

A virtual meeting of the Town of Victor Planning Board was held on August 9, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: Daivid Nankin, Paul Morabito, Alex Amering, Lucas Bushen, Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town; Kim Kinsella, Project Coordinator; Supervisor; 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 the meeting held on June 14, 2022, BE APPROVED.

Adopted Ayes 5, Nays 0,

CORRESPONDENCE:

There were none.

BOARDS AND COMMITTEE UPDATES:

Town Board representative Ed Kahovec was present.

Councilman Kahovec – The next meeting will be a Zoom meeting due to the primary elections here at Town Hall. This is my last in person meeting with you and Mike Guinan will be here after that.

PLANNING BOARD reported by Kim Kinsella

Tuesday August 23, 2022

PUBLIC HEARINGS

- Victor Square Retail Expansion, located at 4-20 Commerce Drive, 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.

- Victor Crossing Expansion, located at 400-441 Commerce Drive, applicant is requesting approval for site plan modification in connection with the proposed improvements for the Victor Square Shopping Center.
- Auction Direct Charging Stations, located at State Route 96, applicant is requesting approval to install two public charging dual port station, a new utility pole and conduit for the preexisting Auction Direct site.
- Eastview Mall Charging Stations, located at Eastview Mall Drive, applicant is requesting approval to install 20 EV charging stations in the front parking lot of Eastview Mall.
- Maquire Parking Expansion, located at 8050 State Route 251, applicant is requesting approval to construct a 9,400-sf parking addition on the west entrance and modification of loading dock on eastside.

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.

AMENDMENT

1. DIPASQUALE GARAGE

7928 Oak Brook Circle

Owner – Joseph DiPasquale

Tax Map # 5.02-3-1.000

Applicant is requesting an amendment to the approval on June 28, 2022, to construct a no more than 600 sf garage on the parcel. Applicant is requesting approval for a 713-sf garage and porch.

14-SP-2022

Zoned – Limited Development District

Paul Morabito of Morabito Architect

Mr. Morabito – If you remember our first meeting that we had was June 28, 2022, and I did a building form, and we were happy, or thou we thought. The day of the meeting we decided that maybe we would get a little bigger. We kind of have to know that. During the meeting we discussed maybe he would be growing it to get a two-car front facing door to widening it to 20 feet and we were 22 feet deep and figured we would stay with that depth. On the fly we did some quick math and figured 600 sf. He would like 28 feet deep and we do the math, and we are over 600sf. I went back and looked at the agenda for that meeting and the agenda listed us asking for 625 but was supposed to be 650. We were not counting the porch. There was some verbiage during the meeting and talked about the size of the garage to be bigger and thought we counted everything. The garage is 560. Here we are and we need it to be a little bigger if it's

possible. Some of the important factors here are the right-side elevation. That is the Fishers Roadside and what you will see. What we were approved for was 22 feet in depth which would now be seen as 28 feet. What we were approved for was 16 foot in height where the main garage is 19 foot 10” so we are now 17 foot 7” and still less than the main garage. The porch grew a little wider and deeper. The porch cannot be seen from either road or may have less of an impact on your decision. That is why I am here. One other question would be if this was connected to the house would it then no longer become an accessory building would that then be allowed to do this at this size?

Chairman Santoro – Is it in his plans?

Mr. Morabito – Not yet. If it is not connected it is not an accessory structure, but I do not like how it looks connected.

Chairman Santoro – I think there is little difference. This is a Limited Development District which is why it is before us. Whether the building is connected to the existing structure or freestanding it will not make much difference. If the Board would recall I said near the end of the presentation if we said rather than sticking to the 325 which was the figure you initially came up with, no more than 600 sf would that be within your building plan, and you responded “absolutely” that is fair enough. That is why you are back because we gave you the 600 but now you need more.

Mr. Morabito – Just to clarify it was supposed to be 352 and it did not include the porch. In total we were asking for 448 and that got bumped to 600 and now is being asked to be bumped to 713.

Chairman Santoro – This is what the Board needs to decide whether to grant the application for a larger structure than the 600 approved last time.

