

**REGULAR MEETING OF THE
TOWN OF VICTOR CONSERVATION BOARD
July 19, 2022 – 6:30 pm**

A regular meeting of the Town of Victor Conservation Board was held on July 19, 2022, at 6:30pm via Zoom, with the following members present:

The YouTube link to access the meeting is: <https://www.youtube.com/c/townofvictornewyork>

ATTENDING: Keith Parris, Matthew Matteson, Patrick Coleman, Tim Norman,

Guests: Jeff Smith, James Cretekos, Linc Swedrock

Absent: Andrew Phillips, Mike Guinan, town board member

Keith Parris called the meeting to order at 6:30 pm and explained the role of the conservation board to the guests.

WOODS AT VALENTOWN REVISED SECTION 1, High Point Drive

017-SP-2022

Applicant is requesting approval to modify the June 2021 approved site plan for Woods at Valentown.

Applicant is looking to make modifications to Section 1 and construct two 42-unit buildings, update the proposed clubhouse and associated site layout. There are no proposed changes for the proposed Section 2, 3, or 4.

Mr. Cretekos described the project to the Conservation Board stating that this is the residential component of the High Point Business Park PDD, section 1 is the lower portion, he stated this project is currently approved with a 4 buildings configuration in this section, the Residential portion of the project ownership has changed hands earlier in the year and is now owned by Commercial Street Partners (a subsidiary of Christa Construction) the Renaldi's still own the office portion of the project. Commercial Street Partners has engaged with both BME and Hamlin Architects to keep the original Design Team together and respect all commentary and input that was received during the previous approval process. (Including agencies/board members comments, Fire Marshall comments, landscaping, etc.) He stated at the last Planning Board meeting they received positive feedback, stating that they liked the new building design. Mr. Cretekos stated that the main change of the project is going from a 4-building configuration to a 2-building configuration, stating that the reason behind this had to do with the construction of the building, the previous design was a 3 story building with a subgrade parking level, creating effectively 4 stories, the proposed new configuration got rid of the subgrade elevation, and moved the parking area to the rear portion of the first floor of each of the buildings, (running north to south through the building, with ability to drive through the building) residential apartments will be located in the front portion of the first floor as well as the second and third floor. The number of units will remain the same, same design feel, primary access drive in the same location, and the club house will be located at the northern end, all private drives with town dedication for the sanitary sewer (which stubs in at high point drive) Mr. Cretekos stated that a majority of the site had been pre-graded, there are existing road stubs, (with access off of High Point Dr) There is a slope area from High Point Dr down to the private drive and off the back of the buildings, it continues to slope down into the adjacent property. Mr. Cretekos discussed the grading plan stating to the north there is a bit of a slope (most of which has been graded already) they plan to fine tune this to enable the parking areas for the final design. Off of the rear of the building there is a flat area for firefighting access, and then it drops off to the property line where it continues to drop off. He stated that they are maintaining the perimeter vegetation (to help screen from Valentown Rd) Mr. Cretekos stated from an

engineering standpoint the only change is there is a slight increase in impervious area with this section (relating to the final design of the community center) When Christa Construction got involved with the project, they decided the original design for the center was not large enough to host 300 apartment units. They've expanded this footprint and added a second story (with a pool area and work out facility, common areas and meeting rooms) to offset the increase in footprint similar to section 4 (up behind the apartments) called Forest Park, they designed additional bio retention areas (located at the southern end of the site near the storm water facility) which will effectively treat what's needed to provide that offset. Mr. Cretekos stated that the project is up around 83% green space for the entire Woods parcel, one of the central storm water facilities (not the existing one on this section) but the one centrally located in the Hight Point loop is an infiltration basin, which provides excessive amounts of run off reduction even still they wanted to do something locally which is why the 2 (bio retention) facilities were added. There is an existing pond at the southern end which takes about 100% of the development and is still consistent with the original sizing criteria. They will have perimeter erosion control measures along the property line (where the grade drops off) and all the slope areas (erosion control blankets are proposed) to restabilize as well as plantings (previously there were 20 trees proposed, currently they are in the 50 range for proposed trees) Making it feel more wooded.

