

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

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

OTHERS: Wes Pettee, Town Engineer; Joe Picciotti, Town Attorney; Dave Condon, Town Board Liaison; Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary; Lee Wager, David Nankin, Rachel Hargather, John Hargather, Gerald Birmingham, George Ducall, Marilyn Dewall, Matthew Matteson, Fred Rainaldi, Ruth Nellis, David Nellis, Stephen Gullace Dante Gullace, Matt Tomelison, James Cretekos, Jack Barker , Jean Laitenberger, Edward Halble, Ed Kahovec, Jon Tantillo, Kauff Shaw, David Hahn, L Mason, Jeff Knapp, Marsha Senges, Greg Jameson, Liz Siniscalco, John Welch, Gregory Richards, Greg & Cathy Templar, Ken Curry, Dave Kiddle, Kristin Moore, Nancy Pratt, Gene Pratt, Gordy Phillips, Ron Holch, Nan Hooker, Tom Hooker, David Welsh, Susan Loughnane, Ken Fyfe, Pat Liberti, Sherrif Kahn, Ryan McElhiney

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

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

**APPROVAL OF MINUTES**

On motion of Al Gallina, seconded by Joe Logan

RESOLVED that the minutes of April 9, 2019 be approved.

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

Approved 4 Ayes, 0 Nays, 1 Abstained

**CORRESPONDENCE**

- Ruth Nellis re: Gullace Project

**BOARDS & COMMITTEE UPDATES**

Councilman Condon had nothing to report from the Town Board

PLANNING BOARD reported by Kim Kinsella

- May 14th meeting
- Public Hearing
  - Bell Atlantic Mobile dba Verizon Wireless at 200 Cobblestone Court Dr. – upgrade
  - Crown Castle at 795 Old Dutch Rd – wireless equipment modification
  - 179 Miles Cutting Lane – upgrade of current fence
  - Upson Porch remodel at 7979 Oak Brook Cir
  - Victor Square parking & entrance improvement at Commerce Dr.
  - Lazy Boy at 40 Eastview Mall Dr. – converting 16,000 sf at existing Stickley Furniture Store
  - Lehigh Crossing, Lot 9 at 7901 Lehigh Crossing – 33,600 flex space bldg
  - Piper Meadows Subdivision at 860/870 High St – Requesting 41 lot subdivision

**PUBLIC HEARING CLOSED****GULLACE PROJECT**

19-SP-17

Preliminary Site Plan

Zoned – Multiple Dwelling

Owner – Lynaugh Road Properties, LLC

Acres- 16.40 +/-

Applicant is requesting approval for 62 for-sale condominium townhomes. The west portion of CR 9 will remain 14 duplex units. The east portion of CR 9 will be a mixture of 2 and 3 unit bldgs and one single 4 unit bldg.

Chairman Santoro – The first item on the agenda is the Gullace Project. Joe Picciotti is our Town Attorney is going to give you an overview.

Mr. Picciotti – Thank you. Just for some background. On September 25, 2018 the Planning Board voted 3 to 2 denied the application of Lynaugh Road. Thereafter the applicant, Lynaugh Road, filed an Article 78 proceeding with NYS Supreme Court for Ontario County, Planning Board filed its answer in the record and other extensive submissions and oppositions to the Article 78 proceeding which sought a determination that the decision by the Planning Board was without basis and arbitrary and capricious among other relief. On January 22, 2019, Judge Reed acting Supreme Court Judge in Ontario County issued his ruling and stated from the Bench that

the decision was without basis and arbitrary and capricious. He also indicated in no uncertain terms that in the absence of reopening the State Environmental Quality Review (SEQR) process, he did not believe there was a basis to deny the project based upon the extensive submissions and the record that was before him which included all of the work that was done by the various consultants including the Town Consultant. Thereafter, myself as Council for the Town Planning Board had some discussions with the applicant's Council about the potential to resolve the litigation because Judge Reed's decision would not in of itself resolve it, it could be appealed by either party and there could be additional ongoing litigation. So we discussed the potential for resolving it. I met with the Board in attorney/client session to discuss the potential to resolve the matter going forward and to end the litigation expense and the uncertainty of litigation and what is before the Board this evening is a resolution that will do two things in the context of settlement. If approved upon vote of the Board, settle the on-going Article 78 proceeding and associated litigation which could be commenced and it will also approve the project in the context of that settlement. Thereafter, Judge Reed would issue an order based upon the resolution, again if it's approved, ordering that the matter is settled and resolved. That is the plan and that is by way of background what is before the Board this evening. There are some changes to the resolution that is before the Board this evening compared to what was before the Board on September 25<sup>th</sup> and those were concessions that we were able to obtain to allow the Board to have a bit more oversight as it relates to architectural features and that type of thing that is in the resolution that's available on the back table. Any other questions?

