

A regular meeting of the Town of Victor Planning Board was held virtually on February 23, 2021 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; Councilman Dave Condon, Rocco Venezia, Jeff Engebrecht, Chris Nadler, Chris DiMarzo Suzy Mandrino, Confidential Secretary to the Town Supervisor; Kinsella,; 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 Al Gallina.

RESOLVED that the minutes of February 9, 2021 be approved.

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

Approved 5 Ayes, 0 Nays,

CORRESPONDENCE:

There were none.

BOARDS AND COMMITTEE UPDATES:

Councilman Condon from the Town Board

Mr. Condon – Good Evening, Just wanted to let everyone know that we met last night and things are still moving along nicely I would say and not really a lot of news to report. We are still in that pause period and looking at some rec things opening up this summer a little bit with some of the series on the park and the music and other things. Brian Emelson is working on that. The other thing is just marinating the parks and trails. They have been getting a lot of work with cross country skiing and snowshoeing. Other than that nothing major.

Chairman Santoro – Thank you Dave.

Mr. Limbeck – I had a question few days ago about is there a roundabout going in at Victor Egypt Road and Lane Road and Lynaugh. DO you know anything about that?

Councilman Condon – There is currently not a roundabout scheduled for that. It's a County Road 9, crest. We have asked for that and they have done a study and at this point it does not warrant that. The issue is the folks were coming thru the underpass at 55 and plenty of site distance there. We know they do not go 55 when they are cruising thru that underpass. When they did the study we tried to get a classification to warrant that roundabout and up to this point we have not been able to do that. We will try again in the future. I agree with you Joe that it would be a great spot for a roundabout. I think those roads are getting increasingly busy and also Gillis and Victor Egypt is becoming an increasing intersection as well. Folks cut across to get to Farmington. Stay tuned but as of right now, no.

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.

PUBLIC HEARING

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

OTT MINOR SUBDIVISION

1086 Strong Road

Owner – Trust the Ott Irrevocable Survivors

Applicant is requesting to subdivide the parcel into 3 lots with one lot comprised of land on the west side of Strong Road and the land on the east side of Strong Road will be divided into two lots.

04-MS-2020

Zoned – Residential 2

Chairman Santoro – We were waiting for a revised plan with sight distances to be submitted and I think we got that. They have received approvals from the Zoning Board of Appeals February 1 for an accessory structure forward of a primary building.

Mr. Venezia – Good Evening. We have exhausted efforts along the highway and did come up with a solution for a suitable safe sight distance. I am talking about maybe eliminating the driveway to the garage. It is a little odd but just north of there there is a little high spot with really good sight distances. I had sent you the plan showing a proposed driveway going on. It comes off about 70 feet south of Taylor Road which is not the most desirable but a better spot than where the driveway is now. If we were to share that driveway I would think that is an acceptable solution in terms of accessing those two lots on the east side of the road. I originally did a sketch that showed the driveway extended far enough east to come around the backside of the garage but the potential buyers for Lot 3 indicated to me that they were adamant about this

one we are showing right now. It's little shorter and a little more congested but I do think it works. That is what we are hung up on now and we are hoping this sheds some light on your concern about the sight distances and I do agree with the Board that this is a safer entry for the lot. We would hope we can move forward with this proposal that we presented tonight.

Chairman Santoro – Any questions or comments from the Board?

Mr. Logan – Suzy if I could share my screen please. This is what I asked to look at of the straight in shot from the road back past the barn and then I understand the purchasers of Lot 3 wanted the driveway to the barn in the same spot so you could tee off of that. To me making a right hand turn is difficult if not impossible for trucks to get around accessing the houses that are going to be built on that parcel. It looks like the sight distance is more than adequate where you have shown it at the driveway you have presented. Wes and I had a discussion about it earlier this afternoon and we both came to the conclusion that it would be good or as good at this location and have straight in driveway shot. I show these two flares at the end that would be where the driveway would peel off for Lot 2 and or Lot 3. It does not have to go there but the nice thing about it is if you show it in an aerial it misses trees and gets by this one tree her it looks like. You can still have your gravel driveway access to the barn. That is what I wanted to share and hope that helps and do not know if your buyers would be amendable to this but it misses the utility pole. It is a good indication where the lot line is if you are out there on the road. This red line here is approximately the property line and showing my intent. It is basically to keep the driveway in one spot right next to the property line rather than showing the land locked piece of having the special easement thru the lot and have no man's land in between on Lot 2. I think this makes a whole lot more sense. The sight distance works.

Mr. Venezia – Did you measure the sight distance?

Mr. Logan – I did not but we are talking about a 40 foot difference in the road.

