

A regular meeting of the Town of Victor Planning Board was held virtually on March 9, 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, Babette Huber; Village and Town Historian, Andrey Tovstukha, Linc Swedrock, John and Sandra Billone, Ted Rund Sr., Ted Rund Jr., Matt Indiano, Luke Lill, 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 Joe Limbeck.

RESOLVED that the minutes of February 23, 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 was absent.

PLANNING BOARD reported by Lisa Boughton
Tuesday March 23, 2021
PUBLIC HEARINGS

- Victor Hills Conveyance Plan, located at 1397 Brace Road, applicant is requesting to subdivide 2.8 acres from a parent parcel of 123 acres. This will be the second and third step in a 3 step process for a major subdivision.
- O’Neil Subdivision, located at 7874 County Road 41, applicant is requesting approval for a 7 lot major subdivision on 76.4 acres located on County Road #41 and Strong Road.
- Willis Hill Estate Phase 2, located at 1025 Strong Road, applicant is requesting approval to create 23 lots, including 1 flag lot, on the east side of Willis Hill Road as a cluster subdivision using Town Law 278.

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.

TOVSTUKHA ADDITION

1135 Willis Hill Road

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.

31-SP-2020

Zoned – Residential 1

Chairman Santoro –Staff comments there were waivers requested to Section 2.7.9.3 (drywells), Section 55-8 of the Access Management Code allows PB to grant waiver to the standards for spacing of driveways to be 245 feet based on posted speed limit of 40 mph and a request to verify the perc rate. Who do we have for tonight?

Linc Swedrock with BME Associates

Mr. Swedrock – Last time we were in front of the Board we had a bunch of comments and things we needed to address and work with the Historian on. I know Andrey and Babette have been working hard on the architecture on the addition to try to make it a little bit more in line with what they were looking for the historic structure. We have done a bunch of plan changes and have tried to maintain landscaping, added some landscaping and have changed the grading for it and worked on the architectural look of the building. I believe it was all included in your packets. The main thing since we were in front of you last time that we have done a lot of work

to try to address all the comments and looking for to move with approvals tonight from the Board. We are here to answer any questions.

Ms. Huber – The applicant has been extremely receptive to the recommendations of John Bero who is the architectural preservation architect. Although it isn't perfect we have come to a good compromise and I know that I had asked the applicant to have all of his materials, windows and other things before you gave him his permit to start this addition but he has worked so well with me and he has also told me in an email that we will work together with the materials for the addition. The only other thing that I hope is that we will add some more...I know you are taking trees down because you have to but hoping you will add some more so that it will be less visible from the street.

Chairman Santoro – Anyone from the Board have any questions or comments?

Mr. Logan – I think the developer and the architects did a great job in lower the height of the building and getting it to fit. Two items I am questioning is the height of the windows on the front of the dormer there. They seem to be double in height almost from the previous plan. Then on the back of the breezeway you have full height cobblestone which you cannot see from the road but assume you would just need the same height as what is on the back of the building.

Ms. Huber – Joe, I think those are the recommendations of the preservation architect.

Mr. Logan – Ok, are you willing to consider those comments from the architect?

Mr. Swedrock – Are you saying that we did what they asked or are you saying you want to change what we have?

Mr. Logan – There was a change in the height of the windows on the front of the addition and it looks out of place. They look to tall. That is my opinion. I think the preservation architect also had a similar comments and same with the cobblestone on the back of the breezeway being full height. I do not think they need to be that way. Minor comments from my perspective. The building does look unusual with the very tall windows on the second floor.

Ms. Huber – I guess I didn't notice that. That would be up to the Board to make that decision.

Mr. Logan – Can I share the screen that might help?

Mr. Logan – This is the latest elevation that shows the lower roof height. Looks like the driveway was lowered to accommodate that. Notice the height of the windows below this dormer on the front here is very tall. I was thinking that we might be more in line with what was done the last iteration just that the building would be lower. The windows became almost twice as tall. That is what I am talking about.

Mr. Swedrock – I guess I am looking to Andrey to chime in on that. Maybe he is not on. I am not sure what drove that change Joe. I cannot answer that without the architect or Andrey.

Mr. Logan – On the backside it shows this breezeway with full height cobblestone. I thought it would be adequate to run it straight across and have the white tie together from the main house to the addition thru the breezeway. It is not viewed from the road and does not really affects the overall project. These windows here just seem out of place.

Ms. Huber – Joe, when I look at the architects comments. He was commenting on the renderings that had the shorter windows not the longer windows that are here.

Mr. Logan – He was saying they should be taller?

Ms. Huber – He was saying that they should stay the way they are. I did not see that. Good catch on your part. As far as the back, I think that is a minor detail if you would agree.

Mr. Logan – It does not bother me to leave it the way it is. It just seemed odd to have a full height piece that I guess the cobblestone in front of the building is all cobblestone all the way up. That would be the only piece on the back of the building that was full height and up against white clapboard.

Mr. Swedrock – I agree that would make more sense to go straight across. I would have to confer with Andrey on that.

Mr. Logan – Just take a look at it and see if you are okay shortening the windows or if you are insistent on that height. Just seems out of place. I do not know if John Bero would agree with that or not. It looked more proportioned all the way up than the other one.

Chairman Santoro – Is it an optical illusion or is one at greater height than the other.

Mr. Logan – these are definitely taller.

Chairman Santoro – I mean the roofline.

Ms. Huber – This is the current elevation. The prior one was a different and earlier and higher elevation. They did decrease the elevation but lengthened the windows.

Chairman Santoro – I think that is a decent trade off.

Mr. Limbeck – I think this elevation is fantastic frankly and should commend Andrey. I think he has bent over backwards to work with the advisory board and the Planning Board and it is time to quite nit picking the project. I think if further changes are going to be required or we approve this that they should come up with a budget and hire an historic architecture to work with them. I think they have expended enough money to comply with our wishes. Again, this rendering is

terrific and again they have bent over backwards to try to work with us and I cannot see here it is going to get any incrementally better by delaying approval on this. I think those windows look terrific and that is my two cents.

Mr. Logan – I started off my comments by saying how great I thought they were willing to work with the town and Babette. They did a nice job and I am just making these two comments. It is beautiful addition that they have come up with.

