

A regular meeting of the Town of Victor Planning Board was held on June 14, 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, Peter Vars, Greg Barkstrom, David Wright, Christian Gehlen, Steve Straight, Adam Reitz, Jeff Smith, Lucas Bushen, Tim Smith, Scott Reinhart, Wes Pettee, Town Engineer; Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town Supervisor; Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary.

The meeting was opened, the Flag was saluted, and the Pledge of Allegiance was recited.

**APPROVAL OF MINUTES:**

On motion of Joe Logan, seconded by Al Gallina:

RESOLVED, that the minutes of the meeting held on March 22, 2022, April 26, 2022, May 24, 2022, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Absent

**CORRESPONDENCE:**

Peter Vars, BME Associates re: Delta Sonic Car Wash

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Ed Kahovec was present.

Councilman Kahovec – All next week there is early voting in this room, and it is used for that purpose. Starting on Saturday the 18<sup>th</sup> thru the following Sunday this room is in use. The 28<sup>th</sup> is the primary election. Also, Monday the Town Hall is closed on the 20<sup>th</sup> for Juneteenth.

PLANNING BOARD reported by Kim Kinsella

Tuesday June 28, 2022

**PUBLIC HEARINGS**

- DiPasquale Garage, located at 7928 Oak Brook Circle, applicant is requesting approval to construct a 325-sf garage on the parcel.

Chairman Santoro – As a reminder the next meeting is a ZOOM meeting since there is no place in the building for us with the primary elections going on.

*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.

James Boglioli Attorney for Delta Sonic

Mr. Boglioli – I would like to thank the Board; I have been coming here 20 years and this is the first time I have been first on the agenda. I am not going to walk thru the entire project. This is our fourth public hearing, and I will walk thru what we have been last here. Please go to the building elevations. You asked for the color blue that it was going to be in. I brought a sample of a dark blue.

Mr. Harter – Is the blue illuminated?

Mr. Boglioli – It is not illuminated. It is similar to a standing seam metal roof.

Chairman Santoro – It is ultra-marine.

MR. Logan – James, that roof is actually clear. That is clear because that is the way it is going to be finished.

Mr. Boglioli – We have addressed all the comments we have received and supplied written responses. We have gotten sign off from CPL who has signed off on the traffic study. The County has also signed off on the traffic study. As you recall we are converting the driveway from full access to right in right out on Main Street Fishers Road. We have gotten some correspondence from the owners of Denny's and Peter Vars their engineer. Initially I responded to that, and they have an easement, and it gives them rights to the driveway but not any configuration of that driveway. Simply they have no legal rights to us converting it from right

in/right out. I did get a letter at 5:14 pm and I have been doing these 20 years and typically don't dump on people when they show up to a meeting, not the way I do business. It appears that what they do want is cross access and we have no issue giving them cross access. If that is the desire to have cross access over our road like we did to the Taco Bell and the hotel on the other side, we have no opposition to that. We will give cross access. Besides that, stormwater has been designed to comply with all the regulations. Your engineer has reviewed it. The stormwater pond has been designed to accommodate the drainage for Denny's and the rest of the site. All the other changes remain the same.

MR. Logan – I am trying to discern from this plan what is the cross access. The plan shows Denny's coming right into the road that comes from Main Street Fishers and cuts across.

Mr. Boglioli – They do not have the legal right to the rest of the road. Legally their rights are to the driveway, and it appears from the letter is they would like rights over the entire road so they can access the other driveways on site.

Mr. Logan – Physically you have laid it out appropriately for that right, just you need a legal document that says they have the right to go across that section of road that is part of it.

MR. Boglioli – For all intents purposes you and I both know that people are going to drive that way anyway, typically there are easements that are recorded or as a condition of approval. I gave as a condition the approval for Taco Bell and the hotel. We have no issue giving it to Denny parcel.

Mr. Logan – I can imagine if the property was going to be redeveloped, they would want that anyway. It sounds to me it will work for everyone.

Mr. Boglioli – We are a vehicular driven use. More cars are better for us. It is not an issue. Easier for people to get their cars washed if there is another use there it works for us. It appears to me that is what they want, and we have no problem.

Mr. Gallina – I have no questions.

Mr. Logan – I appreciate the architecture upgrades and addressing the comments from the Board.

Mr. Harter – I would like to hear from Denny's engineer to see if that proposal satisfies the concerns.

Peter Vars from BME Associates

Mr. Vars – With me is also Greg Barkstrom from LeChase Development Services and are now the owner of the Denny's property. Based on what we have heard this evening that is acceptable. That is in the simplest form is all we were requesting is with this site plan application that as required under the Access management Chapter 50 of the code and the Route 96/251 overlay

District requirements of shared access easements that with this modification being proposed that here was going to be a hardship created on the Denny's parcel. We agree with their interpretation that they had the right to reconfigure that driveway. We were not disputing that or question but just the fact that by doing it, it would be creating a hardship, so we were asking that the Board thru the other provisions of the Town Code made sure that access was provided out. As he mentioned, he is exactly correct, and we all know that people will likely do it anyways. We have to make sure on behalf of the Denny's property owners that their rights are protected, and they do have that access out to 96. Based on what he has entered into this evening that is being provided and appears in the conditions of the resolution that satisfies the concerns of the property owner of the Denny's parcel.

Mr. Gallina – I have a question. IS there any immediate plans to do some grass cutting and trimming of the property since it is the gateway into the town?

Greg Barkstrom of LeChase Development

Mr. Barkstrom – It will be mowed but the end of the week.

Chairman Santoro – Anyone from the public have comments? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0. 1 Absent

Mr. Pettee – Just a quick follow up to some of the concerns that we had. I want to make sure the Planning Board is satisfied with the architecture and color sample you received tonight. I have prepared a portion of Part 2 of the EAF. I can put it up on the screen and looking for some assistance on architecture specifically.

