

A regular meeting of the Town of Victor Planning Board was held on January 11, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: Wes Pettee, Town Engineer; Dave Nankin, Francis Rose, Daniel Rose, Linc Swedrock, Enrika Sharpe, Brennan Marks, Kathy Pomponio, Robert Burgdorf, , Mike Crosby, David Palmer, David Cocquyt, Colin Fazio, Ron Every, Moura Barry, Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary.

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

**APPROVAL OF MINUTES:**

On motion of Joe Logan, seconded by Joe Limbeck:

RESOLVED, that the minutes of the meeting held on October 13, 2021, BE APPROVED.

Adopted Ayes 5, Nays 0.

On motion of Al Gallina, seconded by Scott Harter:

RESOLVED, that the minutes of the meeting held on October 26, 2021, BE APPROVED.

Adopted Ayes 5, Nays 0.

**CORRESPONDENCE:**

There were none.

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon

Mr. Condon -First and foremost Happy New Year. As Ernie said, I would like to publicly thank you for signing up for more torture and appreciate your expertise, wisdom and guidance on the

Planning Board. One of the things we talked about at our organizational meeting as we started to get ready to roll into 2022 is I think one of the things that the Board is going to try to do or one of the things we were talking about a little bit is probably say moving slower but certainly being a little bit more prudent at looking at how things tie into the Comprehensive Plan. There was a little bit of discussion on what is going on on East Victor Road. I have read your comments and the correspondence and appreciate all these comments.

One of the things we talked about the other night and is coming up with your agenda with Southgate Hills is the Town Board does want sidewalk on the west side of that development as they get ready for that Phase 2. We are anticipating that that is going to explode with some development as we see going up East Victor Road and we are not sure when the next phase will be done, and we are going to ask for sidewalks on both sides to get down to the Auburn Trail. As we look at what is coming from Blumont and what is coming down the road and a lot of that and the map we looked at the other night is a little bit dated because a lot of those houses are already done and almost built out on that one phase. Our thought is let's get sidewalks on both sides of that road going down that Auburn Trail and make it as safe as possible and that is one thing you talked about the other night but wanted to let you know the Town Board is going to push to have those sidewalks on both sides. Not that we are getting into the sidewalk business because we don't plow or maintain those in the wintertime but certainly when the traffic picks up the roads get better and there is more foot traffic in the summertime and want to make sure it is easily accessible on both sides of the road.

Other than that, I wanted to say it is good to see everyone here. Keep up the good work.

PLANNING BOARD reported by Lisa Boughton  
Tuesday January 25, 2022

#### PUBLIC HEARINGS

- Bristol Garden Gowing Greenhouses, located at 7432 State Route 96, applicant is requesting approval to construct (4) Westbrook greenhouses, 24' x 144' long x 14' high and (5) Westbrook greenhouses 24' x 120' long x 14' high for growing flower and vegetable plants
- Van Bortel Parking Lot Expansion, located at 6327 State Route 96, applicant is requesting approval to demolish the existing house with its accessory structure and to extend the parking lot. The proposed parking lot will have a new access drive lane that will tie into the existing curb cut.
- Swartz Pole Barn, located at 7716 Lower Fishers Road, applicant is requesting approval to construct a 36x24 pole barn with a 10-foot-high ceiling and also included is 8x24 foot porch.
- 212 Whistle Stop Road, located at 212 Whistle Stop Road, applicant is requesting approval to demolish to existing structure and leave the foundation intact.

- Guinan Pole Barn, located at 6485 County Road 41, applicant is requesting approval to construct a 30x48x16 pole barn for personal storage.
- T-Mobile Transcend Wireless, located at 140 Cobblestone Court, applicant is requesting approval of an existing wireless station which includes replacement of panel antennas, removal and installation of coax cables and a battery cabinet.

*The legal notice for the public hearings appeared in “The Daily Messenger” along with “Under Review” signs being posted on the subject parcels. Post Cards were mailed to property owners within a minimum of 500 ft from location for the initial public hearing date of each application. For applications carried over please refer to the Planning and Building Office.*

**SOUTHGATE HILLS PHASE 2**

East Victor Road

Owner – BRW of Greece LLC

Tax Map # 28.04-1-48.000

Applicant is requesting approval to construct 15 lots on 10.14 acres under the clustering provisions which will include all associated utilities and stormwater management.

Approximately 3.99 acres will be placed in a conservation easement. This will be the second step in a 3-step process for a major subdivision. The Sketch Plan was acknowledged complete August 10, 2021.

06-PS-2021

Zoned – Residential 2

Chairman Santoro – The public hearing on this is closed.

Linc Swedrock, of BME Associates, appeared before the Board. Also present was Jerry Watkins from BRW of Greece.

Mr. Swedrock – Last meeting you closed the public hearing and I think we have addressed almost every comment at that point. We had worked on the sewer issue with Labella and the pump station and believe we have addressed that. Scott has brought up the site distance at the last meeting, so Labella went out and looked at the sight distance and they provided a letter as well and reviewed the sight distance and agreed with our proposal of what we are doing on the plans to make sure the sight distance meets requirements. I think the only other thing was a loose end was the...we are on the Town Board agenda on the 24<sup>th</sup> for the right-of-way adjustment and based on the conversations with the Town Board since the last meeting it sounds like the original condition that staff had written for your approval resolution to consider was the sidewalk from our site all the way to the Lehigh Trail which is going to be required based on the right-of-way adjustment so we provided that plan showing that we will provide that sidewalk from the site all the way down the west side of East Victor Road to the trail. That was a discussion with Town Staff and the Town Board about the right-of-way that we need to build it from our driveway all the way to Lehigh Trail.

I think with that, that was the last remaining comments. We are heading to the Town Board on the 24<sup>th</sup> and we also applied for a grading permit which is the next item on your agenda. They want to get going because they are running out of inventory on the last phase so they would like to get a head start as early as they can to keep the construction schedule this summer. We will talk about that next.

Chairman Santoro – Any question or comments from the Board?

Mr. Limbeck – I am happy to see the sidewalk going up the west side of the road.

Mr. Harter – I think I saw correspondence from Labella saying that there was some trees to be removed in conjunction with the sight distance, correct?

Mr. Swedrock -Correct. They are identified on the plan.

Mr. Logan – I am satisfied with everything.

Mr. Gallina – I am good.

Mr. Swedrock – Did we do SEQRA?

Mr. Pettee – Back in November we did go thru parts 2 & 3 of the EAF.

Mr. Swedrock – I remember but did not know if we made the determination.

Mr. Pettee – There was not a determination significance made but we have that built into this resolution.

Mr. Swedrock – I wanted to make sure, and I know we went thru it, but I did not think we made the determination at that time.

Chairman Santoro read the draft resolution.

### **DECISION:**

On motion of Joe Logan, seconded by Joe Limbeck:

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

1. A Preliminary Subdivision application was received on September 22, 2021, by the

Secretary of the Planning Board from Riedman Acquisitions, LLC (the “Applicant”) for a Major Subdivision entitled Southgate Hills 2 Subdivision (the “Application”).

