

A regular meeting of the Town of Victor Planning Board was held on March 22, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: Joe Limbeck

OTHERS: Wes Pettee, Town Engineer; Dave Nankin, Tom Sanna, David Palmer, Fred Shelley, Bob Rotach, Jack Dianetti, Scott Reinhart, Libby Banna, David Wright, Brennan Marks, Tim Ashworth, Heidi Ashworth, Kole Mandrov, Richard Zajac, Lucas Bushen, David Cocquit, Bob O'Dell, Jeff Smith, Tim Smith, Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary.

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

**APPROVAL OF MINUTES:**

On motion of AL Gallina, seconded by Scott Harter:

RESOLVED, that the minutes of the meeting held on February 22, 2022, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Absent

**CORRESPONDENCE:**

- Lynn C – Delta Sonic Car Wash
- Steve Sykes – Rotach Barn
- Jackie Dalton -Cell Tower/5G
- Robert O'Dell – DISH at Baker Road

**BOARDS AND COMMITTEE UPDATES:**

Town Board representative Dave Condon was present.

Mr. Condon – I wanted to let you know that Recreation is returning to a little bit more normal this year and we have negotiated a fee schedule with the school district and get back to more of our traditional summer rec programs up at the campus. I think a lot of residents will be happy to see. The pool will probably be unavailable this summer because they have to drain it and do an acid bath and regrout some tile. We may get a week of the pool but not planning on it.

I think people are happy to see there will be instruction and classrooms and a little bit more normalcy back from some of our rec programs.

PLANNING BOARD reported by Kim Kinsella

Tuesday April 12, 2022

PUBLIC HEARINGS

- Crown Castle at Baker Road located 914 Brownsville Road, applicant is requesting approval to install three antennas and one hybrid cable on an existing wireless facility.
- Morrison Minor Subdivision, located on County Road 41, applicant is requesting approval to subdivide a 5-acre parcel into two lots to construct two new single-family residences
- Markin Pole Barn located 6894 Valentown Road, applicant is requesting approval of construction of a 36 x 56-foot pole barn including four horse stalls.

Chairman Santoro – We have a presentation here from our Town Engineer. Steve Metzger is here for an update on Pump Station #7.

Steve Metzger of LaBella Associates and Jason Ebbs

Mr. Metzger – We are here tonight to brief the Planning Board on an ongoing initiative that the town is undertaking to improve several pump stations including #7 on East Victor Road and of course to answer any questions about it. Jason is the Project Engineer and following my introductory remarks, he will discuss the improvements being designed for Pump Station #7 and we will talk about the schedule and those improvements.

The overall project involve replacing the three Pump Stations. We have bundled a bunch of work together that are in discreet areas, but all bundled together under one bid package.

The three pump stations are #5 at Gypsum Mills, #7 at East Victor Road and #11 on County Road 9. In addition, we will be adding emergency generators to four pump stations, at #12, #16, #17 and #32. Our estimate for the project costs is about 4 million dollars and will be funded thru the consolidated district and involve some combination of existing funds, reserved funds that the town has on hand and the rest will be financed by the town.

Pump Station #7, we brought a couple figures to orient everybody. This figure more or less shows the drainage area and what drains towards Pump Station #7. This particular map has the Auburn Trail force main that cuts thru by #7 on its way to the wastewater treatment plant. That is not part or affected by this, it is just shown on this particular figure. I wanted to point out that this project will not impact that. Pump Station #7 has its own forced main that pumps to the treatment plant.

Pump Station #7 is here on East Victor Road and there is a forced main that extends from the pump station over to McMahon and up to the treatment plant. It has become obvious thru the

activity in the East Victor Road Pump Station #7 area that there is a lot of development happening and we have been watching that on behalf of the town and make sure it did not exceed the capacity of #7. Victor Jeep and Blumont Rise are both approved and under construction and can be accommodated in the existing capacity. Southgate 2 is approved but not started can also be accommodated but that is it. We are not comfortable recommending any additional load be added to #7 at this time without improvements. The town knowing the interest in the development of Stone Brook and the 85-lot subdivision as well As Southgate Phase 2B, totaling about 95 units. The town recognizes that action needs to be taken at Pump Station #7.

It will be sized to accommodate Southgate and Stone Brook. As well as other parcels that fall within the tributary area. There are other areas that would drain by gravity towards Pump Station #7 that are no plans to develop these under consideration of the town but in the future, we have made allowances in the capacity analysis to allow for that to happen. In addition, the comprehensive plan recommended some greater densities in certain areas, and we have built those into the capacity calculations as well.

In short, once we make these improvements, we do not anticipate having to upgrade pump station again in the future.

Wes, do you have the schedule? Copies were distributed. We have prepped a map plan and report and submitted it to Renee today to have it on the agenda for Monday's meeting of the Town Board. We anticipate that they will accept the map plan and report as complete and set a public hearing and that will set the whole thing in motion. There are several items on this agenda, but the big ones are the bid openings as laid out for August 5<sup>th</sup>. We would start construction September 26<sup>th</sup> and the completion of Pump Station #7 would be done by end of 2022. There will be other work related to the project on other pump stations and are allowing another six months or so to be complete by June 1 of 2023. That is what I have prepared for as remarks and Jason can brief everyone on what the plan is.

Mr. Ebbs – As Steve mentioned, we did evaluate the capacity of Pump Station #7, both existing capacity and the future buildout capacity. Based off of that we saw the need for larger pumps but also larger wet well. Also, the need to provide a little more resiliency and emergency back up generator. Essentially that is the plan and will be providing a new larger wet well with larger pumps and a back up generator and other site improvements. Possibly a replacement of a force main but we still need to go some evaluation on that. All part of the future project.

Mr. Metzger – That is all and just wanted to brief you on what was going on and to convey the sewage by these new developments.

Mr. Logan – Is there any need to upsize any of the piping between the pump station and the sewage plant or is it a capacity and just a matter of the pump being increased.

Mr. Metzger -At one time we thought we would need to upgrade the size of the force main and leave the pump station because in some documentation it showed it as a 4 inch, but it is actually

a 6 inch. The six inch is large enough to convey what we are going to pump thru it. There are still some other considerations, and we are still evaluating that and may include the replacement of that six inch as part of the project.

Mr. Harter – Capacity will be achieved to handle the projects that are currently on the docket and then some thereafter, is that correct?

Mr. Metzger – Yes. As I mentioned allowances have been made for future development that is not before the Board today and should it ever occur. There is capacity to convey what we anticipate based on what we know now as well as the future loads.

Chairman Santoro – Anyone from the public have questions or comments? Hearing none, we thank you for your presentation.

Mr. Metzger – Thank you all for your time. Have a good evening.

*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.*

**BRISTOL GARDEN GROWING GREENHOUSES**

37-SP-2021

7432 State Route 96

Zoned – Commercial/Light Industrial

Owner – SASRMS, LLC

Tax Map # 15.00-2-20.120

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

Fred Shelley from BME Associates representing the Applicant.

Mr. Shelley – The plans have not been revised since the Board has last seen them and we had submitted responses to the initial comments to the Town Engineer. We received a letter from the Town Engineer stating they have accepted the responses and the revised plans and there was one additional comment about coordination of building permit and materials.

The last time we presented the project to the Planning Board there was a comment on the shared parking or parking agreement with the Thirsty Turtle owner. We have received correspondence from Ted Rund Jr. provided that to the Planning Board Secretary and I do have copies if you wish to see them.

In summary of the email from Mr. Rund is the agreement is there was a discussion of temporary parking of approximately 14 cars on the Bristol's property and that was on an if needed or needed basis. It is stated in the email. The owner had indicated that it has been about a year since they had done the patio expansion and have not experienced a need or overflow of parking at that site. They also indicated that they currently have about 111 existing parking spaces. Review of the previous Planning Board minutes for that application it appeared there was 108 spaces before the patio was installed. In essence there is three additional parking spaces then the Thirsty Turtle had at that point. The owner further goes on and says there is a potential area behind the restaurant to provide an additional ten parking spaces for a total of 121 parking spaces where 108 were existing at the time of that application.