Mr. Gallina – I do recall the conversation and I have no issues expanding.

Mr. Logan – Yes, he is staying within the setback and don’t see it as significant change so no problem with it.

Mr. Harter – I am good.

Mr. Limbeck – I am good as well.

Chairman Santoro – The reason why you had to come back was that I could not make that decision alone. The Board has indicated they do not have a problem.

Chairman Santoro read the Amended 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 was received on May 5, 2022, by the Secretary of the Planning Board for a Site Plan entitled DiPasquale Garage.
2. It is the intent of the applicant to receive approval for no more than 713 square foot garage at 7928 Oak Brook Circle.
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 virtual public hearing on June 28, 2022, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated June 23, 2022, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 9, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, DiPasquale Garage will not have a significant impact on the environment and that a negative declaration be prepared; and be it further

RESOLVED that the application of Joe DiPasquale, Site Plan entitled DiPasquale Garage, drawn by Morabito Architects, dated December 2021, received by the Planning Board May 5, 2022, Planning Board Application No. 14-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.

Ongoing conditions:

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

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

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

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

Approved 5 Ayes, 0 Opposed,

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 – We have staff comments that the applicant has removed the three pine trees on the west side of the property and been advised that updated plans reflecting these changes will be needed prior to signatures.

Alex Amering of Costich Engineering

Mr. Amering – We were before the Board four weeks ago and at the time there was a number of staff comments in addition to the one you just read aloud. We had an opportunity to respond to all of those. The more substantive comments that came out of the meeting was regarding stormwater. We had the opportunity to review with the engineering staff and the site is located at one of the furthest reaches of Irondequoit Creek and by going over the 6,000-sf threshold we did have to implement some stormwater practices and those were included in the plan set and the Irondequoit Creek Watershed Collaborative template as part of the resubmission. We also include the responses to Code, Fire Marshal and Town Engineer, Landscape, Architect and NYS DOT was a non-comment. We are back here and happy to go thru any of those details.

Chairman Santoro – I would note that the Fire Service has no further comments regarding Timber Top Tree. What is this red piece of equipment?

Brad Hollowell, owner of Timber Top Tree

Mr. Hollowell – It is one of my spider lifts we got, and we were trying put there. When you buy used ones, you have to make sure they hold pressure.

Chairman Santoro – The Board have any questions?

Mr. Limbeck – Just a comment that I have noticed you planted the Arborvitae on both sides of the building, and it looks nice. It will be a nice addition.

Mr. Harter – The photographs you supplied is the purpose to show?

Ms. Boughton – The Fire Marshal took those photos.

Mr. Harter – This is just a picture of your machine temporarily there. Not a permanent display? My other question concerns stormwater and your discharge and I see you are putting in a bio-retention area and the stormwater management pond. They have outlets that go across the driveway to the receiving area on the other property and was wondering are their easements that are enabling that to happen or how does that work?

Mr. Amering – That is a good question. It is discharging to an existing culvert under the driveway. It comes under 96 there is a swale that follows the driveway down to where his entrance comes into the parking lot and there is culvert under that driveway.

Mr. Hollowell – At the top of my property we cleared and there is a two-foot pipe that comes under 96 and comes out of the top of the property and you can see they put swale to that pipe that was already there. All that water runs down to that pipe and out.

Mr. Harter – To the pond I presume?

Mr. Amering – I do not think it connects into their pond. I think it is essentially a bypass that comes under 96.

Mr. Harter – My only comment is that I am curious to where the water goes and any need for an easement and now would be the time to maintain it.

Mr. Amering -Most of it goes directly off the south end of the page. The problem when we were looking to do the water quality treatment with the bio you get a few feet down and at the back of the property it gets very flat back there so we could not get it to daylight. Instead we are taking a bunch of the runoff off the existing parking lot.

Mr. Harter – Okay, I will leave it up to Wes and Labella as to whether they are satisfied.

Mr. Pettee – Our stormwater management has not taken an in depth look at this, but I would imagine it likely does address the stormwater requirements of Irondequoit Watershed and I would imagine that we can work out any technical details as a condition of the approval should the Planning Board decide they want to move forward with acting on the application tonight.