*There were no other questions from the Board members and the resolution was read.*

#### RESOLUTION

Motion made by Joe Logan, Seconded by Al Gallina.

WHEREAS, the Town of Victor Planning Board ("Planning Board") received an application on or about April 30, 2014 from BME Associates ("the Application") on behalf of Lynaugh Road Properties, LLC (the "Applicant") seeking site plan approval for the property located at 995 County Road 9, also known as Victor-Egypt Road, (Tax Map No. 16.00-1-46.000) for one-hundred (100) apartment units and a clubhouse. The referenced Application was assigned Project Number 18-SP-14, and such land retains a Multiple Dwelling zoning classification; and,

WHEREAS, the Applicant submitted a revised plan on or about February 18, 2015 depicting seventy-one (71) for-sale townhomes; and,

WHEREAS, the Application requesting approval for 71 for-sale townhomes was reviewed under the State Environmental Quality Review Act ("SEQRA"), and was classified by the Planning Board as a Type I Action, and the Planning Board conducted a coordinated review, serving as Lead Agency, and found that environmental impacts from the Application were likely anticipated with regard to: land use; surface water; ground water; impacts to plants and animals; transportation; energy; noise, odor and light; and community character. While the Planning

Board found that potential moderate to large impacts might be anticipated with the following, the impacts did not rise to a level of being potentially significant, as more fully described in Part 2, Part 3 and attachments to the Long Environmental Assessment form.

- The proposed action may substantially interfere with nesting/breeding, foraging, or overwintering habitat for the predominant species that occupy or use the project site.
- The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.
- Projected traffic increase may exceed capacity of existing road network.
- The proposed action is inconsistent with the predominant architectural scale and character.

As the Planning Board found that the impacts did not rise to a level of having the potential to be significant adverse environmental impacts, the Planning Board issued a Negative Declaration on June 23, 2015; and,

WHEREAS, The Planning Board received an updated Application on or about May 24, 2016 from BME Associates on behalf of the Applicant seeking preliminary subdivision approval for a cluster subdivision at 995 County Road 9, also known as Victor-Egypt Road, (Tax Map No. 16.00-1-46.000) for sixty-nine (69) for-sale ranch style townhomes within a configuration of 3- and 4-unit “blocks” for a total of 53 units on the eastern portion of the lands (on one side of the road) and 16 units consisting of 2- and 3-unit blocks on the western portion of the lands (on the other side of the road). (It is important to note the parcel at issue straddles the road). The application has been assigned Project Number 2-PS-16; and,

WHEREAS, the Planning Board opened a public hearing on June 28, 2016 for the Application, as required by Section 184-13, Paragraph C (2)(d) of the Victor Town code and Section 276 of New York State Town Law, and the public hearing was closed on October 25, 2016, and the Planning Board’s staff received written and verbal comments issued from the time the updated Application was received on or about May 24, 2016 through October 2016 for the Planning Board’s review and consideration of public comments; and,

WHEREAS, on June 5, 2017, BME Associates submitted a revised site plan, requesting site plan approval for 69 for-sale condominium townhomes, thereby withdrawing the preliminary subdivision application associated with Project Number 2-PS-16. The Planning Board deemed the updated site plan application of 6/5/17 as an extension of the previous site plan application under Project Number 18-SP-14. The Town’s Director of Development assigned a new Project Number, 19-SP-17, to the revised site plan application (hereinafter the “Application” or “the Site Plan Application”) and,

WHEREAS, a public hearing for the Site Plan Application was duly called for, and notification of the public hearing was published in “The Daily Messenger”, and all property owners within 1,000-feet of the subject property were notified by U.S. Mail. An “Under Review” sign was

posted on the subject parcel as required by Town Code. The public hearing was opened for the Site Plan Application on August 8, 2017 and was closed on January 9, 2018; and,

WHEREAS, the Application was further revised and received by the Planning Board on June 26, 2018, which now proposes 62 for-sale condominium townhouses, which would include fourteen (14) duplex units west of County Road 9 and forty-eight (48) units configured within 2-, 3- and one 4-unit blocks on the east side of County Road 9 (hereinafter “the Revised Application” or “the Revised Site Plan Application”); and,

WHEREAS, the development proposed pursuant to the Revised Application is divided into four (4) sections, Section 1 and Section 2, the area between County Road 9 and Lynaugh Road, would consist of 25 and 23 condominium townhomes, respectively. Section 3, the area west of County Road 9 would consist of 14 condominium townhomes. Section 4, the area within the Village of Victor, would consist of 16 single-family lots that would need review and approval by the Village Planning Board (collectively the 4 sections comprising the development which is the subject of the Revised Application may be referred to as “the Project”); and,