Mr. Tovstukha – I actually have been working straight and was so focused on the height and agree with you on the windows. Sorry about that.

Mr. Logan – You do not have to apologize.

Mr. Tovstukha – I did not catch it either.

Mr. Logan – The rendering we have in front of us and you go to the other one they shorten up. Even thou the building is taller if you lower the whole building now you have lowered the building and the windows.

Mr. Krapf – The windows are meant to be the same proportion as the windows on the existing building. For what it is worth the shorter windows in my opinion are not as attractive as the longer windows.

Mr. Logan – Ok, like I said I am just making a comment and not something that will force me to say that I will not vote for this.

Mr. Krapf – That is my impression on the windows. The same is true about the trim around the windows and meant to be like the stone trim on the existing house.

Mr. Harter – No questions. I think they have done a very good job as well and also think Joe's comments are appropriate and interesting. If they chose to go in that direction that is fine. Whether the windows are short or long I guess it does not really matter to me. I think it looks very nice and tastefully done.

Mr. Gallina – Not to be redundant and speed things along I echo all the comments up to this point. Given the site constraints and the applicants need for the garage and living space and all the feedback we have had from the consultants and the board they have come up with a very good solution here.

Chairman Santoro – Suzy, any comments?

Ms. Mandrino – No comments.

On motion of Joe Limbeck, 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. A site plan application was received on November 11, 2020 by the Secretary of the Planning Board for a Site Plan entitled Tovstukha Addition.
2. It is the intent of the applicant 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, and also including the construction of an on-site wastewater septic system.
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 December 15, 2020, January 26, 2021 and March 9, 2021 at which time the public was permitted to speak on the application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Conservation Board reviewed the project on November 17, 2020 and stated that due to size of parcel, run-off and trees are a non-issue.
7. The Town of Victor Fire Marshal reviewed the site plan and in a letter November 5, 2020, indicated no concerns.
8. The Town and Village Historian reviewed the project on November 5, 2020, December 4, 2020 and March 8, 2021 and stated concerns on the size of the addition in comparison to the existing cobblestone structure.
9. The Town Engineer, LaBella Associates reviewed the project and provided comments in a letter dated December 4, 2020.
10. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated December 8, 2020, and provided comments.

11. As currently depicted, the site plan would require waivers to the following sections of the Town's Design and Construction Standards:
 - a. 2.7.9.3, Dry wells shall be used for disposing of roof drainage where storm sewers are not available and soil conditions are suitable.
12. The Planning Board grants a waiver to Chapter 55 of the Victor Town Code which would require 245-foot separation between driveways as part of access spacing requirements imposed by Table D-1 in Section 55-6. The new driveway would be 60 feet from the closest driveway already serving the parcel.
- 13.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 9, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Tovstukha Addition will not have a significant impact on the environment and that a negative declaration be prepared, and be it further

RESOLVED that the application of Andrey Tovstukha, Site Plan entitled 1135 Willis Hill Road, drawn by BME Associates, dated October, 2020, received by the Planning Board November 11, 2020 and architectural renderings drawn by Identity Design dated January 20, 2021, and as revised March 2, 2021 Planning Board Application No. 31-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated December 4, 2020 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated December 18, 2020 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. The building design plan shall be consistent with the architectural details as shown on the elevations, entitled Tovstukha Addition and details as shown on the January 20, 2021 drawn by Identity Design received by the Planning Board January 26, 2021.

- 3. That a building permit be obtained from the Building Department before construction begins.
- 4. That the conditions in the Zoning Board of Appeals letter dated September 1, 2020 regarding the area variance 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

BILLONE HOUSE DEMO

378 County Road 9
 Tax Map # 7.00-1-78.200
 Owner – John and Sandra Billone

03-SP-2021
 Zoned – Residential 2

Applicant is requesting approval to demolish the existing house and shed.

Mr. Billone – We would like to demolish the existing farm house and the shed and build a new house for our residence.

Chairman Santoro – This would be torn right down to the ground and start over?

Mr. Billone – Yes, the new location of the residence would be about 100 feet behind the shed.

Chairman Santoro – Babette did you look at this one?

Ms. Huber – Yes I had no problem with this. The house is in very poor condition.

Mr. Gallina – No questions. After viewing the pictures I would concur with Babette’s comments.

Mr. Harter – No comments.

Mr. Logan – Agree with Al and Babette.

Mr. Limbeck – Seems pretty straight forward. I have no comments.

Chairman Santoro – Thought I had heard there are going to let the Fire Dept. use it for a controlled burn. Is that right?

Mr. Billone – No. We talked and went down to the Fire Station and talked to the Chief and he was doing one on Gillis Road and did not know if he would have the time to practice on our house. He then brought in the DEC might be somewhat of a problem. I said that is fine. I have already contacted Frederico as a demo contractor to take the house down.

Chairman Santoro – Suzy, anyone call in?

Ms. Mandrino – No comments.

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

RESOLUTION

Motion made by Joe Logan, seconded by Scott Harter.

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

1. A Site Plan application was received on February 10, 2021 by the Secretary of the Planning Board entitled Billone House and Shed Demolition.
2. It is the intent of the applicant to demolish existing house and shed at 378 County Road 9 due to poor conditions.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 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 March 9, 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 Short Environmental Assessment Form was prepared.

- 6. The Town Historian reviewed application and made comments dated February 22, 2021 and had no objections.
- 7. The Code Enforcement Officer reviewed the application and on February 24, 2021 forwarded comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 9, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, 378 County Road 9 Demolition will not have a significant impact on the environment and that a negative declaration be prepared; and, be it further

RESOLVED, that the application of John and Sandra Billone, Site Plan entitled Billone House and Shed Demolition, received by the Planning Board February 10, 2021, Planning Board Application No. 03-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

- 1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
- 2. That comments from Code Enforcement Officer, dated February 24, 2021 be addressed.

Ongoing conditions:

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

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

THIRSTY TURTLE PATIO EXPNSION

04-SP-2021

7422 State Route 96

Zoned – Commercial/Light Industrial

Tax Map # 15.00-2-20.200

Owner – Theodore Rund

Applicant is requesting approval to increase the size of their existing outdoor patio to 45' x 75' including artificial turf, ballard and steel cable fencing.