Chairman Parris asked the applicant about the eastern portion of the property (where there is the second set of grading behind the apartments), it was stated by the applicant that the runoff was going to the adjacent property, but it was also stated that the pond was accepting water from the properties, Chairman Parris wanted to clarify is the extra set of grading is there to take that run off and direct it to the pond. Mr. Cretekos, stated that the lawn areas in the rear building just run off, there is a storm sewer trunk line about 20' off the building that will take all the downspouts as well as the inlets from the parking areas, all the impervious surfaces of the project are going to the pond, stating there is a little bit of green area that just runs off and it runs off into the farm field and into the tributary. (Which comes under Valentown Rd) Mr. Matteson asked if the overall footprint of the 2 buildings was the same or bigger/smaller than before. Mr. Cretekos stated that Wes Petty (town engineer) provided an overlay exhibit. Stating that the proposed is the same general design, adding a little more architectural curvature to the road, to break it up a bit. (so, the feel of the community is not cookie cutter apartment units) no balconies will be present on the rear of the buildings per Fire Marshall comments (and fear of access to them) Chairman Parris stated that the additional waste collection is nice, and he doesn't have any concerns with the project. Mr. Matteson stated that the applicant was more than doubling (almost tripling) the number of trees and re-planting, which he supports. Mr. Coleman stated that his biggest concern was the runoff that Chairmen Parris questioned, but with Mr. Cretekos response he believes the applicant is addressing that very well. Mr. Cretekos stated that the storm water facilities were built previously and up until now were not used to the full capacity. Mr. Coleman asked when they planned to break ground on the project, Mr. Cretekos stated that they are hoping to start as soon as possible and anticipate Planning Board approval next week. (Hopeful to break ground later this fall) Mr. Coleman stated he had no additional comments. Mr. Norman stated he had no comments. The Conservation Board has no concerns regarding the proposed changes and are comfortable with the new plan.

WILLIS HILL ESTATES: CONSERVATION EASEMENTS

Applicant is requesting an amendment to the Conservation Easement language for Willis Hill Estates.

Jeff Smith, representing Willis Hill Estates was welcomed and explained why he was before the board. He stated that they had 2 different easement descriptions intending to encompass the largest parcels (10 acre parcels along Strong Road) he states with the size of these lots he believed they may get potential buyers that not only wanted to do agricultural but also equestrian type activities, which they allowed for (agricultural use) in the conservation easement language in other areas listed Conservation B, which

encompasses the opened field area (in between Strong and Willis, south of phase 3 as well as a parcel on the east side of phase 2) The conservation B area is the area that the applicant would like to revise. Conservation easement A (to the west, behind Strong Rd parcels, and one behind lot 223, which is the furthest north lot of phase 2.) At the time of drafting the language the applicant stated that they were most concerned with the farmland adjacent to phase 3, and they were thinking buyers may not want farmland there, which is why it was restricted originally. The principal difference with Conservation B is that the use currently is restricted to residential gardening, excluding agricultural use. Mr. Smith stated that they've sold lot 204 (the lot that contains all of the "yellow space" for phase 2) where the buyer asked, seeing as he purchased a large amount of acreage, and considering the utilization of the trees on the property (the buyers came from Kettle Ridge Farm on Fishers Road, where they do some tapping for maple syrup) the buyer questioned the conservation easement language and after further review of the language from the applicant he stated he found Conservation area B (of phase 3) was already in substantial violation of the language, because the use for those areas has been encouraged to be agricultural use. In that area, all of the owners that they have sold to so far (3 of the 4 new lots along Strong Road) have all agreed to put the Conservation area back into agricultural use, including the big "yellow area" Conservation Area B (south of phase 3, which is adjacent) the entire area, and along Strong Rd behind it, is currently being farmed. The applicant realized they were in violation of the Conservation Area B language (which states restricted to only residential gardening) after discussion with Kim Kinsella (from the planning department) the applicant determined the easiest solution to this issue would be to take the residential A open space description and eliminate the few areas in the language that dealt with livestock and buildings and updated the language to allow agricultural without livestock. (Where before it stated livestock could be used, it has been updated to state there should be no livestock) production of trees or crops for human consumption was the only other change in the language for Conservation Easement B. Rather than revising Conservation Area B (because some of the wording was in Conservation A already) the applicant stated they just limited Conservation Area A to agricultural use. Which would now allow the field to continue to be farmed. (as well as with the large acreage behind lot 204) The applicant stated it was most certainly not going to go into an agricultural use that included plowing and planting fields but believed there may be some tapping and production for maple syrup. The applicant stated he was trying to simplify the Conservation Easement language and address the fact that they are in violation of the current language (of Conservation Area B behind phase 3) Farming has been allowed on the entire parcel of Phase 3, the applicant did state that the yellow part of the map is owned by the original homestead parcel (lot 5 of the first phase) whom allowed the property to be farmed by the same farmer that has been farming behind the Strong Rd lots, ultimately a good portion of Phase 3 (north of the street) that is not farmed now, the portion south of the street in Phase 3 is mostly farmed now, they are proposing that the farm land will be curtailed a bit once the street for Phase 3 is put in, the current farming being done there would then not be in violation with the revised statement. Allowing greater use of the 2 larger "yellow" areas, rather than restrict them to only residential gardens.