Mr. Venezia – Joe, there is big difference in the elevation between there. It really makes a difference. We had to go that far north to achieve what we achieved.

Mr. Logan – Well, I did ask for a sight distance at the lot line and don't see it here so I am just curious why not.

Mr. Venezia – Because it didn't work.

Mr. Logan – So you went out there and you didn't find that there was any sight distance there or what is the sight distance?

Mr. Venezia – There is sight distance but if you go a little bit further north like we did it is a lot better. That is all I am saying. A lot safer.

Mr. Logan – Ok. I am wondering what the sight distance is.

Mr. Venezia – I can go back. I don't have a problem measuring where you suggested.

Mr. Logan – I do not know if anyone else on the Board has a comment or Wes if you want to weigh in on it.

Mr. Pettee – I can share some information with regard to the sight distance measurement that are shown on Rocco's plan. One of the questions I was going to ask Rocco was that if the sight distances that were provided, the 536 in one direction, 700 feet in the other direction, were those from a survey or were those field verified.

Mr. Venezia – They were from a field survey where we went out and put the box on the ground.

Mr. Pettee- I did have an opportunity to speak with Wade Daily of our office, I did not speak to Lorenzo but I did speak with Wade. He took a look at the sight distances and initially we were questioning the 536 sight distance but were able to resolve that. I also went out and did a site visit and appeared to be reasonable sight distances for the driveway. We didn't find that would prevent the Planning Board to go forward with approval or action. They seem like reasonable sight distances to us. That is what I have to offer on the sight distance.

With regard to Joe's sketch. The configuration of the driveway I like the way the sketch works. I do not know what the sight distances which Rocco brought up. It might be worth before the Planning Board were to approve the configuration depicted by Joe we would probably want to know what those sight distances were. Just to confirm that it would be workable. It might be difficult to get anything better in terms of sight distances compared to what is on Rocco's plan. Because of the topography and the change in the elevations and the roadway.

Mr. Venezia – When you drive by a piece of property or you drive onto a piece of property and they have a shared driveway whether it is along the property line or whether it is 40 feet north property line I do not think there is any consequence there. I think what is more important is that because of what you are trying to do you put the driveway in the safest possible place. I am saying let me put the driveway here because it is the safest possible place. I am not going to move it 50 feet over. If we go back out there and the Board decides that they want me to set that fine. I do not think it makes any difference in the end if it is here or 50 feet over except what is the best sight distances. I can tell you right now the sight distances is considerably less when I pull it over the property line because that is why we moved it where we moved it. Less than 100 feet away where the existing driveway is the sight distances is 250 less. Just because you move something 50 feet when you're talking sight distances that 50 feet is not a cumulative or subtraction. That 50 feet is dynamic and have to measure it from each spot. That is my only point I am trying to make. Sight distances are relative to the point on the face of the earth as you are locking back up and down the road. They can change radically in 30 horizontal feet. We chose to put it there only because we feel like it was the safest possible place for a driveway. The fact that it is a little bit off the property line I don't know. It looks cleaner that it is on a piece of paper. It is still a shared driveway. That is my thought and I do not like the one where you turn real quick. I think that is dangerous and convoluted. I think it puts headlights coming right back in against headlights at night time. I think the original sketch I provided it shows going beyond the barn then turning in and using some landscape in front of the garage I think in

the end will be real attractive. I think it is better for the driveway to be north of the barn to get room in there.

Mr. Harter – I think that Rocco has shown that there is a safe location where the can put a driveway and I think that was the goal of what we are doing because these folks are coming back for a sight plan I presume at some point in the future. In terms of qualifying the subdivision it seems like it has been qualified that it can support a driveway for two lots and there is safe location. I think it is subject to refinement when it comes back for site plan. I think the immediate goal has been satisfied.

Mr. Gallina – I would echo Scott's comments. I think the exercise was to identify that there is a safe access point which I think Rocco has demonstrated there is. Joe, I do agree from an aerial cosmetic view it seems to make more sense to have straight line effect but I am not hung up in either way and to Scott's point it can be refined at the point of site plan approval.

Mr. Limbeck – I agree as well. We ask the applicant to come up with a driveway with a safest best sight lines and he did that. To mirror Al and Scott he can refine that when he comes up with the subdivision plans. I think where he access Strong Road is a good spot and he did what we asked him to do so let's move on.

Chairman Santoro – Joe, thank you for your hard work on this but I have to agree with the other Board members that I think that is a good spot for it.

Mr. Logan – What I am hearing Rocco saying is, I agree with you regarding the sight distances, if you move the driveway back to where you get the perfect sight distance like I just did then we could extend the barn driveway and make your way back to the house without having that hard right turn. That would change your easement on the lot.

