

A regular meeting of the Town of Victor Planning Board was held on May 24, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: Joe Limbeck

OTHERS: Dave Nankin, Chris Nadler, David Cox, Wes Pettee, Town Engineer; Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town Supervisor; 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:

There were none.

BOARDS AND COMMITTEE UPDATES:

Town Board representative Ed Kahovec was present.

Mr. Kahovec – Just a couple of items. On Monday the Town Hall will be closed in observance of Memorial Day. There will be a Memorial Day parade this year and expect it to be bigger and better than last few years. Tee ballers and veterans will be out there and will go from the school down thru Main Street and behind the church and then will do the ceremony with the American Legion. June 14th you will have a big meeting but then you will have a Zoom meeting on the 28th because of the primary election.

PLANNING BOARD reported by Lisa Boughton

Tuesday June 14, 2022

PUBLIC HEARINGS

- BCI Parking Expansion, located at 797 Old Dutch Road , applicant is requesting approval to add additional parking to the southside of the existing building to free up space and accessibility on the northside of the parking lot.
- Auction Direct Pavement Expansion, located at 6520 Route 96, applicant is requesting approval to extend the front lot pavement 18’ x 200’ long to display inventory.

- Straight Poel Barn, located at 7479 Dryer Road, applicant is requesting approval to construct a 36’ x 36’ pole barn with a lean too on one side of the proposed barn in the southeast corner of the parcel.
- Gehlen Garage, located at 7483 Dryer Road, applicant is requesting approval to construct a 1,200-sf steel detached garage forward of the house.
- Stone Brook Subdivision, located on East Victor Road, applicant is requesting approval for a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15 plus acres in the Town of Farmington for a total of 115 acres.

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.

DELTA SONIC CAR WASH

40-SP-2021, 10-SU-2021

7463 State Route 96

Zoned – Commercial/Light Industrial

Owner – Dilip Patel

Tax Map # 6.00-1-64.100

Applicant is requesting approval to demolish the existing buildings and to construct a 13,914-sf interior detail building located along NYS Route 96, a 10,257-sf exterior building car wash with 3,185 sf prep hut, located behind existing Taco Bell, a 13,164-sf indoor vacuum building and outdoor vacuum area located behind Wendy's, along with new lighting, landscaping, pavement and drainage.

Chairman Santoro – This application has been removed until next meetings at their request.

CROWN CASTLE d/b/a VERIZON

04-SU-2022

90 Baker Road

Zoned – Residential 2

Owner – Pinnacle Towers

Tax Map # 1.02-1-24.000

Applicant is requesting approval to install 3 antennas and 1 hybrid cable on an existing wireless facility.

Chairman Santoro – This application has been removed until next meetings at their request.

AUCTION DIRECT PAVEMENT EXPANSION

09-SP-2022

6520 State Route 96

Zoned – Commercial

Owner – 6520 Rt 96 LLC

Tax Map # 28.02-1-52.100

Applicant is requesting approval to extend the front lot pavement 18 feet by 200 feet long to display inventory.

Chairman Santoro – This application has been removed until next meetings at their request.

FINAL SUBDIVISION

FAIRWAYS PHASE III SUBDIVISION LOTS 307-312

03-FS-2022

Championship Drive

Zoned – Residential 1

Owner – Fairview Ponds LLC

Tax Map # 6.20-1-300.000

Applicant is requesting approval for resubdivision of Lots 307-312 into 25 individual townhomes.

Chris Nadler, General Counsel for Mark IV Enterprises

Mr. Nadler – Let me thank you to the town staff and this Board for getting us on the agenda so quickly. We appreciate it and have units getting snapped up left and right and people would like to be moving in two months ago if possible. Construction is going great, and we had an open house this past weekend and will continue to have open houses every weekend in June. It was mobbed. People think this is a great a town and great type of units for them to move into. Thank you.

We are here in accordance with our original conditions of approval to get individual lot subdivision. It turns out it could not be done administratively so we are here in front of this Board asking for subdivision approval. I will turn it over to Mr., David Cox, our engineer from Passero, to explain what we are seeking.