Mr. Amering – We are comfortable, and I am happy to explain any of the details but also do not want to bore you and can work thru with Wes and his staff. The basin at the south edge is more for peak grade attenuation, it is just a dry swale and the smaller bio-retention area which is up in the U-shaped part there is for water quality.

Mr. Holowell – I did hire Denny Pooler of Pooler Enterprises to do the parking lot and then we added this, so I called him, and he came out with his crew, and it looked like everything was good.

Mr. Pettee- Labella will need to confirm that. Our stormwater person was out last week with Covid, so she did not have an opportunity to take a look at this. We can finalize the review on that and if there is any technical issues that are worthy of bringing back to the Board, we can do that. If it is a significant change to the design that would alter the design of the project in general, we would suggest bringing it back to the Board.

Mr. Logan – I was looking at the before and after plan and looking at pipes at where you were referring and looks like the invert goes straight down in the drawing. It sort of daylight out to the slope beyond. Perhaps that drains over towards the stormwater facility on the adjacent parcels. I can not zoom in over there and rely on what Wes just said. Otherwise, I have no problems with it.

Mr. Gallina – All set.

Mr. Logan – I guess the only comment was and it was covered was that you have the spider out front and that is not permanent. Did not want you to display ads on it.

Mr. Hollowell – Understood.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Joe Logan:

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

1. A site plan application was received on June 7, 2022, by the Secretary of the Planning Board for a Site Plan entitled Timber Top Tree Parking Expansion.
2. It is the intent of the applicant to modify the site to add 10,000 sf of parking area on the existing 1.6-acre parcel to accommodate the business operations of Timber Top Tree.
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 12, 2022, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. There was a Coordinated Fire Service Site Plan Review on June 8, 2022, and provided comments.
7. Zaretsky & Associates reviewed the landscaping plan on June 13, 2022, and August 4, 2022, and provided comments.
8. New York State Department of Transportation reviewed the site plan and, in a memo, dated June 15, 2022, and had no concerns.
9. LaBella Associates reviewed the site plan in a letter dated July 12, 2022, July 14, 2022, and provided comments.
10. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated June 27, 2022, and provided comments.
11. The application was referred to the Ontario County Planning Board under Section 239 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 9, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Timber Top Tree Parking Expansion will not have a significant impact on the environment and that a negative declaration be prepared; and be it further

RESOLVED, that the Planning Board allows the reduction in parking spaces from the required 20 total spaces down to 10 total spaces based on the business operation: and, be it further

RESOLVED that the application of Brad Hollowell, Site Plan entitled Timber Top Tree Parking Expansion, drawn by Costich Engineering, dated June 7, 2022, received by the Planning Board June 7, 2022, last revised August 2, 2022, Planning Board Application No. 16-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated July 12, 2022, and July 14, 2022, from LaBella Associates be addressed.

Mr. Pettee – I was going to suggest an ongoing condition as well. As far as that, you can leave that condition as is and it encompasses our stormwater review. One of the ongoing conditions I might suggest is that no additional site work occur until after Labella and Planning Board Chair has signed the mylars. Any grading that is proposed and depicted on this plan today, no site work should occur until after mylars are signed.

3. That the comments in a letter dated August 4, 2022, from Zaretsky & Associates be addressed.
4. That comments from Code Enforcement Officer, dated June 28, 2022, be addressed.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a building permit be obtained for the re-installation of an overhead door before the start of construction.
3. That a sign permit be obtained for any proposed signage.

Mr. Logan – Was that a prior to Chairman signature Wes and not on going.

Mr. Pettee – Yes, true. The conditions to be addressed before the plans signed. I would have it on under on-going condition.

Ms. Kinsella – The ongoing condition is that no site work is to be done until the mylar is signed. Nothing can be done on that site until it is signed.

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

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

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

Approved 5 Ayes, 0 Opposed,

AUCTION DIRECT PAVEMENT EXPANSION

09-SP-2022

6520 State Route 96

Zoned – Commercial

Owner – 6520 Rt 96 LLC

Tax Map # 28.02-1-52.100

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

Chairman Santoro – Is anyone here?