Mr. Venezia – I like that idea. That is a good idea.

Mr. Logan – I am willing to work with you obviously.

Mr. Venezia – I like what Joe shows there. The reason I like that is and he has given some thought to this because the only time you would make that hard right is when you are going to the barn. If you were going on out to the house you would follow the main and that is fairly safe. Having said that if the Board could vote tonight that we use the spot where I have the driveway and then I can revise the easement. I hope that can be a condition and I can revise the easement to look like Joe's sketch here.

Mr. Logan – I would be fine with that.

Mr. Limbeck – I think that is a win.

Mr. Logan – I do not presume to know where you are putting the house but it seems like you would be putting them further back from the front of the lots so I showed it this way. Once it

gets past the barn just put it in a reasonable spot to make a y to go to different properties and you are all set. I am glad to work with that.

Mr. Venezia – One thing. I wanted to see what the acreage was for Lot 3. I do not remember.

Mr. Logan - It is 8.5 acres Rocco.

Mr. Venezia – What if I was to talk to the two lot owners and they would agree to let me shift the line. It would be exactly what you were suggesting.

Mr. Logan – that would be fine if they are amendable to that. Makes a lot of sense for maintenance.

Mr. Venezia – I will talk to them tomorrow. I think they will both like that better. If we could have a vote from the Board that we do revise this map to reflect that idea that would be wonderful so we can move on with this.

Chairman Santoro – Suzy, any comments?

Ms. Mandrino – We do have a comment. It is from Sarah Conzano, 23 Rothbury Circle. Buyer of Lot 3. Has a couple of questions and they were answered by Scott Harter but she wanted them read. Are these proposed driveways the be all end all? As the buyer are we able to work with this plan and submit something different with the building site plan in the future? Are driveways required to be approved with minor subdivisions? Those were answered.

Chairman Santoro – So she has her answers. Anyone else? We have a draft resolution

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

Mr. Logan – To the question about is this the end all be all to the driveway I would suggest Rocco was going to be working with the purchasers to come up with a driveway alignment and easement that would resolve this but the entrance location is what we are agreeing to and asking for.

Mr. Venezia – We are going to keep it where the best possible sight distances is. I am going to talk to the two buyers. They share the driveway but really half and half and will look more like your second sketch.

Mr. Logan – I just wanted to put that out there.

Chairman Santoro – Has everyone seen the draft resolution?

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on December 8, 2020 by the Secretary of the Planning Board for a Minor Subdivision entitled Ott Minor Subdivision.
2. It is the intent of the applicant to subdivide the 51.4+/- acre parcel into 3 lots with one lot comprised of land on the west side of Strong Road and the land on the east side of Strong Road will be divided into two lots.
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 subject parcel 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 12, 2021, January 26, 2021 and February 26, 2021 at which time the public was permitted to speak on the application.
5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act regulations and a Short Environmental Assessment Form was prepared.
6. The application was referred to the Ontario County Planning Board under Section 239m of the General Municipal Law.
7. On January 13, 2021, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
8. The Conservation Board reviewed the Unlisted Action on January 5, 2021 and had comments. A site walk was scheduled and completed on January 16, 2021.
9. In a letter dated December 29, 2020, LaBella Associates reviewed the project and provided comments.
10. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated January 8, 2021, and provided comments.
11. The Town and Village of Victor Historian reviewed the project in a letter dated December 18, 2020, and had no concerns.
12. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.
13. Although the Town's Official Map depicts a "future local road" that connects the terminus of Taylor Road with the intersection of Willis Hill Road and Pine Tree Drive, it is not the applicant's intent to develop the property in a fashion that warrants the

designation of a future roadway through the subject property. The Official Map depiction is also intended to be an approximation of potential future connections, and does not commit the Town to construction of a future local road. The Planning Board notes that the property is in an area of the Town that retains the least density of all zoning districts, and there are steep slopes (natural constraints, as identified in Figure 9 of the Town's Access Management Plan) that present challenges to making a connection to or through the subject property. The "future local roadway" on the Official Map is not within the Town's Priority Analysis Area, as shown on Figure 14, Appendix B of the Access Management Plan.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on February 23, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Ott Minor Subdivision will not have a significant adverse impact on the environment and that a negative declaration be prepared; and,

BE IT FURTHER RESOLVED, that the application of Venezia & Associates, Minor Subdivision entitled Ott Minor Subdivision, drawn by Venezia Land Surveyors and Civil Engineers, dated December 8, 2020, last revised February 10, 2021, Planning Board Application No. 04-MS-2020 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated December 29, 2020 from LaBella Associates be addressed.
5. That the comments from Code Enforcement Officer dated January 8, 2021 be addressed.