2. It is the intent of the Applicant to develop 15 lots on 10.14 acres under the Clustering Provisions of Chapter 184, Article V of the Victor Town Code. The Application includes associated utilities, roadway, stormwater management facility, sidewalks on site as well as along East Victor Road, as more fully described and depicted on the preliminary subdivision plans. The Application also includes placement of approximately 3.99 acres into a conservation easement in an effort to contribute toward the 50% open space requirement for major subdivisions. The Applicant is also requesting certain lands now known to be part of the existing East Victor Road right-of-way, which is under review and consideration by the Victor Town Board.
3. Following a petition by the Applicant, the Town Board modified the Residential Overlay Zoning Map on July 26, 2021, to reclassify the Residential Overlay Zoning District for the project area to Residential-B, allowing 0.5 units per acre, where the property was previously classified in the Residential-A Overlay District.
4. An “Under Review” sign was posted on the subject parcel as required by Town Code.
5. A public hearing was duly called for and was published in the Messenger Post and whereby all property owners within a minimum of 500-feet of the Application were notified by U.S. Mail.
6. The Planning Board held a public hearing on October 26, 2021, and on November 9, 2021, at which time the public was permitted to speak and provide comments on the Application.
7. The Application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and Part I of the Long Environmental Assessment Form was prepared by the Applicant.
8. Labella Associates reviewed the preliminary subdivision and made comments in a letter dated October 26, 2021.
9. Code Enforcement reviewed the preliminary plan on October 20, 2021, and provided comments.
10. The Town of Farmington Water & Sewer Department reviewed the preliminary plan on October 14, 2021, and provided comments.
11. The Town of Victor Highway Department reviewed the preliminary plan on September 29, 2021, and provided comments.
12. The Ontario County DPW reviewed the preliminary plan on October 25, 2021, and

13. The Town of Victor Parks & Recreation Department reviewed the plans and provided comments.
14. Pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land, shall be paid to the Town of Victor prior to issuance of a building permit.
15. The Town Engineer has previously advised that sanitary sewer pump station 7 (PS-7), located at the corner of East Victor Road and New York State Route 96, is at capacity with the approvals of the Blumont Rise Subdivision and Victor Jeep site plan. An updated evaluation was conducted by LaBella Associates between October and December 2021 using pump run times from January 2020 through October 2021. LaBella assessed pump station capacity, existing flows and projected flow rates. Within the near-term build out of Southgate Phase 2 (West side of East Victor Road / 15 lots only), along with other approved projects under construction (Blumont Rise / Victor Jeep) PS-7 would be at capacity considering the station is well maintained and ongoing construction results in no increase to extraneous flows (inflow and infiltration).
16. In a letter dated January 4, 2022, the Town Engineer indicated that sight distance from the proposed road intersection at East Victor Road would be satisfactory and recommended that three trees be removed, south of the proposed intersection, as is identified by a note on the Grading Plan indicating "Remove any remaining trees within right-of-way for sight distance improvement".
17. The Subdivision involves adjustment of the current East Victor Road right-of-way whereby the Town will be conveying a portion of the right-of-way to the developer, and in exchange, the Victor Town Board has requested that a 5-foot-wide sidewalk be constructed within the proposed project, as well as along the west side of East Victor Road from the proposed road intersection at East Victor Road to the Auburn Trail.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on November 9, December 14, 2021, and January 11, 2022, and identified no significant adverse environmental impacts; now, therefore, be it

RESOLVED, that the project, Southgate Hills 2 Subdivision, will not have a significant impact on the environment and that a negative declaration be prepared: and, be it

FURTHER RESOLVED, that the Preliminary Subdivision Application of Riedman Acquisitions, LLC, Major Subdivision entitled Southgate Hills 2 Subdivision, drawn by BME Associates, dated September 21, 2021, last revised October 28, 2021, received by the Planning Board September 22, 2021, Planning Board Application No. 06-PS-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the preliminary subdivision plans:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That Section 4, Standard Approval Conditions for all Subdivisions (Major & Minor) of the Town Design & Construction Standards be met.
3. That comments in a letter dated October 26, 2021, from Labella Associates be addressed, and the Town Engineer confirms that the preliminary subdivision plan set is suitable for final signature.
4. That comments from the Town of Farmington Water & Sewer Department dated October 14, 2021, be addressed.
5. That comments from the Town of Victor Code Enforcement Officer dated October 20, 2021, be addressed.
6. That comments from the Town of Victor Stormwater Program Manager dated October 19, 2021, be addressed.
7. That a 5-foot-wide sidewalk be depicted and constructed by the applicant from Southgate Hills 2 Subdivision along the west side of East Victor Road to the Auburn Trail.
8. That the Town Board approve the East Victor Road Right-of-Way adjustment.

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

1. That the major subdivision comply with the Town of Victor Design & Construction Standards for Lane Development, including Section 4.
2. That all conservation easement markers are shown on the final plans.

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

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

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

**PUBLIC HEARING**

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

**SOUTHGATE HILLS PHASE 2 CLEARING AND GRADING** 45-SP-2021  
East Victor Road Zoned – Residential 2  
Owner – BRW of Greece LLC  
Tax Map # 28.04-1-48.000  
Applicant is requesting approval to proceed with clearing and grading.

Chairman Santoro started to read the resolution.

Mr. Logan – Ernie, before you go any further and you are doing a great job reading but we have not discussed this yet.

Chairman Santoro – We did not? Let's discuss it then.

Mr. Logan – I wanted to get some background on the extent of the grading you are looking to do, how you are storing topsoil and things like that and if you could give us an orientation of far you want to go and how far we are going to let you go before you get approval on the subdivision itself.

Mr. Swedrock – I think what we have been doing is we are working with the SWPPP officer and trying to figure out. We are looking to start the full grading operations as clearing and earthwork and stripping all the topsoil. Based on our conversations with the town and Labella we are looking to phase the cuts and fills and have been pretty specific on how we have called out the grading sequence and going to clear the entire area, strip and stockpile the topsoil as it shown on the plan on the northeast corner there and then we initially are going to be digging the pond. Mainly the fills are near East Victor Road and the cut is the pond and the cul-de-sac area. The initial cuts from the pond will be taken and stabilize the cul-de-sac area after we strip the whole thing and then we will cut from the fill pond towards East Victor Road so we can get into the site and then once the pond is done, we will stabilize the pond and move to the cuts in the cul-de-sac and then finish the fills back towards East Victor Road. It is a two-phase cut and fill.

Mr. Logan – So the site is going to be stripped? You are not going to have any topsoil or temporary growth or are you going to have to temporarily seed the area that has been striped?

Mr. Swedrock – Per the SWPPP and the conversations we have had and because we are doing this in the winter operations we need to stabilize. We have to stabilize the area we are not working in. We are going to work in the pond area and stabilize the cul-de-sac area, build the pond and then stabilize the pond area and then we will go into the cul-de-sac area which will be stabilized then we will end up disturbing that area again.

Mr. Logan – I assume the Wes has some comments.

Mr. Pettee – Labella has taken a look at the plans and the sequence of what they would like to do. Mary Steblein, who also reviews the grading has been working closely with the town Stormwater Manager, Keith Maynard II, we are okay with what they are proposing and just want to be sure the Letter of Credit that they provide is adequate. We are going to have to do some inspection of what they are going to be filling especially where the proposed road is going to be where they are going to be filling there and we will take care of that for inspection.

Mr. Swedrock – We have addressed the first round of comments from Keith about how the stabilization that we have provided the Letter of Credit to Labella for review and making sure we have everything covered there.

Mr. Logan – Do you have idea of when you will be done finish grading or getting this graded out a ready for the next phase?

Mr. Swedrock – I think in the best world they would be done here by April, so they are ready to start doing utilities and try to keep the final process moving along with the Planning Board.

Mr. Logan – So with winter are you going to be able to get the compaction you need in the road for the cul-de-sac and things like that?

