
REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

A regular meeting of the Town of Victor Planning Board was held on December 15, 2009 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Robert Davis, Chairman; Dawn Grosso, Vice Chair; Joe Logan, Rosemary Graham, Dan Benulis, Ernie Santoro, Heather Zollo

OTHERS: Mark Tayrien, Town Engineer; Donald Young, Town Attorney; Kim Kinsella, Planning/Zoning Supervisor; Cathy Templar, Planning Secretary; Marge Elder, Conservation Board; Michael Wolford, Jeff Cody, John Palomaki, Tom Mattozzi, Howard Eckert, Jack Dianetti, Peter Vars, Linc Swedrock, James Budd, Marsha Senges, Anthony DiMarzo, Chris DiMarzo, Scott Morrell, Charlie Zirn, Jonathan Friedlander, Bryan Powers

APPROVAL OF MINUTES

On motion of Joe Logan, seconded by Dawn Grosso

RESOLVED that the minutes of November 17, 2009 be approved.

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Abstained
Rosemary Graham	Abstained
Ernie Santoro	Aye
Heather Zollo	Aye

Approved 5 Ayes, 0 Nays, 2 Abstained

CORRESPONDENCE RECEIVED

A letter was received on December 14, 2009 from Mr. Jeffrey M. Praino who resides on (address removed) in opposition of the Quail Ridge Subdivision Application (5-SP-09).

An email was received on December 15, 2009 from Marie Evans who resides on (address removed) regarding enhancing the greenspace between Sagamore Way and proposed development referred to as the Quail Ridge Subdivision (5-SP-09).

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – Before we go any further, I would like to take a minute and thank Rose Graham. For those of you that don't know, tonight will be Rose's last night on the Planning Board. She has served the town for over 17 years. I've only had the pleasure of knowing Rose for the last couple of years and it has been a pleasure. I mean this in the most flattering way, I don't know how you've done this for 17 years. I'm sure that I speak for everybody and I was going to do this at the end, but I was informed that you were leaving early, I thank you very, very much. I was thinking about that show "It's a wonderful life" where the guy wished that he hadn't been born and then got to see what life would be without him. I thought it would be very interesting to see what Victor would have looked like if you had not done and been as passionate about helping the planning process for the last 17 years. I think that we would all be very disappointed in what it would look like.

Ms. Graham – Thank you and the pleasure was all mine.

Chairman Davis – Last night at the Town Board, the Town Board approved Rose's "back fill" and that is Al Gallina and he is sitting right there. Al will be stepping in, as of January, so welcome aboard.

BOARDS AND COMMITTEES UPDATES

Planning Board reported by Kim Kinsella:

The next Planning Board meeting will be January 12, 2010.

- Informal Discussion
 - Somerset Subdivision, Section II
 - Lot 64 comes out at Valentown Road, it's a long narrow lot.
 - Jeff Morrell said they were getting ready to market the lot.
 - Decided they wanted to readjust the lot and take it from Valentown Road and put it next to Lot 47 within Subdivision Section II.
- Other Applications
 - Highland Green Road Dedication
 - Have not heard from them, but they had planned on coming back in January.
 - Fairways Townhouses Phase I set backs
 - Original approval of Phase I, part of condition was to come back and file each individual lot as they were built.
 - Building 101 and 102 were submitted and reviewed by Code Enforcement Officer and Town Engineer
 - Set back issues were noted regarding the decks

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

- A request was made for them to come to Planning Board showing all buildings and all setbacks requested
- Will come in under cluster subdivision regulations
- Kumpf Subdivision on County Road 9
 - 50 acres to be subdivided into 25 single family lots
 - Was before Planning Board informally about 1 year ago
 - Additional information was requested and now is returning
 - Submitted sketch plan application
 - Next step will be the Conservation Board and a site walk

Ontario County Planning reported by John Palomaki:

- 2 applications reviewed for O'Connell Electric (site plan and subdivision)
 - Staff comments:
 1. Landscape buffering should be provided between the outdoor storage areas and the adjacent industrial parcels. Much of this can be provided through preserving many of the existing conifers on site.
 2. The access to gravel storage area off St Route 251 should be constructed with geometry and structure suitable for heavy truck traffic.
 - Coordinated Review Committee Comments:
 1. The town should carefully review the nature of the materials to be stored outdoors to ensure that there is no negative impact on groundwater or on Irondequoit Creek.
 2. The project appears to involve disturbance of more than 1 acre, requiring the preparation of a Stormwater Pollution Prevention Plan.
 - Reasons:
 1. The use complies with the town's zoning and the project is needed to allow expansion of a successful local business.
 2. The existing curb cut on the westernmost parcel (on State Route 251) is too close to the Phillips Rd intersection and is not appropriate for truck traffic associated with an industrial outdoor storage area. Truck access onto Phillips Rd where traffic is slowing down for the stop sign at the St Route 251 intersection is likely safer for truck traffic originating from this property.
 - Modifications:
 1. The existing entry drive on the westernmost parcel should be eliminated.
 2. Landscape buffering should be provided to shield the outdoor storage area from view of both the public rights of way and from adjacent properties.
 3. The site plan should be redesigned to eliminate any grading activities or other disturbance within 100 feet of the tributary of Irondequoit Creek.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis wanted to know if Mark (Tayrien) had received these comments and he had not. It was noted that the comments were not received by the Planning Dept until 4:30 pm today.

Architectural Review Committee reported by Rosemary Graham:

- Holiday Inn Express – monument signage
 - Was approved

Town Board reported by Jeff Cody:

Report on the December 14th meeting:

- Public Hearing
 - Wind Energy
 - Real Property Tax Law change for exemption for Cold War Veterans
- High Street Construction Project update
- Proclamation for Lorraine Atwood retiring from the Conservation Board after 17 years
- Business Section
 - Enacted a facility use fee for the athletic fields
 - Awarded an electrical service bid for Victor Municipal Park
 - Appointment of Al Gallina to Planning Board
- Jeff had some appreciation comments regarding Rose Graham

Mr. Cody – I served with Rose for 4-1/2 years and I believe she had some very interesting experience which gave her some valuable insight as a Planning Board member. Rose, we didn't always agree on the issues, but I still feel comfortable getting on the phone and giving you a call if I have a question on an issue and I hope that's welcomed. To put into words, this town appreciates your 17 years. I know that this takes a huge commitment to do this for one term and for as long as you have done it and maintained your interest and your appetite for it, it is outstanding. I sure do appreciate it.

Ms. Graham – Thank you Jeff

- Jeff continued on with his report:
 - Bicycle rack for the Town Hall was approved
 - Conservation Board's lap top computer request was granted
 - A couple of budget amendments
 - Implementation of email policy, internet policy and procedures that the Town Clerk is recommending
 - Settled the Camden Hills fence litigation
 - Authorization for quote to go out for independent audit of finances for 2009

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

- Implemented some Design and Construction standards updates
- Made an amendment to town health care policy for employees
- Some letter of credit releases
- Adopted the Wind Energy Conservation System as proposed
 - Made comments regarding the great job and presentation that the committee had made
- Approved petition for annexation of territory from the Town to the Village on School Street
 - This is located near Wildwood

Chairman Davis asked Mr. Logan if he had any comments regarding the Wind Energy Policy.

Mr. Logan – It will be adopted as soon as the Secretary of State approves it and gives it back to the Town. I guess the moratorium goes off next month, is that right Jeff?

Mr. Cody – Yes, next month was the best we could recollect Joe. We were going to take a look at those dates and finalize it. There was some discussion about modifying the moratorium last night, to have it end when the new legislation was enacted. But we are just going to take a “wait and see” and time it and if we have to make that adjustment, we will.

Mr. Logan – I suggest that if we get any comments in or any applications, the Planning Dept refer them to the proposed code having been approved and that we would start reviewing it based on that code.

Mr. Cody – I would think that would be a safe bet and a good way to proceed. The moratorium, I'm not sure, is that development/installation or the acceptance of applications?

Mr. Logan – I think it was a moratorium for applications, as far as I can recall.

Mr. Cody – So we wouldn't even get to that step right? If we have a moratorium on applications.

Mr. Logan – Oh yeah, it's a somewhat lengthy process. Someone could come in with quite a bit of information already. But I think the code really needs to be handed out to the entire Planning Board for us to do any review on it.

Mr. Cody – Yeah the Planning Board would be the lead.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Logan – And LaBella is putting together the final document for the Boards and the Code Enforcement Dept so that they have the commentary and the guides that go with it, not just the raw code.

Mr. Cody – Yeah the commentary was a real nice addition.

Ms. Graham – Thanks again Jeff

Mr. Cody – You're very welcome!

Courts reported by Dan Benulis

- Town Board requested a second appraisal on the 11 Landmark facility that is leased
 - Reasons
 - Have interest in owning site
 - May be requirement to have at least 2 appraisals
 - After second appraisal, value was nearly the same as first appraisal
 - Next step is discussion with landlord
 - Have option to stay
 - Have option to lease 5 years after the 2 year extended term
 - Or start looking for new site

Comprehensive Plan reported by Kim Kinsella

Meeting was canceled for December. Next meeting scheduled for the 3rd Tuesday in January

Town Attorney Donald Young left the meeting and Attorney Michael Wolford joined the meeting. Rosemary Graham also left meeting.

PUBLIC HEARING

The Fairways – Revised Right-of-Way of Championship Drive

Appl. No. 16-MS-09

Resubdivision of the proposed right-of-way to create a parcel large enough to construct an entry sign for The Fairways.

Chairman Davis asked the public if there were any comments in regards to this application.

Mr. Howard Eckert – I'm Howard Eckert and live at (address removed), adjacent to this project. I don't understand what the purpose of this is exactly and I don't understand the size of the

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

parcel in question. That red space (referring to the power point display of site plan) comes over to my lot line, is that correct?

Chairman Davis – Yes

Mr. Eckert – That's the whole piece of property between Championship Drive and my property and where it tapers off beyond my barn.

Chairman Davis – Yes

Mr. Eckert – What's going to happen to that berm that is there now? What do they propose to do to put a sign in? Are they going to redo that area of land to level it out to put signs up or are they going to leave the berm and put the sign on the other side from me? What's going to happen there?

Chairman Davis asked Mr. Powers to answer these questions.

Mr. Powers – The berm that is currently there, the graphics that we showed the Zoning Board of Appeals back in the spring, we had the sign on the roadway side of the berm. The code requires the sign to be 35 ft from pavement that would place the sign on top of the berm. We demonstrated that that is really not in favor our neighbor, it provides a bit of an eyesore. Like our other sign, we are trying to move that closer to the roadway and that's part of the variances that we applied for. So the intent is to get the sign down the face of the berm, on our side of the berm.

Chairman Davis asked Mr. Eckert if that answered his question.

Mr. Eckert – I didn't understand what you said exactly about where you are going to put the sign in relationship to the existing berm and what's going to happen to the existing berm. Is it going to stay there?

Mr. Powers – The existing berm will stay there and we will put the sign on our side of the berm to minimize Mr. Eckert's view of the back of the sign.

Chairman Davis – So for clarity, we are talking about the signage and it would go in this corner.

Mr. Powers – That is correct.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – And your house is here, the berm is here, the sign would go down below that berm on the roadside.

Mr. Eckert – Over the years that the Legacy has been under construction, my wife and I have suffered a tremendous amount of noise and aggravation and dirt and all of the rest of it. Just recently tall ugly white and red flopping signs went up and they flop all the time. One of the things that have taken place, we are never in any of the discussions, but they arrive, they are there and the next thing I know there is a flag there, the next thing I know there is a sign there and so on. The overall affect on us from the Legacy is that our property value has dimensioned severely. I don't want any sign that I can see. If you people wonder what's the matter, we had a \$300,000 piece of property for sure and now we don't have anywhere near that value. We are going to end up in a trailer somewhere because I can't afford to hire help to keep the place up in good shape. At 83 years old, me and my wife, neither of us are in good enough shape to do all of the work alone. We are now going to have to hire it. Well, I don't have the money to hire it either because I don't have the value. Well, what's the value got to do with it? We were going to sell it and maybe take back a mortgage and would have been in good shape. I've already bought a house in town to down size, now I need the money for rent for that to maintain ourselves for where we are, but the value isn't there. So it's a dilemma that maybe some of you don't quite understand but if you want, I'll draw you a picture and give you some figures.

I don't want anything more to happen over there that's going to depreciate my property. Last summer two people were at our house, before we were going to go out and eat, the trucks were going up and down the road. Delores said and pardon me, I'm going to tell you just what she said. She said "What the hell is going on with these trucks?" I said, "Well they are filling, taking dirt out, bringing dirt in, bringing stones in and cement in and all of this stuff, back and forth." So she said "Wait a minute, let's get out of here." So we left and she said, "Do you mean to tell me you put up with that all of the time?" "Well what are we going to do about it?" Well anyways, that's the way the Legacy has gone for us.

There is nothing more I can say and nothing I can do about it. I don't want to see any signs up there, one way or the other.

Chairman Davis – Thank you. Any other comments on this from the audience at this time. (There were none).

The Public Hearing was closed.

Chairman Davis asked Mr. Powers to go through the comments that he had received.

Mr. Powers – Starting with the Town Engineer's comments on the letter dated December 7, 2009. They have a comment about utilities – They would like to see a map or a plan showing

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

where our existing utilities are and existing pavements. We would be happy to supply that to LaBella. As I commented, we do not have any utilities or pavement in the area that we are looking to subdivide from the right of way.

They would like a note on the map clarifying the two "area" notes that we have on the map. As I said in my presentation, we are proposing a .145 acre parcel and that is noted on the map. The other parcel noted on the map is 1.846 acres, we'll clarify that as the remaining acreage of Championship Drive.

