

A virtual meeting of the Town of Victor Planning Board was held on July 26, 2022, at 7:00 p.m. with the following members present:

PRESENT: Ernie Santoro, Chairman; Joe Logan, Vice-Chairman; Al Gallina; Joe Limbeck

ABSENT: Scott Harter

OTHERS: David Nankin, James Cretekos, Matt Oates, Alan Friedman, Scott Reinhart, Kole Mandrov, Joe Murphy, Melissa Murphy, Jerry Watkins, Linc Swedrock, David Wright, Tom Vandenberg, Jeff Smith, Tim Smith, 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:

There were none.

CORRESPONDENCE:

Dave Anderson re: Victor Square Retail Addition

BOARDS AND COMMITTEE UPDATES:

Town Board representative Dave Condon was present.

Councilman Condon – I wanted to add that you guys continue to be one of the busiest Boards and your due diligence is appreciated and your hard work that you are doing. From the Town Board perspective is we had a presentation from Parks and Rec, Brian Emelson, on a dog park which will be going up in Harlen Park. Long overdue and the community is pretty excited about it, and you might be hearing about that in near future. About a three-year implementation to be up and running.

PLANNING BOARD reported by Lisa Boughton
Tuesday August 9, 2022

PUBLIC HEARINGS

- Timber Top Tree Parking Expansion, located at 7355 State Route 96, 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.

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.

MINOR SUBDIVISION

VANDENBERG MINOR SUBDIVISION

02-MS-2022

1657 Strong Road

Zoned – Residential 2

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 – We were looking for some feedback from the Conservation Board and the County.

Chairman Santoro – We have County comments from July 13, 2022. Have you seen these?

Mr. Vandenberg – I saw the Conservation Board but not the County.

Ms. Boughton – They reviewed it administratively and had no comments.

Chairman Santoro – Anyone from the Board have any questions?

Mr., Logan – I wanted to ask about the northerly line between lots 2 and 1. It is an unusual alignment. Is there some drainage over there?

Mr. Vandenberg – There is a hedgerow on the east side and existing driveway at the road. We were going to bring it parallel to the hedgerow and bring it in straight but then we kicked it out since it gets really close to the house and the barn. The kids wanted more room. The existing driveway there does not fit in that space but would have to get moved over.

MR. Logan – Your niece is going to own the center lot. Is there any plans to remove that driveway that goes to the north?

Mr. Vandenberg – For now no. Down the road they may have to.

Mr. Logan – I have no problem with the application.

Mr. Limbeck – No questions.

Mr. Gallina – All set.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Joe Limbeck:

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on June 17, 2022, by the Secretary of the Planning Board for a Minor Subdivision entitled Vandenberg Minor Subdivision.
2. It is the intent of the applicant to subdivide a 22-acre parcel into three lots with existing house and barn on the center lot.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on July 26 , 2022, at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. The Ontario County Planning Board makes no formal recommendation to deny or approve single family residential subdivisions under five lots.
7. The Conservation Board reviewed the Unlisted Action on July 19, 2022, and identified they had no concerns, provided there would be no removal of trees and requests any future construction to be done that each parcel be seen by the Conservation Board.
8. Labella Associates reviewed the Minor Subdivision in a letter dated July 12,2022, and provided comments.
9. The Town of Victor Highway Superintendent reviewed the subdivision in a letter dated June 22, 2022, and has no concerns.
10. The Town of Victor Code Enforcement Officer reviewed the subdivision in a letter dated June 20, 2022, and provided comments.

11. The Town of Victor Historian reviewed the subdivision in a letter dated June 24, 2022, and has no concerns.
12. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on July 26, 2022, and identified no significant impacts; now, therefore, be it RESOLVED, that the project, Vandenberg Minor Subdivision, will not have a significant impact on the environment and that a negative declaration be prepared; be it further

NOW, THEREFORE, BE IT RESOLVED, that the application of Thomas Vandenberg, Minor Subdivision entitled Vandenberg Minor Subdivision, drawn by Freeland-Parrinello, dated June 2, 2022, received by the Planning Board June 17, 2022, Planning Board Application No. 02-MS-2022 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated July 12, 2022, from LaBella Associates be addressed.

Chairman Santoro – anything further on that Wes?

Mr. Pettee – We did have a comment letter and we are looking for an additional note to be added to the plan about the other two lots are not approved building lots. I assumer that will get addressed before mylars are presented for signature.

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

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest

version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003)

- 3. The applicant shall be aware that this approval does not mean that lots are approved building lots. Site plan approval will be required by the Planning Board prior to lots becoming buildable lots and before issuance of a building permit.
- 4. Future property owners for lots will need to perform deep hole and percolation tests, witnessed by the Town Engineer, and submitted as part of the site plan application for review by the Town Planning Board.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

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.

