

A regular meeting of the Town of Victor Planning Board was held on July 12, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: Al Gallina

OTHERS: Lucas Bushen, Jeff Smith, Tim Smith, Jaime Seabold, Alex Amering, Brad Howell, James Cretkos, 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 Scott Harter, seconded by Joe Limbeck:

RESOLVED, that the minutes of the meeting held on June 26, 2022, BE APPROVED.

Adopted Ayes 3, Nays 0, 1 Abstention, 1 Absent

CORRESPONDENCE:

Dave Anderson re: Victor Square Retail Addition

BOARDS AND COMMITTEE UPDATES:

Town Board representative Ed Kahovec was present.

Councilman Kahovec – The next meeting I will be not in town and Dave Condon will sub in for me.

PLANNING BOARD reported by Kim Kinsella

Tuesday July 26, 2022

PUBLIC HEARINGS

- Auction Direct, located at 6520 State Route 96, applicant is requesting approval to extend the front lot pavement 18 feet by 200 feet to display inventory.
- Stone Brook Subdivision, located at East Victor Road, applicant is requesting approval for a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15+ acres in the Town of Farmington for a total of 115 acres.
- Southgate Hills Phase 3, located on East Victor Road, applicant is requesting approval for a clustered subdivision of 10 single family lots on a 11-acre parcel.

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.

PRELIMINARY APPLICATION

STONE BROOK SUBDIVISION

1403 East Victor Road

Owner – Bruce DeSimone

Tax Map # 28.04-2-62.000

2-PS-2022

Zoned – Residential 2

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.

Chairman Santoro – There is no one here for this application since we are doing Lead Agency.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Joe Limbeck:

WHEREAS, on March 24, 2022, the Secretary of the Planning Board received a Preliminary Application entitled Stone Brook Subdivision, located on East Victor Road; and,

WHEREAS, it is the intent of the applicant to create eighty-five (85) new home sites on 100 acres in the Town of Victor under New York State Town Law Section 278, Clustering Provisions, as well as pursuant to Section 184, Article V, Clustered Projects, of the Victor Town Code; and,

WHEREAS, the application was deemed to be a Type I Action pursuant to the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared by the Applicant; 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;

WHEREAS, that the Town of Victor Planning Board declared its intent to act as lead agency and directed the Planning Board Secretary to mail the EAF, with Part I completed by the project sponsor, and a copy of the subdivision application to all identified 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 was sent to the Town of Victor Town Board, NYS Department of Health and the Town of Farmington. The Ontario County Planning Department, Town of Farmington Water & Sewer Department, Monroe County Water Authority, and the Town of Victor Highway Department were also notified of the pending application as interested agencies; and,

WHEREAS, the involved agencies submitted responses indicating that they concurred with the Planning Board acting as Lead Agency;

NOW, THEREFORE BE IT, RESOLVED, the Town of Victor Planning Board assumes Lead Agency status.

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Dave Wright of Victor Hiking Trails

Mr. Wright – I wanted to keep the Board up to date on what is going on with the Conservation Easement part of the project. Three members of the Victor Hiking Trails met with Genessee Land Trust last week. The developer has been working with Genessee Land Trust asking them if they would accept it as a donation. VHT met with them to go over how we could help them. We are going to do a site walk tomorrow. They want to go over some final ideas on where possible trails could be located. That was with staff that we met, and they still have to go back to there Board and get approval and fairly confident that will happen. When that happens there will be an agreement between VHT and Genessee Land Trust to create and maintain trails on the conservation easement. I wanted to let the Board know what was happening with that.

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 of Benderson Development

Mr. Boglioli – I am hoping we are at the tail end of this project. To summarize there are some notable improvements that we have made with County and the town and turning this to a right in/right out which will increase the safety in that area. We did agree to provide cross access to the former Denny's, and we did already provide them with a draft agreement and going thru finalizing that. We did agree in the future that if the town ever was provided cross access to the Taco Bell and the hotel so that eventually this whole site could be connected across. I know we went over the architecture, and everyone seemed ok. The Board did ask for a nighttime, and I can show you right now.

If you remember the roof is now glass and did away with the blue roof and only half is glass, and the other is solar panel. This would be what it would look like if you were driving around or on the ground. All internal lights are downward shielded so it does not glow from the sky up. Even when the lights are fully on inside there is no night sky glow from this site.

As you can see there is no glow from this.

Mr. Logan – What is on when the business is closed for the evening?

Mr. Boglioli – We turn the majority of the lights off at nighttime, but the building lights around will be security lighting.

Mr. Logan – The exterior wash lights on the side of the buildings?

Mr. Boglioli – Yes. We will leave some light poles on. The uses around us are open a lot later so we are going to keep it a bit lit. If you go the site plan, this road that services Denny's, the car wash and into this area. We are going to need the lights on along the road because that road will be used even after we are closed. That is where the majority of our light poles are and will stay on. We will turn some of the front lighting off to darken the site but around the buildings the wash lights will be on as security lighting. Our photometric plan is compliant with the Victor requirements.

Mr. Logan – Thank you for providing that, it was helpful.

Mr. Boglioli – It makes a difference to see it in 3-D.

Mr. Limbeck – No questions.

Mr. Harter – I think he has answered our questions, and this helped us understand how it is supposed to look.

Mr. Boglioli – That is our site plugged in with all the light measurements.

Mr. Pettee – I do not have any comments or questions for the applicant but to bring the Board up to speed. You might recall it was about a month ago that we went thru Part 2 of the EAF on this project. In front of you is a finalized Part 2 and also a Part 3 EAF, there was not a

whole lot to describe because none of the potential impacts rose to be identified to be moderate to large impacts. They were all no or small impacts. I do want to go over the last page in this packet some of the narrative.

Impact on Transportation

The proposed action may result in a change to existing transportation systems.

While impacts to traffic and transportation can be expected with the proposed project, impacts do not rise to a level of moderate to large. As noted in the June 13, 2022, letter from CPL (Town's Traffic Consultant):

The Applicant has addressed all comments and concerns regarding the methodology utilized in preparing the TIS and the Attachment, it is consistent with industry standards, and the data can be utilized in their analyses. We performed spot checks of the data in the various volume diagrams and Synchro analyses and found no errors.

This concludes our review of the material submitted. We agree with the recommendations within the Assessment- (1) the conversion of the access to Main Street Fishers to a RIRO and retiming of the traffic signal at the Main Street Fishers intersection with Route 96 should help mitigate potential crashes at the intersection and on that roadway, and (2) the construction of cross site access to the Taco Bell and Best Western sites will help alleviate level of service concerns for the eastbound left turning vehicles exiting the stie onto Route 96.

