

A regular meeting of the Town of Victor Planning Board was held virtually on June 8, 2021 at 7:00 p.m. with the following members present:

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

ABSENT: Joe Limbeck

OTHERS: Wes Pettee, Town Engineer; Councilman Ed Kahovec, 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 Scott Harter, seconded by Joe Logan.

RESOLVED that the minutes of May 11, 2021 be approved.

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

Approved 5 Ayes, 0 Nays,

CORRESPONDENCE:

Mr. & Mrs. Nelson re: 1086 Strong Road Subdivision
Maura Steed re: 1056 Strong Road Subdivision
Chadwick Tuttle re: 1086 Strong Road Subdivision
Sheri Wehle re: 1086 Strong Road Subdivision
Andrew Forbes re: Champion Hills Country Club

BOARDS AND COMMITTEE UPDATES:

Councilman Kahovec from the Town Board.

Councilman Kahovec – This coming Town Board meeting is just going to be to pay bills and the next schedules one will be the end of the month on the 28th. There will also be a 6 pm workshop prior to the Town Board meeting regarding marijuana dispensaries. That’s it for right now.

PLANNING BOARD reported by Lisa Boughton
Tuesday June 22, 2021

PUBLIC HEARINGS

- Woods at Valentown Re-Approval, located at High Point Drive, applicant is requesting re-approval to construct 288 for rent apartments within 12 buildings on 56.87 acres. The project will consist of underground parking and the buildings will be 3 stories for a maximum height of 48 feet. They received Planning Board approval on April 23, 2019.
- Scout Path Preliminary, located on Aldridge Road, applicant is requesting approval to subdivide the 8.84 acre parcel into five building lots ranging in size from .813 acres to 5.09 acres. The home locations will be accessed via two shared common driveways. Sketch plan was acknowledged on February 25, 2020.

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.

Chairman Santoro – I have to recuse myself so Joe Logan will handle that one.

Ms. Boughton read the public notice.

GUINAN MINOR SUBDIVISION

6465 County Road 41

Owner – Edward Guinan

Tax Map # 40.00-1-23.100

Applicant is requesting approval to subdivide the 116.964 acre parcel into two lots. The existing home will consist of 5 acres and the remaining 111.964 acres will make up the second lot. Applicant is requesting a waiver from Design and Construction Standards.

03-MS-2021

Zoned – Residential 2

Diane Guinan, Executor for the Guinan Property

Ms. Guinan – I wanted to make one correction. The house parcel is 4.964 and the remaining acreage is 112 acres. We tried to correct it before but the survey should show 4.964 acres that go with the house and 112 remaining. It is a property that was farmed by my family and my parents have passed and it has gone to the estate and as much as we would love to keep it in the family it was not something we could do. What we are requesting is to have the house a 4.964 acres subdivided from the 112 acres as we have a buyer that is interested in buying that parcel.

Mr. Logan – I am going to share my screen. This parcel here is the one changed slightly or corrected.

Ms. Guinan - That previous to this request we made a request for a lot line adjustment. What you just circled is on the corner of the property and that was a lot line adjustment that was approved and a half acre was given to my brother that lives on that corner. A half-acre was given to another brother that lives on the other corner. The house is in the center. You will see lot 1 will equal 4.964 acre. Nothing really will change other than. The home will stay a home and serviced with water from the town, there is gas coming to the property and a sewer that hasn't been inspected. Unless there is questions. Right now the land is for sale and we have a buyer interested in half but that will be another discussion another day. Right now it is not a subdivision like many subdivision where we would have a developer coming in. That is not what we are trying to do. We just really breaking off the house so that we have a buyer who is interested so we can sell that property.

Mr. Logan – Wes do you have any comments?

Mr. Pettee – Labella provided a letter on June 4 on this project. Fairly straight forward as far as we are concerning. There are several notes on the subdivision plans that we would like to see updated with regard to overlay zoning district, minimum lot size, providing signature block and seal and signature of the design professional who designed the plan. Lot access for the 112 remaining lands portions there appears to be an existing farm lane that is pretty close to the east side of the parcel and that should provide lot access for the large remaining lands area. For the waste water soil testing it is acknowledged that there is an existing septic system here there is an existing house 4.9 acre parcel. They are probably since there is no proposed development here with this application and the size of the lot and remaining lands being 112 acres there is no need for them to do a waste water soil testing in terms of perc tests. That can be done at another time. Lastly this appears that this is an unlisted action under SEQRA. They submitted short EAF and nothing further required from the applicant in that regard. That is all I have got.

Mr. Gallina – No questions or comments. Looks pretty straight forward.

Mr. Harter – I do not think I have anything. I imagine we are going to see this later on down the line when a new owner comes along.

Mr. Logan – This is till early. There is three of us that can vote on it tonight since Ernie has recused and Joe is not here. I do not have an objection or problem with this. I appreciate your comments Wes. Any comments from the community?