Mr. Logan – Where did you say the employees are parking? Is that directly behind the Thirsty Turtle?

Mr. Shelley – I am not sure if you have an aerial of that but just in review of an aerial photos from Google there was some storage containers directly behind it. Looked like there was a few areas indicated there.

Mr. Logan – I was looking at Google Earth and it was showing those storage containers taking up half the depth of all those spaces behind the building. I do not know what those storage containers are for but if its temporary it is one thing but if they are going to be there permanently there is no spaces to park. A little surprised to see the response regarding “as necessary” situation.

Mr. Harter – Is that how we left it? I do not remember that.

Mr. Logan – I remember it as this is what they are going to do to make room for their clientele.

Mr. Harter – That is how I remember it too.

Mr. Logan – It seems a little disingenuous to make that statement on their part honestly. I do not know if Al has weighed in on that amount of parking that is required for that facility.

Mr. Harter – Fred, is there an easement proposed over the parking stalls show non your drawing?

Mr. Shelley – There is no easement proposed at the time. As I understand it was an agreement and I have not reviewed that actual agreement they have signed off. Mr. Logan, I did review the Planning Board minutes from March 9, 2021, and it did discuss potential or limited parking or temporary parking over there on Bristol's property.

Mr. Logan – My recollection is a little different, but I will have to read over the minutes myself to understand where you are coming from on interpretation. It was my recollection because they were taking out that strip of parking to expand the seating area outside that they would need to take some space over an agreement with your client at Bristol's. Now I do not know what this parking spaces is gaining on his property. It looks like you are sliding it back and making a

wider lane to drive between parking spaces. Understanding it is not your layout but theirs. Again, my recollection is they needed that space for their employees or needed the space their employees would be vacating for their clientele. Honestly for the last year it has not been terribly busy. The pandemic is just opening things up again, so I expect to see cars parked all over the place once the place becomes established again in terms of solid clientele on popular nights.

Chairman Santoro – I drove by a day or two ago and was pretty busy.

Mr. Logan – It is good things are opening up for business, but it is not good because I do not think they enough room to do what they would like to do. I guess Code Enforcement might have to keep an eye on it.

Chairman Santoro – Al says you will need a variance. Have you considered that?

Mr. Shelley – Reviewing that quickly it does appear a variance may be needed if the parking has extended over the lot line. I may suggest that might be the responsibility of the Thirsty Turtle to obtain that for their site plan approval.

Mr. Logan – I am still unsure why they need to slide the spaces over into that area. I do not see that working in the layout. Wes, have you looked at that at all?

Mr. Pettee – I was just looking at our file on the Thirsty Turtle site plan from March 2021. On March 4<sup>th</sup> 2021, one of our comments from Labella, we asked the applicant to clarify the location of the potential overflow parking that was mentioned in the agreement signed between the owner of Bristol's Garden Center and the Thirsty Turtle, signed on February 17, 2021, because we did not see the overflow parking spaces on the site plan. The response was that while they attached an aerial view of the proposed area where overflow parking would be, and this area would have approximately two dozen spots. Would you mind switching computers, and I will show the phot that was attached to the email.

Mr. Logan – One of things I recall about that conversation was that Bristol's was no longer going to be storing landscaping materials in that area so they would make that space available. Obviously their aerial is a few years older than what they were hoping to portray with a clean site.

Mr. Pettee – That is an attachment to the email dated March 29, 2021, from Ted Rund. Attached area where the overflow parking would be and that is what we are looking at here.

Mr. Logan – Wes, can you zoom in on the parking a little bit. The long strip of parking on the property line. Where are you going to put more parking? The Thirsty Turtle?

Mr. Shelley – Again, we are not designing their parking lot, but we are suggesting is if parking is installed along this line, this row of parking can be shifted over and that would open up this lane here for drive aisle and potentially this owner could double bank these parking spaces here.

Mr. Logan – Wes, can you bring up Google Earth. It has a current view of what it looks like there with all the parking spaces laid out.

Mr. Shelley – I believe half of that aisle has been removed because of the expansion.

Mr. Logan – You can make a bigger aisle but there is not enough room to put a whole other row of parking as I see it. If you guys are willing to give them that space and they can make it work but honestly you should be really coming into the Board and say this is what we are going to do. Not just say it was possible overflow parking.

Mr. Harter – Is that a current photo?

Mr. Shelley – If this bank here were to remain then this bank maybe shifted over so you could park two rows of cars and swap this into a drive aisle and park along the property line with an extension into Bristol. It is potential and there was also discussion in the minutes of this parking area being able to be expanded and then go underground possibly with this. Again, we are not designing their site plan. We would offer that if they do end up having issues there and need to expand, we would suggest they approach the applicant with a layout of where they would like to do that or find additional spaces on the site.

Mr. Harter – I guess I am wondering with your application, and you are here for Bristol's, and you are getting dragged into Thirsty Turtle. I think our memories are pretty good from what happened, and I think the parking you show along the side is trying to serve many masters here and make everyone happy. I try to do that in my work to and sometimes it is tough to accomplish. I think the proposed parking along the side there is problematic, and I think it works against the intent of what a setback is. When you take a look at the reason, we but setbacks in our zoning requirements is for the purpose to have a decent separation between structures and that violates that. You also mentioned you do not have an easement for it, and he has not been agreed to. I also noticed you have a drainage swale going thru it on the plans provided. I am wondering if that is your problem in terms of this application and if does not just need to go back to the Thirsty Turtle and have the make care of what they should have taken care of before.

Mr. Logan – I would agree with al of that except for the fact they agreed to allow for some temporary parking during the last application by Rund to do the expansion. They sort of took on a liability if you will in terms of approval of that expansion. If they are saying that what they have now is working and then al of a sudden it is not because business gets much better. They have to come back before the Board and ask for an agreement or easement.

Mr. Gallina – Or limit seating.

Mr. Logan – Or do what they suggested with the retention pond. I remember that was an issue when they expanded the lower parking lot.

Mr. Harter – If I take a look at that site right now, I am struggling on how they are achieving the coverage requirements. It looks to me they have paved about everything. The pond is actually giving them some greenspace and I suppose it is actually functioning in a decent capacity as well in terms of stormwater treatment. I do not want to berate their success and they are involved in the community too, but I do not see how we could or should hang up Bristol's because of this.

Mr. Logan – Not intending to do that but what I can not see is approving the plan that they are suggesting with the gravel parking area expanded onto their property without any of that variance and easements. I would say that we at least need a note saying there has been nothing been approved yet of expansion onto this property. You can show that as potential or possible future or you can remove it all together in the final approved plan.

Mr. Shelley – Removing would be great and I am sure Mr. Sanna would be happy with that however the note we do have on here is “proposed parking reservation for 14 spaces to be installed by others, parking installation to be coordinated with the owner of the site”. That is how that is indicated at this moment now and we have not proposed any grading and just provided an area for that and for whomever needs that is going to have to design that and get that approved.

Mr. Logan – A part of that approval I can see is requiring asphalt paving and of course the agreement and the easement and whatever variance you need for offsets to the pavement. It is not as big of a deal if there is no second building next to the other because a fire truck can get at things across parking space.

Mr. Harter – Should we have them remove it from the drawing and leave a note or box out an area?

Mr. Logan – I think we should have an ongoing note saying this is not an approval of parking for the adjacent property and that would have to come before. It needs to get approved.

Mr. Shelley – If I may suggest, we can revise this to say potential parking reservation. We can add notation that the owner would need to obtain site plan approval thru the town.

Mr. Logan – That would make me feel more comfortable.

Mr. Harter – I think they would have to have reciprocal easement.

Mr. Logan – All of that legalize is not part of your application and as long as they do not look at it as Planning Board approval of what they would want to do without coming back to the Board and saying here is what we want to do and here is how we are going to do it with Bristol's.

