

A regular meeting of the Town of Victor Planning Board was held on August 10, 2021 at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: Wes Pettee, Town Engineer; Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town Supervisor; Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary

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

APPROVAL OF MINUTES:

On motion of Al Gallina, seconded by Scott Harter.

RESOLVED that the minutes of July 11, 2021 be approved.

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

Approved 4 Ayes, 0 Nays, 1 Absent

CORRESPONDENCE:

Deidra Kirk re' Southgate Hills Phase 2

BOARDS AND COMMITTEE UPDATES:

Councilman Kahovec from the Town Board.

Councilman Kahovec – Nothing pertinent. Yesterday’s meeting was just a payment of bills meeting for the Town Board and will meet again at the end of the month. The next full Board meeting is the 23rd and we had a wonderful walk last night attended by some members of the Conservation Board, some members of your Board and some guys on the Town Board in regards

to the project along East Victor Road. Very interesting perspective and we will see how that all turns out. Thanks.

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.

PLANNING BOARD reported by Lisa Boughton
Tuesday August 24, 2021

PUBLIC HEARINGS

- TLC Adventures in Child Care, located at 119 Victor Heights Parkway, applicant is requesting approval to operate as a childcare facility in the existing structure.
- Historic High Point Retail Phase 3 Patio, located at 235-237 High Street, applicant is requesting approval to construct a 500 sf concrete patio and fence in front of the northern building to utilize the Old Pueblo Grill Restaurant.

INFORMAL DISCUSSION

TLC ADVENTURES IN CHILD CARE

119 Victor Heights Parkway
Owner – Ontario County IDA
Tax Map # 15.01-1-32.620

07-SU-2021

Zoned – Industrial

Applicant is requesting approval to operate as a childcare facility in the existing structure.

Theresa Croce for TLC Adventures and Matt with BL Construction

Ms. Croce – We are here to just answer questions. I know we have some information that was sent out and some questions and answers that were asked by the town. Basically, it is all up for comment.

Chairman Santoro – We want to know what you want to do.

Ms. Croce - We currently lease out the Victor Rec building. The town would like it back. We are scheduled to move on or about September 1st so we need to relocate the children. We found this building at 119 Victor Heights and in the process of demoing it and we are here for the permit to start renovating it in order to make it a child care center. We operate at 7444 Stare Route 251 right now and trying to relocate those school age children because of the number of children we have in the district and the waiting list. We currently have a three year waiting list and trying to help out the community a little bit.

Chairman Santoro asked for Board comments

Mr. Harter – I do not have any questions.

Mr. Limbeck – I noticed from looking at the satellite map there appears to be two buildings on site. Are you in the front?

Ms. Croce – We are the rear building. We actually prefer that building because it has access to the path and the path that can take us over to the other daycare center. It is a pretty little way to keep them together.

Mr. Limbeck – Good. That appears to be the optimal spot.\

Mr. Croce – They probably did not want the kids running on Victor Heights Parkway.

Mr. Limbeck – Will you be building a playground for them as well?

Ms. Croce – We are going to see what the kids really want right now. They do not have a playground now at Victor Parks and Rec and they seem to be okay with that. They want things like basketball, corn hole and hockey nets. That is what they seem to be interested in. There is area to the south and grass to the southwest side so we could put some area in there.

Mr. Limbeck – Finally, school bus access to get the kids to and from?

Ms. Croce – School bus said they had no problem and were all set and ready to go. The bus drivers are pretty good and can turn on a dime.

Mr. Logan – I support this and certainly needed. The business seems to be going well at your other location on 251.

Ms. Croce- Matt brought some prints if anyone is interested.

Mr. Logan – We did get them already. No other comments.

Mr. Gallina – First of all, supportive of the concept and did a good job describing what the site plan might look like versus we have the interior depiction. If you have anything for site plan that would be good to view what is being proposed.

Matt – Currently there is no exterior site plan changes and no exterior changes except for life safety. Couple of new exterior doors going in for life safety. No plans for the exterior and just interior renovation at this point.

Mr. Gallina – Things like parking and typically a site plan would accompany an application so we get a good feel of what the boundaries look like.

Ms. Croce – We will make sure to submit that before next meeting. I know one of the things we talked about play area and we have utilized a back work out room. That is becoming a gym area for the children.

Mr. Gallina – That is all I had.

Chairman Santoro – We will see you next time.

TARGET DRIVE UP EXPANSION

22-SP-2021

7500 Commons Blvd

Zoned – Planned Development

Owner – Target

Tax Map # 6.00-1-3.410

Applicant is requesting approval to create 24 new drive up stalls with no-parking access aisles for delivery of purchased items. The six existing drive up stalls will be removed. Applicant is also proposing to install 12 two-sided stanchion signs and one beacon sign and relocating a second beacon sign.

Chairman Santoro – This has been tabled till next time. They need more time.

MARY HORNUNG WILDLIFE SANCTUARY SIGN

20-SP-2021

240 Railroad Mills Drive

Zoned – Limited Development District

Owner – Gary Reif

Tax Map # 5.01-1-35.000

Applicant is requesting approval to install a 60” x 30.5” wide, custom routed shape sign with the proposed sign height of 60”. The proposed sign will designate a nonprofit wildlife sanctuary.

Chairman Santoro – The public hearing on this is closed.

Amy Catalano of Vital Signs

Ms. Catalano – I did get some feedback from the Code Officer and they said it looks as if it is more of a ... not for business and just a sign on private property. I did go there after the meeting and it is well past the 35’ setback. It is more like 70’ up from the driveway and over to the left. It is that second picture in the grassy area. The only thing I do not know of is the sign height requirement. We had it 5 feet and I think it was too high but I never got a number on how high. We put it at 4 thinking that was within code.

Chairman Santoro asked for Board comments.

Mr. Gallina – I have no questions.

Mr. Logan – NO questions. I think you made the simple change to the text on the bottom for it being not open to the public.

Mc. Catalano – You cannot even see it from the road. Anybody that sees this sign is trespassing. What is the sign height?

Ms. Kinsella – I believe it was in Al’s comments. The bottom of the sign is within 1 foot of grade.

Ms. Catalano – SO nothing about grade to top. Just the bottom.

Mr. Harter – I do not have any questions.

Mr. Limbeck – No questions or comments.

Mr. Pettee – I have no comments.

RESOLUTION

Motion made by Joe Logan, seconded by Joe Limbeck.

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

1. A site plan application was received on June 22, 2021 by the Secretary of the Planning Board for a Site Plan entitled Mary Hornung Wildlife Sanctuary Sign.
2. It is the intent of the applicant to install a 60” x 30.5” wide, custom routed shape sign with the proposed sign height of 60”.
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 August 10, 2021 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 Code Enforcement Officer reviewed the site plan application on July 20 and August 4, 2021 and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 10, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Mary Hornung Wildlife Sanctuary Sign, 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 Vital Signs, Site Plan entitled Mary Hornung Wildlife Sanctuary Sign, drawn by Vital Signs, dated June 22, 2021, received by the Planning Board June 22, 2021, last revised August 4, 2021, Planning Board Application No. 20-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.

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

PUBLIC HEARING

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

SCOUT PATH

Aldridge Road
Tax Map # 16.00-1-2.120
Owner – DeHollander Design, Inc.

03-PS-2021
Zoned – Residential 2

Applicant is requesting approval to subdivide the 8.84 acre parcel into five building lots ranging in size from .813 acres to 3.75 acres. The home locations will be accessed via two shared common driveways. Sketch plan was acknowledged on February 25, 2020.

Chairman Santoro – Staff comments were that sent full set of plans that include the subdivision plat and detail sheet and updated engineer report to the Army Corp of Engineers.

Mr. Pettee – Maybe before we go thru SEQRA since the public hearing is still open I might we suggest we open to public comment if there are any and we can take into consideration as we go thru SEQRA.

Chairman Santoro – Anyone from the public have any comments on this project? Hearing none.