They are asking about the lot size - As clarification, we are trying to blend this in with Boughton Properties lands or the Legacy lands to deal with the size of the parcel and the geometry of the parcel.

Then lastly they would like a location map or a tax map showing the parcel that we are going to blend this in with. We would be happy to provide that as well to the Town Engineer.

There are no comments from the Conservation Board, they indicated no significant impact. The Building Department has several comments. The first 2 deal with the Planned Development District modifications. The Legacy is zoned Planned Development District. This piece of property however, if you look at the zoning map is part of the R1 zoning. All of Championship Drive and this acreage is part of the R1 zoning. I do have a copy of the map if you would like to see it this evening, if anybody cares to see it. So really we are not dealing with the Planned Development District zoning regulations.

Chairman Davis – That's if it's allowable to attach the parcel to the other and if not, it does become part of the Planned Development District.

Mr. Powers – If it is attached to the Legacy property, for example our Boughton Property, our golf course property has two zoning districts on it. It has an R1 district and an R2 district. The R1 district goes about 300 ft off of High Street and the remaining part of our property is R2. So based on that demonstration, a piece of property can carry two zones to it.

Chairman Davis – But it would still be a change to the Planned Development District which would still require the Town Board to vote on it. That would not be a Planning Board issue at that point.

Ms. Zollo – Did you say you had the zoning map with you if we wanted to take a look at it.

Mr. Powers – Yes I do.

Ms. Zollo – Can I take a look at it please?

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – I think I'm right when I say that, right? The Planned Development District is an ordinance created by the Town Board.

Mr. Logan – I was going to make the same comment. The Planned Development District would have to amend it to add that piece and that would be part of the Planned Development District. And also if they were able to do what they wanted to do without doing that, then the more restrictive zoning code is in effect on the entire parcel. I don't know if that makes a difference with signs or not.

Chairman Davis – Okay

Mr. Powers – As I indicated earlier in my presentation, we did successfully gain variances for a sign that is on the left hand side of that drawing which is on the Legacy property which isn't a Planned Development District zoned district.

Mr. Benulis – Bryan is that new sign that you talk about, it was just approved, is that advertising tied to the Legacy or tied to signage for Championship Drive or the Fairways?

Mr. Powers – Because it sits on the Legacy property, one of the variances that we got was, we already have an identification sign on the Legacy up at the driveway, up High Street. This was a second sign that was on that property, so that was one of the variances that we had to obtain, adding the second identification sign.

Chairman Davis – Your question Dan, I think was that it was a variance that allowed a sign to go on the Legacy property to advertise for the golf course.

Mr. Benulis – I'm trying to understand, what will go on that sign? Something that will advertise the Legacy or something that will...

Mr. Powers – No the sign is up and it currently says "Champion Hills Country Club, The Fairways Townhouses." Because one that travels on High Street, because of the terrain of Championship Drive, you can not see the golf course, you cannot see the townhouses.

Mr. Benulis – So just for clarification, what is the purpose of the second sign?

Mr. Powers – To provide an entry feature into this development. The sign is at about a 45 degree angle to the roadway right now, so only people who travel, going in a southerly direction can see that sign. Anybody coming from the school direction would have to slow down and look over their shoulder to see that sign.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Logan – Wouldn't it make sense just to reset that sign so that it's perpendicular? That way you have one sign and the other side if you wanted to have an entry feature, you make a small wall or something like that.

Mr. Powers – Now I'm giving my whole sign presentation that I gave the Zoning Board of Appeals. One of the issues we had is we had a storm pipe, a 36" storm pipe that comes out of the pond that is right there. Those that were attuned to aesthetics, that's what you saw on High Street, the opening to this pipe. The sign was a solution to allow the pipe to remain to function but to partially screen the pipe. The Zoning Board of Appeals, after we gave them photographs of what it looked like now, they came out and visited it and saw what it would look like once the sign was constructed, understood our concern and that was part of the basis for granting the variance.

Mr. Logan – The concern that I have sort of follows what Mr. Eckert was concerned about. The second piece is going to be obtrusive to him. If there is something that you can build lower than the berm, then he can't see it.

Mr. Powers – That's why we are trying to move the sign closer to the roadway so that it's down the face of the berm on our side and not in view of his house.

Mr. Logan – If you go to the Drumlins over on Rawson Road, it's more of a stone wall with a name on it. That's pretty low, you wouldn't see any of the sign, and it would look like a wall or a landscaping feature.

Mr. Powers – In our current and the one we are proposing on this property, blend in with the topography that is there, the berm that is on this piece of property and the bank of the pond that is on the Legacy side. So that's what we were able to accomplish.

Mr. Logan – I guess if I was going to look to approve another sign, I'd want to see some renderings and things like that as to what they are proposing before we....you know anything with lighting, the architectural features of it.

Mr. Powers – The town has a new illumination code that LaBella recently wrote, we are not allowed any more for ground level lights, they all have to be an above light or a goose neck light. So that is what we are proposing. We can not exceed I believe it's 1 foot candle beyond 20 ft of the sign. So we have to minimize light spill, that's the reason for lighting over the top, so the sign will comply with the new illumination code.

Ms. Zollo – How close to the roadway are you proposing the sign?

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Powers – Signs are intended to be, I think, 35 ft from pavement. The current sign we built, the variance we got I think it was 22 ft.

Ms. Zollo – And that's what you are planning for the opposite of the roadway as well?

Mr. Powers – Right

Ms. Zollo – 22?

Mr. Powers – Yes

Mr. Logan – Bob what's the action that we have?

Chairman Davis – Well we would have to come to some understanding and Mike (Wolford) I think you will have to help us with this. If you want to cut that piece off, what can you do with it and can you legitimately attach it to the development in the rear or do you have to make it part of the Planned Development District? Depending on that answer, then either we would refer this back to the Town Board because I think the Town Board has to make the decision if it was a Planned Development District discussion. I think before we get into all of that, I think there is a serious discussion about whether or not it is worth going through all of this gyration for another sign. It just seems like we are going to do a whole bunch of wrong things to put a sign up because we are trying to match a sign that is covering up a pipe. It doesn't seem right.

Mr. Powers – Well our work with the Zoning Board of Appeals and I would be happy to provide you with copies with photographs, drawings, illustrations of the sign.

Chairman Davis – That's the secondary point. The first point is we are going through a bunch of.....

Mr. Powers – They understood the difficulties.....

Chairman Davis – I'm sorry, I didn't think I was done yet. The point that I'm concerned about is we are starting to build upon errors here because if you go back to your explanation, you've got a pipe, we covered the pipe up with the sign. So because we did that, we now want another sign on the other side. Now we are talking about cutting a piece of property off of a right of way and trying to figure out how best to attach it to an adjacent piece of property or another piece of property in a substandard way. It just feels like we are taking one step at a time into a more and more complicated thing that we tend to try to avoid as a Board. So before you say what the next step is, I think the first one for us is to answer, do we want to go down that path or not.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Ms. Grosso – My answer is no. My opinion is we are just setting bad precedence. We are taking a piece of land that is residential now, it's not available for another home, you couldn't put another house on it so as you said, it's substandard. Now we are going to try to attach it to another piece of land that it's not contiguous to. Frankly I have two pieces of land close by one another, I'd love to make them contiguous and only pay one tax bill. But you can't. We are in violation of the fact that no sign should be put into a public right of way or like you said, there has been a variance created already. Frankly this is a private course in a private community, so I'm not sure how many signs you need to tell the private residences how to get to their private homes. Of course, we also have a private neighbor who has a visual issue on top of that and as you mentioned we've got the Planned Development District if we don't make it contiguous to another piece of land which once again, we have to get a variance to do. Then we are going to add it to a Planned Development District which we have to redo an entire Planned Development District just for a sign when there is a sign that already exists on the other side of the road. Like you said, it just seems like way too many gyrations for not much value.

Mr. Benulis – I guess I just wish we could find a way to make the first sign work. As I think back on the questions that I asked you, now I do realize how that sign can.....it does serve a purpose in terms of blocking the stormwater piping. It is an attractive sign the way it's been designed to look somewhat like a fence as I recall in a sign combination. So they did a nice job of one giving you some advertising for the back for the Fairways and two giving some aesthetics improvements to the stormwater pipe. But I just wish we could find a way not to have to put two signs in.

Mr. Santoro – I think there had been a lot of changes brought before us since this project was first developed and we are going to have to look very hard at this particular one. It's just yet another change from the original plan.

Mr. Powers – If I could just add one final point. I know from looking at our original drawings for this roadway we had at the time of approvals, we had two signs indicated at the right of way. They were actually much closer than 35 ft from the right of ways and had we known of all these issues we're dealing with now trying to build those two signs, some of these changes may have occurred at the time we were gaining approvals to minimize all of these additional gyrations that we are talking about. We were not aware of the Zoning Board of Appeals of not being able to permit the signs, we were not aware of the 35 ft set back that was brought in at some point.

Chairman Davis – With all due respect, the last time you were before us, I tried to point out the inconsistencies on a drawing from before and I was told that those were not necessarily intended to be, but representative. So are they now intended to be accurate and not representative?

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Powers – I don't remember or recall.....

Chairman Davis – I'll find it, I'll find it.

Mr. Powers – Okay

Chairman Davis – So I think the inclination of the Board would be to make that one sign work and not do anything on the other side.

Ms. Zollo – I concur

Chairman Davis – I guess we can take this under advisement and the next time we get together before the next meeting, if we think there is another action that is plausible or otherwise we can talk about it (referring to Mr. Wolford). Anything else on this? (There were no other comments). Okay thank you very much.

Rosemary Graham returned at this time. Attorney, Mike Wolford left the meeting and Attorney, Donald Young returned at this time.

The next item for tonight is the decision for O'Connell Electric. These are the comments that John (Palomaki) gave us from the County that is involved here (Chairman Davis handed out the comments). Listening as intently as I could, I wonder what is in this letter that makes me wonder if we should be voting on this tonight so can you help take us through that (referring to Doug Eldred)

DECISION:

O'Connell Electric – Minor Subdivision
830 Phillips Road & 7690 State Route 251

Appl. No. 15-MS-09

Applicant is combining the adjacent Mann's 3.30 acre parcel with the existing 6.10 acre O'Connell Electric parcel for a total of 9.40 acres.

Doug Eldred addressed the Board. Mr. Eldred complimented Rose on the job she had done for the Planning Board over the last 17 years and would be missed.

Mr. Eldred – When we got together the last time, there was quite a lot of discussion about the landscaping and the comments from EDR. I attempted to get a meeting together shortly

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

thereafter on December 4th. I was going to have EDR and I think that Bob and Heather had not been to the site so they were going to join us and Marge (Elder). Unfortunately communication didn't get out there and it just ended up being Marge and ourselves that were out there and EDR did not make either because of the miscommunication. That was unfortunate. My plan was to try to get together with them, get everybody on the same page and come back tonight with the plan that EDR had endorsed more or less. So in lieu of that, we immediately after the meeting, sent the plan with changes that we made based on our discussion with Marge and some of the things that she wanted and some of our observations out there regarding some of the comments that came from EDR and we did make some changes that would include putting some more buffering of evergreens behind the existing hedgerow, blocking off another area where there is kind of a "view through" which we think was more or less what EDR was getting at. There was a lot of discussion about the trees along the perimeter of the property. I think the correspondence that came back from EDR said that they kind of confirmed that they agree that they probably would fall over. The trees are in fact all on our property so there wouldn't be any left there to fall over. With knowing the safety issues that came out, I don't know if you all got a copy of the email that I sent but we would like to continue to remove those trees based on that discussion.

So I think EDR is at least partially on board with where we got to with respect to our discussion with Marge. We did agree to do some meadow type landscaping in this area (referring to area where Mann's house was off of Route 251). Unfortunately, again I was hoping that I would have one plan to go by so that I could get that to Marge and make sure that she was happy with it as well. But the timing didn't work out as such that we could do that. But we certainly want to cooperate and do the types of things that Marge had suggested as well.

With respect to the County Planning comments, there is very little work within 100 ft of the....this plan is actually correct. We moved the pond back, we have a little bit of grading for the revised pond that we do. There is no gravel area or anything of that nature within 100 ft and of course, the Town Code requirement is 75 ft as well.

Secondly with respect to the County Planning comments, there never was intended to be an access to Route 251. We said that that existing driveway would exist as an emergency situation only. It could be used by emergency vehicles and so therefore, we never intended for that to be an access for all of the reasons they mentioned. It's not really a safe situation.

The other comments with LaBella and so on, we went through before and I think we pretty much agreed to comply with all of those. I think that's it. I don't have any problem with trying to continue a conversation with EDR now that they have actually gone to the site.....a little jab there quite frankly, taking a look at it and do have a feel for what's out there and what's best to do at the property. That is all I have to add unless of course you want to go over any of the other comments in more detail that we went through partially last time.

Chairman Davis asked for any comments.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Ms. Zollo – So the plan down on the easel is the new corrected plan?

Mr. Eldred – It's actually partially corrected. We show the new trees in these areas and in this area. I have a black and white plan that shows additional meadow plantings that the Conservation Board was interested in. Again, this all happened when we got the comments today so we weren't able to get it to everyone prior to the meeting, though we've been trying to get comments for two weeks.

Chairman Davis asked Marge if she had any comments.

Ms. Elder – We spent quite a bit of time in going over the front area. We didn't really pay much attention to the back area. I know that Andy was going to be talking to Tom to see if he would approve and I gather that you do approve. We talked about protecting that creek, creating a riparian buffer along the creek more so or an enhancement of what is there and Andy seemed really knowledgeable about that. So that appears to be appropriate.

In terms of the County comments which I have just seen, I guess one question that I have Doug, in terms of the grading in the buffer, there is some grading in the buffer, how close to the creek are you for the grading?