I wanted to read that one aloud. I know that one was a concern. We have some elaboration on some other points as well. The way we have drafted it here for your consideration is we have a draft neg declaration which is included in part of the resolution if you wanted to entertain that.

Chairman Santoro – Any questions from the Board?

Mr. Harter – The question I had was based on the traffic analysis that Labella has done with the other traffic consultant for the town, and everything has been mitigated to the greatest extent possible, would you say?

Mr. Pettee – Yes, minimized and avoided as best as practicable.

Mr. Logan – The timing of the signals at Route 96. That signal is tied into the Monroe County traffic.

Mr. Pettee – I don't think it is.

Mr. Logan – I thought we had when we looked at the site by Victor Crossing.

Mr. Pettee – The right in/right out at Victor Square?

Mr. Logan – Yes, weren't they going to tie all of the m in as part of that?

Mr. Pettee – Not the Route 96 main Street Fishers. They did not come down that far south. They went from NYS 250 down to the 490.

Mr. Boglioli – It is six signals not this one.

Mr. Logan -This one is independently timed and assume it varies throughout the day depending on traffic levels.

Mr. Boglioli – The County has agreed with our timing improvements.

Mr. Logan – It would be nice to someday to get that all ties in all the way thru Eastview. I wanted to verify that.

Mr. Pettee – I am all done reviewing Parts 2 and 3 with the Planning board. If there are no further questions or comments from the Board then it might be time for the Board to look at the resolution.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Scott Harter:

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

1. A Site Plan application and Special Use permit application were received by the Town of Victor on October 18, 2021, from Delta Sonic Car Wash System, Inc. (the "Applicant"), for a project to demolish the existing buildings (Royal Inn Motel) 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, (the "Project").
2. The Project was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and Part 1 of the Long Environmental Assessment Form was prepared by the Applicant.
3. LaBella Associates reviewed the site plan in a letter dated December 17, 2021, and April 21, 2022, and provided comments.
4. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated

- December 3, 2021, and February 28, 2022, and provided initial comments. Comments have been addressed.
5. The Town of Victor Stormwater Manager reviewed the site plan in a letter dated November 30, 2021, and March 2, 2022, and provided initial comments. Comments have been addressed.
 6. Zaretsky & Associates reviewed the landscaping plan on November 19, 2021, and March 1, 2022, and provided initial comments. Comments have been addressed.
 7. Architect Consultant reviewed the site plan in a letter dated December 6, 2021, and March 1, 2022, and provided initial comments. Comments have been addressed.
 8. Town of Farmington Water & Sewer reviewed the site plan in a letter dated November 30, 2021, and February 28, 2022, and provided initial comments. Comments have been addressed
 9. The Town of Victor Town Historian reviewed the site plan in a letter dated October 29, 2021, and requested exterior and aerial photos be taken prior to demolition.
 10. There was a Coordinated Fire Service Site Plan Review on February 23, 2022, and provided initial comments. Comments have been addressed.
 11. The Conservation Board reviewed the site plan on December 7, 2021, and identified no concerns.
 12. The New York State Department of Transportation reviewed the site plan in a letter dated December 1, 2021, and had no comments.
 13. The Traffic Consultant, CPL, reviewed the site plan in a letter dated December 6, 2021, February 28, 2022, and June 13, 2022, provided comments. Comments have been addressed.
 14. The Ontario County DPW reviewed the site plan in a letter dated December 1, 2021, March 21, 2022, and July 12, 2022, provided comments. Comments have been addressed.
 15. The application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On December 8, 2021, Ontario County Planning Board identified the Project as a Class 2 and to return to local board with a recommendation for approval of the application with four modifications: and,

WHEREAS the Town of Victor Planning Board, as Lead Agency, has reviewed and considered Part 1 of the Long Environmental Assessment Form, application materials, public comments and environmental record concerning the Project, as well as completed the applicable Parts 2 and 3 of

the Long Environmental Assessment Form and identified no significant adverse environmental impacts.

NOW THEREFORE BE IT RESOLVED, as no potential significant adverse environmental impacts have been identified with the proposed Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), the Town of Victor Planning Board hereby finds and concludes that the Project will not present a potential significant adverse environmental impact and hereby issues a Negative Declaration; and, be it further,

RESOLVED that the Application of Delta Sonic Car Wash System Inc., 570 Delaware Avenue, Buffalo, New York, Site Plan entitled Delta Sonic Car Wash, drawn by Costich Engineering, dated October 11, 2021, received by the Planning Board October 18, 2021, last revised May 19, 2022, Planning Board Application No. 40-SP-2021, and Special Use Permit Application 10-SU-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated April 21, 2022, from LaBella Associates be addressed.
3. That an access easement agreement be provided to 7503 County Road 42 property through the lands of Delta Sonic along their proposed internal road network for access out to NYS Route 96. A copy of the executed easement shall be provided to the Town of Victor Planning and Building Department for their file. The access easement shall also be depicted on the site plan.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town.
3. That a pre-construction meeting be held prior to the start of construction.
4. That a demolition permit is required for the removal of the existing building and septic system.

- 5. That an Ontario County Highway Work Permit be obtained prior to the start of construction addressing comments received in a memo dated July 12, 2022, from Paul Congdon, P.E., with Ontario County Department of Public Works.
- 6. That prior to demolition of the existing Royal Inn, the applicant provide several outside photographs of the building and one aerial view to the Town Historian.
- 7. That a Stormwater Management Facilities Maintenance Agreement be submitted prior to the pre-construction meeting.

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	Absent
Scott Harter	Aye
Joe Limbeck	Nay

Approved 3 Ayes, 1 Opposed, 1 Absent

Mr. Limbeck – My reason for opposing is that I have 35 years as a safety professional and am trained in hazard assessment. We have empirical evidence that the right in/right out does not work as evidence of NYBP on High Street. It is routinely ignored, and traffic is heavier on Main Street Fishers, and I am not convinced in spite of the studies. I appreciate the fact that an easement was granted to potentially alleviate that, but I do not believe the right in/right out will do what we hope it does.

AUCTION DIRECT PAVEMENT EXPANSION

09-SP-2022

6520 State Route 96

Zoned – Commercial

Owner – 6520 Rt 96 LLC

Tax Map # 28.02-1-52.100

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

Chairman Santoro – This application has been removed until July 26th meeting.