We do not have a resolution prepared for tonight but based on the information that we have received recently from CPL signing off and appearing to be satisfied with all the traffic information and your signoff on architecture and following up on the details for the cross-access easement for the Denny's parcel we will be prepared for a resolution at the next meeting.

We will not labor thru this since most of the answers to the impacts are yes, but underline questions marked off as no to small impact.

1. Impact on Land; the proposed action may involve construction or physical alteration of land surface of the proposed site. This is No.

2. Impact on Geological Features; The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves). This is No.
3. Impacts on Surface Water; The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes) I have indicated Yes, there is going to be an impact to some type of surface water. There is a stream not too far way and there is an intermittent channel where there will be some piping installed. While yes there are impacts, all of the sub questions are checked off at this point as no or small impact may occur.
4. Impact on groundwater: The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer. As a conservative approach I have checked yes here. This is No.
5. Impact on Flooding; The proposed action may result in development on lands subject to flooding. I have indicated No.
6. Impacts on Air; The proposed action may include a state regulated air emission source. I have indicated No
7. Impact on Plants and Animals; The proposed action may result in a loss of flora or fauna. I have indicated Yes, but small to moderate impact.
8. Impact on Agricultural Resources; The proposed action may impact agricultural resources. We checked No.
9. Impact on Aesthetic Resources; The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. I have indicated No.
10. Impact on Historic and Archeological Resources  
The proposed action may occur in or adjacent to a historic or archaeological resource. I have indicated No.
11. Impact on Open Space and Recreation; The proposed action may result in a loss of recreational opportunities, or a reduction of an open space resource as designated in any adopted municipal open space plan. I don't think this is recognized as an open space in the local plan. There should not be any loss of recreational opportunities. I have indicated No.
12. Impact on Critical Environmental Areas; The proposed action may be located within or adjacent to a critical environmental area. I have indicated No.
13. Impact on Transportation; The proposed action may result in a change to existing transportation systems. I have left this one blank waiting for the input from CPL, I think we can

resolve that if there are impacts, they are likely no to small based on the most recent letter dated June 13, 2022.

14. Impact on Energy; The proposed action may cause an increase in the use of any form of energy. I have yet to complete that question.

15. Impact on Noise, Odor, and Light; The proposed action may result in an increase in noise, odors, or outdoor lighting. Yes, as well as lighting.

16. Impact on Human Health: The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. No.

17. Consistency with Community Plans; The proposed action is not consistent with adopted land use plans. No. Generally it is consistent.

18. Consistency with Community Character; The proposed project is inconsistent with the existing community character.

e. The proposed action is inconsistent with the predominant architectural scale and character.

I will let you guys' chime in as a Board if you have any concerns with the architecture. If not, I will be okay.

Chairman Santoro – Joe Logan?

Mr. Logan – As I indicated to James, I appreciated the updates to the building architecture specifically with the brick and the other materials that they have changed too after our comments regarding the look of some of the other facilities that Delta Sonic has in the area. As far as the scale of the buildings themselves, hotels in the area that are all larger or similar heights, so it is not out of scale in that regard. I am satisfied with the architecture if the buildings and the scale.

Mr. Harter – I agree with Joe. Generally I was curious, we saw a nice display of what the facility looks like with the video clip. I was wondering if we could look at what it appears to be at nighttime with the lighting you have proposed.

Mr. Boglioli – I think we can. I know we can do the renderings that way. We may be able to run the simulation that way but cannot promise that.

Mr. Logan – You are going to have internal lighting and to Scotts point about the amount of glass around there especially the particular building you just featured.

Mr. Boglioli – It is all downward shielded lighting. Our facility closes at 9 pm and by 9:30 pm all lights are lights out.

Mr. Logan – Everything inside goes out with except of security lighting.

Mr. Boglioli – It is not a fully lit site. Nice thing about Delta Sonic is that they are not open late. They are unlike Victor Crossing where you can see into the top of it. There is no viewing down into this. We went with the downward shield lighting.

Mr. Harter – I would be curious just because of the type of building you are proposing and whatever perimeter lighting they are offering as well. If lighting control is important and I think it, is I would like to be able to see that.

Mr. Boglioli – We did submit a photometric plan with the project, and we meet all the towns requirement, and all the lights are downward shield and compliant. At the property lines everything meets code.

MR. Logan – To Scotts point about security lighting and overnight lighting I guess it would be helpful to understand what lights go out and what stays on. Just like the Chevy dealer down the road.

Mr. Harter – Perimeter lighting if you have some type, Victor Crossing has neon appearing type of light that is encircling EV units that are there. I would be curious to know if you are proposing anything like that with the project.

Mr. Boglioli – I do not think so but will check.

Mr. Pettee – James, would you be able to elaborate on solar panel technology for the rooftops. It is my understanding that there will be some solar panels on top of some of the roofs. For the number of buildings, is each building going to have a solar panel on top?

Mr. Boglioli -The two buildings that were previously greenhouse brick, they have solar panels on the sides. The detail shop and interior vacuum building will have the solar panels on them.

Mr. Pettee – Although the ceilings are glass on some instances the glass ceiling is also going to be covered by solar panels.

Mr. Boglioli – Only half the roof is covered by solar panels and half is glass.

Mr. Harter – I think architecturally it is not out of whack. That area is what it is. It is different, I will give you that.

Mr. Logan – If it were that architecture but double the size of each building then I would say it would not fit. You have hotels all in the area that are pretty large buildings.

Chairman Santoro – They had to fit it to the property.