Mr. Eldred – It's generally 50 ft. There is that one point on the creek where it gets to within 20 ft. and as we have discussed before, we've got an interpretation that it's okay to put the stormwater management in the buffer area from the Building Dept. We have made kind of a compromise where we pushed the stormwater management area back such that the edge of the water surface would be 75 ft minimum from sort of the straight line area of the creek and of course there is no graveled area, no permanent structure of any nature that would be within there other than the existing nice little...well I don't know if that is within 75 ft...the nice little gazebo that is out there.

Ms. Elder – Well and I know that when we talked about that the last time, the Conservation Board indicated that they were happy that the stormwater, the water itself is now going to be outside of the buffer. PJ's comments which I have just seen, he talks about making sure that when you are doing the construction that there is monitoring going on and protection so that there is nothing that gets into the stream. I'm curious about what your intent is in terms of...because you are going to be grading there so what is your intent in providing protection?

Mr. Eldred – The area itself is rather flat, you've seen it out there. We did show on the plan, it's a little bit beefed up from what you might otherwise do and that's to show a double row of silt fence. It's really a small confined grading area that would drain in this direction. But the idea here is there would be some redundancy here if the first fence got knocked down for whatever

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

reason, not that we aren't there doing the required inspections. But at least there would be some redundancy in the erosion control protection that would occur for anything that is close to the stream. So we did show that as a proposed erosion control measure along the creek.

Ms. Elder – And the DEC I know recommended doing that second pond or the fore-bay or whatever you call it and in terms of the grading that is going on in the buffer, they are approving that? Or has that been discussed with them yet?

Mr. Eldred – They don't have any jurisdiction.

Ms. Elder – They don't have jurisdiction so it's really up to the Town. One of the things that PJ recommends is that there is some....well I guess I'd put it differently, one of our issues with various development projects in the past is maintenance of the erosion control measures. It's one thing to put them up, it's another to keep them in place. Often when we drive by something, things are slipping down. I'm curious about what efforts you will be taking to ensure that some of this does not get into that creek over time. I know you're doing inspections but sometimes that doesn't work.

Mr. Eldred – Well, you are absolutely right. I think that's why because of the extra protection that is called for. It's a trout stream, it's not a protected B stream, it's a C(T) stream (C = waters supporting fisheries and suitable for non contact activities) (T = indicates that it may support a trout population), so it's not a protected stream. But it's a beautiful ecological asset out there and we certainly don't want to disturb it and if we were going to disturb the bed or banks of the creek, then we would require a permit. We are not planning on doing that. One thing that I actually thought of as I was looking at the plans here, what we really ought to do is move that second row of silt fence back farther so there is more separation, there is less of a chance that they would mow both down at the same time. But yeah, the intent is to do all of the required inspections. If the Town wants a little more frequency while we are grading in that area, the sequence of construction calls for that being done first and getting it seeded and established as soon as possible. So we are taking all of the best management practices that are out there to work with, to conform to the stormwater regulations. Again to help protect the stream.

Ms. Elder – Another question, it's related to...I can't recall if this was on the County but I think somewhere they talk about marking the buffer. I don't know maybe that was PJ. But anyway, being aware when people are using grading vehicles, it's hard for them sometimes to understand quite where the lines are. Are you talking about putting up a silt fence before they do any grading and so it will be really clear as to where the line is and where they should not go beyond? Is it appropriate to put up one of those orange fences in addition so that when someone

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

is driving the bulldozer or whatever? I don't know. The County has raised questions about protection, so...

Mr. Eldred – I guess one thought would be if we put the erosion control along here and as we tail up into this area, we could put a construction fence up there such as there would be a visual limit to where they are suppose to work when they are working on the gravel area. So that would be sort of a continuous site line.

Chairman Davis – So Mark can you inspect for that stuff as these plans go through?

Mr. Tayrien – Absolutely

Ms. Elder – That would be great. I think that is about it. I did want to say that I really appreciate the amount of time that the Planning Board has been putting into Conservation and Environmental issues. We had a Conservation Board meeting tonight and one of the fiercest Conservation Board credits of the Planning Board actions over the years talked specifically about the change that he has seen recently in the way the Planning Board is addressing site development. So I want to thank you for that. And secondly, there will be a new Chairman because of the new term limits, so in January there will be a new Conservation Board Chair. So you will be seeing some new faces here.

Chairman Davis – Do we know who that is yet?

Ms. Elder – Well that person was selected tonight and that person doesn't know yet. So I'm not going to announce it.

Some mixed discussions took place at this time.

Chairman Davis – Marge it's always been a pleasure working through these issues with you. You've always had a smile on your face and conviction in your heart. God bless you, I'm sure this is not the last we will hear from you.

Ms. Elder – No, you'll hear from me. Thank you very much.

Ms. Zollo – I wasn't quite finished. I just wanted to say that I'm glad to see that we are doing the meadow plantings and we're doing our best to protect the tributary to Irondequoit Creek and as Marge said, I think it's to everyone's benefit to protect all of our ecological assets, the property owner as well as the town's. I'm still curious as to whether, when you take down the pines at the back of the property, there's going to be some replacement plantings.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Eldred – The Board certainly can require that. I think I said last time, I don't think plantings inside this fence line is very conducive to the operations that are occurring. We did say that we would put the green slats in there to more or less visually block it out as opposed to providing an environmental feature. But the Board certainly has the right under your code to require plantings inside the fence line between the fence and the gravel parking area. Quite frankly it's going to get beat up and I don't think it's going to serve much of a purpose. But again, the Board has to make that decision.

Ms. Zollo – But what we have seen over the years is that uses of properties change and someone comes in on the other side of that fence and they are looking for some different use of the property. So as I said the last time, I don't think it hurts anybody if we are going for aesthetics, some dwarf Alberta Spruces, you know in the back corner. To me if you are taking down greenery, you should put something back, that's all.

Mr. Eldred – That's certainly the Board's prerogative.

Chairman Davis – It's what?

Mr. Eldred – That's certainly the Board's prerogative in this situation. Although it's industrial to industrial, it's not industrial to residential.

Ms. Grosso – My comment, as you know I was concerned about it at our last meeting and I was glad to see that EDR gave a response, so my concerns are alleviated. As you recall, I thought it was a little crazy to hear that if you need to take down all the trees because some might fall. But having heard from EDR to confirm that there is some validity to that, I have to agree I don't have as much concern now after hearing from the experts. Although I understand the concern, I wanted to hear it from our experts. So frankly that concern is quite a bit elevated based on what they said. Although I would agree with Heather, as EDR mentioned too, it would be nice to see some plantings going up in front recognizing it's industrial to industrial.

Rosemary Graham left at this point 8:05p.m.

Mr. Eldred – We certainly have shown willingness to plant up front because that's appropriate.

Ms. Grosso – That would be my only comment.

Mr. Eldred – That's been our plan all along. Just trying to come up with the best plan for the front has been our objective.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Ms. Grosso - A forest would be fine!

Mr. Eldred – I'm sorry....I didn't hear your last comment.

Chairman Davis asked for other comments.

Mr. Santoro – I would just comment that even though it's industrial to industrial, I think that you could put some green in there.

Chairman Davis – And don't say it's our prerogative one more time.

Mr. Eldred – What do you want me to say?

Chairman Davis – So Mark can you work with them to figure out what the appropriate plantings need to be back there?

Mr. Tayrien – I can do that.

Mr. Logan – The only other comment I noticed was regarding the entry driveway to the house that is there now. The suggestion was to eliminate it. You said it wasn't going to be regular access?

Mr. Eldred – No, we thought since it was there, we could use it as emergency access. There was a comment about beefing it up. We don't want to do anything with it other than leave it there. If the emergency access wanted to use it for some reason, they could use it. But there is no hole in the fence that would allow them to come in that way, there is no reason for anyone to use it, there is no gate on it. So if there was some need to come in, if somebody choked on a chicken bone at a picnic or something like that, they could come in there and help out that person since they plan to use this as sort of a picnic area over there. That was the only thought there.

Mr. Santoro – So no construction vehicles would be going up there?

Mr. Eldred – No construction vehicles, no.

Chairman Davis asked for any other comments.

Chairman Davis – So council has pointed out here that the County (Planning Board) has made a recommendation to the Board. I believe if we don't accept these recommendations as written then the resolution that we pass, we have to pass with a super majority to over ride the County's

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

recommendation. Are we all prepared to do that tonight? So I think that's true, I see Mark shaking his head and that's what Don, our council just whispered to me.

Mr. Eldred – What are you planning to override from the County?

Chairman Davis – I think we would have to represent in the resolution the modifications in their comments:

1. The existing entry drive on the westernmost parcel should be eliminated.
2. Landscape buffering should be provided to shield the outdoor storage area from view of both the public rights of way and from adjacent properties.
3. The site plan should be redesigned to eliminate any grading activities or other disturbance within 100 feet of the tributary of Irondequoit Creek.

Mr. Logan – I see 2 out of 3 of those.

Chairman Davis – Can be addressed quickly.

Mr. Logan – The 100 ft buffer issue is clearly not satisfied.

Mr. Eldred – That's their opinion, it's not law.

Mr. Logan – It's what they have recommended that we move disturbance away 100 ft. We can choose to accept what you have proposed or not. If we accept what you have proposed, then we have to have a super majority. Honestly, it's my opinion that we could vote and go for a super majority. I think our Conservation Board has done a good job reviewing this.

Chairman Davis – We would need 5 of the 6 members here.

Mr. Logan – Yes. I think they have looked at the buffer issue and have come to a reasonable compromise, the way I see it. Is that correct Marge?

Ms. Elder's comment was inaudible due to not using the microphone.

Mr. Logan – But that would be contrary to the recommendation of the County Planning Board so then we would need a super majority if we were to go along with our town's acceptance with recommendations from the Conservation Board.

Mr. Santoro – Also the driveway.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Logan – Leaving the driveway in it's.....

Chairman Davis – I think it has to be addressed in the resolution in an affirmative way.

Mr. Logan – Can we say that it's not to be used as a common entrance to the site?

Mr. Eldred – I think they are saying don't use it as access and we aren't planning on that.

Chairman Davis – It says eliminate it. The problem is that the language says eliminate it.

There was mixed conversations at this point regarding the access driveway.

Mr. Tom Parkes stated that they would like to use the driveway for the maintenance crew that would be taking care of the property (lawn mowers, etc) and for catering purposes when picnics, etc. are in progress.

Mr. Logan - I guess I would suggest that you could leave it as a gravel drive and take up the pavement and that would somewhat eliminate access.

Ms. Grosso – The statements are indicating access even though it's limited.

Mr. Parkes – We could just put a gate across it.

Chairman Davis – You would probably put the crash gate up 20 feet in so you could still have some of the turn around access.

Mr. Logan – That would be a modification, but we'd still have to have a super majority.

Ms. Elder – Do you think it is reasonable to expect that with grading 25 ft to the stream that it's possible not to have sediment not going into the stream?

Mr. Tayrien – Yes I think it's possible to not have sediment going into the stream. You didn't put me on the spot, but I'll go ahead and go out on a limb a little bit and just share with you. This is not an engineering comment as much as it's a planning comment. My perspective, with all due respect to the County Planning Board that puts a lot of effort into these reviews, is that they don't have the opportunity to look at these plans in as much detail as the town staff and the town Planning Board and the town consultants. My personal opinion is that this is a very good plan and even though it doesn't conform in every detail with the modifications suggested by the County Planning Board, it's very much in keeping with the spirit behind those recommendations.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

If it were my decision or my recommendation and if you are comfortable voting with a super majority, I would personally prefer to see you do that rather than try and alter the plan at this point in some odd way to conform to the County Planning Board comments.

Mr. Eldred – I'll refer to council somewhat, but I don't think you have to have a super majority because they didn't recommend denial, they recommended approval.

Mr. Santoro – Recommended approval with modifications.

Chairman Davis – I've been through this one other time. I think council puts us on the safe side of this decision for you as well.

Ms. Zollo – The comments you got that I talked with you earlier about Bob, the Building Department and Engineering and all of those recommendations about how we are doing. Are there some specifics that we need to put in this resolution to make sure that everything that we've agreed upon and talked about regarding this plan actually happens? The additional plantings, the meadow plantings that they have added per Marge's recommendations.

Chairman Davis – I suppose not voting on this tonight causes you a problem. I have 2 sets of resolutions. We can do the SEQR on both of them.

At this point, there was mixed conversation regarding changes to be made to the Resolutions.

SEQR Resolution for the Minor Subdivision

On motion made by Joe Logan, seconded by Dawn Grosso

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on December 15, 2009 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, O'Connell Electric Subdivision, will not have a significant impact on the environment and that a negative declaration be prepared.

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Aye
Ernie Santoro	Aye
Heather Zollo	Aye

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Approved 6 Ayes, 0 Nays

RESOLUTION for Minor Subdivision

On motion made by Ernie Santoro, seconded by Joe Logan

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on October 15, 2009 by the Secretary of the Planning Board for a Minor Subdivision entitled O'Connell Electric Subdivision.
2. It is the intent of the applicant to re-subdivide to combine the adjacent Mann parcel (Tax Map No. 015.01-1-12) with the existing O'Connell Electric parcel located at 830 Phillips Road.
3. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
4. The Conservation Board reviewed the Unlisted Action on November 3, 2009 and identified no significant impacts.
5. The Planning Board, as lead agency, found that there would be no significant impacts to the environment as a result of the action and directed that a negative declaration be prepared.
6. In a letter dated October 29, 2009, LaBella Associates stated that technical aspects remain to be addressed.