Mr. Pettee – I do not know if Scott wants to talk about what you have been able to progress since the last time you were here.

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

Scott DeHollander of DeHollander Design

Mr. DeHollander – I think the major changes we presented two weeks ago and had some results of our wetland delineation and presented our desire to not to develop that area that was ultimately determined to not be a wetland but still environmentally sensitive. We put that in conservation easement and we moved the home house site that was proposed for that location to the rear of the site and covered that in pretty significant detail last time we were here. I am available to answer any questions as you consider SEQRA.

Mr. Pettee – I am passing down Part 2 and 3 of the draft EAF for consideration and I have also prepared a draft resolution should we get all the way thru this and you decide to take action on SEQRA and the preliminary subdivision.

The applicant did fill out Part 1 of the EAF and we got an updated version of that Part 1 based on the redesign that we see on the screen. There were a few questions in this EAF Part 2 where we have indicated yes there is an impact and for the publics benefit, what we do in looking at the environmental assessment form here is a way to determine whether or not a particular project will have a significant adverse environmental impact. Just because there is an impact it might be small or maybe there really isn't an impact at all. This is a tool to help us get thru the environmental review of the project.

1. Impact on Land

Yes there is an impact on Land but all the sub boxes to fill out are marked no or small impact may occur.

2. Impact on Geological Features

I have indicated No

3. Impacts on Surface Water

I have indicated Yes but all of the sub boxes are indicated as no or small impact may occur. I can get into a little more detail of the Part 3 of the EAF and have a bit of a description that talks about the wetland and also impact to land itself.

4. Impact on groundwater

I have indicated No.

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 but all of the sub boxes are indicated as no or small impact may occur.

8. Impact on Agricultural Resources

I have indicated No.

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 have indicated No.

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. I have indicated No.

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. I have indicated Yes but all of the sub boxes are indicated as no or small impact may occur.

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. I have indicated Yes but all of the sub boxes are indicated as 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. I have indicated No.

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. I have indicated No. It is consistent with the existing zoning and residential land uses in the neighborhood.

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. It is.

Mr. Pettee – That is it for Part 2 and did not have anything identified in Part 2 as moderate to large. In regard to Part 3 of the EAF. I have a little bit of a description here on impact to land.

1) Impact on Land

Although there are slopes of 15% or greater on the project site, the plans appear to depict that areas greater than 15% slope will not be developed. Lot 5 includes a proposed structure on a slope that approaches 15%, but impact is expected to be minimal and not significant.

Although vegetation removal could result in erosion, erosion control practices will minimize and avoid significant adverse impacts. As articulated in the Engineer's Report, the Sequence of Major Activities will be used that include stabilization practices, seed, mulch, silt fence, stabilized construction entrance and ditches.

3) Impact on Surface Water

The project site contains an NWI Wetland, which was delineated on or about July 23, 2021 by Diehlux. Two streams were identified and the following findings were identified in the Diehlux letter dated July 29, 2021:

A. The Town of Victor does not have any permits or applications regarding wetlands. However, as part of the Site plan design, the Town does have stipulations for buffers to some streams and wetlands. Therefore, additional consultation with the Town of Victor may be needed if impacts to aforementioned watercourses are anticipated.

B. According to the NYSDEC Environmental Resource Map, the Site contains no state regulated wetlands and therefore the project is not anticipated to require a Joint Application for Permit as required by the NYSDEC in accordance with Article 24 of the NYS ECL. Additionally, no NYSDEC streams are mapped on ER map. As such, a JAP under NYSDEC Article 15 regulations is not anticipated regarding watercourse impacts. Lastly, a section 401 Water Quality Certification (WQC) from Region 8 NYSDEC office will be required if a Section 404 permit from USACE is needed (direct impacts to subject wetlands on-Site). A NYSDEC Environmental Resource map is documented in Appendix II.

C. According to the U.S. Fish & Wildlife Service National Wetlands Inventory (NWI) Map the Site contains one federally regulated watercourse along the eastern edge of Site. This is consistent with field findings as Stream S1 represents this feature. In addition, Stream S2 is an unmapped ephemeral drainage feeding Stream S1. At this point, DIEHLUX anticipates Stream S1 identified on-Site to be federally regulated under the current Clean Water Act (CWA) regulations. A copy of the NWI map is included in Appendix II.

The majority of the stream delineated lies within proposed conservation easements. A portion of the ephemeral drainage on Lot 4 appears to be within an area to be graded. The Town has referred the updated plans to the U.S. Army Corps of Engineers. It is not expected that a significant adverse impact would result, and the Town expects to obtain feedback from the ACOE prior to final approval.

15) Impacts on Noise, Odor and Light

Noise levels are anticipated increase above ambient conditions during construction of the project; however, noise levels will return to ambient conditions once construction is complete.

That is where we are with the SEQRA Environmental Assessment Form. If there are any questions I am happy to field those or if there is any information that is needed from the developer or the applicant we can ask for that.

Chairman Santoro – Anyone from the Board have any questions of Wes.

Mr. Harter – I had a couple questions. One questions is have you confirmed that the sight distances are acceptable to proposed driveway locations?

Mr. Pettee – I think there are sight distances on the plans correct. I do not think the sight distances are an issue. The one thing that is not at Access Management Standard's. That is addressed in the draft resolution in terms of driveway separation.

Mr. Harter – I saw that but I wasn't sure if the sight distances were ok. I was not here at the last meeting so I am looking at a slightly different drawing. Was one of the lots near the street eliminated? There was a pond in that lot.

Mr. DeHollander – There is. It moved closer to the road and the area that we were going to utilize for home site is now in conservation easement. It will remain vegetative as is and we will carve out the pond closer.

Mr. Harter – That is your throttling mechanism to reduce your flows thru the culvert under the highway.

Mr. DeHollander – All flow rates are at or lower.

Mr. Harter – Appreciate that. I missed last meeting and was looking at something different than the prior time.

Mr. Limbeck – No questions.

Mr. Logan – I wanted to help Scott understand that he basically created lot 5 above and didn't eliminate lot. Moved it up.

Mr. Gallina –No questions.

Mr. Pettee –This draft resolution would do two things. One, it would issue a SEQRA Negative Declaration and two would provide conditional preliminary subdivision approval. Would you like me to read it?

Chairman Santoro – Sure, go ahead.

RESOLUTION

Motion made by Joe Logan, seconded by Joe Limbeck.

WHEREAS the Planning Board made the following findings of fact:

1. An application for a Cluster Subdivision was received on May 20, 2021 by the Secretary of the Planning Board for a Preliminary Subdivision entitled Scout Path Subdivision, requesting to subdivide approximately 8.84 acre parcel into five (5) residential building lots ranging in size from .813 acres to 3.736 acres. The home locations will be accessed via two shared common driveways, all within the Town's R-2 Zoning District.

2. The Sketch Plan for the Scout Path Subdivision was deemed complete by resolution of the Planning Board on February 25, 2020.
3. It is the intent of the applicant to create five new homes sites on 8.84 acre under New York State Town Law Section 278, Clustering Provisions, as well as pursuant to Section 184, Article V, Clustered Projects, of the Victor Town Code.
4. 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.
5. The Planning Board held a public hearing on June 22, 2021 and continued the public hearing July 13, 2021 and closed on August 10, 2021 during which time the public was afforded the opportunity to provide comments on the proposed subdivision application.
6. The Planning Board classifies the proposed action as an Unlisted Action pursuant of the New York State Environmental Quality Review Act Regulations, and the Planning Board intends to be Lead Agency for SEQRA review; furthermore, a Long Environmental Assessment Form was prepared by the applicant.
7. The Conservation Board reviewed the project on June 1, 2021 and stated the following: that there be communication with homeowners on easement location and restrictions.
8. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
9. On June 9, 2021, Ontario County Planning Board reviewed the application as Administrative Review 1.
10. In a letter dated August 10, 2021, (a supplement to the July 13, 2021 letter) LaBella Associates reviewed the subdivision plans and provided comments.
11. The Town’s Stormwater Management Officer reviewed the subdivision plans and in a letter dated June 9, 2021, and provided comments.
12. The Town of Victor Highway Department reviewed the project May 26, 2021 and has no concerns at this time.
13. The Town of Victor Code Enforcement Officer reviewed the subdivision plans in a letter dated June 22, 2021, and provided comments.
14. The Town of Farmington Water & Sewer reviewed application on June 18, 2021 and

June 28, 2021 provided comments.

