

A public meeting of the Town of Victor Planning Board was held on October 25, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: Ernie Santoro, Chairman;

OTHERS: David Nankin, Bryan Tempio, Scott Reinhart, Juliann Nelson, Councilman Ed Kahovec, Wes Pettee, Town Engineer; Suzy Mandrino, Manager of Technology Support; Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary.

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

APPROVAL OF MINUTES:

There were none.

CORRESPONDENCE:

There were none.

BOARDS AND COMMITTEE UPDATES:

Town Board representative Ed Kahovec was present.

- AT the Town Board meeting last night we did adopt the 2023 Budget. The town wide tax levy will be flat but it wont look like that when you see your tax bill and part of it has to do with the equalization rate. In years past the equalization rate was at 99 and this year because of whole bunch of things going on it is down to 89%. There is an adjustment there that caused us to adjust the rate per thousand but the tax bill as we see will go down a couple dollars for an individual resident.

PLANNING BOARD reported by Lisa Boughton

Wednesday November 9, 2022

PUBLIC HEARINGS

- 212 Whistle Stop Road Site Plan, located at 212 Whistle Stop Road, applicant is requesting approval to construct a 1,706 sf to story home with a sports court on 18.2-acre parcel. The previous home that occupied the site has been demolished by applicant.
- Crown Castle/Verizon, located at 795 Old Dutch Road, applicant is requesting approval to modify and upgrade equipment on an existing wireless facility with proposed extension of fencing and concrete pad at ground level.

- Go Car Wash Sign, located at 607-609 Rowley Road, applicant is requesting approval to remove existing Royal Car Wash signage and replace with (3) new same sized signs for Go Car Wash. The lollipop free standing sign is proposed to have a new sign face and the pole and sign cabinet to be repainted.
- Tennant Geo Therm, located at 344 Thornbush Drive, applicant is requesting approval to install a geothermal heat pump on parcel.

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.

PUBLIC HEARING

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

CROWN CASTLE/VERIZON

08-SU-2022

Benson Road

Zoned – Limited Development District

Owner – Town of Victor

Tax Map # 6.00-1-1.120

Applicant is requesting approval to modify and upgrade equipment on an existing wireless facility.

Bryan Tempio representing Crown Castle

Mr. Tempio – We are looking to upgrade the antennas at the existing tower.

Vice-Chairman Logan – Are the antennas any higher than what is out there?

Mr. Tempio – Smaller actually and only two feet tall and few inches wide.

The Board had no questions.

Vice-Chairman Logan – There really isn’t a visual impact so it should be straight forward.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Vice-Chairman Logan read the draft resolution.

DECISION:

On motion of Scott Harter, seconded by Joe Limbeck:

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

1. A Special Use Permit application was received on September 15, 2022, by the Secretary of the Planning Board for a Special Use Permit entitled Crown Castle d//b/a Verizon Wireless at Benson Road.
2. It is the intent of the applicant to install (6) antennas and upgrade equipment on an existing wireless facility.
3. The Town of Victor Planning Board reviewed the Type II Action on October 25, 2022, and identified no significant impacts.
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’ of the application 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 October 25, 2022, at which time the public was permitted to speak on their application.
6. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On October 12, 2022, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
9. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
10. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of LaMar Freeman, Crown Castle on behalf of Verizon, Site Plan entitled Verizon project located at Benson Road, drawn by B&T GRP, received by the Planning Board September 15, 2022, for a Special Use Permit received by the Planning Board on September 15, 2022, Planning Board Application No. 08-SU-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 before installation of antennas begins.

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

Approved 4 Ayes, 0 Opposed, 1 Absent

ROYAL CAR WASH SITE MODIFICATION

607-609 Rowley Road
Owner – MDC Coast 24, LLC
Tax Map # 6.00-2-76.100

27-SP-2022
Zoned – PDD

Applicant is requesting approval to construct a 3rd stacking lane with pay island, 15 additional vacuum stalls and 5 employee parking stalls.