NOW, THEREFORE, BE IT RESOLVED, that the application of O'Connell Electric, 830 Phillips Road, Victor, New York, Minor Subdivision entitled O'Connell Electric, Drawing No. 05, drawn by BME Associates, dated September 2009, received by the Planning Board October 15, 2009, Planning Board Application No. 15-MS-09 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated October 29, 2009 from LaBella Associates be addressed.
3. That before the Planning Board Chairman signs the approved film original(s), the developer should submit three (3) copies of electronic files to the Town, and then one (1) copy should be

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.

4. That Section 5.1 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design & Construction Standards be met.

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

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 5.
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).

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

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Aye
Ernie Santoro	Aye
Heather Zollo	Aye

Approved 6 Ayes, 0 Nays

O'CONNELL ELECTRIC – Site Plan
830 Phillips Road & 7690 State Route 251

Appl. No. 25-SP-09

Site plan for the construction of a gravel parking area for outdoor storage of equipment and facility vehicles. The applicant is also proposing a 2,200 square foot second floor addition to the existing building.

SEQR for Site Plan

On motion made by Dawn Grosso, seconded by Ernie Santoro

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on December 15, 2009 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, O'Connell Electric, will not have a significant impact on the environment and that a negative declaration be prepared.

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Aye
Ernie Santoro	Aye
Heather Zollo	Aye

Approved 6 Ayes, 0 Nays

RESOLUTION for Site Plan

The Planning Board had mixed conversation regarding the Resolution for the Site Plan and making changes to the wording.

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

1. A site plan application was received on October 15, 2009 by the Secretary of the Planning Board for a Site Plan entitled O'Connell Electric.
2. It is the intent of the applicant to construct a gravel parking area for outdoor storage of equipment and facility vehicles. The applicant is also proposing a 2,200 square foot second floor addition to the existing building.
3. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
4. The Conservation Board reviewed the Unlisted Action on November 3, 2009 and identified no significant impacts.
5. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On December 9, 2009, Ontario County Planning Board recommended modifications stated on the Ontario County submission.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

1. The existing entry drive on the westernmost parcel should be eliminated.
 2. Landscape buffering should be provided to shield the outdoor storage area from view of both the public rights of way and from adjacent properties.
 3. The site plan should be redesigned to eliminate any grading activities or other disturbance within 100 feet of the tributary of Irondequoit Creek.
6. In a letter dated November 11, 2009, LaBella Associates stated technical aspects remain to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of O'Connell Electric, 830 Phillips Road, Victor, New York, Site Plan entitled O'Connell Electric, drawn by BME Associates, dated October 2009, received by the Planning Board October 15, 2009, Planning Board Application No. 25-SP-09, 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 November 11, 2009 from LaBella Associates be addressed.
3. That the comments in a memorandum dated October 30, 2009 from EDR be addressed.
4. That the interior access roads (gravel drive aisles) must be paved per Section 211-24 D. (12). This does not apply to the areas designated as 'storage area'.
5. The existing entry drive on the westernmost parcel will remain and be crash gated a minimum of 20 ft from Route 251.
6. The landscaping plan to shield outdoor storage will be approved by Victor Town Engineering prior to signature.
7. The site plan setbacks are accepted as submitted on drawing dated December 8, 2009.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 5.
2. That the Town of Victor Water Department comments be addressed.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

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

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Aye
Ernie Santoro	Aye
Heather Zollo	Aye

Approved 6 Ayes, 0 Nays

NEW APPLICATIONS:

Drumlins Townhouses, Section 3, Phase 1
Chapel Hill Drive

Appl. No. 6-FS-09

Subdivision of 1.78 acres into 10 lots for the construction of townhouses. 0.71 acres of land will be conveyed to the Drumlins II Homeowners Association, Inc.

Mr. Doug Eldred addressed the Board.

Mr. Eldred – Good evening, Doug Eldred from BME Assoc. representing RSM Development. We are here requesting final approval of what we are calling Section 3, Phase 1 of the Drumlins Townhouses. Section 3 Phase 1 is the area just to the west and south of Section 2. The new driveway that would be extended from Chapel Hill Drive would be Chaucer Court and would have 10 lots on it. Section 3 previously included all the remaining lands, so we are calling it Section 3 Phase 1 because we are just doing this one road with the 10 townhouse units on it. It's fairly straight forward, the land conforms in all respects to the preliminary plan. It's on 1.78 acres. .71 acres of this would be owned by the HOA. All the utilities are there. We have all of the comments. Landscaping and foundation plans have been submitted with the project. We have comments from various folks. I think that we don't have a problem working with these. I can answer any of the individual ones that you want or I can go through all of them if you'd like. The proposed roadway would be a private drive owned by the HOA. There was a discussion I think where the town code said no more than 4 lots on it but the distinction here I think is that there is the HOA entity, it's not a common driveway that would be without an entity to maintain it. So that was kind of our answer and that was the way it was approved.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Tayrien – If I could just jump in, it may help. We flagged that issue initially in our letter and then subsequently we researched it a little bit more and had consultation with Boylan Brown. Bottom line, our conclusion ended up being that the preliminary plans that have already been approved by the Planning Board actually constituted a waiver of any provision one might find in the Construction & Design Standards precluding a private road like that. If I had known then what I know now, we would have not included #1 (referring to the proposed roadway) in our review letter.

Mr. Eldred – Thank you. Like wise I think you could consider the preliminary plan under cluster provisions having approved a 20 ft setback.

Mr. Tayrien – I think that's also true.

Mr. Eldred – Okay

Chairman Davis – Would you reissue that letter for the record?

Mr. Tayrien – We can do that. I'll issue a letter clarifying that.

Mr. Benulis – Mark, will that private road be built to town standards? I know we had an issue on a current project.

Mr. Tayrien – That's a good question. I think I'll defer to Doug on that.

Mr. Eldred – I think so. Well, it doesn't have gutters so it wouldn't be built to town standards.

Mr. Santoro – Is there any reason that Chaucer Court doesn't go all the way through to Wellington Drive?

Mr. Eldred – There's a slope at the end.

Mr. Logan – A grade difference, it drops right off.

Mr. Eldred – Yeah. The main road will eventually go through. Chaucer Court will eventually go all the way through.

Mr. Santoro – What do you mean? All the way through to what?

Mr. Eldred – Back to Wellington Drive.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Kim Kinsella corrected Mr. Eldred. It's Chapel Hill that will go all the way through to Wellington Drive.

Mr. Logan – Bob, on the question about whether or not we should be looking at it as per the town standard construction or not. I would suggest if they were going to leave it so it's not to town standard, then we put a statement in saying it can not be, in the future, deeded over to the town. Something to that effect.

Chairman Davis – Has that happened?

Mr. Logan – It has happened recently.

Chairman Davis – You can do that but what do you get out of that.

Mr. Logan – They think twice before coming.....

Chairman Davis – It gives a clear sense of precedent when the issue comes back that says they knew from day one.

Mr. Logan – I just didn't want to get that again.

Chairman Davis – No, that's fair.

Mr. Benulis – The way this private road is designed is it called Chaucer Court? It looks like it could be an issue with snow removal similar to another project we recently discussed. In other words Doug, it just dead ends and I don't know how they plow it. Do they just drive in and back up. They can't turn around right?

Mr. Eldred – They can turn around in a driveway.

Mr. Benulis – It's privately maintained.

Chairman Davis asked for the resolution when developed to say that we will not entertain dedication of this road to the town as designed unless brought up to minimal town standards.

Mr. Logan – It would probably include right of way rights and all of that.

Mr. Santoro – Doug I recall the last phase you had a problem that two of the buildings were too close together.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Eldred – Yeah

Mr. Santoro – Is that going to be a problem with this?

Mr. Eldred – No. As you may know we weren't involved with the original plans out here.

Chairman Davis – You were not?

Mr. Eldred – We were not. I think we rectified that on the other plans and we are conforming to that situation with these plans, yes.

Chairman Davis asked for any other comments and there were none. No action was taken.

QUAIL RIDGE SUBDIVISION – Lane Road Lots

Appl. No. 5-SKP-09

Subdivision of 14 acres into 6 single family lots.

Lincoln Swedrock and Peter Vars from BME and Scott Morrell from Morrell Builders addressed the Board.

Mr. Swedrock – My name is Linc Swedrock from BME Assoc. Scott Morrell is here also with me. We are here tonight to discuss the sketch plan for the Quail Ridge Subdivision. We are proposing to subdivide the 14 acres of the remaining lands of Quail Ridge for 6 single family residential lots. The property is zoned Residential R-2 and is in the Residential C overlay district. The parcel is located on the south side of Lane Road extension, east of Sagamore Way. The proposal was submitted previously twice. We went through two previous sketch plan applications for this property and those two sketch plans were pulled because we were considering different development options. One was including the possible pool club for the existing residences. Also, they were looking at the Victor Community Center at one point and YMCA was also interested in the property at one time. After considering all of these different things, the owner has decided to go forward to proceed with the application with the parcel as a residential development as you see before you tonight.

This application is similar to the two previous sketch plans that the Board has already reviewed. The total parcel, like I said is 14 acres, 7.2 acres is proposed as a conservation easement area to meet the requirements of the Quail Ridge Subdivision Section 3. The parcel as it's shown, we did go back and review the Quail Ridge Section 3 approval and we are meeting the open space requirements from Section 3 at Quail Ridge along with providing the required

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

conservation easement open space area for the 6.8 acres of the encumbered parcel. So we are meeting the Overlay C District along with the original approvals.

The lot standards proposed meets the R2 zoning, no variances are proposed. We are also required to have a 20 ft flag lot width that will be provided with each lot with the preliminary final subdivision plan applications. Also the 6 proposed lots will be provided water service off of Lane Road. Sanitary sewer; there is an existing sanitary sewer manhole down on the southwest corner of the parcel that will be extended to serve the 6 lots. We will also be proposing the pretreatment of the stormwater run off before it gets into the existing pond. We will meet all of the requirements of the DEC once we get into the preliminary and final subdivision plan application.

We've provided an alternative for the site access. I guess I'd like to talk about that a little bit. We are proposing a 20 ft wide private common drive to serve the 6 proposed lots. Section 2.9.1.5 of the Town Code we know requires that any more than four lots would need to be served by two separate drives so we've shown that alternative. However, we feel that it's a better design and we'd ask the Planning Board to discuss possibly of doing a waiver to allow the one 20 ft private drive. As an alternative, we did provide a sketch of the two common drives. Also the Town Highway Superintendent did say that he preferred the one curb cut onto Lane Road. So I guess we are here to discuss that with the Board tonight what they would prefer.

We have also received the town consultants and town staff comments and have provided written responses for your review. I think you guys got those today. In response to the Conservation Board meeting last week, we also did bring a revised sketch with us tonight which shifted the lots 50 ft to the west, off of the slope area. (Mr. Swedrock went to the revised sketch plan and made comments regarding this) This was the plan that was submitted to you and we did provide an alternative by shifting the lots over, I've also shown the 20 ft flag lots. All of the lots meet the code. The 20 ft flags, I've also done this 40 ft rear setback, that was one of the staff comments. Then this shows how we shifted it, here is the approximate ---- of that slope. We shifted the lots and this went into conservation. So most of that slope area would be in the conservation easement area that's proposed with the sketch plan.

We have provided the responses to those comments. With that I guess I'll open it up to a couple of issues or comments that we want to talk about. We want to take those comments from you tonight and possibly move forward with our final preliminary subdivision application, taking your comments into consideration. With that I'll open it up to comments/questions from the Board.

Mr. Logan – Bob is it 3 maximum or 4 on a private drive?

Mr. Santoro – 3

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Logan – And you are proposing 4 plus 2. That's 6, it's doubling the size on a private driveway.

Chairman Davis – Troy made a comment on the single cut. Did he comment on...again it would be one of these future dedication discussions because that road would not cut it.

Mr. Logan – It is 20 ft wide with what looks like gutters. But the turn around is awful. I don't know why you wouldn't make a cul-de-sac and a dedicated road out of it to tell you the truth to make this work.

Mr. Swedrock – It seemed like for the 6 lots, the cul-de-sac seemed like an awful lot of pavement and area to take up.

Mr. Logan – It's not any more than what you're doing here. A cul-de-sac, okay you've got a little more at the end of it. It's not a significantly larger pavement area and it's serviceable. I mean this would be terrible to do snow plowing with because you're plowing snow right into everyone's driveway to get it clear. There is no way to keep it away from here. There's no place to stock pile it. That's my comment.

Ms. Zollo – I'd go along with what Joe said. Make it a true cul-de-sac and we would love it if we could follow our Design and Construction Standards and rules and regulations of 3 houses on a private driveway.

Mr. Santoro – The double driveway just looks terrible. I'd rather have a single drive.

Mr. Logan – I'd rather have a single drive dedicated road with cul-de-sacs.

Chairman Davis – I gotta tell you, it just feels like there is something else going on here. It just looks like a very forced and quick drawing to get a chunk of houses on a piece of land. It just feels like it's purely a drawing to maximize usage rather than really taking the time to understand what else is in the entire community, how best to blend it in and what can be done right here. I think before we get into final discussions here, we spend a lot of time thinking about the entire development and although you are viewing this as a project rather than an entire development being a community and how is this going to fit into this community appropriately. This does not feel like you did anything but maximize usage.

Mr. Logan – These are pretty big lots Bob.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – Yea but the cul-de-sac comment. If I put a cul-de-sac in there, I end up having to do very different things with this.

Mr. Logan – I can see pushing the houses back further and things like that.

Chairman Davis – I've gotta push the houses back. Maybe I lose a house in the process. I don't know but if there is enough land to do that, than why didn't we think about doing that? If it's not a cul-de-sac than maybe it's a round-about with green in the middle. There's things that it feels like could have been done here that would have helped with the total character of that community.