WHEREAS, a Traffic Impact Study (“TIS”) was initially prepared by Stantec on behalf of the Applicant in 2013, and portions of the TIS were modified over time due to agency comments and project scope changes. A second TIS by Stantec was submitted to the Planning Board in October 2017, which incorporated the aforementioned modifications, and a revised TIS was subsequently prepared and submitted in April 2018 to address various concerns including the speed of existing traffic in the area of the Project and the impact of that if the Project was approved and constructed and similarly, traffic and pedestrian safety associated with same, including the sufficiency or lack of sufficiency of traffic gaps to allow for safe traffic operations, as well as to address comments from the Town’s Traffic Engineer, Clark Patterson Lee (“CPL”) in the CPL January 19, 2018 memorandum and CPL March 5, 2018 letter. The results of the 2018 TIS indicate that: 1) vehicle speeds on County Road 9 are 15-20 mph over the posted speed limit; 2) there are enough gaps in traffic on County Road 9 and Lynaugh Road that would allow for a vehicle on said road to safely make a left turn onto a side road and/or safely exit a side road onto County Road 9 and Lynaugh Road; and 3) traffic calming measures would help address the excessive speed issue.

WHEREAS, the Planning Board made the following additional findings:

1. The proposed for-sale condominium townhomes comprising a portion of the Project which is the subject of the Revised Application constitute an allowed use within the Town of Victor’s Multiple Dwelling Zoning District, and the proposed density, as a mix of duplexes and multiple dwellings, does not exceed threshold requirements as set forth in Schedule II, Area and Height Requirements of the Victor Town Code.

2. The Conservation Board reviewed the Revised Site Plan Application on July 17, 2018 and it indicated that the Project meets the open space requirement; however, it noted that such space would largely be unusable by the community given the density of the Project site.
3. The Village of Victor's Department of Works, reviewed the Project and provided no comment in regard to the portion of the Project located within the Town's geographic limits.
4. The Revised Site Plan Application was referred to the Ontario County Planning Board under General Municipal Law, Section 239-m where the Ontario County Planning Board retained application as a Class 2 with comments and recommendation for approval.
5. 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 ("the Planning Board") by vote of 3 to 2 taken on September 25, 2018 at a regularly scheduled Planning Board meeting denied the Revised Site Plan Application ("the Planning Board's Determination") and thereafter the Applicant filed an Article 78 proceeding ("the Proceeding") in Ontario County Supreme Court for the State of New York seeking to overturn the Planning Board's Determination and the Planning Board opposed the Proceeding and the relief sought by the Applicant, and following the Court's consideration of extensive submissions by the parties and oral argument, by decision issued by the Honorable Frederick G. Reed on January 22, 2019, the Court overturned the Planning Board's Determination finding it was arbitrary and capricious and without basis, and the Court further indicated it did not believe there was a basis to deny the Revised Site Plan Application in the absence of the Planning Board identifying grounds to re-open the New York State Environmental Review Act process ("SEQR") and making a SEQR determination contrary to what was previously issued by the Planning Board in this matter; and

WHEREAS, the Planning Board seeking to resolve the Proceeding and any further associated litigation including any appeal of the January 22, 2019 Decision ("the Litigation") as referenced without incurring further litigation expense, and following discussions among counsel for the Planning Board and counsel for the Applicant concerning same hereby proposes this resolution which if adopted and approved would in accordance with the conditions and other matters set forth herein approve the Revised Site Plan Application and also fully and finally resolve the Litigation conditioned on Judge Reed approving same pursuant to an Order in a form acceptable to Planning Board counsel.

NOW, THEREFORE BE IT RESOLVED that the Revised Site Plan Application of Lynaugh Road Properties, LLC, for Preliminary/Final Site Plan approval based on the application submitted on behalf of the Applicant by BME Associates, dated June 2018, last revised July 31, 2018, Planning Board Application No. 19-SP-17, BE CONDITIONALLY APPROVED; and,

BE IT FURTHER RESOLVED, The Town of Victor Planning Board hereby requires, as conditions of site plan approval, the following:

1. To the satisfaction of the Town Engineer, a scaled site plan submission document be filed with the Town and the Town Engineer that depicts site boundaries and property owner information; existing conditions and demolition plan; location and dimensions of condominium townhouses; location and dimensions of proposed easements; proposed road layout and rights-of-way dimensions; parking to be constructed and land bank parking areas; pedestrian accommodations such as sidewalks and crosswalks; water main, sanitary and storm sewer layout, including pipe materials, dimensions and slope; utility manholes and associated details; stormwater management facilities; grading plan showing existing and proposed contours at intervals of not more than two (2) feet; a construction and erosion control plan; lateral plan; landscaping plan depicting landscaping and screening, grading for the overall site and building foundation plantings; lighting plan; roadway and utility profiles; and detail sheets (“the Final Site Plan Submission”).
2. That the Applicant obtain approval from the Village of Victor Planning Board for the Bio-Retention area and any other facilities serving Sections 1, 2 and 3 of the Project located in the Village. Further, under no circumstances shall a building permit be issued for the Project by the Town for any phase of the Project unless and until the approvals for those facilities associated with Sections 1, 2 and 3 of the Project are issued by the Village because the project as designed is one integrated development located in the Village and the Town. Further, the Applicant should not proceed with Section 4 of the Project (other than approved facilities serving Sections 1, 2 and 3 of the Project) without necessary approvals for that portion of the Project, including but not limited to any site plan, subdivision or other approval the Village may require.
3. The elevations and architecture of the proposed condominium townhomes, including those associated with the front, rear and sides of same shall be set out in the Final Site Plan Submission and shall be consistent with the colored renderings and elevations drawn by James Fahy Design Associates received by the Planning Board on September 7, 2018 which consistency shall be determined by the Town Engineer who shall in making such determination consult with the Architectural Review Board and the Town Planning Board.
4. That for the proposed Section 4 portion of the Project to be located within the Village, the Applicant incorporate engineering measures into it, including membrane backstops at field inlets and interceptor drains between inlets to direct infiltration away from the residences on East Parkway to the satisfaction of the Town Engineer and as required by the Village. This effort is intended to lessen the potential for groundwater flow towards East Parkway, as noted in the January 2, 2018 Memorandum from LaBella Associates to the Town’s Project Coordinator. A copy of the approved plans for Section 4 shall be provided to the Town Engineer to verify such engineering measures are provided to the Town Engineer’s satisfaction.

5. That the overflow parking (land bank) spaces be depicted on the Final Site Plan Submission and be constructed at the Condominium HOA's expense. Furthermore, the Condominium HOA shall notify the Town, in writing, of its intent to install the parking, and that confirm such parking will be constructed in conformance with the Final Site Plan Submission when and if the Condominium HOA decides to install the parking in the future. The Condominium HOA shall be responsible for maintenance and snow removal for the overflow parking. A Note shall be affixed to the Final Site Plan Submission indicating maintenance and snow removal are the responsibility of the Condominium HOA.

6. That the Applicant construct the traffic calming measures depicted on the Final Site Plan Submission including as described in the May 9, 2018 letter by the Town's Traffic Engineer, CPL, including:

a. Entrance (Intersection) warning signs on both Church Street and Lynaugh Road in both the north and southbound direction. This would also satisfy the Ontario County DPW comment 5 noted in the Ontario County Planning Board's minutes.

b. Creation and/or enhancing the transition zone with the following gateway treatments to include tree plantings, welcome signs, and lighting within the transition zone between the Village and Town, as well as the property access points to the satisfaction of the Town Engineer in consultation with the Town Traffic Engineer. These measures shall give the appearance of a narrow corridor and provide a visual cue to drivers that they are entering a different type of environment and should modify their driving to a slower speed. However, such treatments shall not create sight distance issues on roadway curves and side streets.

c. Upgrade to the "Speed Zone Ahead" sign on Lynaugh Road to comply with standards within the Manual of Uniform Traffic Control Devices (MUTCD) to the satisfaction of the Town Engineer in consultation with the Town Traffic Engineer.

7. That as required by Section 211-25 B(4)(e)[1] of the Victor Town Code, and to the satisfaction of the Town Engineer, the Final Site Plan Submission must provide a ten-foot wide landscaped area along all property lines, excluding points of ingress and egress. The landscaped area must be densely planted with a mixture of shrubs and trees, which shall be no less than six-foot high at the time of planting, to create an opaque screen to the satisfaction of the Town Engineer. The ten-foot wide landscaped buffer must be depicted on the Landscape Plan and planted along the municipal boundary line of the Town and Village of Victor, along the lots identified as "12V" through "16V" noted within future Section 4 of the project.

8. That to the satisfaction of the Town Engineer, the Applicant depict lighting on the Final Site Plan Submission that is full cutoff, as required by Chapter 131 of the Victor Town Code, and that catalog cut sheets be submitted to the Town's Code Enforcement Officer for he or she to verify that proposed light fixtures comply with Chapter 131 of the Victor Town Code.

9. In addition to the landscape screening, to the satisfaction of the Town Engineer, the Applicant shall construct a six-foot tall wooden stockade fence and it shall be depicted on the Final Site Submission along the northern property line of the project, which will serve as a

boundary between the Project and properties with tax map numbers 16.00-01-45.1 and 16.00-01-43.2. Furthermore, the Condominium HOA shall be responsible for maintenance and upkeep of said fence.

10. To the extent Ontario County requires the Applicant to participate in and be a part of a sidewalk and/or storm sewer crossing encroachment agreement, that the Applicant work with the Town's Project Coordinator to execute such agreements.

