

A regular meeting of the Town of Victor Planning Board was held on Wednesday, January 23, 2019 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Ernie Santoro, Chairman; Heather Zollo, Al Gallina, Rich Seiter

ABSENT: Joe Logan, Vice Chairman

OTHERS: Wes Pettee, Town Engineer Consultant; Kim Kinsella, Project Coordinator; Al Benedict, Code Enforcement Officer; Dave Condon, Town Board Liaison; Councilman Ed Kahovec; David Nankin; Lee Wagar; Andy Hart; George Klemann; Jennifer Lake; James Cretekos; Fred Rainaldi; Colin Fazio; Mark Fuentes; Carl & Brenda Eldridge; David R. Rose; Graysen Betts; Ann Aldrich; Edwin Rueda; Miguel Reyes; Debby Trillaud, Secretary

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

Chairman Santoro made the announcements regarding emergency exits; restrooms; attendance sheet; business cards; resolutions and agenda; conversations and cell phones.

### **BOARDS AND COMMITTEE UPDATES**

- Al Benedict, Town of Victor Code Enforcement Officer, presented an update for the Lighting Code.

Mr. Benedict – Good evening. The reason we did an update to the Lighting Code is because when the original version came in, it was probably at the very early stages of LEDs so there were some aspects of the Code that did address LEDs. We decided it was time, now that LEDs have become a viable product, that we should do a Code update.

If you have any comments or don't like some of the revisions, feel free to say something so that it can be changed or put on the agenda to discuss further.

In the definitions there were some corrections and adjustments. What we did do is add a term called "Hard Edged Shadow". It's more of an enforcement tool. The idea was that I thought of an instance where a person was complaining about light from a neighbor. I went out and measured at the lot line and it did not exceed the 0.2 foot candles. So from that standpoint the neighbor was in compliance, however, there was a shadow that was still cast onto this person's house which they claimed they could see from the inside. So if you are casting a hard edged shadow on your neighbor's house, as an enforcement tool, we could say OK, you are still not in compliance even if you meet the maximum allowed at the lot line.

Under the term substantial modifications, there are some parameters there if you were changing ten lights or 30% of the field. I can think of some possibilities where that might not come into play with all situations so I threw in there that the Code Enforcement Officer could use their discretion and then refer them to the Planning Board.

I'm going to "Lighting plans in Section 131-7". We changed how the information was presented, not that we needed to, we just did because it seemed to flow a little better. So you still would see the lighting grid that you normally see now with the plans that come before you. There

would also now include a table that would summarize some of the initial information that we ask for. That way it should be readily available and you can look at it without having to search for it.

The Code talks about glare and it being a problem and how it is going to be addressed. By definition glare is basically what hurts your eyes. Obviously if you are looking at a parking lot where the lights are well shielded it doesn't bother you, the glare is probably minimal. However, you may have one spot light that's off in a corner that's tilted incorrectly and that becomes the glare that bothers you. So not the applicant will have to provide a statement as to how this plan reduces any glare that may occur.

Once a site plan is approved and is built and the lighting is installed a form that shows that was built in compliance with what was approved. I think a lot of times the form that was handed in to be reviewed is just being handed in after the project is built. The new Code will have a little more teeth to it and require that there are spot checks done in the field to verify that the numbers that are proposed are the numbers that are actually there. Also required is a list of what was installed so it can be verified with the Site Plan.

Moving on to Code Section 131-8 which are prohibited uses for nonresidential properties. The previous Code did not have any limitations for seasonal lighting such as Christmas lighting, Halloween lighting or whatever else residents do. We put in 40 days in a calendar year were allowed. If you want to do all your lighting between Thanksgiving and Christmas that covers that time frame. If for some reason you have another holiday or another reason you want to provide seasonal lighting, you can do 10 days in April but then you are limited to 30 days at Christmas.

We also did some rewording in Section 131-9 – General Provisions. This is where the hard edged shadow came in and we further defined it with light trespass to residential neighborhoods. We also incorporated that into commercial neighborhoods.

Time of Day, Section 131-10, temporary event lighting; we gave the Planning Board the authority to approve temporary lighting. There is another Code I'm working on, Agritourism, and to briefly explain that; if Farmer A want's to have a cheese festival at his farm to enhance the sale of his products, he would be able to do that but he has to come before this Board and basically explain his intent and one of things you would have to take into account would be lighting. That is the reason for including temporary event lighting in the Code.

Section 131-11: Provisions applicable to lighting in all districts –again making some corrections. If you notice throughout the Code we used to measure levels of light at three feet above the ground and now we've changed it to at the ground. We changed some of the criteria for minimum and maximum lighting. The reason being, if you think about it, you're looking across a parking lot, and if you had really bright light right at the poles you would end up with little islands of light throughout the parking lot. From an esthetics standpoint you want it evened out throughout the whole parking lot. We added this Code so you would get more esthetically pleasing light. Since we do have several car dealerships, I thought it would be good to define these standards. There are standards for car dealerships and basically what they say are the front row of cars gets the most light and as you work back away from the road you get less and less light. Then the roadways would get even less than that. I believe its ten foot-candles at the front row and back to five in the back. Is that something you would like or not like? I thought it was good because we have several car dealerships. It wouldn't affect those already in place but if they wanted to come in and change their lighting then they would have to comply with it.

