

A regular meeting of the Town of Victor Planning Board was held on July 13, 2021 at 7:00 p.m. with the following members present:

PRESENT: Ernie Santoro, Chairman; Scott Harter; Al Gallina; Joe Limbeck

ABSENT: Joseph Logan, Vice-Chairman;

OTHERS: Wes Pettee, Town Engineer; Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town Supervisor; Kim Kinsella, Project Coordinator; Diane Guinan, Scott DeHollander, Luke Lill, Jerry Goldman, Linc Swedrock, Lisa Boughton, Secretary

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

APPROVAL OF MINUTES:

On motion of Al Gallina, seconded by Scott Harter.

RESOLVED that the minutes of June 8, 2021 be approved.

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

Approved 4 Ayes, 0 Nays, 1 Absent

CORRESPONDENCE:

There were none.

BOARDS AND COMMITTEE UPDATES:

Councilman Kahovec from the Town Board.

Councilman Kahovec – Nothing pertinent. Yesterday’s meeting was just a payment of bills meeting for the Town Board and will meet again at the end of the month.

PLANNING BOARD reported by Lisa Boughton
Tuesday July 27, 2021

PUBLIC HEARINGS

- Kwik Fill Shed, located at 7453 State Route 96, applicant is requesting approval to install a 10' x 12' shed at the Kwik Fill Station property for additional storage space. An Area Variance was approved on April 19, 2021 by the ZBA.
- Crown Castle/T-Mobile, located at 914 Brownsville Road, applicant is requesting approval to replace (3) antennas, ancillary equipment and install (1) new microwave dish. No tower height extension or compound expansion proposed.
- Mary Hornung Wildlife Sanctuary Sign, located at 240 Railroad Mills Drive, applicant is requesting approval to install a 60" x 30.5" wide, and custom routed shape sign with the proposed sign height of 60". The proposed sign will designate a nonprofit wildlife sanctuary.
- Benson Road Deck and Fence, located at 212 Benson Road, applicant is requesting approval to construct a 16 x 12 foot deck and a 388 linear foot fence. This parcel is located in the Limited Development District.
- Target Drive Up Expansion, located at 7500 Commons Blvd, applicant is requesting approval to create 24 new drive up stalls with no-parking access aisles for delivery of purchased items. The six existing drive up stalls will be removed. Applicant is also proposing to install 12 two-sided stanchion signs and one beacon sign and relocating a second beacon sign.

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.

SKETCH APPLICATION

GUINAN MAJOR SUBDIVISION

03-SK-2021

6465 County Road 41

Zoned – Residential 2

Owner – Edward Guinan

Tax Map # 40.00-1-23.100

Applicant is requesting **acknowledgement of a complete application** to subdivide the 112 acre parcel into two lots. Lot 1 will consist of 50 acres and Lot 2 will consist of 62 acres. This is the first step of a major subdivision and only acknowledgement of a completed application will be considered at this meeting.

Chairman Santoro recused himself from this application. Al Gallina stepped into Chair position.

Diane Guinan, Executor of Guinan property

Ms. Guinan – Appreciate opportunity to meet with you on the subdivision. I am coming before you to request a simple subdivision of one parcel of land with 112 acres into two parcels of 50 and 62 acres. It is a bitter sweet request as my family has been on this farm for over 70 years and followed in the footsteps of the farmers before them. The land has continued to be farm to this day and unfortunately after losing the patriarch and matriarch of the family we must pass on the estate. As hard as this is I realize today more than ever that we the family and those selling, have an opportunity. With good fortune, Victor also has an opportunity. By dividing this land we have an individual whose interest in preserving 50 acres of what my family and parents fostered over the past 70 years. Beautiful farmland on rolling hills with a creek meandering thru the middle and surrounded by woods, animals, natural beauty and incredible sunrises and sunsets. The buyer is interested in our land because he loves this and wants to enjoy what we have been so fortunate to enjoy all of our lives. To experience this purchase fully the buyer plans to build a single family home on 50 acres of land. He will build his home in a manner that preserve the ability of the farmer to continue farming.

I can't tell you how appreciative we are to have found someone to maintain the rewards of the years of blood, sweat, tears and joy of this small bit of heaven. In order for this 50 acres to house a single family residence the town must also benefit. We recognize that. We wanted to answer what Victor wants. What would be perceived as a win win for us the seller, the buyer and also the town? I researched and read and sought counsel of a variety of town leaders to understand what the goals of Victor are. The answer I got every time was the residents and leaders of Victor seek to do what I grew up with. Protect farmlands, protect greenspace and to maintain a small town atmosphere, rural character, open space, beautiful topography and an overall sense of community. Our request does all of this in a big way. County Road 41 is lined with single family homes and the rolling hills from the edge of Victor to the wets to the Town of Farmington on the east.