Mr. Harter – Do we communicate that to them somehow?

Mr. Logan - I think that Bristol's probably would.

Mr. Shelley – I am sure the applicant would be happy to convey that, and I might suggest that if there is a parking issue then Code Enforcement would be notified and thereby notify them.

Mr. Logan – It will limit it.

Mr. Shelley – Something will trigger it whether it is increased attendance or increased vehicles.

Mr. Harter – I think what Wes called up was what I remembered in that red square was that it seemed ample for what they are needing at this point and now I see what you are proposing,

Mr. Logan – Which is buildings.

Mr. Harter – Where the parking was supposed to be.

Mr. Logan – That is my main issue and everything else looks fine from my perspective.

Mr. Gallina – I am good as well.

Chairman Santoro – You have heard, and the next step is yours and getting something straightened out with the Thirsty Turtle.

Mr. Pettee – Is the Thirsty Turtle item something that can be taken care of after approval of this site plan? I think we are satisfied, to me, that the Planning Board is satisfied with what you have described tonight for the site plan. Revising your note and the notation. The parking situation is something that is going to be taken care of or addressed and not by you. It is not your site plan and is the neighbors site plan. I think that can be taken care of aside from acting on this application.

Mr. Logan – That is my conclusion from this conversation.

Mr. Harter – I think we can move forward.

Mr. Logan – Are we ready to do that with a Draft resolution that we have?

Chairman Santoro - We can probably close the public hearing.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0.

Chairman Santoro – Any amendments to this at all?

Ms. Boughton – There is no mention of parking in it.

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Joe Logan, seconded by Scott Harter as Amended:

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

1. A site plan application was received on September 21, 2021, by the Secretary of the Planning Board for a Site Plan entitled Bristol Garden Growing Greenhouses.
2. It is the intent of the applicant to construct four (4) Westbrook greenhouses, 24' x 144' long x 14' high, and four (4) Westbrook greenhouses 24" x 120' long x 14" high for growing flower and vegetable plants.
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 November 9, 2021, March 8, 2022, and March 22, 2022, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Conservation Board reviewed the project on and stated they had no concerns.
7. There was a Coordinated Fire Service Site Plan Review on October 19, 2021, and March 2, 2022 and had no further comments.
8. LaBella Associates reviewed the site plan in a letter dated November 4, 2021, and March 17, 2022 and provided comments.

9. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated October 26, 2021, and March 3, 2022, and had no further comments.
10. The Town of Victor Stormwater Manager reviewed the site plan in a letter dated November 1, 2021, and provided comments.
11. The New York State Department of Transportation reviewed the site plan in a letter dated December 1, 2021, and provided comments.
12. Applicant received an area variance on November 23, 2021, from the Zoning Board of Appeals due to the accessory structure being 41.9' from the right-of-way of Rowley Road whereas Section 211 Schedule II Area & Height Requirements states 80' is required.
13. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On October 13, 2022, Ontario County Planning Board referred the application back to the referring agency as a Class 1.

RESOLVED, that the Planning Board hereby waives Section 2.7.11, of the Town's Design and Construction Standards that would require 3-foot freeboard requirement, but requires that the 1-foot freeboard be provided; and, be it further,

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 22, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Bristol Garden Growing Greenhouses, will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Thomas Sanna, Site Plan entitled Bristol Garden Growing Greenhouses, drawn by BME Associates, dated August 9, 2021, received by the Planning Board September 21, 2021, last revised March 1, 2022, Planning Board Application No. 37-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Chairman Santoro – If anyone has any conditions just let me know.

Mr. Logan – Ernie, I was going to say that Labella review plans for prior to signing for the notes we just discussed on the parking or potential parking.

Chairman Santoro – Will that be on-going conditions?

Mr. Logan – Prior to him signing it and make sure the corrections or updates to the notes regarding the potential future parking are placed on the drawings.

Chairman Santoro – Do you want it on the prior to the signature?

Mr. Logan – Yes.

**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 17, 2022, from LaBella Associates be addressed.
- 3. That comments from Stormwater Manager, dated November 1, 2021, be addressed.
- 4. That the Town Engineer review the site plan as revised during the March 22, 2022, Planning Board meeting regarding the parking on the east side of the property.

**Ongoing conditions:**

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
- 2. That a referral of the building permit application to the Town Engineer if a retaining wall is included in the construction plans.
- 3. That a building permit be obtained before the start of construction.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**ROTACH POLE BARN**

1373 School Road

Owner – Robert Rotach

Tax Map # 28.00-2-19.00

Applicant is requesting approval to build a 45 x 40 pole barn/garage.

02-SP-2022

Zoned – Residential 2

Robert Rotach, owner at 1373 School Road

Mr. Rotach – It will be built by Seneca Pole Barns, local company, and the colors will match the house. It will be light gray, blue roof and windows and 1 foot overhang all the way around. Not much more than that. Pretty simple. The map shows that there is two doors in it, and I might decrease it to one garage door. I think you all have the plans I had done up.

Chairman Santoro – We also have an email from your next-door neighbor Steve Sykes. It reads “Dear Planning Board, as Bob’s next-door neighbor I wish to state that I have no objections to his plans to build a 40 x 40 pole barn/garage. Regards, Stephen Sykes”

Mr. Rotach – It has always been a 45 x 40 barn.

Chairman Santoro – Anyone from the Board have any questions?

Mr. Harter – Did you have to go to the Zoning Board for any type of variance to put the barn there?

Mr. Rotach – I did that a while ago. Far as I know the next step is the building permit.

Ms. Boughton – He received an area variance on August 26, 2021, from the Zoning Board to be forward of the front line.

Mr. Rotach – The issue was the house sits 300 feet back in and it was impossible for me to put a barn back farther than the house because of the lay of the land.

Mr. Harter – The lay of the land is good and you must have convinced the Zoning Board of that to get the variance. I assume there is positive drainage and the site drains well away from the building that you are proposing.

Mr. Rotach – It is going to. It is the highest spot on the property. It is where I park now, and I do not have a structure there.

Mr. Logan – It seems like a good place for your barn because like you said, you park there now and there is some gravel space and you’re not cutting trees down for it or if you are it is a couple minor things. I am fine with the location. I was a little worried when I saw this about the 100-

year flood plain, so I do not know if anyone has looked at that or if you have experienced flooding in your back yard from the creek.

Mr. Rotach – Not where I want to build the barn. It has happened a few times since I have lived there 35 years and it has gotten a little wet there three or four times. Previous owners have done some things around there like the house has a small flood berm that circles the one side. The intention I have is to level out a spot to do it. At one end will be raised up three feet. It will be a little higher than it is right now. It should not affect any drainage. I have never seen the water there.

Mr. Logan – You said it was in the highest spot in that area.

Mr. Rotach – The topographic map shows it.

Mr. Gallina – I am all set.

Chairman Santoro – Anyone from the public have any comments? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of 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 16, 2022, by the Secretary of the Planning Board for a Site Plan entitled Rotach Pole barn submitted by Robert Rotach for the property located at 1373 School Road, Victor, NY.
2. It is the intent of the applicant to construct a 45 x 40 barn/garage.
3. A public hearing was duly called for and notice of said public hearing was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the Site 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 22, 2022, 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 the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The Conservation Board reviewed the project on March 1, 2022, and had no concerns.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated March 2, 2022, and provided comments.
8. Applicant received an area variance on August 26, 2021, from the Zoning Board of Appeals due to the accessory structure forward of the front line of the primary structure.
9. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On March 9, 2022, Ontario County Planning Board referred the application back to the referring agency as a Class 1.

NOW, THEREFORE BE IT RESOLVED that the application of Robert Rotach, Site Plan entitled Rotach Pole barn, received by the Planning Board February 16, 2022, Planning Board Application No. 02-SP-2022, 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 any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.

**Ongoing conditions:**

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

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**DISH WIRELESS at BAKER ROAD**

02-SU-2022

90 Baker Road

Zoned – Residential 2

Owner – Pinnacle Towers

Tax Map # 1.02-1-24.000

Applicant is requesting approval to install antennas, ancillary tower and ground equipment at an existing wireless facility with no change to height or ground space.