VICTOR SQUARE RETAIL EXPANSION

15-SP-2022

4-20 Commerce Drive

Zoned – Commercial

Owner – Victor Square Retail LLC

Tax Map # 6.02-2-47.100

Applicant is requesting approval to construct a 4,000-sf building addition on the south side of the Victor Square Shopping Center. Applicant is also requesting a reduction in allowable parking from the Town Code requiring 270 spaces to the proposed 202 spaces

James Boglioli of Benderson Development

Mr. Boglioli – I know the Board is familiar with this building. It sits right next to Victor Crossing. It is currently a 55,000sf building. It has some tenants and parking around the building. It has connections to Victor Crossing via two driveways that merge into one right off the main driveway and the Board did previously approve a right in/right out that we were just discussing that is in the process of being constructed soon as we are just wrapping up DOT approvals. What we are proposing is small 4,000 sf addition on the Victor Crossing side for a mattress sales company. They do not sell any product out of the building and just a small display area, you buy the mattress, and you get it delivered. It is a very small addition. We would continue the sidewalk out the front. We did rework this parking to add some additional greenspace and improve this out here. You will note that we are deficient parking, and we can provide a parking study if you like but if you have been to this site, you will know that we do not have a lot parking use. We did have some vacancy but even when it is filled with retail, we have more than enough parking. I am happy to run the analysis and give to the Board if you would like.

As far as the building elevation we tied this into Victor Crossing by adding the peaked roof, the stone and other materials. Our goal as we redo this entire building is to continue that all the way across the building and eventually tie the building entirely into Victor Crossing as we get new tenants., We did not want to start that process because we do have some vacancies and do not know how the storefronts are going to look until you get the tenant engaged. It is relatively small expansion, and we did get a comment letter from one of the neighbors. I can address some of those comments when we re-submit. I know there is some issue with dying trees and whenever we notice we go out and replace them. It is a matter of letting us know. We do have a property manager who takes them down and replace them.

Chairman Santoro – Is this similar to Jamestown mattress?

Mr. Boglioli – It is similar to a mattress that will set your firmness, sleep number. It is a display area and they do not sell anything out of the store.

Mr. Logan – I have always been puzzled by this entrance design with the two.

Mr. Boglioli – Ernie and I can talk about that since it goes way back to when we approved Victor Crossing. Originally there was a concern that if there was an accident that someone could get around the accident to get in. We built this double driveway. We do not need the double driveway. At one point we were looking at removing it, but it is reminiscent of the original Victor Crossing approval and has been there ever since. People only use one off hose driveways. You can see the right in/right out being here and that the majority of the people are not going to make this movement and come across the traffic. If I was here and I was going towards the mall I would swing in the right in instead of making a right, then a left to get in. It will improve the

safety of this area because this stretch of the driveway people tend to go a lot faster than I would drive that. Taking the left out is an improvement. Do we need both, probably don't.

Mr. Logan – I am wondering if you can take advantage of instead of going straight thru and T at the building that if you had just eliminated that piece and come into the front area. You have traffic coming in here. Could you put some parking in if you got rid of this piece.

Mr. Boglioli - We could put parking there. That parking will be on Victor Crossing. That is where the property line is. We had looked at an option to take that out and put that parking there. Under your code it results in a variance because now the lots split the property lines and would not meet the setback requirements. Functionally it operates as one unified shopping center for us. That is the way we treat these two properties. We would be more than willing to take a look at that, I was more concerned about getting thru the approval process.

Mr. Logan – I am trying to understand this. I do not know if anyone has ever thought about this particular intersection. You go in and say which way do I go. What is the point. If it as an emergency egress and I understand that. Why does it not come back into here instead of straight into here.

Mr. Boglioli – It can not because of grades. It is significant drop. At one point we talked about tying the back of this into the back of Victor Crossing and have it so people can right down but the grade there is so significant. That is why at the time we built Victor Crossing we swung that to the building. I would certainly prefer that we have a plan adding parking right here and taking that out. It is just a matter of that is going to require going to the Zoning Board and getting variances. I always call that paper variances because it operates like a shopping center.

Mr. Logan -I was thinking you could do a lot line adjustment.

Mr. Boglioli – You can not do a lot line because there is also property owned by the gas company and it shows up in here. What happens is we could slide part of the lot line but not enough to avoid the variance. When you put the parking in, because I cannot move the entire lot line, because we do not own the gas property, I cannot make it work without a variance.

Mr. Logan – These two are there for emergencies and would be able to go around the back or this around the front?

Mr. Boglioli – I believe at the time the concern was if we had some big accident that you could not get thru from here that you could go thru the other one. I do not think in reality, 16 years , we have never had that happen. Now we have two entrances in. You only need one to get in.

Mr. Logan – People come in here and take an immediate left and go this way or are they coming in and going left then around?

Mr. Boglioli – People were going left and going across the front of the site. Where do you want to be when you go shopping? You want to go across the front.

Mr. Logan – Where do you envision people parking for this mattress store?

Mr. Boglioli -They see about one or two customers at a time so they will park right out front.

Mr. Logan – The employees park back here?

Chairman Santoro – Jamestown Mattress only has one employee there.

Mr. Boglioli – I think Sleep Number has two.

Mr. Logan – So these spaces go away, and it becomes a dual entrance along the side of the building. If you needed parking spaces here, you would have to come in the side and be in front of traffic that would be going by. Not that there would be a lot of it.

Mr. Boglioli – I am more than happy to bring the other plan in and look at it. It reworks the entire driveway. You would feed into in a normal manner. Both of those driveways go away and reorient it the way it came in and had parking queued on the right side of the building and it looks like you would expect at a normal shopping center. We have a concept plan for that, but the result is the way the code is written, it is a lot of approvals to get there and some codes, like Amherst, has a unified development and it does away with all the internal setbacks. If we own two properties and have a REA, we only need to comply with internal lot line setbacks and internal greenspace between the lot line and here I would need six or seven variances to fix the driveway and do the parking lot and I do not have great luck with variances, so I tend to stay away from them.

Mr. Logan – The operative word is fix. Should we be fixing this while you are going about doing this. I would love to see a new plan and if we need five variances it would improve the site. I would love to see it at least and consider it.

Mr. Boglioli – That was our A plan and would have preferred. It would fix the driveways, add parking next to the building and make the site more functional.

Mr. Logan – You have 16 years of experience now and you know how traffic goes and we would look at this in a more pragmatic fashion.