Ms. Mandrino – No comments.

On motion of AL Gallina seconded by Scott Harter, RESOLVED, that the public hearing was closed.

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 May 3, 2021 by the Secretary of the Planning Board for a Minor Subdivision entitled Guinan Minor Subdivision.
2. It is the intent of the applicant to create two lots from a 116.964 acre existing parcel. Lot 1 will contain 5 acres with the existing residence. Lot 2 will consist of the remaining 111.964 acres. Applicant is requesting a waiver from Design and Construction Standards.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on June 8, 2021 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Conservation Board reviewed the Unlisted Action on May 18, 2021 and identified no significant impacts.
7. The Town of Victor Code Enforcement Officer reviewed the subdivision in a letter dated May 12, 2021, and provided comments.
8. LaBella Associates reviewed the site plan in a letter dated June 4, 2021, and provided comments.
9. That 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 June 8, 2021 and identified no significant impacts; now, therefore, be it

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

RESOLVED, that the Planning Board waives the Town's Design and Construction Standards for Section 1.2 requirements for subdivision of land including Section 1.8.3.1 for individual subsurface disposal systems; and, be it further

RESOLVED, that the application of Diane Guinan, Executor of Estate of Edward Guinan, Minor Subdivision entitled Guinan Minor Subdivision, drawn by Welch & O'Donoghue, dated April 9, 2021, received by the Planning Board May 3, 2021, last revised May 18, 2021, Planning Board Application No. 03-MS-2021 BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the minor 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 shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated June 4, 2021 from LaBella Associates be addressed.
5. The applicant shall be aware that approval of a subdivision does not mean that the parcel is an approved building lot. Site plan approval is required prior to it becoming a buildable lot and before a building permit can be issued. This shall be noted on the subdivision plan.

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

1. That the minor subdivision comply 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).

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	Recused
Joe Logan	Aye
Al Gallina	Aye
Scott Harter	Aye
Joe Limbeck	Absent

Approved 3 Ayes, 0 Opposed, 1 Recused, 1 Absent

CHAMPION HILLS COUNTRY CLUB

04-SU-2021

675 Championship Drive
Owner – Boughton Properties LLC
Tax Map # 15.00-2-79.110

Zoned – Residential 1

Applicant is requesting a special use permit to remove the conditions that require Champion Hills Country Club to remain a private club.

Chris Nadler Attorney for Mark IV

Mr. Nadler – Thank you for taking the time to listen to this. As I believe you know we have extensive discussion with the town about this. Champion Hills has been losing money in the \$100 of thousands of dollars range for several years. We would like to have a bit more flexibility so that we can hopefully continue on for this really great facility. As you know and what we talked about when I was here a couple months ago getting approval for the Fairways Phase 3 project. This is a great club. There has been complaints about it. No one has said it is too noisy or too much traffic. Nobody has said there is a bunch of hooligans spoiling out from the golf course after league night. This is a well-run fairly high end golf course and facility. The problem is limitations on private membership we simply cannot generate enough revenue to continue operations. It is running significantly in the red. We have had conversations about this with the Supervisor. He indicated that he thought we would be successful at the Planning Board getting this condition. He spoke with the new owners of the Legacy and new owners of the Fairways Phase 1 and 2 townhouses. They have no objection to eliminating this restriction. He spoke with members of the Town Board and they have no objection to eliminating this private club restriction.

The private club restriction came about in 2006 and 2007 when there was uncertainty. The Planning Board at the time did not know what type of facility this was going to be. They did not know if this was going to be similar to Victor Hills or Ravenswood. It is set into a neighborhood setting. There is residential housing on both sides. This restriction was placed on it. 2006 after a melty year review the Town Board passed a SEQRA resolution and a few highlights from that are; noted by the town traffic consultant limitations on the golf course, club house operating officer will not result in a significant impact on the projected levels of service for are roadways and intersections. The SEQRA documents also said as part of its review for special use permit that the Planning Board will consider additional mitigation measure for the golf course including limitations on the size of events, hours of operation, lighting, size of the facility and golf course whole modification.

After this was completed the Planning Board issued a special use permit in 2007. There were four conditions on that permit. One, limit the size of the events will be accommodated by onsite parking. Two, hours of operation will be limited to 6 am to midnight with an additional hour for employees. Three, facility use will be limited to functions of the private membership and their respective guests to the golf course and Fairways townhome owners. The fourth had to do with golf course layout modifications.

2012 for reasons required by the NYS Liquor Authority, Champion Hills requested and was granted a modification to the special use permit by this Board. The conditions there were three. Although the clubhouse will not be restricted to the private membership and there quests the adjacent recreational areas and facilities including the pool and golf course, will be restricted it the private membership and there quests. The applicant will not publicize in any form that the clubhouse now be restricted to the private membership, and number three the Planning Board will have the right to review the operations of the clubhouse and facilities on an annual basis and will be authorized to add or delete condones to the special use permit as it deems necessary.