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

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).
3. The applicant shall be aware that this approval does not mean that Lots 2 and 3 are approved building lots. Site plan approval will be required prior to lots becoming buildable lots and before a building permit can be issued.
4. Future property owners for Lots 2 and 3 will need to perform deep hole and percolation tests, witnessed by the Town Engineer, and submitted for review by the Town prior to issuance of a building permit.
5. That any conditions in the resolution granting the area variance dated February 9, 2021 be adhered to.

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

TOVSTUKHA ADDITION

31-SP-2020

TABLED UNTIL MARCH 9 MEETING

1135 Willis Hill Road

Zoned – Residential 1

Owner – Andrey Tovstukha

Applicant is requesting approval to construct a garage and residential addition to an existing single family residence to be used as a second dwelling unit for family or blood relative only. Also including the construction of an on-site wastewater septic system.

ENGBRECHT SUBDIVISION PRELIMIARY AND FINAL 03-PS-2020, 02-FS-2021

7980 Main Street Fishers

Zoned – Residential 2

Tax Map # 5.00-1-73.122

Owner – Jeffrey Engebrecht

Applicant is requesting to subdivide Lot 2 of the Smith Subdivision into two lots. Lot AR-2B will comprise of 2 acres and will be developed with a single family home. Lot AR-2A will consists of the remaining 16.548 acres. This will be the second and third step in a three

step process for a major subdivision. The Sketch Plan was acknowledged complete December 15, 2020.

Mr. Engebrecht – What you read is accurate.

Chairman Santoro – Any questions from the Board for Mr. Engebrecht?

Mr. Pettee – We did issue a letter dated February 20, 2021 and I believe Greg McMahon has a copy of the letter. I chatted with Al LaRue early this afternoon about the septic system and perc tests that were conducted on the site. I do not necessarily think there are any show stoppers here. One of the questions that we had revolved around the methods of the perc test and presoaking the holes. I think the design engineer has done a reasonable job in assembling there plans and proposed septic system. It looks like the septic includes a private pump station and just wanted to ask Greg if he had anything worth sharing in terms of the design of the septic and ultimately we recognize it is the design engineer who is responsible for the design and whether or not the septic is going to work long term. We have provided some comments and think they are in the process of addressing those comments and I think as long as any resolution references our letter and conditions any approval on satisfaction of the town engineer letter I think we would be happy with that.

Mr. McMahon – We did receive the letter. We went thru all the comments we do not take exception and can address all of those comments either verbally or thru plan changes. I know Wes did discuss with percs with Al LaRue. I think we are very comfortable with what we did out there and with the design of our system. We did put in a dosing pump system due to the elevation of the house and the elevation of the field although it is not a huge difference it was necessary for us to provide that pump and dosing to the system provides a more even distribution of the affluent. It generally provides for better results with the septic system,

Mr. Pettee – I forgot to ask a question. It's about the fill. There was some fill placed on the project parcel. How long has it been there out of curiosity? Months or has it been thru a freeze thaw cycle?

Mr. McMahon – I know it has been thru a freeze thaw. Jeff could probably speak to better to when that fill has gone on.

Mr. Engebrecht – it was moved two years ago the bulk of it. Last summer it was adjusted up a little higher because of the settling. It was in early May when it dried out enough to move the topsoil over there.

Mr. Pettee – That helps. Thanks.

Chairman Santoro – Anything from the Board?

Mr. Limbeck – Looking at the Conservation Board comments and discussion. This is a major subdivision of 18 or so acres and this particular project we are talking about 2 acres total of conservation easement and there is a requirement to have 50% of the property and green space.

There was also a discussion about natural resources easement versus site specific and I wonder if anyone on the applicant's side could talk about how we are going to manage that. I cannot see anything in the notes that would suggest how we are going to accomplish that other than going thru the Town Board perhaps. I am not quite sure where we are at with those.

Mr. McMahon – We had submitted all of the easement materials to the town. I know Al said you were having some discussion but we have prepared all the easement materials and those have been submitted to the town.

Ms. Kinsella – We did receive the conservation easement today Joe. It is a site specific easement that will go back to the Conservation Board next week for them to review that language. The term conservation easement that is currently on the property Jeff is going to appear before the Town Board to request that term conservation easement be rescinded. He has paid the penalty already for the term conservation easement to be terminated. We will move forward before anything else with the permanent conservation easement on the site. I do not know of that answers your question or not. We did receive the language for the site specific conservation easement today.

Mr. Limbeck – Given the steep slopes and some of the water on the site are some of those being taken out of the natural resources type of easement or if maybe if you would send me the paperwork Kim I would be interested to see it.