Mr. Harter -I agree and think if the Board likes what you are showing us, we could make referral to the Zoning Board. One question I had along the same lines is, is it possible to create a permanent easement on the other property that would grant you rights to use that property for parking purposes or whatever you need. Without having to subdivide property.

Mr. Boglioli -We can get ourselves easements in perpetuity. The easements not a problem. It was the variances we were shying away from. If you could put me on the next agenda I will come with that plan, and we can look at that plan and compare and see how you feel about it. I think it is a much better plan. We were trying to work within he confines of the parcel.

Mr. Logan – This was here before Crossing was and now that we know how it works and you have also the right in/right out more formalized. That gives you more flexibility.

Mr. Harter – If you could adjust the neighbors’ concerns regarding landscaping.

Mr. Boglioli – We are always out there taking out the dead trees and putting new ones in. Sometimes you don't see them in the woods and closer to him. It is a matter of bad weather and winters, and we lose some trees.

Chairman Santoro – We have some call-in comments.

Ms. Mandrino – Dave Anderson, his concerns are in regard to noise. There is an ongoing concern from residential neighbors of excessive noise coming from the Victor Square at hours after 9 pm and as documented as late as 11:40 pm. They use a vacuum truck that sounds like a jet engine and a leaf blower to clear the parking lots of debris. I literally cannot hear my television without turning up the volume while this equipment is in use. Could they please be a good neighbor and perform this maintenance at a more reasonable hour.

Mr. Harter – He also submitted an email.

Mr. Boglioli – We have addressed that. There are occasions where that has happened. The minute I get that call it stops and we operate within the normal hours. It hasn't happened a lot. We can not do that after 9 pm.

Chairman Santoro – I can read Dave Andersons questions.

1)What type of businesses will occupy the existing vacant space and new expansion?

You have addressed that.

2) Does the applicant foresee any change of use for this property?

No. It has been retail and we market for retail.

3) How can a reduction in the number of parking spaces be determined without knowing the potential future demand?

You plug that number in as retail and it shows that we have sufficient parking. You take the rest of the use add that in and we do traffic counts. You all have been to the site and there are not a lot of cars there.

4) If the Planning Board approves a reduction in the number of parking spaces that decision should be irrevocable for the current and any future owners of this property. A setback variance from State Route 96 was already granted prior to the construction of the plaza. The 100-foot Residential Buffer and Forever Wild section should never be jeopardized!

That is more a statement then a question.

5) I would request that additional non-deciduous trees be required in the northeast corner of the parking lot. My concern is that bright light from vehicle headlights could shine on residential homes when entering the proposed right-In, right-out entrance/exit. This additional screening would reduce the potential problem. The issue would more likely occur during the winter months when the deciduous trees have lost their leaves and the sun sets earlier in the day.

We were not going to be changing anything. We can ad some more trees. This does not change any of the landscaping. The only impact area is over pavement in this area. If he is looking for more trees in this area, we can certainly add some more trees.

6) Please note that three mature cherry trees fell over and were removed in recent years in the Forever Wild area that borders my residence near the parking lot.

That is a statement.

7) There are several dead trees in the residential buffer have not yet been replaced that were

previously brought to the board's attention.

I will have my Project Manager take a look at it and what trees are dead. If they are we will replace them.

Chairman Santoro – Anyone from the Board have anything? We all set.

Mr. Logan – Looking forward to seeing improved entrance plan.

Mr. Pettee – We did provide a comment letter and it is very specific to this current plan and given there is potential for an alternative layout that may not ask for a reduction in the required parking spaces in the alternative plan, I will let the applicant to respond to the more technical items that really could be addressed on the future plan. The one thing I noted on this plan was that there is one light pole that was going to be moved a couple feet. There is no new lighting proposed?

Mr. Boglioli – The outside of the building stays exactly the same. Pole lighting pole gets shifted a few feet and no additional lighting and no impact to setbacks, or greenspace. The only thing is the 4,000-sf addition. I am happy to come back with the other plan and discuss.

Mr. Pettee – The last item for clarification is this particular application is for just that building expansion there and the parking and now potentially the access. Minus the right in right out that was previously approved. Even thou the plan that was submitted had some proposed improvements had some right in/right out locations that has already been approved by the Planning Board.

Chairman Santoro – Dave Anderson has submitted an aerial. Anything else?

Mr. Boglioli – Thank you.

TIMBER TOP TREE PARKING EXPANSION

16-SP-2022

7355 State Route 96

Zoned – Commercial/Light Industrial

Owner – DST Associates LLC

Tax Map # 15.00-2-22.220

Applicant is requesting approval for site plan modification to add 10,000 sf of parking area on the existing 1.6-acre parcel to accommodate the business operations of Timber Top Tree.

Alex Amering with Costich Engineering and Brad Hollowell, owner

Mr. Amering – The owner is under contract to purchase this property and it was a former payroll business. It is in the commercial/light industrial district. Before we made a formal application to the town there was confirmation that the use was allowed in this district. That was the first step. We had the opportunity to review with Brad his business operations. He will occupy the building itself, primarily his office space and use it for some maintenance for equipment. The existing parking area was a double stacked parking lot for traditional passenger vehicles. Obviously, he operates some trailers and a few larger trucks that require different turning maneuvers. Along with that we are proposing a bunch of landscape, evergreens on both sides, some arbovitae on the northwest corner of the building and some

boxwoods that line the front entrance. There will be no public access to this. Their business model obviously takes phone calls, and they go out and consult on job sites and give quotes. You will only have employees coming and going from the site.

The egress/ingress actually exists under an easement that serves Fisher's Landing, Doodlebugs and will remain. There was a comment letter from DOT saying they had no issues or substantial increase or decrease in traffic thru that existing access point.

We are proposing a few fuel tanks so it would be used to fuel the vehicles that are coming and going. There were a few comments from town staff about the details of that. The Fire Marshal and Wes had a couple of comments that we will be a happy to address.

Other than that, the only modification to the building was before it was a payroll business, and they had an overhead door in the rear of the building. It is a walk out style and the grade drops off back there. That overhead door was sided over at some point. He will be opening that back up and it would require a building permit which we would go thru that process.

Other than that, we have received DOT comments, Fire Marshal comments, Code and a landscape comments. We appreciate getting all those and would be happy to talk thru any of those. From an operational standpoint Brad can answer any questions about the business itself.

Chairman Santoro – Where are the fuel tanks going to be and it looks like it is in two different areas? There are four things in the corner.

Mr. Logan – They look like trailers.