15. There was a Coordinated Fire Service Site Plan Review on May 24, 2021 and provided comments
16. The U.S Army Corps of Engineers reviewed the subdivision plans on July 13, 2021 and provided comments.
17. 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.
18. Pursuant to Section 27-8 of the Town Code, a one-time charge for new connections to the Consolidated District sewer collection system, shall be paid to the Town before issuance of a building permit.

NOW, THEREFORE BE IT RESOLVED, the Town of Victor Planning Board, as Lead Agency, has reviewed and considered Part 1 of the Long Environmental Assessment Form, application materials, public comments and environmental record concerning the Project, as well as completed the applicable Parts 2 and 3 of the Long Environmental Assessment Form and identified no significant adverse impacts; and, be it further

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

RESOLVED, that the Planning Board waives Section 2.7.11, of the Town's Design and Construction Standards that would require 3 foot freeboard requirement, but requires that the 1-foot freeboard be provided; and, be it further,

RESOLVED, that the Planning Board waives Chapter 55, Section 55-6, Paragraph D of the Victor Town Code that would require 440-foot separation between driveways as part of access spacing requirements; and, be it further,

RESOLVED that the preliminary subdivision application of DeHollander Design Inc., Major Subdivision entitled Scout Path Subdivision, drawn by Greene Land Surveying, Sheets 1 through 4, dated April, 2020, received by the Planning Board May 20, 2021, last revised July 20, 2021, Planning Board Application No. 03-PS-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the preliminary 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 Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.
3. That the comments in a letter dated July 13, 2021 and August 10, 2021 from LaBella Associates be addressed.
4. That the comments in a letter dated June 22, 2021 from Code Enforcement Officer be addressed.
5. That the comments in a letter dated June 28, 2021 from Town of Farmington Water & Sewer be addressed.
6. That the comments in a letter dated May 24, 2021 from Town of Victor Fire Marshal be addressed.

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

1. That the major subdivision comply with Town of Victor Design and Construction Standard Land Development, including Section 4.
2. That should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. That all conservation easements markers be shown on final subdivision plans.

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 AUTO BODY SHOP

21-SP-2021

1093-1099 McMahon Road

Zoned – Commercial/Light Industrial

Tax Map # 28.00-1-35.000

Owner – Donald Stocum

Applicant is requesting approval to remove the proposed stockade fence that was proposed between the residence and the shop on the original site plan from 1994. The residential house will not be used for residential purposes but for storage.

Chairman Santoro - Staff comments were if the Planning Board request the applicant to construct the fence they will not have to go to the ZBA. If the Planning Board decides applicant may remove the fence from the site plan then the applicant must submit an area variance modification to the ZBA.

Alan Friedman with Auction Direct

Mr. Friedman – We actually purchased the property today. All we are looking for is permission to not put up a fence. It has not been there since 1994. We own the house and the building and it is a non-residential house. We talked to Donald Stocum about it and was originally intended to keep the house private from the business but since that is no longer concern we decided not to put up a fence at this time. It has never been there.

Chairman Santoro - Any comments from the Board?

Mr. Limbeck - I have not gotten anything relative to the fence per se. I drive by that fairly frequent and right now a lot of that space behind the shop is random cars willy nilly and you indicate you will be parking as many a 12-20 back there.

Mr. Friedman – We just took ownership of the building today so the stuff that is still there is Don's. He is still in there cleaning up. The trailer is leaving, the boat is leaving and all that stuff will be cleared out in the next week or two. We are not doing anything with the house for another 3 or 4 months. We have stuff in storage and start cleaning the place up and using it. We are not branding it at all and not have an Auction Direct sign. Not open to the public and 100% for our internal purposes. That is it. Our cars are ever turning. He sold cars and ours are retail and customer cars so we are not having long term.

Mr. Harter – I do not have anything.

Mr. Logan – Me either.

Mr. Gallina – All set.

Chairman Santoro – I do not either. It has never been on the plans. You do have to go to the ZBA.

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

RESOLUTION

Motion made by Joe Limbeck, seconded by Al Gallina.

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

1. A site plan application was received on June 28, 2021 by the Secretary of the Planning Board for a Site Plan entitled Auction Direct Auto Body Shop.
2. It is the intent of the applicant to remove the proposed stockade fence that was proposed between the residence and the shop on the original site plan from 1994. The residential house will not be used for residential purposes but for storage.
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 August 10, 2021 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 July 21, 2021 and August 3, 2021 and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 10, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Auction Direct Auto Body Shop will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of , Site Plan entitled Auction Direct Auto Body Shop, drawn by Raymond Phillips, dated August 1, 1994 received by the Planning Board June 28, 2021, Planning Board Application No. 21-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 comments from Code Enforcement Officer, dated July 21, 2021 and August 3, 2021 be addressed.
- 3. That per the Zoning Board of Appeals resolution dated May 2, 1988 a modification to the area variance is required.

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,

HINES POLE BARN

6700 Woodbrooke Road
Tax Map # 1.03-1-20.080
Owner – Kenton Hines

24-SP-2021
Zoned – Residential 2

Applicant is requesting approval to construct a 35' x 60' post-frame pole barn for non-commercial use. Total square footage is 2,100.

Chairman Santoro – Exempt from Ontario County Planning Board.

Mr. Pettee – We did take a look at the project submission and we saw comments from Code Enforcement but we did not have anything further.

Chairman Santoro – Anyone from the public have any questions or comments?

John Smalt of Woodbrooke Road

Mr. Smalt – I am actually the neighbor to the left. I talked with Ken about the project and I knew he was going to do a pole barn but what I did not know was the scale of it. My wife and I moved to Victor 32 years ago and where we are there is a big long tree line in a small development. There is also a swale there that the town put in to take away water. That swale is supposed to take the water to another pond. That is another issue. What I am not sure about is that most of lots in this small subdivision are an acre and Ken's is 4 acres. This obviously for me would be right in the way and we will see this in our backyard. It is 2100 sf and bigger than my house. My house is 2200 sf. It is pretty big and I think the scale of it is too big. I know Ken wants it and I am not sure it fits into the character of the development. There are three other people who have bigger lots but most of us have about an acre. It is going to stick out there. The biggest thing is that I am concerned about the size of it and what it is going to look like. If it does go forward it will be in our backyard and we have a pool and deck and that is what we are going to see. Somehow if it could be scaled back a little and make sure there is some kind of trees put in there so I do not have to see it. A 60 foot barn and someone came to you and said they were going to put a 60 foot barn next door to you, you would say "oh no, I am going to see it from my backyard". It affects me probably the most than any other people. I do not know what to say other than that and think it is too big and going to impact the character of the 15 lots. I know Len has a purpose for doing it and wants to put some cars in it. I do not think it is right.

Chairman Santoro – Anyone from the Board?

Mr. Harter – You submitted survey map and show a little rectangle that represents the building. I am not sure this is a site plan to the extent that I could look at this and understand topography and drainage relative to the location you are proposing the building. How are we supposed to know as a Planning Board that this is a good location and justifiable location from that standpoint?

Mr. Hines – I do not know what you are usual looking to consider but the way my lot is set up, is if you look at the easement lines, that is from the easement to back. It is all rough high grass and inside of the easement is cut grass. It is perfectly flat and there is no trees and no greenery and already part of the yard I maintain. There is no drainage but there is no water features of that sort and just mowed grass.