11. That in order to be effective the Final Site Plan Submission must be stamped by a Planning Board representative or signed by the Town Engineer.

12. No final signature/stamp in accordance with condition 11 can be affixed on the Final Site Plan Submission until and unless all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.

13. That the comments in a letter dated September 5, 2018 from LaBella Associates shall be addressed to the satisfaction of the Town Engineer; including comments related to the clarity of steep slope depiction, accessibility of stormwater management facilities and bio retention areas, storm sewer velocity, erosion and sediment control sequence, submission of a Stormwater Pollution Prevention Plan (SWPPP), sewer district extension, lighting district, and letter of credit.

14. That comments from the Town Highway Superintendent dated September 10, 2018 be addressed to the satisfaction of the Town Engineer, including the need for the cul-de-sac to be designed and depicted on the Final Site Plan to meet the Town's Design and Construction Standards, including the radius at the entrance to the cul-de-sac, and that the turnaround in Section 3 be depicted on the Final Site Plan to meet the Town's Design and Construction Standards.

15. That comments from Town of Farmington Water & Sewer dated August 4, 2018 shall be addressed, including resolving details of sanitary lateral size, materials, fittings and clean outs.

16. That the activity related to trucking in and placing fill, or removing topsoil and earth be limited to the hours of 8:00 AM to 5:00 PM, and may occur Monday through Friday only, and not on Saturdays or Sundays. Any trucks used to transport fill, topsoil or earth shall be covered. Any trucks delivering fill or removing topsoil / earth shall not utilize "Jake Brakes" nor exceed posted speed limits on Church Street or Lynaugh Road.

Ongoing conditions:

1. That the Revised Site Plan for Sections 1, 2 and 3 of the Project, as depicted in the Final Site Plan Submission comply to the satisfaction of the Town Engineer with Town of Victor Design and Construction Standards for Land Development.

2. Two-year Maintenance Bonds shall be filed by the Applicant with the Town for all improvements to be offered to the Town for dedication. That such Maintenance bonds be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town and be in a form deemed acceptable by the Town Engineer and the Town Attorney.

3. Should underground water conditions be encountered during construction, the Applicant shall address the encroachment and impact of same to the satisfaction of the Town Engineer.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board’s approval letter to include the Village of Victor, 60 East Main Street, Victor, NY 14564.

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

Approved 3 Ayes, 2 Opposed

Chairman Santoro –We are required to do this. This was the Judge’s decision. We have gone thru the process and we have reached the end. There are a lot of conditions in here that are going to be followed both by our Engineer, our Code Enforcement Officer, and our Traffic Engineer. There is still some work to do. The Architectural Review Committee has to review the elevations when they are presented in final form as well as the full Planning Board. This is going to be an ongoing project. For tonight this is all we are going to do.

Mr. Logan – Architectural Review Committee When we get together it is open to the public and they can see what we are looking at. That will be in the Agenda for future meetings.

Chairman Santoro – We have not done that in the past. The committee has been to two members. We will make this available to the public as well.

**PUBLIC HEARING**

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

**JOHN WELCH POLE BARN**  
6900 Cherry Street

11-SP-19  
Zoned – Residential 2

Owner – John Welch

Applicant is requesting to build a 4,000 square foot pole barn with a wood frame and metal sides on his property at 6900 Cherry Street.

John Welch of John Welch Enterprise.

Mr. Welch – I am requesting a pole barn to be built on my property at 6900 Cherry Street, 4,000 sf. For simple storage.

Chairman Santoro – Anyone from the public wish to comment or ask questions?

George Duvall of 7051 Cherry Street

Mr. Duvall – My family they own property on both sides of the road and they are not so much concerned about the barn itself. They are concerned about the mountain of dirt that has been ongoing for the last 10 years. It is a little bit of an eyesore. There are multiple trucks that bring soil in and soil going out and is never ending. With the site plan I do not know what John's plans are for that with him putting up the pole barn.

Chairman Santoro – Do you have an answer for him?

Mr. Welch – What is the question?

Chairman Santoro – There is a lot of dirt that has been stored there and it goes away and comes back and goes away and comes back and he would like to know if that is going to continue?

Mr. Welch – I don't see an end to that.

Chairman Santoro – What do you use it for?

Mr. Welch – It is topsoil. I use it for all sorts of projects. It is screened topsoil.

Chairman Santoro – Is this an Agricultural District?

Mr. Welch – It is.

*Inaudible from public*

Eric Marshal of 1676 Route 444

Mr. Marshal – I just wanted to say that I have no problem with the barn but if this sets precedent, which I was told last time I was here. I would like to build a barn of the same size. Just wanted it to be noted. You told me it was a precedent.

