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DRAFT RESOLUTION – Gullace Project  
Co Rd 9/Lynaugh Rd

DATE: 9-25-18  
Appl No: 19-SP-17

WHEREAS, the Town of Victor Planning Board (“Planning Board”) received an application on or about April 30, 2014 from BME Associates (“the Application”) on behalf of Lynaugh Road Properties, LLC (the “Applicant”) seeking site plan approval for the property located at 995 County Road 9, also known as Victor-Egypt Road, (Tax Map No. 16.00-1-46.000) for one-hundred (100) apartment units and a clubhouse. The referenced Application was assigned Project Number 18-SP-14, and such land retains a Multiple Dwelling zoning classification; and,

WHEREAS, the Applicant submitted a revised plan on or about February 18, 2015 depicting seventy-one (71) for-sale townhomes; and,

WHEREAS, the Application requesting approval for 71 for-sale townhomes was reviewed under the State Environmental Quality Review Act (“SEQRA”), and was classified by the Planning Board as a Type I Action, and the Planning Board conducted a coordinated review, serving as Lead Agency, and found that environmental impacts from the Application were likely anticipated with regard to: land use; surface water; ground water; impacts to plants and animals; transportation; energy; noise, odor and light; and community character. While the Planning Board found that potential moderate to large impacts might be anticipated with the following, the impacts did not rise to a level of being potentially significant, as more fully described in Part 2, Part 3 and attachments to the Long Environmental Assessment form.

- The proposed action may substantially interfere with nesting/breeding, foraging, or overwintering habitat for the predominant species that occupy or use the project site.
- The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.
- Projected traffic increase may exceed capacity of existing road network.
- The proposed action is inconsistent with the predominant architectural scale and character.

As the Planning Board found that the impacts did not rise to a level of having the potential to be significant adverse environmental impacts, the Planning Board issued a Negative Declaration on June 23, 2015; and,

WHEREAS, The Planning Board received an updated Application on or about May 24, 2016 from BME Associates on behalf of the Applicant seeking preliminary subdivision approval for a cluster subdivision at 995 County Road 9, also known as Victor-Egypt Road, (Tax Map No. 16.00-1-46.000) for sixty-nine (69) for-sale ranch style townhomes within a configuration of 3- and 4-unit “blocks” for a total of 53 units on the eastern portion of the lands (on one side of the road) and 16 units consisting of 2- and 3-unit blocks on the western portion of the lands (on the other side of the road). (It is important to note the parcel at issue straddles the road). The application has been assigned Project Number 2-PS-16; and,

WHEREAS, the Planning Board opened a public hearing on June 28, 2016 for the Application, as

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required by Section 184-13, Paragraph C (2)(d) of the Victor Town code and Section 276 of New York State Town Law, and the public hearing was closed on October 25, 2016, and the Planning Board's staff received written and verbal comments issued from the time the updated Application was received on or about May 24, 2016 through October 2016 for the Planning Board's review and consideration of public comments; and,

WHEREAS, on June 5, 2017, BME Associates submitted a revised site plan, requesting site plan approval for 69 for-sale condominium townhomes, thereby withdrawing the preliminary subdivision application associated with Project Number 2-PS-16. The Planning Board deemed the updated site plan application of 6/5/17 as an extension of the previous site plan application under Project Number 18-SP-14. The Town's Director of Development assigned a new Project Number, 19-SP-17, to the revised site plan application (hereinafter the "Application" or "the Site Plan Application") and,

WHEREAS, a public hearing for the Site Plan Application was duly called for, and notification of the public hearing was published in "The Daily Messenger", and all property owners within 1,000-feet of the subject property were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code. The public hearing was opened for the Site Plan Application on August 8, 2017 and was closed on January 9, 2018; and,

WHEREAS, the Application was further revised and received by the Planning Board on June 26, 2018, which now proposes 62 for-sale condominium townhouses, which would include fourteen (14) duplex units west of County Road 9 and forty-eight (48) units configured within 2-, 3- and one 4-unit blocks on the east side of County Road 9 (hereinafter "the Revised Application" or "the Revised Site Plan Application") ; and,

WHEREAS, the development proposed pursuant to the Revised Application is divided into four (4) sections, Section 1 and Section 2, the area between County Road 9 and Lynaugh Road, would consist of 25 and 23 condominium townhomes, respectively. Section 3, the area west of County Road 9 would consist of 14 condominium townhomes. Section 4, the area within the Village of Victor, would consist of 16 single-family lots that would need review and approval by the Village Planning Board (collectively the 4 sections comprising the development which is the subject of the Revised Application may be referred to as "the Project"); and,