Richard Zajac representing Crown Castle on behalf of DISH Wireless

Mr. Zajac – Specifically DISH is proposing to install three antennas at the 120-foot level on the existing 190-foot self-support tower. They are also proposing to install a five foot by seven-foot ground equipment pad. No tower height increase or ground compound expansion. The project does classify as an eligible facility request under Section 64.9 of the rules of the FCC.

Ms. Boughton – This came late today as a correspondence from a Mr. O’Dell.

Mr. Harter – Do you have any comments from the resident regarding that communication.

Mr. Zajac – Just that it has been proven thru numerous testing’s that 5G is safe and there are certain rules and regulations that are put in place by the FCC and standards that we are held too and all carriers also with signage and frequencies. There is no harm to public with this sort of installation. It has been proven previously numerous times. I have heard concerns in the past and not the first time we have heard concerns. It has been proven thru scientific studies that this is safe.

Chairman Santoro – Mr. O’Dell mentions an RF survey. Was that done?

Mr. Zajac – It can be provided if that were something the Board would like to see. This is well within the limits of the RF frequencies. There are standards that regulate that from the FCC, and this is well within that. If that is something that will put minds at ease, then I can certainly provide that.

Chairman Santoro – We have had other applications where this issue has come up and is a hot button issue. Mr. O’Dell we have your complaint here and see your concerns.

Mr. O’Dell of Baker Road

Mr. O’Dell – I live right across the street from it, and I am measuring radiation from it on my own. I am a radio technician and have first class license from the FCC as a broadcast technician and have been in this field for more than 30 years. I have all the equipment and training to measure it and I have measured levels coming off those towers that are way above OSHA Standard. Maybe not in the range where the cell towers are operating but they continuously change. Anything that emits radiation needs to have a survey done as to where the people are and how much radiation is getting to them. I can walk out my front door and get more than 12 times the radiation that I should be getting. That is very annoying to me since I have had cancer twice and survived it and do not want to do it again. This is becoming an antennae farm and I do not want my home to become part of this place to throw antennas. They can put that somewhere else. They do not have to be putting bunches of them up so close to where people are living. There are also six or seven other families that are within this range that are slightly down the hill on Baker Road. They are exposed to it and probably do not know enough to complain about it. The FCC is being notified about the radiation levels from this area. This is a very serious concern, and the FCC has recently clamped down on everybody that has a transmitter. They have made them prove that their levels were low enough to be safe. OSHA does have a standard for that and should be measured and produced as proof that it does comply. Just saying it does, does not mean a thing to me. It has to be measured by someone who knows how to do it and has the equipment and the training.

These levels are cumulative and cause damage. Over a certain amount you can not turn it around and retract it. It is a concern to me. Someone needs to be watching for this. FCC has allowed all of installations that slip thru the cracks. Those same two towers, one of the m is 250,000-watt broadcast stations running. A lot of the radiation problem is coming right from them and that is a total of 100,000 watts being broadcast in the 100 mega hertz’s region which is the most dangerous. I am measuring high levels from that and who knows what I am getting from the 5G stations now. Each carrier has a different set of channels they use. Some of the channels are up in the 24 gh range. It is very high.

Mr. Harter – What he is proposing is adaptive to the situation as you see it?

Mr. O’Dell – I would like to have a moratorium on it until proof is actually given out of the radiation levels that are hitting me. I would like to see how it is in the other people.

Chairman Santoro – Not within our purview to issue a moratorium. That would be the Town Board or even the County Board. This is in the federal regulations, so we do not have a lot of leeway anyway.

Mr. O’Dell – You are asking me to have comments on approval and I am a negative comment

and I do not need to have more and more cell phone carriers to decide to go up there. I rather it stop right now. The yare not the only tower that is there. The SBA is across the street from me, and I notice the interference from these stations is mounting. The more they put up there the harder it is to receive anything up there. Just going up that road all your stereos in your cars blank out for about mile and half. It is just as bad as Pinnacle Hill. You drive anywhere near that hill you lose all reception.

Chairman Santoro – What is the distance?

Mr. O'Dell – Approximately 275 feet from me. It is a lot farther away then the distance from where you travel on Pinnacle Hill. They have all kinds of high power going on up there. That is separated by height which is a prime consideration when you put up a transmitter. Antennas can beam it downward but the higher you are the less radiation there is to the people close to it. There are a lot of solutions to that problem, and they do not have to put it up. What they are putting up are very directional and mostly beam down and do not go straight across. That means I get hit with the radiation from it.

Chairman Santoro – Is there a Jackie Dalton here tonight? We have also had an email from her before.

Mr. O'Dell – What I would like to see is that the application tabled until adequate proof is given that they do meet the requirement of OSHA Standard.

Chairman Santoro – We are under a real constraint when it comes to federal rules and regulations, but I think asking for the data that you just mentioned would be helpful to everyone.

Mr. Harter – The applicant indicated they were willing to do that.

Mr. O'Dell – You guys should probably be understanding it for your own safety. I had to go thru it and the FCC is cracking down on everyone. They went after amateur operators to prove how much was coming off their stations to protect the surrounding areas.

Chairman Santoro – What do you have to establish that they did that? The FCC. What do you have to confirm that?

Mr. O'Dell – Just a letter that I sent into them. I have had communications with hem in the last year and a half about the amount of levels of radiation coming off of that area and they told me that they are going to investigate it. I would be imaging I would be hearing from them pretty soon.

Chairman Santoro – Did you get anything in writing from them or expect too.

Mr. O'Dell – No, I received a phone call. FCC is in a bad position. They have had budget cuts and they have eliminated half of their staff. They are not people who go out and look at hinges

anymore. They investigate complaints.

Chairman Santoro – Anyone else here to address this application? Hearing none. We can go to the Board, but I suspect we will have to table this. Can you get it to us to the next meeting?

Mr. Zajac – Can I reply to some of his comments? That is no problem. We can supply a certified report showing the RF frequencies. Obviously some limitations, we only have one tower up there and there are multiple towers in this area and can only speak to the Crown Castle entity. This is eligible facilities request which there is federal law if you check certain boxes. Meaning if you are not extending the height of the tower, you're not extending the ground compound by more than 30 feet. If you fit into, he certain category then it is deemed approved in the FCC. A certain town can request additional information to prove that it fits within that box but there is nothing the town can do per say to dent that request. More then happy to supply the RF report to put minds at ease.

Chairman Santoro – If you can do that it would help.

Mr. Harter – We have another member who is not here tonight who is quite knowledgeable in this area.

Mr. Logan – You have another application but a different site. My only question would be that you are just attesting for your equipment or are you going to measure what is out there coming from the tower?

Mr. Zajac – This is measuring everything and showing how this installation will affect it. TO show this DISH Wireless antennas that they are looking to put up there will not render it non-compliant. It will show that it is still complaint and within RF limitations.

Mr. Harter – Is this something you do on a regular basis?

Mr. Zajac – Regular basis no, occasionally the questions come up. We have heard it in the past. There are certain regulations that we have to take into consideration with everything. There is federal guidelines. We are constantly looking to make sure everything is within compliant standards from a structural standpoint from physical, are there antennas in the way. We want to fit into the bucket of an eligible facilities request and obviously it is advantageous for the customer and for us as a tower owner to stay within those guidelines.

Mr. Logan – When you go out and measure the site, you are going to measure everything that comes off of that tower in terms of RF frequencies. What if you find that before you even put something up it goes beyond what should be ?

Mr. Zajac – I am sure it has been calculated and I do not have the data in front of me tonight. It is part of our requirements and is something I can get.

Mr. Logan – If you find out there is too much coming off the tower, what do you do?

Mr. Zajac – You change the height, or any number of variables at play that we can adjust.