Mr. Swedrock – The cul-de-sac is almost all cut so they will have to fill and compact and test it because there is quite a bit of fill coming in off of East Victor Road. They will have to meet the requirements. The pond they can get it dug and stabilized and we are also putting in a temporary pipe because there is quite a bit of drainage coming from the south. Part of the storm is we are putting a storm sewer into bypass, so the water stays off of us too. Hopefully we can keep the material dry enough so we can meet compaction and all that.

Mr. Pettee – I was just going to reiterate the project that this particular component is a little more than just the clearing and grading as the Town Code allows for a site plan to be submitted for clearing and grading, this includes a little bit more. The outlet structure, the spill way and the and little bit of the Stormwater Management infrastructure as well. I do not think that the town would allow for this if there was not a subdivision application on the heels of it. It is kind of allowing them to accelerate them getting into the ground, but they are not doing all utilities but just doing a little bit of the stormwater management.

Mr. Logan – That is all I had.

Mr. Gallina – I am all set.

Mr. Harter – I have a couple questions relating to the drainage. You have offsite drainage that goes thru there right now for existing conditions, and you are proposing to pipe it and bypass the ponding area that you have there? You have rear yards and two-yard inlets in the back that function underdeveloped conditions and does that tie into the bypass line or is that going thru some separate connection to the pond?

Mr. Swedrock – The two inlets that tie into the bypass and over detaining in the pond.

Mr. Harter – The drainage was reviewed by Mary and you folks, and you are okay with the drainage scheme?

Mr. Pettee – Yes.

Mr. Harter – The only comment I would make relative to the request is that in the wintertime you do not get any vegetation. If you have bad weather conditions like frozen ground, then a thaw and rain you could have a pretty big mess on your hands. I do not have an objection to what you are doing but I think you have to be very careful with what you are doing. When that is all frozen it is like a big parking lot.

Mr. Swedrock – I know Keith has comments and he is going to be keeping an eye on it. We understand because we have already worked thru hid initial comments, and he has the same comments that you. That is why we are going to try to limit the disturbance and straw most of it. We are not going to get anything to grow.

Chairman Santoro – Anyone from the public like to speak? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0.

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Joe Logan, seconded by Al Gallina:

WHEREAS, the Planning Board has received an Application dated December 17, 2021, from the BME Associates seeking limited Site Plan approval related to clearing and grading on the Site; and

WHEREAS, said Application, in sum, seeks the approval to proceed with clearing, grading, stockpiling topsoil, construction of pond, outlet structure and pond spillway, construction of select storm sewers at the project site; and

WHEREAS, said Application is an Unlisted action, and this application is related to the Southgate Hills 2 Preliminary Subdivision application, which included a SEQRA review and determination of significance, and said SEQRA review and determination of significance also serves this application; and

WHEREAS, such Application is subject to Town Code Section 211-31(H) and Section 211-12 Definitions for a “Grading Sketch Plan”; and

WHEREAS, the Planning Board has considered the Application pursuant to the relevant Sections of the Town Code; now, therefore, be it

RESOLVED, pursuant to the Victor Town Code at Section 211-31(H), that the Planning Board finds that the proposed activity conforms to the requirements and considerations identified in the Town Code; and be it further-

RESOLVED, that after duly considering those elements required by the Victor Town Code and New York State Town Law, the Application for clearing and grading Site Plan entitled Southgate Hills Phase 2 Clearing and Grading, drawn by BME Associates, dated September 21, 201, Drawings 03 (as related to storm utility identified in December 7, 2021 BME letter), 04 and 05, received by the Planning Board September 22, last revised January 1, 2022, Planning Board Application No. 45-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the preliminary subdivision plans:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That Section 4, Standard Approval Conditions for all Subdivisions (Major & Minor) of the Town Design & Construction Standards be met.
3. That comments related to grading and stormwater in a letter dated October 26, 2021, from Labella Associates be addressed and that confirmation is provided by LaBella indicating the clearing and grading site plan has satisfactorily resolved such comments related to the proposed improvements in the Applicant’s letter of intent, dated December 7, 2021.

- 4. That comments from the Town of Victor Stormwater Program Manager dated January 5, 2022, be addressed.

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

- 1. That the major subdivision comply with the Town of Victor Design & Construction Standards for Lane Development, including Section 4.
- 2. That the applicant coordinate with the Town Engineer to ensure sufficient drainage measures are maintained on the site.
- 3. A stabilized construction entrance shall be established and maintained.
- 4. That the activity related to clearing and grading be limited to the hours of 7:00 AM to 5:00 PM, and may occur Monday through Friday only (not on Saturdays or Sundays); and

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

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

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

Approved 5 Ayes, 0 Opposed

**BRISTOL GARDEN GROWING GREENHOUSES**

37-SP-2021

7432 State Route 96

Zoned – Commercial/Light Industrial

Owner – SASRMS, LLC

Tax Map # 15.00-2-20.120

Applicant is requesting approval to construct (4) Westbrook greenhouses, 24’ x 144’ long x 14’ high and (5) Westbrook greenhouses 24’ x 120’ long x 14’ high for growing flower and vegetable plants.

Chairman Santoro – Has been removed until the January 25<sup>th</sup> meeting.

**BELL ATLANTIC d/b/a VERIZON**

42-SP-2021, 11-SU-2021

1533 State Route 444

Zoned – Residential 2

Owner – Esther Green

Tax Map # 40.00-1-2.100

Applicant is requesting approval to construct a monopole/wireless telecommunication facility adjacent to the municipal water tank.

Chairman Santoro – Public hearing is still open.

Robert Burgdorf with Nixon Peabody appeared before the Board.

Mr. Burgdorf - Continuation of the hearing for the monopole next to the water tank. At the December Planning Board meeting we reviewed the project in depth and there were three items identified by the Planning Board as still outstanding and needed follow up. Those three items are as follows.

1. The Board wanted more information or to confirm that this tower would not be lit. At that time, we did not have our final FAA responses back and we have since obtained a determination of no hazard which means that it does not need to be lit. We have submitted it to the town, and they have that, and the good news is as we had expected but you never know for sure. This does not need to be lit.
2. The landscape plan, the Planning Board wanted to see some landscaping to the portion of the base of the tower that ace the roads. We submitted a landscaping plan to the town. The consultant suggested a few changes of two varieties due to deer browsing. I personally back up to the woods and know what the deer have done to my shrubs. We made those changes and have no problem with those changes and will be reflected on the final site plan. That takes care of the second one.
3. The generator. The Planning Board wanted details of a generator and we have confirmed that this will not have a generator. There is currently a generator on suite and this one will go away when this one is completed. There is some battery backup but there will be no generators, so no noise issues with that.

Those are the three issues and I think they have all been resolved fully the way the Planning Board was looking to have them resolved. With that unless the Board has other questions, procedurally we are seeking a negative dec pursuant to SEQRA to take care of that and seeking site plan and special permit approval from this Board. We are going to the ZBA next week to close out that.

Chairman Santoro – That will be a condition. Anything from the Board?

Mr. Limbeck – What is the life of running the tower off the back up batteries?

Mr. Burgdorf – Eight hours.

Mr. Limbeck – Do you have provisions then for bringing a generator in with an outdoor hook up for it?

Mr. Burgdorf – We can do that. We can ship new batteries in. It is pretty rare that happens but

if there is an emergency then we could truck something in. Hopefully, it would be resolved within eight hours. Most power outages do not last that long, and we do have the ability to bring in new batteries but also the ability that they come with a port during an emergency, ice storm or whatever we could get a generator onsite. We would in an emergency to for everything to keep that service going.