You have the opportunity to maintain what has been expressed as the desire character of Victor including the Comprehensive Plan by promoting the sale. There is stumbling block for which maybe together we can find a solution. In the 80's my parents gave two of my siblings small parcels of 1-2 acres at the edge of the property for single family homes and to help them preserve that property and a piece of Victor history. It changed nothing about the character of the farm itself in fact thru their help it enhanced it.

Mt parent's gift of land to my siblings left us with an estate of 117 acres. We recently requested dividing the farm house and barns from the land and now we are asking to divide the remaining land into two parcels. Unfortunately because of a regulation created in the 70's, this division of 112 acres into 40 and 62 acres is considered a major subdivision with all the responsibilities typically reserved for developers who are creating high density areas. I would invite you to come see this property and I think you are going to see three parcels on 117 acres and wonder is this really a major subdivision. Was this the intent of the regulations that was created 50 years ago to have 1 house on 50-60 acres to really be a moot subdivision? I say that because many people have come to the land from the town doing inspections, the

buyers engineer and they say you are wrong this is not a major subdivision. It is a major subdivision because of one line that says 5 parcels becomes a major. The two pieces of land that were really corners of the property owned by the family now force us when we want to take the true estate which is 117 acres and divide it into three large parcels.

I come before you now to ask for this property and division to be treated as a minor subdivision. A minor subdivision I believe it truly is. I am not sure the best way to go about this and look for the counsel to ask for a waiver, variance or any alternate solution to help us achieve a goal that will serve the legacy of our parents and serve Victor by maintaining that small town beauty, farming, natural resources and all that has made Victor a special place to live and grow up thru the years. The place that I see and the readings I have of almost every document related to Victor the expression to maintain that open land that the beauty of the area, sense of community, rolling topography all outlined in the Comprehensive Plan. Thank you for listening.

Mr. Limbeck – I applaud the intent of what you are trying to do. I appreciate your explanation.

Mr. Harter – This project is just here for sketch?

Mr. Gallina – Sketch plan application completeness.

Mr. Harter – I think it is a very nice project and wish we had more like it. I think it certainly good to go from a sketch plan perspective but as to the question regarding major or minor that is a separate discussion to be held at another time.

Mr. Gallina – Agreed.

Mr. Pettee – I did get an opportunity to review the sketch plan application and did not have any major comments other than the submission appears to be complete. The project when you formally submit a preliminary application will probably need to be submitted to the Ontario County Planning Board for GMO-239 referral. As far as a major subdivision versus minor there is not a waiver or variance that the Planning Board can provide. It is written in Town Code and although we do not have the ability to waive a provision of major versus minor what we have done in the past is help an applicant by consolidating the preliminary and final applications so it is done as one. That would seem to be reasonable in a case like this where you do not have a lot of development going on and you are not adding any new streets. You are not adding a whole lot of infrastructure to the project parcel. You are preserving a large part of the parcel keeping it rural and that would seem to be a reasonable approach. As far as submission requirements they are very similar for major and minor subdivisions especially because you are not adding all this new infrastructure that a typical major subdivision would provide. We can still condense that process for you so that it does not take as long as your typical major subdivision. We do not have the ability to waive that requirement.

Ms. Guinan – I guess I would ask with all due respect if there is a body that can and I will explain why. It is not just the time and if it was we would take the time but imagine a person who is about to buy 50 acres of land and then told you must keep 50% of that in a conservation easement and this is on a piece of land that is already zoned one house per 3 acres. It has a creek that runs down thru the middle of it and already has 75 feet of buffer on either side for which you cannot do many of the things that you want to do in a conservation easement. It is on the south side of County Road 41 which the town says we do not want a sewer system. The buyer will back out. The buyer has told us that and why it does make sense. Why does that buyer want to be on that land but to enjoy what is there. He will preserve the farmland. If this buyer pulls out what other person who wants to have a single family home on 50 acres is going to want to do that and give up 50% of that land. It puts us in a position to be counterproductive to what the town says they want. If ad 0op can do that and cluster their homes on a one per three acre you have the land sitting in the back not being enjoyed or protected. I can tell you that we have lived on that land over 70 years and we have enjoyed it and preserved it. I challenge you, would we not disrupt that land more and go counter to the goals of Victor by having a development in there. A single family home cannot use the land they are going to go elsewhere where it is not the magic number of 5.