Ted Rund JR and Ted Rund Sr.

Mr. Rund Jr. – We want to thank you guys for taking the time to let us come in front of you. Obviously you are aware of the situation the Turtle and a lot of restaurants have been in so we had some great success s last summer serving people safely outdoors. Unfortunately our patio now is little small and we thought about making a patio expansion a safer and more aesthetically warmer than cold concrete. Going with that artificial astro turf will allow us to have a warmer feeling out there. Also to be a little bit safer in general. Unfortunately, probably going to lose some customers who don't feel safe coming back in. We really wanted to have an opportunity to serve more people outside especially because our sales have been cut in half we are doing everything we can to stay relevant here in Victor.

Mr. Rund Sr. – We want to make sure a couple of things. Number one is safety and I think that is a big concern for ourselves when you pull into the [parking lot. Over the summer last year we were fortunate to have fencing up but was not anything that would stop a car that inadvertently would drive into people that were dining. By raising the patio up to a higher level would certainly make it safer for our guests. The other thing that is a big concern of ours and the towns as well is the parking and making sure we have adequate parking for our guests. We did not want anyone parked on Route 96 at any time. That is paramount safety issue that we have addressed in many ways with our neighbors next door at Bristol gardens. They are allowing us to do temporary parking on their faculty at different times of the year if necessary and also [possible if we need to expand our parking at a more permanent basis would be to put in additional parking out front. By taking the existing pond and possibly developing an underground storage tank for that water that that pond carries if needed. There is also room down by that pond right now to add additional parking if needed.

Those are our concerns and I know that they might be the concerns of the town. There has been a couple of changes to the plans. We talked to the Chief of Fire Department. He came down and looked at the property and we were going to take out a light pole that is on the drawing and we have decided not to do that and there will not be any lighting changes. The existing lights that light up our patio now will be the same and there is no parking lot light changing. If you have any questions we would be happy to address them.

Mr. Pettee – We provided a comment letter dated March 4 and one of the questions I had was regarding the overflow parking agreement you have with your neighbor. I was curious as to where the overflow parking would be on their parcel. You mentioned it wouldn't be on 96. Would it be over in Bristol's parking lot or where would that go?

Mr. Rund Sr. – Next to our building and parking lot and is their parking area. They have stones piled there on different pallets and what have you. They have changed their business model a little bit in that they are not going to be doing as much exterior work off their property. They have a little bit more room on their property and it is adjacent directly to our parking lot. It is a matter of taking down the small fence that is there and grading the property so that we could put our employees over there and anybody that is working at the Turtle so that we can accommodate more cars there. He has been very flexible with us and offering that.

Mr. Pettee – Very good. I was curious about whether the cars would be adjacent to the right of way maybe in front of their parcel. Now I understand what you are describing.

Mr. Rund Sr. – Behind the existing building that they have next to us there is parking. There is a huge lot next to them. There is plenty of additional parking.

Mr. Pettee - The plan that we reviewed provided some callouts for an exposed stone wall and a privacy fence around the perimeter of the patio. Is there a specific location of the ballard and steel cable fence that you are providing? Is that on top of this exposed stone wall?

Mr. Rund Sr. – I would be on top of the wall and it would go around the patio. The privacy fence there now and would intend on doing using the same type of fencing to go around the complete property. Not the back of the property. So that it is hiding the back of the restaurant, the dumpsters and not much to see back there anyways.

Mr. Pettee – Those were my only comments that I needed to get addressed.

Mr. Harter – I wanted to ask a question regarding the parking area. Is the parking area to be as it is drawn on this plan or to be expanded?

Mr. Rund Sr. – The parking that we submitted is pretty much what the parking is now on the lot. There is no expansion of the parking at this point. We did not experience anything close to needing all our parking spots over the past summer. We had a temporary patio that was even larger than what we are proposing that we used all summer long. We had all those spots blocked off and we really did not have parking issues last year.

Mr. Harter – I was curious from what you mentioned before as to whether there was parking being expanded as part of your project but it sounds like you are doing a few drainage improvements and this patio.

Mr. Rund Sr. – The drainage is for the turf because it is not a concrete base. The additional space that we are putting in is basically a concrete buffer around the outside and then there is sand and the turf goes on top of that. When it rains the water drains thru into the sand and into the ground. That is why we are going to channel the parking lot so it goes into our existing storm sewers now.

Mr. Harter – I have no further questions.

Mr. Gallina – No questions but a comment. I certainly very sympathetic to the challenges of the restaurant industry and I think the expansion of the outdoor seating would be a nice enhancement and give it the ability to draw in a larger crowd. I am supportive.

Mr. Limbeck – I am curious about the arrangement with Bristol for the overflow parking. Are you seeking at this point to take down the fence and do the grading or is that just some of the potential future need?

Mr. Rund Sr. – We went over and talked to them because we wanted to be sure and safe that we would have adequate parking and if we need to do it we wanted permission from him. He did give us and we would do it since we do not want our patrons anywhere near 96. We want them up by the building and our existing parking to stay the same. If we need additional parking we would approach and work something out with Bristol's to lease part of their property seasonal to handle some of the parking we might need.

Mr. Limbeck – Thank you. That is all I have.

Mr. Logan – I want to share my screen. This is the area you are talking about for parking.

Mr. Rund Sr. – That is correct,

Mr. Logan – I thought it would be good to give it perspective to the rest of the Board. You said they do not need as much storage now there?

Mr. Rund Jr. – They are getting out of doing the lawn care for staffing and things. They are going to be a distributor of plants, mulch and products. They are going to cut down on installation. That whole area is potentially available and obviously he has the crushed stone and fence that off. It would be an area that we would be really just putting staff there. I do not see it as something we will be doing permanently. We currently have 108 spots. If I could just add and I know it is hard to believe but there is way more people taking Uber's and being safe about coming in and enjoying themselves and leaving there car if they have had to many. It has been interesting. I think the last time you allowed us to have parking at the Turtle we lost that whole middle row. We were not even close to maximizing the parking but it is nice to have that parking.