David Cox of Passero Associates.

Mr. Cox – If you will remember a couple of years ago we came thru with final subdivision approval of Fairways Phase III so the last piece of the puzzle for this overall development, if you will remember as apart of that, we subdivided each block building into its own lot and then once the foundation gets put in we can shoot survey the actual foundations and find out exactly where the common walls are going to be and then we can come in and further subdivide per individual townhome unit. That is what we are doing now, and we have buildings 307-312 and is 25 units that we are subdividing. We have the private loop road here and then the one to the south. We are working from Gillis into the property and that is the progress. You will be seeing us probably every month or every two months as additional foundations get built.

Mr. Logan – For everyone of these units you already have the foundation in and that why you can do what you are doing?

Mr. Cox – Yes, and a lot of them are fully built and ready for move in.

Mr. Gallina – No questions.

Mr. Harter – Does it follow the same alignment and pattern that you had presented before or is there anything different from what you presented before?

Mr. Cox – It is identical. Maybe some of the foundations might be an inch for field conditions. Exactly the same.

Mr. Harter - I could not remember the exact configuration. I do remember the discussion we had about you are returning for this particular purpose. I have no more questions.

Chairman Santoro – Have you resolved the issue of Gillis Road intersection.

Mr. Cox – We are still working on that with addressing the questions. We did a traffic study and analyzed a dedicated right and left turn lane is not warranted. We did submit that CPL gave us some comments and are wrapping those comments up and will be submitting back to them.

Chairman Santoro – How much time do you think you need?

Mr. Cox – I am planning on sending the comments back tomorrow. There is only five comments.

Mr. Pettee – We did have an opportunity to review this resubdivision plan and as you recall it was submitted as a clustered subdivision. These particular lot lines and some of the frontages would not necessarily comply with the towns standard zoning practice for this district but because it was submitted as a clustered subdivision the same as Phase 1 and Phase 2 from years ago that is what is being presented here. We did have a number of comments that the applicant has responded to. Number one it looks like it would be considered a reality subdivision. Is there going to be a need to get a signature from the Department of Health on the mylar?

Mr. Cox – We will confirm with them.

Mr. Pettee – The private road ownership. We wanted to confirm with hem who would be the owner of the private road, the loop road, as the way the lots are depicted it appears that maybe each individual lot owner would own a portion of that road and maybe a parking space or two. They have indicated that the Fairview Ponds LLC will be the owner of the private road.

Mr. Nadler – For everyone information Fairview Ponds LLCV has changed its name to Champion Reserve Townhomes LLC. It is actually the same legal entity that is just our new name.

Mr. Pettee – IS that identified in the deeds of each individual lot or how is that identified if it is not on the mylar?

Mr. Nadler – It is not identified in the deeds because the entire parcel when we first came to last year was one solid parcel owned by Fairview Ponds LLC. When you file the subdivision, it is just making each one of those lots owned by the same entity that owns all of the parent parcel unless you file a deed with it. If someone needed to prove that Champion hills Reserve Townhomes LLC owned that property, the deeds will be in Fairview Ponds name, but I show the Certificate of Name Change from NYS Department of State and that establishes ownership.

Mr. Logan – I have a question about this arrangement. Normally when your multiple homes on a private driveway there has to be an arrangement or an HOA. Are you saying that Champion Reserve Townhomes LLC assesses a cost for maintenance of that driveway to each one of those townhomes?

Mr. Nadler – This isn't an apartment complex; these are townhomes for rent. One entity owns every single one of them. The only reason is because of the Monroe County Water Authority says you have to have a separate lot so we can bill the water in case you do not pay the water on that lot we do not want to have to charge this guy. That is the only reason unless you know a different reason. Otherwise it would all be one parcel with 72 townhomes on it.

Mr. Logan – The Phase III, are every one of those units going to be rentals? Not just the ones on the private road it is everything? How about Phases 1 and 2?