Mr. Limbeck – Are they lithium-ion batteries? The reason I ask is that there are special fire fighting requirements for them and if you have a certain quantity you have to identify the Ontario County emergency planning.

Mr. Burgdorf – I am sure whatever regulations the contractors know and will comply with that. I do not know off the top of my head.

Mr. Limbeck -Sometimes it is advisable to get the local fire department involved to have that emergency planning in place.

Mr. Burgdorf – I will pass that on to the construction manager.

Mr. Harter – I just wanted to be sure on the landscaping the landscape consultant reviewed it and made comments and you are going to revise your plans accordingly?

Mr. Burgdorf – We are pleased to adopt both of those changes. It has gone back to our landscape architect, and they have made the changes and will be on the revised site plan and fully comply with the January 6<sup>th</sup> letter from your consultant.

Mr. Gallina – All set.

Mr. Logan – I am all set.

Chairman Santoro – So am I.

Chairman Santoro – Anyone from the public like to speak? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0.

Chairman Santoro read the draft resolution.

**DECISION:**

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

1. A Site Plan and a Special Use application were received on November 2, 2021, by the Secretary of the Planning Board entitled Bell Atlantic d/b/a Verizon – 1233 State Route 444.
2. Applicant is requesting approval to construct a monopole/wireless telecommunication facility adjacent to the municipal water tank.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the project site were notified by U.S. Mail.
4. The Planning Board held a public hearing on December 14, 2021, and January 11, 2022, at which time the public was invited to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On December 8, 2021, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
8. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
9. The proposed use conforms to all applicable regulations in the district which it is located.
10. The Codes Dept reviewed the application on December 3, 2021 and stated that an annual report is required to be provided indicating that property maintenance is being conducted on the tower and that a building permit is required or the proposed groundwork and antenna replacement and an area variance from the Zoning Board of Appeals is needed for setback requirements.
11. LaBella Associates reviewed the site plan and special use application in a letter dated December 14, 2021, and provided comments.
12. The Town of Victor Code Enforcement Officer reviewed the site plan and special use application in a letter dated December 3, 2021, and provided comments.

13. Applicant has agreed to comply with Section 211-47 (D)(1)(e), Removal of obsolete/unused telecommunications facilities, of the Victor Town Code

WHEREAS, the Town of Victor Planning Board, as Lead Agency, has reviewed and considered Part 1 of the Environmental Assessment Form, application materials, public comments and environmental record concerning the Proposed Action, as well as completed the applicable Parts 2 and 3 of the Environmental Assessment Form and identified no significant adverse impacts.

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

BE IT FURTHER RESOLVED that the application of Bell Atlantic Mobile Systems LLC. d/b/a Verizon, c/c Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604, Site Plan entitled Bell Atlantic d/b/a Verizon located at 1533 State Route 444, drawn by Costich Engineering, dated October 5, 2021, received by the Planning Board Secretary November 2, 2021, last revised December 29, 2021, Planning Board Site Plan Application No. 42-SP-2021 and Special Use Application No. 11-SU-2021 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That the comments in a letter dated December 14, 2021, from LaBella Associates be addressed.
3. That the comments in a letter dated December 3, 2021, from Code Enforcement Officer be addressed.
4. That an approval from the Zoning Board of Appeals for an area variance for setback requirements be granted.
5. That a removal bond be provided at the time of the issuance of the building permit.
6. That a building permit be obtained before construction begins.

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

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

Ernie Santoro                      Aye

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

Approved 5 Ayes, 0 Opposed

**CROWN CASTLE d/b/a VERIZON WIRELESS**

12-SU-2021

914 Brownsville Road  
Owner – Crown Castle  
Tax Map # 16.00-1-42.211/CRWN

Zoned – Residential 2

Applicant is requesting approval to add (3) antennas at existing wireless communication facility.

Brian Tempio representing Crown Castle and Verizon Wireless.

Mr. Tempio – We are looking to add three antennae to an existing cell tower.

Chairman Santoro – Are you adding to the height?

Mr. Tempio – It is a smaller antenna and will not add to the height.

Chairman Santoro – What is the total height?

Mr. Tempio – It is at 132 feet. It will stay that way. It is about 2-foot-tall antennae.

Chairman Santoro – Anything from the Board?

Mr. Gallina – No questions.

Mr. Logan – No, all good.

Mr. Harter – No I do not believe so.

Mr. Limbeck – Nothing.

Chairman Santoro – I have nothing either. It is pretty straight forward. Any comments from the public? Hearing none.

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

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Joe Logan, seconded by Al Gallina:

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

1. A Special Use Permit application was received on December 08, 2021, by the Secretary of the Planning Board for a Special Use Permit entitled Crown Castle d//b/a Verizon Wireless.
2. It is the intent of the applicant to co-locate and add (3) antennas and ancillary equipment to existing cell tower.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on January 11,2022 at which time the public was permitted to speak on their application.
5. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
7. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of Colin Robinson, Crown Castle, for a Special Use Permit received by the Planning Board on December 8, 2021, Planning Board Application No. 12-SU-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions to be addressed prior to the chairman’s signature on the site plan:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer, dated December 15, 2021, be addressed.

**Ongoing conditions:**

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
- 2. That a building permit be obtained before installation of antennas begins.

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

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

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

Approved 5 Ayes, 0 Opposed

**SWARTZ POLE BARN**

44-SP-2021

7716 Lower Fishers Road  
Owner – Kevin Swartz  
Tax Map # 6.00-1-60.110

Zoned – Limited Development District

Applicant is requesting approval to construct a 36 x 24 ft pole barn with a 10 ft ceiling also included is an 8 x 24 ft porch.

Chairman Santoro – This application has been removed until January 25<sup>th</sup>.

**DELTA SONIC CAR WASH**

40-SP-2021, 10-SU-2021

7463 State Route 96  
Owner – Dilip Patel  
Tax Map # 6.00-1-64.100

Zoned – Commercial/Light Industrial

Applicant is requesting approval to demolish the existing buildings and to construct a 13,914-sf interior detail building located along NYS Route 96, a 10,257-sf exterior building car wash with 3,185 sf prep hut, located behind existing Taco Bell, a 13,164-sf indoor vacuum building and outdoor vacuum area located behind Wendy's, along with new lighting, landscaping, pavement and drainage.

James Boglioli, attorney for Delta Sonic Car Wash

Mr. Boglioli – I know the Board is familiar with this property, but I always start the presentation

with..this is the property. We are contracted to purchase it. We call it the formal Royal Inn property and some vacant land. It is adjacent to the Wendy's. The property maintains frontage on Main Street and Route 96. We have two access points, on Mian Street Fishers and one on 96, we are going to be using those access points as part of the project as I walk thru this. It is currently improved with the existing retention basin, which service ethe hotel and Wendy's. We are going to seek to expand that to further utilize it for Delta Sonic. This is the project, walking thru the site you see the detention basin with the access point. This is 13,000 sf interior vacuum building along with exterior vacuums located in this area. The car wash and prep hut with the enclose da rea in between it to protect the workers as they drive thru and also the interior detail building. If you are familiar with Delta Sonic, there will be a quick detail about 15 minutes. You enter a belt that drives you thru the car wash, the interior detail clean the car and it pops out the other side. Ther will also be extended details so if you dropped your car off in the morning and picked it up at the end of the day you can have your entire car detailed much like you are picking it up from a dealer. Those are the services. Walking thru the access, you have the access off of 96 over here and provide cross connection over to the Wendy's front. When you come in you can make various movements and can circle around the car wash, go thru the car wash and back out. At that point you can either go to the interior detail or to the interior vacuums. The interior vacuums are free to all of our members that have monthly services. You have a car and can drive right in and vacuum your car in a climate-controlled environment.

