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**REGULAR MEETING OF THE VICTOR PLANNING BOARD, JANUARY 13, 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.

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A regular meeting of the Town of Victor Planning Board was held on January 13, 2009 at 7:00 p.m. at the Temporary Town Hall, 1290 Blossom Drive, 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: Wes Petty, Town Engineer; John Wilson, Town Attorney; Cathy Templar, Planning/Zoning Secretary; Marge Elder, Conservation Board; Donald Young, John Palomaki, Jennifer Brown, Cane Bogojevski, Frank DiFelice, Kelsey DiGiugno, John Hotto, William Condon,

**APPROVAL OF MINUTES**

On motion of Dawn Grosso, seconded by Joe Logan

RESOLVED that the minutes of December 2, 2008 be approved with changes.

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

Approved 7 Ayes, 0 Nays,

**PUBLIC HEARING**

WILLIAM CONDON

1676 Rt 444

Appl. No. 16-MS-08

Applicant is proposing to adjust the rear lot line and increase the existing lot to approximately 15.74 acres and convey the remaining 68.370 acres to Thomas & Elisabeth Judson. Chairman Davis read the Legal Notice that was printed one time in the Daily Messenger on January 7, 2009.

Mr. William Condon - I am William Condon and I am selling the family land because I am the only family member that still lives there and I have decided to keep some of the land for myself.

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That's essential what we are doing. We are taking the western border and moving it back. It's going to be a total of 15.74 acres with the addition of 11 acres.

Chairman Davis asked if there were any other comments from the audience. The Public Hearing was closed.

All of the Board members and the Town Engineer had no comments. William Condon will be back at the next Planning Board meeting for a decision.

### **DECISION**

CARDI LOT CONSOLIDATION 833 Philips Rd & 7624 NYS Rt 251 Appl. No. 15-MS-08

Applicant would like to consolidate two lots into one single lot.

Mr. John Hotto addressed the Board.

Mr. Hotto – I am John Hotto from Lu Engineers representing DiFelice Development. This is our second meeting to go over any questions or concerns that you might have. We didn't receive any additional comments from any of the reviewing agencies regarding this lot consolidation. Are there any other questions?

Chairman Davis – I think we processed this at the last meeting. This was to vote on the resolution. I think the only issue that we need clarification on was the curb cut on Rt 251 and we can do this when we do the resolution. We would like a committed date that this would be done.

Mr. Benulis – Do you have any date when that would be done?

Mr. Hotto – Towards the end of or late spring when we can get the connecting point between the existing parking lot and the new parking lot. They didn't have time to complete it and once that is complete....they wanted to use this existing driveway as a construction entrance. When they get that wrapped up and then we can remove the driveway.

Chairman Davis – Is that really required to do that. Is there another way to do it?

Mr. Hotto – It's so busy right now in here. We wanted to get the dump trucks and bulldozers and keep them away from the employees. So they just wanted to know if they could use this to get off of Rt 251. It's only going to be a few days worth of work. Mr. DiFelice was asking if he could just use that instead of having his trucks and equipment go through the parking lot.

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Chairman Davis – So if you had to put a date on it, what would it be?

Mr. Hotto – June

Chairman Davis – Is there an opposition to that?

There was no opposition from any member of the Board.

Chairman Davis read the SEQR

On motion of Ernie Santoro, seconded by Joe Logan

**SEQR**

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 13, 2009 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Cardi Lot Consolidation, 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
Rosemary Graham	Aye
Ernie Santoro	Aye
Heather Zollo	Aye

Approved 7 Ayes, 0 Nays

**RESOLUTION**

On motion of Joe Logan, seconded by Rosemary Graham

WHEREAS the Planning Board made the following findings of fact:

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1. An application was received on November 7, 2008 by the Secretary of the Planning Board for a Minor Subdivision entitled Cardi Lot Consolidation.
2. It is the intent of the applicant to consolidate two separate lots (Tax Map #15.01-1-43 & 15.01-1-44) into one single lot for 833 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 18, 2008 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 January 5, 2009, LaBella Associates stated that all technical aspects had been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the application of John W. Hotto, Lu Engineers for DiFelice Development, 91 Victor Heights Parkway, Victor, New York, Minor Subdivision entitled Cardi Lot Consolidation, Drawing No. S-1, drawn by Lu Engineers, dated November 6, 2008, received by the Planning Board November 7, 2008, Planning Board Application No. 15MS-08 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 curb cut onto Route 251 be removed by June 1, 2009 and approved by Town Engineer.
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 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.



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since, they've been hitting 200 cars a month sales and it creates extra traffic and a nightmare I guess for them.

Chairman Davis – What do you mean by “farming out” cars to Monroe Muffler?

Mr. Bogojevski – All of the preparation and inspections are done elsewhere.

Chairman Davis – To make them sell, right?

Mr. Bogojevski – That's correct. They have at the old shop, their own doll up service but they don't do any kind of preparation as far as inspections. But, at the same time, it was okay until when they were selling 50 to 100 cars. But now they are doing well over 200 cars a month and they think they will be doing 300 cars a month by summer.

We started with the original application with the six bays. Shortly after that we met up with the rest of the owners and investors and everyone kind of decided that this was not going to do the trick. So, immediately after that, we decided to go for all of the approvals right now. The construction is going to happen in phases and I have no idea at this time what phases are going to go first. The construction is going to go in phases but we would like to approve everything as far as the six bays on the west side and an additional 16 bays on the east side, 16 on the existing building. (Mr. Bogojevski hands out a modified letter of intent).

Chairman Davis – So all of the changes on this site are around the existing back shop.

Mr. Bogojevski – Right. We consulted with Alan (Benedict) as far as the original approvals and we are not asking anything additional or anything out of the original approvals as far as operations go. At the same time, we tried to minimally impact the green area since we just are removing a couple small islands and trying to stay on top of the black top from the original. The current, with all of the changes is at 43% green space when 35% is required. As far as the architectural comments made, we are not changing anything, everything stays the same, the same look. The impact from the street, I don't think you can see it at all.

From the original approvals, we went way past as far as landscaping and trees as far as the buffer area in the back. I think we at least tripled the amount that was requested originally. We tried to fulfill all of the requests from the Town Engineer from the original application. I'm pretty sure there will be some more since we changed some of it.