Mr. Harter – Relative to what the gentleman said before, is there a swale or something like that.

Mr. Hines – I do not know what that word is, a swale?

Mr. Smalt – There is swale that runs in the spring time and turns into a small little stream. Runs behind my house and goes towards ken and goes into a pond. What happened was the guy before it did not keep it cleared, which he should have and the water backs up to me. What does happen the level of the land does go down.

Mr. Hines – I have never seen any water?

Mr. Smalt – If you go back there you can find it.

Mr. Hines- In the high growth? This is well inside of the high growth. About 30 feet.

Mr. Smalt – Behind you and going down that tree line it is filled in with trees and the water backs up into my property. That water is supposed to continue to a pond and another neighbors.

Mr. Hines – This isn't in that area and on a part of my lawn that is mowed. I moved into this house of September of last year and have never heard of that feature before.

Mr. Harter – DO you have any intention of landscaping around the building to buffer its appearance?

Mr. Hines – One of the questions the Conservation Board had was how visually it was going to look and when I had an architect originally working on it he had put a lot of trees and a driveway in. It seemed overly disruptive in my opinion. I wanted to make sure the building looks good but the back of my house has a fire pit and a deck and all of the extra landscaping features that I need. I wasn't planning on putting really any landscaping or driveway up to it. I did not want to have a driveway bisecting my front yard.

Mr. Harter – I can understand the driveway. I can also understand your neighbor's comments.

Mr. Hines – Do you guys have the satellite image? If you look on the satellite it is not in his back yard. It is off of his backyard quite a bit.

Mr. Logan – Wes, will share the satellite on the screen.

Mr. Hines – It's a good 200 feet east of his backyard. I specifically choose this height and size and my wife did not want it to be too visually disruptive in our backyard so I know the max height is 30 something feet. If I were to have gone with a size that was appropriate without Planning Board approval that maximum peak height would have been 15 feet between even peak. This is 17 feet and is only two feet higher than would have been allowed without Planning Board approval.

Chairman Santoro – Once you get to 2,000 sf that needs approval.

Mr. Pettee – Could you use the pointer.

Mr. Hines – House is right here. Building would be right there and John's house is right there. He has a fence right there and a couple trees right here. The building will be way back there. It is not quite his backyard.

Mr. Logan – Does it slope down towards where the barn is going.

Mr. Hines – I was not aware of that and John knows the neighborhood better than I do.

Mr. Logan – From a sense of where your house the land falls away from the house to the tree line?

Mr. Hines – It is pretty flat.

Mr. Logan – The back drop would be the woods.

Mr. Hines – The building would go right there. The easement is back here. This first 30 feet is also easement and I have been told that I cannot build back there.

Mr. Logan – Wes, can you go to the survey map please. The tree line is essentially the easement?

MR. Hines – The tree line is... the easement stops in the tree line. I can actually go back about 10 feet into the tree line before the easement begins.

Mr. Logan – Tree line is closer than that easement. To me you are tucking the barn into the corner of your lot.

Mr. Hines – It is a flat spot that is not in use and the previous owners had hoped to put a barn there as well. I purchased this house because it had the land and the flat space for it.

Mr. Logan – In the image that you showed of the barn that you are going to build. Does it have a lower portion then goes up?

Mr. Hines- Just one floor. Two sections.

Mr. Logan – Will it be pointed towards your neighbors?

Mr. Hines – The building will be facing perpendicular to my house.

Mr. Logan – The long end will be towards your house?

Mr. Hines – Yes, the face of it will be perpendicular to my backyard. I am not going to have any flood lights and I know that would not be well received. There would not be any lights that would be shining heavily into my neighbor's yard. That would be disrespectful. The most part is its purpose to store vehicles seasonally, things I do not drive in the summer, lawn mowers, seasonal snowboard skis and things like that. I will not be running an auto shop or things like that.

Mr. Logan – Do you have to do any improvements on your lot to drive vehicles across it?

Mr. Hines – I actually tested it out and that was a question the conservation board had if I was going to be putting in a driveway. The only way that a driveway would work would be here and that would look awful. There is also underground irrigation right here. For the rare instances that I am going back there I would drive right across.

Mr. Gallina – The only thing to maybe address your neighbors concern is two or three well placed evergreens on the property line.

Mr. Hines – I can line this thing up with shrubs if you want. I am fine with that. I did not want to be intrusive. I am willing to do anything you want visually.

Mr. Logan – Sometimes we find that a cluster of trees strategically placed works great in even sometimes better than a line.

Mr. Hines – Landscaping I have no problem doing what I need to do. I am keeping the height at 17 feet to try to not be some towering behemoth. The original one I designed was 25 and that was too much.

Mr. Gallina – Other than that I have no other concerns with what is being proposed.

Chairman Santoro asked for any other questions from the public.

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

Chairman Santoro – You have seen the Building Department comments?

Mr. Hines – The key question was what the access path. Drainage, there will be gutters on it. Only electric utility and no gas. No floodlights just porch lights. Just enough if I am coming out there to have some 600 watt bulbs on the side. I do not want light beaming into the back of his house.

Mr. Harter – Dark sky compliant is when it is beaming downward.

Chairman Santoro – We do not approve any up lighting.

Mr. Harter – I had a question. Assuming we go forward with an approval, how did you want to stipulate the landscaping?

Chairman Santoro – We will have to put it in the approval.

Mr. Logan – Strategically landscaping between the neighbor's house and the barn. I do not want to dictate what you put.

Mr. Gallina – To act as a visual buffer.

Mr. Logan – Will install landscaping to act as a visual buffer to the barn from the adjacent neighbor's property. To me it does not matter whether it is right near the barn or the lot line but it is how you want to set up your property.

Mr. Harter – IS the amount of landscaping and the extent of it to be determined by others?

Mr. Logan – I do not know if it makes sense to put mutually agreeable with the adjacent land owner and Mr. Hines. It is open ended.

Mr. Hines – There may not be an amount of landscaping that satisfactory.

Mr. Logan – You can say within the line of sight between the house and proposed barn.

RESOLUTION

Motion made by Scott Harter, seconded by Joe Limbeck.

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

1. A site plan application was received on July 8, 2021 by the Secretary of the Planning Board for a Site Plan entitled Hines Pole Barn submitted by Kenton Hines for the property located at 6700 Woodbrooke Road, Victor, NY.
2. It is the intent of the applicant to construct a 35' x 60' post-framed pole barn for non-commercial use.
3. A public hearing was duly called for and notice of said public hearing was published in "The Daily Messenger" and whereby all property owners within a minimum of 500-feet of the Site 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 August 10, 2021 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of 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 July 20, 2021 and August 4, 2021 and provided comments.
7. The Town of Victor Conservation Board reviewed the site plan in a letter dated July 20, 2021 and recommended a silt fence be placed.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 10, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Hines Pole Barn will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Kenton Hines, Site Plan entitled Hine Pole Barn, received by the Planning Board July 8, 2021, Planning Board Application No. 24-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.

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 before the start of construction.
- 3. Applicant to install appropriate foliage to screen the barn from the neighbor’s line of sight.

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,

VICTOR HEALTH AND WELLNESS PLAZA

25-SP-2021

7249 State Route 96

Zoned – Commercial

Tax Map # 15.00-1-13.100

Owner – Jason Tanoory

Applicant is requesting change of use to convert the existing structure (former Railside) from a marketplace into space for four tenants. The existing building is approximately 8,000 square feet.

Chairman Santoro – Waiting for County and LaBella comments. We do not have a resolution here tonight.