Mr. Pettee – Erie, what I can propose I do would be to somehow provide a final drafts of Part 2 & 3 of the EAF, maybe some reason of elaboration and narrative that would go along with the check boxes. I think we can rely on if James has some additional documents and can provide some sort of rendering as he has described here and talk about those. We can prepare some draft resolutions for consideration at the next meeting.

The Board agreed with this.

**CROWN CASTLE d/b/a VERIZON**

90 Baker Road

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.

04-SU-2022

Zoned – Residential 2

Brian Tempio of Crown Castle

Mr. Tempio – We are back here again because the Board asked us to provide a compliance report. Verizon took it upon themselves to do a comprehensive report where they took all the existing antennas on the tower including there own and the three antennas. Does that satisfy the Board? I also brought Mike Crosby here, he is the RF Engineer with Verizon Wireless.

Chairman Santoro – There were comments at one point in time from nearby residents on the effect on the human body. What can you tell us about that?

Mike Crosby RF Engineer for Verizon

Mr. Crosby – A pleasure to be back before you again, I know it has been a couple months. What I can tell you is that we currently operate an existing wireless facility at this location. What we are doing is adding three antennas that are capable of additional frequencies that were licensed by the FCC. The FCC maintains the exclusive right to regulate what is called rfe, the energy emitted from the antennas. Our normal process is to provide a compliance report which we did early on. Recently we were requested for some additional information we had a third-party report generated that goes into detail to discuss the rf emissions at the site are going to be less than 1% of the maximum permissible energy at the closest point that you could access the site. That is 100 times less than the permissible level which is a conservative level that is used in the oet bulletin 65B which is part of the telecommunication act of 1996 which established the rules that we follow.

The site is perfectly safe, and we followed our normal procedure and had third part reports confirming this and there is nothing out of the ordinary whatsoever.

Chairman Santoro – We received a letter from a lawyer down in NY. Have you seen this?

Mr. Crosby – I have not but I can guess who it is from.

Chairman Santoro – From an attorney Andrew J Campanelli.

Mr. Crosby – Very familiar with that name. I am an engineer not an attorney and would like to reserve any comments that I may have in that regard other than to advise the Board that Verizon has followed all of the appropriate procedures to provide documentation regarding the RF emissions. It is exclusively regulated by FCC. We followed our process and there is one more part of the OET Bulletin 65B that I should mention is that we are categorically excluded from further review once we provide proof of our compliance which we have done. We are here to try to help answer questions if we can. We are to help explain that.

Mr. Pettee – My guess is that it is not a letter specific to this particular application. I have seen letters of that nature previously and my understanding is that they are used to help advertise which might help drum up business for that particular attorney or firm.

Mr. Harter – I think relative to your presentation what was a little different for the Board was we had two applications simultaneously on the same tower. We had a resident come to us and indicate potential health issues that he had experienced by living close by. I think that is the reason why we asked the questions and tried to get the answers. I should tell if you do not know already that that applicant was in two weeks ago and we approved their request as we will likely approve yours. For me as a Board member the important item was to check into the health component of these electronic features and so I went on the American Cancer Society website to check. If anyone were to know about health issues relative to what you do. I understand you are meeting an FCC spec but relative to health I will look to some other avenue for information. They indicated there was no definitive linkage that they could come up with. Based on that I was in favor of moving the application down the line.

Mr. Logan – I am good and appreciate Scott looking into that.

Mr. Harter – I feel we have roll here and when a citizen comes before us and tells us and verify, we owe it to the public to do our due diligence as you do yours.

Mr. Crosby – To that particular concern, the frequencies and power that are system operates at is very low compared to other wireless types of facilities. Our frequencies and power are what is called nonionizing energy. What that means is that it is a lower frequency than x-\*rays or gamma rays, so we are operating at a completely different range and the maximum effect it is capable of is heating and cooling of cellular tissue. The highest energy you are going to experience is from using your cell phone and not the tower itself. Another important note we found helpful is in areas where we do not have a site and we are adding one is after we have added a new site and this concern is made known that your phone using those weak rf areas has to power up. When we add the new site or enhance it will allow the phone to actually power down and reduce the actual exposure.

Mr. Logan – I did not realize the power up would adapt to the strength of the signals.

Mr. Crosby – It is very common and a conversation we have with schools when they have concern about having service in the schools. The kids are going to be using the phones whether they are supposed to or not. The good news is when you have adequate and reliable service the phones can power down and ultimately you are lowering the rf for the folks using the devices.

Chairman Santoro – Nothing is emanating from the tower itself that would affect someone?

Mr. Crosby – Nothing from the tower structure and we have inventories everything on the tower and the most recent report is a comprehensive report for everything added together and still less than 1%.

Mr. Pettee – The only thing I would like to say is that I have learned a lot thru this process, and we did review the report and it is very illuminating. I appreciate the work you have put in to help this Planning Board make this decision.

Mr. Crosby – It is ideal for us if it is an educational interaction.

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. A Special Use Permit application was received on March 3, 2022, by the Secretary of the Planning Board for a Special Use Permit entitled Crown Castle d//b/a Verizon Wireless at Baker Road.
2. It is the intent of the applicant to install (3) antennas and one hybrid cable to existing cell tower.
3. The Town of Victor Planning Board reviewed the Type II Action on April 12, 2022, and April 26, 2022, and June 14, 2022, and identified no significant impacts.
4. 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.
5. The Planning Board held a public hearing on April 12, 2022, and April 26, 2022, at which time the public was permitted to speak on their application.

- 6. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
- 7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
- 8. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- 9. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of Janet Spatafora, Crown Castle on behalf of Verizon, for a Special Use Permit received by the Planning Board on March 3, 2022, Planning Board Application No. 04-SU-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

- 1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.