Chairman Davis asked Mark Tayrien, Town Engineer if he had looked at this prior to the meeting. Mr. Bogojevski stated that what he had handed out was new to everyone and that he was here informally.

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Mr. Bogojevski – Nothing else has changed except adding that other building and adding all of the calculations and full scale and pretty much everything else was as original.

Chairman Davis asked Mr. Tayrien for any comments.

Mr. Tayrien - There were a number of comments; I don't know if we need to go over them in detail at this point. At least from my perspective, what's more important is to have a clear understanding of exactly what you are proposing. In the earlier application, I saw the one building added to the west of the existing building.

Mr. Bogojevski – That is correct.

Mr. Tayrien – I think one of our questions in our letter was that at some point, clarifying whether there is some additional paving associated with that.

Mr. Bogojevski – In order to do that, we have to remove a couple of the islands and they are also marked on the current plans.

Mr. Tayrien – So where it states “expanded asphalt driveway”, you are reconfiguring the paved portion of the lot next to that building that you showed on the original plan

Mr. Bogojevski – That is correct. In doing that, we tried to address those concerns.

Mr. Tayrien – so that in addition to that tonight, what you are showing us I think is a plan that shows that there is another potential addition.

Mr. Bogojevski – The addition we had discussed all along and we were going to come immediately for that approval because that was what they thought the procedure was to do it. I suggest strongly that we should do it all at the same time, do it now, that way there are no surprises. They can still do the construction in phases but unless the Board has any objections to that, we want to put everything on the table and make sure we are meeting all of the criteria. Again, it's not going to be built all at the same time. It might be built within two or three years. If their business demands that it be constructed by the end of the year, then that might happen by the end of the year.

Chairman Davis – Are you able to take the Board through in detail of the type of work that is currently done in that shop and what will be done in that shop when the other 22 bays are added to it.

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Mr. Bogojevski had Tom Rosati, the General Manager of Auction Direct answer the Chairman Davis.

Mr. Bogojevski – I'll try to address the questions and then he can come in with the details. Right now all they are doing is just "doll up". The men clean the cars up, doll up, and park it. After they receive it from Monroe or other various shops, pretty much everybody/anybody, either it's mechanical or collision. What they are trying to do is to be able to do all of that work inside except the big work like engine work because they are not set up to do work like that. Inspections, tire changes, the lighter repairs will be done.

Mr. Rosati – No body work or any of that stuff. We are still going to sublet that out. There is just going to be minor mechanical stuff.

Chairman Davis – What's the work done in that building now?

Mr. Rosati – Just detail work.

Mr. Bogojevski – The original, I might point out, we've read and reviewed the SEQR with Kim Kinsella and Alan Benedict. The original approval allowed repair facilities along as it is for the business and it's not advertised on the street for outside business. So we try to stay within the original approval of that business.

Chairman Davis requested the original SEQR agreement to be sent to the Board members.

Ms. Zollo – Will there be lifts there?

Mr. Bogojevski – Yes there will be. I don't know how many. I don't think they know how many yet. But yes there will be lifts and some open areas.

Mr. Santoro – Are there oil separators in there now?

Mr. Bogojevski – There are oil separators there right now. We intend to remove and increase in size by quite a bit and the details will follow. Also, we have to move the pump station which is a single pump right now. We are going to increase it to a duplex pump station.

Mr. Santoro – Gasoline?

Mr. Bogojevski – No gas pumping. It's a pump station for the sewage. We are on forced land so we have to pump.

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Ms. Grosso – When the vehicles come in, you said that you send them out for inspections. So you don't get them inspected prior to your delivery?

Mr. Bogojevski – They have no facilities to do that right now.

Mr. Rosati – We use Monroe Muffler.

Ms. Grosso – And do the vehicles go right from the auction to Monroe and then to you?

Mr. Rosati – They come from the auction to the lot, from the lot to Monroe. With the volume we are doing, they can't keep and we have cars going back and forth all day long. We really can't take care of our customer's this way. That's why we are asking for the additional space.

Mr. Bogojevski – As far as traffic, we feel that this is going to decrease the traffic going in and out on to Rt 96. So far traffic has not been an issue any way. Just to answer that question before it comes up.

Chairman Davis – So what you are saying, it actually takes a trip out of this.

Mr. Rosati – Quite a few trips.

Mr. Bogojevski – Between people coming to pick up the cars and taking the cars and moving the cars, I would say on average each car that is sold, it makes 2 or 3 trips. We have in the neighborhood of 400 – 500 trips a month reduced as far as traffic flow.

Mr. Rosati – We have gone from 100 cars a month to 200 cars. That is what we averaged in 2008; 200 plus cars a month that's going between our shop and Monroe.

Mr. Bogojevski – The idea is to get all of the approvals all at once and then pretty much they can make the decision and if the Board feels they need an architectural review, we can do that. We would like to eliminate that because you can't even see it from the road and it's well buffered as it is.

Chairman Davis – So one more time, the changes are limited to the extended asphalt around the building and the 22 bays.

Mr. Bogojevski – that is correct.

Ms. Grosso – And the removal of some islands, did you say?

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Mr. Bogojevski – that's the extended asphalt is the removal of the islands. The larger building sits on the small island, the removal of a small island. But all of that is taken into consideration as far as the green space. So the total green space remains at 43% with all of the changes we are proposing right now.

Mr. John Wilson, Town Attorney – Just an observation and Mark will probably pick up on this. But the previous SEQR status when it was smaller would have made it a Type 2 and essentially will need SEQR documentation because you are going over that limit. So you will need to do the SEQR form and have it accompany the revised statement.

Mr. Bogojevski – Yes, this is informal. We will do whatever we need. We would just like to get the Boards.....Tomorrow night we are in front of the Ontario County Planning Board. We had an informal meeting with them today and everything was favorable.

Chairman Davis – that was part of the reason we switched this too because there was no action that we could have taken tonight anyway. I figure it was a good use of your time to get some feedback from the Board.

Mr. Logan – I think this is...it's nice to see the expansion and I'm glad that your business is doing well. Cane, I think as long as the architect can compliment the buildings that are out there, I think that we are going to need to see those.