Tom Fromberger of MRB Group

Mr. Fromberger – As you have indicated the owner is looking to change this building from the Railside Market Café to Victor Health and Wellness Plaza with a proposed change of use from a grocery store to a health care facility. It would primarily start off as a dental facility in the top left corner and would be developed into three additional tenant spaces. The proposed use is permitted under the Town Code under Healthcare and Medical Use. The 8,000 sf building would have a total of ten tenants. The parking is adequate on site. There is 73 parking spaces with 3 ADA parking stalls. Lighting is not proposed to change as well as the other site amenities. We did receive comments and have addressed those comments. We did receive Labella's comments today and we spoke in regards the SEQRA determination which we concur with a Type II Action. Also talked about lighting that we are not planning on changing. The other comment was in regard to the drive thru which would be on the top left corner. At this time the owner does not have plans for that right now but will leave it as is. It may be an outdoor space but we are still working thru those details.

Chairman Santoro – Comments from the Board first.

Mr. Gallina – No comments. It is good to see a good reuse of the property and being consistent with the adjacent property as far as type of use.

Mr. Logan – Tom, you said 7 or 8 new tenants? I do not recall...

Mr. Fromberger – Four new tenants.

Mr. Logan – Ok, I thought I heard you say more.

Mr. Fromberger – There is the primary initial tenant and would be for dentist office and the three additional spaces would be place holders.

Mr. Logan – I echo Al's comments.

Chairman Santoro – This has been vacant for some time so I am glad to see something going in there. This area is becoming a wellness line of buildings. Nothing wrong with that.

Mr. Harter – I guess it is just cosmetics that you are doing to the building and you're not increasing the size of the parking lot or adding onto the building. You are just reusing, resigning and new floor plan.

Mr. Fromberger – We did provide a rendering of some potential sign locations. Locating them tentatively.

Mr. Harter – I think it is a great re-use as well. I welcome the change.

Mr. Limbeck – I am curious when the two buildings went up, Railside and the neighboring building, they are sharing a common driveway and we anticipated the amount of traffic the

current medical building would have. Is your traffic load going to be bigger than the market had to anticipate and will that driveway need to be modified at all to be accommodated?

Mr. Fromberger – The driveway is adequate for the proposed need.

Chairman Santoro – Anyone from the public have any comments about this project?

Mr. Pettee – We did get a letter out today and with regard to SEQRA, he did mention that it appears that this is a Type II Action which basically means that per the SEQRA regs, classification is Type II is already presumed to not have significant adverse impact. Classification just concludes the SEQRA process. Beyond that we shared some details on no changes to the lighting and drive thru lane is going to remain the same for now. That's it.

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

Chairman Santoro – We are waiting for the County comments.

SKETCH APPLICATION

SOUTHGATE HILLS PHASE 2

04-SK-2021

East Victor Road

Zoned – Residential 2 'B'

Tax Map # 28.04-1-48.000, 28.04-1-44.111, 28.04-1-44.200, 28.04-1-45.000

Applicant is requesting **acknowledgement of a complete application** to develop under the Clustering Provisions 29 lots on 58.3 acres including four separate parcels. This is the first step of a major subdivision and only acknowledgement of a completed application will be considered at this meeting. Applicant received approval from the Town Board on July 26, 2021 to modify the existing Residential Overlay District 'A' development criteria to a Residential Overlay District 'B'.

Chairman Santoro – We are waiting for LaBella comments and was sent to Fire Marshal.

Linc Swedrock with BME Associates and Jerry Waltkins of BRW of Greece LLC, developer

Mr. Swedrock – We were here earlier to discuss the overlay district change, which the Town Board has now acted on and changing the Overlay District from the Residential A to the Residential B. Tonight we are here to discuss the sketch plan for the next phase and part of the process. The proposal is for 29 total lots on 58.3 acres of land on 4 separate parcels. The area is located along East Victor Road and north of Boughton Hill Road and the four different parcels are being developed separately. The parcels along Boughton Hill we are proposing for estate lots, which will be on septic's and there is water there so they will each have their own water service. The lots are pretty large and we are maintaining the tree areas as much as

we can and trying to propose the lots in the open areas that they are in today. Those lots would be developed per the zoning and have open space areas delineated on the sketch plan.

The other parcel with the cul-de-sac off of East Victor Road is the first phase that we are proposing, which is 15 lots and proposes a cul-de-sac there with lots, stormwater management, we would connect in the sewer that is being constructed with Blumont so that is served by gravity sewer as well as the parcel on the other side. We have clustered the lots to the area where the sewer is available and proposing the lots with the same standards that the lots we constructed in Southgate Hills, which is adjacent to the property to the north there. This would be the next phase of Southgate and the lots are consistent with what was proposed and developed there. The sewer, like I said, will be available and brought down from East Victor Road for Blumont. The water would be constructed to serve the lots. We are showing a sidewalk along the one side of the road and once we get into the preliminary and final design we would propose landscaping and lighting plans. We are also showing an area there near the trail that we were offering and in discussion with the town and wanted to get there feedback on the town's interest in having that piece of property next to the trail there for whatever propose you are looking for. That is part of the discussion we want to have tonight. We got quite a bit of feedback from town staff about that. We have quite a few comments so I think we are looking for tonight is to discuss what the Planning Board would like to see with the sketch plan moving forward and next steps of the design process.

That is pretty much it. Jerry is here to help answer any questions we have. We do acknowledge that part of the comments that we have seen are about upgrades that need to happen to the Pump Station before this can happen. We will try to work and coordinate with LaBella on that going forward. We understand that we need to figure that out.

Chairman Santoro – To note, this is not a public hearing. This is only to determine if the sketch plan is complete. Just so everyone is aware of what we are doing here.

Mr. Pettee – We did issue a letter today and for SEQRA, just in general, this might be a Type 1 Action when they submit their preliminary application they will submit the appropriate environmental assessment form. Pump Station 7, we have Mike Schaffron investigating and looking into what required improvements would be needed. We are waiting to hear back from him on that. The parcel A, which is the small triangular piece immediately adjacent to the trail, I did have a conversation with Brian Emelson over the sketch plan drawing. It looks like he submitted his own comments but what I heard from Brian was that he was hesitant take acceptance of that parcel due to his concerns regarding future maintenance and lawn mowing. Given the number of parking spaces he thought was more than what was needed at that particular location. I think maybe some further coordination might be needed as Linc indicated, between the Parks & Rec Director and the future of what that triangular piece looks like and whether or not the town will consider taking it in dedication or not. That can be worked out.

Instead of installing a sidewalk between that loop road and the path alongside the east side of East Victor Road to provide some pedestrian connection there beyond just the shoulder of the road.

I wanted to ask about the Phase 1. I understand from Linc's comments tonight that Phase 1 is the cul-de-sac area with 15 homes and will the preliminary application is going to be all of what we see on the sketch plan or maybe is that going to be phased as well?

Mr. Swedrock – We wanted to do the sketch plan to show you overall the density for the overlay district. Right now the owner's intent is to come with a preliminary-final for just those 15 lots because there are some other things that are happening that might end up being different or changing. The real important thing to them is to do the next 15 to keep going with the inventory from Southgate. We would like to do something with what we did with Southgate 1 where we showed all the lots and the density so that it was clear on how we came up with everything. IO think we did that with Southgate 1 when we showed lots and the golf course. The n move forward with preliminary/final on the 15 lots. We will have to work that out. This is the total of what we are looking to do. The important things that they want me to move forward with and design is the 15lots in the cul-de-sac. We understand we might have to come back and might have to do something different down the road and figure out the best way to handle SEQRA. I think from a design standpoint we would like to focus on the 15 lots.

Mr. Limbeck – I am looking at the Parks Department comments on the access to the Auburn Trail and how that would be incorporated. What are your thoughts about incorporating the different sidewalks and etc. that they show in there? Conservation Easements from lot 1 – 14 and 12 and 13 for a future trail. Sidewalk from 14 – 19.

Mr. Swedrock – Our intent would probably be to meet with them during the preliminary plan design and see what makes sense to them. I think we are open. I just received these comments and we would look to meet with them and incorporate them into our preliminary design.