Mr. Pettee – I understand your concern there and so there might be some reasonable alternatives for you. To answer your first question. What Board could help you in that regard in helping to change it from major to minor that would be the Town Board? That would be changing the actual Town Code. That is a pretty lengthy and difficult process that would have implications well beyond your project. Alternatively for major subdivisions the requirement if you read the code carefully requires that 50% of the land be designated or kept as open space. One of the alternatives for doing that is to establish a conservation easement. It does not have to be a conservation easement. I think it mentions conservation easement as one alternative dedication of land to the town as another alternative or there is also a third option some other means feasible that is acceptable to the Planning Board. If there is another means of assuring you are providing that 50% open space and you do not want to do it in a conservation easement I think you present that to the Planning Board and say this is how we would like to establish and preserve the 50% open space.

Mr. Limbeck – There are opportunities for three different types of conservation easements and not necessarily the most restrictive. I think there is opportunities in the language and the different types of conservation easements to accomplish what you are trying to do for instance keeping it for agricultural use only would be one potential way. You could limit mowing to a couple times a year, you could have access to the existing hiking trails for instance but forbid motorized vehicles. There are a number of opportunities within the conservation easements that would satisfy what your potential buyers are looking to do.

Ms. Guinan – I thought that too until we read thru them and really all three conservation easements tie the hands of the buyer forever in terms of what they can do with the land. Again, it is easy to finally find what they want and how many places in Victor can you find 50 acres of that type of land that would be for sale. They could easily walk away because they do not want to be tied to rules. If someone came in and bought that same 112 acres there are

no restrictions but because it is 50 and 62 now suddenly they are restricted on how you as a land owner can use your land. Again, a developer I believe this was designed for true developments and true developers do not have this problem. They cluster their homes in the front. Think about what that does to the beauty of that area when you are going thru Victor. They leave dormant everything that is in the back. Is that really what is meant by preserving the natural beauty in that small-town atmosphere where you drive thru the town and see these open spaces? With a development you wouldn't even see the open spaces of that land. I do not know the solution but the solution of tying the hands of one home owner with a small family and saying I cannot use the land and I just purchase it at a fair price.

Mr. Limbeck – The intent is actually to bind certain conditions to the land so if that homeowner leaves in five years for whatever reason the next occupant may not be as benevolent in his views towards the land and do things that are contrary to your vision so it protects the land thru generations not just for the owner.

Ms. Guinan – I do understand that but again that same piece of land...we are not talking housing development and that same piece of land how many people want a 112 acre of land. That same piece of land is 112 acres it wouldn't matter and that person could come in and they could strip.

Mr. Limbeck – Or you have a developer come in?

Ms. Guinan – No that is not what I am saying. I am saying that we are left in that situation. I am not blaming you but when you look at that whole property. How many times has this come up? I have talked to people in Victor and cannot find it when I did the research of how often do you have a piece of property that is 117 acres that is being divided into two homes with an acre and then three with 5, 50 and 62 that it becomes a major subdivision. Most of the time is that when those pieces of land are purchased they are purchased by developers and cluster their homes in the front. They do not have the same problem that a resident would have. It really favors the developers over a single individual who would preserve the land. Talk about the ecology and the conservation. The conservation of one person on 50 acres versus 20 homes or a little less. The regulation is not achieving the goal of the regulation and think that my understanding is that every regulation can be considered on an individual basis.

Mr. Limbeck – To Wes's point, we do not have the power to change the major versus minor codes. Nor do we have the authority or power to change the conservation easement language either. Wes has offered some opportunities to work with the Planning Department to come up with a solution that will be beneficial to you and the town as I indicated earlier, I applaud your goals here and the fact that you have a buyer that willing to do a single family on 50 acres. I think that is marvelous. I think it would behoove you and the town to explore this further before we go down the road of the direst consequences. We have a good first step and think your interest mesh with ours. I do believe the Planning Department can help you and your potential buyer achieve those goals. I do not think it is as dire as it could be.

Mr. Gallina – Joe, thank you for those comments. I think you pretty well summed up where the Planning Board position is at this point. Tonight the purpose of the meeting was to review your sketch plan and asses a resolution whether or not the sketch plan is complete and I think at this point is the Board willing to entertain that resolution.

RESOLUTION

Motion made by Scott Harter, seconded by Joe Limbeck.

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

1. A sketch plan application was received on June 15, 2021 by the Secretary of the Planning Board for a Major Subdivision entitled Guinan Subdivision.
2. It is the intent of the applicant to subdivide the 112 acre parcel into two lots. Lot 1 will consist of 50 acres and Lot 2 will consist of 62 acres.
3. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Conservation Board reviewed the sketch plan on July 6, 2021.
5. LaBella Associates reviewed the sketch plan and made comments dated July 9, 2021.
6. The Codes Department reviewed the sketch plan and made comments dated July 2, 2021.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of Diane Guinan, Major Subdivision entitled Guinan Subdivision, drawn by Welch & O’Donoghue Land Surveyors, dated April 9, 2021, received by the Planning Board June 15, 2021, last revised June 14, 2021 Planning Board Application No. 03-SK-2021, the Planning Board **acknowledges receipt of a complete sketch plat application;**

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

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

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

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

Ms. Guinan – May I ask a question. I appreciate the sense that the Planning Board can help. May I ask the procedure in which to gain some of that help? In trying to contact people I have not been successful in doing that.