Ms. Graham – There's not much you can see with what Cane has shown us. It's pretty basic.

Mr. Bogojevski – That's the only thing that you can practically see somewhat from the road. Everything else is going to be built with the same color, the same roof colors, identical to everything that is there now.

Mr. Logan – Cane if you would just bring before us the plan of the buildings roof lines to show how they tie in. it's a pretty straight forward building.

Mr. Bogojevski – Since we didn't know what phase we are going to build first, we don't mind once we get an architectural print and then present it to the Board for the second comment. First we need the "blessing" to go forward.

Mr. Logan – And my comments are just to help you move forward. But otherwise, I'm fine.

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Mr. Benulis – I think it's a reasonable plan, it meets the setback requirements, no open space issue, seems to be plenty of land and subject to site plan and architectural review, I think it's a reasonable project.

Ms. Grosso – I agree with Dan after cursory review, I don't see any issues with it. I did look at LaBella's comments on December 29<sup>th</sup> letter, but I see that you have made changes so I can't really rely on them.....

Mr. Bogojevski – We were trying to satisfy those comments as best as we can for the time that we had. We are in kind of a hurry to get something started so I don't know if it is possible or not if we satisfy all of the comments before the next meeting to get some kind of a green light or so.

Chairman Davis – We will review that in our prep for the next meeting and it will be depended on how satisfied Mark is on what has been submitted.

Mr. Santoro – I have no comment, but I can't see where the green space is on this drawing. Everything is stated to be asphalt parking.

Mr. Bogojevski pointed out the green space on the site plan and stated that there will be no earthwork done. It was requested that Mr. Bogojevski supply a sitemap showing the green space.

Ms. Zollo – It would be nice to see something that shows where the green space is delineated.

Mr. Tayrien – My only last comment is when you talk about phasing it and I don't have the provisions memorized or at hand right now, but I know that we had adopted some provisions regarding when site plans expire recently. I just wanted to make sure you don't find yourself in a situation where you have a site plan approved and you have part of it developed and part of it is not and when you go to develop the second part, you find that that portion of the approval has expired some how. I just think that requires some thought to make sure we don't have an awkward situation 12 months from now.

Mr. Bogojevski – If the Board desires to put some kind of a clause that we need to come in for reapproval or for an extension, we have no problem with that. I thought that this was a much better idea, to come in and show you what the potential of the total extension is.

Chairman Davis – I think Mark is on a different point. There has been a change in the ordinance that will expire your site plans and I think the right thing to do is that a copy of the ordinance is sent to you. You would want to get them in so that you don't have part of your site plan expire

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while you are working on the other half of it. That would just be awkward for all of us to figure out what to do about it. If you are going to do this, get them in sync.

Mr. Bogojevski – Okay, thank you very much.

### **RECOMMENDATION**

High Point Business Park, Lot #2, Bldg. 100

Recommendation to Town Board on amendment to PDD to include a restaurant use in Bldg 100 to be open to the general public.

Mr. Fred Rainaldi, Sr – If I could just recap why I'm here. Originally when the building was built, there was a specific corner of the building about 2400 sf. The site plan that Fred is handing out now is showing you exactly where and we are willing to keep it specific to that spot of the building. That part of the building was to be used for food service for their own population, their own employees. With the finishes they are putting in and the level of ambiance that they are adding, I asked Constellations if they would allow me just this one portion of the food service, open it up to the public. I figured if it was going to be opened for breakfast, lunch and dinner that I would request that they allow the public in for all three meals. But most importantly the dinner turns into a higher level, fine dining and I've used the terminology of "white tops" being white tablecloths, table service and the gentleman that actually owns this is a chef and has a great reputation and he will be owner and operator of this restaurant. David agreed to allow me to go through the approval process to do this and if the town did like the idea that they would allow us to do that.

We have since October 15<sup>th</sup>, been searching for a method of doing this. We have been through three renditions. The current rendition was to modify the PDD to allow the public into this restaurant. That seemed to be the way to go and with that it was our understanding that there would have to be some conditions to the PDD. Those conditions as I have taken it off the proposed resolution that is being floated around between the attorneys would keep the maximum size of this restaurant to 60 seats. The dining is "fine dining" at the tables with tablecloths and service at the tables. This maximum size of the facility is 2400 sf, which includes the kitchen, the prep area, dining area, bar area. Everything that is in there is 2400 sf. It's not a very large operation. The parking lot will be dedicated off of the north side; there is a special parking lot there that is closest to that door. If you remember, I submitted a letter from Frank Dolan, our traffic engineer who had a letter that basically stated the minimal amount of traffic that would be generated by this is blended in with the rest of the traffic from the building and that no further

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parking would be necessary. If you remember, we got a blessing to land bank about 172 parking spots which will still leave us plenty of parking, there's no more parking required for this use. Again, the location of the restaurant in the building, that's the specific location, we're not looking to be able to move any place and that restriction can carry that location just to that one spot. This is only for Building 100 on Lot 200. We are not looking to do this on the other buildings. So we are only looking to do it for this building. We have laid out our hours of operation which basically is Monday through Friday 7:00 am to 11:00 pm. On Sundays and Saturdays 6:00 am to 11:00 pm. Then for New Years Eve they would want to do something up there. The facilities can not be used for any national chains. Frankly if the facility is going to be used by this chef and his operation, if this doesn't work, I don't see it just a cafeteria area just for the employees. But they are making a very large investment into this facility and it will be gorgeous. I think it will be one of the nicest restaurants in Ontario or Monroe County. There will be no drive in or no curb side service. So basically we have a bistro, a high end restaurant, privately owned, not a chain, something that is not in Victor right now. There are a few in Ontario County but the level of what we are going to be serving here will be unique.

With these restrictions, I understand there is some concern.....