Mr. Harter – I think the conventional drawing that you did provides a good contrast to what you are proposing. I think when I first looked at your drawing I was not quite sure of things fitting together and whether it is better under a cluster provision. I think what you are showing makes sense. I think the contrast with multiple larger lots on Boughton Hill comparatively steers me in the direction of what you are proposing. I think I like it.

Mr. Logan – I am struggling with some of the changes requested or proposed for the lot standards. You are looking at instead of a minimum lot size of 25,000 sf it will be 11,000 sf? That seems very small.

MR. Swedrock – Again, that is consistent with Southgate Phase 1.

Mr. Logan – It says 11,000 sf proposed lots 5 -29.

Mr. Swedrock – They are 80 foot wide and 120 deep so 11,000 sf. 30 front. 8 foot side, 40 rear and a five foot driveway.

Mr. Logan – You said it was consistent with Southgate?

Mr. Swedrock – It's the exact lot standards and units that they are building in Southgate now.

MR. Logan – I struggled with those too. What kind of space are you getting between buildings? Are getting a 20 foot offset or 10 foot from lot lines?

Mr. Swedrock – 8 foot sides.

Mr. Logan – How does the Fire Department feel about that? Southgate is the same way?

Mr. Swedrock – Southgate is the same way.

Mr. Logan – Eight foot sides?

Mr. Swedrock – 16 foot between.

MR. Logan –You are meeting level B overlay, right? Basically one house per two acres of total land?

MR. Swedrock – Correct. It went from 19 to 29 total. We went from 1 per 3 to 1 per 2. We gained 10 lots. They are shown on both sides of the road and we are showing the four estate on Boughton Hill.

Mr. Logan – Are you going to be able to put any sidewalks along the houses or on the cul-de-sac to tie into the hiking trails, you have to have something along the road I would think.

Jerry Watkins of Riedman

MR. Watkins – We will have plenty of room with the triangular piece there to get up to the walking path. These lots we have pretty good success at Southgate. We have three lots left and the lot sizes are proving to be pretty desirable.

Mr. Logan – Nothing more at the moment.

Mr. Gallina – No questions.

Mr. Pettee – I was just measuring some of the lot sizes in Southgate 1 and they are about 12,000 – 13,000 and there might be some as small as 11,000. Just for comparison purposes.

Mr. Logan – They have 80 foot lot widths at Southgate 1?

Mr. Pettee – Yes.

Mr. Swedrock – It is 80 foot at the setback. When you get into the cul-de-sac you get wider as you get back.

Mr. Logan – It is actually narrower where the edge of pavement is. Just seems packed in pretty tight.

Mr. Swedrock – I think if you go out and take a look at Southgate and get a feel for...it is the same market we are looking to do and basically this is what they are looking to do to continue it.

Mr. Logan – Google Earth has a pretty good aerial of it. It has a couple of foundations going in on 2nd and 4th lots in. Most of the lots are built. Those are the same setback at 30 feet as well?

Mr. Swedrock – Yes. We all did the same standards. Once we get into preliminary it might change a little bit once we get into all the math and such.

Mr. Logan – You are going to put a sidewalk on one side of the cul-de-sac. Sidewalk on the first phase. You certainly should have one. They tie right into Auburn Trail of course. I will interested to see how you make the connections with sidewalks and things with this one. The detail will come thru in preliminary plans.

David Wright of Ketchum Street, Chairman of Victor Hiking Trails

Mr. Wright – I apologize to the Board for getting the notes from Brian late. We got the packet a little late and we just had a discussion with Brian and Parks and Rec advisory committee and Victor Hiking Trails last Thursday and put together some quick comments and realizing it is just a sketch plan at this time. We wanted to make sure that the developer got those comments and will address them as they move forward. We are certainly want to cooperate with the developer to make it pleasant for the new residents to use the trail.

RESOLUTION

Motion made by Al Gallina, seconded by Scott Harter.

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

1. A sketch plan application was received on July 20, 2021 by the Secretary of the Planning Board for a Major Subdivision entitled Southgate Hills Phase 2 Subdivision.
2. It is the intent of the applicant to develop 29 lots on 58.3 acres including four separate parcels under the Clustering Provisions 29.
3. Applicant received approval from the Town Board on July 26, 2021 to modify the existing Residential Overlay District 'A' development criteria to a Residential Overlay District 'B'.
4. An "Under Review" sign was posted on the subject parcel as required by Town Code.
5. LaBella Associates reviewed the sketch plan and made comments dated August ____ 2021.
6. The Codes Department reviewed the sketch plan on August 7, 2021 and provided comments.
7. The Town of Farmington Water & Sewer Department reviewed the sketch plan on August 3, 2021 and provided comments.
8. The Town of Victor Highway Department reviewed the sketch plan on August 5, 2021 and provided comments.
9. The Ontario County DPW reviewed the sketch plan on August 5, 2021 and provided comments.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of BRW of Greece LLC, Major Subdivision entitled Southgate Hills Phase 2 Subdivision, drawn by BME Associates, dated June 22, 2021, received by the Planning Board July 20, 2021, Planning Board Application No. 04-SK-2021, the Planning Board **acknowledges receipt of a complete sketch plat application;**

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

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

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

Approved 5 Ayes, 0 Opposed,

REFERRAL FROM TOWN BOARD**STONE BROOK SUBDIVISION OVERLAY RE-CLASSIFICATION**

1403 East Victor Road

Woodstone Custom Homes, Inc. to reclassify 1403 East Victor Road from a Residential Overlay District 'A' to a Residential Overlay District 'C'. The parcel is 115 acres with 99 acres in the Town of Victor and the remaining 16 acres in the Town of Farmington.

Jeff Smith of Woodstone Custom Homes and Lucas Bushen of Marathon Engineering

Mr. Smith – As you know we have been referred from the Town Board to the Planning Board for your input. We as somewhat followed Riedman recently we have petitioned the Town Board for the greater density of our land we have under contract which as you just stated is about 115 acres. It is to the north of Southgate and is adjacent to Boca Estates and also some commercial property on Route 96. Also, the boundary largely follows Mud Creek to the east and north. We are proposing in this concept sketch that you see and there are two videos tonight the one that shows the concept and one that shows an overline density that you have handouts for. The intent with the density handout was to indicate to you how we are a little bit different then the Southgate area because our parcel does have commercial property to the north and also has quite a dense development to the west and north, the Boca Estates.

Where a "C" overlay would produce one unit per acre we do not plan that density. Our concept sketch is a maximum and is likely we would reduce it a little bit still. We are probably in the 80 to 90 range of lots once we fine tune the width of the lots. Right now the concept shows in the 80 to 100 foot wide lots and they range, some of them well over 200 feet deep. The Sunray Crest which is part of Boca Estates would be extended to a cul-de-sac and then we would loop back to East Victor Road with the two interior streets. A big plus would be to then hammerhead that is in Sunray Crest now and have a loop street back to the East Victor Road area. Our intention would be if the town is willing to accept it is to add or 70 total acres, 55 is in Town of Victor and 15 in Town of Farmington, we would like that to go to the town's so that it could be appreciated and the nature preserve that exists there. We took an evening walk yesterday to show some members of the Boards' the fact that there are existing trails there. Mud Creek is really quite an interesting asset that the towns have and if we were to dedicate that acreage that is shown in green it would be added to the town acreage that is behind Boca Estates and Sunray Crest specifically. The intention there basically could be additional trail systems off the Auburn Trail and they could loop back to Sunray or back to our own new streets. We differ some from Southgate because we feel this is more of a transitional area and as much as Boca is 1.8 unit we would be .9 or less units. Southgate is .5 units and as we go further south Blumont is .3 as the rest of the rural areas there. It seems to be to us a natural progression and I know one of the previous meetings we were in, even thou Boca is in a "B" overlay it is almost twice the density of a "C" overlay. I guess that overlay was made after that development happened. We are currently in "A" overlay.