Mr. Gallina –Would that be best by contacting the Planning Department and talk about approach?

Mr. Pettee – Another resource would be your surveyor. Your design professional that is preparing these plans. You can suggest to the surveyor that we pointed out the open space provision section 211-46 in the Town Code and that third option and you are not fond of conservation easement. The town is probably not interested in taking land in dedication in this instance. The third option we can talk about that with town staff and with your surveyor and see what ideas they might have.

PUBLIC HEARING

Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.

SCOUT PATH

Aldridge Road

Tax Map # 16.00-1-2.120

Owner – DeHollander Design, Inc.

Applicant is requesting approval to subdivide the 8.84 acre parcel into five building lots ranging in size from .813 acres to 5.09 acres. The home locations will be accessed via two shared common driveways. Sketch plan was acknowledged on February 25, 2020.

03-PS-2021

Zoned – Residential 2

Scott DeHollander of DeHollander Design

Mr. DeHollander – We were here last meeting about three weeks ago and started the process of moving thru preliminary review. We responded to Town Engineer comments, staff comments and was placed on the agenda tonight. I received your letter Wes and it seems to be an issue that we are going to be working thru relative to the wetlands but I do just want to talk about the issue quickly and not spend a lot of time on it. There is definitely some follow up that we will provide before we receive final. I am wondering if there is a possibility of continuing with the preliminary. The issue is the town forwarded the application to the Army Corp which was appreciated. The response was not unexpected but we had done some preliminary investigation with the soils that yielded soil horizons were not consistent with wetland soils. They were not hydric and were light in color in that documentation that we can provide to move forward. I really see that as a secondary issue. Our intent is not to fill that area at all and using it for storm water mitigation. Even if there was a wetland delineation that included an area beyond the stream the intent is to let it to function as a wetland and be addressing any wetland construction

permits associated with that. Any embankment that we are putting in any filling in that wetland would be far less than a tenth of an acre. We would be able to proceed under a nationwide permit. Wanted to outline our approach to that question and in the hopes of moving our project along maybe have some momentum to consider or at least open the SEQRA. Of course keep the public hearing open and someone who would like to speak about the application.

Chairman Santoro – There are some staff comments here. From the Fire Marshal it says lot 3 will require a private hydrant or residential sprinkler system and with regard to Code that yard trees will need to be indicated on future plans and Planning Board to discuss with applicant on whether sidewalks are required.

Mr. Gallina – No questions at this time.

Mr. Harter – The one item that seems to be a concern is the Boards response and request for delineation. That takes time to do that. The potential impact from that would be that it might affect the pond area you are showing. It could?

Mr. DeHollander – I am saying that it would be able to be mitigated by design any impact.

Mr. Harter – Do you think it has the potential to affect the layout of that particular lot to the extent that it is prudent to wait until that delineation is done?

Mr. DeHollander – Certainly not trying to pressure the Board but my professional opinion is no.

Mr. Harter – On the shading. Is the purple shading the conservation easement and the darker is a drainage easement or utility?

Mr. DeHollander – It is using the same shading for the utility and access easement and stormwater easement.

Mr. Harter – I see you have a number of comments that came in and suspect you can deal with those as you have dealt with others. I have no more questions.

Mr. Limbeck – If the intermittent stream area becomes part of the stormwater mitigation does that change the nature of it being intermittent. Does it become more of a regular stream because it is part of the maintenance system, if it does is that something that is acceptable to the Corp?

Mr. DeHollander – I can only offer my opinion here and cannot speak for the Corp but traditionally this isn't really a question that comes up. The stormwater is being mitigated by the pond so the increase in stormwater runoff and we are not talking about the ... the same amount of water is going to hit the ground as post development as pre-existing. We are holding back the storm event relative to the imperviousness. If the storm classification of intermittent meaning the same volume of water has to pass thru the watershed we're not changing the volume of the water we are just delaying it so that the imperviousness is offset. Base on that I am saying no but

the Corp is the Corp and I am not sure if it would be a question we would ask them to provide anymore explanation on either.

Mr. Limbeck – It is kind of an arcane thing and getting my head around it.

Mr. DeHollander – I would try to rationalize it based on this volume of water that has to pass thru the watershed. There is no change there.

Mr. Limbeck – I am curious of what we are supposed to discuss relative to sidewalks?

Chairman Santoro – It was a staff comment.