Chairman Davis – Let me stop you there for a second. Let me try to break this down for us. First of all we are making a recommendation to the Town Board on what our feelings are about this activity. I think it breaks down into two elements. One is a recommendation about whether or not the Planning Board would be supported of a restaurant in this building at that location or not. I think the reason that it pertinent as I go through the PDD document from before and some of the notes, there was a lot of discussion about making sure that the restaurant and the retail stayed down at Route 96 and if fact doesn't work into the building up top. So I think we are being asked to make a recommendation about that and how do we feel about that. I think if the Board says “no” than that's the only issue that we have to discuss tonight. If we say “yes”, then I think the second issue gets to be the legal mechanism to enable that. I think there are choices one is changing the actual ordinance that is associated with the PDD or in fact are we better off with something like a special use permit that isolates the activity to this building to this restaurant. I think that is what we should process through and I think it behooves us to do this first. If we have general agreement about that then the second is a discussion that I think John (Wilson) can help us through a little bit and what our options are and how to best process that recommendation back to the Town Board.

So I guess first I would like some comments from the Board on the idea of a restaurant in this location as being positive or not from the Board.

Mr. Logan – I'm very in favor of this. As a tenant in other office parks in the region, it's very frustrating not having any kind of food service permitted in those particular office parks. Frankly I wouldn't mind seeing a small sandwich place or small restaurant in all three of those

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buildings, but obviously you are not proposing that. So in that case, since this is what you are proposing, it's a single restaurant for only one of the three ultimately constructed buildings and it's quite small to begin with, I don't see any impact to it. I think it's a great amenity and I think it should be in there and I'm fully in favor of it.

Ms. Graham – I'm kind of envisioning something like the New York Wine and Culinary only not as large.

Mr. Rainaldi - No, it's a different venue. Actually the finishes are.....there is a lot of money being put into this restaurant. If I was going to pick something local, I would say that it would be Max's at Eastman Place level of food. If you imagine a cross between Toro's and Black and Blue. It's going to have a modern look. There is a lot of wood, it's a theatre type kitchen, and you've got the floor plan. They have a prep area that is enclosed so you don't see the food being prepped. But the actual chef is in an open area, it has a wood soffit above it, but you are seeing the kitchen, you are seeing the food being prepared and there is a serpentine counter in front of that, so there will be a few chairs by themselves so if you walk in by yourself and you want to have dinner and don't feel you want to be at a table, you can do that. Then there are the other 47 seats that are at tables that are right in the window. So, the concept of it is very metropolitan. I don't think there is anything that I know of in Rochester that is going to be from scratch, this small, this quaint.

The beauty of this is if this restaurateur was going to go and start in a plaza or someplace, he would need something bigger. But, what they have done is, they have bought in on my concept, they're going to use him for their caterer because they do a lot of catering, a lot of entertaining. Because of that, he can afford this little nucleus of a restaurant. It is small and quaint. You don't have the population that you do in New York City or some major metropolitan area where restaurants this size, like Soto in Toronto can survive. But because of the business they'll get from them because there really is nothing like that, they think there is business out here just from that neighborhood, that area that they could succeed. So, just to give you a flavor of what we are talking about. It took me awhile, they didn't jump at the idea of having to do that. But, I know a lot of people who live in the Victor area. I mean Olive Garden is nice but.....

Ms. Graham – I agree with Joe. I think Constellation Brands goes together with food and wine. The only situation that I don't want to see happen is outside of the Olive Garden and your businesses down by Rt 96, you have that fence and people are using that for advertising. They are hanging signs off of that and it's starting to look messy. I can't imagine that that is what is going to happen here with signs.

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Mr. Rainaldi – It's funny you said that. I just sent them a letter and thank goodness they have to get a permit to do a temporary sign. They don't have my permission to do that, I just wanted to tell you. When they first move in, okay we've got to get them out there and let them know before the front pile sign is up. In the lease, it's restricted.

Ms. Graham – Not only that, but on Rt 96 there is enough going on where you can't really read a sign anyway. It just looks messy, it looks cheap.

Chairman Davis – So support of this as he has defined it?

Ms. Graham – Yes

Ms. Zollo – In concept it sounds really good. My concern would be that we are not going to then expand more retail and commercial up above, that it stays the office concept that you had originally proposed. And with the hours of the restaurant, I would like to make sure that the lighting is not going to spill into the night sky as so much of the lighting in the area does. That would be my concern.

Mr. Rainaldi – That would be some good concerns. I am restricting our approvals to that Blue spot (referring to the area colored on the site map). However you want to do it, however the attorney's agree to do it. I'm not looking to expand out of there. It's just that one spot. As far as the lighting, if you remember during the FEIS, I agreed the parking lot lights would be on until, whatever the security was, I have forgotten, 10:00 or 11:00 pm. At that point in time, it shrinks down to just a safety perimeter around the building. We're still going to do that. There are not a lot of people that can be in that restaurant. That restaurant is located on the north side which the building actually blocks any activity from any lights there but we still are going to reduce the lighting around the building as we agreed to in the FEIS.

Ms. Grosso – I'm in favor of the restaurant there. I like the concept, I like the idea and I do agree with one of the concerns of how to handle the lighting.

Mr. Benulis – I think a fine dining restaurant in Victor is welcomed by most of us if not all of us. The question that I do have for you though from Constellation's point of view, I'm kind of going back to Joe's point, when you are in an office setting like this, typically folks that are working there are looking for the convenience of being fed if possible, in the same location. Are there any concerns from Constellations in terms of capacity if you open it to the public? There must be some issues in terms of what happens if the priority in basically feeding the Constellation employees is jeopardized.

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Mr. Rainaldi – Good question. The density in that building is far below anything that we had anticipated. As you know, we reduced 172 parking spots. We are still over parked, but I'm hoping with some luck within the next 6 to 8 months another premier tenant or two to come over there. I may need some of this parking overlap. At the end, as much parking that I can eliminate and keep green, I'm going to do. I think I put my foot forward and set my pace with that.

What happens when you are in an office setting, they are going to have a service where, if you're working at your desk and you want to order your sandwich, you can do it from your computer, go down and pick it up and bring it back to your desk. When you're looking at the overall population, right now being less than 200 in there and you figure about 30% to 40% will eat there for lunch and 20% for breakfast, we've got the capacity to do it and the more successful this is, the more variety, the more exciting this restaurant becomes. So for breakfast and lunch, we are not anticipating which are the meals that will be consumed by the Constellation employees, it's expected very small amount of the business will come from the population of the building after 5:00.

Mr. Benulis – Hours of operation is one of the questions I had. Actually I was thinking, on Saturdays, I'm sure it's subject is to change, but 6:00 pm, I was thinking 5:00 pm to open.