Mr. Peter Vars from BME – If I may, I guess I'll give you a little background of the iterations that we went through. As Linc said, we actually had submitted this two previous times for sketch plan review. Once back in 1997 and the second time in 2004. Actually there was a cul-de-sac layout prepared for this that still yielded 6 lots. But the reality of it was at the time, when we were looking at the two, was the cul-de-sac does result in a larger footprint of pavement. From an engineering wise, a cul-de-sac is equivalent to 300 linear feet of road. On this sketch, the cul-de-sac would start right about there (referring to sketch on overhead screen) and be in that area. So really we were saying 300 linear feet comparable area wise versus this turn around. That was the comparison that was made with the previous applications.

At that time the thing is, believe it or not, the design standards for the Town of Victor allowed this as an acceptable dedicated road turn around. It was actually in the Standards, a hammerhead turn around was an allowable means of doing this. So at that time, it was intended to be a dedicated street and use the hammerhead. As we mentioned, the application didn't go any further at the time. Subsequently design standards changed. Not only was the hammerhead turn around removed from the design standards but also at some time in point, the private drive standard got adopted of no more than 3 lots off the private drive. We are not claiming any hardship because of that, we recognize that that's what happens over time. So when it came time, a couple of months ago when Scott mentioned that he would like to revisit this again and decided to develop this property, the sketch on the right was kind of where the code is at now. We knew we had this layout. We still didn't like the cul-de-sac layout because of the asphalt component of it. So I guess what we are saying is, "Well you know what, let's submit this for sketch plan for this exact purpose to have this discussion." Let's get the Boards reaction, which we are getting so we know where to head with this as it relates to making the formal application. I just wanted to give you that thought process because I think we agree that this is better than this (referring to the one driveway with the hammerhead ending rather than the 2 driveways with 3 houses off of each). I think for a lot of reasons.

Mr. Santoro – The double drive has probably more pavement than a cul-de-sac would.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Vars – Yes because this would be two 14 ft wide drives. So that's 28 ft wide....

Mr. Santoro – You've got 16 ft here.

Mr. Vars – Oh that's 16, okay so that's 32 ft wide compared to 20 ft. So I just wanted to give you that history about how this whole thought process evolved because knowing, like I said we had the layout that has the cul-de-sac in there. But we said this is less pavement.

Mr. Scott Morrell – The long and the short is I have no problem looking at that as an alternative. I think we were looking at the houses and how much people were.....the Conservation Board brought up how much the houses would be brought back into the hillside. So we will certainly look at it as an alternative.

Chairman Davis asked for other comments.

Ms. Zollo – The Engineers asked for an original concept plan, what was your original view of this piece of property? Is that the original view when you were laying out the whole Quail Subdivision or was there some other plan for this?

Mr. Swedrock – The original plan was to have the original Quail Ridge Subdivision and that was always (copies were handed out).....it was originally remaining lands of Morrell Builders and with this development, at that time when that was approved Lane Road wasn't planned to be extended which you will see on this plan. There was 11.3 acres of that needed to remain open space as part of this approval, the Original Section 3 approval which this plans still conforms with the 11.3 acres that was required with Quail Ridge Section 3. But at that time, that Lane Road extension wasn't approved or anything like that. Then after that the Hawkins property was purchased which was up to the east and then that road was continued through and I know we did a separate plan where we dedicated Lane Road through these plans. But that property was always identified as remaining unencumbered lands to Morrell Builders. Then the open space, the pond which was part of the dedication and then there was an open space component which is still included in this plan.

Mr. Morrell – So it was a collaborative effort with the Town of Victor to adjoin the Hawkins parcel, the lower parcel bordering the school. So then we had access to the parcel. We eventually made an application; a couple of different ideas came about with previous supervisors.

Ms. Zollo – Okay, I just was wondering what you had envisioned here so that puts that into perspective.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Ms. Elder – When I look at this and we really appreciate you coming off of the slope, but it's like this is so linear and angular. When you look at the land itself, you can tell even from the line that's drawn down from...okay this is sort of the toe of the slope, but there is a flow to the land and then it flows down and I was just curious, I like the idea of a round-about or something there where you have a grassy area in the middle. I know that I'm not an engineer obviously, but even putting some kind of a flow in there so that you don't have all of these clear cut angles that looks like you just plunked something down there. Do you know what I'm saying?

Mr. Vars – It's easy to calculate that way.

Ms. Elder – I'm sure it is, that was my only comment. It wasn't a question.

Chairman Davis asked for other comments.

Mr. Logan - I guess I'd be interested to see how the site lays out once you put a cul-de-sac in there with the hills and houses on the hills and things like that.

Chairman Davis – And what the grades are as well.

Mr. Logan – Yeah and grading. It seems like shifting makes sense. I don't know how close it makes it to your stormwater area that's just off of that.

Chairman Davis – Do you have the time before you submit your application that we take a look at something a little truer to what your intention is?

Mr. Logan – Contours and things like that would be very helpful to see what kind of cuts you are talking about, if any, to fit in houses. It may turn out that if there is too much of a slope, you have 5 houses instead of 6.

Mr. Swedrock – When would you like to see something so that we can maybe come in and talk to you about it.

Chairman Davis suggested the next meeting which is January 12th.

Mr. Logan – You've got time to put something together before....

It was stated that it would have to be in 5 weeks before a Planning Board meeting.

Mr. Logan – I guess if it's an informal discussion we don't need it that far.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – The reason I'm asking is that I'd rather not have us start the clock and then go what about this...what about that.

Mr. Logan – Well they heard a bunch of comments.

Chairman Davis – They should get a little bit closer. (There were no more comments)

The Board took a 5 minute break at this time.

LEHIGH CROSSING

Appl. No. 1-SK-09

(formerly known as Bluestone Creek Technology Park)
County Road #42

Revised sketch plan for the development of approximately 56 acres as a light industrial and business park into 12 lots.

Mr. Peter Vars from BME Assoc., Mr. Trevor Harrison from HBTR Architect, Mr. Andy Gallina from Bluestone Creek LLC and Mr. Scott Morrell from Morrell Builders addressed the Board.

Mr. Vars – Good evening, my name is Peter Vars from BME Assoc. appearing this evening on behalf of Bluestone Creek LLC. With me is Mr. Scott Morrell and Mr. Andy Gallina from Bluestone Creek and Trevor Harrison the Project Architect from HBTR Architect. We are appearing this evening to review with you the updated sketch plan for Lehigh Crossing which is a proposed 56 acre light industrial and business park proposed to be located off of Wangum Road, south of Fishers Park. We originally appeared before the Board back in April 2009 to review a sketch plan for what was then called the Bluestone Creek Technology Park. As part of that process back in the Spring of 2009, we walked the site with the Conservation Board and Planning Board members, we conducted the natural resource survey with town staff and obviously we obtained comments from the Planning Board in April and also the town staff and consultants for consideration basically as it related to the original sketch plan.

As a result of that process, the applicant has spent the past several months retooling and revising the concept plan for the park such that we have submitted to you a revised plan, but also more importantly we submitted to you a portfolio as we call it of several 11x17 renderings and images of what their image is for Lehigh Crossing. What we'd like to do this evening, basically in addition to the name change to Lehigh Crossing is basically to point out to you the revisions that we have incorporated into this plan from April to December. First of all, one of the primary changes we did is back in April, what we heard and discussed and I think we all agreed is a good idea was to approach the open space here almost from a clustering perspective, look at the open space from the overall property stand point such that we could get as much open space located

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

up along the north side of the property with this being Fishers Park here. So what we've done with this revised plan is we provided the required 30 ft minimum Conservation Easement area or buffer along the south property line. We then are proposing to reduce the setbacks along the proposed dedicated street. Code requires them to be 80 ft, we are now requesting those to be 65 ft as the Planning Board does have the right to reduce those setbacks. All of that being to pull the development as far south as we can. The result is, that we were able to increase this buffer along the north property line. In the area of the wooded area of Fishers Park, that buffer ranges any where from a minimum of 120 ft deep to over 200 ft deep in these areas here and here. By doing that, we were able to preserve the entire wooded wetland located in the center part of the site. In addition, we are also looking at creating a 200 ft x 200 ft buffer here in the northwest corner of the property, again to encompass and preserve another wetland area that exists in the northwest corner of the property.

We've also provided on this plan a typical site plan layout of the buildings, parking and loading area. In doing so, we took into account a couple of comments that we received from what I believe was the majority of the Board members and that being taking the corner lots and having it structured so that the buildings would front on Wangum Road, to basically have Wangum Road presentation. We then showed the next two interior lots to show you how that orientation would be between those two lots. But the key thing being here is the ultimate size of these buildings, the amount of parking and the loading area is going to be some what tenant driven based on what individual tenants will desire for these parcels. That's why we're not...we just didn't replicate it through out. The key I would like to point out though is the difference between this original plan to the revision is that this configuration has gone to the wayside and the reason why... I can tell you why that can occur is because by pulling this road south to maximize this buffer, dimensionally this doesn't work for us as well, such that we would have a continuous orientation of the buildings fronting the proposed dedicated street. How we set this road here though, there are some dimensions that are critical to the efficient operation of a typical building which is providing the parking in the front of the building. The building here and I'll let Trevor speak regarding dimensionally why this dimension depth wise needs to be what it is. But then this loading area being a minimum of 110 ft to allow 18 wheel truck traffic to pull in and back up to loading areas. So really what we did is we started at that 30 ft setback here, set aside the loading area, the building and the parking to the setback and that's what established that roadway. So again, as we said, we could establish what we could maximize for that buffer to the north.

In addition, one of the key things we think to this property is the dedicated road proposed for the subdivision. There are 3 features as we call them. We have the entrance medium here, we have the round-about in the center of the dedicated road here and the island and the cul-de-sac at the terminus of the dedicated road. That combined with a street tree planting plan, it's all about trying to create a streetscape for the development if one were to drive thorough it acknowledging that we do have to accommodate 18 wheel truck traffic, it is proposed to be a

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

light industrial park and 18 wheel truck traffic will be a component of that. So we have to make sure that we've got a road that truck traffic can navigate. Ironically because of that truck traffic, that's what makes these areas a little bit larger than normal in order to handle the radius of those trucks, but it actually ends up giving us a nice area to, again enter some greenspace to basically break up what typically would be just a long linear street that you'd find in a typical light industrial park.

One of the other main revisions for the property is on the original plan we had just identified some pedestrian connections south to north between the Lehigh Valley Trail and Fishers Park. But on this revised plan there is actually proposed to be a dedicated 60 ft wide pedestrian corridor. When I say dedicated, obviously when we move through the process, we will discuss ownership but when I use the term dedicated here, I mean it's only for pedestrian use. The lot lines for the adjacent lots are here. It's a 60 ft corridor that would have rolling berms and contours and landscaped to basically provide a pedestrian friendly but also a pedestrian safe pathway between the Lehigh Valley trail and Fishers Park north and south. It would link in with the round-about here, kind of giving us a controlled place to get pedestrians across the proposed dedicated street.

Chairman Davis – There is no access to the park there is there?

Mr. Vars – That would be worked out with Parks & Recreation and the Conservation Board. This was one of the areas when talking with Brian Emelson that he desired because as part of the walk there is the thought ultimately is linking it in with something with the wetland area here.

Chairman Davis – So part of this would be working with Brian and having a commitment to dedicate it into the trail system into the Fishers Park?

Mr. Vars – That is correct and then there is the secondary area here where we are proposing a 20 ft wide corridor along our west property line which would link the trail but would then link up into this...this 200 ft x 200 ft is about an acre, this acre of property up here and for those of us that remember from the site walk, this really does provide a very natural passive area and the existing trail kind of loops right in to here, it's very easy to link that up there. So there has been some thought given and I think more importantly here because one of the charges we had here from the Board back in April was, you know you're going to bring a trail through here and that's great but we don't want you walking through a parking lot or shoulder to shoulder with a parking lot. Trevor will walk you through the prospective because it was HBTR that prepared those but I think you'll see from there kind of the sense of what we're getting to use the bermming and what not, to screen the parking areas and the loading areas but also to help soften the buildings of that. 60 ft I think is very generous and I think really can create a good pedestrian setting.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

The last thing is just I want to reaffirm that the wetland areas here and here, full intent to be preserved and protected. There is no intent to disturb them or what not. The Conservation Easement area that is proposed along here as was represented in April and is still the intent. It is the intent to have that left in a natural state, not to be a lawn area to be mowed and fertilized and what not, it would be a natural state. Basically to put a very restrictive conservation easement on this buffer area. One thing I do want to give to the Board this evening, there has been comments from both LaBella, EDR and the Conservation Board about these wetlands, just getting the reaffirmation that they are jurisdictional. What I have with me is the Department of Army Corp of Engineers, their letter from February of 2007 that states that they determine that there is no clear surface water connection or ecological continuum between the wetlands on the parcel and a subsurface contributory system to navigable water of the United States. Therefore, these waters are considered isolated, non-navigable intrastate waters and not regulated under Section 404 of the Clean Water Act. That's just....we've had some comments to make sure that we get you those letters in hand so I have those and I'll give a copy to Marge and a copy to Cathy.

As part of this revised application, there was obviously a new set of comments that we have received from the town staff and your consultants. In reviewing those, obviously we'll be willing to discuss any of them with you this evening, but the reality of it is, we felt very comfortable in reading those that we could address those as part of any of the detail that would be provided within the formal preliminary plan application and the SEQR documentation. We felt that what they were asking for was information that we would prepare as part of that. So to wrap up my portion, we believe that the sketch plan and the portfolio information that we have provided you, really our intent was to show the type of the light industrial business park that would be developed on this property. We felt that we had tried to incorporate a lot of the input that we had received back in April into this revised plan and actually we really do look forward to moving forward with this plan to going to the next step which is preparing an actual formal application for preliminary subdivision with the EAF and the SEQR documentation to move it forward. With that, I'm going to let Trevor get up....