The last thing was outdoor sports lighting. Perhaps there is a business in Town and in the future they would have ball fields and tournaments at night. We modified that Code language

and threw in some time frames. The lights would be able to be on from 4:00 p.m. to 11:00 p.m. Sunday through Thursday and 4:00 p.m. to midnight Friday and Saturday night.

While reviewing another project that you will be seeing in a couple of weeks, I noticed another thing that needed codifying regarding parking lot lighting for apartments. Our current Code and the new Code didn't really address it. So for apartment parking lighting we added 25 foot height for fixtures with a maximum of 12,500 lumens. Something to keep in mind when that project comes before you. Any Questions? Thank you all.

Ann Aldrich, Chair of the Historic Advisory Committee presented.

Ms. Aldrich – We thought we would give you a report of what we've done this year.

The Historic Advisory Committee has had a busy year. We have met with various parties concerning future plans and proposals for different historic properties all with the goal of preserving the history of the Town of Victor, its structures, cemeteries and character.

To this end we have monitored the proposal and given our position on the Cole and Parks building. The building was preserved as a result, not demolished or moved. The newer addition was removed, the cobblestone foundation repaired, the building painted and the rear of the building returned to its original look.

The Village Cemetery has continued to be addressed with 15 stones with deficiencies repaired. Mapping of all cemeteries and the Historic Resource Inventory in the Town is nearing completion by LaBella.

In June, at the Pabos monument in Fishers, on the 400<sup>th</sup> anniversary of the death of the explorer Pabos, a wreath was laid to commemorate the event. Preston Pierce, County Historian, as well as others, gave remarks on the history of Pabos and the discovery of his grave.

Also in June Babette Huber presided over the presentation of Historic Victor plaques to the historic commercial buildings on East Main Street.

The committee has been concerned with the condition and maintenance of abandoned historic buildings. Communication is ongoing with the Building and Codes Department.

An updated barn survey update has been completed with documentation including photos. A summary will be soon be available listing the historic barns and their status.

Discussion is continuing on how to formalize a process for historic home owners, listed as High on the Historic Resource Inventory, who want to put on additions.

A Historic Lecture series was begun last year. Being well received it is being continued this year. Last January it was called 200 Years of Music, Art and Roadways at Victor's Cole & Parks; February was the Morgan Affair: The Victor Connection to a Famous Kidnapping; in March Wilcox-Johnson Tank Company/Victor Coal and Lumber: Victor's Oldest Business; April – History of the Presbyterian Church; in September, the Glacial Geology of Victor and the Finger Lakes; October, Haudenosaunee: People of the Longhouse; and November, Victor Doughboys – Legacy of Participation in World War One. We will continue the series in April.

The Historic Advisory Committee is pleased with its accomplishments and is appreciative toward the Town Board, Planning Board, Zoning Board and the Conservation Board for listening to our committee's recommendations and giving us your support so as to further the work of preserving Victor's history.

Ms. Aldrich distributed a copy of her presentation.

Chairman Santoro – Thank you Ann.

### **PUBLIC HEARING**

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

#### **VERIZON WIRELESS – VICTOR CROSSING**

413 Commerce Dr

Appl No 36-SP-18

Owner – Main Street Stop LLC – building

Verizon Wireless – antenna

Zoned – Commercial

SBL # 6.04-1-78.000/VRZN

Applicant is requesting approval for the replacement of 1 antenna mounted on the building rooftop and the addition of 1 AWS/PCS RRH located on the ground equipment platform area.

#### **VERIZON WIRELESS – FISHERS STATION**

600 Fishers Station Dr

Appl No 37-SP-18

Owner – 600 Fishers LLC

Acres – 2.80

Zoned – Light Industrial

Applicant is requesting approval to modify the antennas on building. Applicant is replacing 1 antenna mounted on building rooftop and the addition of 1 AWS/PC RRH located on the ground equipment platform area.

Colin Fazio with Pyramid Network Services addressed the Board.

Mr. Fazio – Hello, I'm here on behalf of Verizon Wireless. I have two applications on the agenda tonight for minor wireless modifications to two existing small cell facilities. The first one you have referenced is Victor Crossing at 413 Commerce Drive. The scope of work for this project involves the addition of a remote radio head and two cable splitters with associated antenna cabling with the existing site. I've submitted an application for site plan approval and special use permit. It's been reviewed by the Ontario County Planning Board with no comments. We have received comments from LaBella which we have addressed along with the Town of Victor Code Enforcement comments which we have addressed as well. I believe you have those comments.

Chairman Santoro – Yes.

Mr. Fazio – Have you a chance to review them and do you have additional comments?

Chairman Santoro – This is a public hearing so first I will ask if anybody in the public has a question or comment on these two projects.

You are not changing the towers at all, they are going to stay the same height? You're just replacing equipment?

Mr. Fazio – Right, the same height, just replacing some equipment.

The Board had no further questions. On a motion by Al Gallina, seconded by Richard Seiter, the public hearings on both Verizon projects, 413 Commerce Drive and 600 Fishers Station Drive were closed by unanimous agreement.