Discussion took place on hours to open or close. Dan Benulis was in favor of the restaurant.

Mr. Santoro – Your letter doesn't include Sunday but you said that you anticipate being open on Sunday as well?

Mr. Rainaldi – I know what the attorneys were sending back and forth had Sundays in there.

Chairman Davis – The letter states 7 – 11 Monday thru Friday, Saturday 6 -11.

Mr. Wilson – The draft ordinance does say Sunday.

Mr. Rainaldi – Because I took these off the draft ordinance that was going through the attorneys and I haven't really been watching it that closely.

Mr. Santoro - It doesn't bother me one way or the other.

Mr. Rainaldi – Because it's so small, I know that if you want dinner on Sunday evenings, there are two restaurants opened that I know of that are.....I mean it's just hard to go into a restaurant on Sundays unless you are going to a chain. This is modeled around what I like. This is not Constellations idea but what I think some of the deficiencies are.

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Chairman Davis – So your intent is to have it opened on Sundays.

Mr. Rainaldi – Yes that would be my desire.

Mr. Santoro – Would you be limiting it to Constellation Brands?

Mr. Rainaldi – No absolutely not.

Chairman Davis – They can't can they?

Mr. Rainaldi - They can't but they didn't even try to.

Mr. Santoro – They will have a full bar?

Mr. Rainaldi – They will have a full bar but they will have some special wines that will be served. They are making a big investment. Obviously Constellation Brands will be sold in there but there will be others.

Chairman Davis – I'm very supportive with this idea. I have no issue with the concept the design or quality level. I think from the Board's perspective, we are very supportive of this. The issue for me comes down to how do we appropriately restrict this square footage or this usage. As you and I had talked back and forth on this, it was my thought that the best path forward that would alleviate the most amount of concerns about opening up the PDD and changing and setting precedence would be to have a special use permit issued for this square footage as an overlay to the PDD and not opening up the PDD. We seem to be down this path on writing an ordinance into the PDD that allows us and worry about that as far as setting precedence and having retail and restaurants up there that start to become the norm for various reasons.

All that said, that is my opinion so John (Wilson) my interest of bringing this up is I'm looking to have the use of this corner of the building restricted for the upmost benefit for the business that is in there but also from the town's concern that says if that business leaves, this discussion has to be reopened and reapproved before we reapply even a different restaurant or a different use, the most amount of control on that. I don't know how to do that, but those are my thoughts.

Mr. Rainaldi – May I respond to that first. I've had the benefit of hearing the attorneys talking and getting the crossfire from both sides.

Chairman Davis asked Mr. Wilson to respond.

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Mr. Wilson – Let me just back up a little bit Bob. I've had fairly tangential involvement here. I originally got a letter from your council proposing that perhaps this could be developed as a matter of right under existing zoning and asking whether the Board and myself agreed. You may remember, I sent it over to a couple of the members and to you and then came to my senses and realized that was not really a question for us that was a question for the Building Dept. As we so announced, that we weren't going to address that. As I understand it and again, that was the last that I saw this for quite some time. There was discussions with the Building Inspector and the Building Dept and they number 1 concluded it wasn't a matter of right under the then existing ordinance. It wasn't entirely clear; again it was second hand, that even a special use permit would permit the proposed use as now spelled out.

The decision was then made somewhere in the Town Board/Building Dept levels, not with any particular input from us as far as I'm aware, but rather revise the ordinance to allow or make clear so the special permit could be granted to allow this use, they're going to go ahead and revise the ordinance itself which is where the Town Board is now. Now there are two factors that Sheila, my boss reports to me in that regard. One is that apparently the applicant is under some degree of feeling of urgency because the nature of the development and the contemplating opening dates and so forth. So some time has been spent since that first letter from your council to me back in fall maybe. Now a lot of effort has gone on. You could regulate this by special use permit or by a zoning change. In fact a zoning change is being proposed and has been drafted so far at the Town Board level is fairly extraordinary in my experience in the sense that it includes conditions not typically included in a zoning ordinance. This is extraordinarily detailed for zoning which normal doesn't get into those kinds of details that this proposed ordinance does.

So in terms of town control of it, so long as the applicant is proposing, consenting to and agreeing with the conclusion of these kinds of conditions of the ordinance, this is probably as tight as it gets in terms of a choke hold because the ordinance is only letting this kind of use in the Lot #2 in the office building and it's sharper in terms of size and nature and style in a way that zoning typically wouldn't even address. It might be something you see in a special use permit. So the tight control is there, whether the town prefers to do by amending the ordinance as it's now moving forward on or by amending the ordinance to make clear the special use permit could be granted and then sending it back to this Board for special use permit proceedings. This is a matter of choice that I haven't played a particular role in. Sheila (Chalifoux) has kept me generally apprised of the Town Board efforts. If we now respond to the Town Board which is I understand has scheduled this for public hearing. We recommend back to them that we think rather than amending the ordinance that spell out the use and conditions, we should change the ordinance to make clear that a special use permit could be rendered. One thing that is obvious, even to us now is that we're starting a whole chain of events and activities and applications and procedures over again and pretty much if the Town Board would agree with us, putting these fellows a good ways back on their contemplated schedule.

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Sheila does not make it her practice to come (inaudible) to the Town Board because we discovered that that is not always easy to do. She, even more, is disinclined to tell me what she thinks the Town Board would do but she did tell me that there is certainly no assurance that if the Planning Board has a preference here, that the Town Board, given the constraints I just mentioned, would necessarily agree with us any ways. They might just go ahead and pass the ordinance.

In terms of control, I think you have, what really is almost a chokehold on terms of the nature of use and it's unusual to see this kind of detail spelled out in a zoning ordinance and I suspect it's an unusual for the applicant to have this kind detail. But the extent they've got it, you've certainly have a lot of control of the town's part and it would be very hard for them to do much other than what they are proposing under this ordinance without coming back to either the Town Board or the Planning Board and getting some further revisions.

In terms of the Board's preference as to whether it should be a matter of right of zoning spelled out as it is in the draft ordinance or a to change the ordinance to allow a special use permit for this use and then come back to here, that really isn't so much a legal question as it is a jurisdictional questions and a preference of the Board question. I don't think there is a legal impediment to doing it either way. Given the applicants consent and the inclusions of these conditions of the ordinance which I think was....