We did get a number of comments and we are going to submit a written response and revise the plans to address the comments. All of those comments are addressable. I will walk thru them, so you know where we are. The Town Historian comments, to photograph the hotel and provide a map, we will take care of that. The Fire Marshal comments we can address. The landscape consultant comments we are in the process of addressing, stormwater management we are addressing. The Farmington Water & Sewer we are addressing. The Code comments we can address all, I have one issue with the one regarding parking. In your code this is defined as a motor service vehicle repair station. It is specifically defined. The Code Enforcement Officer is using a different parking requirement for retail. The law is very specific that it is a defined term, and you cannot use a different definition. I will provide the case law on that, but it is really here nor there with this site. We provide 46 parking stalls and there is no parking drive uses except for employees. There is nowhere you can buy anything. This is a scaled down Delta Sonic, it has no gas, no convenience store or restaurant. The parking is not needed for customers. Those spots are all for employees, but I will provide the case law on the parking issue.

Mr. Logan - Can you tell me if you are dropping off a car where e does it get left? Is there a spot where you can park your car?

Mr. Boglioli – They do not get left outside, you make an appointment, you can not just drop off a car. If you have an extended service, you have to make an appointment in advance. We take the car from you and there are bays inside the building where the car gets brought inside and parked in a bay. You can not just leave your car and drive away. You have to have an appointment and drop it off. The quick detail you stay in the car, or you go in the waiting room. There is no customer cars parked on site.

The Code Officer is requiring us to provide a 30-foot buffer along the back and we can do that. We will modify the plan to accommodate that.

Traffic. NYS DOT has approved the project as proposed. We did get comments from the town consultant and the county. SRF is in the process of revising our traffic study to address those comments. We will have those for the next meeting.

Conservation Board had no comments. I presented at that meeting. Labella comments we can address. The County comments we can address. They asked for one main item which we have provided for them in the plan. They asked for the possibility to the hotel to connect into our site for cross access. We did allow for a 40-foot green area that if we needed to ever connect the hotel, we could provide an access road onto that site.

In addition, there was a comment about allowing Taco Bell to connect. We would agree to allow Taco Bell to connect if they ever had the desire to do so. It benefits us since more people that can get to the car wash better for us. Both of those comments we have addressed on the site. Taco Bell can connect anywhere and the hotel we have provide a 40-foot greenspace here that leaves a 20-foot driveway to add if we needed to.

Going thru the building comments and this is more of an open issue. We have three buildings on site. Two are basically the same building, they are vacuum and detail buildings and designed as greenhouses. They are a concept out of Germany that we have brought over to the United States. We work with a car wash company in Germany. They lead the world in carwashes. These are pictures of ones we have recently put up. The yare glass building with a stone base. They look like a greenhouse and have a metal seam roof and on top of this they will have solar panels all the way across the way.

Delta Sonic is really gotten into the conservation area and provide solar and water acclimation and reuse 60% of our car wash water on site by filtering it and reusing it. This is the interior view of the greenhouses, and the idea of the m is to have a very open area climate-controlled area with a lot of natural light, hence the design.

The car wash building around back and is mostly brick. It has an additional stone veneer base. It has tinted transient windows. The blue over her to allow natural light into the car wash. It utilizes fiber cement board along the top. You can see it over here. Along the front it has a sanding seam metal roof and awnings. Just walking you thru.

This is a 3d rendering. This is the detail building and going around the building. You can see how the site will look all together. We are going to move over to the vacuum building an the exterior vacuums. Those are the bays we talked about for the detail on the side of the building. This is the exterior vacuums located I the rear of the site. You can see behind it the interior vacuum building. We do have a significant amount of landscape. We see the greenspace requirement for the code, and this is the car wash building. The red brick did not come out as red

Mr. Pettee – This is specific to the Victor site, right?

Mr. Boglioli – This is the site modeled out. Exactly what it would look like. There is our triple prep hut. It allows three cars to be washed simultaneously before they feed into the wash. This is the enclosed area with the roof to protect our workers and enters the car wash in this area.

That is exactly how our site will look. It is our first meeting so we did not submit responses yet because I wanted to get the Planning Board comments and then we will go work on changes we need to make.

Chairman Santoro – Any comments from the Board?

Mr. Limbeck – When I first reviewed the packet, I got to the environmental assessment form on page 7, you indicated it will not create a substantial increase in traffic or generate substantial demand. I thought it was a typo at first. As I have gone thru the packet and seen some of the other comments, you want to avoid opportunities for motorist to behave badly and exiting behind Denny's on Main Street Fishers anytime between 3:300 and 6:30 pm is going to be a suicide run. People are going to make that right turn and have to go over one lane to make a left hand turn to get north on 96 and they are going to make some risky moves to do that. The traffic is typically backed up three lanes deep at that stop light and past the exit behind Denny's. If you are talking about the exit onto Route 96 similar opportunities for motorist to make bad choices occur. Making a right turn to go towards the Village is not too bad. If you are going to make a left turn onto 96 it is a very risky move for the motorist. I am actually pleased to see that there is more study being requested. I think it is a major concern and only concern. Everything else that I look at the project can be tweaked. I am not sure how we get around the traffic issues.

Mr. Boglioli – DOT has far as the Route 96 driveway has signed off on that. They have approved that driveway as being reused. We did get the comments and we do have SRF and are studying the other issues.

Mr. Limbeck – I have a process question. I just took e the SEQRA course online, so I know enough to be dangerous. It seems if something is major or a yes on the form it requires a full EIS, and my question is that a fact to the traffic studies and do they meet that test for the EIS?

Mr. Boglioli – That is not a fact. I am an environmental attorney and speak my peace. Just because there is a checked yes does not mean there is a need for the EIS. You can do a study and show that the impact is not significant or study generally that shows the impact is not significant. DOT has already signed off on Route 96 and we are doing the additional study work to show there won't be a significant adverse impact.

Mr. Limbeck – The only reason NYS DOT signed off on it was because there was no work done to the NYS right of way. It is the County DPW that had a problem.

Mr. Boglioli – I understand that, and we will address that and there is no mandatory requirement that the EIS be done. You can check with your attorney.

Mr. Pettee – James, you are correct. When we are going thru the Part 2 of the EAF and are reviewing a component in there like traffic and is there an impact, yes, there is an impact. It also asks you to evaluate is it a small impact or moderate to large. If it is moderate to large it still does not necessarily trigger an environmental impact statement. You have a balance and assessment in terms of is it significant and what types of project changes could be implemented to minimize or avoid that moderate to large impact because maybe they could change the project in such a way, and I would certainly rely on Harris Beach to help us with that. Just because there is an impact in the long form EAF does not mean we get to the EIS.

Mr. Limbeck – Ok, thank you.

Mr. Harter – I agree with Joe, and I think the traffic is an issue here. I do not know how big it is going to be and what box we are going to check when we get to Part 2 of the project. I think his question is well taken and I had observed the same traffic que that you have described, and I think the project looks nice and the sketch is a nice tool to show us. I agree it could be very gridlocking even more so under peak conditions and will be curious to see how SRF responds to that, and we may use our traffic consultant to also weigh in on that decision.