Chairman Santoro – Wes, do you have any comments on either of these?

Mr. Pettee – We issued a comment letter for each of those, but they were fairly minor comments and the applicant has addressed them, so I'm all set.

RESOLUTION:

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

1. A Site Plan and a Special Use application were received on December 10, 2018 by the Secretary of the Planning Board entitled Verizon Wireless.
2. Applicant is requesting approval for the replacement of one antenna mounted on the building roof top and the addition of 1 AWS/PCS RRH located on the ground mounted equipment platform area.
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.
4. The Planning Board held a public hearing on January 23, 2019 at which time the public was invited to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. General Municipal Law. On January 9, 2019, 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 conforms to all applicable regulations in the district which it is located.
9. The Codes Department reviewed the application December 27, 2018 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 ground work and antenna replacement.

10. LaBella Associates reviewed the application December 31, 2018 and had comments.

NOW, THEREFORE BE IT RESOLVED that the application of Verizon Wireless, 1275 John Street, West Henrietta, New York, Site Plan entitled Bell Atlantic Mobile Systems of Allentown, Inc., dba Verizon, located at 413 Commerce Drive, drawn by Costich Engineering, received by the Planning Board Secretary December 10, 2018, last revised January 3, 2019, Planning Board Site Plan Application No. 36-SP-18 and Special Use Application No. 8-SU-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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 site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
3. 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.

On a motion by Heather Zollo, seconded by Al Gallina,

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Aye
Heather Zollo	Aye
Rich Seiter	Aye

Motion passed 4 in favor, 0 opposed

RESOLUTION:

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

1. A Site Plan and a Special Use application were received on December 10, 2018 by the Secretary of the Planning Board entitled Verizon Wireless.
2. Applicant is requesting approval for the replacement of one antenna mounted on the building roof top and the addition of 1 AWS/PCS RRH located on the ground mounted equipment platform area.
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.
4. The Planning Board held a public hearing on January 23, 2019 at which time the public was

invited to speak on their application.

5. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. General Municipal Law. On January 9, 2019, 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 conforms to all applicable regulations in the district which it is located.
9. The Codes Dept reviewed the application December 28, 2018 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 ground work and antenna replacement.
10. LaBella Associates reviewed the application January 18, 2019 and had comments.

NOW, THEREFORE BE IT RESOLVED that the application of Verizon Wireless, 1275 John Street, West Henrietta, New York, Site Plan entitled Bell Atlantic Mobile Systems of Allentown, Inc., dba Verizon, located at 600 Fishers Drive, drawn by Costich Engineering, received by the Planning Board Secretary December 10, 2018, last revised January 22, 2019, Planning Board Site Plan Application No. 37-SP-18 and Special Use Application No. 9-SU-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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 site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
3. 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.

On a motion by Richard Seiter, seconded by Heather Zollo,

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Aye
Heather Zollo	Aye
Rich Seiter	Aye

Motion passed 4 in favor, 0 opposed

Mr. Fazio – Just for your use, I do have hardcopies of our supplemental response for the 600 Fishers Station comments.

**3. AT&T – Crown Castle Tower – Brownsville Rd**

914 Brownsville Road

Zoned - Residential

Appl No 38-SP-18 & 10-SU-18

Owner – Crown Castle

Acres – 1.10

16.00-1-42.211/CRWN

Applicant is requesting approval to install 3 antenna mounts with 6 antennas, 15 remote radio heads, (9 current, 6 future), 4 squid, (2 current, 2 future), 6 power cables (4 current, 2 future) and 4 fiber cables (2 current, 2 future). Applicant is also requesting to install a 7.25' x 12.25' steel platform with radio base station, power and generator in a 12.25' x 18.25' ground leased area inside the existing fenced compound.

Mark Fuentes with Arrow Smith Development addressed the Board.

Mr. Fuentes – Good evening. I'm here representing AT&T. They are proposing to be the third carrier on the Crown Castle Tower on Brownsville Road. They are going to install three antenna mounts; six antennas; 15 remote radio heads; four squids; six power cables and two fiber cables on the tower. They will also install an equipment steel platform on the ground within the fenced area which will hold the radio cabinets, the power cabinet and the generator. We've submitted all the documents for both the site plan and special use permit. We've received approval from Ontario County and I'm here now for the site plan and special use permit approvals.

Chairman Santoro asked if there was anyone from the public or if any of the Board members had questions and no one wished to speak.

Al Gallina made a motion to close the public hearing, seconded by Richard Seiter and it was unanimously agreed that the public hearing be closed.

RESOLUTION:

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

1. A Site Plan and a Special Use application were received on December 18, 2018 by the Secretary of the Planning Board entitled AT&T.
2. Applicant is requesting approval to install 3 antenna mounts with 6 antennas, 15 remote radio heads, (9 current, 6 future), 4 squid, (2 current, 2 future), 6 power cables (4 current, 2 future), and 4 fiber cables (2 current, 2 future). The applicant is also requesting to install a 7.25' x 12.25' steel platform with radio base station, power and generator in a 12.25' x 18.25' ground leased area inside the existing fenced compound.