Mr. Pettee – There is no sidewalk infrastructure in the immediate vicinity and I do not know if it makes sense to pin requirement for sidewalks particular for this specific development to extend somewhere. I think it might have been brought up as it is generally a discussion item for major subdivision. Something to review and in my mind it does not seem prudent to require any sidewalks in this instance.

Mr. Limbeck – Good. That is where I was going to.

Chairman Santoro – Did you get Wes's letter? Any comment about that?

Mr. DeHollander – That was what was speaking to earlier. The issue with the wetlands. Happy to provide the documentation that is requested. We feel it is a construction related permit and that SEQRA could progress without a determination from the Corp because any disturbance within the wetland would be less than tenth of an acre which is allowable under a nationwide permit.

Mr. Pettee – This letter just came out today and we got an email from US Army Corp of Engineers and they made a recommendation. I also talked with our wetland specialist at Labella and they were taking a conservative approach and recommended the potential wetland be evaluated by a professional and if there is a wetland there to delineate it. I guess our concerns are two at this point. One, being able to do an adequate job with SEQRA and also the potential design change if there is a wetland there and the change to engineering and stormwater design. I guess one thing we could consider doing as was discussed with the previous application is deferring or combing the preliminary and final applications together as one to give us some time to evaluate the information the developer is going to submit regarding soils or if he does have a wetland delineation and maybe get some preliminary comments back from the Army Corp of Engineers on your delineation.

Mr. DeHollander – Based on our preliminary soils test we would not make an application to the Corp since we do not see hydric soils which would qualify the area for a wetland. I am wondering if maybe we could have the Labella wetland folks meet us in the field and we can toss a couple soil holes over and confirm that finding.

Mr. Pettee – That is possible and we could coordinate something like that if Kim is ok with it.

Mr. DeHollander – I am not trying to skirt the issue but in our professional judgement we felt comfortable moving forward in this direction. I walked thru another scenario to and even if there was a wetland in this area there will be small in pocket and size and any disturbance associated with them will be under a tenth of an acre and we would pursue a nationwide permit for disturbance and we are allowed to fill up to a tenth of an acre. The embankment associated with our pond is less than a tenth of an acre.

Mr. Pettee – Just for the Planning Boards information I noticed a couple of you were looking at the graphic on the back of the Labella letter. That was a graphic provided by the Army Corp of Engineers looking merely at an aerial photograph making a desktop observation that those areas in that red polygon appear that there might be some saturation in that area. That is what the red outline is in that area.

Mr. DeHollander – There certainly is a seasonal saturation in this area and primarily focused in this area that we are making a reservation of. That alone does not qualify for a wetland. It is a combination of soils.

Mr. Pettee – I would be happy to coordinate with our wetland scientist and can meet you out there on site to see if delineation is warranted.

Mr. Harter – Probably faster than Corp of Engineers.

Mr. Pettee – We would not be able to a delineation for you but we can at least go out and make some observations.

Mr. DeHollander – If we can have a meeting of the professional minds that would be a path forward as opposed to relying on a desktop assessment.

Chairman Santoro – Have you seen the Building Department comments also dated today?

Mr. Pettee – As far as SEQRA goes assuming we can get a meeting on site in the next week or so we can prepare and finalize the preparation of Part 2 & 3 of the EAF for the next meeting assuming the outcome is not in favor of requiring a delineation.

Chairman Santoro – The Building Department comment was the hammerhead turnarounds are challenging due to the history of the m being used for vehicle storage were not plowed or maintained especially entering on private property.

Mr. DeHollander – It is shown on the sketch up here of what we have proposed is a hammerhead style turnaround at the end. We certainly will work with Sean on that. We have come up with some solutions in the past that are out of the box and continue to find a way to move forward on that.

Chairman Santoro – Anyone from public have any questions or comments? Hearing none I will ask the Board one more time for anything else. We are done for tonight.

FRANK LILL & SON STORAGE YARD

17-SP-2021

785 Old Dutch Road

Zoned – Light Industrial

Tax Map # 14.02-1-6.200

Owner – Lill Power Development LLC

Applicant is requesting approval to construct a 2-acre outdoor storage yard at the east end of the parcel for storage of piping and fittings.

Luke Lill with Frank Lill and Son and Jake Lill

Mr. Lill – We are proposing a 2 acre lay down and storage yard essentially asphalt millings with a crusher rock stone topper. Currently that area is being used for storage right now but this is to actually put down a surface material for that.

Mr. Limbeck – Nothing yet.

Chairman Santoro – I see in your proposal that screening is proposed with a planted berm along the east side. Stormwater management will be provided on site with an installation of two stormwater bio retention areas sized to meet NYS DEC requirements for green infrastructure. What are you using that area for now?