**Ongoing conditions:**

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
- 2. That a building permit be obtained before installation of antennas begins.

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

**BCI PARKING EXPANSION**

797 Old Dutch Road  
Owner – LCN BCI Wooster, LLC  
Tax Map # 14.02-1-3.210

11-SP-2021  
Zoned – Light Industrial

Applicant is requesting approval to add additional parking to the south side of the existing building to free up space and accessibility on the north side of the parking lot.

Chairman Santoro – This has been withdrawn.

**AUCTION DIRECT PAVEMENT EXPANSION**

6520 State Route 96  
Owner – 6520 Rt 96 LLC  
Tax Map # 28.02-1-52.100

09-SP-2022  
Zoned – Commercial

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

Chairman Santoro - This has been removed until the next meeting.

**STRAIGHT POLE BARN**

7479 Dryer Road  
Owner – Steven and Patricia Straight  
Tax Map # 27.01-1-70.200

12-SP-2022  
Zoned – Residential 2

Applicant is requesting approval to construct a 36' x 36' pole barn with a lean-to on one side of the proposed barn in the southeast corner of the parcel.

Steven Straight, owner of parcel.

Mr. Straight – Here to answer any questions.

Mr. Harter – There were a few questions from the Conservation Board about if you were removing trees?

Mr. Straight – No tree removal.

Mr. Harter – Questions about drainage. Does the site drain to the south?

Mr. Straight – It drains to the east. It is pretty flat.

Mr. Harter – In an elevation that drains positively in that direction?

Mr. Straight – Yes.

Mr. Harter – You approximated the dimensions on the survey drawing? I am familiar with the surveyor who did that drawing.

Mr. Straight – Yes.

Mr. Gallina – No questions.

Mr. Logan – No questions.

Mr. Pettee – Labella does not have any comments.

Chairman Santoro – Any comments from the public? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

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. A site plan application was received on May 20, 2022, by the Secretary of the Planning Board for a Site Plan entitled Straight Pole Barn submitted by Patricia and Steve Straight for the property located at 7479 Dryer Road, Victor, NY.
2. It is the intent of the applicant 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.
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 June 14, 2022, at which time the public was

permitted to speak on their application.

- 5. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
- 6. The Conservation Board reviewed the project on June 7, 2022, and had no concerns.
- 7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated May 25, 2022, and provided comments.

NOW, THEREFORE BE IT RESOLVED that the application of Patricia and Steve Straight, Site Plan entitled Straight Pole Barn, received by the Planning Board May 20, 2022, Planning Board Application No. 12-SP-2022, 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 any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.

**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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**GEHLEN GARAGE**

7483 Dryer Road

Owner – Christian and Kimberly Gehlen

Tax Map # 27.01-1-70.100

Applicant is requesting approval to construct a 1,200-sf steel detached garage forward of the house.

13-SP-2022

Zoned – Residential 2

Christian Gehlen, owner of parcel.

Mr. Gehlen - It was the only suitable place that I could find on the property to have the building erected. The property is very hilly and ideally, I would have liked it behind the house, but the grade is pretty steep and second it would have required a lot of additional pavements which I do not want to pave all over the property and keep it to a minimum. I already have a very long driveway. It would require the least grading and no removal of any trees. I intent to add trees and landscaping once the building is complete.

Chairman Santoro - Could you go back to that aerial. When we look at that, the garage will be to the left of the house?

Mr. Gehlen – That drawing is in accurate. That was the original plan, but the site is actually closer to the house by 30 or 40 feet. Again, it will require the least amount of grading, least amount of paving and will have least impact on property. In addition, the grade is lower than the house so it will actually reduce the size from a viewing perspective. It will make the building look smaller than above the house. There is a lot of buffering , you can see the Blue Spruce trees that border my property. Those face the road and would impede someone seeing the garage from the road. It is about 437 feet from the road. It is another 100 feet to my neighbor to the east.

Chairman Santoro - That arrow pointing down will be pushed more towards the house?

Mr. Gehlen – Yes, about 30 or 40 feet. In between those two trees and I only plan to store some old cars I like to tinker with. I have been waiting to do it for several years .

Mr. Gallina – I see you have already been granted a variance for the structure being forward. I have no questions or comments.

Mr. Logan - I have no problem with it.

Mr. Gallina – I would be curious if the neighbors have any questions?

No comments from public.

Mr. Harter – It looks like you are across the driveway from your septic system so conflict with that?

Mr. Gehlen – Correct.

Mr. Harter – You received your variance from ZBA, so I have no questions or issues.

Mr. Logn – It is a deep flag lot.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

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. A site plan application was received on May 20, 2022, by the Secretary of the Planning Board for a Site Plan entitled Gehlen Garage submitted by Christian Gehlen for the property located at 7483 Dryer Road, Victor, NY.
2. It is the intent of the applicant to construct a 1,200 square foot steel detached garage forward of the house.
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 June 14, 2022, at which time the public was permitted to speak on their application.
5. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The Conservation Board reviewed the project on June 7, 2022, and had no concerns.

- 7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated May 27, 2022, and provided comments.
- 8. Applicant received an area variance on June 6, 2022, from the Zoning Board of Appeals due to the accessory structure forward of the front line of the primary structure.

NOW, THEREFORE BE IT RESOLVED that the application of Christian Gehlen, Site Plan entitled Gehlen Garage, received by the Planning Board May 20, 2022, Planning Board Application No. 13-SP-2022, 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 any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.