Mr. Amering – We should some representation of a few different types of vehicles. There are some enclosed trailers and also a few larger trucks, stump grinders. That is all going to be left open with the larger vehicles. Typically, they would pull in and go in a clockwise rotation and park. Where we put the fuel dispensing it would be a natural location when the y go to pull out for the day. We do have some flexibility where the fuel tanks go. There is a forced main from a town pump station in the island just east of Doodlebugs. There was a comment that we keep the fuel tanks out of the sewer easements. It cuts about 45 degrees from left to right and downward.

Mr. Logan – I have no issues with this application. I think it is a good reuse of the building and site.

Mr. Harter – Agreed. I think it is a good reuse of the building. That was my payroll company that used to be there. My only question I have is that is stormwater being taken care of by the pond on the other side of the street to accommodate your needs? DO you need to mitigate your drainage?

Mr. Amering – We will be doing erosion and sediment control. We were not proposing any post construction practices.

Mr. Harter – I wanted to check and will leave it up to the Town Engineer to make a determination on that. I did not see any provisions or separate from that.

Mr. Pettee – Scott, I will check on that. On our preliminary assessment it did not appear that there was a need for any post construction stormwater management practice.

Mr. Limbeck - I think it is a good plan as well and appreciate the addition of the vegetation. I think it will dress it up a bit.

Mr. Holowell – My plan is in two years you will not be able to see thru there.

Chairman Santoro – Anyone from the public like to make a comment?

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Mr. Pettee – I have a question. The proposed natural retaining wall, is that going to be a couple of feet high?

Mr. Amering – It will be about three feet tall. Brad has been working with a site contractor and is purchasing some units from them and would be larger gravity style units.

Mr. Pettee – There is a proposed retaining wall her at the top pf the parking area and I think it might come down on the side.

Mr. Amering – I stopped to look on the way out here and it is a timber retaining wall that provides access to the southeast corner of the building since the grade wraps around that corner. It does not have any drainage out there. It has seen better days.

Mr. Pettee – Even thou it does sound pretty insignificant in terms of height.

Mr. Amering – It actually might help since the vehicles will eb on the low side of the retaining wall. You will have less visual impact if you were on the neighboring properties.

Mr. Logan – Helps with the parking grading.

Mr. Amering – There was one comment from Code about working with you guys on the parking. It is really only his employees and not a function of square footage of the building itself. I was not sure if there was any opportunity to talk about that now.

Mr. Hollowell – I though they said something about reducing the parking spots to 6?

Mr. Amering – The calculations when done was for retail that requires 20 or 30 parking spots and I do not think you will ever be going to have more than 10 employees.

Mr. Logan – You have ten employee parking spaces right now on the west side. Then you have all that parking area for your trucks and trailers. More than enough to work with.

Mr. Amering – If something changed in the future, I feel you could easily come up with a few more.

Mr. Harter – The area to the east will just be used for equipment?

Mr. Amering – Yes.

Chairman Santoro -Anything else from the Board? We are waiting for County comments and cannot do anything till then.

WOODS AT VALENTOWN REVISED SECTION 1

17-SP-2022

High Point Drive

Zoned – Planned Development District

Owner – Valentown Woods LLC

Applicant is requesting approval to modify the June 2021 approved site plan for Woods at Valentown. The modified Section 1 will reconfigure 8.1 acres to accommodate 84 apartments in two 42-unit buildings, increase impervious area by .57 acres, provide related green infrastructure, parking, clubhouse, and associated site layout.

James Cretekos of BME Associates with Dan Hanlon and Steve Coleman, Dave Christa

Mr. Cretekos – Over the course of the last year, Fred Rainaldi, worked out a deal to transfer the property to Commercial Street Partners LLC. That is part of the reason why we are here this evening. Once they worked thru some of the final design, they elected to make some changes and why we resubmitted an application for site plan modification. We had the approval extended at your last Planning Board meeting and wanted to make sure in case you had issues with this that we could revert back to the plan as was currently approved.

The change mainly is going from Section 1 only. Whenever I am comparing anything to the other SEQRA areas I am talking about the 8.1 acres which is to the east side of High Point Drive to just north where the property line comes. We figured what we will do is make comparison to SEQRA and stormwater for just that area since we are not looking to change or update any of the design configuration or approvals with the future sections. Something may change but if it does, we will be back. We wanted to get the project started. We are excited that the project is get some legs and be developed.

The change we are looking at is going from a four-building configuration down to two. Still the same number of units proposed across the whole site in Section 1 and at a total of 84 units. Before we had four 21-unit buildings. With that change we have looked at doing the final design for the clubhouse and one of the comments received was inquiring if that was going to be for the public residents or just the residents of Woods at Valentown. It is intended for just the residents of this area. What ended up happening is we looked at the final configuration sizing of that for the total 288 units which are still planned for the Woods at Valentown, the smaller footprint was

determined to be too small. That is where a bit of our impervious surface increase comes from. The increase of that clubhouse as well as providing a couple of additional parking spaces there to support the idea that a lot of people are probably going to be driving from sections 2,3, and 4 down to the clubhouse. If they are going to just use the pool, they are not going to want to walk thru the pretty substantial elevation change thru the northern sections.

With that the main change with the buildings is we went from a four-story configuration down to a three story. Previously we had three stories above grade as well as one subsurface level that housed 21 parking spaces per building. With the change to help improve the fire service features we have gotten rid of the underground elevations. Now there is a first, second and third floor. The first-floor component or rear portion is the parking area. There is still 42 spaces and one space per unit interior parking. There is an access at the northern and southern ends of each building and does run thru the building and drive all the way thru. To accommodate a little of the grade and elevation changes that parking area towards the southern ends of each building does slope into the ground a little bit. If you look at some of the renderings on the southern end of the buildings, it looks like it is lower than the first-floor elevation. I think we got up to around eight feet or so of grade change. That helps accommodate the grades and minimize earthworks. Before we had a lot of stepping of the buildings as you moved down the site.

With that we are still looking to do the refuse in the building. This will be private totes and handled on site thru the management people. We had a comment about HVAC units. Those are planned to be ground mounted at the rear of the building. They are not shown on our site plans since we do not have final locations of them. We will add something to indicate that they will be screened by vegetation to help block from potential views.

The utilities and things for the development are very consistent with the previous approvals. The sanitary sewer system out here will continue to make the connection from existing sewers along High Point Drive here and complete the loop down thru Section 1 and existing sewers that were stubbed up to the site when High Point was developed as well for the original plans for the townhouses in 2007.