Chairman Santoro – This application has been removed until August 9th meeting.

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.

Al Friedman

Mr. Friedman – in the gold highlighted portion of the lot wanted to pave that up and push the inventory forward. The ZBA asked us to go out further then was submitted so we resubmitted and that is the second drawing from MacFarland Johnson. Still 20-25 feet back from any other car dealership on 96 per ZBA findings. We are well withing the setbacks and other exemptions that have been made. We will be able to display 40-45 cars out there.

Mr. Logan – Does this mean that there will be double deep in that hatched area, cars right behind each other?

Mr. Friedman – The Fire Marshal has already been thru there and made sure we have the spacing for the turn arounds and everything else. There are no permanent buildings or fixtures on that end of the property so there is nothing to prohibit any type of rescue vehicle to go thru there.

Mr. Logan – Are you going to stack them?

Mr. Friedman – two deep a row and two deep another row. That is how they are today.

Mr. Logan – Those you can get out of in either direction, these you would have to back one car out to get the other out. Are you doing anything with the landscaping berms that are there?

Mr. Friedman – There is one tree that has to be removed and relocated. The one we are not removing and just go around. If you are facing 96 there is one that goes to the left of the berm that I have already contacted Country Care and the yare going to come out and put it someplace else for us.

Mr. Gallina – No questions.

Mr. Limbeck – No questions.

Mr. Pettee – Just to revisit Labella’s review from June 6, 2022. We asked for an updated drawing, and it appears that this updated drawing includes an accurate depiction of the existing lot and appears to address our comments. There are a number of items we called out on the previous site plan that were not necessarily a part of this application. It was a little confusing to review and this looks like this updated drawing satisfies Labellas comments. Nothing further.

Chairman Santoro – Anyone from the public? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Chairman Santoro – There is no resolution tonight.

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

Matt Oates of Benderson

Mr. Oates – In regard to the application my understanding is at the last Board meeting the request was made to try to clean up the entrances and look at this area and the proposed expansion and if there was anything else to do to modify that area to make it flow better. We put together a site plan to show the Board to get your input on what we are proposing for that and address the Boards concerns.

This was the original application with the proposed 4,000 sf addition, 36 x106 feet deep and this would be the proposed plan. It would instead close off the drive lane that comes in and goes to the back. It would make a smoother turn towards the front in this area here and then propose to do a row of parking in this area here and then another row of parking on the backside. We would show the rest of this as future land banked parking that could be put in the future. This is where the existing overhead lines are, so we lined up with a 16-foot-wide sidewalk landscaped area just to avoid to relocate those overhead wires. We have a little bit of a larger pavement area here to allow for truck turns to come in and access the back.

We have the correspondence from the neighbor and will be fine adding additional landscaping in this area to buffer the neighbors. We wanted to get the Boards ideas and opinions on what we are proposing for this one and then we can address the previous comments we received or update this design plans.

Chairman Santoro – Mr. Anderson property is in upper left.

Mr. Oates – yes, I believe it is for the vehicles coming in and the headlights going in this direction. There is a little bit of an open section. We will put in some Arborvitae or evergreen plantings.

Mr. Logan – I appreciate you bringing forward the alternative. I was wondering if you could have had an off lane and come right in here rather than leaving that. You could come in and go straight across the plaza or take a right and go down and do the parking. If the grades a problem I am not sure.

Mr. Oates – In addition too?

Mr. Logan – I would say take all that out and go straight into here with a side lane in this area to get cars out of the two-lane traffic area in the driveway itself.

Mr. Oates – It makes sense exactly what you are saying. It is not feasible because then you have then closed off access to all the vehicles coming in this direction. For any cart hat would want to come in from the mall you make a left in and have no ability to get anywhere.

Mr. Logan – This would not be right in/right out.

Mr. Oates – We would maintain the existing left turn and really what we would be doing is closing off this section here and making that sweeping turn then have the trucks coming in this direction here but would push all vehicles to the front.

Mr. Logan – This pavement is gone on this scenario?

Mr. Oates – yes, then we would have some paring in this area and some land banked parking.

Mr. Logan – I was thinking logistically to make it a more direct shot right into the plaza.

Mr. Oates – If this was vacant land, I am pretty certain no one would have not set up the way it is today. It is difficult. Hopefully with the right in/right out it will pull traffic more in the front and open this up and start to eliminate a little bit of the vehicles and make it easier to not having this wide-open area and especially for people who may not be familiar by closing that off and keeping this design. This section would be curved and just come into the front.

Mr. Logan – that retains the function.

Mr. Limbeck – Deliveries to the occupants there are on the back of the building. Would the semis be backing in or how would they get in and out if you close it off?