**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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**PRELIMINARY APPLICATION****STONE BROOK SUBDIVISION**

2-PS-2022

1403 East Victor Road

Zoned – Residential 2

Owner – Bruce DeSimone

Tax Map # 28.04-2-62.000

Applicant is requesting approval for a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15+ acres in the Town of Farmington for a total of 115 acres. This is the second step in a three-step process for a major subdivision. The Sketch Plan was acknowledged complete March 22, 2022.

Lucas Bushen form Marathon Engineering

Mr. Bushen -We have been here for about a year since we first came talking about the density of the parcel and now, we're at preliminary design. There are a number of things that have changed, and I will run thru those. The stormwater management facility which was originally in the center island was originally showing back behind the lots and there was a trip town accessible land in there. We eliminated that and moved it over out to here so there is one location that treats all of this stormwater. The ownership of this land is up in the air and has been a discussion, we went to the Town Board to see if the town would be interested in owning all this land across Mud Creek, and this is the Victor Farmington Townline. So there is some portion in Farmington. Ultimately the Town of Victor was not interested in it. The Parks Department did not want additional land and we have explored some other options and one of the m is land trust. Victor Hiking Trails have an entity capable of accepting dedicated land. Those two options are still aggressively being pursued. Rather than carving it up and giving it to individual owners in conservation easements. We think there is a benefit to the town and to the residents of the future subdivision of having that land be in one piece and potentially accessible to the public.

That is one element of the project that we are waiting to be ironed out. This pond would ultimately have to be on a piece of property with an easement dedicated to the town so that the town does not own it but can access it for maintenance should anything happen. The same would be true for the small recharge basin on the north end of the site. This cul-de-sac is lower than the rest of the roadway. This drainage form here on goes to a smaller recharge basin.

The rest of the design is similar to how it has been. You have the two connection points on East Victor Road and one connection point on Sunray Crest, the sewer through the whole subdivision drains to Sunray Crest connection. We also cut off some drainage here on the west side of the property that was flowing towards Field Crest Lane. If you look at the design plans, there is a swale and an inlet back in those yards that takes it over this way. We cut off 15 acres of drainage that goes towards those rear lots.

Mr. Logan – The Auburn Trail defines the southern border.

Mr. Bushen – Right now there is a conservation land in between the residences and the Auburn Trail to the south. Whether this is privately owned, likely these portions of the conservation land will be privately owned. We would like to take this portion and give it to some entity that will maintain public access.

Other than that we have received some comments from Wes, to go over what has changed and some of the engineering details, we received Water Authority, Farmington Sewer and we are working to address those comments. In my mind there is nothing significant but if there are any additional comments the Board has, I would like to talk about those.

Chairman Santoro – There is a staff comments that is waiting for Ontario County comments.

Ms. Boughton – If I could ask that the public hearing not be closed tonight. I had accidentally mislabeled the postcards that had gone out to the residents for sketch. They had the wrong date, March 22 and not today's date so they asked to keep the meeting open.

Mr. Logan – I would be interested to hear about the Victor Hiking Trails interest. The flow they have proposed having the connection to Sunray Crest makes a whole lot more sense than the first one.

Mr. Gallina – No questions at this time.

Mr. Harter – I wanted to refresh my memory that the connection to Sunray Crest helps the other subdivision as well in terms of traffic circulation. Did we talk about that the last time?

Mr. Bushen – There is a turnaround in the front driveway at that dead end.

Mr. Harter – That is a dead end street at present and would not technically comply with the current fire code?

Mr. Bushen – Exactly. In my mind and engineering standpoint it improves public access and emergency vehicle access.

Mr. Logan – That parcel has a huge turnaround that could go away.

Mr. Bushen – It would be obsolete when we make that connection. I should mention that it would be in section 1 as it is currently proposed. It would include this roadway connection and connect to there. This loop would be a future section.

Mr. Logan – That does have sidewalks in it. I am looking at Google Earth. They are on Sunray Crest that dead ends at that turnaround. Would that then be part of this project to remove that turnaround, seal it and extend the sidewalk thru to this development?

Mr. Bushen – It would be a question of who can access that.

Mr. Logan – It appears to be on public right-of-way.

Ms. Kinsella – It is dedicated to the town. The Highway Superintendent would like it to go away.

Mr. Logan – I am all for that. It is a lot of pavements sitting there and never used. I would advocate for that as well.

Mr. Harter – Are you proposing sidewalks?

Mr. Bushen – Yes there are sidewalks throughout the whole subdivision. We also extended it to connect to auburn trail.

Mr. Logan – Sunray Crest has sidewalks on both sides of the road. Would you be extending those two sidewalks too?

Mr. Bushen – We will extend it on one side.

Mr. Harter – Is the center areas where you showed the pond before, is that a swale now or for runoff reduction?

Mr. Bushen – We are using it for runoff reduction, but it is also necessary, or it would be piped all thru there. The grading did not work to put a pond in there. There is quite a bit of grade difference between that road to the south and north.

Mr. Harter – Are the soils conducive to runoff reduction?

Mr. Bushen – There are some okay soils, there are some B type soils, predominately in this sort of southeast region it is a little bit wetter, and those soils are more of a D type. With the D type soils you do not get much from the vegetative swale but still a good practice. It is filtering thru something as opposed to a pipe.

Mr. Harter – The other pond is just ;largely for throttling the flows and releasing into the creek?

Mr. Bushen – That large pond is your typical stormwater management facility.

Mr. Harter – Your prior project on Willis Hill you had very sandy soils there.

David Wright, Victor Hiking Trails

Mr. Wright – I wanted to reiterate that we are very much interested in keeping that as one parcel and hope the developer can work something out with the land trust. If they don't and cannot

work that out reasonably it would be something new for Victor Hiking Trails, but we have looked at some other trail groups that do own the land and do not see it as a problem. That is something we can pursue if necessary.

Chairman Santoro – You purchasing or taking title too?