Ms. Boughton – I do not see anyone for this application.

Chairman Santoro – I do have a resolution. What would the Board like to do? We can consider it.

Mr. Limbeck – We have had the discussion and I do not think there were any questions. We were waiting for the County at the last meeting.

Chairman Santoro – Shall we go forward?

The Board agreed to move forward.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Limbeck, seconded by Al Gallina:

WHEREAS the Planning Board made the following findings of fact:

1. A site plan application was received on April 8, 2022, by the Secretary of the Planning Board for a Site Plan entitled Auction Direct Pavement Expansion.
2. It is the intent of the applicant to extend the front lot pavement 200 feet wide x 19 feet deep to allow display of approximately 21 additional vehicles.
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 Action is classified as Type II pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. New York State Department of Transportation reviewed the site plan and, in a memo, dated April 28, 2022, and provided comments.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated July 22, 2022, and provided comments.
8. LaBella Associates reviewed the site plan in a letter dated April 28, 2022, and provided comments.
9. Applicant received an area variance on July 18, 2022, from the Zoning Board of Appeals to allow a reduced the front setback from the required 80 feet to 74 feet.

NOW, THEREFORE BE IT RESOLVED that the application of Auction Direct, Site Plan entitled Auction Direct Pavement Expansion, drawn by McFarland Hohanson, dated August 12, 2015, received by the Planning Board April 8, 2022, last revised July 5, 2022, Planning Board Application No. 09-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 the comments in a letter dated June 6, 2022, from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated July 22, 2022, be addressed.

Ongoing conditions:

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

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

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

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

Approved 5 Ayes, 0 Opposed

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 – Not much has changed since the last I was here to talk about this. I understand we are getting ready to go thru the SEQR process, so I am here to answer any questions.

Mr. Pettee – Could you update us again what is going on with the open space.

Mr. Bushen – The open space is being given to Genessee land Trust as a means of conserving it and meeting the 50% and in a way of maintaining public access to this area along Mud Creek. You will notice in this map it has been changed such that these property lines extend over the stormwater management facility. Another thing that came up at the last meeting was

changing some of the rear of these lots to dedicated land rather than private conservation land. This chunk will extend up in here quite a bit. There was one outstanding comment and have addressed all comments to date, but Keith came up with one more comment that he wanted this small stormwater management facility covered in private land so everything other than that from this end all the way around, excluding that, then back up into here will all be given to Genesee Land Trust.

Mr. Logan – Wasn't there one or two parcels that the backyard had a pretty restrictive conservation easement.

Mr. Bushen – There will be quite a bit of private conservation easement. This will all be conservation easement and a small easement at the back of that lot and this area is technically conservation easement as well.

Mr. Logan – I would be concerned about the constrictive nature of parcels that come so close to a house that you can not really use it or mow the lawn.

Mr. Bushen – That is why we have been intentional about it. I think it is about 150 feet of lot depth. This line we try to follow the tree line. That serves two purposes. It is not as easy to go over it and then also preserves the buffer to the pedestrian trail.

Ms. Kinsella – That piece is going to be separate from what is being dedicated to Genessee Land Trust is what you are saying.

Mr. Bushen – It is in addition to that to meet the 50%. That 50% excludes this from the Town of Farmington. The 50% all in Victor and the extra 15 acres in Farmington is being given to Genessee Land Trust.

Mr. Logan – All of these parcels more specifically 34, 35, 36, 37 and near the stormwater management facility those are not restricted the full depth of those parcel sizes with conservation easements.

Mr. Bushen – It is only restricted at the rear where the pond is.

Mr. Logan – There will be at least a certain amount of lot depth that they can mow.

Mr. Bushen – The same amount of backyard and it will drop off a little bit and be a level area and then drop off.

Mr. Pettee – Is there anything further between the land trust and the Town of Victor in terms of a draft memorandum of understanding?