Ms. Kinsella – Yes, I can forward it tomorrow.

Chairman Santoro – Suzy, anyone from the public call in?

Ms. Mandrino – No comments.

Mr. Logan – On the plan it shows an existing pond modification approved by the Town of Victor and construction is underway and in the back it says proposed pond to be constructed at a later date. If that proposed pond is part of a northwest corner of this lot. Once the lot is developed how do you propose to build a pond not on that lot?

Mr. McMahon – The pond in the back is very much of a nebulous thing. It would stay within the horse pasture area which is all grass now. The plan at this point is to finish the one that we are working on for the third summer and then to dig a test area in the middle of the horse pasture and see how it holds water. The one that we have is a really good spot for a pond. We are not so sure the other area would work. The size of the pond is very much up in the air and depend on how the area responds to holding water.

Mr. Logan – What are you going to the pond that is there? Are you cleaning it out?

Mr. McMahon – The pond that is there is going to be expanded little one to the north and that is about it. We are almost there as far as size goes.

Mr. Logan – Ok, was just curious about that since it does cross over. Was that a future pond that has been there for a while, that intent, and now you decided to subdivide and it crosses over that location?

Mr. McMahon – yes, basically. Since Kyle is going to be owning the property he has doesn't have a problem with the pond being on the back of his lot. It is something that if it goes that far thereon be a problem. After he owns the lot he could change his mind.

Chairman Santoro – Is the public hearing still open?

Ms. Boughton – Yes it is.

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

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on January 12, 2021 by the Secretary of the Planning Board for a Preliminary/Final Subdivision entitled Engebrecht Subdivision.
2. It is the intent of the applicant to subdivide Lot 2 of the Smith Subdivision into two lots. Lot AR-2B will comprise of 2 acres and will be developed with a single family home. Lot AR-2A will consist of the remaining 16.548 acres.
3. A public hearing was duly called for and notification was published in "The Daily Messenger", and whereby all property owners within 500' of the project parcel 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 February 23, 2021 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared.
6. The Conservation Board reviewed the project on January 19, 2021 and had comments
7. The Coordinated Fire Service reviewed the Site Plan on January 14, 2021, and had no comments.

8. The Town Highway Department reviewed the project on January 26, 2021 and had no concerns.
9. The Town Engineer, LaBella Associates, provided a comment letter dated February 20, 2021, identifying issues to be addressed.
10. The Town of Victor Code Enforcement Officer, provided a comment letter dated February 23, 2021, identifying issues to be addressed.
11. The Town Stormwater Manager provided a comment letter dated February 5, 2021, identifying issues to be addressed.
12. Pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on February 23, 2021, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Engebrecht 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/final subdivision application of Jeffrey Engebrecht, Major Subdivision entitled Engebrecht Subdivision, drawn by McMahon LaRue Associates, P.C, Sheets 1 through 6, dated June 2020, Planning Board Application No. 03-PS-2020 and 02-FS-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the Preliminary/Final subdivision plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.
4. That the comments in a letter dated February 20, 2021 from LaBella Associates be addressed.
5. That the comments in a letter dated February 23, 2021 from Code Enforcement Officer be addressed.

6. That the comments in a letter dated February 5, 2021 from Stormwater Manager be addressed.

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

1. That the major subdivision comply with Town of Victor Design and Construction Standard Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
3. That all conservation easements show placement of markers on final plans.
4. That prior to construction commencement, the applicant shall offer and the Town shall accept a permanent conservation easement over a portion of the Engebrecht property while simultaneously terminating the existing term conservation easement presently affecting the property. The applicant agrees to be responsible for any termination of fees due and owing in accordance with Chapter 16 of the Victor Town Code.

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

FINAL SUBDIVISION

THE FAIRWAYS PHASE III

Championship Drive
Tax Map # 6.20-1-300.000
Owner – Fairview Ponds LLC

03-FS-2021
Zoned – Residential 1

Applicant is requesting approval for Phase III of The Fairways Project consisting of 72 townhomes with Championship Drive extending to Gillis Road. The project will also include a dedicated right turn lane on Gillis Road for the proposed entrance.

Chris Nadler, General Counsel for Mark IV Enterprises, David Cox of Passero Engineering, Bryan Powers, Director of Engineering for Mark IV, Chris DiMarzo, President of Mark IV

Mr., Nadler – We are here for final approval for Phase III. As you know preliminary overall approval was granted about 10 years ago along with SEQRA and public hearings. Since that time Mark IV has constructed the Legacy Phase 1, Phase 11 of this townhouse project as well as Champion Hills Country Club which all of the phases of this development have been wildly successful. I think have been real assets to the town and I think everyone can agree with that.