Mr. Lill – It's pretty much just storage of pipe valves and fittings. This surface topper is pretty much just trying to get materials in and out of there. It helps to keep any ruts down and provides a more stable surface for the storage of materials.

Chairman Santoro – For the trucks to go in and out too?

Mr. Lill – It would be a fork truck in and out. A lull style extended boom fork truck is going to be the vast majority of what is going to go in and out of there. I am sure we will have the occasional truck or two back and forth.

Chairman Santoro – Have you seen the memo from Bruce Zaretsky the landscape consultant on June 21?

Mr. Lill - I do apologize. My facilities manager has been taking the lead on most of this and he had a conflict tonight so it was turned over to me. I believe I saw that was in regards to the specific trees. We are flexible on that. We are not married to one specific tree type and will work with you on whatever you think is best.

Mr. Harter – I had a question on your pond. There is an existing pond that serves the building and this pond would be additional to that?

Mr. Lill – The pond you are referring to is the pond in the ...

Mr. Harter – It says northeast bio retention on the drawing.

Mr. Lill – That is existing. No sorry that has to be added. There are two ponds over in that area. That will be added.

Mr. Harter – You are okay with the technical comments that have come and you will make adjustment accordingly and take the landscape architects and place into your design.

Mr. Gallina – The way I look at it the use is existing and they are looking to put a better surface to accommodate usage. I'm fine with the additional screening.

Mr. Pettee – We did have some comments on this project and forwarded them to the design professional, MRB Group. Generally they are technical in nature no real concerns there. I think those are comments that MRB should be able to handle.

Chairman Santoro – Anyone from the public have any comments? We can close the public hearing.

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

REFERRAL FROM TOWN BOARD

SOUTHGATE HILLS PHASE 2 OVERLAY RE-CLASSIFICATION

East Victor Road and Boughton Hill Road

Riedman Acquisitions, LLC to reclassify northwest corner of East Victor Road and Boughton Hill Road commonly known as Southgate Hills Phase 2 from a Residential Overlay District "A" to a Residential Overlay District "B".

Jerry Goldman Attorney for Riedman Acquisitions and David Riedman, Jerry Watkins and Linc Swedrock

Mr. Goldman – Mr. Riedman and the Riedman organization of course is very familiar with this area. One because Mr. Riedman lived in this neighborhood for quite a long time as well as the development of Southgate Hills Phase 1 adjacent to this site. As the Chairman pointed out we are at the northwest corner of East Victor Road and Boughton Hill Road which was the subject of study in the 2015 Comprehensive Plan. There is a recommendation in the

Comp Plan to actually alter the density limitations for this site from 1 unit for every 3 acres to 1 unit for every 2 acres. In addition to that, subsequently there was a Sewer Master Plan that was completed and I should not step on the engineers toe's on this but I will only mention it to the extent that we did receive staff comments from County Planning on this and specific sited to the master plan as an element of support for this request. We are totally consistent with the Comprehensive Plan. This has gone to the Town Board for their initial review and they have referred it to your Board and been referred to Count Planning. A public hearing has been scheduled for the end of this month, I believe the 26th on the re-classification request.

To the extent that we do not have to argue or make the case that we are doing something consistent with the Comprehensive Plan because in black and white we are consistent with that. We are requesting the Boards positive recommendation on this request. We will be available to answer any questions you may have.

Chairman Santoro – This is not a public hearing as it is for discussion.

Mr. Gallina – It basically comes down a question of density. Is that essentially what we are looking at? Is this already approved project that you are looking to modify the density or have we yet to see it?

Mr. Goldman – This is a project you have not seen yet. You have seen Phase 1 and I should point out that the residential development in the area, generally further north of here along East Victor Road, is similar to the type that we would be talking about and would follow similar density.

Mr. Gallina – No other questions at this time.

Mr. Harter – Does our Comprehensive Plan, I have not read the chapter you are referring too but could you tell us what that says specific to your project?

Mr. Goldman – Yes, Chapter 8 does have a number of maps that are attached to it. It does indicate where there is appropriate infrastructure that there should be some changes to density. As a matter of fact, there are recommendation of density that goes up and down on the maps. If you do not mind I can show. We are down in this area. This is area is delineated in red and is specifically talked about moving from least density to medium density. We are right in that area.

Mr. Harter – Where is this relative to..is this right on the other side of the street of the Blumont subdivision we looked at some time ago? The same vicinity?

Ms. Kinsella – It is across from Southgate currently.

Mr. Harter – Wes, is there an interpretation of our Comprehensive Plan in possible increase in density? Does that fit with your understanding of it?