Mr. Oates – They are still getting in here and the drive lane is defined and then you have a larger pavement hatch area. The trucks come in and they are able to make the turn. We have widened out the pavement.

Mr. Limbeck – I am sorry. I thought you were closing off access to the back of the building from that side.

Mr. Oates – We are closing off the second driveway. When you come in you do not have that split and just the single drive and make a turn versus the way it is today where you come in and you are more likely to go straight.

Mr. Limbeck – This shows it a lot better. I am good.

Mr. Oates – The one thing with this is that it would cross the property line and we would have to make an application for zero side setback for parking and that would technically be two applications. One of the Victor Square sides and one on the Victor Crossing.

Mr. Logan – Trucks still could come in the new entrance?

Mr. Oates – Yes, it will be designed so trucks can still get both ways. We are not closing it to trucks but define it a little bit better. If we do need extra parking at some point, we wouldn't build it now but would show it as additional parking can be in the future. I believe it is 37 land banked spaces.

Mr. Logan – It would be on Victor Crossing?

Mr. Oates – Yes.

Mr. Pettee – I have a couple of questions. The potential need to file an additional application to supplement the Victor Square application for site plan approval to modify since the driveway improvements are on the adjoining site. I have a copy of the plan from that includes a conservation easement on the Victor Crossing site. This is something you will need to work around. This area is identified as a conservation easement number 1 of 30 acres. We have the filed easement, and it looks like a portion of your land banked might be located in this, so we just want you to look at that.

Mr. Oates – We will put the easement on the other plan and can show the landbanks and not touch that.

Mr. Pettee - - The previous comment letter we provided was for the previous design. When you submit a new design, we would be happy to comment.

Mr. Oates -We did not resubmit since it would be new comments and new plans based on a new design.

Mr. Pettee – That is all I have for right now.

Chairman Santoro – Any calls or anyone from the public wish to speak?

Dave Wright of Victor Hiking Trails

Mr. Wright – This is a question for the developer. Currently when either VHT or the Town of Victor thru Parks and Rec, does the trail maintenance on the Seneca Trail along eastern borderline, typically we park right by the Basset store on the side and is usually a pickup truck with a trailer and couple of cars, and want to make sure with this change we will still be able to park somewhere on the property.

Mr. Oates – No problem.

Mr., Wright – The other thing I want to comment is to thank Benderson who are committed to the brush hogging on the emergency exit at the south end of the property that is overgrown. At last meeting they agreed that they needed to do that and wanted to thank them for doing that.

Mr. Oates – From the Boards perspective would you like us to continue down this path or previous.

Mr. Logan – Short answer yes.

Ms. Kinsella – I do not believe you are ready for a resolution.

Mr. Pettee – Regardless of which direction you go I do not think you re ready for a resolution.

Mr. Logan – I have no problem with the direction of the modification as we asked for last time.

Mr. Gallina -I concur.

Mr. Oates – I will have Costich update the design plans and resubmit.

Chairman Santoro – We will keep the public hearing open.

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

Mr. Cretekos – A quick update. We did attend the County Planning meeting and had some minor comments and some from Ontario County Soil and water on erosion control. Some general clarification questions. We did provide some information on the trails back to Kim and Lisa. What we did was identify the trails that were proposed and approved on the original Plans as well as the trails we are looking to do at the Woods at Valentown development. For this section we did have some further conversations with Dave Wright after the last Planning Board meeting and to get a little more information on how Parks and Rec have been doing their trails .

Dave Christa was very amenable to allowing more trails to be developed thru that central area and other parts of the property but at a minimum we will be doing two trail connections between the north and south entrances to Section 1 and up into the office park buildings which were what was originally identified.

We also had some questions from Francis Rose regarding the stormwater facility. Also, from Keith Maynard on the little pond south of Valentown road. This is still retained by Rainaldis control but however it does have a stormwater facility that receives runoff from the north side of the road.

Some clarifications with how those functions we provided information back to Keith and Wes. That pond is intended to have the pipe discharge at the bottom of the facility. So, when it is normal precipitation, it will appear submerged. It helps the water turnover and reduce the temperature as it spills across a very broad spill into that tributary which is a class C stream that supports fish which is the whole reason for that design in 2005.

We did send out Kim Boyd from our office who does a lot of stormwater inspections as well as erosion control inspections and she did not identify any issues with it. We took some pictures and sent them to Wes and Keith to explain what it looks like out there; we need some more rain for it to fill up. The drainage areas that were identified by Francis Rose at last meeting were pretty far upstream in elevation from this tributary. It does drain down thru his farm and is very dry.

We also attended the Conservation Board meeting and provide them with how the plans have evolved for Section 1. They had not had any commentary back to us beyond positive things regarding the additional plantings.