Anthony Daniele with Royal Car Wash representing MDC Coast 24, LLC who is the owner of the Car Wash.

Mr. Daniele – I believe both parcels have been submitted for formal subdivision as one and understand this was part of it. This site plan and the plan have not changed since 2020 when we

were before this Board for this approval. We apologize that it took this long to get this far and unfortunately our approval expired so we are back again with the identical application seeking the same approval. We have now purchased the property from the Thruway Authority and that was the hold up. It took that long for the Attorney General and all the Albany offices to sign off and we are finally there.

We did receive comments from Labella and there were five comments and most were pretty simple. The one most relevant to this Board is the comment regarding the landscaping and lighting plan. There were three light poles that were not clearly identified and the light candles were not very legible. Before we get those signed off we will make sure those plans are adjusted to address the other four comments from Labella. I think the biggest issue back couple of years ago was we had was about landscaping and the town's consultant, Mr. Zaretsky, did review it then and made some suggestions which we incorporated and it looks like he reviewed it again and is satisfied that the plans still meet those requests. We do intend to honor.

Vice-Chairman Logan – Just to review again, there are no changes, and the landscaping is mostly trees in front of the new parking?

Mr. Daniele – There are four trees as you can see in the top left corner. Those are new trees and there is a line of landscaping and that was what was added per the comments. Maybe there are six trees. They are either there and will be protected or new and will be planted. That was one of the comments was to make sure any of the existing trees that were not scheduled to be removed are protected which they will be.

Vice-Chairman Logan – Open this up to the Board.

Mr. Limbeck – I took a look at the landscaping again and noted the Conservation Board comments and Bruce Zaretsky is happy with everything. Those were my concerns, so I am good.

Mr. Harter – I have no comments.

Mr. Gallina – No questions.

Mr. Pettee – Just to confirm for the Planning Board and have already heard it from the applicant. The plan they have submitted is identical to the mylars that were signed a year or two ago that have expired. I was able to confirm that, and this also gave me a second bite of the apple with the review that is why there is four or five minor comments here that we made. Nothing that we really missed previously. One is to put a signature block to each of the sheets. I now understand a little bit more about the boundary line adjustment. The topsoil removal, will that stay on site where you are going to be excavating for the new parking?

Mr. Daniele – I believe so. There really is not much cut fill and there is actually a little bit of fill but most likely going to be with stone since it will be under the parking lot and anticipate that a very shallow layer of topsoil may be taken off site.

Mr. Pettee – The second to last comment does not have so much to do with the Planning Board but more the Planning And Building office. We had suggested as an idea that maybe prior to the town issuing a permit is that they require the property owner to go out and put up the tree protection detail that is identified in this plan so that the trees identified to not be removed are not mistakenly removed. That is the extent of our comments.

Vice-Chairman Logan – That would be a note to the Code Officer prior to issuing a permit?

Mr. Pettee – Yes, the reason for that is there has been other projects throughout the town that we have noticed that on some approved site plans or subdivisions that there has been some trees identified to have been preserved however when the contractor gets out there, sometimes we find that trees have been removed tht were intended to be preserved.

Vice-Chairman Logan – You are satisfied with the lighting levels?

Mr. Pettee – I think so. We will take a final look with the foot candles and make sure that is okay.

Vice-Chairman Logan – This is a public hearing. Anyone from the public?

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Vice-Chairman Logan 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 (the “Application”) was received on September 20, 2022, by the Secretary of the Planning Board from MDC Coast 24, LLC (the “Applicant”) for a Site Plan Royal Car Wash Site Modification.
2. It is the intent of the Applicant to construct a 3rd vehicle stacking lane with pay islands,

15 additional vacuum stalls and 5 employee parking stalls.