Mr. Bushen – I think there will be a lot more to do there. I imagine dedication will be one of the last things that happens, similar if we were giving the land to the town or an HOA. All

that language has to be drafted and I think it should be reviewed by the town before it is put in place. It is not going to be town owned land, but it will be used by all the members of the town. I think that we will talk to you about who you want to review that.

Mr. Pettee – It may go without saying that once that language is drafted, we would want to get it to Harris Beach for their review. I do have Part 2 of the EAF and have some things to go thru.

Chairman Santoro – The tree line is not always going to be where it is now.

Mr. Bushen – If it is on conservation easement land it should only change thru natural measures. The point of the land is so that it is not cut back to put a shed there. Genesee Land Trust and Victor Hiking Trails may need to remove trees at times.

Mr. Pettee – Part 2 of the EAF and it is rather incomplete because there are a couple of questions, I will ask Lucas to jump in on. As you recall with past projects not everyone of the categories, we need to go over in detail, but I will start.

1. Impact on Land; the proposed action may involve construction or physical alteration of land surface of the proposed site. Yes, there is going to be an impact to land and there are two paragraphs here E and where're I have indicated there may be a moderate to large impact may occur. Also, just to remind you. Just because we have indicated it is moderate to large does not necessarily mean the impact is significant or would otherwise require further investigation. It is just acknowledging that there is an impact. We can also go thru the EAF workbook if it is helpful.

a. The proposed action may involve construction on land where depth to water table is less than 3 feet. No or small impact.

b. The proposed action may involve construction on slopes of 15% or greater. No or small impact.

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. No or small impact.

d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. No or small impact. My understanding is there is not going to be any material being taken off site and will all remain on site.

e. The proposed action may involve construction that continues for more than one year or in multiple phases. Yes, the applicant has acknowledged and indicated that the project will continue for more than one year and basically, they have indicated that near the conclusion of Phase 1 being built out and lots sold they would go to construction of Phase

2 or to something of that nature. Is there three phases right now or two phases. That could be a moderate impact.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). Moderate impact because the potential for increased erosion is increased when you have multiple phases over multiple years and will have physical disturbance greater than 10 acres. I do not know if those are significant at this time, but they are probably moderate impacts.

g. The proposed action is, or may be, located within a Coastal Erosion hazard area. No.

Mr. Logan – Both E and F developer needs to protect the land during the construction activity with SWPPP. In the long run once the site is developed for all phases it won't be a significant increased risk for erosion because the vegetation will be reestablished in various forms.

Mr. Pettee – Exactly right. It looks at the duration of the impact and is precise and reason why it might not be a significant impact.

Mr. Logan – Perception might be there is a huge disturbance which there will be but in long run it is not a long-term risk for erosion because it is meant to be managed by the contractor protecting the ground.

Mr. Harter – If the project stays true to compliant then the MS4 given those criteria you are doing everything the way you are supposed to versus wild and open.

2. Impact on Geological Features; The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves). This is No.

3. Impacts on Surface Water; Yes, we have indicated there will be impacts to surface water but each of those subcategories I have indicated there is no or small impact.

4. Impact on groundwater: Based on looking at the environmental assessment form workbook I have indicated No that the proposed action would not result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer.

5. Impact on Flooding; The proposed action may result in development on lands subject to flooding. I have indicated No.

6. Impacts on Air; The proposed action may include a state regulated air emission source. I have indicated No

7. Impact on Plants and Animals; The proposed action may result in a loss of flora or fauna. I have indicated Yes.

- a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. No or small impact.
- b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. No or small impact.
- c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

There is indication in the EAF mapper and applicant Part 1 EAF that the Twin Leaf is a plant listed as a threatened or endangered species. I do not know if there has been any further research or indication there as to the possibility of impacting the presence of Twin Leaf in this location.

Mr. Bushen – I do not have much additional information other than the significant trees on the property are visibly in the portion that we are not touching.

Mr. Pettee -We can work with Kim, and we can find out where the Twin Leaf might likely occur. Probably not in the agricultural field component that has been farmed. Maybe it is located more in the wooded area.