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.
4. The Planning Board held a public hearing on January 23, 2019 at which time the public was invited to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On January 9, 2019, 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 conforms to all applicable regulations in the district which it is located.
9. The Codes Dept reviewed the application December 27, 2018 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 for the proposed work.
10. LaBella Associates reviewed the application January 18, 2019 and had comments.

NOW, THEREFORE BE IT RESOLVED that the application of Mark Fuentes, Agent for AT&T, 3391 Cambier Road, Marion, New York, Site Plan entitled AT&T, located at 914 Brownsville Road, drawn by Costich Engineering, dated October 30, 2018, last revised November 13, 2018, received by the Planning Board Secretary December 10, 2018, Planning Board Site Plan Application No. 38-SP-18 and Special Use Application No. 10-SU-18 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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 site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
3. 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.

On a motion by Al Gallina, seconded by Heather Zollo,

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Aye
Heather Zollo	Aye
Rich Seiter	Aye

Motion passed 4 in favor, 0 opposed

#### 4. WOODS AT VALENTOWN

High Point Drive

Zoned – Planned Development District

Appl No 35-SP-18

Owner – Woods at Valentown, LLC

Acreage – 56.87

Applicant is requesting approval to construct 288 for rent apartments within 12 bldgs on 56.87 acres. The project will consist of underground parking and the bldgs will be 3 stories for a maximum height of 48 ft.

Chairman Santoro – The public hearing is still open on this project.

James Cretekos with BME Associates addressed the Board.

Mr. Cretekos – Good evening everybody. Here with me this evening is Fred Rainaldi, the applicant. We're excited to be back to continue our discussion of the Woods at Valentown. I'll give an update since the Town Board approved the PDD (Planned Development District) amendment back in July. Since that point we have completed our final site plans and the submission this past December which are the plans that are in front of you.

Some changes ended up happening with the development when we came to the final design. We saw a couple of areas that were impacted more than we wanted to, so we do have some changes with the plan configuration.

The first main change was that we actually eliminated two of the 21-unit buildings from the approved PDD plan. To keep the number of units relatively consistent we ended up switching four of the buildings to 30-unit buildings. These all occurred in what we are referring to as Section 2 and 3. *Mr. Cretekos pointed out the changes on the plan and how it changed from the original plan.* The change allowed us to preserve a lot more of the wooded and steep slope areas. This is one of the most sensitive areas on the site and we're basically avoiding it at this point. That obviously provides some other benefits as well. We are saving about an extra acre of trees on the site.

With that we are going to be revising the conservation easements. Before we made the application we actually reached out to Ms. Kinsella about them. We reviewed the easement language that was established in 2007 when they were originally filed. The actual conservation easements for the townhouse development didn't allow us to do any grading activities. With this application we are essentially proposing to dissolve those easements and then adjust the boundaries slightly to allow us to complete the road installation and some of the grading, utility installations, and things like that. The end result is that we are essentially providing all of the

same areas plus some additional steep slope and wooded areas and conservation easements. We're about at .85 acres at this point of conservations easements that will ultimately be provided to the Town. We're at a little over 2.5 acres of disturbance than we had originally planned with the project. So those are more benefits. The wooded area is about .9 acres greater than what we had originally.

As you know, we did an extension SEQR review process with the Town Board and this Board was obviously an involved agency. We went through the process starting in 2017 and finishing up last year. As part of that this Planning Board conducted a pretty intensive environmental impact state review where we reviewed all the items we normally would for a site plan application, including: traffic; drainage; and all those various components and you made a positive recommendation to the Town Board. Right before the Town Board passed the resolution, the Town attorney recommended that they only pass the SEQR resolution for the rezoning action. Therefore, with the application we resubmitted in December we provided a new Full Environmental Assessment Form (FEAF) based on the current proposal and identifying all the impacts; most of which are the same except for the couple that I went over.

With the change in the apartment units, we did reduce the total number of apartment units by eight. So there is a little less of an impact on things like traffic, water use, and those situations.

The proposed impervious surfaces are consistent with what we had before so we are not looking to add or increase that. Actually the architect was able to reconfigure the parking spaces in the garage below so they have a couple of extra spaces. We were actually able to lose some of the surface parking spaces. Once we made the change we ended up putting the cul-de-sac here for the fire truck to turn around.

We received comments from all of the agencies to date with the technical comments coming from LaBella last week. We've issued a response letter to all of the comments we have received to date. Most of the comments are minor. We are coordinating with the Fire Departments and have a meeting set up with them this coming Monday. We are going to review the accesses around the buildings and make sure that they are satisfied with what we are providing. Safety for the residences and the community are of the utmost importance to the developer.

There are some other comments that I would like to touch on. One came from Al Benedict regarding the pole height. The proposed pole heights for all of our residential areas, along the residential parking areas, we established at 20 feet on the current plan. The Code only allows for 15 feet. Similar to what Al was discussing earlier with the more mid-level light poles, if we have the higher pole height we can basically create a more even spread of illumination throughout the development while also minimizing the number of poles. If we reduce the pole height down to 15 feet we end up with more higher light intensity locations at the base of the pole as opposed to a more even spread of light. It's just something we would like the Board to consider to allow. If you do not accept it, we can certainly illuminate the property with the 15 foot pole heights. Just to give you a frame of reference, the pole heights along High Point Drive are established at 25 feet, as well as most of the other light poles through the High Point development; buildings 100, 200, and the future 300.