Mr. Boglioli – Unlike retail this does not have the same peak as the regular peak hours, and we are more weather dependent so you could have and that is part of SRF analysis. Our peak hours are not similar to retail and restaurant peaks which is the key time at that intersection which is 3-6. We are mostly busy Saturday morning and Sunday morning and weekend times not the peak retail times. As SRF does their analysis that is something they are also looking at and that our times don't really jive with the roads are the worst. We will come back, and I can bring SRF to talk about that when we get that study done so they can walk thru it.

Mr. Lohan – I have to admit James when I saw the elevations, it scared me a little. There was a lot of blue and I assume the blue is just a depiction on what the glass looks like, and your fly thru helped a lot.

Mr. Boglioli – This is actual picture of a building that was built, and I did not think the color renderings do it justice. If you want to see one built, I can take you for a tour. We built one in Webster and one in Henrietta.

Mr. Logan – I was flying thru on Google Earth looking at some of those. It did help a lot. My bigger challenge with this site has always been the access to Wendy's to 96. What you are showing is a realignment of that drive. Right now, there is some really nice landscaping on that corner and there is a jog in the drive and now you are pulling it closer to 96 to get out of Wendy's you have car traffic coming out of Delta Sonic as well. Getting across that drive to get onto 96 could be a challenge at times of the day. Honestly, I would like to see you eliminate that

access all together from Wendy's, it does not serve any purpose to Delta Sonic, and you have two exits from Wendy's already that get onto that internal drive. Then it would allow the que to work without the left-hand turn conflict out of Wendy's on the drive that goes from Wendy's to the exit.

Mr. Boglioli – I can see that, and we work on that. That is a Wendy's remanent, and we are buying the property from the owners of Wendys, and I will work with Wendys. We do not need it and that is certainly does not benefit us and I agree they have two access points. Without this they have two access points.

Mr. Logan - Anybody coming out of Wendy's can choose left or right. Main Street or 96. It is the same. You could leave the landscaping and wipe out all that pavement and put some more landscaping along there and give you some buffering between the buildings. You would be cutting down some nice trees that have been growing there since Wendy's was built. I have been on the Board long enough that when Wendy's came in the first place, I objected with time that little S curve or the exit from Wendy's at that point. Now you have been tasked with redeveloping the site or developing that part of the site and it is a good opportunity in my mind to fix the circulation issue that internally to that site without any impact to Wendy's at all. That would be my comments regarding internal circulation and traffic.

Architecturally it is a very intense blue you are using and would rather not see that intense of blue. Especially a bright blue roof that would shine. On 96, there was a comment that I saw from someone that said to look at the Delta Sonic on Amin Street in downtown Rochester and a lot more brick and a lot less...

Mr. Boglioli – It is not actually this use and is a different building. That building is just a car wash and convenient store. Not that we could not go to brick but is actually not an interior detail and interior vacuum.

Mr. Logan – I understand about the two big glass buildings but the other one had.

Mr. Boglioli- The car wash is mostly brick in the back and that is this building here.

Mr. Logan – My office is few blocks from that.

Chairman Santoro – That one is a lot older.

Mr. Logan – It is a nice-looking building for where it is. I agree with questioning how you are going to get out onto Main Street Fishers from the drive. I would like to see how that study comes thru.

Mr. Gallina – Echo the concerns about the movements in and out at the peak times. I think that could be problematic so I know we will spend time talking about that. From an Architectural perspective it has a very modern look and in Germany that may look good but for that corridor it

may be out of keeping with what we have tried to do with the Wendy's and the Royal Car Wash to the extent that we can modify that look and I do think the architectural consultant may have already provided some feedback. It would be another area. the prep building for the car wash seems like a lot of infrastructure covered for the protection of the employees and the pre cleaning and I do not know if anything could be done to minimize that footprint, so the building does not become so large.

Mr. Boglioli – It is actually open throughout, and you can see it more in this picture here. This is the car wash, and this is the prep hut. This has a roof over it with three columns and is completely open, so it is just a roof structure to protect them.

Mr. Gallina – It seems like a lot of building infrastructure to prep the car to go into the car wash. Just an observation. Landscaping, we can add some significant landscaping to provide a little less industrial look to that whole site would be welcomed. The last comment is had you given any consideration to the vacant property that was formerly Denny's. You did great job developing Delta Sonic and then have this unsightly deteriorating building as your cap stone entrance there. I wanted to put that out there for consideration.

Mr. Boglioli – We have given lots of thought to that, but we cannot get our hands on it. If we, it could be part of this development. We would love to own the vacant Denny's, but we currently cannot. Not thru any fault of our own. Ideally, we would like to own that corner.

Chairman Santoro – Dave Wright called in and has a couple questions from Victor Hiking Trails. HE asks if it would be possible to have a trail easement along the west property line connecting the Omnitech trail to Mian Street Fishers?

Mr. Boglioli – I could probably work that out.

Chairman Santoro – He says currently they have hikers walk along Omnitech Drive to Route 96 to Mian Street Fishers.

Mr. Boglioli – Just so I understand it. The yare walking along down here.

Ms. Kinsella – There is sidewalk there in front of Kwik Fil. I cannot remember where the sidewalk comes in. Omnitech is on the other side of the Kwik Fil. HE says they are walking from the trail down to Route 96 and across and in front of Kwik Fill and Taco Bell.

Mr. Logan – The sidewalk ends at Kwik Fil from Taco Bell. There is a gap in sidewalk between Omnitech and beyond. Was the comment there would be a path or trail thru another site?

Mr. Boglioli – I am happy to work with them on the land we own. If they have a map, we can figure out something on the land we own to make it work. I do not know where they want to go but if you can put him in contact with me on what he thinks he wants. I know we worked it out in Victor Crossing. I do not know what they are looking for.

Ms. Kinsella – I think there is an easement that was put in place near Omnitech. Not quite sure where that goes either. We will give you Dave Wrights contact information.

Mr. Boglioli – We are happy to work it out on the property we own.

Mr. Logan – There is no sidewalks on Omnitech correct? They are just walking on the street or grass.

Mr. Boglioli – I do not know where the trail is.

Ms. Kinsella – I do not think the trail exists. I think it is an easement to put the trail thru. Suzy, would you know?

Mr. Boglioli – If you pull our plan up.

Mr. Logan – There is a couple of cleared areas. That would be a Dave Wright question.

Mr. Boglioli -Do you want us to go with brick buildings?

Mr. Logan – I think it is appropriate and it is in the 96-corridor overlay.

Chairman Santoro – Wes, do you have anything else?

Mr. Pettee – You know what I want to talk about. Sanitary sewer. We made a comment in our letter the demand on pump station 28 which is pretty new and that was replaced as part of 2018-2019 sewer capital project. As it was presented it appeared that the flows coming from this project would contribute to 25% of the capacity of that sewer pump station. I think there was a request in that letter about maybe about tempering those flows a bit with some technology and the holding tanks and that assort of thing. Is that going to be doable?

Mr. Boglioli – Our engineer is working on that, and we can address all the comments in your letter.

Mr. Pettee – Labella had more comments but that is certainly what we are always looking at and our architectural consultant made some comments and sounds like the applicant will address those.

Mr. Logan – Is it that big of a flow into that one pump station? 25%?

Mr. Pettee – That is what I understand.

Chairman Santoro – Is that the one on Phillips Road?

Mr. Pettee – Pump Station 28 is right in front of Wendy’s.

Mr. Logan – The big, huge one they put in with the tank a couple years ago. Does Royal tie into that one?

Mr. Pettee – Yes.

Mr. Boglioli – Did they have to attenuate their release too?

Mr. Pettee – Yes. I am sure the town has a copy of the plans, and they can show you what they did to help attenuate those flows.