Mr. Bushen – We talked about it in Part 1 about locating the development in previously disturbed areas. There is some limited clearing all by the road and adjacent to the farmland.

Mr. Logan – Do we know what the habitat for Twin Leaf is? Is it wet areas?

Mr. Pettee – I do not know the answer to that. That is a question I was trying to articulate that we could look into.

Mr. Harter – What is the answer to that? To be continued?

Mr. Pettee – To be continued.

- h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Moderate Impact due to the amount of forest land that is going to be removed is going to be slightly more than 10 acres. I do not think we have an image of existing conditions up there but wanted to articulate to the Planning Board that although 10 acres is going to be removed it does not appear that the removal of that forest is going to fragment and to make it not contiguous. I wanted to mark that as a moderate impact.

8. Impact on Agricultural Resources; The proposed action may impact agricultural resources. Yes, many of these paragraphs I have indicated as moderate impacts.

- a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. Moderate to Large Impact.
- b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.). Moderate to Large Impact.
- c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. Moderate to Large Impact.
- d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. Moderate to Large Impact.
- e. The proposed action may disrupt or prevent installation of an agricultural land management system. Moderate to Large Impact.
- f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. Moderate to Large Impact.
- g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. No Impact.

Mr. Logan – The one question about converting agricultural land I agree with but since you are converting ag to nonagricultural you are not really severing access anymore you are basically removing it. Some of these other questions seem to be no because one of them is yes.

Mr. Limbeck – I don't think the workbook gives him that leeway.

Mr. Logan – We are not cutting off access to agricultural farmland in this case the developer is basically using former ag land for development. He is irreversibly converting agricultural land to nonagricultural uses (D). (b) for instances says, “may severe, cross or otherwise limit access to agricultural land”. No, we are just eliminating it.

Mr. Pettee – I see your point and was going thru the EAF workbook. Some developments make it hard for farmers to access their agricultural fields, installation of fences, gates, structures and even landscaping in the wrong location can all prevent farmers from reaching their fields. Similarly changes in roads and bridges, driveway configuration can all work to limit farmers ability to use large farm equipment and trucks. It mentions under moderate to large impact it is likely that one or more moderate could occur under one or more of these circumstances. Fences, signs, landscaping and gates or similar structures are sited in manor which prevents access to farm fields. Changes in traffic, road construction, bridges and driveways are that farm

equipment will be unable to travel to reach farm fields. Landscaping, structures, fences and similar structures are placed in a way that shades fields that are too close to safely use farm equipment near them.

Mr. Logan – I would put (b) as no. We are not doing any of that and eliminating agricultural land.

Mr. Harter – Was this land actively farmed?

Mr. Bushen – It is.

Mr. Harter – I agree with those boxes.

Mr. Pettee – Continuing on.

9. Impact on Aesthetic Resources; The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. I have indicated No.

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. I am going to put Lucas on the spot again with regard to the consultation with the State Historical Preservation Office. We looked up on the CHRIS system and saw there is a consultation that has been closed for that property but then there is also a polygon which seems to indicate there was an archaeological survey. Is that still under way?

Mr. Bushen – They concluded it and issued an all-clear letter. I can share that documentation.

Mr. Pettee – I was looking for it in the SWPPP and did not see it there.

Mr. Buhen – That is in our possession now.

Mr. Pettee – Based on that, if they have a no impact letter form SHPO, it was noted to be in an archaeologically sensitive area so we can indicate Yes, no or small impact. We will follow up with that.

11. Impact on Open Space and Recreation; The proposed action may result in a loss of recreational opportunities, or a reduction of an open space resource as designated in any adopted municipal open space plan. I have indicated No.

12. Impact on Critical Environmental Areas; The proposed action may be located within or adjacent to a critical environmental area. I have indicated No.