Chairman Davis – So are you prepared to accept what is here?

Mr. Rainaldi – Yes absolutely. I'm not looking to create an opening so that I have a future income. It's a matter of putting the noose on and I'm happy with that. So you are restricting it and I had my guys look at it too as far as we have a co-compliance and there is a choke hold on that operation that it's that specific and to try to find ....

TAPE CHANGED AT THIS POINT

Chairman Davis – Are there other comments on how to then we best codify this from our perspective? It's not you, it's the whole notion that these things migrate and become precedent over time. Anyone else?

Mr. Logan – It seems to me, if you amended the zoning to allow a special use permit, it would enable a little more flexibility and allowance for shortness of time for future interest in any particular PDD, not just this particular one. Frankly, I would prefer to see that than to amend the ordinance every time. You've got to go back and forth before the Board. We're going to look at them and approve them any way. Why do we have to go through several different hoops in order to do that every time we change the zoning? I would be in favor of this special use permit

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change in the district for this or for any other thing that may arrive from another Constellation type of facility being built next door. That's my opinion.

Ms. Grosso – I definitely would recommend going through a special use permit. Fred you have proven that you have done a great job up there. You've always followed through with erosion control or whatever you have said that you are going to do. I have no issues with you. I would say that the only people sitting in this room today that were here from the on set of this project, starting with informal meetings are myself, Rosemary Graham and Jeff Cody and I know that other people were involved through the stages, but those three are the only ones that were here at the beginning. I know that it was very, very clear when we were going through this PDD that there was going to be no restaurants up top, only in the front and that the lighting up top would be an issue if there were restaurants up there. That being said, as you know, I'm in favor of this restaurant. But, I've also heard the concern about the spreading and the sprawling, the person after you. I know that we would like to say that it's you forever, but we can't always keep those promises. I'm looking at the ordinance and it says, permitted usage shall be, then it goes on and says that referring to Lots 2, 3 and 4 of the PDD at Highpoint; A general restaurant open to the public provided as such restaurant is not a national change, limits seats to 60 persons or less and has tablecloths, etc. That's not limiting enough to me, although this is terrifically drafted. I would much prefer to give you and the chef that you are referring to, exactly what you want in a special use permit, giving it to you and the chef only for as long as you so desire. But to let the town control the next person who comes in by special use permit because one of my big issues with PDDs and was an issue with this particular PDD, at the time was that this was a very contentious, was a 4/3 vote and then a 3/2 vote. There are 100s of people who came out to this meeting and we actually had to hold it at the school as you may recall. So rather than have the citizens say "oh look, we all spoke on this PDD. Restaurants were suppose to be in front, not up top, here we are five or so years later, there goes the Board again, changing the PDD. Why do we bother?" So rather than do that to appease everyone in the room, I think we can really get exactly what you're looking for by a special use permit and protect the town and the citizens by having the requirement of going through all of those hoops again should another vendor want to come in there in the future. So that being said, I'm all in favor of your project but via a special use permit and not an ordinance change.

Ms. Graham – I would agree with that also.

Mr. Benulis - I'm totally in agreement with a special use permit being the vehicle.

Ms. Zollo – Me too

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Chairman Davis – so our recommendation of the Planning Board back to the Town Board would be extremely in favor of the restaurant on the site as described and our recommendation would be the town would enable that through the use of a special use permit rather than change the PDD.

Mr. Rainaldi – May I ask a question to John (Wilson). I'm in a time situation and it's more of a legal situation as far as my obligation. What's the timing to be able to do that because that might just take me out of the running anyways.

Mr. Wilson – We are very graced tonight by having the Town Attorney herself here. I'm presuming that to do that now, if the Town Board were inclined to, they've got to go back and revise the draft revisions to make it clear that a special use permit could be authorized for this use in the PDD and that we are starting another cycle of legislative action and referrals back to this board. So I would think, correct me if I'm wrong Sheila, I would think minimum, we are talking several months to get that process done.

Ms. Chalifoux – The problem is two-fold. One is, we have to redraft the local law and just so you guys understand, what we've tried to do is we've tried to take the regulations which are 150 pages for this PDD and incorporate some of those provisions in the rags into the code. That's what we are trying to do with this local law. One of the things we are doing is obviously changing this to include restaurant use, but we are trying to put all of the permitted uses in the code. That's something we think is important and something that should be done. I think it should be done for all of the PDDs. So that was the first goal of this law.

We will probably still go ahead and do that if the Board decides to accept your recommendation. We will still go ahead with moving these uses into the code. To add it as a special permitted use, that's obviously fine. The problem is it's a different local law, now we are going to have to bring that local law back before you, possibly. We are also going to have to send the.....the other half of this problem is our internal deadlines from our Board are similar to your agenda deadlines. We have the 28<sup>th</sup> of January would be the first date available to get this on the February 9<sup>th</sup>. Then we have to bring that back to.....maybe we could avoid sending it back here to the Planning Board and the Ontario County Planning Board if it deems to be similar enough to what's already been before you. Even so, you are going to have the drafting time and you are going to have the lead time that Fred needs to come back before this Board. So, yes I think that two months is pretty much right on as far as timing.

We've really tried to look at all the concerns and kind of get this through. Not to do a run around procedure, nothing like that. But just to make it as quick as possible and I think our way to do that is the way that it is before you. Is it ideal? One of the delays in this has been when I initially started to look at this, we didn't know the way that the PPD rights were set up. So we really didn't know what we were amending. Once we really dove into that and realize, "here's

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what we got" and we realized that we needed to do a lot more work to drag things back into the code. Anyways a couple of months is what I think the answer is.

Mr. Wilson – I did have a question if I could. Dawn just borrowed my copy of the ordinance which I borrowed from the applicant before me because our packet unhappily didn't include it. But we may have been reading a little too quickly Dawn. I think that this is limited to only Lot #2 and the reference that Dawn and I were both looking at very abbreviated in a short period of time, references Lot 2, 3 and 4 as being part customer based. But this proposed use is only going to be in Lot #2.

Ms. Chalifoux – That's correct.