MR. Boglioli – That would be great if I could see that.

MR. Logan – Putting two car washes on one pump station.

Mr. Gallina – It would be interesting to see if it doubles the loads or leveling. At some point the volume would come down.

Mr. Boglioli – I would be interested to see how they did that. Our engineers are working on that response.

Mr. Pettee – I would be happy to share those plans with you.

Mr. Harter – You recycle the water?

Mr. Boglioli - We do, 60%.

Mr. Harter – That helps mitigate it.

Chairman Santoro – Anyone here from the public have comment or questions?

Enrika Sharpe Fishers Road

Ms. Sharpe – IS this the same pumping station Jeff Morrell is using with his hotels or apartments? You have the two car washes and all the apartments. The traffic is my problem. Turning off of 96 heading west, the people get into the east turning lane to turn into that Denny’s area. They get into the other lane and here you are coming down and all of sudden someone is in that lane. That is bad. Again, like you said you can not get out on 96 and go towards the mall since you have to cross all the traffic. It would have to be one way in and only way out. My other point is, do we need another car wash? Did not they remodel Farmington and then you have the one in Victor.

Traffic is a big thing. Is that part of the Comprehensive Plan to put all that traffic there. I have

seen Delta Sonic and maybe it is weekends but other times. There are cars lined up in the streets in Panorama.

Mr. Logan – It is not part of the Comprehensive Plan to put stuff there. It says what you can do on the property.

Ms. Sharpe – You have to look at the traffic and there will be light down there too.

Mr. Logan – That is why we have out consultants and review everything and with the understanding that there is potential development down the road. We have to work on dealing with it.

Chairman Santoro – Any other comments or the Board?

Mr. Pettee – I wanted to respond to respond to the Morrell’s and the sanitary discharge goes to. It does go to PS 28 and what we do with each of the projects that come into the town we incorporate the flows into our calculations. All of this is taken into account, not only pump station 28 but also the downstream stations as well. We keep a close eye on it and monitor and we would bring up any concerns to this Board if there were any.

Mr. Boglioli – I would like to address the stacking since that was brought up in the last comment. Our older sites do not have this docking passe that we have now. If you look at this site, we can stack almost 100 cars back from the car wash and we have four lanes of stacking. Our old sites if you look at even the one in Rochester, they are on three acres or two. They are not on the size of this, and we learned our lesson that we can not fit on three acres of land anymore. We have completely revamped what we are looking for. You will never see a stacking issue on the roads on this site. SRF will do their analysis and I will bring them to the next meeting, and we can walk thru it and work on their catch of the buildings.

**VANBORTEL PARKING LOT EXPANSION**

31-SP-2021

6327 State Route 96

Zoned – Commercial/Light Industrial

Owner – 6327 Route 96 LLC

Tax Map # 28.12-1-16.111

Applicant is requesting approval to demolish the existing house with its accessory structures to extend the parking lot. The proposed parking lot will have a new access drive lane that will tie into the existing curb cut.

Chairman Santoro – This application has been removed until January 25<sup>th</sup> meeting.

**SKETCH APPLICATION**

**VALENTOWN MEADOWS**

7241 Valentown Road

Owner – Philip Freund

Tax Map # 1.02-1-21.000

05-SK-2021

Zoned – Residential 2

Applicant is requesting approval to subdivide a 28.6-acre parcel into 8 individual lots ranging in size from 1.58 acres to 5.87 acres. The property is currently divided by Valentown Road with an existing house on south side of Valentown Road and existing barn structure on the north side of Valentown Road.

Chairman Santoro – You do have comments from the Conservation Board from their meeting on January 4, 2022. Their final comment is the applicant have done a nice job keeping woods intact and avoiding the stream. The Board asked that each new buyer is aware of the retractions of the easements. The board will plan a site walk. Comments today are based on what was provided to this point at sketch, more comments will eb given after the site walk and as each new buyer comes to the Conservation Board.

Brennan Marks of Marks Engineering

Mr. Marks – What we are proposing to you is a subdivision of 28.6 parcel. It is a clustered subdivision. We are proposing eight new lots. Three of which will be new lots tight on Valentown Road and one is an existing house that is there. Four of which will be set back off the road with a longer driveways and narrow strips of land that connect to Valentown Road. We are proposing 50% conservation area which is the lands at the rear of the property to the north and to the southeast corner of the property. These areas proposed for conservation areas are steeper slopes and most are greater than 15%. They are heavily wooded, and they are environmentally sensitive areas, so we decided to put those into a conservation easement and deem them forever wild or to never be developed. There is also a stream that flows thru the site. It flows thru the site from the northwest corner which is the Highpoint corner and cuts down thru the northern parcel and bisects that northern parcel to the east and west. We are planning to preserve that stream. It is a Class C stream and preserving it with a 75-foot buffer on either side which will limit the development more. Furthermore, we are protecting the stream with a conservation easement so it can be no longer disturbed. Pursuant to the clustering of the subdivision and having less frontage of some of the lots we have longer driveways and be shared between lots 2 & 7 and 5 & 6. There was a note from the Code Enforcement Officer regarding HOA requirements and the amount of lots that can be placed on a private derive. We made the driveway widths at 20 feet with the part where they are shared so you have 2 ten-foot driveways side by side so they will be able to be shared. They would exempt that from HOA requirement.

Previous addition of this plan showed all four of these lots up here were all sharing one entrance. The Code Officer noted that the town only allows three houses on a single private drive therefore we made a revision to this to separate off 3 & 4 with its own independent access off of Valentown Road.

There is no sewers at this site. The soils are sandy gravel with a favorable perc rate for conventional septic systems. There is water on Valentown Road. There is an existing barn on lot 2 which is here. We are planning to preserve that barn and maintain it. The town zoning does not allow an accessory structure in front of a principal structure, so we have to go thru the Zoning Board process to get it approved for a variance. Do you have any questions?

Chairman Santoro – Anyone from the Board?

Mr. Limbeck – How many trees will be removed?

Mr. Marks – We really are preserving the forested areas. There is minimal disturbance to the trees. Some will be up here to that driveway. That is mostly sumac. There will be one tree moved to get the driveway in. Lot 8 will be removed and is mostly brush land. They have been thru and logged that recently and is very scrubby. The goal of this project was to use the open land.

Mr. Limbeck – You indicated you are going to maintain the existing barn. What does that involve and what kind of condition is it in now?

Mr. Marks – We are going to maintain it; we are going to leave it in place. If a buyer decides to buy it and fix it up, then that is their prerogative. It is structurally stable and has a new roof on it and has no structural flaws that I can see of an old barn.

Mr. Gallina – I certainly understand our code limits with three homes on a shared driveway, honestly, I would like to see fewer drives accessing Valentown Road. I know two of the proposed four on the north side.

Mr. Marks – Yes, north is up here. This over here and down here is Valentown Woods. It was an approved townhome development that is approved and in the works. High Point Business Park is about here and there is also more townhomes approved in the rear of the parcel.

Mr. Gallina – You are going to take advantage of the open space and the clustering. My preference would be if two of the four drives that you consider a waiver on the Code for that.