What did that get us? It got us a maximum pool capacity of 102 bathers, a maximum clubhouse capacity of 122 individuals. Those are health department restriction and we have a restriction on our golf number between 7-8 am and 7 pm the maximum number of rounds that could be played is 324. That is with a nine minute interval between starts. That is what our golf course professional told me that is the maximum number that could be accommodated. It has never been there but that is the absolute most we could ever ask. We have only 106 parking spaces onsite and that further limits our actual capacity. We have 102 in the pool, 122 in the clubhouse and 324 on the golf course at any given day.

What are we looking to change here? Nothing. We want the exact same numbers. Those are the exact same numbers that are the most we can have. There will be no increase in traffic from what we have currently approved. There will be no increase in noise or light. Our season pass holders will have exact same privileges as members. They will simply be no change in impacts from this requested modifications where it is a special use permit.

Our request complies with the Town Code Section 211-42, for special use permit for recreational areas. It will not be detrimental to adjacent properties because it is not going to change any from what we have currently have approved. It will not create a hazard of any nature to adjacent owners or occupants because we are not going to change anything that we already have approved and we will not unreasonably interfere with the lawful enjoyment of public highways or adjacent properties. We are looking at the exact same number of vehicles trips and golf course and clubhouse users as we already have approved. The only thing this will allow us to do is hopefully increase our revenue so we can be able to continue operating this great facility for the residents of Victor and surrounding areas. I am happy to answer any questions.

Chairman Santoro – Wes any comments?

Mr. Pettee – I did get an opportunity to take a look at the request. We did not put together any comment letters at this point and I did coordinate with Kim on the timing on any potential review and not providing a letter for this meeting. We would like to defer to the other Planning Board members to get some of their comments and feedback and see what they might have to day.

Mr. Harter – I noticed that when I went thru the material it seems like some of the Planning Board members today were Planning Board members when this was going thru in the past. I am a newer Planning Board member so I do not have the history as some of you do. In listening to Chris speak about the proposal it sounds like we are just changing the word private to public and all the other strings that hold part as the special use permits. I would like to listen to the other members in what they I=think of the application. They are more knowledgeable about the project then I am.

Chairman Santoro – Joe and I were on the Board when this was on. AL, were you on yet?

Mr. Gallina – I was for the modification in 2012. My question would be if the intent of the applicant is fundamentally no change in the number of expected customers or guests to come and use the facility and I understand the business is losing money right now so if you are not drawing more people to the site then what is the purpose or goal of changing the restriction from private to public?

Mr. Nadler – The goal is to draw more people to the site but we won't be drawing any more people then what this Planning Board has already approved then what we could draw to the site under our current approval. Our current approval would let us have 324 rounds of golf and 102 swimmers. As a private club we cannot get them. This is a high end cottage style golf course and have some great members and a lot of loyalty. There is a maximum number of people who want to pay in the thousand dollars year to play golf at a 9 hole cottage style golf course. We would like to draw some more members in. Victor has a great reputation for being available public golf courses. This isn't going to be like that. You are not attracting the same type of people that you would at some of the golf courses that are in Victor. Our public rate if we are allowed would be \$47 for nine holes on a weekday and \$62 for nine holes on a weekend. That would be by far the highest rate in the area. We are trying to attract serious golfers who want to

play a cottage style course. I do not anticipate a lot of repeat customers. We are not going to get a bunch of foursomes who want to go out drinking and partying on a golf course. We have a liquor license and an owner that the liquor license isn't his source of income. The goal is to bring more people in but the kind and number won't change any impacts and even if it did we would be allowed those same numbers as a private facility. We just cannot get the members.

Mr. Gallina – Effectively if we are still capping the capacity consistent with what it was from a private membership then in my mind that is the mitigating factor that does not create any additional environmental impacts.

Mr. Nadler – Thank you. I prepared a resolution and do not know if you are using it or Kim has provided a different one but it keeps those same conditions. The Planning Board limits the size of the events to those which will be accommodated on with onsite parking, same hours of operations and restrictions.

Mr. Gallina – One more question which would be a potential alternative in the event that the Board did not approve this positively. There is asset membership fee today could you effectively get to the same outcome if you said look a membership fee is a \$100 annual fee and you could still increase the draw on the faculty and basically becomes a cost per use and not relying on the membership fee but the usage fee.

Mr. Nadler – For a nickel we could charge as they pay greens fee.

Mr. Gallina – The reason I bring that up is the fact that it is public versus private really a not effective control at the end of the day anyways.

Mr. Nadler – I appreciate that and that is what we are trying to do her is not play around. I think we could successfully play around and get what we want but I rather just do it on the up and up with the town.

Mr. Logan – I was on the Board when we approved this and was a long process. The question I had as I was listening to your explanation of where you are with the losses and things is that you made a statement that you cannot get anymore then you have now. Have you even come close to getting that? The number of rounds is low and is that because you do not have all of the units built or is truly because you cannot get the memberships numbers?