I would also draw your attention to the fact that after your extensive review, we have incorporated a lot of your suggestions and the Town Board's suggestions into the property plan. If you recall when we made the original submission, we actually had four buildings in section 4. We moved one building which was subsequently eliminated because of the impacts it was going

to cause once we looked at the final design. We also flipped these two building. The roadway used to be on the other side. This was really just in an effort to lessen the impacts to the adjacent neighbors, who we tried to be very conscious throughout planning the project.

I'd be happy to continue our discussion if you have any questions. Obviously we can't take any action tonight because the 30 days after requesting lead agency has not yet expired, but I'd be more than happy to field any questions.

Al Gallina made a motion to open the public hearing on the Woods at Valentown site plan project and Rich Seiter seconded it and the motion was unanimously approved. Chairman Santoro asked if anyone from the public had any comments on the project.

Miguel Reyes, attorney for Mr. Rueda addressed the Board.

Mr. Reyes – Mr. Rueda owns the adjacent property. Obviously this project and the series of approvals have come far along and Mr. Rueda would like to ask you and remind you to put in the proper safeguards concerning buffers, concerning lighting, so that he is not unnecessarily bothered by tall towers and lights. His interest is to continue to live in his house relatively undisturbed. We would ask that you make sure that the setbacks are ample and sufficient and that there are buffers to protect the residential neighborhood from noise and visual impact as well as light. Thank you.

Daniel Rose of 7335 Valentown Road addressed the Board.

Mr. Rose – Good evening. I live on the farm right next to it. I'm the fifth generation there. My biggest concern is actually a water issue. The stream, the creek that runs through our property, that our cows get their water from, the project is upstream so I worry about contamination. I'm also concerned about the traffic impact. We do bring machinery out and about. We work the field next to that and a few of the fields down the street and the traffic is not fun as it stands at the moment. Dad may have 15 to 20 cars behind him when he's pulling in with the tractor. Our biggest concern is going to be with the traffic and the consistency of the water.

Chairman Santoro – We'll look into all of that. Does anyone else have questions or comments? Hearing none, I'll ask the Board if they have any questions or comments at this point.

Mr. Gallina did not have any questions.

Ms. Zollo – You said that you're going to go to the 20 foot light poles. Can you discuss what kind, are you using LEDs? What kind of visual brightness is this going to be, especially for the residential neighbors? Some of the newer developments in the area, the LED lighting is just blinding from the road. We don't want to have anything like that affecting the neighbors.

Mr. Rainaldi – Absolutely. We have just purchased this as part of our rendering software. Our lighting schematic plans that Hammond Architects uses to work in tandem with, in this case, Concord Electric, we can actually show you a lighting schematic, both in rendering and in plotted, to show you everything from the technical boundaries of each output and then we can pose that information in these renderings. So I can take a time of year and show you at 4:30 or

5:00 o'clock or 8:00 o'clock, and show you what the impact would be. One thing that we benefit from with regards to protecting the spill onto adjacent properties is the fact that all the poles are interior to the site and all the buildings wrap them. That's true not only for the first phase but you can see that the pockets exist up in the second, third, and fourth phases contain the same characteristics. I can apply that study to all of them and present them to you at the next meeting. Send it before, but walk you through it at the next meeting.

Ms. Zollo – Yes, I would love to see that.

Mr. Rainaldi – One thing that we do and I would be happy to bring, just like we have traffic consultants come in and BME, we spend a lot of time with the lighting technicians and I would be happy for them to present specific to the technology that we are intending to use on the campus. I also have one of the heads in our construction office that I can bring in and show you. The very unit itself.

Ms. Zollo – I just want to see what it's going to look like, that would be great. Our Code Enforcement Officer said there was some light spillage beyond the property boundaries and he also asked about building mounted lighting.

Mr. Cretekos – Building mounted lighting, the architect is still selecting some of the fixtures. We are going to get them selected and then incorporate them onto our lighting plan so you will be able to see the point plot and the impacts that those will have.

Ms. Zollo – And they will be full cutoff?

Mr. Cretekos – Yes, everything out here will be full cutoff, dark sky compliant fixtures. Some of the fixtures, the ones that are on the very exterior of the site here, to light this parking, will have rear side-house shields. As Fred mentioned, all the other light poles for the parking areas are all internal to the site. All the existing vegetation around the outside of the buildings will provide a natural buffer that we are not planning on taking away.

Ms. Zollo – The buildings in the northwest corner, will they have lighting on the back side of them?

Mr. Cretekos – The lighting on the backside, from my understanding, will be just limited to the balcony lighting which will be recessed light fixtures just on the balconies.

Mr. Rainaldi – They will be safety lighting that will serve any exit corridor. It was driven by conversations with the Fire Marshal. We'll break that down. That is technically lighting but it's not decorative or doesn't have a 24/7 function there. There is lighting that services balconies but they are captured fixtures. If I was standing on the balcony, looking at the ground, it is very direct, it just lighting itself. They are all chronicled, just like I'm going to study the street light and present that, I can show you that very unit with the same report.