Mr. Logan – If you go out and do not put anything on the tower and go measure what is there now and for some reason it is higher than what is allowable, what do you do? That will throw this application into question if it shows that there is already too much equipment out there.

Mr. Zajac – That has all been measured and factored into whether or not we can.

Mr. Logan – You have already measured it and have the data?

Mr. Zajac – Yes and I can provide a report that is stamped.

Mr. Logan – What you have done when you have scoped out the site is you find out what is out there and say yes you can still put something on it and will be legal and in accordance with. You have good confidence that what is out there now is not too much to make this application.

Mr. Harter – Relative to the comments from the resident, what do you have to say concerning his comments and what he experience. Is that consistent with your knowledge at this point of what is going on out there? It sounds like you are confident that you can produce this report with the information and that it will be safe. He is telling you right now that it is not safe.

Mr. Zajac – The only thing I can say to that is I can provide data relevant to the Crown Castle facility at this location. The Crown Castle facility is emitting radio frequency waves that are within the FCC allowable standards and put a report together for that. I can go back and ask that question to our engineers; I am not an engineer so I do not want to speculate and say I have never seen a situation where there are concerns with a tower nearby ours that is affecting ours. That is another layer on top of this that I can investigate. I have seen reports in the past where the existing cell tower, very rarely do we see two towers that are in close proximity to each other. We measure the RF frequencies off that tower. Adding the factor of another tower that are 200 feet.

Mr. Harter – It seems like the crux of the conversation is what is the cumulative effect? I think that is what the Board would like to understand.

Mr. Zajac – I can not answer that question since I am not a RF engineer.

Mr. O'Dell – Our radiation is cumulative, and it is not just one frequency like he is talking about for his equipment. It is the combination of everything all going at the same time. When you have a couple of high-power players in the area, they affect the whole thing. That means the level overall goes up and is elevated by all the players. If he can tell you what his equipment is putting out and how much the field strength is anywhere around, they have probably tested for that. The problem is when you add the whole big picture it is pretty bad. Noone is addressing it

is what I am getting at. It has been forced into an objection by the FCC.

Chairman Santoro – He is going to provide whatever information he has. He may want to bring an engineer with him next time.

Mr. Zajac – Let me consult with our engineer and I will relay the comments and provide the report.

Chairman Santoro – We will leave the public hearing open.

**DISH WIRELESS at BROWNSVILLE ROAD**

03-SU-2022

914 Brownsville Road

Zoned – Residential 2

Owner – Crown Castle

Tax Map # 16.00-1-42.211/CRWN

Applicant is requesting approval to install antennas, ancillary tower and ground equipment at an existing wireless facility with no charge to height or ground space.

Richard Zajac of Crown Castle

Mr. Zajac – Same scope of work essentially. The only difference is we are installing at the 100-foot level of the existing 140-foot monopole with 5 x 7 ground equipment pad, no tower height increase, no ground compound expansion. It does classify as an eligible facilities request.

Chairman Santoro – Anyone from the Board?

Mr. Harter - How does it differ from the prior application?

Mr. Zajac – There is really not a whole lot of difference. This is part of the big picture and nation wide build out for DISH Wireless. They are putting this very similar installation and three antennas and 5 x 7 ground equipment pad on a number of towers across the country. Part of a nationwide build out that was included with T-Mobile and Sprint merger last year. There were certain deadlines that DISH Wireless is looking to meet in order to have functioning network as been regulated by the Department of Justice as part of the agreement last year. This along with the previous one and a number of other sites across the country are that big picture build out if you will.

Mr. Harter – You do not have a situation such as what was described at the prior one in terms of adjoining tower that the conditions that the resident mentioned. This one is relatively independent.

Chairman Santoro - Suzy, can put the map up that shows the tower.

Mr. Zajac - This one is out there with not much going on around it.

Mr. Harter – The nearest resident is how far away?

Mr. Zajac – That information I do not have.

Mr. Logan – It is up the hill. We saw this tower maybe last year or the year before and it is up the hill from Brownsville Road.

Mr. Harter - You are not in the same neighborhood as described in prior application in terms of density.

Mr. Logan – It looks like 100's of feet.

Chairman Santoro - That was Dave Condon telling us that it is at least 100 feet.

Mr. Logan – I did have a question on the last application of which tower it was. There are six or seven up there. There is two radio stations, BOR and BER.

Mr. Zajac – It is a self-support tower, and I will not pretend to have a lot of knowledge about the other towers that are there. There is a site photo.

Mr. Logan – It looks like there is three on one, two on another and two big antennas for the radio. I can figure it out. I was worried that if it was the two 50,000-watt towers were not one of the towers that you were going to be putting equipment on. You are on one of the other ones. Are you putting equipment on one of the two towers that has 50,000-watt transmitters on it?

Mr. Zajac – I believe those are the radio station towers.

Mr. Gallina – I have nothing.

Chairman Santoro – Anyone from the public wish to speak on this application. Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 5, Nays 0, 1 Absent

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Joe Logan, seconded by Scott Harter:

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

1. A Site Plan and Special Use application were received on February 18, 2022, by the Secretary of the Planning Board entitled DISH Wireless at Brownsville Road.
2. Applicant is requesting approval to install equipment on an existing wireless facility.
3. The Town of Victor Planning Board reviewed the Type II Action on March 22, 2022, and identified no significant impacts.
4. 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 and an Under Review sign was posted.
5. The Planning Board held a public hearing on March 22, 2022, at which time the public was invited to speak on their application.
6. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
8. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
9. The proposed use conforms to all applicable regulations in the district which it is located.
10. The Codes Dept reviewed the application March 8, 2022, and had comments to be addressed, and stated that an annual report is required to be provided indicating that property maintenance is being conducted on the tower and that the tower is not a hazard to the health and safety of the public

NOW, THEREFORE BE IT RESOLVED that the application of Crown Castle USA Inc. agent of DISH Wireless LLC, Site Plan entitled DISH Wireless at Brownsville Road, drawn by Hudson Design Group, LLC, received by the Planning Board February 18, 2022, Planning Board

Special Use Application No. 03-SU-2022 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 8, 2022, from Code Officer be addressed.

**Ongoing conditions:**

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

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

**DELTA SONIC CAR WASH**

40-SP-2021, 10-SU-2021

7463 State Route 96

Zoned – Commercial/Light Industrial

Owner – Dilip Patel

Tax Map # 6.00-1-64.100

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

Chairman Santoro - This has been removed until the April 12<sup>th</sup> meeting.

**VALENTOWN MEADOWS**

7241 Valentown Road  
Owner – CoMark Holdings  
Tax Map # 1.02-1-21.000

01-PS-2022  
Zoned – Residential 2

Applicant is requesting approval for a clustered subdivision of a 28.6-acre parcel into 8 individual lots ranging in size from 1.58 acres to 5.87 acres. The property is currently divided by Valentown Road with an existing house on south side of Valentown Road and existing barn structure on the north side of Valentown Road. This will be the second step in a 3-step process for a major subdivision. The Sketch Plan was acknowledged complete January 11, 2022.

Chairman Santoro – The public hearing is closed on this one. Wes, are you going to take us thru Part 2.

Mr. Pettee – I think to bring the Board up to speed on where we were from last time, A couple of the concerns. One was sight distance along Valentown Road. We know that Valentown is a very curvy road and to try to remedy or minimize the adverse conditions there the applicant has proposed to do some tree clearing on the south side of Valentown Rod and also do a bit of grading to help improve sight distance. Labella feels that those are measures that are making progress towards improving sight distance. There is one tree in front of the existing house that might impede sight distance. I think what we would like to see and maybe it is something that we can verify or have the final subdivision address is removal of that tree to help with the sight distance issue. The vegetation removal, the tree removal along the roadway there will go a long way for sight distance. That really remedies our concern, and we can verify that going forward.