Mr. Nadler – I do not think it has to do with the units. The initial goal was to have Legacy Fairways residents be the membership and it did not materialize. I do not know the exact numbers but probably 5 or 10% of the Phase 1 and 2 Fairways are members. Most of our members come from out of the development. The number of rounds played with a private membership is they pay one time annual fee and can play as many rounds as they want. Do have members that play back to back or come back in the afternoon. The number of rounds with a private membership is the same Amount of traffic but does not make us any money.

Mr. Logan – I want to make sure I understand the new proposed model. You are still going to have the membership or are you going to have two different types. One membership and then one public access one time use.

Mr. Nadler – That is exactly it. It will be essentially a semi private club. There will be season pass holders who have the exact same privileges as our members do right now. Use of the pool, the unlimited golf and use of the facilities. We will also accept with reservations members from the public.

Mr. Logan – I saw some comments from the residents regarding traffic. From how you have explained it and I think it makes sense is there won't really be any increase in traffic because first of all you are not even finished building out yet and secondly you can only have so many people playing in a day anyway. I am sympathizing and agreeing with Al's comments and Scott thought as well... I am as well and that is all the comments I have.

Chairman Santoro – Let me just comment that at the time this was originally proposed and the reason these restrictions were put on was there was a feeling of some of the Board members, they are not anymore, was this may cause a problem with the neighborhood and traffic. It has not turned out to be that way so I think you have established that what you have been doing isn't going to be disruptive.

Mr. Logan – With that do we have anything in there or are the conditions the same basically that we can review it from year to year.

Ms. Kinsella – That is a condition of the approval in the draft resolution.

Mr. Logan – I do not have an objection moving ahead once everyone else's questions.

Councilman Kahovec – This has come before the Town Board and we are in support of it as Chris had mentioned. Also there have been no complaints from the Codes Department in any regard to Champion Hills. Even thou we said we review it over multipole years we have had no complaints.

Chairman Santoro – Anyone called in from the public?

Ms. Mandrino – There are no comments

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

RESOLUTION

Motion made by Scott Harter, seconded by Joe Logan.

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

1. A Special Use Permit application was received on May 7, 2021 by the Secretary of the Planning Board for Champion Hills Country Club.
2. The applicant is requesting an amendment to the special use permit to remove the conditions that require Champion Hills Country Club to remain a private club.
3. The Town of Victor Planning Board granted a Special Use Permit on February 13, 2007 to Boughton Development LLC, for the operation of a nine hole golf course as part of the Fairways Project.
4. The Special Use Permit authorized the operation of the golf course and associated facility (clubhouse and pool), and was subject to various conditions, including:
 - a. The facility use shall be limited to functions of the private membership and their respected guests to the golf course and Fairways town home owners;
5. The Town of Victor Planning Board modified the Special Use Permit on June 27, 2012 to accommodate liquor license requirements, including the following conditions:
 - a. Although the Clubhouse will not be restricted to the private membership and their guests, the adjacent recreational areas and facilities, including the pool and golf course will be restricted to the private membership and their guests;
 - b. The Applicant will not publicize in any form or medium, that the Clubhouse will not be restricted to the private membership and their guests.
6. 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.
7. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
8. The Planning Board held a public hearing on June 8, 2021 at which time the public was permitted to speak on their application.
9. The proposed use of the property is not listed as a permitted use in Chapter 211-22, therefore, a Special Use Permit is required.

- 10. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
- 11. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- 12. The proposed use conforms to all applicable regulations in the district which it is located.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 8, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Champion Hills Country Club Special Use Permit 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 Boughton Properties LLC for an amendment to the Special Use Permit received by the Planning Board May 7, 2021, Planning Board Application No. 04-SU-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

- 1. That comments from Code Enforcement Officer, dated May 26, 2021 be addressed.
- 2. That the Planning Board limits the size of events to those which will be accommodated by onsite parking.
- 3. That the hours of the golf course and associated facility shall be limited to 6:00 a.m. to 12:00 a.m. (midnight), allowing employees an additional hour.
- 4. The Planning Board will have the right to review the operations of the Clubhouse and the facilities on an annual basis, and will be authorized to add or delete conditions to the Special Use Permit as it deems necessary.

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

Mr. Nadler – Thank you. We will be coming back to you on other projects in the near future.

KEYSTONE NOVELTIES FIREWORKS

15-SP-2021, 05-SU-2021

7161 State Route 96

Zoned – Commercial/Light Industrial

Owner – BB Route 96 LLC

Tax Map # 15.00-1-19.111

Applicant is requesting approval to set up a 20'x40' tent to operate a retail sale of sparkler products for the 4th of July holiday. Operating hours will be from 9am – 9pm increasing to 10 pm on July 2 and 11 pm on July 3 and 4 with someone on the property 24 hours a day.