Mr. Wright – They would hopefully donate it to Victor Hiking Trails, we do not have a very big budget. Hopefully donate it to us. One of the things that we haven't looked into with all the attorneys and Code is if they were to donate it to Victor Hiking Trails as a separate parcel would the developer still be paying the recreation fee every time a house is sold. We certainly do not want to take money away from the town by doing this. I think we would be able to, the land trust or Victor Hiking Trails, take ownership of the property and the builder would still be paying the rec fee and obviously it is a limited amount of recreation for that area there. It does not necessarily benefit everyone in the town like a recreation fee does.

Chairman Santoro – Does Victor Hiking Trails, how is that organized?

Mr. Wright – We are a 501©3 , we are incorporated, and we are tax exempt. Adam is here tonight, and he submitted a letter to you today. We missed the deadline for submissions and there was a lot of things going on.

Ms. Boughton – Was it emailed?

Mr. Wright – Just today. Basically it says the trails are important and we realize we would like to have more trails. This is a prime location for trails with Mud Creek and wooded area and some open fields and would be a benefit to the people that live in this neighborhood and also to the citizens of Victor.

The second thing that it mentions is that even thou this rendition shows trails on it some of the trail's shoe it close to the creek in the floodplain and not desirable to have a trail in the floodplain. Maybe seasonal for nine months out of the year but not all of the year. We would like to be able to make sure that whoever owns the property we have the ability to put the trail where it makes sense and that would be not in the floodplain.

Lastly, we did notice sidewalks on one side, and I think it is on the inner houses around the circle and overextending to the existing roads and to the Auburn Trail. We also thought it would be beneficial to the people in the existing neighborhood if the sidewalk was extended beyond East Victor Road over to Field Crest Lane. I think that is a wide enough right-of-way that the developer would be able to do that. Instead of stopping at the proposed Riverstone Way it would go beyond that. Would be beneficial to the existing neighborhood and safe access to the Auburn Trail. One other thing when we were looking at the trail where it shows off the Auburn, it is in the floodplain. It would be desirable to have the access from the Auburn to make a loop and it would require a trail easement on the existing conservation easement on lots 43 thru 49. So that

is something we would like to talk to the developer about having access from the Auburn at that location.

That is where we are headed.

Chairman Santoro – You have had some conversations with the developer already?

Mr. Wright – We have exchanged a couple of emails with Mr. Smith, and they are still working on the land trust and if that does not work out, we can have some further discussions.

Mr. Logan – How does this work with the parcel that is in Farmington?

Mr. Wright – Whoever ends up with the land trust I am sure they have to work with the Town of Farmington. They may be interested in some trails to connect with Mertensia Park. There is the old trolley that goes across the creek and someday someone might want to have a bridge to connect. I am not sure Mertensia Park goes all the way down to the abutment, there may be some private property there.

Mr. Logan – You do have the Auburn Trail that goes into Mertensia Park. You would be looking to see if there was some other loop connection. Mertensia only goes a couple of feet in.

Mr. Wright – VHT has not had any discussions with the Town of Farmington. We are letting the developer take a lead on that. Right now, the property is owned by the current owner, and we would still hope that one entity would end up with the entire parcel.

Chairman Santoro – Jeff, do you have anything you would like to add to this?

Jeff Smith with Woodstone Custom Homes

Mr. Smith – A couple of points, one our intention of keeping the green space in a contiguous manner has partly to do that it is most accessible from the Farmington area where the Mertensia Park is located and the existing trailhead that is shown on the map is actually in the Town of Farmington. As you move to the west along the Auburn Trail towards our subdivision the terrain changes fairly substantially and there is a high level of hill areas in there which will make additional trails possibly prohibited. I probably would not fully support a trail in the back yard of those lots that parallel Auburn Trail, but we could certainly look into that.

Also, another matter is that I would not support sidewalk from Field Crest to our subdivision. That is a benefit to that street and does not have much to do with us. It would cost us between \$25,000 and \$50,000. Sidewalks are a 100-foot-wide lot costs about \$5,000 per lot. That is one of the reasons why we are proposing only one-sided sidewalk.

The other, which Dave raised, which I admittedly had never thought of, there was never any intention of using parkland against recreation fee. Our intent of trying to donate the land at no

cost to whoever gets it was solely to have it as a publicly accessible space. We have every intention of still being obligated to pay a recreation fee to the Town of Victor. So that shouldn't be a suggestion anybody takes from us. Although, it was a great idea it is not our intention. We do have a meeting later this month that Kim has been nice enough to set up between the tow supervisors and Genessee Land Trust. They have studied the property a fair amount. We had a field visit and they seemed interested and do not know what type of conditions would go with it and I have been clear to them that if there was a lot of conditions we would probably go to Dave and see what VHT would like to do.

They raised a question that they wanted to be a partnership with the town and to some extent that is what Jack Marren had suggested. We will see what Genessee Land trust suggests at that meeting. Our intent would be to still keep the pond areas and private ownership and putting it with the lots adjacent to the pond. I know there is engineering comments that Wes was elaborate with it.

We are very much looking forward to the project.

Mr. Harter – I have a question on the sidewalk connection that was proposed by VHT that you said you objected to the cost but in my mind, I seem to recall that we gave you higher density in this process.

Mr. Smith – That was largely happened in the year it was put into a low-density parcel. The owners have been holding onto that land forever hoping someday it would gain it appropriate value which we offered with the contingency that it had a higher density. There really isn't a whole lot of money to go around when you look at the incredible cost of development these days. If you talk to the Town Engineer about the costs of sanitary sewer pump station rebuilding and everything else, we do it was never assumed we would face that kind of offsite cost.

Mr. Harter – It would be approximately \$30,000?