Mr. Nadler – They are all rentals. When Anthony DiMarzo built them, he sold some of them and then actually bought them back because they did not all sell and started renting them.

Mr. Logan – I wanted to make sure I understood the arrangement and how it is being maintained.

Mr. Nadler – We already have a full-time on-site property manager. By the time it is fully operational we will have at least one or two full-time on-site maintenance staff and in house maintenance and lawn crews take care of the lawn. We have snowplow department that will do the loop road. This is high end and will have full time staff on site.

Mr. Pettee – Th remainder of Labellas comments are fairly minor. Just clarification items identifying the libre and page of some existing easements and providing a note on the plan indicating that this was submitted as a clustered subdivision and depiction of an access and utility easement off site. They have addressed our comments.

Mr. Nadler – Could I make a couple of requests related to the resolution? The first is the item about no final signatures until legal and engineering fees have been paid. We are in the process of talking to Kim Kinsella and Jack Marren about disputing some engineering fees. Not Mr. Pettee's, he has done a great job, but some inspection fees that we think might have accidentally been inflated. We are still obligated to pay whatever the town winds up charging us, but I do not

think the issue will be resolved before we can get signatures. If you could take that condition off.

Mr. Pettee – If I could chime in. This particular condition relates only to this subdivision application and does not relate to other outstanding inspection items. With that are you comfortable with this condition?

Mr. Nadler – Yes, thank you. Number 5 says “comply with all conditions stated in the final subdivision approval from 2007”, I do not know what those conditions of approval are. Can we just insert the word applicable?

Chairman Santoro – Does the Board have any comment on that?

Ms. Boughton – Just as a reference it is what I took from the resolution for Fairways Phase 2.

Mr. Nadler – I do not know what the 2007 one says, and some might not be relevant anymore.

Chairman Santoro – If it is not relevant it will not be applied.

Mr. Nadler – Ok.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Joe Logan:

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on May 5, 2022, by the Secretary of the Planning Board for a Final Subdivision entitled Fairways Phase 3 Townhomes, Lots 307-312 Resubdivision.
2. It is the intent of the applicant to resubdivide Lots 307-312 into individual lots for each individual townhouse unit.
3. Pursuant to Section 27-8J of the Town Code, a recreation fee of \$1500 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 as identified in the Planning Board approval resolution dated October 9, 2012.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of The Fairways Townhomes, LLC Final Subdivision entitled Lots 307-312 of the Fairways – Phase III, drawn by Passero Associates, drawing #20203040.0001, dated April 2022 received by the Planning Board

Secretary April 29, 2022, Planning Board Application No. 3-FS-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the 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 Construction Standards be met.
- 4. That the comment from LaBella Associates dated May 20, 2022, be addressed.
- 5. That the Subdivision which was approved on May 22, 2007, be modified and the Application of the Fairways Townhouses, LLC dated May 5, 2022, for a modification of the approved subdivision be granted, provided that the Developer comply with all conditions stated in the prior Final Subdivision Approval, dated May 22, 2007, and further complies with the requirements herein.

Conditions that are on-going standard conditions that must be adhered to:

- 1. That the final subdivision complies with Town of Victor Design and Construction Standards for 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. That in the event the created lot lines, do not coincide with the constructed buildings, an administrative lot line adjustment is possible providing all regulations are complied with.

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 Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

EXTENSION OF TIME

HIGHLINE PARK PDD

30-SP-2021

Main Street Fishers

Zoned – PDD

Owner – Morrell Builders

Tax Map # 6.00-1-58.320

Applicant received approval on December 14, 2021, to construct a 120-apartment style and 26 townhome style for-rent residential units with supporting clubhouse amenities and parking. Applicant is requesting their first 90-day extension of this approval.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Al Gallina, seconded by Scott Harter:

WHEREAS, in a letter dated May 16, 2022, Marathon Engineering requested a 90-day extension of time for application titled Highline Park PDD, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for Highline Park PDD.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

Motion was made by Joe Logan, seconded by Scott Harter RESOLVED the meeting was adjourned at 7:30 PM

Lisa Boughton, Secretary