Mr. Pettee – For example I just put this map up on the screen so for those that are in the audience who might not be able to see it. The area we are talking about is the southeast portion of the town over towards the Town of Farmington. This map is actually in the Comprehensive Plan and as you can see on the legend...these were conceptual changes that wasn't necessarily the suggestion that this absolutely be done. If it were to be considered then you can see the proposed changes to greater density are the areas. There are three different levels. You have this darker red, this fire engine red and then a pink. You can see that this area of East Victor Road and Boughton Hill Road has that fire engine red overlay that essentially suggesting to go from a least dense neighborhood to a medium density.

Mr. Harter – Relative to the sanitary sewer is it because the sanitary sewer has been looked at and potentially considered to go south down East Victor Road to I believe it's that Blumont project we looked at.

Mr. Pettee – The Blumont Rise project is just south.

Mr. Harter – Extending the sewer down East Victor Road is part of what they wanted to do. IS that action close to it enabling greater density to this area?

Mr. Pettee – That is true because then this property ...I will also bring up the sanitary sewer map...but the area on the east side of East Victor Road and then a parcel or two on the left side of East Victor Road is currently in the sewer district as it was expanded for that Blumont Rise project. You are right. Now that the sanitary sewer infrastructure will be going along East Victor Road allow for hook ups.

Mr. Harter – has the sewer been constructed yet?

Mr. Pettee – Not yet. I think it will be going to construction soon. The sewer flows from this project will go northward on East Victor Road towards Route 96 and be conveyed to pump station 7 which is on the corner of East Victor Road and 96. That pump station with the approval of Blumont Rise and with the approval and build out of Victor Jeep that pump station is at capacity. Pump Station 7 would not be able to accommodate flows from this project. However, the Town Board did adopt several months ago a new sanitary sewer hookup fee for projects that enter the sewer district and connect to the sewer district and basically these new connections will pay a capital recovery fee. They are assessed a fee by the Town of Farmington for a sanitary sewer hookup but now a new fee has been added by the Town of Victor to help offset and pay for capital costs related to the sewer district. That will help theoretically and pay for any improvements that might be needed at pump station 7.

Mr. Goldman – I do want to point out that in the current residential overlay district map and we are located in the area over here. Adjacent to us we do have that residential. We are essentially extending what is existing. We aren't talking about taking an area that is totally foreign and putting a heavier density.

Mr. Limbeck – Does Phase 2 with Residential Overlay A...how many homes are we talking versus Overlay B?

Mr. Goldman – I do not know if we have an actual count right at this point. We are still taking a look and evaluating what it would be. It would probably be a number which is more substantial because of course it is a density issue and not a lot size issue. What that does is it helps increase our yield relative to the overall but at the end of it all we still do have to conform to the Town Code requirements of open space.

Mr. Limbeck – It is interesting to me that the first family that was on the agenda tonight did an informal survey and the people that she spoke to were very enamored with the rural area of that area on County Road 41. It is interesting that the informal survey reveals less density as preferred to more. Informal granted.

Mr. Goldman – Historically I have always felt that the Boughton Hill Road was kind of a dividing line between higher density and lesser density. When they talk about Boughton Hill Road. I think that has been a line we do not look to breach very often and that is to provide greater density south of Boughton Hill Road.

Mr. Limbeck – My final comment is I am opposed to this. Not in your project in particular but I think we are not doing the town a service by changing density piecemeal. I think if we allow a change to this parcel the next developer that comes along and wants a change in density and we say no it does not fit the character” I think we are going to find ourselves in a big brouhaha about why you and not them. My message to the Town Board would be let’s come up with a plan and address all of these rather than piecemeal. I think it makes more sense in light of the Comprehensive Plan if these were proposed I would suggest that we act on all of the proposed changes rather than one at a time.

Mr. Goldman – My understanding was this that the Town Board had a little different approach and they wanted to see as developers come in that they evaluate what be done.

Ms. Kinsella – As a case by case basis.

Mr. Limbeck – That is too bad.

Ms. Kinsella – That is what the Town Board would like.

Mr. Limbeck – It is unfortunate, yes.

Mr. Gallina – has the applicant considered any offsets in any way shape or form to accommodate the higher density in this particular parcel?

Mr. Goldman – I think the fact that we are looking to do something consistent with the Comprehensive Plan we are trying to stay within the constraints of the Comprehensive Plan.

We would not be talking about anything different. North of Boughton Hill Road and the area that does have residential lots of this character.

Chairman Santoro – We also have the golf course there that may not be there forever.

Mr. Goldman – For whatever reason the density of the golf course is listed right now as Residential B. I do not believe there is any recommendation to adjust the density under the Comprehensive Plan for the golf course area. We are talking about doing something consistent with what the golf course density would be. Zoning remains the same and we are not looking to change the zoning and only to reclassify with the Comprehensive Plan.