We also have begun some easement coordination with Kim regarding the access easement that will need to be dissolved and reestablished as well as a small sanitary sewer easement at the north end of section 1. With the clubhouse updates we are going to have to rework that spot. We still need to work with the Town Attorney on the conservation easement language.

Otherwise, we did receive some commentary this afternoon from the Fire Marshal. They are asking for some information on the electric car charging stations requesting them be placed outside as well as some building fire access information. We will get that back to Mr. Graham. Regarding the car charging stations whether there is any intent but will work it out with the Fire Marshal.

There was not really much commentary back from Board members but if you have any further questions, I would be happy to answer them.

Mr. Limbeck – These pictures are the pond?

Mr. Cretekos – Correct. The one picture that looks dry is looking at the north end of the pond across to the south. The broad spillway is off to the left of the picture. There was another picture taken at the south end of the facility looking south across Mr. Rose property. That picture you can see the grade rising then the downstream area in his hedgerow.

Mr. Limbeck – You indicated it is working as designed and is still under Rainaldi control?

Mr. Cretekos -It is under their control and has to do regular maintenance inspections on it. It does appear to be functioning correctly.

Mr. Gallina – No questions.

Mr. Logan – The trail exhibit you showed shows originally approved trails. In red you have trails originally proposed and you have trails originally proposed on Woods at Valentown then there is green that says trails recently proposed. So all of these are going to stay or be added to?

Mr. Cretekos – The blue trails are what was presented on 2005 plans and the ones in green are what we added when we went thru the 2019 approvals. We wanted to do those natural surface trails along the private drives to bring foot traffic that way.

Mr. Logan -When you go to develop those sections 2, 3 and 4 I think you said you were looking at building configuration changes.

Mr. Cretekos – At this point we do anticipate those building being updated to be more consistent with the final architecture for section 1. I do not know the extent if we are going to be combining them or rearranging them. The elevations of the sight present some unique challenges.

Mr. Logan – We will see confirmation of each trail additions on those plans as you develop them.

Mr. Cretekos – Correct. Unless they decide to maintain the current approvals, and do it as it is designed but I do not anticipate that at this point.

Mr. Pettee – We did get a copy of the BME response letter to our comment letter. Their responses are fine and will need some updated plans to confirm the items that we commented on were addressed.

Dave Wright of VHT

Mr. Wright – I would say that both VHT and Parks and Rec are glad we are going to have these trails and be a benefit for the residents in the apartments as well as the general public. Will give more opportunities for people to get out and exercise. Think it will be a good partnership.

Mr. Cretekos – I did have a chance to read thru the resolution tht was prepared and do not have any issues with it. The only thing I would note would be the additional Fire Marshal comments we received today and looking to give updated plans to you today or tomorrow and remaining items.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Joe Limbeck:

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

1. A site plan Application (the “Application”) was received on June 7, 2022, by the Secretary of the Planning Board from Commercial Street Partners (the “Applicant”) for a Site Plan entitled Woods at Valentown Revised Section 1.
2. It is the intent of the Applicant to modify the June 2021 approved site plan for Woods at Valentown. The modified Section 1 will reconfigure 8.1 acres to construct two apartment buildings consisting of 84 for-rent apartment units, one clubhouse and associated amenities as depicted in the set of site plan drawings by BME Associates dated June 7, 2022, where development would be conducted within a project area of approximately 56.87-acres (the “Action”).
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the project parcel were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on July 12, 2022, and July 26, 2022, at which time the public was permitted to speak on the Application.
5. On April 23, 2019, the Town of Victor Planning Board issued a Negative Declaration for the Woods at Valentown Apartments site plan application (35-SP-18) (the “Overall Project”), which proposed construction of twelve apartment buildings consisting of 288

apartment units in 4 sections, one clubhouse and associated amenities.

6. The Overall Project was classified as a Type 1 Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) Regulations. The current Application seeks to modify the Overall Project by reconfiguring Section 1 from four buildings and 84 units into two buildings and 84 units, and an expanded building footprint for the clubhouse, as more fully articulated in the Applicant representative’s June 7, 2022, cover letter and associated site plan drawings. The proposed reconfiguration of Section 1 does not result in circumstances that would necessitate a change to the SEQRA classification for the Overall Project; and although a reconfiguration of apartment buildings and associated amenities including utility layout is proposed in the Application, such reconfiguration does not materially change the nature of the project, nor does it change the previously approved density of development to an extent that would otherwise require a new environmental review to be conducted under the State Environmental Quality Review Act. The Planning Board finds that the proposed project is substantially in conformity with the Overall Project for which a Negative Declaration was issued on April 23, 2019.
7. There was a Coordinated Fire Service Site Plan Review on June 27, 2022, and provided comments.
8. Zaretsky & Associates reviewed the landscaping plan on June 15, 2022, and provided comments.
9. The Town of Farmington Water and Sewer Department reviewed the site plan in a letter dated June 30, 2022, and provided comments.
10. Architect Consultant reviewed the site plan in a letter dated July 5, 2022, and provided comments.
11. LaBella Associates reviewed the site plan in a letter dated July 12, 2022, and provided comments.
12. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated June 30, 2022, and provided comments.
13. The Town of Victor Highway Superintendent reviewed the site plan in a letter dated June 22, 2022, and had no further comments.
14. The Town of Victor Stormwater Manager reviewed the site plan in a letter dated June 30, 2022, and provided comments.
15. The Town of Victor Parks and Recreation Department reviewed the site plan in a letter dated July 5, 2022, and provided comments.