Chairman Davis – Just before you go there, either your thoughts or if not, take these into your thoughts, lighting has to become a serious consideration here as you are adjacent to the park.

Mr. Vars – Fair, yes that is correct.

Chairman Davis – So as much as we've talked about visually buffering with trees and things like that, we should also take into consideration extraordinary means to create some buffering from artificial light and what's a pretty natural open area there. Right?

Mr. Vars - Yes

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – So that is something that I would be looking at as we go forward. The other thought is, I know that you have that carved out and protected but it really won't be beneficial if the plan that comes back with tarmac pushed right up around the water, buildings and all of that. So, I'd like you to make some consideration away from those lines as well that really won't encroach on these 2 or 3 lights that particularly come to mind.

Mr. Vars – I agree with that and I think we referenced it briefly in the application letter. How I envision addressing that concern is that part of the preliminary application which would have more detail, I think we would propose for you in both those areas is likely a buffer plan. Part of the challenge we have right now as I said without knowing how much space a tenant may have in those particular areas, how it will actually layout, we don't know how much parking or size of loading area we would need because we get up, for instance in that northwest corner. But that doesn't preclude as part of the preliminary review process of working with the Board and basically setting the parameters of what will occur up there and i.e. as we are proposing right now is a 200 ft x 200 ft buffer off of it and if so what else should it be enhanced in any way, shape or form. I see that as evolving out of the preliminary plan review process as we get more detail evolved into this.

Mr. Trevor Harrison – Good evening, my name is Trevor Harrison with HBTR Architects. I'm told I could use this microphone (hand held). I want to talk to the boards over here (display that he brought). As Peter mentioned, I'm going to talk about the architecture a little bit. At this point without tenants and exact buildings, it's a little tough to work out the exact architecture so really what we are trying to show tonight is kind of the concept behind what the general moves would be and the general feelings of the buildings. I want to start with this image tonight to just show you some of the typical things that we did. We spent a bunch of time looking at this site from a historical perspective and given the scale of these buildings potentially something 100 ft deep x 300 ft long potentially, 20 ft to 22 ft in this area, higher at some of the roofs because that works for the use. It's hard to take a railroad historic approach and just kind of apply it to a building of that size. But what we did try to do was break the buildings up as they meet the sky so that we have a little movement across the top of the building and help scale them that way. Also using striping to scale the buildings, varying the heights of an accent band, something like that. Then down at kind of a more human scale I guess, (noting picture of a person on display) using some of those details that would be more reminiscent of historic train station I guess we'll call it, look. Some brackets, columns that are proportional, this is a standing seam metal roof using light fixtures, again a little bit more human scale.

I wanted to just briefly set up the architecture and talk about orientation a little bit and go through some of the views. This is a view from Wangum Road and as Peter mentioned, one of the things that we tried to do is orient the buildings so they fronted on Wangum Road. So taking those elevations we looked at a minute ago and again using those elements to front Wangum

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Road and also to be on either side of the entry, along with the kind of "theme" I guess architecture that we are doing at this point, we look at things like signage. This would be a view at the main entrance that Peter talked about a minute ago where you would have a sign that has texture, the right scale, appropriately a mixture of materials to kind of, again mimic that of the buildings and tie in together. Once into the site, the buildings would reorient themselves to the road. This is just a view to show how that might happen. Again, signage that ties in with some stone, it might tie into what goes on in the buildings and appropriate scale and that sort of thing.

Finally the second piece of architecture that we looked at which is not building related but is architecture related is that connection that Peter was going over from Lehigh to Fishers Park. Using similar signage kind of design that is happening along the trail right now, we envision a marker that would give an indication that there was access to Fishers Park. Again, that trail is not some linear straight shot 60 ft wide, we imagine some bermmings and plantings to kind of take somebody in a more trail like way off of the linear Lehigh trail and into kind of a more free form park. And along that trail, we talked about visual ques. At the round-about, we envision a pavilion so that from leaving the Lehigh Valley trail and heading up towards the park, you might see a pavilion that is used by people on the trail or people within the park, employees and that sort of thing from the various buildings and businesses there.

I think some of the key elements that we looked at, again streetscape and that whole idea that this is not a series of random buildings set within a development and each one coming to you with a new set of parameters and that kind of thing. But really a set of design rules for the site and well buildings may vary in color, in texture, in footprint scales a little bit from one to the next, the whole idea is that there is a set of parameters that guide the design. So that's where we've been hired to develop it at this point.

Chairman Davis asked for questions.

Chairman Davis – I'll set the tone, if we go back to the trail way drawing that you did and that concept and thoughts, if you go back to the very first building. Is that supposed to invoke a railroad train type thought in me? That's about as bland and industrial as it gets. I'd like to see you put some effort into this too and I think you picked up the tone from the last conversation that says that just because it's gong to be an industrial site, it doesn't have to look like one. You can do all of the landscaping in the world and a lot of these big trees that are on here don't exist any more, so it's got to be in the building. A lot of this has to be in the building and the commitment to re-landscape the land to give that sense. So I'll just set that as a bench mark that again, as this develops I'm going to be looking for us to be, as a proud long resident of the community, this is a little bit better and a little bit higher standard than you would get from anybody else in the community and that doesn't strike me as being that level of commitment. So for the rest of this, if that is what you really intend to do, I see that level there. This didn't set a good tone initially in my mind. That's just my reaction.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Harrison – I didn't mean to imply, I thought it was clear that we didn't take that railroad setting and try to blow it up into a building.

Chairman Davis – It was very clear. You invoked a really cool thought so why can't you?

Mr. Harrison – Where we tried to focus that was the detail at the entrance. As again, the kind of railroad depot station that you see (inaudible).

Chairman Davis – And I know they are light industrial.

Mr. Andy Gallina – I can address that. That's certainly a challenge in the product that we bring to this market.

Chairman Davis – But you're competing with Omnitech, effectively. I drive through there and it looks to be a higher standard of exterior aesthetics on those buildings and what at least is on that drawing. I know that we are a long, long way from....

Mr. Gallina -we are a long way. What this was, was the first impression, the first presentation of the type of architecture that Trevor referred to, tying in that railroad type look of the brackets and things like that. So we'll continue on. Our challenge is bringing that type of architecture to a building that is 16 to 20 foot clear inside, 300 ft long, it's a challenge, it doesn't work, we can't just put gabled roofs on it and things like that. It just simply does not work. So our challenge is to break the roof lines and do something that make it unique. It's a first attempt. Once again, we always have to remember, as we present this overall subdivision, these are place holders, every parcel will be subject to site plan approval. So what we are trying to do is present to you tonight a methodology, a feel of what we are trying to do, in the intention of creating a series of buildings that have similar looks, similar design specifications, textures, colors and I like to use the term "kissing cousins" as we go down through the street. Each one will not be completely different, they'll be some unified design features through the whole park. It's our intention, it works, and it makes it a much more pleasing experience coming up the street rather than vastly different architectural styles. We intend to maintain control over those architectural styles once we start the project. I appreciate your comments, we'll talk about that more. But once again, please keep in mind, we are talking about place holders here. These are flex buildings, office warehouse buildings. They are very functional buildings in our marketplace. You'll notice that we have multiple entrances. When you get to the rear ends, we have separate loading docks, we have separate facilities for each parcel for each tenant within those buildings. These buildings may accommodate up to 5 or 6 tenants or it may be housed by 1 tenant. Then one entrance becomes the primary entrance. But we can utilize this scheme and accommodate a number of tenants, therefore, the flex concept.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

So with that, architecturally we'll talk a little bit more about that. But what I think we have done is come back with something that is much more creative than what we started with. We listened to your comments and I think what we are getting to is a good resolution of connecting the park and the trail way system. The gathering spot in the center is quite interesting to me of course as we go through the conversation and development of this plan, we find our tenants heading much more towards a wellness lifestyle, at lunch time they are out walking or jogging, etc. and this provides them that availability within the park rather than going out on the Wangum Road or in some of our other parks that are adjacent to busy streets. So we are providing that opportunity within our park and we think that is very important.

Chairman Davis – Is the intent that that roadway have a walkable aspect to it as well? All the way through both those roundabouts?

Mr. Gallina - I don't think we have a sidewalk showing right now.

Mr. Vars – There will be a sidewalk south to north – north/south orientation through the center.

Chairman Davis – So if I'm working in the northwestern most parcel, I've got to take on the 18 wheelers to get down to the health theme park?

Mr. Vars – Right now there is not a sidewalk proposed along that route.

Chairman Davis – Maybe one of the ways to buffer that back side is to put a very modest trail around the back end, next to the wetlands to tie in at least those 3 northern lots.

Mr. Gallina – That's interesting and we've talked about that. What we are concerned about is creating a remote gathering space, we have to be cautious about public safety.

Chairman Davis – You don't want kids behind there....

Mr. Gallina – We have to be cautious about that. We'll use some of your directives on that. Just to satisfy the conceptual idea here, we may be creating a problem for kids in a gathering place.

Chairman Davis – So maybe it's better that the walkable part is around the road way to keep it centered.

Mr. Gallina – To keep it within rather than the extremities.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Logan – On that theme, I would suggest from the western most cul-de-sac, go straight west to tie into the trail as well. You are connecting two parcels and then you tie into the walkway system along this line.

Mr. Gallina – And that's why it's interesting, this image right here is great to demonstrate our commitment to tie that all together.

Mr. Logan – The features you presented, I think are a great step forward.

Mr. Galina's comment was inaudible.

Mr. Logan – As long as we are talking about architecture, I agree with.....

Mr. Scott Morrell's comment was inaudible.

Mr. Gallina – As Scott brought to our attention, so there's some relevance here which is our intention.

Mr. Logan – I was going to add a couple of comments to Bob's thoughts on the buildings themselves and I'm taking it from the way you presented which is fine. You might want to investigate what larger scale railroad style buildings do architecturally designed.

Mr. Gallina – You won't like them, we have.

Mr. Logan – It depends which one you go to I guess.

Chairman Davis – What about Penn Station, Union Station?

Mr. Harrison – You will get very urban very fast. You do arches, stone, it goes much further from what's typical in the surrounding area.

Mr. Gallina – Once again, we have to remember the character of this product as well. We have to be cautious.

Chairman Davis – I'm trying to tap into your desire to be just better, not average. We all meet average standards.

Mr. Morrell – We can look at the cosmetics.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – The other thing is, maybe the emphasis is on the gateway buildings that are on Wangum too.

Mr. Logan – Yeah, we recognize you are not going to have a Class A space with Class A details and things like that.

Mr. Gallina – What we want to present tonight is precluding the specific building designs is the layout concept and that's where we are going here. We're going to talk about site specific architecture when we get to that point. If we could, I would like to talk more about our impression of the park, the layout, the cul-de-sac. We've had some comments that some are in favor and some are against it. I personally think it was a good resolution.

Chairman Davis – The roundabouts?

Mr. Gallina – The roundabouts and the cul-de-sacs.

Mr. Logan - I'll give you an impression. Are you done with your presentation? I had a couple of comments regarding what I'll call the north/south property lines you are showing. I don't know if Peter is going to address those. It looks like the two western most parcels are pretty long and then disrupted by the expanded nature of the cul-de-sac. I'd be interested to see as you move forward with this to what your concept of building and parking lots might be in its maximum state on all of these parcels.

Mr. Vars – I guess ironically, I think Andy answered that question earlier. Those lot lines are shown really just to show the intent that this will be a subdivided industrial park, that there will be individual lots created. But I can tell you, with the exception of the lines that are created for the pedestrian corridor here, these lot lines here could be almost anywhere. What I mean by that, it depends if they get a single tenant here that wants a building more this shape than that shape. Do you understand what I'm saying?

Mr. Logan – That's fine. I just wanted to hear how definite those lines were, I must have missed it earlier.

Mr. Vars – It wasn't mentioned earlier.

Chairman Davis – I think that is why Joe, the comment that I had earlier about making sure that we have some standards set around protecting those assets in a way that we don't end up with you guys coming back in and saying that you never told us that we couldn't and we have somebody that wants to move in here and we want to pave over the top of the.....

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Vars – And that's why I said that I agree with your comment Bob because we've been here enough to know that we don't want to leave anything to question. The point is we want to walk, thinking ahead to when there is hopefully a preliminary subdivision approval granted and a resolution findings that it's pretty clear what's going to happen along here so everybody knows. I think that's important for both parties.

Mr. Logan – So from my prospective then, I guess moving ahead with these, ignoring any of the lines here, is the road where you would want it to be? That's going to be the "fixed" point. You have to build everything around the road.

Mr. Vars – Right and what sets that dimension is really.....see for instance this location here, that entrance location here is dictated by what we.....we've sized these ponds as to.....very comfortable as to this is the size that will be needed to serve this development. So we've got this pond shaped in based on the topography there. This dimension is kind of a typical site plan of what would happen here. As we mentioned this is a 110 ft dimension here as Trevor iterated here, this is the dimension of the building that works for the product they want to deliver and then this is the parking, double loaded parking with the drive. So if you take that dimension and basically shift it down here and place it along that 30 ft buffer, that's what allowed this road to creep down towards the south. What we were looking to do, based on what we heard in April, was really push this road as far south as we could so that.....

Chairman Davis -you could give relief against the wetlands.

Mr. Vars – Exactly. So to answer your question, "yes" this is really where we desire the road to be because of.....I think because of anything else we do, it's going to force.....there was a comment from EDR that maybe we could make it curvilinear. Well if we curve it south, it's got to come back north and any time we head north, I don't think we would like how it dominos its way up.

Mr. Logan – So each site plan then would be specific. Is there a 35% green space dedicated for each parcel as you go around here?

Mr. Gallina – Let me share with you. The standards will be set, the infrastructure will be developed to provide for water service, utility service to each parcel. So it's laid out that way. The specific footprint will not be discussed at this juncture.