Chairman Davis – I understand it to be that way. My issue is that the PDDs initially are a highly complex, very negotiated document. It takes the heart and soul of the community to get something that is acceptable, agreeable and in some cases, very acceptable. It just does not seem right to me that you reopen that or change that with two or three people's worth of input after that had been negotiated. I would rather have a mechanism that could be applied in a way that it expires and that it, in fact can continue to represent the initial intent of the community. So whether it says one building or five buildings....that's the basis of my concern.

Ms. Chalifoux – The flip side of that is that this local law obviously is getting the same consideration as the initial PDD did as far as public hearing, Planning Board, Ontario County Planning Board referral. It is getting looked at.

Chairman Davis – So I think our recommendation is what it is.

Ms. Grosso – This is for Sheila and John. Is there any way....I understand that there is a concern. Bob mentioned this topic to Fred about special use permits months ago. I understand that issue. But, we have Home Depot come in and put in temporary signs, is there some way that we can assist Fred by giving a temporary use or a temporary permit in some way to get him through the time crunch so that we can still get through this?

Ms. Chalifoux – I think that's difficult without having that listed as a special permitted use. If it was, I think we could expedite it because it isn't a "take out" it's essential an amendment to a local law to even get it as a special permitted use. I think that's difficult. That's one of the things we are talking about with Fred's attorneys.

Mr. Rainaldi - Actually when we first talked, I actually had no problems because I thought that that was the route, that was the law. That's why that was brought up at first.

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Chairman Davis – Just on that....the first time I heard it different was when an ordinance was....

Mr. Rainaldi – You said that you were going to have it.....so we were waiting to hear back. The question that I have is, I know the Town of Brighton has a.....in your code, you have a certificate of compliance. The Town of Brighton, no matter what building I own in Brighton, when there is a new tenant, there is a change of user hearing that they get a certificate of compliance. Is there any way to incorporate that because I have no problem with that? I don't have any problem with the special use permit. My problem is, this is going to evaporate on me. There is a certain amount of time for me and we kept thinking that we were going to go this way and I'm not blaming this Board for the time. I'm not trying to make you feel guilty. What I'm saying is that I like the idea of what Dawn was saying. Can we accomplish that you've got to give this guy a physical for the next guy that ever comes in there thru a certificate of compliance for change of user.

Ms. Chalifoux – Here is the good news. We are over at the Town, amending the code to include just that. So by the time, hypothetically, but if it got approved that would be in place for the next guy. That is exactly what the Code Enforcement Officers have expressed as a concern for us and we have been directed to include that as a local law. Now, is it in the preliminary stages? Yes. Can I guarantee the Town Board is going to pass it? No. But that is exactly what we are hoping to have in place.

Mr. Rainaldi – Is there any reason that, I mean, we have put all types of restrictions on this. I mean, every restriction you can imagine, is there any reason we can't incorporate that in here as far as a PDD?

Ms. Chalifoux – That it will expire? That it will change?

Mr. Rainaldi – Then any change of user has to come in and apply for a certificate of compliance.

Ms. Chalifoux – I don't know the answer, John do you?

Mr. Rainaldi – I did talk to Tom Walsh who I know you are negotiating with and they are doing it in Brighton. So I know that I can be done.

Mr. Wilson – I don't know if that is good precedence here. I've done some work in Brighton and it could be complicated too.

Mr. Rainaldi – You know what I'm talking about. It's under their certificate of compliance that they do this, right?

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Mr. Wilson - This is just a "gut reaction". I told Sheila when she called me this morning to give me a little "heads up" that we might be having this discussion tonight and we bated it around a little bit and I reacted to her privately as I reacted to you publically that this is already a fairly extraordinary zoning ordinance in my opinion in terms of the restrictions that are on it. I don't know if I have ever researched the theoretical outer limit of zoning ordinances, but I know that they typically aren't oriented towards the applicant's identity but to the use of the property. There are some constitutional and state law limits on the exercise of the zoning authority. I would honestly think.....I mean if the applicant is willing to put those kinds of things in and you stipulate on the record and nobody from the public complains, I guess you could incorporate these kinds of conditions. But in my experience, you are getting way out on the owner's edge of what the zoning laws are intended to incorporate and their considerations. But if the applicant wants it and the Town Board is willing to do it, then nobody else complains, then there it is I guess. Your next order can wrestle with whether that was an illegal act that was done or not. I think it maybe pushing the zoning laws as hard as you can push it.

Mr. Tayrien – I have question, maybe it's an off the wall suggestion more than a question. It's probably a little bit of both. I'm just wondering Sheila, is a lot of the potential delay associated with the fact that most any way that you cut it, it ends up bouncing back to this Board before the deal is done? I'm wondering if there is a solution where the local law that you are preparing now designates it as a special use and perhaps in that same law or companion law that initial special use permit. I know the code now talks about the Planning Board generally issuing the special use permits but I wondering if in this instance, it wouldn't be possible to have the Town Board issue the initial special use permit subject to renewal at some period of time by the Planning Board or something like that so that you eliminate that step where it's got to come back here. I started by saying that it's a little off the wall but....

Mr. Wilson – Probably in our discussions, we reviewed the special use permits authorized by the Town Board and delegated to this Board. I don't know what the underlying town law and town ordinance structure is but probably it involves some changes to the fundamental procedure before you can do that.

Ms. Chalifoux - I think you can change it for certain instances by local law. The problem is that I would have to look at it as a whole. This shouldn't be and I think this is where Fred is frustrated, is it shouldn't be that difficult. By the way this is rolling but in order to try to make it faster, we are actually making it slower.

Ms. Grosso – Just with that comment, is there a way that even since we are not 100% sure that that can be done, that this Board could take a vote this evening about whether they A: recommend it and B: whether this Board would recommend that, just like we do when we make

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Town Board the lead agency, recommend that they be the lead agency on the special use permit, then you won't have to come back here?