13. Impact on Transportation; The proposed action may result in a change to existing transportation systems. Yes, there will be, but it appears to be small or no impacts. I had the opportunity to talk with Lorenzo's team and its impact on the surrounding neighborhood and wanted to ask them about the intersection of East Victor Road and 96. I have driven that location a few times and the local residents have as well and very familiar with it and somewhat difficult to turn left coming off of East Victor Road. Is this particular project going to create a significant change there in terms of function and ability to make those turn movements. Looks pretty hard to make improvements at that intersection based on this project. SEQRA uses a threshold of 95 vehicle trip at a peak hour before they would require a traffic study. I think you are at 91 vehicle trips at a peak hour. There does not seem to be a need for a traffic impact analysis, but I think in the long run the town may need to take a look at what is happening on East Victor Road with the other developments.

Mr. Limbeck – The cumulative effect.

Mr. Logan – I would agree that getting onto 96 anywhere on that corridor is awful and very difficult and DOT may have to put in one or more signals or turn lanes. We have already indicated from Anthony Drive there was going to be a signal there.

Ms. Kinsella – It is on another phase of that development.

Mr. Logan - There are four more pads that need to get developed there. I agree that this is not the project that triggers the improvements there.

Mr. Pettee – That is something we can articulate in the narrative of Part 2 before you make your determination of significance.

Mr. Harter – What did Lorenzo have to say relative to this discussion? Did he feel as a traffic engineer that it was okay to not really analyze anything more than just the project itself and to leave that intersection off the table.

Mr. Pettee – I did not speak to Lorenzo specifically. I spoke to a member of his team Tom Miller. It is the Planning Board's purview to ask for a traffic impact analysis and to look at these particular intersections in further detail you can ask the applicant to do that. Whether or not it is going to result in a project change I am not sure. I think it might be difficult to ask them to do any improvements at that intersection.

Mr. Logan – Do we have existing traffic counts on East Victor Road?

Mr. Pettee – I can check because we have done numerous studies in town in recent years and can find out what those traffic counts are.

Mr. Logan – If it was 50 cars a day and this thing is going to add 50 or 100 more cars that is one thing but if it is 1,000 cars a day it isn't going to do anything to it.

Mr. Harter – 95 trips is the trigger, and this comes in at 91. I do not have a problem with processing the way we are doing it. The question in my mind is at what point does the level of service drop there to where a signal needs to go in and who pays for that.

Chairman Santoro – Is that a state road, isn't it?

Mr. Pettee – Yes.

Mr. Logan – You will have to show need.

Chairman Santoro – They frequently do not put them in.

Mr. Harter – I think it would be a stretch to hang that analysis on them for this project.

Mr. Pettee – To continue.

14. Impact on Energy; The proposed action may cause an increase in the use of any form of energy. Yes, there isn't any indication that there would be any moderate to large impacts there.

15. Impact on Noise, Odor, and Light; The proposed action may result in an increase in noise, odors, or outdoor lighting. Yes, but the subsequent paragraphs I have indicated no, or small impact may occur.

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

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

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

This will conclude the draft Part 2 of the EAF. We have some follow up to do here to finalize it. We can get that complete. Any questions?

Mr. Harter – Does it boil down to just the endangered plant?

Mr. Pettee – The Twin Leaf plant and the SHPO consultation. Also, the conversation about traffic and the intersection of East Victor Road and 96. A lot of impact to the agriculture.

Mr. Logan – Fyi, the Twin Leaf has been known to be along the Auburn Trail which is adjacent to this further up.

Mr. Harter – Relative to the impact on Agricultural land this has been identified. What is a mitigation measure that could be employed for that?

Mr. Pettee – How do you minimize or avoid the impact to agricultural land? Number one you have the Town Board who has already adjusted the zoning density to allow for increase in density. I am not aware if there is an agricultural plan at the County level or a local level that has identified this is an area to be preserved for agriculture. I can double check on that. Other wise it is about finding alternative locations or clustering your homes. You are avoiding the steep slopes.

Mr. Limbeck – We have just identified an impact and not required to recommend any mitigation.

Mr. Pettee – You do not need to identify any. We just need to minimize or avoid adverse impacts. If there is an impact, you avoid it to the extent practicable. If you look at the towns planning or zoning, a lot of the times you will find the more developable areas is on agricultural land.

Mr. Limbeck – Then you can get into issues of the property owners rights to sell the property. Does he have to sell to another farmer and would limit his opportunities otherwise.