Mr. Logan – Speaking of parking. The center road here where there are two cars in this aerial this right half of it is going to be gone right? On the image you just have these yellow ones here which is the left side of that set. You are losing about 11 or 12 spaces by my count. You're saying that is not an issue for you?

Mr. Rund Sr. – That is correct. If you needed more parking then down by the pond in the front of the lower lot there is more room down there. Between the last spot and the pond to go over further there. Also, south of the pond there is room on the back row to add more spots as well. That is not a major impact.

Mr. Logan – My last question is are you entertaining putting in a roof or tent over it or enclosure of some sort?

Mr. Rund Sr. – This is Phase 1. Phase 2 we would like to do a pavilion. Maybe a bar outside but that would be something that we would submit plans for and architectural drawings that would be necessary for that. We have been in touch with Pioneer Mill Works out in Farmington and done some very beautiful pavilions so that we could deal with inclement weather. They are actually going to do the privacy fence along the back for us. That is really Phase 2 of the project and we haven't really decided where that would be placed on the turf. It would only be about 75% of the patio.

Mr. Logan – That was biggest concern for all these businesses that have need for outdoor seating. Unless it's raining you're not seating anybody.

Mr. Rund Sr. – We did a tent last year. We own a tent and if need be we would put the tent up temporarily on the new patio but the pavilions something we would really like to do but wanted to get a feel for how this works this summer and maybe do something like that this fall. That would be phase 2 of this project.

Mr. Logan – I will just echo Al's comments and others that there is certainly a need for it and I definitely support your expansion here.

Mr. Pettee – Joe, can you share your screen again and show that image that you just had up. I have question for the applicant. The plan that LaBella reviewed and provided comments on looks a little bit different than this one. What we did not see on the plan that we reviewed is that it looks like there is a proposed catch basin and some proposed HDPE drainage piping and replacement of some storm pipe. Is that part of this project?

Mr. Rund Sr. – There currently 3 catch basins in the parking lot right now. On the front black line you can see there is three catch basins there. Our parking lot desperately needs to be taking care of. We get an awful lot of water that comes down from the hill and gets underneath the parking and we were planning on putting in better drainage underneath the parking lot when we repave it to hook up to those catch basins to keep the parking lot dry. The parking lot with the water going underneath it is very tough to maintain a good quality parking lot.

Mr. Pettee – That is a valid concern. How many catch basins are you proposing?

Mr. Rund Sr. – We are not proposing any new catch basins. There are three there and adequate and have been handling the weather. We have been there 17 years but we have not had any

issues with water or drainage only other than some bubbling up in our parking lot from the hill behind us.

Mr. Pettee – So there is a red callout.

Mr. Rund Jr. – On that top left when we had originally talked about putting a catch basin up there. We currently have a perforated pipe on that back wall that brings the water from the back all the way around to the pond. I think we were looking at advancing that and making it a little bit better considering.

Mr. Rund Sr. – We were going to rebuild them because they had been there since 1985. There is plenty of capacity with them it is just more the concrete structure in them that may need to be rebuilt. There is grates on the top.

Mr. Pettee – Ok.

Mr. Rund Sr. – It is to help drain even well than what we have right now.

Mr. Pettee – Understood. You might be capturing some of that upstream ground water it sounds like.

Mr. Rund Sr. – It is leaching thru the ground now so the ground is accepting it. We are just trying to direct more of it into the catch basins which have been there since 1985. There has never been a flooding issue in our parking lot. The parking lot slants towards 96.

Mr. Pettee – How does the timing of these potential drainage improvements coincide with your patio expansion?

Mr. Rund Sr. – They are going to happen at the same time. They bring in a trencher and just put in the perforated PVC underneath and then put fresh pavement over the top. We are repaving the entire lot on the upper tier.

Mr. Pettee – I understand completely that you have your project and intentions there now. My only concern to the Planning Board members here is that I have not had our stormwater person take a look at this particular plan that is on the screen. I do not know if there would be any concerns or need for any type of calculations or increase runoff that might be heading towards that existing detention pond down near 96.

Mr. Logan – Wes, does this change the impervious area?

Mr. Pettee – Maybe not.

Mr. Logan – It is in the same footprint as the parking pavement so I would say that you are not really changing it. Sounds like it something more for his maintenance of the site rather than a design change of the project site.

Mr. Rund Sr. – That is true. The additional area that we are putting in is gravel and sand so we are actual taking less pavement. There will not be as much pavement for rain to collect on and will be more absorbed into that sand which goes right into the ground. We are really taking more pavement away to prevent less water from running down.

Mr. Logan – From my perspective I do not think you have to do any calculations or anything. What Ted is saying you are getting something that is going to start absorbing runoff? He is removing asphalt it sounds like. I do not have an issue with that.

Mr. Pettee – I am fine. I will take a look at the draft resolution if there is one in the file.

Chairman Santoro – Any comments Suzy?

Ms. Mandrino – No comments.

Chairman Santoro – There is a resolution we can bring up. There it is Wes.

Mr. Pettee – I might consider adding a condition at the end of the resolution. Once you get thru it we can talk.

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

RESOLUTION

Motion made by Joe Logan, seconded by Scott Harter.

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

1. A site plan application was received on February 18, 2021 by the Secretary of the Planning Board for a Site Plan entitled Thirsty Turtle Patio Expansion.
2. It is the intent of the applicant to increase the size of their existing outdoor patio to 45' x 75' including artificial turf, ballard and steel cable fencing.
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 March 9, 2021 at which time the public was permitted to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 617.5 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The Town Engineer, LaBella Associates reviewed the project and provided comments in a letter dated March 4, 2021.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated February 24, 2021, and provided comments.

NOW, THEREFORE BE IT RESOLVED that the application of Theodore Rund, Site Plan entitled Thirsty Turtle Patio Expansion, drawn by Cimino Architects, dated July 3, 2006, received by the Planning Board February 18, 2021, last revised March 4, 2021, Planning Board Application No. 04-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated March 4, 2021 from LaBella Associates be addressed
3. That comments from Code Enforcement Officer, dated February 24, 2021 be addressed.

Chairman Santoro – Wes do you have anything for there?

Mr. Pettee – Yes, for the ongoing conditions maybe we could add for #2 I might suggest that we add a provision that states “Should an underground stream be encountered during construction that the property owner notify the Planning Board Building Department and or request site inspection by someone.