Chairman Davis – Now we are starting to do what I was actually afraid of when we started to do the ordinance. We are starting to create complexities around something that unfortunately for whatever reason, the time got consumed on you. I was trying to avoid us becoming more complex. As they say “the simplest answer is usually the best”. I feel bad that you have become constrained from a time perspective but I fall back to my original hypothesis that says that I still believe, based on what I have seen go through here that the best thing to do is leave that PDD untouched and put a special use permit on top of it. I know that you have to enable that, but I'm still there. At the end of the day, this part of it is not our decision. I would fall back to our recommendation is what I said 20 minutes ago, that we are highly in favor of the endeavor of the restaurant, the usage as defined. However, it is the Planning Board strong recommendation to the Town Board that the use of a special permit is enabled to allow this to happen rather than a change to the ordinance. Any disagreement from the Board? Any other discussion from the Board on this?

Mr. Benulis – Just one more question. To expedite, if it hasn't already been done, is it possible to summarize what you have in here in terms of the criteria for your special use, that you draft it and submit it to our Town Attorney for review.

Mr. Wilson – I think, if I understood what happened at the Building Department level is there is also substantial question to whether the existing ordinance would allow this use as a special use. So, you'd have to first amend the ordinance one way or the other, either you're going to incorporate this zoning change to permit the use as a matter of right. Or, you are going to have to amend the ordinance to permit this use as a matter of special use permitting. But, in either event, we are back to the Town Board legislative body is authorizing one or the other. It's not within our power to do either.

Ms. Chalifoux - Another local law is for another public hearing date and that's the problem. Our packet deadline for the 26<sup>th</sup> meeting is tomorrow. We can't get anything in for tomorrow's packet, I'm assuming. So now we are running into a February meeting of the 9<sup>th</sup> just to set the public hearing and that's going to be at the end of February and then it's still going to have to come back here.

Ms. Grosso – What exactly do you need in the packet?

Ms. Chalifoux – We need the local law and the resolution to set the public hearing.

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Chairman Davis - so that's our recommendation.

Mr. Benulis – I don't know if my question was answered. It's kind of like a SEQR when we ask the developer to create the SEQR, we then take it and look at and modify and review and change it. Fred is that something that you could help with?

Mr. Rainaldi – We drafted what you have now. It's a matter of timing.

Chairman Davis – This is a consumption of time because of procedural issues with moving the one mechanism versus the other. That's what this breaks down to. So I don't think anyone can expedite that, I think it just becomes a matter of process.

Any other comments on this? (there were none). Thanks Fred.

### **DISCUSSION**

Process for 2009 presented by Mark Tayrien from LaBella.

Chairman Davis – Mark is going to take us through our discussion of our process of 2009. Mr. Tayrien also worked with Boylan Brown (Town Attorneys) with this. This is how we want to operate and this is some of the work that Marge's (Elder) team helped with and how we are integrating this and how we would like to turn this into a recommendation to the Town Board.

I would like to turn this into a recommendation to the Town Board similar on what we did with the site plan timing that we sent them last year.

Mark Tayrien explained the flow chart that he brought. He explained what we do now for site plan or subdivision approval (SEQR,

While the site plan is typically a one step process, our code specifies for major subdivisions a three step process (sketch, preliminary and final).

Some of the informal process that we do are:

1. Pre-Application Conference "Staff" Only
  - a. This happens now with Kim Kinsella, Mark Tayrien, Alan Benedict the Code Enforcement Officer and the applicant. There is no formal requirement. It's just a discussion of what they are proposing and some suggestions from us.
2. Pre-Application Meeting w/the Planning Board
  - a. Applicants meet w/either the staff or Planning Board informally before they file the application.

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3. Resource Identification & Concept Plan
  - a. Before the details are designed, a conversation takes place of what is on the site and what might need to be protected or responded to. Too often there are items that are discovered after we have gone through several steps and expense.
4. Pre Application Site Visit
  - a. This would be the site walk

It was suggested that we try this concept before it goes to the Town Board to make any adjustments.

Mr. Tayrien went over the pre-application policies and procedures that was in the form of a handout.

Chairman Davis discussed the different type of informal discussions that have become before the Board. It was suggested that the informal process be broken down and a description of what is needed to appear before the Board informally.

One of the challenges is not to have applicants come before the Board informally and walk away with the feeling that they have gotten the "go ahead" from the Board or have come back to the Board numerous of times informally.

Mr. Tayrien would like to see applicants develop a resource and concept plan that precedes the detail that you get in a preliminary or final plan. This needs to be codified eventually.

Mr. Tayrien went through his handout with frequently asked questions for Pre-Application Policies and Procedures.

This will not change the practice of meeting with applicants. It's not going to change with the current practice of staff meetings with applicants other than it's going to put another agenda item as we ask the questions of whether or not they need to provide a concept plan or resource plan before they go before the Board.

Chairman Davis asked Mr. Tayrien to put together a recommendation to send to the Town Board and he said that he would.

Mr. Tayrien reviewed his Site Plan and Subdivision Review polices and procedures that was handed out.

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## **REGULAR MEETING OF THE VICTOR PLANNING BOARD, JANUARY 13, 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.

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Mr. Logan wanted to know if the Town was going to prepare the resource plan early on for an informal applicant or does the applicant prepare and pay for this. Mr. Tayrien stated that the town wide resource plan should be the responsibility of the town or be part of the Comprehensive Plan process. If a specific resource plan is requested, that would be done by the applicant. Until the town wide plan is completed, the applicant would need to furnish the information.

Ms. Grosso wanted to know if there would be a list or a check list of what we would be requesting to give to applicants. In Mr. Tayrien's handout there was a list of resources that could be built upon and used as a checklist.

Chairman Davis recommended that Mr. Tayrien electronically distribute his handouts to Planning Board and have Board send him comments/questions. This will be reviewed again at the next Planning Board meeting.

Ms. Grosso wants to be sure that a deadline is placed on information that is required to be distributed before applicant comes before the Board.

Mr. Wilson asked Mr. Tayrien if he knew what kind of expense would be on the applicant to furnish all the requested information. Mr. Tayrien stated that on a large subdivision/site plan you could spend 30 – 40 hours and it could cost \$1,000s. This may cost the applicant a lot, but by doing this the applicant will recoup the cost by going through the process quicker and have fewer changes.

Chairman Davis closed the discussion.

Jeff Cody came forward and gave an update on the Town Board meeting.

On motion of Joe Logan, seconded by Dawn Grosso

RESOLVED that the meeting was adjourned at 9:05 pm

Adopted 7 Ayes, 0 Nays

Cathy Templar, Secretary