Chairman Parris brought up paragraph 13 of the Conservation Easement language, Mr. Smith stated maybe he should rethink the statement about crops for livestock consumption (corn in particular) he stated that all the crops that are out there now are some sort of grain crop or soybeans or corn. He stated that the corn fields we generally see are probably for livestock consumption (sweet corn is also grown for human consumption), he admits he didn't intend to restrict the use of corn crops. Chairman Parris stated that he believed the way it was revised sounded a little misleading. Mr. Smith stated it should be revised to state "for human or livestock consumption" which he believed would be more in keeping with what farmers do/offer (crops such as clover and certain corn crops would be used for livestock consumption) other than this small revision (adding in "for livestock consumption") Mr. Matteson stated he isn't opposed to this being used for agriculture as opposed to just personal, Mr. Coleman stated he felt the same way and doesn't have an issue with the revision (as it has been farmed for some time now.) Chairman Parris asked the applicant how long these properties have been being farmed for. Mr. Smith stated that he believed the field has been filled with crops for as long as he could remember. (Decades he imagines) Chairman Parris

stated he believed the right to farm should be grandfathered in just based off of the existence of the farming that has been there for so long, he stated that the applicant should be very careful with the language in the revised Conservation Easement using phrases like "except for" to leave a smaller chance of interpretation for future owners to use the land in ways that were unintended. (So, it isn't misleading) Chairman Parris stated the one thing he would say is that they wouldn't want to "increase" the amount of farmland, but to continue the existing to allow areas that are being farmed currently. Mr. Norman stated he agreed with everyone, thinking through the maple syrup (more specifically that a structure is allowed for production) stated that he believed the retail establishment that the owner has in Fishers is not what the applicant (Mr. Smith) had in mind for this, he believes the language that exists would preclude this from happening but wanted to bring it up for opinions for interpretation. The applicant stated that there was no discussion as to what the owners intended to do, just that they were curious about how restrictive it was, he stated he believed this language as is, would still be restrictive of use, such as retail sales. Mr. Smith did state that he was willing to tighten the language if the board felt it was needed. The applicant stated he believed the topography of the land would prevent the clearing of much of the land. Mr. Norman stated he is okay with the proposed changes. Chairman Parris reiterated that some of the language needed to be revised and that Mr. Smith should then send this back to the board to be looked over, and it should be noted that the existing acreage that has been farmed can continue to be used for farming (but not increase the acreage) No further comments at this time.

SOUTHGATE HILLS PHASE 3

03-PS-2022

East Victor Road

Applicant is requesting approval to develop 10 single family residential lots on 11 acres under the Clustering Provision of Chapter 184, Article V

Linc Swedrock who is representing the Southgate Hills project, introduced the project. Southgate Phase 3 runs adjacent to the Auburn Trail, it consists of 10 lots, in the original proposed plan there was a one-sided road all the way along and bringing the drive back out, getting further into the design and building of the project they decided they didn't really like the connection with the grade changes and existing pond located in the area. They have revised the plan to cluster the lots a bit more and create a sort of cul-de-sac as they've done with the other sections which allowed them to save the existing pond and keep the landscape buffer along the trail. The plan shows a parking lot area for the trails that was included in the preliminary plans for Southgate. The applicant stated that they would like to speak with the Town of Victor about offering the opened space to the Town of Victor (adjacent to the Auburn Trail.) The applicant stated they intend to do an infiltration pond (to infiltrate all the stormwater) they intend to bring the sewer in as well to serve the lots. Water would come off of East Victor Road as well. The project is currently in preliminary, and they are going in front of the Planning Board next week as well. The applicant stated he was unsure if anyone had done a walkthrough of the property and said that it may help the board envision things more clearly. The applicant stated that all the lots are standard as to what has been done previously. (Section 1 & 2 Southgate)

Mr. Matteson asked if they intended to clear along East Victor Road. (Stating that from the pictures it looks as if you will barely see anything from the road, due to buffering on the north side of the property) Mr. Swedrock stated you wouldn't see much of anything from the road except for near the entrance. The applicant stated there would be some clearing, but that they intended to berm them as well for some buffering from the road. The applicant stated they tried to leave trees in this section as well. (Leaving as much as they could for buffering) The north of the property is 200' of wooded area. Mr. Matteson asked if the 2 sites that backed to the road of East Victor were higher or lower than East Victor Road (referring to the visual of the grade change) The applicant stated the 2 lots are a little higher than East Victor Road, with the road dropping off. The berm would be 6' - 10' above the grade of the houses to buffer and block there.