Mr. Logan – As you envision this, how is this staged construction wise, up to the first round-about for instance?

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Vars – Yes, their intent is a section of development would be the entrance road obviously, the two stormwater ponds and the round-about to here.

Mr. Logan – With the connection for the trails?

Mr. Vars – Exactly. So that would be your Section I line.

Chairman Davis – So let's go back to your comment for a second. Is there an expectation of a maximum size for a particular flex building?

Mr. Gallina – There are components that we design, certain depths that work and certain widths that work. So if I have a lot, the front buildings are a little wider Bob, so you can tell those are 30's, the ones behind them are 20's depending on the width of the lot and how much. So between 20,000 and 30,000. If the lot is large enough, we can go to 50,000 sf buildings. It's dependent upon the orientation. Have I answered that question properly? There are certain depths we work with. If we get over 120 ft depth, our flex concept doesn't work because then if we start cutting them up for individual tenants, we get ----. So we like to lease from the front to the back.

Mr. Benulis – How does that compare to Omnitech in terms of variation and size of buildings?

Mr. Gallina – Very similar.

Chairman Davis – What you said was depending on tenant, the building can be any size. So I just envision you coming in and saying that I've got this.....

Mr. Gallina – I wished it worked that way. Usually what we are doing is we are bringing forth a speculative plan for 30,000 sf, we can market it as such and we can start leasing space from 3,000 sf to 30,000 sf. But remember there is a whole marketing component.

Chairman Davis – So if we wanted to put something in here that said the building wasn't to exceed X amount of square footage would you have a standard for that that you would be comfortable with?

Mr. Gallina – I think your code will dictate once the lot lines are on the parcel, you have certain absorption requirements any ways. So it's meaningless to put restrictions. It would be what would be allowed on a 4 acre parcel for example, you have certain greenspace requirements, those would dictate.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – So maybe I heard you wrong earlier. So you are going to commit to a set of lot lines for this entire site as in the original plan?

Mr. Gallina – Yeah

Mr. Vars – Well, I was going to say.

Chairman Davis – You need one or the other to get my answer right.

Mr. Vars – I think part of it...I think we are answering the question almost the same way. What I mean by that is, for instance this building would not fit on this lot here unless you shift this lot line, this building would fit on this lot line. So it depends on which one they come in with. So if they go with this building here, that will shift this lot line, thus you will only end up with this building and this building here and here versus this building here, here and this building here. Do you understand? So there may be some “gerry meandering” of those lots depending on the size.

Chairman Davis – So maybe when we come back, something similar to the Omnitech Development that says maximum square footage for the site and maximum building to be laid out on the site plan.

Mr. Vars – And we could provide that as a site plan alternate, I don't even know what we would title it. But we could provide that. I think what you want to see is how does this lay out all the way around.

Chairman Davis – Then you could start to make max discussions once you set something standard here then you can say, “Okay this is the worse it could look.”

Mr. Logan – I can appreciate that the first building past the trail, we have no idea what size it is but if you are saying a maximum size and a minimum size building is the goal for instance, it will just shift the lot lines but they will never be any bigger than that.

Mr. Vars – For instance Bob, I think you want some insurances; is this from here to here going to be one building.

Chairman Davis – Right. I know you have no intentions of that and you probably don't think that's possible, but it would be terrible to be back in here in two years and you're all excited that you have the worlds largest....and we're going “we never agreed to this.”

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Gallina – Let me ask you, what would be the objection if that came to pass, just to throw it out there?

Chairman Davis – I'm not even putting it up as an objection. I'm putting it up as a point of clarity early on. We tend not do that and then we get ourselves into exception after exception with the developer coming back and saying I really meant this, I really meant that and it just becomes antagonistical. If we can be as clear as possible about our intent, I think that helps. There becomes a point where it's not commercially viable for you to commit to something and that's fine but what we can define, we should.

Mr. Gallina – I think just to comment and respond, it's probably unlikely but to put restrictions on a parcel precluding any use in the future might be short sighted from both our standpoints. We would want an opportunity, would we not?

Chairman Davis – Maybe I got it wrong but with Omnitech, I thought that's how they did it. It thought the site was laid out with square footage and the maximum size from day one, they committed to it.

Mr. Logan – I think they did come in and consolidate some lines afterwards.

Chairman Davis – But what we were always doing was making a decision about total commitment versus “I want to make a change here but I'll give it up over here” rather than “Well this ones really going to be 200,000 sf and this ones going to be 300,000 and this ones going to be 500,000” at the end of the day, the total footprint on that site was understood...the basic configuration was understood and the general size of any of those buildings was understood and we made basically banking decisions of “if you want to put it here, you loose it over here.”

Mr. Gallina – So you want to head towards a maximum build out square footage?

Mr. Logan – That would be definitely something I would want to see.

Mr. Vars – I understand with Omnitech when it was originally preliminary design, that is how it ended up being that there was a maximum square footage established for Omnitech. And it was based on, I can't even remember the number of blocks this building's square footage, but you're right, we “gerry meandered” lot lines through there.

Chairman Davis – So we don't have to solve this tonight, but if you've been through that why don't you guys talk about how to present something similar to us. I think that worked, at least

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

from my experience. We always knew what we were dealing with, everybody understood what the decisions were.

Ms. Grosso – I think we did it because we had situations where people would come in and keep moving lot lines and then they'd have this little lot in the back and would say "Oh we can't do anything with it, can we just skip that whole greenspace requirement?" I think that's why we ended up doing that.

Chairman Davis – I think it worked and if you could take that logic into consideration here, that would probably be a good point of view.

Mr. Logan – Just to finish my comments on this. I love the two connections to the trails. I think you guys are definitely doing the right thing there. I do agree with Bob, we should have some east/west kind of sidewalk system through the middle of this site and then connect from the western most cul-de-sac to the trail to the west. That would make it completely walkable in my mind. As far as the lot line and buildings, total build out I think is definitely something we would want to see. That's all I have.

Mr. Benulis – I think to Bob's point on the buildings, first of all I would like to say that I think you did show some concerted effort to show some variation in the elevations as opposed to... I think Omnitech as I remembered, all are pretty much identical, maybe different size but if you look at the buildings, they all look the same with flat roofs if I remember right. It's a nice looking facility by the way, very, very nice. So I think you made an effort to show us conceptionally something a little different where you do show some variations rather than just the flat box roof. So I thank you for that and at the same time to balance what Bob said, yes something better than average is nice. But at the same time, we have to balance that with your business plan that these are warehouse office buildings and we are trying to create the best look we can such that we're happy, you're happy and you can be profitable at the same time and the town is happy with what we see.

A comment on the landscape, when I look at renderings like this, I think you go well beyond any expectations on any warehouse industrial facility to create pathways and landscaping and signage like that. I think that's a great effort, so thank you.

Mr. Gallina – Thank you and I know this may sound trite or just presenting, but as we approach our development process, we like to use that whole partnership approach with the Town. Yeah we are doing it for you, but we're doing it for us, we're doing it together. If it's not good for you, it's not good for us and vice versa. We don't want to change lot lines and end up with unusable land, it certainly doesn't do us any good and it certainly doesn't do the Town any good. We want to have a continued open dialog about any recommendations or thoughts you have

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

about the buildings, the layouts, the streets. This has been good conversation, we appreciate the comments that we got from the various agencies as well too. I think we are getting close, I think we are getting darn close with the street and the infrastructure. We're trying to tie into logos now and turn into Lehigh Crossing entry signs, I think they are very attractive and Trevor did a great job there. We've got signage at each individual parcel now. We've got some thought that's going into this.

The other thing I want to share with you is, we've done this a few times and as we go from project to project and community to community, we learn a little bit. That's why I mentioned about tenants walking and jogging at lunch time and before or after work, it's real. I mean I don't know where you folks work but there is an interest and a desire and I think this plays right into our new wellness lifestyle. So I think we can capture that as well.

Mr. Benulis – Just one other comment that I had. I heard earlier and I thought it was a good comment and that is you are trying to create an architectural continuity theme but at the same time trying to create a different look. I think if you can do that then it's a very nice situation.

Mr. Galina – And we will try to do that. We've got some of those features at other parks that we've done.

Mr. Santoro – My office is at Linden Oaks and people are out there quite a bit walking and have a time of it because everything slopes down towards the road. So they are either on the road or they are like mountain goats trying to climb the hill!

Mr. Galina – If a sidewalk is placed within the right of way, we install? Does that become a liability for the Town too, from plowing? I don't know what your standards are.

Ms. Grosso – That's where I was going to go.

Mr. Galina – We should talk about that as well.

Mr. Santoro – I just have one question. Are you related to our new Board member (Al Galina)?

Chairman Davis – Al Galina are you related to Mr. Galina?

The two are not related.

Ms. Grosso – My comment to what you just mentioned is that's exactly what I was going to get to. When you are designing this, you've heard from us at other times about the standard that we require for dedicated roads, I want to see them meet all of the requirements. I would like to see

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

the sidewalk that Bob mentioned, I agree with all of his comments, but I'd like to see the sidewalk considered and also the question on the right of way and the center area, that cul-de-sac, who is maintaining it? I just want to be sure that these are all up to par with our plowing and our current standards.

Chairman Davis – And I would like to have a reaction from you on how you are going to light the area.

Mr. Santoro – I noticed there are lights on the roof of that sign, the ceiling.

Mr. Scott Morrell – A quick comment when it comes to the sidewalks. I don't know if you are open to thoughts of a mulched type of path, obviously that we would maintain or something of that order. It gives it a lot more of a natural setting. When it comes to the maintenance of a dedicated sidewalk, I know that the Town of Victor and I'm thinking residentially, there is no real maintenance that occurs. So during the winter, they are pretty much inactive. It just kind of ties into the landscaping and the treescapes and all of that type of thing.

Chairman Davis – We would be more than willing...because Dan's point is right, you are getting close to going over and above what typically needs to happen here. I think if you came back with some good ideas on how to create walkways and things like that that were not standard answers, we should entertain those.

Mr. Morrell – Yeah because I think it kind of goes into the park area too.

Mr. Galina – I think that would be a good discussion and the next time we will have some direction.

Ms. Zollo – Some of the features you have on the drawings are really nice. I have written down nearly the same things that Bob said about the buildings. So I think we are on the same page with the buildings. I think we can get a little bit more creative using bricks a better materials. I agree about the sidewalk issue and I'm happy to see that you are planning on buffering those wetland areas too. So I think we are moving in the right direction.

Chairman Davis asked Mr. Tayrien if he had any comments.

Mr. Tayrien – I think I'll just stick with the comments in the letter and Peter has indicated that he will be able to respond to those. I'll just toss in because somebody just mentioned it, there are ways to deal with some of those sidewalk and path issues, districts and what not's. There are mechanisms to help sort that out and do it in a way that makes sense for both parties I think.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Gallina – I'm just familiar with the specific requirements and the liabilities on those issues, so....

Chairman Davis asked for any closing comments.

Mr. Vars – I just want to know where do we go from here. The next step, I mean given that this is a sketch plan review. I know the Board makes no formal approval of a sketch plan but is it at the applicants risk if he chooses to proceed with making the formal preliminary application?

Chairman Davis – I think if you are genuine about taking in the considerations, I haven't heard anything that would say that you would be at risk to do that.

Mr. Vars – Okay

Chairman Davis – But on any given Sunday, I don't know what happens to the right or left of me. I'm not hearing anything that says...if you genuinely comprehend some of the discussion tonight.

Mr. Vars – And I guess if we had any questions, we could always request to appear.

Chairman Davis – That's right

Mr. Vars – Very good. Thank you for your time this evening.

Town Attorney Donald Young left the meeting and Attorney Michael Wolford joined the meeting.

Champion Hills Country Club – Swimming Pool & Paddle Tennis Courts

Championship Drive

Appl. No. 26-SP-09

Site plan for the construction of a 30' x 50' swimming pool to be located off the southerly side of the clubhouse and existing parking lot. Also the construction of two paddle tennis courts proposed off the easterly side of the club house. These will be constructed in phases.

Mr. Bryan Powers, Mr. Chris DiMarzo and Mr. Tony DiMarzo addressed the Board.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Powers – Good evening again, Bryan Powers from Boughton Properties, joining me in the audience is Tony DiMarzo and Chris DiMarzo both members of Boughton Properties. We are the owners of Champion Hills Country Club. We are here to talk about, and we've had this discussion prior on an informal basis about some amenities that we would like to add to the Country Club. Specifically those being a pool and a paddle tennis complex. To date the membership that is starting to join Champion Hills, much to our pleasant surprise, we are surrounded by a senior community and the first phase of townhouses were initially being occupied by seniors. But in addition to those people, a lot of our initial membership are families and what the families are telling us are they would like to see a swimming pool, other country clubs have swimming pools, it's a place where the kids can recreate, it's a place for adults to recreate that may golf or may not golf. We offer two types of memberships, a golf or a full membership and we also offer a social membership. So those facilities would be available to membership. Then the paddle tennis is the same. How do you get the use, if you will, out of a summer time facility, such as a country club? Paddle tennis around here, at least in this part of the nation, is a winter time sport. We do have trails and what not both under construction or have been constructed and those to be constructed in the future. That potentially is a cross country skiing element but this paddle tennis is another element of activity that can be introduced into the club during the winter time. We have located the paddle tennis in proximity to the clubhouse, we are not trying to build a facility that we've seen in other places which is paddle tennis, warming hut, bathrooms, or things like that. We are close to the clubhouse, people can zip inside and get warm and use the facilities in the clubhouse.

The pool however, is going to have two out buildings; one we need to locate the pool mechanicals inside the structure and with that we are going to have a male restroom and a female restroom along with a snack bar area so we don't get traffic coming in and out of the clubhouse. We don't want the wet pool traffic, if you will, coming in and out of the proshop area of the clubhouse.