Ms. Zollo – There was also a question from a couple of our consultants about the dumpsters and you said there wouldn't be any dumpsters, but garbage totes, is that correct?

Mr. Cretekos – Correct. The totes are going to be located in the ground floor underneath the buildings so there won't be any visible to the exterior. The one exception to that will probably be the clubhouse. That won't create a lot of refuse so we will probably use exterior totes for that. We will come up with some kind of small screening.

Ms. Zollo – So will the individual apartment owners be arranging for garbage pick-up or will there be garbage pick-up for the building?

Mr. Rainaldi – Rainaldi Real-Estate, which is our management company, so between our refuse provider and our management company the recycling and the refuse will be brought to its pick-up point on the pick-up day. The nice thing about having a garage is that the units are contained. It's nice not only for providing a condensed visual impact but also not having to go outside to bring your refuse out. The very small enclosure for the clubhouse will be wrapped with stone just like you see the other dumpsters that live throughout the High Point campus, both in the offices and the retail spaces. There won't be any floating exposed receptacles on the site. The only area that I thought might need to have some type of receptacle is for entry and exit points from the hiking trails because they are open to the public and so people aren't littering. The Conservation Board asked us to put placards, so we can make that one unit so the receptacle is the base and the placard would be on top of the unit.

Ms. Zollo – So there will just be the one refuse company picking up for the whole site?

Mr. Rainaldi – Yes. What we do to try to depress costs, often times we try to portfolio bid. So you might see the same refuse company on several of our properties. By doing that I have greater economies so it is less expensive.

Ms. Zollo – There was also a question about the mechanicals, whether they were going to be roof or ground mounted.

Mr. Cretekos – They will be roof mounted. We have provided responses to all of those comments and that was one of the items. The one item that will not be roof mounted is the RG&E equipment, their transformers, they don't allow that.

Mr. Seiter – The RPZ's (*Reduced Pressure Zone Assemblies*) are required by the County. It'll be RPZ's and not double check valves?

Mr. Cretekos – Correct. What that County comment refers to is when the Monroe County Water Authority took over the Town of Victor's water, they are now applying their rules and criteria. One of those is that they do not take mains in dedication that are on private property. As all the property here is to remain private, when we did the original approvals back in 2005, 2007, the original intent was to dedicate all the water mains along these drives. However, as these are all private property, the Water Authority is requiring us to put RPZ's at the intersections for both of these locations. With that we are still working through the design and who is going to own and operate it. We've had open conversations with the Water Authority that we are continuing. We

are working to figure out how it's going to affect the fire hydrants and the building sprinkler systems. There are quite a lot of moving parts that are involved with that.

Mr. Seiter – So what do they require a vault or a...?

Mr. Cretekos – At this point we have a couple of options. We'd either be looking at doing a hotbox enclosure or a subsurface vault to hide it esthetically or something along the lines of a nicer structure, a stone building.

Mr. Seiter – It would be screened?

Mr. Cretekos – Yes, once we have it we would propose some landscape screening around it. Try to essentially hide it from view.

Mr. Seiter – The buildings are completely sprinklered?

Mr. Cretekos – Yes, all the buildings are.

Mr. Seiter – What are you doing in the attics and the garage? A dry system or reaction. It might be freezing there.

Mr. Cretekos – I don't know the specifics but back in March of last year we had an initial meeting with Sean McAdoo, Victor Fire Chief, Bob Graham, Victor Fire Marshal, and the Fishers Fire Chief as well. They went over several of the features that we agreed to provide them above and beyond what the normal requirements are. In the comment response letter that we provided you, the correspondence email from our office to Bob Graham is included listing all the fire provisions that we agreed on. Also included is a memo back from Bob Graham the same day acknowledging that we were going to do all those items. Further, we are going to be meeting with them again, as I mentioned, to make sure that they are comfortable now that they have final grading, site layout plans for what we are proposing at this time.

Mr. Seiter – On the next site plan could you perhaps have a little more detail on the buffer between your property and this gentleman's home as far as distance, berms, trees, etc.

Mr. Cretekos – In general we have over 100 feet of existing wooded area that is going to remain, which is greater than what the Code requires for a buffer to industrial property. We feel that we are providing adequate buffer for that. This was also an item that we reviewed intensively. We did provide some cross-section exhibits from the neighbor's property through ours. We can certainly pull those back out and resubmit them for your use.

Mr. Rainaldi – Rich, there are several features that we've added since we flipped the driveways behind, so we will update that section. I'm going to isolate that area so that it's one large plan like that, that I'll present at the next meeting.

Ms. Zollo – I have one more questions. You have a number of 30 unit buildings and a number of 21 unit buildings. How many bedrooms are these units going to have?

Mr. Cretekos – All of the buildings are either one or two bedroom units. I think there are 480 bedrooms total on the site in the 288 units. It's predominately two bedroom units with five or six one bedroom units sprinkled throughout each building.