Mr. Pettee – The site plan application is strictly for the pole barn. We understand that you have a concern with ongoing operations there at this site. I don't think the pole barn is at all involved with the transport of the soil other than storing vehicles in that pole barn. I seems like maybe your question or concern can be brought to the Towns Building Department and resolved thru there.

Mr. Duvall – Its part of the site where the barns going. He has a large pad for the parking lot and he keeps adding to the parking lot and there is a mountain of topsoil not just a 100 yards of topsoil. It seems like it should be resolved with the plan to build on that property.

Chairman Santoro – All he is asking for in this application is approval of a pole barn.

Mr. Pettee – Mr. Welch can you verify the proximity of the topsoil stockpile to where the proposed pole barn would be.

Mr. Welch – The face or front of the pole barn on Cherry Street would be about 85 feet off of Cherry Street. The topsoil pile is about 450 feet off of Cherry Street. The barn is going to be a sharp looking barn, two toned, super clean and allow me an opportunity to put somethings that are scattered around outside inside and kind of neaten things up. That is my plan.

Chairman Santoro – It is has been stated that if you have a problem with storage of soil you need to go to a Code Enforcement Officer and see what he thinks about it. We are just approving the barn here at this meeting.

Mr. Duvall – I just wanted to bring it to John's attention. You are tidying things up and possibly do something with that mountain of soil.

Chairman Santoro – Right now you are string equipment outside and that will get that out of your line of sight.

Mr. Duvall – I don't have a problem with the barn but this mountain of soil has been there for 10 years it just keeps adding.

Chairman Santoro – It is subtracting to I guess.

Mr. Duvall – It is getting progressively larger and larger. Definitely more coming in then going out.

Mr. Logan – I have a question regarding that topic in general is that it is an agriculturally zoned parcel but this is a commercial application in an agricultural area. This is a construction operation or agricultural operation?

Chairman Santoro – There was a comment that it was an R2.

Mr. Welch – We are a landscape business. We have a small nursery and tree growing operation for our landscape business. We take those plants out and plant them in our business. A dozen years ago I came in front of a couple of Boards here, ZBA and others, to get approved to run that operation in the Ag District.

Mr. Logan – So you have a Use Variance is what Kim was just noting?

Mr. Welch – Here we are a dozen years later, I think 2006, in a position where I can think I can get a building built and tighten things up and get them inside. The topsoil operation is all under that umbrella. If we have opportunity to get soil from like say a Gullace Project, where they need to haul that soil away, we would take that free soil and screen it and ship out the screened topsoil. That's what we do.

Chairman Santoro – I am advised that it is a County Agricultural District.

Mr. Pettee – The Town has a zoning classification for this property. It is in the residential 2 zoning District. That is a local designation that is specifically to the Town of Victor. There is also a County Agricultural District that overlays this property. You have the local zoning district and the County Ag District. He has a Use Variance to operate the business that he is conducting currently today.

Mr. Logan – My concern Mr. Welch was, you have the variance which is fine and very much in favor putting in the barn, dust and noise from the operation of topsoil. I do not know if there is anything you can do to mitigate that concern. I know you are going to be bringing things in and out.

Mr. Welch – George here is a farmer, which I am fine with. Their operation makes noise and dust as well. They are in Bloomfield. Their chickens run into my yard all the time, I do not care. I am as good as neighbor with anybody with that. We are not running late. We come back normal business hours and close up and disappear. It is not an all weekend, all night operation.

Mr. Logan – I agree with Ernie that if anyone has an issue with the operations there they certainly should come to Town Code Enforcement and see if there is anything you are in violation. That is where the proper venue would be. As far as looking at the barn I do not have a problem with the barn to maintain equipment. I just want to make sure it is properly sighted and good neighbor with the look of the barn.

Mr. Duvall – I just wanted to bring it up and like I said if you can do something with it, it would be nice. It reflects the farming landscape when you come down 444 towards Bloomfield.

Chairman Santoro – Perhaps you can discuss it outside the confines of this meeting.

Ms. Zollo – Can you use the laser pointer and show me where on the property the barn will be situated. Your home is also on this parcel.

Mr. Welch – This is the parcel of my home but I also own this land and this land here. Which I think, that is why I am here. My house is here and it is a different parcel.

Ms. Zollo – I wanted to get in my head and from here I couldn't really tell. You also mentioned it is going to be a sharp looking barn, do you have any drawings?

Mr. Welch – I do have a drawing but I did change the color. Real similar to this *Passes out drawing to Board Members*

Ms. Zollo – You are changing the colors?

Mr. Welch – I am taking it to a gray and a black instead of red and tan.

Mr. Logan – Are you planning office space inside, I know it is not heated?

Mr. Welch – At this point I have no plan for anything like that. I just really want to clean the place up. The 100 feet will run parallel to 444 and the 40 feet wide will face Cherry Street.