Chairman Santoro – There are some staff comments. Planning Board to address setback issue and lighting for after dark.

Alex Mutzabaugh of Keystone Novelties

Mr. Mutzabaugh – I have these comments and wanted to address those. As for the setbacks, I looked myself to reassure and was not certain if the were regulated anywhere for a certain distance past setbacks or property lines. We setback 40 feet for where our tent is and off of the road where the marking is for our distance I know the properties setback is 30 feet. So our tent is actually 10 feet back from the property line so if there is a necessary need for us to move back further to accommodate that then we have a bit of room to move back slightly for. The lighting we do provide a generator. A 3,000 generator that we use for lighting once the natural light is gone and we can operate for a few more hours. It is used to power and recharge the point of sale technology as we basically do all sales from an iPad tablet. That keeps us in business just for the day if that starts draining power during the day.

The signage. The two signs that we typically use that are banner signs that are roped to the sidewalls of the tent. Those would be hung against the sides of the tent shown and there sizes are a 3 x 10 for the large Keystone Fireworks banner and 4 x 6 for the Buy one get one. We do have two other signs that sometimes are interchanged and basically say open or free fireworks to advertise that we do a buy so much get some free. Those are sometimes interchanged and we would be limited to just using one of those 4 x 6 signs. Those would be the two signs we would be using and hanging on the walls of the tent.

Other than that our tent layout is similar style which we have done for a few years now that we have been operating here in Victor. It would mimic as we always have. If there are any questions regarding that I would be happy to answer.

Chairman Santoro – Wes, any comment?

Mr. Pettee – No comments on this application Ernie.

Mr. Logan – No I think this is pretty straight forward. They have done this before. Other than the setback if it needs to be further back I am fine with that. It is a wide DOT right-of-way along there and don't see it terribly effective. That is all I have.

Mr. Harter – The only question I have is that is going to be essentially identical to what went on last year and the previous year. Same layout, same type of signage from a street view?

Mr. Mutzabaugh – This would be basically be mimicking the exact same thing that we have been doing for about 4 or 5 years.

Mr. Harter – No further comments.

Mr. Gallina – I am all set.

Chairman Santoro – As am I. This has been there for several years and no problems.

Ms. Mandrino – There are no comments.

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

RESOLUTION

Motion made by Joe Logan, seconded by Scott Harter.

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

1. A Site Plan and Special Use application were received on May 14, 2021 by the Secretary of the Planning Board entitled Keystone Fireworks Tent.
2. It is the intent of the applicant to set up a 20'x40' tent to operate a retail sale of sparkler products for the 4th of July holiday. Operating hours will be from 9am – 9pm increasing to 10 pm on July 2 and 11 pm on July 3 and 4 with someone on the property 24 hours a day.
3. The applicant has requested that this approval be considered until July 9, 2024 contingent upon receiving property owner's authorization annually.
4. The proposed use of the property is a permitted Special Use in Chapter 211-23.

5. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
7. The proposed use conforms to all applicable regulations in the district which it is located.
8. 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.
9. The Planning Board held a virtual public hearing on June 8, 2021 at which time the public was permitted to speak on their application.
10. 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 8, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Keystone 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 Keystone Novelties LLC, received by the Planning Board May 14, 2021 Planning Board Site Plan Application No. 15-SP-2021 and Special Use Application 05-SU-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated June 3, 2021 be addressed.
2. That a Peddler's/Solicitor's License be obtained from the Town Clerk prior to erecting tent and sales.
3. That if the Peddler's/Solicitor's License is suspended, the tent will be removed at the owner's expense within 10 days.
4. That hours of operation from June 23 to July 1 to be 9:00 am to 9:00 pm, July 2 from 9:00 am to 10:00 pm, July 3 and 4 to be 9:00 am to 11:00 pm.
5. 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.
6. 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.
7. 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.
8. That there be a limit of (2) signs on the tent and shall be compliant with Town Code.

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

SKETCH APPLICATION

1086 STRONG ROAD SUBDIVISION

01-SK-2021

1086 Strong Road

Zoned – Residential 2

Owner – Trust the Ott Irrevocable Survivors

Tax Map # 26.00-1-13.100

Applicant is requesting **acknowledgement of a complete application** to subdivide 34.9 acre parcel into 11 single family lots including an existing house and garage. This is the first step of a major subdivision and only acknowledgement of a completed application will be considered at this meeting.

Chairman Santoro – This is not a public hearing and only to go over sketch application.

Mr. Pettee – I just wanted to mention that this is the first step in a major subdivision review process. For those of you who might not be aware there is a three step subdivision process in the Town of Victor for a subdivisions that involve creation of four or more lots and since this particular subdivision is seeking to create approximately 11 lots. This is the first step in a three step process and really an opportunity for the applicant to informally present their proposal and for them to obtain feedback from Planning Board members so that a preliminary design can be brought forth at a later date for consideration by not only the Board but as you said a future public hearing where the public will be afforded that opportunity to speak on the potential design of the subdivision application. Then there is the final subdivision stage that is another opportunity for a little more design review a potential comments at that point. I just wanted to start with that too.