WHEREAS, a Traffic Impact Study ("TIS") was initially prepared by Stantec on behalf of the Applicant in 2013, and portions of the TIS were modified over time due to agency comments and project scope changes. A second TIS by Stantec was submitted to the Planning Board in October 2017, which incorporated the aforementioned modifications, and a revised TIS was subsequently prepared and submitted in April 2018 to address various concerns including the speed of existing traffic in the area of the Project and the impact of that if the Project was approved and constructed and similarly , traffic and pedestrian safety associated with same, including the sufficiency or lack of sufficiency of traffic gaps to allow for safe traffic operations, as well as to address comments from the Town's Traffic Engineer, Clark Patterson Lee ("CPL") in the CPL January 19, 2018 memorandum and CPL March 5, 2018 letter. The results of the 2018 TIS indicate that: 1) vehicle speeds on County Road 9 are 15-20mph over the posted speed limit; 2)

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there are enough gaps in traffic on County Road 9 and Lynaugh Road that would allow for a vehicle on said road to safely make a left turn onto a side road and/or safely exit a side road onto County Road 9 and Lynaugh Road; and 3) traffic calming measures would help address the excessive speed issue.

WHEREAS, the Planning Board made the following additional findings:

1. The proposed for-sale condominium townhomes comprising a portion of the Project which is the subject of the Revised Application constitute an allowed use within the Town of Victor's Multiple Dwelling Zoning District, and the proposed density, as a mix of duplexes and multiple dwellings, does not exceed threshold requirements as set forth in Schedule II, Area and Height Requirements of the Victor Town Code.
2. The Conservation Board reviewed the Revised Site Plan Application on July 17, 2018 and it indicated that the Project meets the open space requirement; however, it noted that such space would largely be unusable by the community given the density of the Project site.
3. The Village of Victor's Department of Works, reviewed the Project and provided no comment in regard to the portion of the Project located within the Town's geographic limits.
4. The Application was referred to the Ontario County Planning Board under General Municipal Law, Section 239-m where the Ontario County Planning Board retained application as a Class 2 with comments and recommendation for approval.
5. 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.

NOW, THEREFORE BE IT RESOLVED that the Revised Site Plan Application of Lynaugh Road Properties, LLC, for Preliminary/Final Site Plan approval based on the application submitted on behalf of the Applicant by BME Associates, dated June 2018, last revised July 31, 2018, Planning Board Application No. 19-SP-17, BE CONDITIONALLY APPROVED; and,

BE IT FURTHER RESOLVED, The Town of Victor Planning Board hereby requires, as conditions of site plan approval, the following:

1. To the satisfaction of the Town Engineer, a scaled site plan submission document be filed with the Town and the Town Engineer that depicts site boundaries and property owner information; existing conditions and demolition plan; location and dimensions of condominium townhouses; location and dimensions of proposed easements; proposed road layout and rights-of-way dimensions; parking to be constructed and land bank parking areas; pedestrian accommodations such as sidewalks and crosswalks; water main, sanitary and storm sewer layout, including pipe materials, dimensions and slope;

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utility manholes and associated details; stormwater management facilities; grading plan showing existing and proposed contours at intervals of not more than two (2) feet; a construction and erosion control plan; lateral plan; landscaping plan depicting landscaping and screening, grading for the overall site and building foundation plantings; lighting plan; roadway and utility profiles; and detail sheets (“the Final Site Plan Submission”).

2. That the Applicant obtain approval from the Village of Victor Planning Board for those aspects of the Project located in the Village, as it is recognized that the Project cannot be constructed unless each such approval is granted by the Village, including but not limited to any site plan, subdivision or other approval the Village may require, including approval associated with Phase 4 of the Project. Further, under no circumstances shall a building permit be issued for the Project by the Town for any phase of the Project unless and until each of the approvals associated with the Project are issued by the Village because the Project as designed is one integrated development located in the Village and the Town.
3. That the elevations and architecture of the proposed condominium townhomes be consistent with the colored renderings and elevations drawn by James Fahy Design Associates, which were received by the Planning Board on September 7, 2018 and be set out in the Final Site Plan Submission.
4. That for the proposed Section 4 portion of the Project to be located within the Village, the Applicant incorporate engineering measures into it, including membrane backstops at field inlets and interceptor drains between inlets to direct infiltration away from the residences on East Parkway to the satisfaction of the Town Engineer and as required by the Village. This effort is intended to lessen the potential for groundwater flow towards East Parkway, as noted in the January 2, 2018 Memorandum from LaBella Associates to the Town’s Project Coordinator. A copy of the approved plans for Section 4 shall be provided to the Town Engineer to verify such engineering measures are provided to the Town Engineer’s satisfaction.
5. That the overflow parking (land bank) spaces be depicted on the Final Site Plan Submission and be constructed at the Condominium HOA’s expense. Furthermore, the Condominium HOA shall notify the Town, in writing, of its intent to install the parking, and that confirm such parking will be constructed in conformance with the Final Site Plan Submission when and if the Condominium HOA decides to install the parking in the future. The Condominium HOA shall be responsible for maintenance and snow removal for the overflow parking. A Note shall be affixed to the Final Site Plan Submission indicating maintenance and snow removal are the responsibility of the Condominium HOA.

