the septic and leach field. I think this is what Scott was talking about was getting a survey map but locating things properly on the map so that you do not end up digging into your leach field and we get the right offsets for the property line.

Mr. Pettee – How long have you lived at the property?

Mr. Davis – 9 years.

Mr. Pettee- Do you have a survey that the time you acquired the property?

Chairman Logan – They used the old survey map?

Mr. Harter – There is a survey from Greg Bileshi dated 2008. I think his practice has merged in with another surveyor. You could contact that individual who would have this information in their records and can build on that to create a drawing that is dimensionally correct. From my perspective we can have some certainty of and confidence of approving what is being asked for.

Chairman Logan – This is not an unusual request and we have seen applications recently with very little information and we have made them come back and show that where easements are and underground utilities and things. It is not to say that yours is that complicated but.

Mr. Davis – That is what I was told to do with this survey and that is what I have been working off and measuring it myself.

Mr. Pettee – Did you base this drawing ...you drew this. This is based off your environmental diagram. Plus 50%?

Mr. Davis – That is what Adam said I needed to have in addition to what I have here.

Mr. Harter – So you have enough to expand. I think a little bit of confusion is that a survey is done by a land surveyor and a surveyor is done by a contractor is a sketch. I think we want a certainty of what is really there so everything comes together. I think perhaps the surveyor who did this would be the go-to person to do it most easily.

Chairman Logan – They would have the electronic record and updated it and place the barn with some certainty to the property line that are needed. When they are doing that, they could put a stake in the ground that would show where it needs to be. Right now, our Code Enforcement cannot confirm anything because you do not have lot lines staked out and location of leach fields. It is more to protect you but also gives our Code Enforcement office the opportunity to verify that it is being constructed in the right place.

Mr. Davis – Who do I contact now?

Chairman Logan – You need to get a surveyor and Scott is suggesting the firm that did the last and is one was in years old. That is Bileschi.

Mr. Pettee – Do you know the firm they are with now?

Mr. Harter – I could find out and let you know.

Chairman Logan – We need something where all the information is accurate on here so we can improve it and allow Code Enforcement to do its job and three allow you r contractor to put the building in the right place.

Mr. Harter – It is helpful at this juncture but also at the construction time. Is it part of our code check that a map be presented to the Code Office showing the exact position? One way or another you're going to need a surveyor.

Chairman Logan – We do not see this as a complete plan of what it is you are asking us to do. Having said all that, I don't hear any objection to the actual project. A few questions but in the end, we want to make sure everything goes where it is supposed to be, and it does not upset your neighbor or overstep the bounds on the ability to expand your leach field if you have too.

Mr. Davis- I thought I had all those checks. I will go back to the drawing board and if you could send me the reference, I would greatly appreciate it.

Mr. Harter – I will send the information.

Chairman Logan – Anyone else have anything else? That is all we have for the meeting.

Motion was made by Joe Limbeck, seconded by Al Gallina, RESOLVED the meeting was adjourned at 7:42 PM

Lisa Boughton, Secretary