We are here after many years of completing construction and putting a lot of thought into this and have had multiple meetings with town staff, received a lot of feedback. David Cox our engineer has responded to all the town staff comments. We did have the opportunity to have a meeting with and site walk with the Conservation Board and I think significantly they said after their site walks they had no comments or concerns with this project. After driving thru the previous phases completed townhomes it was apparent the applicant is well equipped and well versed to handle the slopes this project has. That is about as great a response you can get from a Conservation Board. They recognized how well the previous phases of this project have turned out. With that I will turn to over to David Cox and Bryan Powers to present.

Mr. Cox – Chris did a great job and stole some of my thunder there. As he mentioned the Fairways project has been very successful in. Townhomes are a hot commodity. All the towns do not have enough stock of townhomes. This project is if you drive out there and look at the townhomes Mark IV put in they are some really nice looking townhomes. It is great project. The whole project as a whole has 80% green space with the golf course. It is a really nice place to drive thru.

Phase III is the last puzzle piece to complete this project. It was started over a decade ago. It is the same exact road layout, same number of buildings, same # of units, same utility layout. There is no changes to SEQRA. It is still good. We are making a connection to Gillis Road that will improve emergency services. Giving two means of access for this project and is a plus there. We are putting a dedicated right turn lane into the project off of Gillis, which is obviously a great asset.

We are also restriping the intersection of Gillis Road and High Street so that Gillis onto High Street will have a dedicated right and left turn lane. That will be an amenity to the entire area to all the residents and anyone who travels there. As Chris mentioned we have received and responded to comments from the Fire Marshal, Highway, Code Enforcement and Keith Maynard on Stormwater. There is no show stoppers there. We have addressed everything. Did not have any concerns. Like he said, we met with the Conservation Board and they were good with it. That is where we are at right now.

Mr. Powers –David, you did a nice job. The only thing I would say is the continuation of the road from Phase II to Phase III will be a dedicated road as it was in Phase II and Phase I. The utilities, sanitary sewer, storm sewer and the public water system will all be dedicated as well.

Chairman Santoro – Anyone from the Board have questions? Joe and I were on the Board when this whole thing was approved. We have been thru it many times with site walks and everything.

Mr. Limbeck – I like it overall and am curious. I noticed in some of the documentation there was an initially there was a curbed island proposed where it intersects with Gillis Road. I noticed that further down Gillis Road at Yale Court or Fox Run has a curbed island. I am curious what the objection is and why it was removed. I do not understand the discussion about curbed islands.

Mr. Cox – We really wanted the curbed island and that is why we put it in originally. One of the comments from the Highway Department was to remove the curbed island. It was a concern about maintenance, snowplowing and things like that. The specifically requested that we remove it.

Mr. Limbeck – Thank you. I did not get the rationale. I appreciate that.

Mr. Nadler – The Highway Department would wind up rebuilding it every single spring because they destroy it with the plows every single winter. It makes it easier for them.

Mr. Logan – Couple questions about the plan. It hasn't changed but you are showing a bunch of guest parking we can call it. All the other parking aside is not gradient. Are you not intending to put those in or are you going to put those in?

Mr. Cox – All the parking that is shown is getting put in. Just happen to not get shaded. All that parking that is shown is getting put in.

Mr. Logan - It is in the rest of the complex that is why I asked. The other question I have was that you are doing Gillis and High Street work.

Mr. Cox – restriping yes.

Mr. Logan – It looks like it does not appear to be enough turning room to restripe it for the three lanes that you have there. The right turn, left turn and the inlet lane. Because you are wiggling the white stripe closer to the corner and there is a lot of stone on the pitch that goes around that curve. My question is are you narrowing the shoulder thru that turn to do this?

Mr. Cox –Yes the shoulder is getting reduced some which is not out of character when you have a right and left return lane at an intersection. The shoulder is not as important as it is when you are traveling at 35 or 40 mph.

Mr. Logan – This works and the Highway Department is okay with that since it is a town road?

Mr. Pettee – Hoe if it helps I received a copy of the restriping plan last week. I have copy of it to Wade Daley, our road engineer. I am waiting for comments from him on the restriping program for Gillis and High Street.

Mr. Logan – I wanted to make sure we are not forcing trucks and things to drive over the edge of the paved shoulder that is there now. If it is striped it pushes closer to that edge and it looks like it drops off.

Mr. Limbeck – It just means we will have two cars jumping out into traffic instead of just one.

Mr. Logan – Ok then.

Mr. Cox – It's designed with a 35 foot radius for the paint, the white line, which is pretty generous. There should not be any issues there.

Mr. Logan - As long as Wes is happy then I am good.