The water system will still be the same as what the water authority reviewed and approved with the other plans. We are still going to be connecting to the water supply system that exists along High Point Drive. Right now, the water main terminates at a hydrant north of section 1. The original plans when Victor was the owner of the water system was to create a connection thru this from the higher-pressure zone that is served from the water tank up here down to the Valentown Road water system. As part of the approvals back in 2019, the Water Authority said no. They did not want any water connection between those two pressure zones and any sort of accidental operation that could cause other issues. The plan for Section 1 is to tap out that existing public main and come into the clubhouse and have backflow equipment and then run separate fire and domestic water lines that will be private down thru and support the domestic uses in the building as well as the sprinkler system and fire hydrants. It will be exactly the same as what was proposed before. We have reviewed all the water pressure and everything available with the Fire Marshal and Water Authority. The Fire Marshal did have commentary about a flow test. Those were completed back in 2019 when we were working with them for the updated hydraulics. They did do a test at the end hydrant and at the Townline and they both had positive results. We have done the modeling for that and includes all of the High Point area and office buildings and future phases.

For greenspace, we are still looking at 82% for the entire Woods property. Section 1 is about 58% which is a little bit less than what we were before, we were around 65%. That is a half acre impervious surface with the buildings being pushed together and the clubhouse expanding a little bit.

We have comments back from everyone and have provided a written response letter to all of those to date with the exception of the Town Engineers. I did have a chance to review and do not think there is anything significant in there. There was a question about the clubhouse use and an easement up by the pool area that is an existing sanitary sewer easement. We are going to cut it back with how we are bringing the sewer around. There were easements that were in place from the townhouse and looking to dissolve those to reidentify them in their final locations. We are still planning to maintain the same conservation easement areas as well as stormwater components.

Chairman Santoro – Where is the pool?

Mr. Cretkos – The pool is going to be behind the clubhouse. The stormwater facility is down at the southern end of the site, which is stormwater facility B, this area takes 100% of Section 1 into this. This has capacity to do what is needed and greatly reduce the rates from what they were predevelopment conditions. Those were all included with the amendment to the engineering report and analysis.

We did have some discussions with the Fire Marshal. Prior to him issuing his comment letter I gave him an overview on some of the site changes and he was still inquiring about all the fire service features that we had committed to that were a little above and beyond the original requirements. We are still planning to do all those things. One of the other important changes for the fire department besides bringing the parking up to a less subgrade elevations is there is no longer any balconies on the rear of the building. I the elevations you will not see accessible doors and there is no balconies to the third floor of the building. I wanted to make sure the fire departments access to the accessible points were all adequate. The front drive along the fronts of the building still does serve as the fire access drive within the acceptable limits of the building.

I think the only thing is to talk a little more in depth about the architecture and answer any specific questions you may have for that. The only other comment was regarding the Parks and Rec comment letter on the trails that were requested thru this area. They are quite a bit more significant than what was originally approved with the 2005 approvals for the townhouse areas and what was effectively reapproved. A lot of their requests were to develop some climbing elevation trails in the steep area located between the upper and lower parts of High Point Drive. Although we do not have any issues doing trails, we did have some concerns with ownership, maintenance and liability with some of these trails because they are going to be in this steep slope area with potential for injuries. That was one of the concerns we want to raise but however we are in agreement to do two of the trails that were originally approved with the 2005 plans which included a trail connection from the northern entrance up toward building 300 and another trail down from 200 that weaves thru here. That trail was on High Point 200 plans. We do not know if that was ever constructed or overgrown. My guess it was not put in because it would have been a trail to know where. At this point we are in agreement to do those two trails as originally approved as well as do the trails identified up in the future section which included

some trails around the wooded area as well as making some connections to existing trails that run thru the High Point power line. A lot of the other trails that were identified in that letter are up on the office building upper part and some of the loops thru there.

Mr. Pettee – James, the steep slope climbing trails in that hairpin area...is there a conservation easement in that area.

Mr. Cretekos – Yes, this entire wooded area is all in the conservation easement area. We were not planning on doing anything with that and were going to leave it there. Anything trail wise we were looking to natural surface path trails and clear the area out and compact it. DO you have any site-specific questions?

Mr. Logan – James, the new owner owns how much?

Mr. Cretekos – They own the 56.7-acre parcel which is the Woods at Valentown. It goes around the High Point building 300 parking lot and bisects down. The lot lines meander thru the woods here. A majority of the central area is on the Woods at Valentown property and then can follow this drive up to Section 4.

MR. Logan – These are all private drives owned by the new owner and this is public town road thru the site, correct?

Mr. Cretekos – Correct. High Point Drive is a public right away. The drive-in front of Section 1 and all the stubs will be private drives and maintained by the new owner. We do still plan on providing all the amenities. We were involved before with the whole process, and we really have a good feel of all the things we agreed to and wanted to make sure we were still delivering a consistent project to the town.

Mr. Logan – The Rainaldi's still own the three commercial buildings plus the bottom of the hill.

Mr. Cretekos – They still won all of the high Point retail areas, all three office buildings and the Chase Bank and Longhorn parcel.

Mr. Logan – Wanted to make sure I was clear on the ownership change.

Mr. Cretekos – Just the residential component. I know the Rainaldis have a lot of residential in their portfolio and this was going to be one of their first and my guess is that once they started to work thru it along with the other things that were generated from Covid, they wanted to stick to what they know they are great at and excel at.

Dave Hanlon of Hanlon Architects

Mr. Hanlon – I will quickly go thru what we have been updating on the buildings. The big change is getting a more economical approach to interior parking to bring it up out of the basement and up to the first floor along the back. That was an internal change to the exterior. We have maintained the quality and the consistency of what we had before. In a lot of ways, we like to see it better. The roofline feels more like a two-story building with the dormer elements on third floor and consistent approach as you work around the building. The building does not

feel like a long apartment building that you typically see of repetitious elements. We maintain the idea of different vertical elements in a mix of horizontal glazing areas and dormers. Still have decent approach to the materials of the stone siding and stucco. A different variety of windows from what we had before. We had a nice high-end product and still maintain that look but in a more approachable way and not as stiff and formal as what we had before and something that be much more appropriate to a Victor environment. It has more single-family residential feel even thou it is an apartment. You can see some of the southern drives of the two buildings is a little bit lower but even in that case it looks like a service entrance and not a large garage entry.

Architecturally we try to maintain the consistency and character and quality we had for you before and is just in a different building arrangement. This does meet the budget and we are assured of it being built in the quality you see here.