16. The Conservation Board reviewed the project on July 19, 2022, and was in favor of the added greenery and trees.
17. The Application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On July 13, 2022, Ontario County Planning Board referred the Application back to the referring agency as a Class 1 with comments.

NOW, THEREFORE BE IT RESOLVED that the Town of Victor Planning Board hereby reaffirms the Negative Declaration that was issued on April 23, 2019; and

BE IT FURTHER RESOLVED that the Application of Commercial Street Partners 64 Commercial Street, Suite 401, Rochester, New York, Site Plan entitled Woods at Valentown Revised Section 1, drawn by BME Associates, dated June 7, 2022, received by the Planning Board June 7, 2022, Planning Board Application No. 17-SP-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from the Fire Marshal dated June 27, 2022, be addressed.
3. That the comments in a letter dated July 12, 2022, from LaBella Associates be addressed.
4. That the comments in a letter dated June 15, 2022, from Zaretsky & Associates be addressed.
5. That the comments in a letter dated July 5, 2022, from Architect Consultant be addressed.
6. That comments from Code Enforcement Officer, dated June 29, 2022, be addressed.
7. That comments from the Town of Farmington Water and Sewer, dated June 30, 2022, be addressed.
8. That a Town of Victor Highway work permit be obtained.

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. The building design plan shall be consistent with the architectural/landscape details as shown on the elevations and details drawn by Hanlon Architects and dated June 11, 2022.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

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.

Lucas Bushen of Marathon Engineering

Mr. Bushen – Last time we were here was two meetings ago and at the time we went thru the project, and we came thru all the steps. At that time there was quite a few comments pending from last and from other entities at the town. Since that meeting, we have had a number of updates and addressed those comments and returned revised plans. There are number of other things that have happened in the background. The main thing is that Genesee Land Trust has agreed to take acceptance of the open space and is great news. Started way back at the Town Board last year. They will essentially take land that and dedicate it to Genesee Land Trust and remain publicly accessible. I think there is a plan to work with the trails and keep that area beautiful. Another update is regarding the archaeological survey. On a lot of the se larger farm properties we are required to go through SHPO and test the property for any archaeological artifacts. That project has been pending until recently and was cleared by SHPO after being studied.

Another revision to the plan was to provide access and access path back to and around this pond. That has been revised to address that comment. There were quite a few comments that we addressed and if there are any other concerns that comes up, we are open to get thru SEQRA and work towards a preliminary approval.

Chairman Santoro – Anyone on the Board have questions?

Mr. Logan – No, I think they have revised per discussions I think you have answered the question that I had.

Mr. Limbeck – Genesee Land Trust ownership of the greenspace. How does that impact Victor Hiking Trails ability to do their thing there?

Mr. Bushen – They have been meeting together and they met here to make sure those two entities as well as Farmington all worked together.

Mr. Limbeck – It essentially becomes a no touch conservation easement for the balance?

Mr. Bushen – No touch aside from regular maintenance you have with trails and open space. It is conservation land and an easement cover the whole thing so no development.

Mr. Limbeck – How is that monitored since it is another entity that owns it? If somebody is dumping their grass clippings in the Conservation space. How is that monitored?

Mr. Bushen – It would be between the owners of the land. If it is under conservation, then that is a state level. No development.

Dave Wright of VHT

Mr. Wright -First of all I would like to thank Genesee Land Trust to accept the property. We did do a site walk with their staff two weeks ago and walked most of the property. What we agreed on was that we would need to do it in phases as the houses get developed, we would develop more of the trail. We also agreed for the most part we would be in the woods not in the fields. I do have one question. These lots down here on the last plan they would be individual conservation easements for those properties. We were looking to have a trail come off the Auburn in this area and ideally right along in here. People who are accessing the Auburn Trail would have an opportunity to get on this trail without having to go all the way down to the creek in Farmington. That was one thing we needed to discuss with Genesee Land Trust and the developer. GLT did not want to have all of this to be responsible for because people tend to put things in their backyard that don't belong there, and they do regular inspection to make sure people are not misusing the property. They said they do that once a year and go inspect. One of the things we did look at was the trail along Mud Creek and tends to flood and would be seasonal trail rather than all the time. Mosat of the trail

would be at the upper level along the ridge and there are abutments across the creek where the trolley use to go and would have a trail out to that point.