Mr. Gallina – Just one question. Is there intended sidewalk as part of Phase III and is there one in Phase II. I could not tell from the drawing.

Mr. Nadler – There is sidewalk in both Phase I and Phase II. It starts from High Street and is on one side of the road on Championship Drive and that will be continued in Phase III.

Mr. Gallina – I am pleased to hear that. It keeps people off the road.

Mr. Harter – I was just looking at Al Benedict's comments. Specifically comments #3 and #4. Comment #3 references constructed sidewalk along the property boundary with Gillis Road. Is that another sidewalk that is being constructed as well?

Mr. Cox – When we looked at that there is quite a bit of elevation change on our property there and really not conducive for a sidewalk to be put in. I think a sidewalk were to be constructed it would need to be closer to the road along the right-of-way where it is much flatter. There are portions where our property is up 8-10 feet above the road which would be a little difficult for having a sidewalk that high above the road and then the bank.

Mr. Harter – Al indicates that final plans only indicate the presence of a sidewalk easement and the Planning Board shall determine whether a sidewalk gets to be constructed by the applicant along Gillis Road. Is that what you are currently showing with the easement with the possibility of constructing it at a later date?

Mr. Cox – Yes we are providing a sidewalk easement yes.

Mr. Harter – His item 4 that he has noted as well where he indicates there is 30 foot rear setback and a 20 foot side setback originally and now it has been changed to 15 and 15. Do you have a reason why it has happened as he has described?

Mr. Cox – We are matching the exact setbacks that were approved as part of Phase II. Phase III connects right to Phase II so we are maintain those same exact setback that were approved as Phase II.

Mr. Harter – Ok, does the Planning Board have an opinion on the sidewalk on Gillis Road?

Ms. Kinsella – I have question David. Is the easement to the Town of Victor?

Mr. Cox – Yes.

Ms. Kinsella – So that is for future if the town decided to put the sidewalk in not the developer?

Mr. Cox – Yes that is set aside.

Ms. Kinsella- I just want the Planning Board to understand that. That is what the easement is for. It is not for the developer to be putting in a sidewalk in along Gillis but at a future date for the town to go on in and put the sidewalk in.

Mr. Pettee – I have a question so that I understand it and clear in my mind what David was mentioning in regard to the sidewalk. You mentioned about the elevation difference between maybe the roadway and your property and that you felt it might be more conducive to have the sidewalk closer to the road versus on your property or applicant's property. If that is the case does the town need that sidewalk easement on your property or is it in fact a reasonable place to have the sidewalk within the easement that you are depicting now. I might not understand what was being described so I am looking for clarification.

Mr. Cox – We certainly do not need to provide the sidewalk easement. We were just providing it in the event of future down to give additional land to the town if the needed additional land for if when they are putting sidewalks in.

Chairman Santoro – Is there a map or drawing to show us what this is?

Ms. Boughton – Suzy can pull up one of the first two.

Mr. Cox –The grading plan does a good job of showering the elevation change.

Mr. Logan – I have got it. Are you looking at the plan? Right in her e and along the road.

Mr. Cox – along the property line that you can see there is a lot of existing contours and a really steep bank down to the road in the southern corner. It is a lot of elevation change.

Mr. Logan – Now you do have a sidewalk stub up to Gillis and it ends there. There is no other sidewalk along the entire length of Gillis.

Mr. Cox –Correct.

Mr. Logan – To me it does not make any sense to build anything right no but if there is a need for it in the future I do not see there being a problem if the town would be coming along and doing that. They have done everything they need to tie to the town's right-of-way. There is the view looking east on Gillis with the entrance around here.

Mr. Nadler – For point of reference the power lines are about the right-of-way limit and you can see the telephone pole in the background. Look at the grade to the right of the telephone pole.

Mr. Logan – It is going up this hill.

Mr. Nadler – To your point we do not...being as there is no sidewalk on Gillis Road we do not even know if someday a sidewalk will be built on our side of the road or the other side of the road. Maybe in this location it should be on the other side of the road.

Mr. Logan – I can pan around. There are different places along Gillis that it does not work. This property to the west. It is fairly good shoulder here. You will be using that for your right turn lane. Here is that shoulder pull off right here.

Chairman Santoro – You could put a stairway there.

Mr. Harter – Is there any harm in getting and having that easement just for future benefit for need be?

Chairman Santoro – I do not see any harm.

Mr. Harter – Maybe which is the best course of action.

Mr. Pettee – That seems reasonable Scott. I have a couple of comments. We have yet to provide Town Engineer comments. We did have a set of comments prepared and then got an updated set of plans which resolved some of our comments. We do have an updated SWPPP as well. I noticed that there were several details on the detail sheet on the design plans that which did not necessarily meet the town's Design and Construction Standards. The town would probably need to provide some waivers or the Planning Board may need to provide some waivers as a part of an approval here.