Mr. Logan – I have a couple questions. It looks like the garage is here and takes up the whole back of the building. I that true?

Mr. Hanlon – Right.

Mr. Logan – On the back side of the building in images you have provided it is a very long elevation. The bottom is some simple windows. Is that parking ?

Mr. Hanlon – Yes, the first floor is parking, and the three floors above is residential units.

Mr. Logan – I see two floors above.

Mr. Hanlon – I am sorry. You are right and I am wrong. Two floors above.

Mr. Logan – You can drive thru the whole thing.

Mr. Hanlon -We debated on having a lot of windows and it isa garage and good to have some natural lights, but we did not want to draw attention to it. We wanted to have a different approach to the first floor as there is to the upper floors.

Mr. Logan – I would expect to see some planting s along there that might go up five six feet or along that affect.

Mr. Hanlon – I think we could increase some vegetation back there. We are going to need it anyways for residential condensing units that are on the ground. We will have vegetation around them and will embellish that to provide some variety.

Mr. Logan – In the middle of the building there are three windows. It is broad and blank. Is that a unit?

Mr. Hanlon – Iti s nota unit but where the elevator and trash and stairs.

Mr. Logan – From parking you go to that middle and take an elevator, ok. Nice architecture and looks like it would fit the area.

Mr. Cretekos – I would like to point out if you recall we did a balloon study and flew balloons at the approximate center of all the buildings. The main viewshed that we had was from the bend on Valentown Road and southeast of the site. This is the same graphic location that we provided back with the original FEIS back in 2005 and same graphic that we updated for 2019. This is using the same balloon study. It has a good representation of how it is screened on a non-leaf covered state. Building 300 is there now but not shown in this. We feel this is very consistent driving along this corridor.

Mr. Logan – Are these buildings shorter than the fourth story version or were they built below this.

Mr. Hanlon - Same heights. It is a consistent view from the viewshed before.

Mr. Harter – I think the design looks good and really just a slight change from what was originally approved in 2020.

Mr. Cretekos – That is how we are viewing it. The biggest thing is the change in the clubhouse from the other plan. Minor adjustments throughout the site. We are providing more landscaping than we were before in terms of the numbers of plantings.

Mr. Harter – I think the architecture looks good.

Mr. Limbeck – I think the architecture looks good as well. I appreciate what you did with the balloon test. Joe covered a few of my comments.

Mr. Cretekos- I think at this point we understand you cannot make an action because of County planning. Our hope would be to potentially get a resolution prepared for next meeting. We can provide information in the meantime if you have any questions.

Mr. Logan – The only thing I caution you on at the very top with Mr. Ruedas property. We went thru a long discussion on how that looked and how everything was configured. I would tempt to suggest you do not change that much or modify for cost.

Mr. Cretekos – We are well aware of the agreements with Mr. Ruedas and have worked with Fred thru that whole process and have a good understanding. In the future we may do the same things with the buildings and Section 4, and we will figure out what to do to maintain or improve what was promised. He was the one most affected by this.

Mr. Pettee – I have a graphic I would like to share. This is an overlay of what was approved in 2019. We are seeing the red of what is currently proposed, the green portion was what was approved previously. You can see the clubhouse is a bit larger.

Mr. Cretekos – The other thing nice about this design was we did eliminate several retaining walls on the site. We are going to get better access around the building in case of a fire emergency. That was one of our main focuses.

Chairman Santoro – You all set for tonight? We can keep the public hearing open one more meeting.

David Wright of Victor Hiking Trails

Mr. Wright – I know we had some trails planned in 2005 and what we wanted to do was take a fresh look at it with a person who the town hired thru Parks and Recreation, Adam Reitz, who has extensive knowledge and experience training in designing and building trails. Primarily mountain bike trails but also a variety of trails. Three members from the Vixtor Hiking Trails Board and Adam went over and walked the site and looked at it from a standpoint of the experience we want to present or provide not only the people who work there but also for the increase in residents who will be in this area and general public. What we wanted to look at was how can we connect to the Seneca Trail and how can we take advantage of the hill. What Adam showed in map and letter to you was some possible trails. We did not get down there and walk on the side of the hill to see about steepness. That would have to be done at a later date. I want the developer to know that is not cast in stone and will have to be agreed upon between the town, Victor Hiking Trails, the developer and everyone involved. We want to work with you and provide something to be beneficial to residents and general public.

Mr. Limbeck – You mentioned a conservation easement on that slope. Can we characterize that? Is it a no touch or do we know what the easements says?

Ms. Kinsella – I do not know. It is probably most restrictive.

Mr. Limbeck – We have heard now that two trails were approved and two were proposed. DO we know what the actual situation is in terms of the two trails?

MR. Cretekos – The two trails that I mentioned that go thru the slope area were shown in 2005 which included all of High Point business park and also some of the other trails thru the residential area. What I think I will do is I will take that information and overlay it on our current site plan and incorporate all the other trails that was approved and create a comprehensive map and we can talk about it.

Mr. Limbeck – Where I am going with it is if two trails were approved when the conservation easement was established, I believe it would take the Town Board then to change the conservation easement. What is the process if we were going to change the trails that were approved?

Ms. Kinsella- If we are changing the language than yes, it is a Town Board process.

Mr. Cretekos – I will defer to the Parks and Rec since they have more experience with trail construction, but I think we can work around the existing vegetation to not remove trees. I do not think you would want to remove that vegetation on the steep slope.

Mr. Limbeck – A most restrictive would prohibit anything.

Mr. Cretekos – We are willing to work with Parks and Rec on discussing and developing the trails.

Chairman Santoro – I saw the trails drawn on one of these.

Mr. Limbeck – I wanted to make sure we are coming from the same place.

Mr. wright – Adam was not aware of the 205 trails and was looking at it from a clean slate approach. He is not interested in steep slopes. One thing he mentioned was the trail that would be lower towards the road might be wider than the one on top.

Chairman Santoro – Do you know what the key is for the map?

Mr. Cretkos – The red and yellow were the ones effectively on the Woods at Valentown property. The blue are the ones more up in the High Point parcel. The blue are up at the higher flat parts of the site. I can overlay that exhibit also.

Mr. Wright – Important thing we are looking for was a loop trail and a connection to the Seneca Trail. I do know that we had to work with Rainaldis as well as Mr. Christa.

Franci Rose of Valentown Road.

Mr. Rose – What kind of people are going to live in here?

Chairman Santoro – I don't think they can answer that.

Mr. Rose - Is this high end?