The other one is the stormwater comments. Our person, Mary Steblein, took a look at the stormwater responses from the applicant and the applicant is proposing to not develop the three lots in the rear on the northern most lots, 5, 6 and 7. It is similar to the way we have addressed other subdivisions in the town and I think maybe as more as a comprehensive look at future subdivisions we need to decides how these are going to be handled. Whether or no we are going to look at stormwater management in full even if these projects are not going to full development now and I think what would happen in the future is that lots 5, 6 and 7, if someone wanted to build on those, they would need to come back to the Planning Board for sight plan review. In general, I think we are okay. I know Scott Harter provided an email today with some concerns or observations. It seems like Labella is okay where things stand today.

Mr. Harter – That is fine with me. I was curious as to what the difference is between this project and a subdivision with two phases because it kid of looks to me like a subdivision with two phases and I understand what has been done and also understand with small single family residential projects it is really hard to achieve the stormwater regs and put in permanent stormwater structures because it is not something you want to do for a project of that size.

Economically and it is also something that could be become somewhat of a nuisance. It is a HOA responsibility sometimes so that was the purpose of my question, but I think if we have some sort of basis like you described I think it is okay. I think it is definitely a thought fore this project and all the ones we review here on.

Mr. Pettee – I did share that email with our stormwater person, and we were talking about that a little bit more and we can also follow up with Kim as we go forward on these projects.

Mr. Harter - The question I have regarding the sight distances is how... do we have some sort of measurement that has been taken that says that if that tree goes out or that cleating is made that we will achieve that magic number.

Mr. Marks – Based o the survey that we recorded at the site. Obviously if you can't shoot thru the trees now but it is a design or proposed scenario, but the profile and the line of sight proves that will achieve what we need to for that driveway.

Mr. Harter – Labella is okay with that?

Mr. Pettee – Yes, in general. I am going to demonstrate with Google Earth to observe the sight distance issue. This is the project parcel and the northside of the road. We know one of the driveway entrances is going to be about here and can tell because there is a line here that is the shade of the telephone pole. If I am looking to measure and looking for 500 feet of sight distance. If I put a line on this spot and look for a sight distance of 500 feet that put us to this pint, and you can see this might be the generalize line of sight. This is the area where the applicant is proposing to do the tree clearing and the grading. As you can see there is an existing tree in this location that is in front of the existing house that would likely impede this sight distance. This is the vegetation that the applicant is proposing to remove along this line of sight, and it would improve the condition out there. Not only for the people that are entering and existing the driveways but also for the general traveling public even if they have nothing to do with this driving into these lots or subdivision. That will improve conditions out there.

Mr. Harter – Is that something we would put as a condition and implemented as a final condition?

Mr. Pettee – There is some of that already proposed on the most recent set of plans and this would also be a condition of preliminary approval. I would definitely recommend that, and we would revisit the final plan and designed to assure that these conditions are met.

Mr. Marks – In addition we have proposed on the subdivision plat an easement to the Town Highway Department for clearing and mowing of vegetation.

Mr. Pettee - This is kind of a similar, the scale is a little bit different, to what was done on the Willis Hill Estate project. We had some concerns with sight distance there and the developer

there was able to minimize and avoid those adverse conditions by removing some vegetation and doing some grading.

Mr. Harter – I guess as a related comment, and we have had discussion on the driveway separation code item that is in our code and there was another overlay that was done for the single-family residential projects that we seem to go to the driveway sight distances. I think the driveway separation hasn't really seen it applied effectively in the single-family projects. It seems to be more particular to subdivision roads and commercial and is a waiver item for this one too. Bottom line being if they can satisfy the sight distance thru means like this then I think that is appropriate for this type of project.

Mr. Pettee – At the last meeting we had distributed Part 2 of the FEAF. Even thou this was an unlisted action the town did request a long form and provided a lot more information to be able to take a hard look at what is going on out here. I do not think we have to go thru this in great detail. But for the publics benefit I will at least read the top question and indicate what we are looking at in terms of impact.

Mr. Pettee - *#1 Impact on Land. Proposed action may involve construction on or physical alteration of the land surface of the proposed site.* Obviously we have indicated 'Yes' here. For all of the sub questions with the exception of paragraph (b) I have indicated that the proposed project would have no or small impact.

*#2 Impact on Geological Features. The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site.* I have indicated 'No'. No significant impact to any geological features on site that are noteworthy.

*#3 Impacts on Surface Water. The proposed action may affect one or more wetlands or other surface water bodies.* I have indicated 'No'

Mr. Logan – Wes wasn't there a culvert that crossed the road and a creek that wanders through it on the westerly side?

Mr. Pettee – There is a creek there but there is no impact and as you can see on the graphic on the screen.

Mr. Logan – The darker gray shaded area?

Mr. Pettee – Yes, it is in that area and proposed to be protected with a conservation easement and a buffer as well.

*#4 Impact on groundwater. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.* I have indicated 'Yes'. Only in the sense that there is going to be septic systems. It is just recognizing that and does mean there is a significant adverse impact at all, and all of the sub

questions are indicated to be no, or small impact may occur.

*#5 Impact on Flooding. The proposed action may result in development on lands subject to flooding. I have indicated 'No'. We are not in a floodplain. There might be sometimes when the land here is wet due to significant rainfall or in the springtime.*

*#6 Impacts on Air. The proposed action may include a state regulated air emission source. I have indicated 'No'*

*#7 Impact on Plants and Animals. The proposed action may result in a loss of flora or fauna. I have indicated 'No'.*

*#8 Impact on Agricultural Resources. The proposed action may impact agricultural resources. I have indicated 'No'.*

*#9 Impact on Aesthetic Resources. The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. I have indicated 'No'.*

*#10 Impact on Historic and Archeological Resources. The proposed action may occur in or adjacent to a historic or archaeological. I have checked 'Yes'. The applicant has provided correspondence from Office Park Rec and Preservation on this so there is no or small impacts in this regard.*

*#11 Impact on Open Space and Recreation. The proposed action may result in a loss of recreational opportunities, or a reduction of an open space resource as designated in any adopted municipal open space plan. I have indicated 'No'.*

*#12 Impact on Critical Environmental Areas. The proposed action may be located within or adjacent to a critical environmental area as defined by NYSDEC, state designated cea. I have indicated 'No'.*

*#13 Impact on Transportation. The proposed action may result in a change to existing transportation systems. I have indicated 'No'.*

*#14 Impact on Energy. The proposed action may cause an increase in the use of any form of energy. I have indicated 'No'.*

*#15 Impact on Noise, Odor, and Light. The proposed action may result in an increase in noise, odors, or outdoor lighting. I have indicated 'Yes'. There will be some construction noise with vegetation removal and installation of driveways and construction of homes. It will be temporary and will go away once construction is complete.*

*#16 Impact on Human Health. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. I have indicated 'No'.*

*#17 Consistency with Community Plans. The proposed action is not consistent with adopted land use plans. I have indicated 'No'. The yare consistent with the towns future land use map and zoning map.*

*#18 Consistency with Community Character. The proposed project is inconsistent with the existing community character. I have indicated 'No'.*

Part 3 for your consideration we have drafted a negative declaration as part of this Part 3. I think maybe with that there might be a resolution you have or if you have any questions.

Mr. Harter – I agree with your assessment.

Mr. Logan – The only question I had was when you went thru agricultural resources impacts. That is a cultivated field that they are developing, correct? If you look at Google Earth it looks like land has been recently farmed.

Mr. Marks – It does not fall within the county ag district. It is not established.

Mr. Pettee – Do we know the last time it was farmed?

Mr. Marks – My understanding it has been mostly hay lot.

Mr. Logan – It looks like a hay lot from the way the rows are.

Mr. Pettee – We did not have it identifies on the town map as an active agricultural.

Mr. Logan – I just wanted to ask that, it looked like it could have been considered as agricultural. That is the only nuance I could offer.

Chairman Santoro read the draft resolution.