One of the elements I was looking at and having inquired a little bit with town employees is the section width of the roadway. For example, I am guessing the proposed dedicated roadway is being constructed in a fashion very similar if not the same to pages one and two. The current town Design and Construction Standards would generally require a 22 foot wide pavement section with 2 ½ foot gutters on each side of the roadway. What the applicant is proposing here so to be consistent with previous phases is they're looking for 20 foot pavement width instead of 22 feet. I had an opportunity to talk with Mark Years, the Highway Superintendent, he contemplated this very scenario and whether or not to provide any comment on the fact they were not meeting the town's Design Standard in that regard. He felt they were meeting what was previously constructed in this area. He said the wider roadway would provide him a little more room for his equipment in the winter time. He did not really have a preference one way or the other.

The other question I had was in regard to whether the applicant would need to provide a roadway that met the standards of the International Fire Code Appendix D. The fire apparatus access road to meet a particular width I think is 26 feet wide. So I have a question into Kim's Office on clarification that everyone is on the same page that the Planning Board would need to provide in

that regard.

I am looking into that issue and also the restriping element of Gillis Road and High Street. A couple of comments that will be forthcoming. I do not see that they would necessarily be show stoppers at a future meeting but wanted to be sure the plans are buttoned up nice prior to the Planning Board taking action.

Mr. Logan – Is there a stripping plan as part of these plans or is that something different down by Gillis and High Street?

Mr. Pettee – There is a plan sheet that David sent that showed a restriping plan.

Chairman Santoro – Chris DiMarzo do you have any comments? Maybe he is not there anymore.

Mr. Nadler – He may have walked away but I know he would want to thank you all for your time to look at this and we appreciate this.

Mr. Powers – Wes, what I would say about the road width is yes you are correct and want to continue with the road section as we have it in the prior phases. It would seem awkward since we are mid-stream of the road to all of a sudden pull it out to another four feet wider. Reference the 26 foot for fire code. We are actually 25 feet if you include the 30 inch gutters on either side.

MR. Pettee – The gutters do contribute towards that. We see that point and Mark Years mentioned that very point about having a road that exists now and then all of a sudden bows out to accommodate the existing standards.

Mr. Powers – Thinking in terms of Mark Years and his group that plows these roads and how you would delineate that in the winter time.

Mr. Pettee – Understood. One of the things that we want to do is be sure that it is all documented for any reason it comes up in the future it has been documented in the Planning Board resolution that the Planning Board agrees we are providing this waiver to be constructed as it was previously and not in accordance with the standards that have applied for the roadway section in 2021.

Mr. Powers – I would also say Wes that if there is some room to continue to talk about this we will continue to work with your office and Mark years on the resolution for the road. Whatever comes out of that resolution the Planning Board will abide by it. They are going to look to the experts to resolve that issue. Most of these Planning Board resolutions are created subject to addressing the LaBella comments. I haven't heard anything that is a show stopper at this point.

Mr. Nadler – Obviously we would like to move forward as fast as possible to start. We would like to get some shovels in the ground. If we could make that a condition of approval tonight.

Chairman Santoro – Wed not have a resolution prepared for tonight. However we will put you on the next meeting which is March 9. We will have one ready assuming all these issues have

been resolved.

Mr. Nadler – Thank you.

Mr. Pettee – Or if they are not resolved we understand they could be conditions of approval.

PLANNING BOARD reported by Lisa Boughton

Tuesday March 9, 2021

PUBLIC HEARINGS

- Billone House Demo, located at 378 County Road 9, applicant is requesting to demolish the existing house and shed.
- Tovstukha Addition, located at 1135 Willis Hill Road, Applicant is requesting approval to construct a garage and residential addition to an existing single family residence to be used as a second dwelling unit for family or blood relative only. Also including the construction of an on-site wastewater septic system.
- Thirsty Turtle Patio Expansion, located at 7422 State Route 96, applicant is requesting increase the size of their existing outdoor patio to 45' x 75' including artificial turf, ballard and steel cable fencing.
- Victor Chrysler Dodge Ram and Jeep, located 7484 State Route 96, applicant is requesting approval for the Architectural renderings
- Lill Site Plan, located at 7634 State Route 251, applicant is requesting a waiver from the Design and Construction Standards for the vertical grade of a driveway not exceeding 10%.

Motion was made by Joe Logan seconded by Joe Limbeck RESOLVED the meeting was adjourned at 8:16 PM

Lisa Boughton, Secretary

13.