I forget what area you were going to do first. GLT is going to keep us up to date as the process of the transfer of property.

Mr. Pettee – I have a few questions. You mentioned something about a conservation easement with the Land Trust. IS there actually going to be a conservation easement to the town?

Mr. Bushen – It is typically filled with the town law 278 clustered subdivision. If it is open space, then it is not and there is a gray area of how it is being interpreted. How it is being proposed is that it will be a blanket conservation easement and that language will be crafted specifically for this project to allow activities that are being discussed.

Mr. Pettee – It is a point of discussion for town staff and attorneys. For example, the Genesee Land Trust mentioned something about a memorandum of understanding between themselves and maybe the Town of Victor. If they were going to take acceptance of the land they wanted to enter into some letter of understanding. Do you know if they have offered a draft of that? They provided us with a sample from another community that give us a flavor of what it might look like.

Mr. Bushen – The point we are in the process is that they currently accepted the offer. The preparation of the documents will be over the summer.

Mr. Pettee – The green segment north of this development there was some discussion at some point of the town taking acceptance of that land. Is it my understanding based on what you have indicated that the GLT would be willing to take ownership of the land including the portion to the north.

Mr. Bushen – That is correct.

Mr. Pettee – Another item, there is a note from the Town of Farmington about a request for the developer to provide an access road a minimum of 12 feet wide of crushed stone from Sunray Crest right-of-way to two of the manholes in the back.

Mr. Bushen – They are in the trunk sewer which is back along here. We will provide an easement, but his project is not related to those. I will be responding to the sewer department in writing. We are okay providing an easement for the future access and maintenance of that.

Mr. Pettee – My understanding is that this project is not tying into the sanitary sewer conveyance and is going to East Victor Road, PS 7, and not going to this.

Mr. Bushen – It will not go thru this region. The only relation that sewer has to our project is that it is on the property and by this land being transferred it is an opportunity to have access to it. We will provide an easement.

Mr. Logan – I was going to ask Wes about that access. How do you get to it now, is there a road ?

Mr. Bushen – I think they get in a canoe.

Ms. Kinsella - Keith walked it with the Town of Farmington not too long ago. They parked at the end of Sunray Crest and walked back. There is not a mowed area that they can get to it easily.

Mr. Logan – You are going from here to it? Which side of the creek?

Mr. Bushen – The two in question is on the southern side and then crosses the street and goes up to McMahan. My point was whether they walk this way there is no easement there to allow anyone to access it. This is Town of Victor land.

Mr. Pettee – As far as Labella review we have not been able to fully review in response to comments and have not prepared a Part 2 EAF for tonight and is something we will work on. We did take a look at your response to the additional information o traffic and wanted to touch on that a bit offline and not at this meeting. Just to make sure we are covering our bases there. We have more work to do to proceed with SEQRA. Not necessarily thinking we would not be able to start Part 2 at the next meeting.

Mr. Bushen – I will follow up with you.

Mr. Logan – The next meeting is quite light and would be a good opportunity to hash out the nuances of Part 2.

Mr. Pettee – There was some talk about the potential trail for these residents to get to the Auburn trail. There is some extreme elevation changes in these backyards and would defer to the trail experts and Brian Emelson. It might be difficult to do that sort of thing and will be a trail connection via sidewalk to the Auburn Trail and will be an option for the residents to access the Auburn Trail.

Mr. Smith – We just received that comment from Genessee Land Trust today in an email. What David also mentioned was that we do not have any problem potentially working with them in terms of carving an additional area out that would go to the Genessee land Trust rather than back yard easements. That is not an issue with us. I do not disagree that some of the topography there is quite prohibitive. Possibly David has studied it enough to know where they plan on putting the trails. We are open to that discussion. It was excellent news because we have worked hard at trying to secure someone that would care for he property in a

way that I have always thought should be for a publicly accessible for the town. We are very pleased with it and their Board just approved it within the last week. There are a number of things we need to work thru and there is plenty of time to do that. I did want to go back and I hope everyone understands. We are very open to providing the sanitary sewer easement for maintenance of the Farmington sewer main but it was very clear that they did not want us to tie into there and in fact we are therefore, Victor, is more heavily dependent on pump stations for the subdivisions and they have not had the right of access other than by canoe for that main. I think it is a good thing that we are giving them land access. I think Dave Lentine, has been mowing an occasional trail that do go down to that sewer area but there really has been no vehicular access over the last 20 plus years. We are happy to give them a deeded access but we would not be proposing to give them a driveway as well.