Mr. Harter – I do not have any comments

Mr. Gallina – No questions at this time Ernie.

Mr. Logan – No. I was reading some of the correspondence with some objections to the fact that it looks more like development with closely spaced homes. I look at the aerial they look the same across the street just a little bit wider. I do not know if you want me to go into that now or you want to wait for further discussion.

Chairman Santoro – Doug are you here for this one?

Doug Eldred from Douglas Eldred Engineering and Steve D 'Anna

Mr. Eldred – Steve D 'Anna is going to be the developer of the property from A6 Property Holdings and likely Jake Harrington from Build your Own Homes will be the builder for the project. I can do a regular presentation?

The site sits at the southwest corner of Strong and Taylor Roads about 34.9 acres. It is in the R2 zoning district and also in the A overlay district. The development is limited to .33 lots per acre which comes up to 11 lots. The subdivision includes would have all frontage lots. The Ott family homestead would be on a 1.5 acre at the corner of the property and would include the house, garage and its environmental setting with the hedgerow that goes around it. The rest of

the property except the southwest corner is currently used mainly for pasture land for cows. At the southwest corner of the property there is wood lot and steep slopes. An intermittent stream runs thru there most of the area drains to that stream. Obviously that is a pretty good candidate for a conservation easement area. That is exactly what we are proposing.

The other areas of the site is mainly pasture land. It generally drains to a low area in the property where I have shown the infiltration area. We would include 17 acres of the pasture land to come up with a total of 50% of the property that would be in an open space situation. The 17 acres of pasture land we would like to do an open space easement. We really wouldn't want disallow gardening or landscaping or something along those lines since there is no disturbance of land.

There are no sewers on the property and would be doing individual septic systems and in fact we have completed a perc test deep hole program for the property and we have very good perc there. 5-10 minutes and no ground water and a nice situation for septic systems. We would be bringing water main to the site. We have to extend it about 750 feet down Strong Road and east and west along Taylor.

There was some comments about the property looking a bit routinely. I want to guide you thru the property layout. There are two main situations out here. One is this low dry area or kettle where everything drains too. That actually runs northeast southwest for some distance between lots 4 and 10. We have this area where we cannot do anything with it. The other situation is the sight distances out here. Sight distances along Taylor Road are generally good except for lot 8. Lot 8 is much wider than the rest of them so to get proper sight distance we will be having a driveway entrance on the west side of that. The reason for that is there is hill right before you get to the Taylor Road Strong Road intersection that affects sight distance pretty significantly. Likewise on Lots 10 and 11 there are situation that effects sight distance. There is good location on 11 where it is sort of at the top of a hill where you can see in both directions and 10 can have pretty good sight distances in both directions. Lots 1-7 that because of sight distance and topographic constraints end up being more routinely. They are 150 foot wide lots and not undersized per code. They are 150% of the minimum which is 100 feet. They are in conformance with the code and d 920 plus feet deep and that makes them 3 acre lots in general and completely conform with that surrounding the neighborhood density in addition to the conforming to the code.

One of the folks had mentioned that they would like to see some staggering of the buildings and wanted to touch on that a little bit. Lots 1-4 the property drains down towards the road and can have the septic system in the front. Those lots can be staggered back and in the front would be the septic system. If we look at 5, 6 and 7 the land drops below the road and I have limited ability to put the septic systems in before we get to the low area. Those houses will tend to be more towards the front of the lot if you will and that is the reason for that. We need to be downhill to the septic systems but do not want to get the septic systems in the infiltration area. The infiltration area is much bigger. It is the land, the sight distance and everything combined dictated the layout on the property. It is 100% conforming and we did pay attention to sight distance pretty significantly as it is somewhat of a concern.

The other thing is that we are looking at plenty of landscaping and in general the site layout is quite nice. We had talked over doing a couple of flag lots and putting them on top of a hill but the top of the hill would be to the south centered area and that would tend to effect the value of the surrounding lots. We ended up with the way it is.

The next thing I would like to talk about is the Access Management Plan. Labella comments indicated the road is classified as a thru local road. For obvious reason it is a collector of sorts. With that designation is the suggestion is that driveways should be 440 apart. IU wanted to frame this as this is in fact rural roads. They are not high traffic volumes and actually very low. In fact Steve D 'Anna did some traffic counts for me. Could some put those up? If you take a look at these and the volumes on Strong Road are really light maybe 1/10 the capacity of the individual lanes. You have a 113 cars going northbound and south of the intersection you have 117. North of the intersection those lines are fairly, low and indicative if the rural nature of the road. Taylor Road is ridiculously low volume. There are 7 cars going east and 3 south during peak hours in the am. That is another reason to put more driveways on Taylor Road. Looking at the peak hour they are similar. South bound traffic on Strong was up to 142 to 148 traffic. The Taylor Road volumes are 14 and 13. It is a very low volume road. I think it is discretionary if you would want to propose a particular restriction on driveways and considering we have properly proposed driveways for sight distance considering that these are high end homes and they do not want to share driveways obviously. Putting a French road is simply not in the cards. It is way too expensive. For those reason we certainly would be looking for a waiver from that section of the Access Management Plan.