Mr. Smith – I would think so at least.

Mr. Harter – Relative to a lot of cost being roughly a third of what one of those lots would go for.

Mr. Smith – Probably. Just one more thing like \$5,000 for the sidewalks across the front the lots. It is just one more thing and eventually you get to the point that it is not sot effective and that is what we ultimately had to market our Blumont Rise to NVR Ryan because they could make it work with volume from having national pricing. By the time we got done with all the offsite and on site cost it would be well beyond what the early estimates were. That is what is happening with everything that was are doing today. It is very expensive for development and my honest opinion is that if Field Crest wants a sidewalk, then somebody either er town level or Field Crest ;level should pay for that sidewalk. We would be putting in sidewalks to benefit our subdivision

and our density that we have. I am not sure how much Riedman has been donating in terms of sidewalks. I think we are doing well in promising in what we have offered.

Mr. Harter – We are having conversations with them too.

Mr. Smith – that is good because if we are doing, they should do it. On the other hand, there is also a substantial shoulder on the north side of East Victor Road as it connects to Field Crest, that shoulder is not small, and we have walked it several times with groups we have shown the property too. I do not think it is necessary and if someone else does then they should research how to fund it.

Mr. Pettee – Well, we have some comments. The length of our letter is getting up there. Number one, this is going to be a Type 1 Action under SEQRA, so we have prepared for your consideration a Lead Agency Coordination resolution to kick off the Lead Agency process.

Beyond that one of our comments is regarding traffic. I would expect there would be some residents coming in at a future date when the public hearing is kept open. The NYS guidance suggests using their particular land use table that is online for identifying whether or not there is a likelihood of an increase in traffic. I think what they have identified in that table is that 95 single family homes would generally result in greater than or equal to 100 peak hour trips. That is the threshold that would suggest the need for a traffic impact analysis. I do not know if in this particular case we need a full blown traffic impact analysis but I think the Planning Board would like to see some form of evaluation or study short of a full blown traffic impact analysis to identify whether or not traffic in that neighborhood, not only Sunray Crest and Field Crest but also surrounding street network, if there is an adverse impact to some of the intersections. We recognize there are instances where East Victor Road intersecting 96 can sometimes be problematic and what does this subdivision do to that. That is identified in the Labella letter from June 10, 2022.

We are going to take a further look at the access management in terms of intersection spacing between the proposed roadways, intersection with East Victor Road and the existing Field Crest Lane. With regard to Sunray Crest could we switch to my screen.

Mr. Harter - I think they have the separation they are supposed to have. I think they have 600 feet, and they need 450.

Mr. Pettee – This is the turnaround that I understand the Highway Superintendent wants to vacate. This property here. You can see the right-of-way is nice and curved and smoothed and we have this jog where the turn around is. We want to look at this as a potential opportunity to adjust this right-of-way boundary if this is what the town would like.

Mr. Logan – How would you do that? I do not think they have control over that process.

Mr. Pettee – The right-of-way adjustment would be between this property owner and the town.

Mr. Logan – That can be done any time after they remove the turnaround?

Mr. Pettee – Yes, it does not have to coincide with this particular subdivision. As Lucas said, with the construction of Phase 1 of the Stone Brook Subdivision it would eliminate the need to have this turn around at this house.

Mr. Logan – that was point earlier. Because it is in town right-of-way the town has the ability to work with the developer. If the town wants to deed that slice to the homeowner that is their prerogative. It can stay that way for right now.

Mr. Pettee – yes. As was noted this existing subdivision has sidewalks on both sides of the street. It is very common now for subdivision developments to have sidewalks on just one side of the street. One of the advantages of that is you are reducing the amount of impervious surface.

Mr. Logan – It is less maintenance for the town since it is being deeded to the town. I am certainly in favor of that. If it was a busy road that is another issue, but this is a subdivision.

Mr. Pettee – We did mention in our letter about the sidewalks between Field Crest Lane and the proposed subdivision road that it would be a meaningful connection, but we defer to the Planning Board on that item. Some technical details and looks like we are still waiting to receive the subdivision plat map which would have information as easement bearings and distances, monumentation, that sort of thing. We are waiting for a couple of more pieces to be able to complete the full piece of the preliminary plan set. We will wait for that.

The demo of the existing house. There is an existing house on the property that is greater than 50 years old and I am not quite sure what the process is for needing Planning Board approval for that since it is over 50 years old. I would defer to Town Historian and Code Officer.

Mr. Logan – Regarding the connection to the Auburn Trail, I do not see wishing Field Crest, but I do see connecting this subdivision to the Auburn Trail because we have asked Southgate in all three phases to hook up to the trail along the road. I understand there is a wide shoulder there just looking at Google Earth and you can see it. I would say we need to put a short section of sidewalk from the driveway where it ties in down to the Auburn Trail.

Mr. Pettee – That is part of their proposal now. One item that we are reviewing with the town stormwater manager is the ownership of the stormwater management facility. As you can see the facility is located on what may be owned by the land trust. Current thoughts at this moment are it might be easier; this project is going to enter into the town's drainage improvement area for future maintenance of the stormwater management facilities. It might be a bit easier administratively if these residential lots were extended over the top of and surrounding the stormwater management facility itself. Not have the land trust own that facility. That is one of

the items that we have detailed in our letter comment 17 and working with Keith Maynard in addressing.

Mr. Harter – How do you handle the maintenance if you extend the property lines into the pond? Are the homeowners responsible for the pond now?

Mr. Pettee – Not if the property is going to be in the town's drainage and improvement area, we would still require an access and maintenance easement over top or portion of the properties, so the town has the ability to enter and maintain that facility.

Mr. Harter – The town will ultimately be responsible for the maintenance of the stormwater pond?