Mr. Matteson asked if they intended to plant grass or something else after the scrub brush was cleared and the berm was placed. The applicant stated that they were clearing for one of the lots, but the first lot is currently out in an opened area. The second lot will require some clearing, and the first 2 or 3 on the other side of the road are in the opened areas as well. The applicant stated they do have a landscaping plan, with plantings along the road (with a seed mixture for the bio retention area and a metal mix for the berm area). Mr. Matteson asked if there would be any easements or would it be mowed all the way back to the road. The applicant stated the only easements proposed in this area would be utility easements along East Victor Road (10' water authority easement) Most of the easements of this portion of the project are located towards the north of the property along the trail, and to the east and south as well. (Breaking the easement where the parking area is proposed) Mr. Matteson asked if the clearing had been started. The applicant stated the only thing that has been cleared was to get in and do some test bits. Mr. Matteson stated that he would love to do a site walk. The applicant stated the pond on the location in the original plan the road was coming right through it, after looking at it, they decided they wanted to keep it. Chairman Parris stated he would also like to do a site walk of the property. Chairman Parris asked how many trees and what type would be removed to allow for the new construction. Mr. Swedrock stated they would be meeting the 50% greenspace once the project is done. (Including the conservation easements) The applicant stated that they tried to match the easement areas with the areas that are already wooded. Mr. Swedrock stated he was unsure what types of trees are there he would have to go out and look. Mr. Matteson asked if there were less sites than previously. The applicant stated it was the same number as previously just clustered. (The biggest change being that they didn't extend the road all the way around) The change makes more sense with the current grade of the property and creating the least amount of disturbance. Mr. Matteson stated he likes this plan better than the original. Mr. Norman agrees and sees no issues with the proposed plan and would like to do a site walk as well. Mr. Coleman stated the same. Mr. Matteson asked if the water would then move to the pond that is already there. Mr. Swedrock stated that they could through the drainage during the site walk (for Southgate phase 1 they were in the gravel pit, which they were able to use for infiltration) the applicant stated that they have the same gravel here (infiltration basin) going based off of what it does today, nothing leaves the site, everything stays there. (In the gravel area) if anything were to travel it would go north and head toward a culvert that was placed. (This would be in case of emergency or a clog of some sort) As it currently stands, they don't have anything leaving the site. The soils near the pond are different, they had a geo tech out doing test bits and infiltration testing. Everything will drain into the infiltration basin and if it ever overflowed it will continue to go north toward East Victor Road, ending up down by the trail. (Also, where the pond from Southgate 1 goes, which is sized to take 100 year and not get close to leaving) Chairman Parris stated he believes this is a good back up plan and has no further comments at this time.

VANDENBERG MINOR SUBDIVISION

1657 Strong Road

Owner: Jack Vandenburg

Tax Map # 38.00-1-27.000

Applicant is requesting approval to subdivide the parcel into 3 lots with existing house and barn in center lot.

02-MS-2022

Zoned-Residential 2

No applicant was present for the project. Mr. Matteson stated the proposal looked pretty simple, with the house in the middle of the property (as well as a greenhouse) and dividing it out into 3 parcels (each one being 7-8 acres) Mr. Matteson stated it didn't appear that they were moving any dirt, changing any water, or taking any trees down. Mr. Matteson stated he had no issue with this proposed plan, if someone buys the property in the future and starts building, he would like to see it again. Mr. Matteson did bring up that it looks like there is a driveway connecting the 2 proposed lots, he stated he assumed this may be changed or moved or somehow capped to contain it to the center parcel. Which he was going to ask about this if an

applicant was present even though it isn't part of the Conservation Boards per view. Chairman Parris stated that the fact that the acreage is large enough he has no issues with the subdivision. (There is currently no request for construction, just to subdivide into 3 lots) Mr. Norman stated that the project was reminiscent of the O'Neill subdivision, nothing to comment at this point and stated that the board would cross the bridge of weighing in further if/when the other 2 lots come before the board for building. Mr. Coleman stated the same, he believes the project is straight forward and has nothing to comment at this time. Based on the information provided the Conservation Board has no concerns (provided there would be no removal of trees etc.) but requests if there is future construction to be done that each parcel be seen by the Conservation Board again.

OTHER BUSINESS:

- On a motion made by Matt Matteson and seconded by Patrick Coleman the May 17, 2022, minutes were APPROVED.
- On a motion made by Matt Matteson and seconded by Tim Norman the June 7, 2022, minutes were APPROVED. With the adjustment of (1,00 SF to 1,000 SF)

On a motion by Pat Coleman, seconded by Matt Matteson the meeting was adjourned at approximately 7:34 pm.