### **DECISION:**

On motion of Al Gallina, seconded by Joe Logan as Amended:

WHEREAS the Planning Board made the following findings of fact:

1. An application from CoMark Holdings LLC (the “Applicant”) was received on or about January 18, 2022, by the Secretary of the Planning Board for a Preliminary Subdivision entitled Valentown Meadows Preliminary Subdivision (the “Project”).
2. It is the intent of the applicant to create a clustered subdivision of eight individual lots on a 28.6-acre parcel, tax map number 1.02-1-21.00, located in the Town’s Residential 2 Zoning District and also within the Town’s Residential A (north side of Valentown Road (20.6-acres)) and Residential B Overlay Zoning District (south side of Valentown Road

3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the Project 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 22, 2022, and March 8, 2022, at which time the public was permitted to speak on the Project, and the record of public comments on the Project can be found in the Planning Board meeting minutes of these dates. The public hearing was closed on March 8, 2022.
5. The application was deemed to be an Unlisted Action pursuant of 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 February 1, 2022, and identified no significant impacts. A site walk was scheduled and completed on February 12, 2022, and provided comments.
7. LaBella Associates reviewed the project and provided comments on February 18, 2022, and March 7, 2022.
8. The Parks and Recreation Department participated in a site walk on March 5, 2022, and provided comments in a letter dated March 5, 2022, with comments provided.
10. The Town of Victor Highway Department reviewed the project on February 2, 2022, and provided comments.
11. The Town of Victor Code Enforcement Officer reviewed the subdivision plan in a letter dated February 11, 2022, and provided comments.
12. The Town Historian reviewed the application on February 3, 2022, and February 21, 2022, and provided comments.
13. There was a Coordinated Fire Service Site Plan Review on February 10, 2022, and with comments forwarded. On February 22, 2022, stated that all comments had been addressed.
14. As currently depicted, the subdivision would require waivers to the following sections of the Town’s Design and Construction Standards.
  - a. 2.9.1.5, Four (4) or more lots must be served by a drive, road or street, consistent with the Design and Construction Standards for dedicated roads and streets.
  - b. Typical Driveway Section Detail RS-11, which indicates “Common driveways shall not serve more than three properties.”, and which also depicts the types and

quantities and dimensions of materials to be used.

15. 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 March 22, 2022, and identified no significant adverse environmental impacts; now, therefore, be it

RESOLVED, that the Project, Valentown Meadows Preliminary Subdivision, will not have a significant impact on the environment and hereby issues a negative declaration; be it further

RESOLVED, that the Planning Board hereby issues a waiver to Section 2.9.1.5 of the Town's Design and Construction Standards to allow a total of four (4) lots to be served by a common driveway, where the standards would otherwise require no more than three (3) lots to be served by a common driveway;

NOW, THEREFORE, BE IT RESOLVED that the preliminary subdivision application of CoMark Holdings LLC, Major Subdivision entitled Valentown Meadows, drawn by Marks Engineering, sheets 1 through 7, dated January 18, 2022, received by the Planning Board January 18, 2022, last revised March 8, 2022, Planning Board Application No. 01-PS-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the preliminary 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 Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.
3. That the comments in a correspondence dated February 18, 2022, and March 7, 2022, from LaBella Associates be addressed.
4. That the comments in a letter dated March 5, 2022, from Parks and Recreation 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 all conservation easements markers be shown on final subdivision plans.

- 3. That a reciprocal easement and a common maintenance agreement be submitted in accordance with Section 184-8, 211-12 and 211-36 of the Town Code.
- 4. That all water services will need to be directionally drilled. There shall be no open cut on Valentown Road.
- 5. That a Town of Victor Highway work permit be obtained for work occurring in the Town’s right-of-way.
- 6. Site plan approval will be required by the Planning Board prior to lots 5, 6, and 7, becoming buildable lots and before issuance of a building permit.

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

Mr. Pettee – One of the conditions I might suggest adding if it helps the Planning Board is the condition that is on-going. That the applicant address any further sight distance concerns of the Town Engineer and that final subdivision not be signed until the Town Engineer affirms sight distance concerns have been addressed.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

**SKETCH APPLICATION**

**STONE BROOK SUBDIVISION**

1403 East Victor Road  
Owner – Bruce DeSimone  
Tax Map # 28.04-2-62.000

01-SK-2022

Zoned – Residential 2

Applicant is requesting **acknowledgement of a complete application** for a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15+ acres in the Town of Farmington for a total of 115 acres. This is the first step of a major subdivision and only acknowledgement of a completed application will be considered at this meeting.

Lucas Bushen from Marathon Engineering, along with Tim and Jeff Smith of Woodstone Custom Homes

Mr. Bushen – As you mentioned, we are here for Stone Brook Subdivision, which we were to talk about last year when we were going thru the process of modifying the overlay district. We have since completed that process with the Town Board and now we are all yours. We brought it to a sketch level design, and we are seeking the completion of the application so that we can continue with the preliminary design, but we are also looking for your feedback and thoughts on the development as we move into the next stage. I will give a quick reminder of what the project is and what has changed since we have last been here.

The property is on East Victor Road just south of Boca Park Estates and north of Auburn Trail. It is 115 acres split between Victor and Farmington. There are 15 acres in Farmington and 100 acres in Victor. Within those 100 acres there is a portion of that that is farmland and a portion that is a naturally wooded area that follows Mud Creek. What we have done is taken out development and have located it in the agricultural area. The area that is currently disturbed and farmed and we set aside that natural area along the creek and we walked that with some of the Planning Board members and some of the Town Board members last year. Part of the application is the dedication of that open space. That is what we are proposing anyways, dedication of the open space owned by the town and forever preserved. There has been mixed feedback on that. Some town staff has expressed a desire to own that, and some has expressed the opposite. It will ultimately be up to the town, the planning Board which way it goes, whether it is dedicated or conserved in conservation land. The 50 acres we are developing will have 85 lots. That is another thing that has changed. It was 92 and we have since reduced that to 85 where the Code allows up to 100 lots on that property. We are proposing 85. It fits better with the lot sizes that we wanted for this development.

As I mentioned, Boca Park is just north of us. Those lots are around 2 units per acre. We are at 0.85 units per acre and then as you get further south you have the Southgate Hills development that was talked about earlier and the Blumont Rise. Those are at a half a unit per acre and a third unit per acre. We fit right in there as you transition and get away from the village or the denser areas. Within the development there is a range of lot sizes. There is 80-foot lots up to 105-foot-wide lots as you would see in the more rural developments.

There are two entrances. One on East Victor Road and one on Sunray Crest. This entrance is important since it eliminates that temporary turn around that is in the front yard of that property. It makes the town maintenance staff life easier as they can plow thru there. Emergency vehicle do not have to turn around at the end of that street anymore. We are improving this condition and preserving a buffer in the back between those two developments.

Another concern that came up with the last configuration was the proximity of the lots to East Victor Road. We have introduced an additional buffer there and pushed those driveways away to be mindful of that. A sharp eye and a good memory will notice the reconfiguration of these roadways and how they connect. The Road A initially was less than a loop and more of a spool that came up here. Potentially encouraging these residents to take this route because it was all the same roads. Now they have to make two turns and what I am getting at is that modification

was a result of some concerns from the neighboring residents. They do not want to see a large increase of traffic thru Sunray Crest.

Chairman Santoro – They will see it.

Mr. Bushen – They will see these lots for sure. The se lots will most likely take that road so you can never predict exactly how someone is going to think the shortest route out is. The best way to determine that is how many turns they have to make to do that. Now they have to make one, two minimum turns to get out there as opposed to one maximum to get out onto East Victor Road. We are encouraging with natural measures or thoughtful layout for these residents to use this entrance and desensitizing them from using that thoroughfare.

Another element that was talked about earlier was the sanitary sewer. We are also connecting sanitary sewer at the stub of Sunray Crest. That was left there in the same was the road, sidewalk and seemed like it was ready for a future extension. We are going to pick that up and connect to the sidewalk, roadway and also the sanitary sewer. It will all be routed to Pump Station 7, and we have shared our flow calculations with Labella to make sure those upgrades can accommodate what we anticipate coming from this development.

Chairman Santoro – Did you hear that presentation earlier?