Mr. Cretkos – I do not know the rental price of the apartments.

Mr. Rose – How many bedrooms?

Mr. Cretkos – It is a mix of one, two and three bedrooms which is what was previously designed to get a variety of empty nesters and professionals.

Mr. Rose – Do you own the barn?

Mr. Cretkos – I am not aware if that was included with the sale of Valentown property. That was its own lot.

Mr. Rose – There is a pond right here and my concern is that you are adding more stormwater into that and already overflowing this pond here and making a wet spot on my property. I believe it is leaching from over here. It is not an overflow and was wondering if you own that or do I have to go back to Rainaldi.

Mr. Cretkos – I do not believe that was included with the sale of the property. I do know the water on the south side of Valentown Road was designed to be a permanent pool that allows the water to disperse to the tributary.

Mr. Rose – The problem is this is low and when it gets high, I have water right there. They have a ditch like that flows into the creek. The way it is described is it is supposed to flow into there after the sediment has settled. I think it is leaching under that.

Mr. Cretekos - I believe the Rainaldis own it.

Mr. Logan – There is a triangular piece across from the driveway owned by Rainbro Associates. That is the only piece. Is there a pond on that property.

Mr. Rose -Yes. You have the other pond by the barn. It starts up in there and comes thru their property and thru the other development that is next to me that we have discussed where we had the driveway problems. I have a problem when I pull into the driveway.

Mr. Cretekos – I will take a look at the original 2005 design and how that was intended to be built and operated and I will give you an update in 2 weeks. I believe it was intended to be a permanent pool that acted like a broad spilling overflow into the creek. I will try to get out there as well and see if there is anything we need to remedy while we are out there.

Chairman Santoro – Public hearing is still open and be on next meeting.

MINOR SUBDIVISION

VANDENBERG MINOR SUBDIVISION

1657 Strong Road

Owner – Jack Vandenberg

Tax Map # 38.00-1-27.000

Applicant is requesting approval to subdivide the parcel into three lots with existing house and barn on the center lot.

Tom Vandenberg son of owner

Mr. Vandenberg – her plan is to just sell off the center section and planning to sell to her granddaughter who has ben living there since 2015. Pretty much everything in terms of improvements are located in that center lot. It is primarily being divided because they can not afford to buy the whole thing. Eventually they went to buy the whole thing and they want to purchase what they can and save and purchase the remainder down the road.

Chairman Santoro – Other than the division of the property into three you do not have any present plans to develop at all?

Mr. Vandenberg – No.

02-MS-2022

Zoned – Residential 2

Chairman Santoro – Board have any questions?

Mr. Limbeck – No, I noted that if the other two lots were to be developed, they would have to come back in front of the Board. I think it is all straight forward.

Mr. Harter – The only question I had was I looked at the map and saw that they tried to show some possible driveway locations. I understand from Wes’s letter that we may not need to evaluate that very strongly at this point and when they come back in for development that would be the time, we will home in on that.

Mr. Pettee – I think you hit the nail on the head. It is good that the surveyor put in tentative location where a driveway might be. That isa very strong idea that access to the lot is feasible and shows you where potential access would be and also giving us where the sight distance would be. I would agree that a hard look at those access points right now id that they are not looking to construct a driveway and we are not approving the particular location. It is just showing us where it could be.

Mr. Logan – It is showing you it is feasible but not nailing down those entries. Part of the comment was also that the driveway spacing does not meet the spacing requirements. In the future if a plan comes in, they may need a waiver to that distance.

Mr. Harter – As long as that is bundled in without approval, we can handle that.

Mr. Logan – A little nostalgic. I looked to buy this property 40 years ago. I have no problem with the subdivision.

Mr. Harter – We have to wait for the County on this one too.

Chairman Santoro – Anyone from the public?

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

FINAL SUBDIVISION

FAIRWAYS PHASE III RESUBDIVISION LOTS 305&306

Championship Drive
Owner – Fairview Ponds LLC
Tax Map # 6.20-1-300.000

04-FS-2022
Zoned – Residential 1

Applicant is requesting approval for resubdivision of Lots 305&306 into 9 individual townhomes.

Andrew Burns of Passero Associates

Mr. Burns – Back in May the Planning Board meeting received subdivision approvals for buildings 307-312. Since then, two additional building footprints have gone up for 305 – 306 and seeking subdivision approval for those nine new lots tonight. No significant changes from previously approved plans. We did receive some minor comments from Town Engineer this morning which we have already incorporated.

Chairman Santoro – Any questions from the Board?

Mr. Limbeck – I have nothing.

Mr. Harter – I remember from last time and I think there was property lines that were changed or were you going to establish the lines based on the structures?

Mr. Burns – I believe that was a condition of the approval and that once the foundations went in, we set the pins.

Mr. Harter – Now we are doing something and adding property lines?

Mr. Logan – They are defining exactly where the property lines are based on where they built the foundations.

Mr. Harter – Doing the same as what you were doing previously.

Mr. Burns – Correct. We will be coming back a few more times.

Mr. Harter – It is the same as last time. Okay.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Joe Logan:

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on June 7, 2022, by the Secretary of the Planning Board for a Final Subdivision entitled Fairways Phase 3 Townhomes, Lots 305-306 Resubdivision.
2. It is the intent of the applicant to resubdivide Lots 305 & 306 into individual lots for each individual townhouse unit.
3. Pursuant to Section 27-8J of the Town Code, a recreation fee of \$1500 for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit as identified in the Planning Board approval resolution dated October 9, 2012.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of The Fairways Townhomes, LLC Final Subdivision entitled Lots 305-306 of the Fairways – Phase III, drawn by Passero Associates, Drawing #20203040.0001, dated June 2022 received by the Planning Board Secretary June 7, 2022, Planning Board Application No. 4-FS-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the final subdivision plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments from LaBella Associates dated July 12, 2022, be addressed.
5. That the Subdivision which was approved on May 22, 2007, be modified and the Application of the Fairways Townhouses, LLC dated June 7, 2022, for a modification of the approved subdivision be granted, provided that the Developer comply with all conditions stated in the prior Final Subdivision Approval, dated May 22, 2007, and further complies with the requirements herein.

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

1. That the final subdivision complies with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
3. That in the event the created lot lines, do not coincide with the constructed buildings, an administrative lot line adjustment is possible providing all regulations are complied with.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Motion was made by Joe Logan, seconded by Scott Harter RESOLVED the meeting was adjourned at 9:05 PM

Lisa Boughton, Secretary