Mr. Rainaldi – Just shy of 10% of the units are one bedroom. The balance are two bedroom units.

Ms. Zollo – OK, thank you.

Chairman Santoro – Did you get the Ontario County findings and decisions?

Mr. Cretekos – Yes, we did.

Chairman Santoro – As we go forward, will you address the concerns that were expressed here about the runoff?

Mr. Rainaldi – Specifically, and we have that chronicled well. I will isolate that as a separate topic so it doesn't get lost. There is a lot of work that has been done in the review of this and we have that material now that can be presented to you immediately. Just for future reference, as we have redundant materials here tonight, I'm happy to drop off hardcopies of the same and leave things in the admin office so that they can be reviewed at anybody's convenience. If you'd like that, please don't be shy to request it.

Mr. Pettee – One of things you mentioned James, was about the cul-de-sac up in that northern area. You have some parking in there but you also mentioned it would serve as a turnaround for the fire department. Are you in the process of reviewing that with the fire department?

Mr. Cretekos – That wasn't one of the items that they reviewed. We put it in as per approved by the New York State Fire Code. Unless they have an issue with it or want us to convert it to a hammer head; we just thought it worked a little bit better since we needed a couple more parking spaces up there to configure it as such as opposed to a hammer head turnaround with parking around that. It just doesn't flow as well.

Mr. Pettee – We did issue a letter last week. When do you anticipate units coming on line? When do you think you may be looking for a Certificate of Occupancy?

Mr. Cretekos – I think you are referring to the sewer comment that we were talking about. The original intent would be to ideally begin construction later this year. I don't know the actual timing on when they would have the buildings constructed. The sewer improvements are somewhat of a limiting factor to us because of increasing the water usage for the area. I think as we get closer, and through this process a little more, we will be able to better define our construction schedule and probably provide additional input on that.

Mr. Pettee – I did read your response that you provided on our sanitary sewer comment. For the Planning Board's knowledge, what LaBella recommended initially, was that no certificate of

occupancy be issued to any unit until such time as the Auburn Trail sewer project is complete and operational which would be anticipated in August 2020. We've seen the applicant's response. I think they want to hook up a few units prior to that if possible. I'm going to be talking with our civil engineer, Mike Schaffron, who reviews all the sanitary sewer to see what accommodations could be made and if the capacity in the conveyance system is there.

Mr. Rainaldi – Just as a loose schedule, so people can have an understanding where our minds are at. It's likely that the first phase, which would include the first four buildings and then the club house, they might be on a pre-lease, but they wouldn't be occupied until the fourth quarter of 2020. I don't envision there being a problem. The thought was, and James response that I authorized, was that if there was consideration with regards to the yield specific and limited to what was approved to go on that system with the townhomes and nothing more, that we had that room. Having flexibility to nimble in any market, is important. Having flexibility in our market is critical. So if there was some consideration, even if it was limited just to the first building, so I could have model up, we could do pre-lease, about Q4 of 2020 would be conservative to bring on line, just for the first phase.

Mr. Pettee – Yes, understood, that makes sense. We're going to look at that a little more closely and I definitely appreciate the point that there was some accommodation made for the previous development that you had proposed here.

Mr. Seiter – Back to the RPZ's, they are calling for pump station due to pressure drop?

Mr. Cretekos – That was part of our first initial take on what we were going to do. With the RPZ, specifically on this upper area, based on elevations, we are looking at, this is probably more of a fire department question, but we were talking about the fire flows and what we are able to provide. Although we are meeting the requirements, the fire department ideally would have additional fire flows available to them. We discussed possibly proposing, along with the RPZ, basically a pump station right behind it that would then support those increased demands.

Mr. Seiter – I understand, my question is how is the pump powered? You lose power during a power outage.

Mr. Cretekos – There would be an emergency generator.

Mr. Seiter – Thank you.

Chairman Santoro – Have you done any balloon tests?

Mr. Rainaldi – You remember the original industrial buildings that were proposed back there?

Chairman Santoro – I do.

Mr. Rainaldi – The threshold that was imposed to develop that spec was greater than what would be required with the plan as it's proposed right now. We've been relying on a lot of the data that was still relative and consistent with what we are requesting now. If you remember, the

technology back then was very different than what is available now and they look like hot air balloons. My office, a sixteenth of it is commandeered by old DEIS and FEIS (*Environmental Impact*) stuff that I don't throw away. One because it's nostalgic and two because I know we're going to need this forever. My office is the holding ground for all of these things, so I get to, at my leisure, go back and remember what life was like back in the early 2000's. The data that was determined would still be consistent and I can share the same.

Chairman Santoro – OK, but there wasn't any testing done in this location. It was down where the commercial buildings are. There is a difference in elevation there, isn't there.

Mr. Rainaldi – Let me show you what the parameters were of what we did and if there is a gap then we can take a look at that.

Chairman Santoro – Just bring it next time so we can see what you have.

Mr. Rainaldi – Absolutely.

Chairman Santoro – The public hearing is still open, so everyone who gets notifications will get notifications about the next time it's on.

Mr. Rainaldi and Mr. Cretkos gave their thanks.