Chairman Santoro – We usually have that in there but I did not see it.

Mr. Logan – That is usually happening when you have excavation and things and this one is that. I agree with Wes. That is a good point. May have to intercept that drainage line you already have out there so that it does not bubble up thru your patio or otherwise cause some problems.

Mr. Pettee – If for some reason the Building Department wants to talk to someone in LaBella they have that opportunity but maybe we do not need to be involved.

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.

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

DECISION

VICTOR CHRYSLER DJR ARCHITECTURE

26-SP-2020

7484 State Route 96

Zoned – Commercial/Light Industrial

Owner – Victor East Holding LLC

Applicant is requesting approval for architectural renderings of the 31,240 square foot Jeep Dealership per ongoing condition #2 of Planning Board approval on December 15, 2020.

Matt Indian, Victor Chrysler Dodge Ram and Jeep and Joe O’Donnell

Chairman Santoro – Lets go to the Board to see if anyone has any questions or comments.

Mr. Logan – No, I think this is fairly benign in terms of architecture. It is not very loud but is modern as you would see in any car dealership along the strip or frankly anywhere else to that matter. I was okay with it.

Mr. Gallina – I pretty much echo Joe's comments. I think it meets the business needs and I can accept it.

Chairman Santoro – It's what it is, a car dealership.

Mr. Limbeck – I was at the Architectural Review meeting with the staff and Matt. We talked a lot about this design and the colors that are being used. If I am not mistaken did we talk about some changes to break up some of the metallic walls on the side of the building? Did we talk about stone work? Would you refresh my memory Matt?

MR. Indiano – I believe we talked about using some block possibility going up 5 or 6 course on the side and making sure there was a break up there so that vehicles couldn't drive into the or dent the steel side of the building. We also talked about possibly two course of block on the front of the building down at the bottom so as to separate the ACM from the walkaway so we do not dent it. I think that is what you are talking about if I am not mistaken.

Mr. Limbeck – Thank you. I am getting older and my memory is starting to go. I think that it also has the effect of softening the appearance of the ACM, that long length of the sides, I thought it as a nice improvement from the original design.

Mr. Harter – I do not have any comments. It looks nice. I saw the materials today when I picked up my packet and looks very good to me.

Chairman Santoro – It is not a public hearing so we are not taking any calls. Wes, did you have any comment on this?

Mr. Pettee – The only comment that I have is that LaBella Associates, Mark Kukuvka the architect, provided a comment letter dated March 5, 2021. It looks like there was not any major concerns on that letter and seems everything looks ok on Marks end.

Mr. Logan – I have another comment based on what Joe Limbeck brought up. The block that you are talking about Matt. Is that just smooth concrete block or you going to use the textured finish to it?

Mr. Indiano – I believe we were looking for a textured finish and if I am not mistaken we brought it to the town for the Board members to look at.

Mr. Logan – I had not been able to get down there so I viewed it electronically. Split face or something like that would be fine.

Mr. Indiano – perfect. Thetis what we were thinking of.

Chairman Santoro – I saw them and they looked fine to me.

Mr. Logan – I like providing the block along there for protection of the metal façade because inevitably that is what you get, dings and bangs from cars denting them.

Mr. Indiano – The salt tends to get in there as well.

Mr. Logan – You will get two feet of rust. It's beautiful.

RESOLUTION

Motion made by Joe Logan, seconded by Scott Harter.

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

1. A site plan application was received on February 23, 2021 by the Secretary of the Planning Board for a Site Plan entitled Victor Chrysler Dodge Ram and Jeep Architecture.
2. It is the intent of the applicant to build a 31,240 square foot Jeep Dealership with associated parking, automotive repair and required utilities.
3. The applicant received site plan approval on December 15, 2020 with conditions.
4. Condition #2 stated that architectural renderings are subject to further Planning Board review pursuant to the comments made at the December 15, 2020 Planning Board meeting.

NOW, THEREFORE BE IT RESOLVED that the building design shall be consistent with the architectural details as shown on the building elevations, entitled Victor CDR&J, dated February 22, 2021, as prepared by Greater Living Architecture and received by the Planning Board on February 23, 2021 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the comments in a letter dated March 5, 2021 from Architect Consultant be addressed.

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

Mr. Logan – Does that architecture mention the block courses at the base? If that came from a meeting and the architect hadn't addressed that then we should put in a statement saying that.

Chairman Santoro – Is that in the dropbox Lisa?

Ms. Boughton – It is.

Mr. Pettee – Joe, are you speaking of the LaBella letter?

Mr. Logan – Any of the letters addressing those block. Right now it just references the architect’s comments in the condition to be met. I wanted to make sure we have that to fall on.

Ms. Kinsella – Is that shown on the west and north elevation? Is that what you’re talking about?

Mr. Indiano – Yes.

Ms. Kinsella –It is shown on the drawings that should be in the dropbox.

Mr. Logan – I was looking at the architectural renderings.

Ms. Kinsella – The north elevation and the west elevation shows that block you are talking about.

Mr. Logan – There is block on the east elevation and yes they are there. They are there so we do not need the extra comment.

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

WAIVER FROM DESIGN AND CONSTRUCTION STANDARDS

LILL SITE PLAN

7634 State Route 251

Owner – Luke Lill

Applicant is requesting a waiver from the Design and Construction Standards for the vertical grade of a driveway not exceeding 10%.

05-SP-2021

Zoned – Residential 2

Tim Tyskiewicz Architect

Mr. Tyskiewicz – He first looked at this site in 2019 and like it. He hired MRB to do the design and they did that and went to the town everything looked real good so Luke purchased the property. We are looking for formal approval. Kim got comments from the Town Engineer that there was some questions about the grade. We have 9.5% grade on the driveway but not a perfectly straight slope and a bit subjective. The Town Engineer thought he best route to approval would be to get waiver from this Board. That is what we are here for.

Chairman Santoro – To make it clear to the Board that we are not approving a site plan just a waiver that they are asking for from Design and Construction Standards in regards to the pitch of the driveway. This is similar to the one we had at the corner of Lynaugh and Route 96 3 or 4 years ago.