Mr. Pettee – Could you recap for me what the development density or number of lots would be under the existing zoning versus what you are looking to do with the overlay? 19 with the existing zoning and then 29 with proposed?

Mr. Swedrock – I believe the 1 per 3 which is what it is today and I believe we will be coming in and do the conventional plan and the clustering plan depending on where we head here. The existing density allows for 1 unit per 3 so it is based on that around 19 and the new density would be about 29.

Mr. Goldman – Again that is maximum density subject to Planning Board review of base specific subdivision plan. We have to take that into account as we go forward. This is really a two-step process. The Town Board when they took a look at it and counsel to the Town Board made the determination that what is being proposed is being consistent with the Comprehensive Plan that went thru a generic and environmental impact statement to that extent this particular piece of it does not require any further SEQRA evaluation. At the time we do a subdivision there will be a full SEQRA evaluation done at that time.

Chairman Santoro – Where do stand with the Town Board right now?

Mr. Goldman – Where we stand right now is that we had good meetings with the Town Board at their last June meeting. They decided to move this on for recommendation as required by code to this Board as well as the County Planning and they have scheduled the public hearing. They did not see fit to wait until they got a specific recommendation back before scheduling. I cannot speak for the Town Board but it seems there was a great deal of comfort on the part of the Town Board to take this approach.

Chairman Santoro – Ed, do you have anything to chime in with?

Councilman Kahovec – Generally agree with the statement. There was some discussion thou about jumping from least density to highest density and skip the medium density level. There was a lot of discussion around that and feeling that would be too much. Even thou it is recommended in some areas of the town in the Comp Plan. Your point about jumping to do everything at once as the Comp Plan lays it out we felt that perhaps when you look at moving something to rural or the other way from least density to highest density was maybe too much.

The Town Board was a little split on that discussion about making the big jumps. The smaller jumps as recommended we were in agreement pretty much with what the Comp Plan had for us.

Mr. Limbeck – Is there a benefit to the town in terms of tax revenues?

Mr. Kahovec – Of course. If you go to higher density and you get more houses. As much as you will get more revenue but you also will have more expenses. We talked a little bit about the sewer plant and that was one of the concerns we did have. We just went thru a multimillion dollar sewer upgrade plan and part of what came out of that as Wes alluded to was new charges for people coming on board after the fact to make sure that if we need to upgrade a pump station or something in the area that there would be funds available. As a developer pays that money and goes into a separate fund that is earmarked for future funds for the future. Any questions?

Mr. Goldman – I just note that we are in as Wes termed it the fire engine red area which does not jump us two levels but talks least density to medium unlike this up here further north of us which is slated on the Comp Plan for consideration for least density to highest. We are not looking to do that and just looking to do what the Comp Plan is directing.

Mr. Pettee – For the Planning Board's benefit here. This is an image of the existing Residential Overlay Subdivision map and you can see the difference between the light green which is the residential A overlay and that medium green the B. The B is what the petitioner is looking for. I have a draft straw resolution here that I can hand out. It really does not have a lot of information in it other than some generic whereas. The petitioner submitted a letter dated June 16, 2021 requesting a potential change to residential overlay map and I left some blanks in there later on for the Planning Board to chime in with your findings.

Mr. Goldman – I do not know for these purposes whether we need substantial findings. It is pretty much a referral.

Chairman Santoro – What does the Board think about this?

Mr. Limbeck – I am opposed.

Mr. Harter – I respect Joe's position. I think the case by case is not a bad way to go when I think you have the ability to have the discussion we had tonight and I have a thorough understanding of what the developer is proposing to do. I do not know that I would be able to personally take a look at all the other areas that have been described or some sort of treatment as a group or a cluster and come up with as an intelligent of a decision as we might come up with tonight. I respectfully disagree with Joe to the extent I think a case by case basis really is the way to go. I think we do low more exactly what we are getting as we step thru each area that is being proposed to us. Relative to the request, I think I agree with this area of the Town of Victor and the density jump is not a huge jump and is half a jump. I think that is more tolerable and seems to give them about 50% more units than they would have otherwise.

Mr. Gallina – I tend to agree with Scott’s comments and it is consistent with the town’s Master Plan. I have no reason to not support it.

Chairman Santoro – I am on the fence but I lean towards these guys. Sorry Joe. DO we need a resolution or will the minutes go to the Town Board?

Ms. Kinsella – The minutes can go to the Town Board.

Mr. Pettee – That would be fine too. That is a form of feedback and will be able to see exactly what your discussion was and see the opposition and the arguments of support.

Motion was made by Joe Limbeck seconded by Scott Harter RESOLVED the meeting was adjourned at 8:13 PM

Lisa Boughton, Secretary