The Comprehensive Plan and the draft Sewer Plan are both very supportive of increasing the density of this site. It has immediate access to gravity sewer and has appropriate access to the Auburn Trail and a good road network to Boughton Hill. I am not quite sure why even back in the days the overlay was formed why it ever was an “A” area quite honestly. It seems to be a natural area to fit with the commercial zones to the north and the density that is immediate surrounding it. We have the widths that we spoke of that were in the 80 to 100 it would be more than the adjacent developments on the average. I think Sunray is in the 70 and as you heard Southgate in the 80-90.

We are here for your input and are hoping that similar to your support for Southgate adding some greater density in this area would be a positive. We think that the natural preserved area of the Mud Creek is an important asset that the town could utilize. It would be a long term development certainly mostly for the trail system but I think it is an important asset to recognize. Lucas has will be here for technical questions if there are some and maybe the overall questions that I could field as well.

Chairman Santoro – First, Ed do you have any input from the Town Board on this?

Councilman Kahovec – No, they are before the Board after you.

Mr. Smith – We are scheduled for a public hearing I believe the 23rd of August that the Town Board has scheduled.

Chairman Santoro – AL do you want to chime in?

Mr. Gallina – I did have the pleasure of going on the site walk yesterday and certainly a very nice property and definitely agree that the Mud Creek is a nice area and would be nice to preserve that. I am not opposed to increased density but “A” to “C” just may be a little too aggressive and perhaps “B” might be a ...

Mr. Smith – Admittedly we recognize that and there is nothing in between. There is an A, B and a C and there are pretty large jumps in between the B and the C. I would be pleased to work with the Planning Board in trying to pin down that number. The issue to some extent is the cost effectiveness and density will clearly help make the project work. We have not done an extensive analytical work on it in terms of cost benefit. It is quite honestly very difficult today because pricing on everything is just so hectic that you really don’t know what you are getting into some days. Very early examination of the parcel I think the 80-90 worked well. Whether it work any less that that I honestly do not know. We do not intend a 100 units here and quite honestly as I mentioned earlier this was a maximum density scenario. We said what would work and wanted to keep the open space that we are required to keep. Wanted to make the streets cost effective in terms of length and width of lots. Clearly 92 is a max and I would think 80-90 is probably a realistic range that would work. That is in between a B and a C.

Mr. Logan – My comment is generally on density here and there is a little bit of traffic flow concerns that I have with Sunray Crest residents being right now at a now outlet situation. As

soon as you do that you are going to get everyone coming down East Victor Road that wants to go back in there right thru Sunray Crest into your section of the development. I feel this should be a B not a C. Yes Jeff, I think we can work with numbers here but I think it is too dense for this area. You are not next to a village where you would expect the highest density and I know you are adjacent technically to the commercial property but you are separated by Mud Creek and that conservation area.

Mr. Smith – Logistically, as you mentioned, we have the roads out quickly lead to the 96 corridor which is all commercial within a matter of a mile or two. Quickly lead honestly to the Boughton Hill and quite dense Farmington areas. One of the things we admittedly would like to promote is you are in Victor Schools and you're in Victor town versus having to be pushed out into Farmington for the size lot. In terms of price point I do not think it will be too much different than what we have been successful at which even though it is expensive it is typical now to be in the \$400 plus range and just can't do anything else. That is one point that the little bit greater density does make it a little bit affordable home. No question about that. That has become a problem in particular southeast towns.

Mr. Harter – I think your colored handouts are very helpful in understanding what you are trying to do.

Mr. Smith – Lucas was responsible for that.

Mr. Harter – It makes it very understandable, your request, that is. The question I had was the land that was in Farmington, I think you said it was 15 acres. Is that right?

Mr. Smith – Yes.

Mr. Harter – Is that part of the density calculation?

Mr. Smith – No. It's not. Our density is strictly within that Victor 99 acres. We are totally ignoring that 15 acres. If we work through an increase in the overlay definition, we will be going to the Town of Farmington and obviously discussing – we are assuming that they would like that property because it is adjacent to Mertensia Park. But it is not included in our calculations at all.

Mr. Harter – Okay. I think I'm – looking at your project, I think it's well thought out. But I, too, agree that the density is pretty dense and I think it's a leap from A to C.

Mr. Smith – I know this is hard to remind people all the time but the Comprehensive Plan was a great effort of the Town and was passed after years of deliberation and it clearly was recommended in the Comprehensive Plan that this was an area that would be appropriate from A to C. And also, as I understand the language of the draft Sewer Plan, it also was pretty much saying the same thing. I think part of that is that following availability of sewer and looking at a realistic build out in the town that you should focus on areas that are best to put those units. This would be a clustering development. I would prefer and I think

most planners would prefer to see clustered rather than having houses just dot the horizon in the rural areas. There is some history to that recommendation A to C but I know there is resistance to it. But that's why we wanted to B++ maybe.

Mr. Harter – Wes, is there – can you maybe give me a little history on the Comprehensive Plan that we are speaking of and what does it say and how was this site considered.

Mr. Pettee – That's a fair question. Jeff, I appreciate your comments on the Comprehensive Plan and I'll give you what my understanding was of when I'm thinking back to the Comprehensive Plan when it was adopted in 2015 and what the discussions were regarding that conceptual future land use map. As you might recall, and I can bring it up if we need to see it or if anybody wants to see it, but there was some color coding with that conceptual future land use map that showed areas that the Town would consider increasing residential density and then there were also some colors on that map that considered and contemplated decreasing residential density.

So, yes, this area was recommended on that conceptual future land use map to jump from an "A" to a "C". However, I think one of the things that may be some people are thinking or remembering or contemplating is that that map also identified areas – I think it was understood or contemplated that these are areas where we can increase residential density and, on the same token, the Town identified areas potentially where they would reduce density. So there was a bit of a trade off when that map was developed. I think it was maybe not necessarily a net zero but I understand now that the Town Board has taken a position saying that they really don't want to decrease residential density anywhere but they are still willing to look at, on a case by case basis, at increasing density.

So, does that conceptual future land use map still apply in the same essence as was originally kind of drafted and adopted? Does the Town still want to make the exact same increase in density if they are not going to be decreasing in density elsewhere?

That's kind of the way I'm thinking as a planner and kind of the way I remember the conversations going during the planning process for that conceptual map.

Mr. Smith – But Wes, isn't it true and as I understand the draft sewer plan that that's trying to integrate some of those thoughts in bringing it to the reality of the cost effectiveness of maintaining sewer systems and whether the pump stations are gravity and one of the focus' there is that to the extent that you can encourage gravity development, which we can here, then that, at least as I read the draft plan, that was why they supported that increase density in the Comprehensive Plan in some of these areas that could be well sewered.

Realistically, in the long run, I think there is going to be a natural tendency not to – the build out scenarios – I don't think they are realistic when you start getting into the rural areas anyway with the lack of potentially good percolation for septic and the lack of water. They are never going to reach those intended densities in the southern portion of Boughton Hill. In

which case, I don't disagree that they were saying you could reduce some, but I think they will be naturally reduced anyway.

Mr. Pettee – That's a good point. I can also give a little perspective on the site walk that I participated in yesterday. Just my personal observations. I was really kind of taken at the vastness and the size of the 99 acres. I thought I had a general idea looking at an aerial map. I think I did but being out there, to me, and maybe it has to do with the particular neighborhood I live in not too far away from here, but the 80 or 90 homes, to me, that seems very doable, however, I do have some concerns with regard to traffic on East Victor Road. I understand, because I sometimes take East Victor Road to Route 96 and try to take a left towards the Village and that can be difficult sometimes. I think, at some point, in considering the development that's happened on East Victor Road where we haven't yet had traffic studies, for example, Southgate Hills Phase 1 really didn't warrant a traffic study that I recall, but now we've got Southgate Hills Phase 2 and maybe some of the development from Blumont – maybe they'll go on East Victor Road, but I suppose they would use Boughton Hill Road the most and then the potential number of units here might warrant a traffic study and maybe that would – I don't know if that's something that would be required at the time of the Planning Board looks at a subdivision application or if maybe the Town Board might want to request a traffic study as they consider this particular density increase. Maybe that's something that we could reach out to the Town's traffic consultant on – we could talk to Jennifer Michniewicz.