3. The Application is generally in conformance with the Preliminary Development Plan drawn by Passero Associates, dated September 2020, last revised November 06, 2020, adopted by the Victor Town Board on October 26, 2020.
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 October 25, 2022, at which time the public was permitted to speak on the Application.
6. 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.
7. On October 14, 2020, the Town Planning Board found that the 11 findings issued on October 24, 2017 for the Original Project were still relevant, and that the Planning Board findings remain unchanged from the aforementioned findings on the Original Project, and incorporated the October 24, 2017 findings and recommendation herein by reference for submission to the Town Board. The Planning Board also recommended approval of the Application to extend the Royal Car Wash at Cole and Parks PDD, and offered the point that the Planning Board wishes to affirm its understanding that development within the PDD zone, will remain subject to a subsequent site plan review and approval process to be conducted by the Planning Board.
8. On October 26, 2020, the Town Board adopted Local Law # 5- 2020 to amend the Official Zoning Map and Chapter 211 Zoning at Section 211-27.11 Royal Car Wash at Cole and Parks Planned Development District Regulations.
9. The Conservation Board reviewed the project on October 4, 2022 and made comments on use of the native plan manual.
10. The Application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On October 14, 2020 Ontario County Planning Board referred the Application back to the referring agency as a Class 1 with comments.
11. Zaretsky & Associates reviewed the landscaping on October 11,2022 and stated that comments have been addressed.
13. There was a Coordinated Fire Service Site Plan Review on September 28, 2022, with no comments.

14. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated October 6, 2022, and provided comments.
15. LaBella Associates reviewed the site plan and in a letter dated October 25, 2022 offered comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on October 25, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Royal Car Wash Site Modification 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 MDC Coast 24, LLC, 2851 Monroe Avenue, Rochester, New York, Site Plan entitled Royal Car Wash Site Modification, drawn by Passero Associates, dated September 2020, last revised December 7, 2020, received by the Planning Board September 20, 2022, Planning Board Application No. 27-SP-2020, 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 October 25, 2022, from LaBella Associates 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 before the start of construction.
3. That the landscaping elements consisting of six (6) Green Vase Saw leaf Zelkova, and twelve (12) Neon Flash Spirea noted on the Landscaping Plan intended to screen the new parking and vacuum area from the adjacent roadway be perpetually maintained as an effective screen between the facility and New York State Route 96, and that if any of the aforementioned landscaping fails to provide as an effective screen due to death or disease of any one or number of particular tree(s), shrub(s) or bushes, the vegetation be replaced with the same or equivalent tree(s), shrub(s) or bushes, in a timely manner so as to provide the perpetual screening desired by the Planning Board.

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

Mr. Limbeck – The shrubs are mentioned in the condition buy the six trees are not.

Mr. Daniele – The Saw leaf Zelkova are the trees.

Mr. Limbeck – Okay thanks.

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

FINAL SUBDIVISION

FAIRWAYS PHASE III RESUBDIVISION LOTS 303 & 316

06-FS-2022

Championship Drive

Zoned – Residential 1

Owner – Fairview Ponds LLC

Tax Map # 6.20-1-300.000

Applicant is requesting approval for resubdivision of Lots 303 & 316 into 8 individual townhomes.

Andrew Burns of Passero Associates

Mr. Burns – I believe we have been before you guys for the subdivision approval a few times as a condition per the original project approval. Tonight we are for 303 & 316 and subdivided into 4 parcels for total of eight. No significant changes from previously approved plans. We did receive minor comments this morning from Labella which we have already addressed and believe there was a need for revision blocks and the dates on there.

Vice-Chairman Logan – Anyone from the Board?

Mr. Gallina – No questions.

Mr. Harter – This is the same as before, correct? No questions.

Mr. Limbeck – Not entirely related to this but when this phase was first proposed and was going to connect with Gillis Road there was discussion about a left turn lane onto Gillis Road and we had some discussion about not doing the turning lane but improving the sight lines for people exiting Gillis Road and it occurred to me that I do not how we resolved that and if anything was ever decided or needed to be done.