Finally, folks are talking about the character of the neighborhood and things like that. It is an open field but I can guarantee if you build half a million dollar house you would be doing some landscaping. It has a nice woods in the back and I think we have taken into consideration the major factors. I did get comments from Fire District, Al, Labella and can acknowledge those if you want me to address those. I did not see anything in there that would be problematic. With that I will entertain any questions.

Chairman Santoro – Anything?

Mr. Gallina – No questions Ernie.

Mr. Harter – I have a couple comments and couple questions. My comment is it similar to what we have seen before? Large lots on town highways and we have gotten into several times the issue of access management and it seems like we gravitate to the site distances as being the item we hang onto. I am not sure that this is much different then what we have seen before that way. I get the feeling as maybe as a Board we need to do some self-examination on how tightly we want to hold those access management regs that are published in our code because I cannot really think of many projects that may be able to conform with those. That is my comment. My question is that looking thru the Labella letter I noticed that Wes flagged the reality subdivision status. Is that problematic for you in terms of the acreage for the lots that you are proposing. Does that effect you?

Mr. Eldred – I think what Wes was saying was that we have to go thru the full review process with the Health department and a number of agencies because of the number of lots we are dividing. I could be wrong if I misinterpreted that. This property actually crosses over to the east side of the road. I think you guys did a 2 lot subdivision over there for the Ott's. This is the property left over on the other side. Unless I missed something I think it is a standard reality subdivision process. We go preliminary and final.

Mr. Pettee – I believe you are right. I will be consulting with Jodi Allen at Labella on future preliminary and some of you may know her. I think the reality subdivision rules kick in due to that five or more lots being created with in a three year time span that are less than five acres in size. That kicks in a DOH review for septic systems and I do not think it is anything out of the ordinary with this particular type of subdivision. I think that can be done in concert with the towns review.

Mr. Eldred – That would be my interpretation as well. It is great to be back and doing and working with his Board.

Mr. Harrington – I am with Build Your Own Home and I would be the home builder on the site. Really the thought process going in to lay the site out was if you look at it from a development standpoint and you get in and get the houses off the road. The site is really not developable. You have steep slopes and wooded areas. You have a massive amount of earthwork if you can even move it that you cannot develop the property. That is why we stuck with the road frontage lots. We also thought it was good for the town because it is less impact on you guys from a maintenance standpoint in terms of having to plow roads and maintain things like that. That is why we laid the subdivision out the way we did. Every one of those lots has absolutely gorgeous views from the back decks. It is all rolling hills and wildlife.

Mr. D'Anna – I would follow that up with we tried to keep the essence of the area out there and maintain the open space and keeping with the conformity with the regulations. I think with the way the property is laid out it is similar to the neighboring area and keeps a lot of the esthetic and environmental aspects to it and we really thought that minimizing the impact of the area was going to be a benefit. The area is beautiful because it is open and is larger lots that keep all the greatness of what you have there and not congested. I think what Doug eluded to is we really kept to the regulations and want to get something that the town and the folks that are living there will be very proud of and look like it had been there for a while and did not drop in and be different and fits with what is there. That was the intent of all that and why we laid it out that way.

Chairman Santoro – Any other comments? As I said when we started it as a sketch application.

Mr. Logan – I wanted to make a quick comment about the character and the comment that we got. If you are looking at their plan you see house after house and one of the comments said they are close together and it is not the character of the neighborhood. If you look across the street

they are farther apart but as soon as I go to view it is rolling hills. Is that area that is going to remain undeveloped still going to be farmed? Any attempt to allow someone to farm it? Otherwise it will become overgrown because we cannot mow it or do any other landscaping. Anyone care to comment on that?

Mr. Eldred – We did have a conversation with the Conservation Board. The area to the east of the woods we want to be able to mow that a couple times a year and be able to get gardens back there and things of that nature and the only thing we would want to restrict is the building of structures. They were contemplating we wanted to be able to mow it like a line. Most people do not want to mow 3 acres. On the other hand I think it would be nice to allow the mowing back there. Each individual homeowners can decide how they want their open space to look like. I hear what you are saying and it is a little bit complicated because we do not have 15 acres of woods out there to keep the open space so we need to include the part of the farmland in there. It is in its current state it has a certain attraction to it. As meadow area to me that is not objectionable if you want to let it grow a little higher is somewhat mowed lawn would be ok. The conservation Board said they wanted to contemplate what they thought would be a maintenance program for this area that does not include a conservation easement where we are saving woods and streams and all that stuff. They were kind of leaning towards along some level of mowing I think would be nice but the grasses are nice and they are not weeds so to speak but to let them grow up to a couple of feet. I do not know the danger if you will allowing people to decide what to do with that area as long as they are not tearing it up and building structures on it. It is preserved as open space and however you maintain it should have a current quality to it. The other thing is that these are going to be upscale homes and the people are going to want it to look nice.