Mr. Harter – Regarding the sanitary sewer and the capacity issue presently, is that something that you see easily overcome or a perpetual problem?

Mr. Pettee – We are looking, again, not only at Pump Station 7 with not only the potential increase with Southgate Hills 2 but also this particular project, however, this particular project that Mr. Smith is presenting could maybe connect into a 24 inch sewer main that does not go to Pump Station 7 at all. But that's going to require maybe some consultation with the Town of Farmington. I think you've already got some information and there's an easement.

Mr. Smith – When the owners of this parcel granted the easement for that 24 inch main, there was, in the deed, and in the easement that they would have the right to tie into that – to connect to that sewer. Now, I don't know whether we have to press a legal right but as I understand – whether it went to Jack Marren directly or whatever, there was some hesitancy of Farmington to do that. On the other hand, there's also legal record that said that the easement was granted with the intention that the owner and their subsequent owners could tie into it. So, I think there will need – what I said actually to Lucas just today is that I think – and maybe they can't be separated, but I was initially thinking that we should get a reading from the Town Board, Town Planning Board, Town Conservation Board, whether this increase density is appropriate. And, if it is, then I think we need to start making sure that the details with Farmington, etc. I mean, we would understand and it may very well be inappropriate for us to develop if we are forced to use Pump Station 7, I don't even know if this land could get there by gravity to begin with. So, realistically that's not going to work for us. The intention and the owner's intention throughout this period of time was that when they

granted that easement, they were granted the right to tie into that 24 inch sewer so I'm sure, even if we don't make a big deal of it, they probably will.

My thoughts to Lucas was well let's first see what the Town feels about density. If they don't want the density, then why talk about it because realistically this property is not going to be well developed at a .33 density. It would be unfair to the homeowners in terms of value and it wouldn't make for a good subdivision, quite honestly. It is an appropriate parcel for a denser development. I believe, and I think the sewer is readily available. It runs right in the back lawns of that cul-de-sac you see there that crosses Mud Creek near Otto Tomotto's.

Mr. Harter – I guess I have more questions. One is, are your lot sizes then fairly close to what I see here on Fieldcrest Lane and Sunray Crest?

Mr. Smith – No, we are looking at about 80' to 100' wide and 150' to 250' deep. So, you are probably looking at a 20,000 square foot lot on the average.

Mr. Harter – A little bit larger than your neighbor?

Mr. Smith – It would definitely be larger than what the immediate area is, yes.

Mr. Harter – I appreciate knowing that.

Mr. Smith – That's our point, even in our report submission to the Town Board, our lot sizes are greater than not only Sunray Crest but also Southgate, as well.

Mr. Harter – I have no more questions.

Mr. Limbeck – I appreciate your discussion about the economics of a subdivision. I tend to count boxes on the map so I appreciate that. The offset, in my mind, to the density question is the creativity, I guess, of dedicated park land being part of the proposal. If we talk about the Comprehensive Plan, certainly the density overlays are a piece of it and the other piece is the discussion about the reason people want to come and live in Victor is sort of the rural nature of things.

I would be totally in favor of this if I was assured that both Towns would be willing to dedicate or take in dedication of the properties. I look at the natural trails there. I imagine Victor Hiking Trails would be kind of salivating for an opportunity to work with that so I think the key to my support of this would be the willingness of both Towns to accept the dedication of the land.

Mr. Smith – Quite honestly, that was always our interest, as well. Our intent was to really keep a lot of that preserved and very accessible to the neighborhood because it's a unique environment. Mud Creek – even when you drive along Boughton Hill Road and you cross Mud Creek, it's a beautiful creek, stone lined and it's stone lined for much of that mile that is on this property. Then there are actually some steep banks – when Wes was walking it

yesterday, we didn't get to the south of Route 96 but there are some bank areas there that are quite interesting, as well.

But yes, I think it would be a great asset to this community and potentially Sunray Crest and Southgate, as well. Also we have picked up the last section of Dorchester Park and the lots there – it's sold out almost entirely this year and we found that one of the very interesting features of it was the access to Auburn Trail. A number of people were moving there very specifically because of it. We are going to have a couple of trails that connect – one to the Papparone Drive Park and then one to the Auburn Trail directly and that's the reason many of them moved there. So, knowing that, and I guess looking at the potential here too of accessing that the strength of the Auburn Trail and with a little bypass kind of thing in terms of it's not ever going to be a big stone lined walk but it clearly is a very interesting walk throughout that green space.

Mr. Limbeck – As a side note, the dedication takes away a lot of the complexities involved, if you will conservation easements and people not understanding, etc., etc... That's a win in that area, as well.

Mr. Smith – You're right. And actually in our more recent developments I've shied away from trying to do the common thing of go halfway back on the lot and draw an imaginary line and say you can't go back there. So, we've stopped doing that and we largely give that area to one owner so they know it's private property and you just don't go walking there and mowing there and everything else. It's worked very well.

Mr. Limbeck – Thank you.

Mr. Santoro – I think it's time to take a straw vote here.

Mr. Harter – Can I just ask one more question?

Mr. Santoro – Go ahead.

Mr. Harter – Is the limit of your clustered layout, the light green, is it established largely because of the topography or....?

Mr. Smith – It was partly because we are excluding that 15 acres in Farmington so we are very strictly adhering to the 50% open space, as well, so the light green is defined partly to meet the requirement of that 99 acre development – I mean of only developing half of that 99 acres. That light green is the calculation of our developed density areas and all the dark green would be the open space.

Mr. Harter – You are holding to that component? You are holding to the 50% open space?

Mr. Smith – Yes.

Mr. Harter – Well, that’s important for me to know.

Mr. Smith – We never waivered on that and that was within that Victor true calculation and as I mentioned, we did not calculate or include the 15 acres in Farmington.

Mr. Santoro – Who wants to go first on your opinion on this density issue.

Mr. Limbeck – I am for the increase in density if the Towns are willing to accept dedication of the open space.

Mr. Harter – I think you did a good job presenting what you have here. You really did. I understand all the things that you are saying if I were in your shoes, I would do exactly the same thing. I would agree with Joe Limbeck.

Mr. Logan – I am struggling honestly with the density going from A to C. I think it should be somewhat less dense then you are proposing. That’s my opinion.

Mr. Gallina – I would agree with Joe Logan’s comments.

Mr. Santoro – I do too. I think going up to a C is too much.

Mr. Smith – Again, we are willing to compromise on that. I’m not sure whether half way in between a B and C works at 75 units. We are hoping that the dedication of the open space, etc., etc., can get us up closer to that 90 range. But we didn’t ever intend to go to 100. So, a B+ implies 75 units which may not be enough. We are in that neck of the woods, yes. Quite honestly, I don’t know whether the opportunity – well, to some extent it was the case with Southgate – the Town Board approved of the higher “B” density but still said it would be the Planning Board’s prerogative in terms of defining what those ultimate numbers were. So, that, unfortunately, is really our only option here. We have A, B, or C so B, I know, is not going to make it so it’s whether the Town Board could approve the higher density with a stipulation that the Planning Board would have to then decide what calculation makes sense within that. Quite honestly, I’m not quite sure how you will do that. You can say, as I heard it at the Town Board, well, from A to C is just too much. Well, what is enough then? But I understand both sides.

Mr. Santoro – Okay. We’ll get the Town Board the minutes before the 23rd.

Mr. Smith – Thank you for your time. I really appreciate it.

Mr. Santoro – Thank you.

Motion was made by Joe Limbeck seconded by Scott Harter RESOLVED the meeting was adjourned at 9:15 PM

Lisa Boughton, Secretary