Mr. Pettee – I can give a little bit of an update on that. We had asked Passero to provide an updated traffic study. This was initially reviewed in 2006 when the SEQRA finding statement

ways completed and at that time it was found that something would need to be done on full buildout. The updated traffic study that Passero provided was reviewed by Jennifer Michniewicz of CPL, the town traffic consultant. Initially she had some comments and concerns that the study was not adequate so Passero did some revisions to that study and provided it back to the town and referred back to CPL. To briefly summarize, I do not know the exact wording but my understanding is was found that given the existing conditions the full build out of this project that there was no warrant to require an additional turn land at Gillis Road and High Street. Maybe what I can do with Kim is circle back with the correspondence that I received from CPL and share that with this Board so we can close the loop.

MR. Limbeck – I remember the discussion about the turn lane and then we had further discussion about sight distance e based on foliage and things that were present at the intersection. That is what I am unclear about.

MR. Pettee – Let me revisit that with Kim and we can go into the previous Planning Board minutes and look at that discussion about the sight distance and removing vegetation if that was something we were going to require.

Mr. Limbeck – There was a discussion about the stop sign and stop line placement. People tend to stop six feet past that stop line to gain visibility onto High Street. I do not think it has a bearing on the resolution here but an open item in my mind.

Mr. Harter – I agree with what you are saying and I don't think we closed up on it and think it was a complicated analysis. We talked about putting in a right turn lane and the nature of that intersection people tend to creep out and you are facilitating that condition when you put that right turn lane in and we left it in a static situation. I think it is good to bring it up. I am not sure what the solution is for that one.

Mr. Pettee – It was a difficult scenario when they first provided it there at the intersection and it did provide a second turn lane and was not up to standards for turn lanes and was a little more narrow. It would take up any shoulder room for pedestrians, bicyclist and that sort of thing, I do recall the configuration of the stop sign and stop line and being a difficult issue too.

Mr. Harter – I think in its present condition and do not know if there is a stacking problem but i think it actually chokes the traffic a little bit and reduces the feed of cars onto High Street because of it s current condition and may actually be doing something positive. There may not be a negative there.

Vice-Chairman Logan – Wasn't the site plan modified to provide that extra right turn lane and adda bit more?

Mr. Pettee- That is a different intersection.

Vice-Chairman Logan – Has that right turn lane been put in?

Mr. Limbeck -Yes.

Mr. Pettee – Nothing else. They have addressed our comments and nothing really substantive.

Vice-Chairman Logan read the draft resolution.

DECISION:

On motion of Joe Limbeck, seconded by Scott Harter:

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on September 20, 2022, by the Secretary of the Planning Board for a Final Subdivision entitled Fairways Phase 3 Townhomes, Lots 303 & 316 Resubdivision.
2. It is the intent of the applicant to resubdivide Lots 303 & 316 into 8 individual lots for each individual townhouse unit.
3. Pursuant to Section 27-8J of the Town Code, a recreation fee of \$1500 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 as identified in the Planning Board approval resolution dated October 9, 2012.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of The Fairways Townhomes, LLC Final Subdivision entitled Lots 303 & 316 of the Fairways – Phase III, drawn by Passero Associates, Drawing #20203040.0004, dated September, 2022 received by the Planning Board Secretary September 20, 2022, Planning Board Application No. 6-FS-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments from LaBella Associates dated October 25, 2022 be addressed.
5. That the Subdivision which was approved on May 22, 2007, be modified and the Application of the Fairways Townhouses, LLC dated June 7, 2022 for a modification of the approved subdivision be granted, provided that the Developer comply with all conditions stated in the prior Final Subdivision Approval, dated May 22, 2007, and further complies with the requirements herein.

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

1. That the final subdivision complies with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
3. That in the event the created lot lines, do not coincide with the constructed buildings, an administrative lot line adjustment is possible providing all regulations are complied with.

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Motion was made by Joe Limbeck, seconded by Al Gallina RESOLVED the meeting was adjourned at 7:30 PM

Lisa Boughton, Secretary