Mr. Gallina – My only concern was around the elevations, I think it is a good looking structure.

Mr. Logan – I think the CEO had a question about the setbacks.

Mr. Welch – I did read the Ontario County comments and they did make reference that as long as I adhere to setbacks. I think I am well within that.

Mr. Logan – I am reading the comments. Driveway access across the street, whether two driveways are appropriate for this area. I do not see why you wouldn't want two driveways with trucks going in and out of there if that is what they are referring to. You have two entrances correct?

Mr. Welch – Yes I do.

Mr. Logan – You do not own the corner parcel correct?

Mr. Welch – Not yet. I told him whenever he is ready to sell I will buy it.

Mr. Logan – The peak of the barn is 28 feet. You have 40 x 100.

Mr. Welch – The peak will not exceed 28 feet that is because I want to do an 18 foot ceiling. I want to have one 14 foot door. I do have a loader and would like to get that inside.

Mr. Pettee - I do have a couple questions for the applicant. Although we did not produce a comment letter on this there wasn't a whole lot to comment on. Could you clarify whether there is proposed plumbing here or bathroom service?

Mr. Welch – No nothing like that at all. There is no sewer there at all. I am in a septic district.

Mr. Pettee- What is the current surface where the barn is going to go? Is it crushed stone?

Mr. Welch – Crushed stone topped with millings. When they did 444 I brought some millings in.

Mr. Pettee- We did take a look at the drainage in terms of where the water flows on the parcel and considering the current surface conditions of crushed stone and millings on top, you have already got an impervious surface. You are adding another impervious surface on top of an impervious surface. We did look at the grades and drainage and there does not appear to be any concerns in that regard.

Chairman Santoro – Motion to close public hearing Joe Logan, second Al Gallina.

RESOLUTION

Motion made by Rich Seiter, seconded by Heather Gallina.

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

1. A site plan application was received on March 19, 2019 by the Secretary of the Planning Board for John Welch – Pole Barn.
2. It is the intent of the applicant to construct a 4,000 square foot free standing pole barn for cold storage.
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 April 23, 2019 at which time the public was permitted to speak on this application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Code Enforcement Officer reviewed the application on March 29, 2019.
7. The Ontario County Planning Board reviewed the application on April 10, 2019 and returned it to the referring agency with a recommendation for approval with comments.

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

RESOLVED, that the project, John Welch – Pole Barn, 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 Welch, 1723 State Route 444, Victor, New York, for the construction of a 4,000 square foot pole barn on property located at 6900 Cherry

Street, received by the Planning Board March 19, 2019, Planning Board Application No. 11-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 5.
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
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Opposed

**TAHVEN ASSOCIATES**

7398-7400 NYS Route 96

Owner – Pel associates

9-SP-19

Zoned – Commercial

Applicant is requesting to remove 11 parallel parking spaces along NYS Route 96. The existing 42 space parking will be expanded to 67 spaces.

Matt Tomlinson from Marathon Engineering

Mr. Tomlinson – Here to talk about 7398-7400 NYS Route 96. The rendering is up on the screen. It was presented two weeks ago but we were not in time with the original submission to meet the County Planning cutoff. We attended that on the 10<sup>th</sup> and our back tonight to hopefully obtain approvals. I am more than happy to go thru the presentation as far as what we are proposing. I would like to just give an update on what we have modified since the last time we were her if that is appropriate.

Chairman Santoro – I don’t think Heather was here last time so just give a brief overview.

Mr. Tomlinson – So we are proposing a Tahven Associates as a medical office use and is going to be repurposing a portion of the building. The Spa that is on the southern side of the building is going to remain. We are proposing to remove the parallel parking spaces that are currently exist along the edge towards 96. They are 11 spaces there currently and then add 25 permitted spaces on both the north and south ends of the building. We met with Town staff to review and get a determination on the existing variances that we had back when the parking was installed Route 96. It was determined that we were in compliance with those existing variances which included a zero foot setback from the parking to the Route 96. There was a middle in fill building approved back in 2004 when this project was constructed with those parking improvements and storm water management facility installed on the north side at that time. Since we appeared back on the 9<sup>th</sup> with you folks. We have addressed in writing comments received from LaBella Associates, as well as Code Enforcement.

We did receive a comment from County Planning with regards to the State DOT asking us to ensure that no additional drainage was discharged to the Route 96 storm sewer system which is State DOT owned. We provided storm calculations including routing the additional impervious areas thru the existing storm water management facility. I believe there is still an outstanding question related to the outlet pipe sizing of that storm water management facility which we will be working with LaBella during the final review process prior to getting any signatures on the plans.