Mr. Pettee – I can provide a little color and context here for the Planning Board. As was said, the only thing the Planning Board is reviewing and looking at is the provision of the Design and Construction Standards that limits driveway slope to 10%. The Building Department received building permit application and was reviewing the application and my understanding felt that the only entity, and my understanding as well, that can provide a waiver to the Design and Construction Standards is the Planning Board. The Town Engineer does not have the ability to say this driveway is okay even thou it exceeds 10%. It is really up to the Planning Board. We can be here as a resource to you and one of the things we did on the site plan that was up on the screen was we colored in the areas where it appears based on our measurements on the scaled drawing that the slope exceeds 10%. There are areas of the driveway that barely exceed 10%. I think the maximum slope is maybe in one part of the driveway close to 14%. For example if you see the orange shaded areas on this driveway it should be noted that this driveway is existing now. It is not something that the property owner is looking to do. It is something that already exists. The Building Department felt that they really did not have hat ability to process the application if this driveway question isn't resolved.

We have taken a look at this an it is an existing driveway now. There are some areas between 10 -12 %. It is not very extreme. We were asking ourselves what would happen or occur if we require the property owner to bring this driveway into compliance with the 10% maximum slope. There is going to be a greater area of disturbance. This is a sloped area already. It is likely going to cause a greater area of disturbance and erosion. Compromising the slope stability in areas where tight now it is intact and not an issue.

We have also taken a look at the file and it appears the Fire Marshal for the town had taken a trip to this property and were interested in driving up the driveway to see whether or not they could get there equipment to the proposed home site. I have seen the email. Generally the Fire Marshal didn't seem to have concerns with the way the driveway exists today.

LaBella interpretation here and view is that the waiver is warranted based on that you have had the Fire Marshal weigh in, existing condition, there would not be a need to disturb any other steep slopes in the area and that is what I can offer for now.

Chairman Santoro – Any questions for the applicant?

Mr. Logan – Not so much a question but a comment. It seems to me, and I do not know the history of this site, but it looks tailored made to access right off of East View Manors Driveway. If you could take that a just keep going and go up to your house. It could save half of your driveway. It look like the grading is already done based on the aerial.

Mr. Tyskiewicz –That would not be desirable. We would not like to do that.

Mr. Lill – That driveway is already there and in place. It is stoned and completed driveway and was such at the time I purchased the property as well. It would be desirable to utilize that.

Mr. Logan – Just to develop and pave that whole thing. That is a lot of paving and coming off of Eastview Manors. If you look at the contour map they must have used it at one point even before Eastview Manor Apartments were built.

Mr. Tyskiewicz –It wouldn't be good for the guest to coming up to the house to drive thru the apartment complex on the way to the residence. It is not what we are after at all and it wasn't when he purchased it in 2019.

Mr. Logan – Fair enough. I do not have problem with the grades. It is barely 10% in some of those areas, correct Wes?

Mr. Pettee –Yes, some of those orange highlighted areas are almost right on 10%.

Mr. Logan – Everything else is flatter than 10?

Mr. Pettee – If it is not highlighted it is not greater.

Mr. Logan – My biggest concern and I know you cannot do anything about it but sight distance on 251 at the driveway. You cannot see around that curve. You get cars zipping along there at 50 mph. It is a difficult entry.

Ms. Kinsella – He does have NYSDOT permit. He did receive that.

Mr. Logan – It is not like it is a T intersection from the driveway to the road. It is a very sharp angle. That is all I have.

Mr. Gallina – No questions or comments Ernie.

Mr. Limbeck – I think Wes has done a pretty good discussion of the pros and cons of that so I have nothing further.

Mr. Harter – I agree. I think Wes’s summary is correct. I do not see how trying to change the grade would achieve any benefit except beyond more disturbance. You would rob peter to pay paul essentially to try to make up the grade elsewhere. It is existing as he said and the Fire Marshal has looked at it and is ok with it. I think it warrants a waiver.

Chairman Santoro – Speaking as one who sees that every day when I leave. I am amazed that someone can drive up that but if you can you can.

RESOLUTION

Motion made by Al Gallina, seconded by Joe Logan.

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

1. A request was received on or about February 20, 2021 by the Secretary of the Planning Board for a request of a waiver to the Town Design and Construction Standards for the vertical grade of a driveway to exceed 10% in sections for an existing driveway located at 7634 State Route 251.
2. Section 2.9.16.1 of the Town of Victor Design and Construction Standards allows for a maximum driveway grade of 10%, whereas the proposed site plan depicts a maximum driveway slope greater than 10% in sections.

NOW, THEREFORE BE IT RESOLVED that the Town of Victor Planning Board hereby waives the requirement found in Section 2.9.16.1 of the Town of Victor Design and Construction Standards that would otherwise limit the maximum driveway grade to 10%, and allows for a greater than 10% grade as depicted on the current site plan.

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.

Mr. Nadler – As you stated we are here tonight for final approval for our Phase III of our Fairways project. You are all familiar with it and familiar with our Champion Hills Golf Course and as everyone agreed last time and as Conservation Board stated, it is a great project and we are here to finish it up. I think we are ready for site plan approval. Thank you to LaBella who prepared a resolution of final approval with conditions. We love building here in the Town of Victor. We thank the town staff and Planning Board and Labella for all the work they have put in.

Mr. Cox – You kind of wrapped it up mostly. I think the last meeting we went thru the project and everyone was pretty happy but there was not a resolution prepared. The only thing that has happened since we last were before you guys was LaBella did issue there Town Engineer comments. I have had a chance to go through each one of the comments and there is nothing in there that we cannot address. No show stoppers or nothing we are concerned about. From my eyes we are good.

Mr. Pettee – Ernie would you like me to go thru a few of my comments. As David said there are no real show stoppers. However I do have a few items that I want to call the Planning Board attention too. What we are looking at is the proposed Championship Drive and the intersection with Gillis Road on the right. As we described in our comment letter the proposed right of way at this location is about 80 feet wide. The reason why it was 80 feet wide was the previously iteration of the plan included a landscape island or median right in the middle of the road way which has since been removed from the plans in coordination with the Highway Super indent Mark Years. I think with that adjustment and be happy to listen to Passero response if they have one. Maybe there is another reason why they want to maintain this right-of-way at 80 feet but after consultation with Mark Years he was in agreement that probably this portion of the right-of-way could go down to 60 feet as to be uniform with the remainder of the project as you go into the project away from Gillis Road.