Other than that, I would be happy at this time to either go through the comments we have both from the Town Engineer and the Building Department or answer any questions that you may have.

Mr. Santoro – Paddle tennis, in my experience, especially in the winter is going to be played after dark and the lights are just intense, at least the ones I have seen. What are your intentions there?

Mr. Powers – That was a comment from the Town Engineer. We are researching some catalog cuts, we are aware of the illumination code that the Town recently adopted. I'm not sure of the specifics of the lighting. We are going to do our best to shield it. They do, from what we've seen with the initial catalog cuts, they do accommodate shielding in that type of lighting, so we will incorporate what we need to do to put the type of lighting that we need to accomplish to

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

illuminate the courts but also do our best to meet this light code, to find out if we have any deficiencies and see how we get around them.

Mr. Santoro – A lot of the lighting that I've seen is reflective light as well as direct light from fixtures.

Mr. Powers – Yep, it is cast downward. The stuff that we've seen so far is on about a 30 degree angle downward. The first element is the dark sky element, trying not to project any light upward. Yes the surface is somewhat reflected, although it is enclosed with a screening so that you can do the sport of bouncing the ball off of the walls and things like that.

Mr. Santoro – I noticed it is pretty close to the townhomes. There will be noise involved with paddle tennis as well.

Mr. Powers – That particular townhome that is located on that graphic just below the townhouse, that townhouse is not constructed as of yet, that's in our Phase II portion of our development. We are hopeful that we can build the paddle tennis prior to that townhouse being constructed and occupied so that somebody knows that the paddle tennis is there. If not, we will definitely show them the plan and talk to them about the proximity of the paddle tennis and that it's going to be their neighbor.

Ms. Zollo – The pool dimensions?

Mr. Powers – The pool water area is 30 ft x 50 ft and has a concrete deck around it.

Ms. Zollo – And will there be lights around the pool area as well?

Mr. Powers – We are not intending to use the pool at night time, but we will have some ancillary lighting around just for safety purposes, but it will not be intended for use at night time.

Mr. Santoro – Any lights within the pool?

Mr. Chris DiMarzo – I think that the health code mandates that there is one or two lights in the pool. We are just getting it approved with the Health Department now. But again, it's not our intent to have night time swimming, it's just for safety.

Ms. Grosso – When you create these paddle tennis courts, there by making the townhomes undesirable, when do you plan on coming in and asking for that modification? Where do you want to put those townhomes?

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Powers – That's a choice we're making, we don't intend on moving that townhouse.

Chairman Davis – How much higher is that existing clubhouse parking lot from the pool?

Mr. Powers – That slope is, I believe...

Chairman Davis – It's quite a bit, isn't it?

Mr. Powers – The edge of the parking lot is up at 762 and the base elevation is around 751, so about 11 ft. We are intending, you can just barely see it through the landscaping that is shown there, a retaining wall is about 4 ft high along that edge of the pool deck.

Chairman Davis – And that parking down by the paddle tennis, that's all additional parking as well isn't it?

Mr. Powers – No that's parking that is there now, it is part of our Phase I construction. You're talking just to the right of the paddle tennis courts, correct?

Chairman Davis – Yes right on the roadway.

Mr. Powers – Yes that's constructed there, we have.....

Chairman Davis – That's part of the original site plan?

Mr. Powers – Yes it is.

Chairman Davis asked for any comments.

Mr. Logan – No I don't have a problem with them wanting to improve the amenities for the residence here, we get that from Cobblestone with their pool. I'm fine with this. I'm a little concerned with what Ernie brought up with the lighting and the noise from the paddle tennis being so close to the set of townhouses. I don't know if there is a way...if you considered moving them over to the lawn by the pool for instance instead of right by those townhouses. You know side by side instead of back to back.

Mr. Powers - That is something that we can look at space wise to see if we have room to do that.

Mr. Logan – I mean they are on decks, so you can put them on sloping grades and things like that.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Powers – That's exactly what we have under the paddle tennis right now. There is a pretty good slope there and we intended on building that on a platform raised up above that slope.

Mr. Logan – You know trying to put them in the same area as the pool, I mean there are bathrooms over there too. I don't know if you have them heated in the winter time.

Mr. Powers – The reason the paddle courts are where they are is the view out of the clubhouse is hole #9 is kind of fun to look at from the clubhouse. So we've got to be careful of that view.

Mr. Logan – Could you shift the pool towards the paddle tennis, in the lawn area, flip/flop them and have the paddle tennis right near the pool parking up above and then shift the pool down so you are looking across the pool rather than all fencing around paddle tennis.

Mr. Powers – That might....

Mr. Logan – It's just a thought, if you want to rearrange it to pull the noise and lighting away from the townhouses, it seems to make some sense.

Mr. Santoro – You want to save the view though. That fence around the pool has to be moved down there too.

Mr. Logan – Yeah but I'm thinking the paddle tennis fencing is 12 ft high or something like that.

Mr. Santoro – Oh yes, way higher.

Mr. Logan – That pool fence is probably 4 or 5 ft.

Mr. Santoro – 4 ft is what is on the drawing.

Mr. Logan – On the pool fence? So you can look over that, you can't look over paddle tennis. I just ask you to look at that.

Mr. Powers – Okay

Mr. Logan – It's a legitimate concern frankly with the noise and lighting next to townhouses, especially as intense as you need for paddle tennis. Those are the only comments I have.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Grosso – I agree with Joe if they can move it, I prefer to see them move it. If they are not going to move it, then I would like to make a condition that if those townhomes are not sellable, that they don't get moved. They choose paddle tennis or townhomes.

Mr. Benulis – I just wondered if Tony or Chris had any comments on this particular situation as it relates to those townhouses. I know that you have been in this business a long time and you must be thinking about the proximity of these paddle tennis courts as the closeness to the townhomes. So generally speaking, what are your thoughts? I mean you have to sell them.

Mr. Chris DiMarzo – Yeah there is no question and in fact, we are working with a customer now on that unit, they are well aware of it and they want to be in the action, they want to be close to that 9th green, they like that view. So if you find the *right* customer, you find the customer. But they are well aware of it. It's almost a positive to this person.

Chairman Davis asked for any other questions.

Mr. Benulis – I'm generally fine with this I guess.

Mr. Powers – Part of this is revisiting the Special Use permit for this project. This next application we have kind of involves the same thing, this clubhouse sign.

The Board went into the next application.

The Fairways – Country Club Sign

Appl No. 3-SU-06

Special Use Permit Amendment to authorize a sign for the country club.

Chairman Davis – What is this sign?

Mr. Santoro – Is it within the project?

Chairman Davis – It's another sign in case I miss the other two! Mark (Tayrien) when we get together next week, you said a very interesting thing about the high density of families versus empty nester's buying. When we did the original estimates on traffic through here and things like that, some of the assumptions were based on empty nesters and so if we are selling family units, we may want to reopen the discussion on traffic and traffic load and things like that. I might also be worth talking to Jack about the implications otherwise too.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Powers – Just for clarification, I wasn't saying for those who are living in the development, the members are coming from outside of the development. Those that are coming from outside of the development....

Chairman Davis – You actually make my point for me. The original conversation that we had here when presented originally was because these were empty nesters predominately, the empty nesters would be members of the clubhouse, we wouldn't be drawing in a lot of people externally, wouldn't have to worry about ancillary traffic and things like that. I think we just make sure we test all of that logic. And, if it was all internal traffic, you wouldn't need a lot of signs pointing people around. So, what are we doing with this one? We are looking to have a Special Use permit amended to put another sign up on the entrance way off of High Street into the.....

Mr. Powers – Correct, this is again Boughton Properties. We are proposing a sign in front of the clubhouse to identify that that is Champion Hills Country Club. Typical with most golf course entities or country clubs to let people know as they pull in here, that this is the entrance to the location of Champion Hills. That red target on the plan (referring to the displayed plan) is the intended location of the sign. It's at least 35 ft off of the edge of the pavement for Championship Drive to meet code. There is another dimension about 20 ft off of the edge of our driveway. Again, right at the entrance driveway to the clubhouse.

The point is we applied for a building permit for the sign. We were advised that per a section of the building code because this is a special use permit, the original plans for the project should have reflected that sign. So the Building Department has asked us to come back before this Board to seek approval of the location of this sign.

Chairman Davis – Has the Architectural Review Committee looked at this?

Mr. Logan – We have not seen this.

Chairman Davis – So maybe the first step is to go to the Architectural Review Committee to get their in put. That's how we do this. Get their position on the signage, the location, those types of things and then they advise us.

Mr. Logan – Is the question here that he is asking is do they need permission to put this sign here?

Chairman Davis – I think there are two. There is the sign itself, is it proper and then permission. So part of it will be the location of the sign. Before we talk about amending the Special Use permit, I'd like you guys to look at it.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Mr. Logan – I was thinking, wouldn't they want to know if it was approved or not approved before they ask us to say "yes it's a good looking sign?" They want to know if they have the ability to put a sign there before we say it looks good.

Mr. Benulis – Can you just verify the location again for me.

Mr. Powers – Yes, it's the red target that is showing on the plan. It's 35 ft off of the edge of Championship Drive.

Chairman Davis – It's the bend right off of the Legacy, right? So you're coming up to the Legacy, you bend off to go down....

Mr. Santoro – I quite frankly don't have a problem with *this* sign.

Mr. Powers – The driveway right here is the Legacy driveway. This driveway right here is the loop road that goes around the clubhouse, so it's just off of the loop road that goes around the clubhouse.

Mr. Tony DiMarzo – If you visit the site, you'll see some rocks and some plantings in the center of that center circle and trees. We are just trying to embellish the area with an identification to provide for the Champion Country Club.

Mr. Santoro – I don't have a problem with this particular sign.

Mr. Logan – I don't either

Mr. Benulis – I don't either. One, I think if they build the sign that is aesthetically pleasing and two

Mr. Tony DiMarzo – Yeah we will have landscaping on it, bring it down into the ground. It's fairly (inaudible)

Mr. Santoro – Yeah it's only 3.50 ft high.

Mr. Powers – It's a 2 ft x 3 ft oval.

Mr. Logan – I'm glad to look at it at the Architectural Review Committee, but I would just as soon...

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Chairman Davis – Well the reason that it's here is because the language says *to identify a private club, golf course, church, bed & breakfast or agricultural use, provided that a special use permit has been issued if required and the special use permit authorizes the sign.*

Mr. Logan – I'm not questioning that, I'm just saying, what comes first, the approval that you can have a sign and then once you can have a sign then say, "Alright can you approve this style?" You can do the same thing the same night. The next time we can look at the sign and then we could approve that they can have a sign or it depends on how much they want to do ahead of time. I mean they've already done most of the work it looks like. They kind of know what they want, we just need to know what kind of lighting you are proposing. You talked about shielded light above, but I don't know if you need a fixture and things like that.

Chairman Davis – We will write up the exception for the special use permit and as long as it goes through the Architectural Review Committee, we will clear them both that night.

Mr. Logan – Sure we can do that.

Chairman Davis – But we won't vote on this unless we have the other thing worked out.

Mr. Logan – We will want to see lighting, we will want to see the colors you are going to use for the sign. You've got the scale and everything here which is fine. It's kind of hard to tell what light you are talking about if it's not shown on here how it's oriented.

Mr. Powers – We will give you a catalog cut or something like that. The round circle that is above where that arrow points to, there is a label on that but it's been shifted (referring to the power point display). It refers to an over head light which is part of the new illumination code, not to exceed 1 foot candle at a 20 ft distance from the sign.

Mr. Logan – It's just going to be directed down? Some use a gooseneck from an upper support but this one sounds like it is on a hole or something.

Mr. Powers – Because of the geometry of the sign, we don't have an upper support. We have a support to hold the oval, but there is nothing structural above that. So we have to find a way to mount it to the back and bring it.....

Mr. Logan -oh and go up and around it. So you are going to.....that's all we need to see is what that section looks like and how the fixture points to the light itself.

Chairman Davis asked for any other questions and there were none.

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

EXECUTIVE SESSION 10:11 PM

New Planning Board member Al Gallina was present for Executive Session.

On motion made by Ernie Santoro, seconded by Joe Logan

RESOLVED that the Planning Board go into Executive Session for the purpose of discussing personnel organization for the year 2010.

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Aye
Ernie Santoro	Aye
Heather Zollo	Aye

Approved 6 Ayes, 0 Nays

On motion made by Dawn Grosso seconded by Chairman Davis

RESOLVED that the Planning Board reconvene back into regular session at 10:35 PM.

Adopted 6 Ayes, 0 Nays

DECISION

On motion made by Dan Benulis, seconded by Ernie Santoro

RESOLVED that the Planning Board selected the following for Chairman and Vice Chairman for 2010

Chairman – Dawn Grosso
Vice Chairman – Dan Benulis

Bob Davis	Aye
Dawn Grosso	Aye
Joe Logan	Aye
Dan Benulis	Aye

REGULAR MEETING OF THE VICTOR PLANNING BOARD, DECEMBER 15, 2009

NOTE: Per Robert Freeman Esq., NYS DOS director of Committee for Open Government, addresses of individuals listed in these minutes have been removed. Complete minutes are available in the Town Clerk's office during regular business hours.

Ernie Santoro Aye
Heather Zollo Aye

Approved 6 Ayes, 0 Nays

On motion made by Dan Benulis, seconded by Heather Zollo

RESOLVED that the Planning Board selected the following for Architectural Review Committee members for 2010

Chairman – Joe Logan
Members – Ernie Santoro & Al Gallina

On motion of Joe Logan, seconded by Ernie Santoro

RESOLVED that the meeting was adjourned at 10:45 pm

Adopted 6 Ayes, 0 Nays

Cathy Templar, Secretary