Chairman Santoro – Any comment from the public?

Mr. Wright – Regarding the access on the Auburn to these trails. It is a pretty good hill maybe 18 – 20 foot high and that is why we would want a ramp. We would put a bench cut on the side slope. Both VHT and Genesse land Trust walked it a few weeks ago and it is definitely doable and not a problem. It won't be six or eight foot wide but a narrower tread but still be accessible for bicycles as well as pedestrians and it does require to come in at this point. Down further anything can be done but it is much more difficult down there. Currently there is access down her but it is down in the area that gets flooded and trying to provide access to these trails for the general public on the Auburn Trail.

Chairman Santoro – We will leave the public hearing open.

PRELIMINARY APPLICATION

SOUTHGATE HILLS PHASE 3

East Victor Road

Owner – BRW of Greece LLC

Tax Map # 28.04-1-48.000

Applicant is requesting approval for a clustered subdivision of 10 single family lots on a 11-acre parcel. This is the second step in a three-step process for a major subdivision. The Sketch Plan was acknowledged complete on August 10, 2021.

3-PS-2022

Zoned – Residential 2

Linc Swedrock with BME Associates

Mr. Swedrock – We are here to talk about preliminary plans for Southgate Hills Phase 3 and is located on the east side of East Victor Road and south of Auburn Trail. Section three is the next ten lots that we are proposing and the lot standards are consistent with what we have done in Section 1 and 2. The plan has changed since the sketch plan. We have worked to improve it and originally, we were looping that road around. Based on the actual property

itself with the topo and constraints and the existing pond and grade change we revised the plans to just one entrance with ten lots and cul-de-sac. We were able to maintain the wooded area along the Auburn Trail. We are proposing the parking area near the Auburn Trail with the trail connection. We did reduce the number of parking from what was originally shown. The lot standards are consistent with Section 1 and 2. Sewer is coming in off of East Victor Road with public water. Drainage, we have gravelly soil so it is consistent with what we had in Section 1 and are using that to infiltrate for the stormwater management and do not have the calculations. Everything is being infiltrated and provided for emergency relief. The property is 11 acres and went thru the rezoning to change the overlay district with the Town Board and that is when we moved the lots around. This is consistent density wise with what was originally shown on the sketch plan.

The 50% open space we are showing thru conservation easements. Open space A we would like to offer it in dedication to the town with the parking area, trail and pond. We have been to the County Planning Board which we provided written responses to them and we also went to the Conservation Board and Labella comments. We think we can work to address all of those. There are some comments from Parks and Rec and think we have agreed to work with them to do a stone dust trail connection off of that parking area.

This is our first time with changing the plans and went over it with the Conservation Board and they seemed to like what we did to change it and keep the pond and vegetation along the Auburn Trail. We are here to help answer any questions and also know that the pump station is still out there for the timing to work with the upgrades that are required for it.

Chairman Santoro – We will go the Board.

Mr. Limbeck – Not yet.

Mr. Logan – What if we put your sidewalk on the west side and tied it into the walkway or access road that goes to the stormwater retention pond? These people here would not have to walk all the way down and then this way and could tie in right here. You could have a crossing like you were going to do with the other layout.

Mr. Swedrock – First of all there is a lot of grade there.

Mr. Logan – I am looking at the contour lines and they are parallel to what I am seeing.

Mr. Swedrock – We can look at doing a connection.

Mr. Logan – If you slide the pond six to eight feet to the north you can make it fit. You are asking for comments that is what you are getting.

Mr. Swedrock – The sanitary and storm are on the other side. The sidewalk is on the water side, so you do not have manholes in the sidewalk. The sanitary comes up.

Mr. Logan – Right now they are shown and not actually in the ground so can you flip them?

Mr. Swedrock – Can we do a crosswalk and cross the sidewalk there?

Mr. Logan – Or you can do that. I am looking for connectivity rather than run people all the way over and down you can make a shortcut there. I prefer to have the sidewalk on the east side as well. You can walk on the shoulder but there is the sidewalk which is safer.

Mr. Swedrock – So an access from the cul-de-sac to try to get them to that pond?

Mr. Logan – Yes, otherwise I like cul-de-sacs and is nice quite street and not have to worry about a double entrance from the road. I think it is a good change.

Mr. Gallina- Nothing at this time.

Mr. Pettee – I have a follow up on Joe’s point. That access road to the stormwater management facility is going to be covered with grass. You have a subbase of stone and not actually a gravel road. I am not saying that can not be worked around but is more of an observation.