That is a fairly minor comment but something we would want to see adjusted.

Mr. Logan – Building 310, if you narrow up that right-of-way looks like it was setback from the widen right-of-way might push the building back towards the road again. I kind of like it open the way it is with the building setback a bit more.

Mr. Cox –We can certainly leave the building where it is even if we reduce that right-of –way width to keep it consistent. We can keep that building where it is proposed right now.

Mr. Logan – The other side you have sidewalk. I do not have a problem leaving the sidewalk where it is honestly. It pushes it a little further away from the road.

Mr. Powers –The only comment I would have is that the rear of 310 there will probably be decks on the building which are not shown currently. That building be pushed back is pretty close to the rear setback. I think it would be better to split the difference and push it forward at least 5 feet or possibly the full 10.

Mr. Logan – There is nothing else between the property line and the road to worry about and you make a good point about the setbacks and the position of the building. I will retract any objection I have to sliding the building back up.

Mr. Pettee – That sidewalk appears that the configuration now, if this right-of-way line was moved closer to the road way it might result in a portion of the sidewalk being either on the right-of-way line or maybe just outside. You can see over hear where the right—of-way is 60 feet that we are pretty close to the right-of-way line. This kind of dips away from the road a bit. I do not think it is a problem either way. Might just require an easement over the sidewalk that is not in the right-of-way.

This is something I wanted to get the Planning Boards input on. One of the things I noted that in the preliminary overall plans there was a landscape buffer behind 314-318 and I do notice that for example and see if I can bring the plan sample up again. There is some existing vegetation back here.

The Preliminary plans showed some evergreen landscaping in this area. The aerial photograph looks like maybe there might be some sparse vegetation in here. I am not sure if the Planning Board wants to continue to reply on the landscape or additional landscape buffering.

Mr. Cox – There are some pretty tall trees back there. You can go to the Google street view to Yale Court. The subdivision to the south and see in between the homes and it goes up a big hill and there are some tall trees in the background.

Mr. Pettee – This is the area that show some evergreen trees and there is quite a bit of vegetation back here. I do not know if that is the best view. Maybe it's not a concern since there is grade difference as well between the two properties.

Mr. Cox - The Yale Court is down at least 50 feet or so.

Mr. Pettee – Joe Logan, you are pretty skilled with this aerial images and Google Earth. If you are seeing something different feel free to share your screen.

Chairman Santoro – I remember the site walk we did when this first came before us years ago. I remember that grade back there.

Mr. Logan – I am on that same views that you were just at. I do not know how far the building are from the ridge but there is a section in there that dips and there is not much coverage. Then again the buildings are so far back. It may not be an issue.

Mr. Cox – That are where it is a little more sparse the building s are 300 feet away from the property line and it goes up and then back down. There is no way you would be able to see any of those buildings from Yale Court.

Mr. Pettee – Maybe I will go back and touch on the roadway again. I talked with Mark Years earlier today. The way the project is proposed to be built, the prosed roadway. It has a 20 foot wide asphalt pavement section width. The towns Design and Construction Standards generally require that to be 22 feet wide. The reason why they are proposing the 20 feet wide because that is what the preliminary plans had shown and that was approved in the preliminary plans and that is what has been constructed for Championship Drive on the previous sections. Mark did not have too much of an issue with the Planning Board issuing that waiver for the 20 foot wide asphalt pavement section plus the two gutters on either side.

The other item is the restriping of the Gillis Road approach to High Street. I will try to share a screen here again. This particular figure was being offered by the applicant because the 2006 SEQRA Findings Statement required that the project somehow pave a portion of the shoulder to allow for cars to turn right onto High Street while not having to wait for the car in front of them to turn left. It wasn't specific in terms of directing the applicant to provide a specific turn lane to turn left. It was remained somewhat loose. I have reviewed this configuration with Wade Daley, our roadway engineer at LaBella. He had the opportunity to speak with Mark Years on this and at this point we are concerned with the safety of restriping. We are not opposed to adjusting the stripping at this intersection but this particular stripping we are opposed to.

Number one you are taking away dome shoulder for pedestrians and bicyclist. Secondly the stop bar you are seeing here is for somewhere to get into the right lane and turn right onto High Street they would likely need to pull ahead of that stop bar if there was a car in the left lane. They would be pulling a little farther ahead to try to see and get that sight distance down on High Street on the left. Looking towards the Village. We might be creating a safety issue here with this particular configuration. I think we may need to massage this proposal a little bit and work on that. We are not opposed to moving forward on a resolution with conditions. This would be one of the conditions to be resolved prior to signing the plans. One of the things we do want to take a look at is the traffic study from 2006. That might help us figure out a solution here with the applicant. Happy to take any questions if any Board members have any.

Mr. Logan – Is it possible to stager the two stop bars?

Mr. Pettee – That might be one possibility or even making that stop bar a little more parallel with High Street so you have where the left turning car would be positioned a little farther away from the intersection. That would allow the car that wanted to turn right to pull closer to the intersection without having to get in the intersection.

Mr. Logan – Part of the problem is there are a lot of trees that overhang, utilities are there and there is pole there. Even if you pull it back on the left lane to turn left onto High Street you might have a sight distance issue because of the stuff on the side of the road if you pull it back farther. Maybe the angle thing makes sense.

Mr. Pettee – With the High Street reconstruction project that occurred a few years back there was some additional ...they tried to make this intersection the best they could. Certainly they didn't put in turn lanes but there was some work done here. They removed some trees on that left side of Gillis Road and put what is labeled as existing riprap to try to improve sight distance.

Mr. Harter – My comment on that is that I think if you do another stop bar that the car in the right hand lane might raise further into High Street then it would seem to me that it would interfere with the car that is potentially trying to turn left. I think Wes's summary is correct. I think maybe a more detailed look needs to happen with respect to this issue of the project. I do not think it should hold up the approval.

Mr. Gallina – No Ernie. I agree with both Wes and Scott. Look at the intersection but not let that impede in going forward of Phase III.