Mr. Logan – As we go thru this I would expect that the Conservation Board would have some more to say about it and would be interested to hear they would envision for this. I do not have an objection to leaving it this way. The main point was has it been discussed or thought about how this will look in 20 years for instance if it feral and goes wild.

Mr. D'Anna – There was also some discussion about demarcation of the area so that people knew where it was and we were open to that and if that was the suggestion from the Board was either a post or boulder to act as a demarcation for that area. We are open to those comments and understanding of how that should go. There was healthy discussion and I think that was an open item to further work on as the plan formulates.

Mr. Logan – My other comment was about that it is not going to be the same character as what is out there and admittedly these are wider lots but as soon as you go back to the plan these are still strict lots on the property that you are proposing rather than putting a road thru here that the town is going to have to maintain and take ownership of. I think I would prefer from the towns perspective not to have to maintain additional infrastructure. Those are the couple of points I wanted to make.

Mr. Pettee – I have a couple of comments but I do not want to jump in until they are all set. I wanted to follow up on Scott Harter comments on Access management because I think he has noticed some history as applications come before the Planning Board and I am sure other members has noticed as well, I have had some preliminary conversations with Kim Kinsella and I also followed up with Lorenzo staff here at Labella the folks that helped put together the Access Management plan. That plan was put together by Labella with the assistance of Ontario County Planning Department and I think Ontario actually created the regulations that were adopted in the town's code which are now Chapter 55 of the Town Code. As part of that during the consultation Ontario County had us identify and classify some of the local roadways as "local thru roads" what the regulations have done was basically make it so that every road in the town would need to comply with the driveway separation distance requirements and those are useful for your more congested areas or Route 96, 251 and maybe some of the County roads that when we are out in the country on these rural roads and the single family homes they are not traffic generators. The peak hour it is not a traffic destination that you are getting one or two cars per lot and that separation distance I do not believe comes into play as a critical as out in the countryside as it is in the more suburban and urban environments. I am in the process of drafting a memo and also mentioned something to the supervisor and my concerns and observation as we have gone thru several applications here with the Access Management and drafting the memo and I will note the observation and concerns and submit to Kim and Jack for consideration. It seems that maybe when we are looking at providing waiver after waiver that a similar standard where someone is asking for a variance every time you are coming to the Planning Board that maybe that code needs to change. Maybe the code is flawed. I will continue to work on that and we can keep you updated.

RESOLUTION

Motion made by Joe Logan seconded by Al Gallina.

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

1. A sketch plan application was received on May 7, 2021 by the Secretary of the Planning Board for a Major Subdivision entitled 1086 Strong Road Subdivision.
2. It is the intent of the applicant to subdivide a 34.9 acre parcel into 11 single family lots including an existing house and garage.
3. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Conservation Board reviewed the sketch plan on June 1, 2021 and stated that the conservation easements are clearly marked and that homeowners are aware of restrictions.

5. LaBella Associates reviewed the sketch plan and made comments dated June 7, 2021.
6. The Codes Department reviewed the sketch plan and made comments dated May 14, 2021.
7. There was a Coordinated Fire Service sketch plan review and made comments May 11, 2021.
8. The Town of Victor Highway Department reviewed the sketch plan and made comments dated May 12, 2021.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of Steve D'Anna of A6 Property Holdings, Major Subdivision entitled 1086 Strong Road Subdivision, drawn by Douglas Eldred, dated May 3, 2021, received by the Planning Board May 7, 2021, Planning Board Application No. 01-SK-2021, the Planning Board **acknowledges receipt of a complete sketch plat application;**

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary forward a copy of this resolution to the applicant.

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

ROYAL CAR WASH SITE MODIF. – 1st 90 DAY EXT. REQUEST 23-SP-2020
 607-609 Rowley Road Zoned –Commercial

Owner – Royal Wash Victor, LLC

Applicant received approval on December 15, 2020 to construct a 3rd stacking lane with pay-island, 15 additional vacuum stalls and 5 employee stalls. Applicant is requesting their first 90 day extension of this approval.

RESOLUTION

Motion made by Al Gallina, seconded by Joe Logan.

WHEREAS, in a letter dated June 1, 2021, Anthony Daniele of Victor Royal Wash LLC requested a 90-day extension of time for application titled Royal Car Wash Site Modification, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for Royal Car Wash Site Modification.

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 8:20 PM

Lisa Boughton, Secretary