Mr. Bushen – Yes, it was good to hear. We have had those early conversations with Wes and Steve from Labella. Finally I will touch on stormwater. We are addressing stormwater on site thru the wet ponds. Improving some conditions along the rear of Field Crest. Currently there is a ridge but not a significant ridge that you would notice but the drainage is right around here. There is about 10-15 acres of farmland that drains to the back of these lots along Fieldcrest Lane and there is a low point there that is collecting with a storm sewer that was installed with the subdivision back in the day. We are going to be chopping all of that off at the back of the lots so we will add an inlet at the back of our development so that storm water stops running off into those neighboring lots. We will improve that situation. That was another concern that came up as we have been working thru this.

We received a few comment letters with minimal comments. I received one from Wes earlier today and have had a chance to review that and think all things are looking in order to me. I am hopeful we can continue this on and develop it to the next level so we can get into more detailed discussions. We are interested in your feedback.

Chairman Santoro – Did you also get the comments from Keith Maynard and Mark Years?

Mr. Bushen – Yes.

Chairman Santoro – Rick McGrain, Code Officer asked if this was going to be done in phases.

Mr. Bushen – It will be and what we have narrowed it down to is likely this road is going to be constructed in the first phase and in the future phase the rest would be with the cul-de-sac. Likely two sections, maybe three but our goal is to create this loop with the first section since we have to grab the sewer and this section makes more sense to do first. I will nail it down in the preliminary. There is an intent to phase it.

Mr. Gallina – What is the proposal for the nature preserve? Would that be dedicated to the town?

Mr. Bushen – That is what we would like to see done but there has been has a comment from Keith Maynard that the town may not want that. There is two things going on. There is the center open space, which is what we are calling the nature preserve, it is extra land we are putting the stormwater pond in. There is the remainder of this area is 45 acres all around here and that is where the real valuable nature is. Right now, we are proposing that both of those areas be dedicated as open space. It is a little unclear whether Keiths concern was related to all of the area proposed or just that.

Mr. Gallina – To the extent that the town did not desire to take dedication then what would the alternate plan be?

Mr. Bushen – The alternate plan would be to give it to the town in conservation easement but private property. I know that some members of the Board expressed interest in having that valuable land and the natural water corridors. Who knows what you want to do in the future. This area down here is beautiful and the rock cropping. We envision this area being hiked by the residents which would likely not be possible if it was privately owned. Ultimately that is up to the town.

Jeff Smith of Woodstone Custom Homes

Mr. Smith – I believe Keiths comments had to do with the stormwater management facility not the nature preserve perse. There are two issues, and we understand that Keith doesn't want to own the stormwater management facility. Whether it be located where it is now or if it shifts a little bit, we understand that. The larger issue that Lucas was referring to was we were proposing that the 45 acres and the balance of that would be potentially town park land and we would also propose the 15 acres in the Town of Farmington would be joined with Mertensia Park as well. They were two separate issues and I think Keith's comment was strictly about the stormwater facility.

Dave Condon of Town Board

Mr. Condon – I think Jeff is a little off on that. I think there will be very little traction for the town to be interested in that property. Those are the discussions that we are getting into and certainly do not want to speak on behalf of Farmington's 15 acres. I am speaking as just one

Board member. Right now, the traction would be that we would not be interested in that property.

Mr. Smith – I was not trying to say what the town felt, I was just saying that Keith's comment was regarding the stormwater facility. We have not been told one way or the other. We have brought it up to the Town Board when we went thru the zoning issues, we brought it up to conservation when we did the walks. We brought it up at the Planning Board and when we get a reading from that we will carve up the land appropriately. I can tell you now that it won't be divided up 85 different ways. We will be putting it into some large parcels if the town does not want it because it is much harder to enforce these multitude of conservation areas and what we have done in our most recent project is we have given substantial acreage to one or two lots and therefore people understand they can not go beyond their property boundary. They can not mow that area and it is someone else's land. It is very difficult to police conservation easements when they are part of someone else's back yard. However, that process goes that is fine. That was not my comment, and it was to Keith's comments was about stormwater.

Mr. Logan – The sidewalk system looks like you have it completely thru on one side of the road thru the entire system. I would like to see on East Victor Road connecting the driveway to the Auburn Trail, make a sidewalk along there as it is for the properties south of the Auburn Trail coming up and they are going to be connected from those subdivisions and important to connect that driveway that you are proposing.

Mr. Bushen – We can explore the feasibility of that in our preliminary design. There is a culvert in the way there.

Mr. Logan – I think that would be important because you know people are going to want to go over to the trail. It connects a lot of things. I had a question about the turnaround. Are you going to get rid of that eventually? Remove the pavement and grass it over?

Mr. Bushen – That is a question whether we can do that with the project. We can certainly do it.

Mr. Logan – Was it your subdivision? No, so you probably can't touch it.

Mr. Bushen – We will certainly take a look at it and however it gets removed we can explore that with Labella.

Chairman Santoro – This is not a public hearing. There will be ample opportunity and if you wish in the meantime, you can submit written comments.

Mr. Logan – I like the changes you made.

Mr. Harter – I assume you have the zoning classification changed that you were seeking. You are coming under the C value.

Mr. Bushen – The C value would allow 100 lots and we are doing 85.

Mr. Harter – I like the layout. I think it complements the subdivision to the west and takes care of that dead end street and is more safety to that subdivision and I think it preserves a lot of open space.

Mr. Pettee – I have a couple of comments. Do you have an anticipated timing?

Mr. Smith – We understand the pump station issue is still there so we are not in any big hurry and would proceed with preliminary and then towards end of the year final. We would be into construction next year at the earliest. If final subdivisions were conditioned on pump station being built it would fit with our timings long as I understand the pump stations are being upgraded this year.

Mr. Pettee – The other thing is not the Planning Board that is going to be able to decide whether or not to accept the land in dedication. As it might relate to your preliminary subdivision design it might be wise to approach the Town Board to discuss about that open space and whether or not they want to accept dedication.

Mr. Smith – I totally agree with that. We were looking for guidance in terms of procedurally when we should do that. Clearly preliminary would have a lot of detail and it should be in that process and maybe we can work with Kim to see what we should do and get on the Town Board and that way the preliminary can reflect the towns input.

Mr. Pettee – Anything we can do to asset with that we are happy to step in and help.

Mr. Smith – Our hearts were initially into the fact that we thought it would be good to keep it as a piece of property, but we have not seriously thought about how we would carve it up otherwise and suppose before we do, we should get to the Town Board and get their no answer and proceed accordingly.

Chairman Santoro – Anything else from the Board? We have a resolution for sketch plan.

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Scott Harter, seconded by Joe Logan:

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

1. A sketch plan application was received on February 16, 2022, by the Secretary of the Planning Board for a Major Subdivision entitled Stone Brook Sketch Subdivision.

2. It is the intent of the applicant to create a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15+ acres in the Town of Farmington for a total of 115 acres.
3. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Conservation Board reviewed the sketch plan on March 1, 2022, and suggested that they reduce the amount of acreage (of the land to be proposed for dedication to the Town of Victor) while still preserving the streams.
5. In a letter dated March 22,2022, LaBella Associates provided comments.
6. There was a Coordinated Fire Service sketch plan review in a letter dated February 22, 2022, and provided comments.
7. The Stormwater Manager reviewed the subdivision in a letter dated March 4, 2022, and provided comments.
8. Town of Victor Code Enforcement Officer reviewed the sketch plan in a letter dated March 8, 2022, and provided comments.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of Jeff Smith, Woodstone Custom Homes, Major Subdivision entitled Stone Brook Sketch Subdivision, drawn by Marathon Engineering, dated February 15, 2022, received by the Planning Board February 16, 2022, Planning Board Application No. 01-SK-2022, the Planning Board **acknowledges receipt of a complete sketch plat application;**

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Motion was made by Joe Logan, seconded by Scott Harter RESOLVED the meeting was adjourned at 9:05 PM

Lisa Boughton, Secretary