Mr. Limbeck – I concur with the other members of the Board of their assessment of that intersection. I think we should take a further look but not hold up resolution.

Chairman Santoro – There is a resolution prepared. It is a draft subject to change.

Mr. Nadler – Ernie, May I request a change? Condition #6 you have subdivision of the individual lots prior to building permits being issued. If possible could we have that changed to prior to Certificate of Occupancy being issued for each unit? That will achieve the exact same results for the town but alleviate a lot of administrative headache for us. The town will still get the exact same subdivisions before we can use these. The final.

Chairman Santoro – Anyone have a problem with that suggestion? Say it again Chris.

Mr. Nadler – replace the word “building permit” with “Certificate of Occupancy”.

Chairman Santoro – For all the units?

Mr. Nadler – We cannot use them until we get the C of O. You cannot get a C of O till we get the subdivision but it will allow us to do more subdivisions at once and may create some financing conveniences.

Mr. Logan – You will be doing them in blocks? Divide them up and get the C of O.

Mr. Nadler – Exactly.

Ms. Kinsella – They will have to come back to the Planning Board to do that. They will be creating the lots so they will have to come back. It is up to the Planning Board. I do not have an opinion one way or another. It is either or, building permit or C of O.

Mr. Cox – The one great thing about doing it with the C of O is then you can base the subdivision on the actual foundation wall of the construction. Before you were guessing and hoping that it gets done exactly where you want it otherwise we can go out there and shoot where the foundation wall is in between the two units and set that subdivision exactly where that wall is. That just makes it a little cleaner.

Mr. Logan – We did that in Phase 1 and also the Drumlins.

Mr. Pettee – Seems to make sense to me.

Chairman Santoro – Anyone have a problem making that change?

Mr. Logan – Instead we will be looking at them every time they come get C of O.

RESOLUTION

Motion made by Scott Harter, seconded by Joe Logan.

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

1. An application was received on January 19, 2021 by the Secretary of the Planning Board for a Final Subdivision entitled The Fairways Phase III Final.
2. It is the intent of the applicant to create 18 lots (301 – 318) including extension of Championship Drive connecting to Gillis Road, which would be offered for dedication to the Town. In an effort to satisfy Mitigation Measures noted in the 2006 SEQRA Findings Statement, the project will also include a dedicated east-bound right turn lane on Gillis Road for the proposed entrance, and configuration of the Gillis Road approach to the High Street intersection so as to allow for right-turn movements while vehicles wait to make a left turn onto High Street.
3. The Town Planning Board adopted a SEQR Findings Statement on December 19, 2006.

4. An “Under Review” sign was posted on the subject parcel as required by Town Code.
5. The Conservation Board reviewed the project on February 2, 2021 and stated regarding the entrance to High Street and Gillis to not impact or disturb the trees or vegetation. A site walk was scheduled and completed on February 13, 2021.
6. In a letter dated March 9, 2021, LaBella Associates provided comments that are required to be addressed prior to final plans being signed. LaBella Associates has concerns related to vehicular and pedestrian safety with the proposed High St. / Gillis Rd. Intersection restriping plan, Drawing R 101, Dated January 2021 by Passero Associates. This plan will need to be refined.
7. In a letter dated January 28, 2021, Highway Department stated that the curb island at the entrance of Gillis Road be removed, which has been addressed in an updated plan set.
8. In a letter dated February 22, 2021, Code Enforcement Officer provided technical comments on the application and drawings for which Passero Associates responded to in a February 23, 2021 letter. The Town Code Enforcement Officer indicated in a February 25, 2021 memo that he has no further comments.
9. In a letter dated January 21, 2021, Stormwater Manager provided comments that needed to be addressed.
10. In a letter dated February 8, 2021, the Coordinated Fire Service Review had comments 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 for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED that the final subdivision application of Fairview Pond LLC, Final Subdivision entitled The Fairways Phase III Final, drawn by Passero Associates, Sheets 1 through 7, dated January 2021, received by the Planning Board January 19, 2021, and as revised February 17, 2021 Planning Board Application No. 03-FS-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the 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 Town of Victor Design and Construction Standards be met.
4. That the comments in a letter dated March 9, 2021 from LaBella Associates be addressed, and that Labella's safety concerns regarding the Gillis Road High Street Restriping Plan be satisfactorily resolved to the Town Engineer's satisfaction in addition to meeting the spirit of the mitigation requirement of the December 19, 2006 SEQRA Findings Statement.
5. That the comments from Stormwater Manager dated February 21, 2021 be addressed.
6. That the comments from Fire Marshal dated February 8, 2021 be addressed.
7. That all conservation easements show placement of markers on final plans.

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 Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the town for all improvements to be offered to the Town for dedication. Maintenance Bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten percent (10%) of the final construction cost, as determined by the Engineer for the Town.
3. 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).
4. That a pre-construction meeting shall be held prior to the start of construction.
5. That the Developer of The Fairways, Phase III Townhouses is directed to pay a Recreation Fee per family unit in the amount of \$1500 established by the Town Board in lieu of the requirement of any additional park land facility before receiving a building permit.

6. That further resubdivision of each lot (301 – 318) into 72 units be granted prior to issuance of a Certificate of Occupancy.

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

DISCUSSION

LOCAL LAWS

Introduced for discussion regarding Chapter 211-24 Light Industrial District Regulations.

Ms. Kinsella – It is Light Industrial District regulations for special use permit. We are adding into the special use permits the health and wellness uses that are intended to promote mind and body wellness, promoting healthy lifestyles for individuals including but not limited to martial art studios, yoga studios and fitness centers. We are trying to broaden that a little bit in the Light Industrial District for the buildings that have become vacant unfortunately due to Covid. Hoping to get some of those uses in there but still having the Planning Board review them for special use permit. The Town Board is looking for any comment back to them.

Chairman Santoro – I think that is a good thing to do. Help fill the empty buildings.

Mr. Logan – It is a less intensive use of that zone category. It can not really hurt and it helps fill the buildings. It gives some other businesses opportunities where they may not have any.

Mr. Gallina – Agreed.

Mr. Harter – Agreed.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 8:46 PM

Lisa Boughton, Secretary