Mr. Pettee – Correct.

Mr. Logan – On Southgate 2 they had a separate hard surface to get to the back of that lot. Here are you suggesting cutting thru peoples parcels or how would the town get there?

Mr. Pettee – that might be the way access would be provided is in between the houses. Maybe the access easement on two of the lots.

Ms. Kinsella – That is typically how it is done. The Southgate 2 piece, which is not typical.

Mr. Logan – I understand that, but the houses are very small and close together.

Ms. Kinsella – We would have the easement between those lots.

Mr. Logan – 20 feet between two houses is not very accessible way.

Mr. Bushen – Those lots are oversized to allow the sewer to go back there. There is an additional 20 feet in between those lots.

Mr. Logan – Where the sewer connection from the drainage swale in between all those lots to that pond is where you are suggesting. Proposed drainage across that area.

Mr. Bushen – Correct. We will be flattening it out so that it can be driven back in there.

Mr. Logan – Do you have to do any harden surface? I am not suggesting gravel but something that is well compacted and even if it is grass you can drive over it without it turning to mush.

Mr. Bushen – It will be a twelve-foot-wide flat area that can be driven over.

Ms. Kinsella – We also have mats that they put down when they go in and drive over the lawns. They have purchased the mats and used them in many situations already. They work great and do not destroy anybody's property and they move them as they go.

Mr. Logan – As long as we are incorporating all that infrastructure accessibility into the project that is good.

Mr. Pettee – There is a lot of technical items in our letter but that is the general overview.

Mr. Smith – Going back to the comment regarding ownership, it has been clear to the Genessee Land trust, and we did understand the town's position that this would be a carved-out area that would somehow have to be ties into the existing lots. We were hoping to design it in a way to not compromise to many lots, but it would be two to three lots that would own the facility and as Kim and Klucas were saying there would be an access at the property line where the incoming pipe is coming from across the road. I think we are set with that, and they understand it and they mentioned they did not want to have that encumbrance on their property. We are in full agreement with that.

Chairman Santoro – This from matt Heilman, Town of Farmington Water and Sewer, is that anything we should be concerned about?

Mr. Pettee – That is probably their comments on the plans. I think they plan to address those comments. Remember when we talked about the sanitary sewer, we are still planning to have this pump station 7 where all these lots will flow too, to be online at end of December 2022.

Mr. Logan – That will be well before you will have a house ready to move into, correct?

Mr. Bushen - Yes.

Chairman Santoro – We have a resolution read for tonight.

Mr. Pettee – Yes and all this does is kick off the SEQRA process. It does not make any decisions on the subdivision plans or SEQRA. It begins coordination with other involved agencies including the Town Board being asked to extend the Drainage Improvement Area. I have also included the Town of Farmington, Ontario County Planning Board and NYS DOH for reality subdivision approval. That means the Town of Victor would be forwarding a copy of the full EAF Part 1 to these involved agencies for their review and provide their consent to the Planning Board on being Lead Agency for SEQRA.

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Scott Harter, seconded by Al Gallina:

WHEREAS, on or about May 10, 2022, the Secretary of the Town of Victor Planning Board (the “Planning Board”) received a Preliminary Subdivision application entitled Stonebrook Subdivision (the “Project”) proposed on the east side of East Victor Road and at the terminus of Sunray Crest Drive, Tax Map No. 28.04-2-62.000; and,

WHEREAS, it is the intent of Jeff Smith, Woodstone Custom Homes (the “Applicant”) to develop 85 single-family residences using the Town of Victor’s Clustered Subdivision provisions found in Article V of Chapter 184 of the Victor Town, where the residences would be clustered on approximately 50-acres of the approximate 115-acre parcel, 15-acres of the lands being located in the Town of Farmington; and,

WHEREAS, the Town of Victor Planning Board preliminarily classifies the Project as Type I Action under State Environmental Quality Review Act, pursuant to the following Sections of SEQRA’s implementing regulations:

*Section 617.4, Paragraph (b) (5) (iii) in a city, town or village having a population of 150,000 persons or less, 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; and,*

*Section 617.4, Paragraph (b)(10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62 (which is incorporated by reference pursuant to section 617.17 of this Part).*

WHEREAS, the Project is substantially contiguous to the Auburn Trail, a publicly owned recreational facility, thereby reducing the 200-unit threshold for residential units to be connected to public water or sewer to 50-units (25% of 200 units), thus triggering a Type I classification: and,

WHEREAS, the Planning Board, as an involved agency, has identified the following additional involved agencies and associated approvals/decisions, for which lead agency coordination must be conducted:

- Victor Town Board (Extension of Drainage Improvement Area (DIA)),
- Town of Farmington (Potential acceptance of ~15-acres of open lands, sanitary sewer flows to the Farmington Wastewater Treatment Plant),
- Ontario County Planning Board (General Municipal Law Section 239n referral),
- New York State Department of Health (Realty Subdivision); and

WHEREAS, the Town of Victor Planning Board intends to proceed with coordinated review, as required for Type I Actions, and a Lead Agency must be established prior to making a

determination of significance; now, therefore, be it

RESOLVED, that the Planning Board hereby declares its intent to act as Lead Agency and directs the Planning Board Secretary to mail the long EAF, Part I, completed by the project sponsor, and a copy of the subdivision application to all involved and interested agencies, notifying them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) was mailed to them expressing the Town Planning Board's intent to act as Lead Agency. Notification will be sent to the Victor Town Board, Town of Farmington, Ontario County Planning Board, and the New York State Department of Health.

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 Al Gallina, seconded by Scott Harter RESOLVED the meeting was adjourned at 8:34 PM

Lisa Boughton, Secretary