Mr. Harter – Al, I think your comment kind of dove tails into what we have been doing with those Scout projects. In those under the clustering provision I believe you can exceed the three and that is what has been done on some of the other projects and you may want to take that into consideration. I think you are using the land wisely in terms of reducing clearing. I think anything we can do to minimize driveway cuts in addition to the horizontal curve that is their effects sight distance we also have a steep grade going thru there as well. It is not a safe section of Valentown Road by any stretch of the imagination. Generally, I think it is a decent project and I think it seems to fit the land well. I would recommend in conjunction with Al's comments that you research what it would take to minimize the driveway cuts and maybe team up with a few more houses on a common driveway and I believe you can do that as part of the clustering

provision. I think with other residential project as that have come in before us similar to this you would like wise need a waiver from the access management guidelines that we address on a number of projects. It is a code item where you may be familiar with the Town of Gorham because the Planning Board Chairman is very addiment about that. That is the same regulations in the Town of Victor. I can say in several cases we have waived it, but I would ask you to take a look at thinking about it with the driveway cut plan wherever it is going to access that we confirm the sight distances with the Town Engineer.

Mr. Marks – I have no objection to combine these back into a consolidated entrance for four lots given there is no HOA concerns. Like you said sight access, that is one of the best spots for sight distance and is one of the safest entrances. I have no objection to it as long as the Board would provide a waiver or if it is in agreement with the code then that is even better.

Mr. Harter – We have done it before with clustered subdivisions. Under a conventional subdivision, yes, the three applies but when you go for a clustered then the Planning Board has that liberty.

Mr. Logan – I have a different opinion then my colleagues her regarding driveways, but I dislike HOA's especially the more you put in. If there is a safety issue and that would bear out the reason to consolidate driveways to a particular point that is a good reason to do that. I was looking from the ground perspective at lot for which is the upper most one on your image there and that looks like it has great sight distance. Then you move down to where those two driveways are, and it is bad from both directions. I do not know exactly where it is located. If I am looking at Google Earth and I am standing right in front of a utility pole and it starts to obstruct view to the east and definitely obstructed to the west, I just do not know how far it is. Fortunately, you are on the outside of the curb, and you will get better sight distance that way.

Mr. Harter – I would agree safety is the most important thing.

Mr. Logan – I would like to see how all this shakes down for sight distance, but I prefer to minimize HOA's as much as possible in the town because there is always someone who does not like what anyone else wants to do in their association. That is why we try to limit it to three is the biggest reason.

Mr. Marks – I do not want to deal with State Attorney General.

Mr. Logan – Take a look at it. Certainly, I would defer if it came to a real safety issue to leave it the way you have it shown here. Otherwise, it looks like you are doing a nice job with the land that you have got to work with. You are not overpopulating it or at least suggesting that. I am in favor of your proposal.

Chairman Santoro – This is not a public hearing.

Mr. Harter – This is just a sketch review.

Mr. Logan – Identify yourself.

Francis Rose

Mr. Rose – I have mowed that for quite a few years to take care of my cows. That is how I get into that lot with the top right-hand driveway is. That is my sister's property, and I am allowed to go in there to come into that lot off of her property. When I go to turn in there, I have cars passing me.

Mr. Harter – Which lot are you referring to sir?

Mr. Rose – That upper right.

Chairman Santoro – Upper right?

Mr. Rose – Yes, upper right.

Mr. Logan – So you are saying trying to get in and out people are passing you?

Mr. Rose – That is a suicide, yes. I have put people into the ditch over there with the trees with the tractor. I told the cop that I have no problem killing of you guys but that little kid is in there is going to kill me. You have these people that pull right around me as I am pulling into there. I am legal. I have everything I need on my tractor and wagon. When I pull in there, they are going around me.

Chairman Santoro – People do that.

Mr. Harter – Based on your knowledge of the land in that you farm the area. Where would you say is the best area to connect.

Mr. Rose – Probably right in that middle. You will be able to see coming from the east and west. When I pull out by the barn I have can see to the west towards my place and they can see me, and I can see them coming around that bend.

Mr. Harter – Appreciate the input.

Mr. Rose – What is the unit supposed to be for that side of the road? Unit per parcel.

Mr. Logan – Are you talking about three acres per house?

Mr. Rose – You built the ones behind me with Somerset and went to one unit per house. I was wondering what a unit is.

Mr. Logan – It depends on if it is a clustered subdivision and there is extra open space.

Mr. Rose – What you have done to me is made me a two unit and on the north side of Valentown you made me a three unit. Have we changed that since you have built Sommerset behind me?

Mr. Pettee – On the north side of Valentown Road for this particular project location is 0.33 units per acre or sometimes people understand that to be a 3-acre lot. It is not really the lot size requirement; it is .33 units per acre.

Mr. Logan – Density requirement.

Mr. Pettee – That is the least dense requirement in the town. On the south side Valentown Road it is half a unit per acre.

Mr. Logan – Or two.

Mr. Pettee – Or two-acre lot which is the way some people think of it. That is something that the Town Board adopts.

Mr. Rose – I know it is not the Planning. I just didn't like the way they did that, and they did it buy property line and not by the road. That and the creek. That creek is a pure spring fed creek. It dumps down into Fishers and Irondequoit creek and comes off the hill by Pickering's. It comes on down thru and does not dry up and does not freeze. My concern is I do not want it polluted because my cows drink out of it, and I have been drinking out of it for 68 years. That is my biggest concern is the creek.

Mr. Logan - I think there is buffering shown.

Mr. Rose – HE does not show it across the road either because there is a culvert that goes underneath the road. He has a little triangle next to him and the Rainaldi's on the south side of Valentown and runs along there. Something to think about.

Mr. Logan – There will be a public hearing next time and when we have microphones working it would be a great time to ask those questions again.

Mr. Mark – I would like to point out a few things. The creek does follow thru here and we do propose a buffer on that creek. The existing house plans to remain and hopefully gets revamped to a nice house at some point.

Chairman Santoro – Comment from Dave Wright at Victor Hiking Trails says, "Brian Emelson submitted comments concerning the town trail easements within the conservation easements". We do have a memo from Brian dated December 21, 2021. It is a whole page.

Mr. Mark – We have reviewed his letter and his request for possible trail easement and looked at

the planning for the trail and it shows a proposed trail along Valentown Road and would be open for an easement along the right-of-way if that is what interests the town. Or maybe easement along backside of property. We have no interest of crossing the property with a trail. There is power lines of Niagara power lines and appears that most people park on High Point and take those entrances. We will continue to work with Park and Rec.

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Joe Logan, seconded by Joe Limbeck:

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

1. A sketch plan application was received on December 4, 2021, by the Secretary of the Planning Board for a Major Subdivision entitled Valentown Meadows Subdivision.
2. It is the intent of the applicant to subdivide 28.6 acres into 8 lots ranging in size from 1.58 acres to 5.87 acres.
3. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Conservation Board reviewed the sketch plan on January 4, 2022, and stated that each new buyer beware of the restrictions of the easements.
5. The Codes Department reviewed the sketch plan and made comments dated December 21, 2021.
6. There was a Coordinated Fire Service sketch plan review and made comments dated December 30, 2021.
7. The Town of Victor Highway Dept. reviewed the sketch plan and made comments dated December 8, 2021.
8. The Town of Victor Park and Recreation reviewed the sketch plan and made comments dated December 21, 2021.
9. LaBella Associates reviewed the sketch plan and made comments dated January 3, 2022.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of CoMark Holdings LLC , Major Subdivision entitled Valentown Meadows Subdivision, drawn by Marks Engineering, dated November 29, 2021, received by the Planning Board December 4, 2021, Planning Board Application No. 05-SK-2021, the Planning Board **acknowledges receipt of a complete sketch plat application;**

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

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

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

Approved 5 Ayes, 0 Opposed

Motion was made by Joe Logan, seconded by Scott Harter RESOLVED the meeting was adjourned at 8:50 PM

Lisa Boughton, Secretary