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6. That the Applicant construct the traffic calming measures depicted on the Final Site Plan Submission including as described in the May 9, 2018 letter by the Town's Traffic Engineer, CPL, including:
  - a. Entrance (Intersection) warning signs on both Church Street and Lynaugh Road in both the north and southbound direction. This would also satisfy the Ontario County DPW comment 5 noted in the Ontario County Planning Board's minutes.
  - b. Creation and/or enhancing the transition zone with the following gateway treatments to include tree plantings, welcome signs, and lighting within the transition zone between the Village and Town, as well as the property access points to the satisfaction of the Town Engineer in consultation with the Town Traffic Engineer. These measures shall give the appearance of a narrow corridor and provide a visual cue to drivers that they are entering a different type of environment and should modify their driving to a slower speed. However, such treatments shall not create sight distance issues on roadway curves and side streets.
  - c. Upgrade to the "Speed Zone Ahead" sign on Lynaugh Road to comply with standards within the Manual of Uniform Traffic Control Devices (MUTCD) to the satisfaction of the Town Engineer in consultation with the Town Traffic Engineer.
7. That as required by Section 211-25 B(4)(e)[1] of the Victor Town Code, and to the satisfaction of the Town Engineer, the Final Site Plan Submission must provide a ten-foot wide landscaped area along all property lines, excluding points of ingress and egress. The landscaped area must be densely planted with a mixture of shrubs and trees, which shall be no less than six-feet high at the time of planting, to create an opaque screen to the satisfaction of the Town Engineer. The ten-foot wide landscaped buffer must be depicted on the Landscape Plan and planted along the municipal boundary line of the Town and Village of Victor, along the lots identified as "12V" through "16V" noted within future Section 4 of the project.
8. That to the satisfaction of the Town Engineer, the Applicant depict lighting on the Final Site Plan Submission that is full cutoff, as required by Chapter 131 of the Victor Town Code, and that catalog cut sheets be submitted to the Town's Code Enforcement Officer for he or she to verify that proposed light fixtures comply with Chapter 131 of the Victor Town Code.
9. In addition to the landscape screening, to the satisfaction of the Town Engineer, the Applicant shall construct a six-foot tall wooden stockade fence and it shall be depicted on the Final Site Submission along the northern property line of the project, which will serve as a boundary between the Project and properties with tax map numbers 16.00-01-45.1 and 16.00-01-43.2. Furthermore, the Condominium HOA shall be responsible for maintenance and upkeep of said fence.

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10. To the extent Ontario County requires the Applicant to participate in and be a part of a sidewalk and/or storm sewer crossing encroachment agreement, that the Applicant work with the Town's Project Coordinator to execute such agreements.
11. That in order to be effective the Final Site Plan Submission must be stamped by a Planning Board representative or signed by the Town Engineer.
12. No final signature/stamp in accordance with condition 11 can be affixed on the Final Site Plan Submission until and unless all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
13. That the comments in a letter dated September 5, 2018 from LaBella Associates shall be addressed to the satisfaction of the Town Engineer; including comments related to the clarity of steep slope depiction, accessibility of stormwater management facilities and bioretention areas, storm sewer velocity, erosion and sediment control sequence, submission of a Stormwater Pollution Prevention Plan (SWPPP), sewer district extension, lighting district, and letter of credit.
14. That comments from the Town Highway Superintendent dated September 10, 2018 be addressed to the satisfaction of the Town Engineer, including the need for the cul-de-sac to be designed and depicted on the Final Site Plan to meet the Town's Design and Construction Standards, including the radius at the entrance to the cul-de-sac, and that the turnaround in Section 3 be depicted on the Final Site Plan to meet the Town's Design and Construction Standards.
15. That comments from Town of Farmington Water & Sewer dated August 4, 2018 shall be addressed, including resolving details of sanitary lateral size, materials, fittings and clean outs.
16. That the activity related to trucking in and placing fill, or removing topsoil and earth be limited to the hours of 8:00 AM to 5:00 PM, and may occur Monday through Friday only, and not on Saturdays or Sundays. Any trucks used to transport fill, topsoil or earth shall be covered. Any trucks delivering fill or removing topsoil / earth shall not utilize "Jake Brakes" nor exceed posted speed limits on Church Street or Lynaugh Road.

**Ongoing conditions:**

1. That the Revised Site Plan as depicted in the Final Site Plan Submission comply to the satisfaction of the Town Engineer with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year Maintenance Bonds shall be field by the Applicant with the Town for all

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improvements to be offered to the Town for dedication. That such Maintenance bonds be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town and be in a form deemed acceptable by the Town Engineer and the Town Attorney.

3. Should underground water conditions be encountered during construction, the Applicant shall address the encroachment and impact of same to the satisfaction of the Town Engineer.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board's approval letter to include the Village of Victor, 60 East Main Street, Victor, NY 14564.

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