#### **APPLICATION HELD OVER FROM 1/8/19 MTG**

##### **5. GOODWILL STORE**

34 East View Mall Dr (Ethan Allen previous location)

Appl No 34-SP-18

Zoned – Commercial

Applicant is requesting approval to renovate the existing vacant Ethan Allen bldg. The project will include a new donor canopy, improve the loading area by adding a second door and adding a trash compactor. They will also be renovating the interior.

Chairman Santoro – Next is Goodwill. It was held over from last time waiting to hear from the County.

Andy Hart with Bergmann Associates addressed the Board.

Mr. Hart – I am here representing ABVI Goodwill. Also with me here tonight is Jen Lake from Goodwill as well as Tim *inaudible*. At our last meeting we described the project. We did attend the County Planning Board meeting. They had no additional comments. We've received all the comments from the Town and from the Town's consultant, LaBella and have addressed those. I believe there is still one outstanding item with the lighting that we are working on with them. As far as I understand, we have all of our comments addressed.

Chairman Santoro – Does anyone from the public have any comments or questions? Does anyone on the Board have any questions? Hearing none, I would entertain a motion to close the public hearing.

Al Gallina made a motion to close the public hearing, Rich Seiter seconded it, and it was unanimously agreed to close the public hearing.

Mr. Pettee – We're all set. We did issue an updated letter, dated January 18, 2019, and they are going to some work on a lighting plan. I'm all set.

Ms. Zollo – Can I just confirm that the lettering was removed from the awnings and it's just the symbol.

Mr. Hart – Yes, we will go with the blue and the logo with no lettering.

Chairman Santoro read the resolution.

RESOLUTION:

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

1. A site plan application was received on December 4, 2018 by the Secretary of the Planning Board for a Site Plan entitled Goodwill of the Finger Lakes.
2. It is the intent of the applicant to renovate the existing vacant Ethan Allen building located at Eastview Mall. The project will include a new donor canopy, improve the loading area by adding a second door, adding a trash compactor and façade changes along with renovating the interior.
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 8, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of 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 January 9, 2019, Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 23, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Goodwill of the Finger Lakes will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Goodwill of the Finger Lakes, Inc, Site Plan entitled Goodwill of the Finger Lakes Proposed Retail Store, drawn by Bergmann Associates, dated December 4, 2018, received by the Planning Board December 4, 2018, Planning Board Application No. 34-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated January 4, 2019 and comments in a letter dated January 18, 2019 from LaBella Associates be addressed.
3. That the architectural comments in a letter dated December 31, 2018 from LaBella Assoc. be addressed.
4. That comments from the Fire Marshal be addressed.
5. That comments from the Town of Farmington Water & Sewer be addressed.
6. That comments from Code Enforcement Officer, dated December 28, 2018 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. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. The building design plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled Goodwill of the Finger Lakes and details as shown on the exterior elevations drawn by Bergmann dated November 20, 2018, last revised January 3, 2019, Drawing. No. A201.

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

On a motion by Al Gallina, seconded by Rich Seiter,

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Aye
Heather Zollo	Aye
Rich Seiter	Aye

Motion passed 4 in favor, 0 opposed

**MISCELLANEOUS ITEM:**

**6. GRAYSEN BETTS**

6724 Richardson Road

Zoned – R-2 Residential

Appl No 3–SP-19

Owner – Graysen Betts

Applicant is requesting demolition of an existing garage attached to a house on the historical inventory list as it is over 50 years old.

Graysen Betts addressed the Board.

Mr. Betts – Good evening. I am here for the demolition permit for 6724 Richardson Road. I purchased the home about two years ago. The garage that was previously built by the homeowner does not meet current regulations. It's amazing the garage is still standing, so I'm requesting approval for demolition of that.

Chairman Santoro – Babette Huber, Town Historian, has said that it has no historic value even though it's old. It's not as old as the rest of the house, it was added on at some later time.

Mr. Betts – Correct.

Chairman Santoro asked if the public had any comments or questions and also ask the Board members if they had any questions. There were no questions or comments.

Al Gallina moved to close the public hearing and Heather Zollo seconded it. It was unanimously agreed that the public hearing was closed and Chairman Santoro read the resolution.

**RESOLUTION:**

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

1. A site plan application was received on January 15, 2019 by the Secretary of the Planning Board for a Site Plan entitled Graysen Betts – Garage Demolition.
2. It is the intent of the applicant to demolish an existing garage at 6724 Richardson Road.

- 3. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
- 4. The Town Historian has reviewed the request and had no objection to the proposed demolition.

NOW, THEREFORE BE IT RESOLVED that the application of Graysen Betts, 6724 Richardson Road, Victor, New York, for the demolition of an existing garage, received by the Planning Board January 15, 2019, Planning Board Application No. 3-SP-19, BE APPROVED.

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

On a motion by Rich Seiter, seconded by Heather Zollo,

Ernie Santoro	Aye
Joe Logan	Absent
Al Gallina	Aye
Heather Zollo	Aye
Rich Seiter	Aye

Motion passed 4 in favor, 0 opposed

On a motion by Heather Zollo and seconded by Al Gallina the meeting was unanimously adjourned at 8:05 p.m.

Debby Trillaud, Secretary