Mr. Pettee – For example you can go back and look at the Comprehensive Plan from a few years back where there was ascending and receiving districts where the town deliberated on where development should occur. Do you want it to occur out in the countryside or rather focus it in areas that are adjacent to existing development maybe closer to the Route 96 corridor, closer to the existing structure whether it be sewer or water.

Mr. Logan – Just so you know this parcel is identified as in district 1 of the Ontario County Ag District. So is the subdivision to south of that and on south side of Boughton Hill Road.

Mr. Pettee – I think the Anderson Subdivision as well on Willis Hill. It is not uncommon. This was referred to the County.

Mr. Bushen – They typically comment that you Ag Data Statement.

Mr. Harter – What is your feeling representing the applicant on this particular aspect of environmental review? You have heard us chat about how we see it from the town's perspective. How does the developer see it? I presume the developer will say something like there is no other way to develop this property besides the way you see it.

Mr. Bushen – I think we are getting into the difference between moderate impacts and severe or adverse impacts. I think that severe impacts to agricultural land and the preservation of that should be addressed from an environmental standpoint at the Town Board level and the community master plan which there was a SEQRA process done for, which established and identified this as an area of high-density development. I think the mitigation takes place there

where you identify areas where you want to restrict development and want to encourage it. This project is only being proposed and only gotten this far because of that designation from the overall master plan.

Mr. Harter – In a certain way that ship has sailed.

Mr. Bushen – We are following the recommendation.

Mr. Logan – It is interesting if you look at this agricultural map for the Town of Victor. It is pretty much white where there is no Ag District in green where it is. It is getting pushed out farther and farther. We are looking at the Town of Farmington line and this is the parcel here.

Mr. Pettee – I would be interested in comparing that data with the data that I have because now that I am looking at this. I am looking at the data I have from Ontario County, and it is not identified as being in an Ag District. I am curious about the dates.

Mr. Logan – It is dated November 11, 1972, certified July 20, 2021.

Mr. Pettee – If I could switch screens. This might go along with the discussion of agricultural land. This is the project parcel and might need to disregard the orange coloring. It is intended to be the Ontario County Agricultural District. In this area of the town, you see there is a couple of ag district locations here. Down in the southern part of the town there is a lot in the county's ag district. Comparing scale, you see the ag land that is here, and we are not necessarily fragmenting as severely as could be fragmented out in the countryside with ag land. There is not a large continuous expanse of agriculture for this project parcel and adjoining areas. Even though you may have some valuable agricultural land and soils in this location it does not appear to part of a large expanse of agricultural land whereas down here the southwest portion of town you have a lot of contiguous parcels within the ag district. If I turn that off, you can see there is a greater amount of contiguous agricultural acreage in this area.

Mr. Limbeck – Off topic a little bit. Didn't it look like Phase 3 of Southgate was in the orange?

Mr. Logan -Definitely.

Mr. Pettee – Yes, it appears that Phase 2 was and Phase 3. We do not want to rely on this orange shading completely. We can double check that.

Mr. Bushen – We can verify whether it is or isn't. Not that makes a significant difference in the concerns, but it did sound like news to me. The other thing that I know that Jeff would say, he said it on record before, is that the farmer is selling the land.

Mr. Harter – I tend to agree with the logic behind these discussions is the land is predisposed for development when I take a look at the density to the west and east and north versus the more global perspective you just gave us. I don't see a mitigation measure here. I don't think telling

you to move a house here or there or put a road here or there that is not going to have a positive effect whatsoever. It is what it is. I think you are right that by changing the density and by earmarking this site for development in the Comp Plan the dye has been cast for this property.

Mr. Pettee – Any other questions on the EAF? None.

Chairman Santoro -Anyone have a comment on the whole as discussed? Ok.

PRELIMINARY APPLICATION

SOUTHGATE HILLS PHASE 3

3-PS-2022

East Victor Road

Zoned – Residential 2

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.

Chairman Santoro – This meeting has been removed to the next meeting.

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

Lisa Boughton, Secretary