Mr. Logan – In the spirit of trails you could make it stone dust and do not have to have it as wide as the driveway.

Mr. Swedrock – I think we are not worried about getting people out of here but more of discouraging people to come in a little bit. We want to get residents in her but also do not want to encourage people coming into the neighborhood.

Mr. Logan – I am trying to figure out where they are coming from. I am not worried about that.

Jerry Watkins of BRW of Greece.

Mr. Watkins – The way I am looking at is people are out there to get some exercise and connect to the neighborhood so that is why we didn’t go the route you are thinking. We wanted them to walk thru the neighborhood and walk across the street and be able to go on the west side of the road or thru the first section to get exercise and meet their neighbors.

Mr. Logan – I think it will be good for connection to allow that.

Mr. Pettee – A couple of other comments. Linc, you pointed this out. For SEQRA I had initially indicated that this might be an unlisted action but think you are right that based on it being a reality subdivision they require coordinated review and classification as Type I

Action. I can work with Kim and Town Staff on getting a coordinated review out to involved agencies. We do not need a resolution to do that and can be done administratively.

Mr. Swedrock – The Health Dept. has gone back and forth on that and they brought it up again with Section 2. The Health Dept. is saying that any subdivision is a Type I Action, which I did not know that we are doing that. If we can act that the Planning Board wants to deem themselves and acknowledging so we can send out the 30-day notices.

Mr. Pettee – We can get that going.

Mr. Swedrock – That will allow other process to keep going.

Mr. Pettee – The other item is the conservation easement configuration that I mentioned in our letter. There is a big chunk of the conservation easement up in this part. On these two properties. There are also proposing a 40-foot-wide conservation easement at the need of the backyards of these lots here. There is also a chunk of conservation easement in this triangle over here. I am thinking about usability for potential future lot owners. These backyards will have conservation easement and markers at the intersection of lines. I understand why you are doing it and trying to achieve the 50% open space requirement for major subdivision and was wondering if there is an avenue available whereby this does not seem to be connecting a much larger area other than this chunk up here. Is the Planning Board interested in having a conservation easement area in this location.

Mr. Limbeck – It certainly makes their backyards smaller.

Mr. Logan – I agree with that Joe. This parcel at the bottom. You could create a wider easement here and get rid of these. Cut some across this way.

Mr. Swedrock – The easement does cut across here and we could look at relocating it. Will have to look and see and balance the 50%.

Mr. Gallina – In order to maintain open space does it have to be a conservation easement?

Mr. Pettee – It does not have to be a conservation easement. The Town Code allows for three scenarios. One is conservation easement, and another is dedication of land to the town and the third another means that is acceptable to the Planning Board. For conservation purposes the mere presence of having that rear lot line setback is your preserving that as open space anyways. The zoning setback requirement is preserving open space. Maybe there is some shading added to the subdivision plan indicating that even though there is not a conservation easement in that location the setback itself is providing for that space.

Mr. Gallina – I would have no issue with that. It could be maintained.

Mr. Logan – This one house has no space at all. It has 30 feet at best. You can take that cul-de-sac and shift it towards the road.

Mr. Pettee – Just as a conceptual idea maybe 40% of the land is on conservation easement and the other 10% is somehow accounted for via setbacks. I have not fully thought that thru to see I that is a feasible method to go forward with. It might be worthy of consideration.

Mr. Logan – Sounds like Linc was going to look at that too and come up with a different alternative.

Mr. Swedrock – We agree with the idea.

Mr. Logan – I think that is very restrictive if you put that in there as a conservation easement for those houses unless you shift the cul-de-sac to give more of a backyard.

Mr. Swedrock – I am also trying to make sure we keep some space in the front. We can look at that.

Chairman Santoro – Any questions or comments?

Dave Wright of VHT

Mr. Wright -Wanted to comment that we did review it with town parks and I think the adults will want to go out on the sidewalk and a crosswalk across East Victor Road and the sidewalk along up to the Southgate Hills. The kids are not going to go the long way and they will go the short way. The 14 – 15-year-old on their bikes will get out to the road and up to the Auburn Trail. I think it will be beneficial to the residents who live there to have a safer way to get to the Auburn. The town is not interested in an official town trail easement since it is only ten houses and not a big development and not looking for more work or trails. The town and Victor Hiking Trails feel it would be a benefit if there was a safer access to the Auburn Trail. Sidewalks are great but from experience the younger folks are just interested in getting to their destination not so much going for a walk to meet the neighbors.

Chairman Santoro – We will table this for now and come back another night.

Mr. Swedrock – Thanks for your feedback and will work on addressing the comments.

Motion was made by Joe Limbeck, seconded by Joe Logan RESOLVED the meeting was adjourned at 8:30 PM

Lisa Boughton, Secretary