In addition there was one additional comment from the Code Enforcement Officer regarding some additional landscaping material that was not installed back when the project was constructed in 2004. We will work with him to ensure that we comply with any requirements that the Town may have with regards to that landscaping. Everything else we have addressed in writing I believe we have agreed to include the existing signage. Out at the front of the road there is intended to only be building mounted signage for this property and I also forwarded comments from the State DOT with regard to that County Planning comment. I was corresponding with Greg Chouce regarding that and I believe we satisfactorily answered his questions with regard to that as well.

With that I would be happy to any questions that the Planning Board may have.

Chairman Santoro – Anyone from the public have any comment or question? *There was none.* Being that case we will go to the Board.

Ms. Zollo – The salon will remain and you will be taking the remainder of the property for the medical office? *Correct* Do you have any proposal for the landscape that you are going to create that was not put in during the last renovation?

Mr. Tomlinson – There is several dead trees on the south side of the property. We are proposing to plant three street trees towards the end of the parking to provide a buffer to Rowley Road. Other than that we have been provided a copy of the previously approved plan by Code Enforcement. Primarily a couple of plants up by the storm water management facility and a couple of foundation plantings immediately adjacent to the building. We will work with them to make sure we are satisfying those concerns.

Mr. Logan – Was trying to see if Code Enforcement addressed the number off parking spaces that are required for a medical building and the spa. My concern is do you have enough parking when you are done with all this to service both tenants.

Mr. Tomlinson – We would love to fit more but we only have so much space out here. Yes we believe that we do. By the letter of the zoning, I believe 53/55 spaces is what is technically required and taken into account the net requirement that the Town has in their zoning. We believe that the hours will work somewhat in favor where the salon may not be as busy in the morning as the medical office and provide some overlap there. The site is under parked currently so we will only be making situation better.

Mr. Logan – It is under parked for the rug carpet dealership and the spa. So as you put medical involved you have people and doctors, nurses and staff in addition to half a dozen patients an hour?

Mr. Tomlinson – I have the applicant here to answer any questions.

Dr. Sherrif Ibrahim owner of the building as well as medical practice.

Dr. Ibrahim – We have had some discussions with the salon owners as well in that they do not open till 10 am and do not have clients until about noon and most of their clients are on the weekends. Whereas we are going to be open about 7:30 am and start finishing up around 3pm. So really the hours offset each other quite a bit.

Mr. Logan – Every time I come home around 4/4:30 there is a lot of cars out there.

Dr. Ibrahim – We do plan on being done by then.

Mr. Logan – There was another comment that, I think Wes is writing into the resolution, regarding underground springs or drainage. I know that when the building was expanded last time there was a problem with runoff. I think when you were here last you commented on runoff

from Rowley Road. I do not know if it was totally from Rowley or there was an underground spring that was some of that as well.

Mr. Gallina – I just have one question. There was one drawing received on April 23 that shows towards middle of the building a proposed addition.

Mr. Tomlinson – That is the original approved plan that was provided as reference to us for the landscaping that was not installed back then. That is what we will be working with them on.

Chairman Santoro – Motion to close the public hearing by Joe Logan, seconded by Rich Seiter.

### RESOLUTION

Motion made by Joe Logan as amended, seconded by Heather Zollo.

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

1. A site plan application was received on March 5, 2019 by the Secretary of the Planning Board for a Site Plan entitled Tahven Associates, LLC, Parking Improvement.
2. It is the intent of the applicant to change the use of the building from retail use to medical office for the portion of the building know as 7400 State Route 96 and to remove 11 parallel parking spaces along east property line along Route 96 and expand the existing 42 spaces to 67 spaces.
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 April 23, 2019 at which time the public was

permitted to speak on their application.

5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On April 10, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 2 with a recommendation of approval with comments and modification.
7. The Code Enforcement Officer reviewed the site plan change of use and modification on March 29, 2019.
8. Labella Associates reviewed the application on April 2, 2019 and made comments.

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

RESOLVED, that the project, Tahven Associates Parking Improvements, 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 Tahven Associates, LLC, 230 Alpine Drive, Rochester, New York, Site Plan entitled Tahven Associates, LLC, Parking Improvements, drawn by Marathon Engineering, dated February 2019, last revised April 2019, received by the Planning Board March 5, 2019, Planning Board Application No. 9-SP-19, 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 April 2, 2019 from LaBella Associates be addressed.
3. That comments from Al Benedict, Code Enforcement Officer, dated March 29, 2019 be addressed.
4. That the applicant provide to the satisfaction of the Town Engineer, information or analysis regarding the developments impact on groundwater due to previous encounters with groundwater for projects on this site.

**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 or groundwater conditions be encountered during construction, the Developer is to address the encroachment and impact to the underground stream or groundwater conditions 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
Heather Zollo	Aye
Rich Seiter	Aye

Motion passed 5 in favor, 0 Opposed

**WOODS AT VALENTOWN**

35-SP-18

High Point Drive

Zoned – Planned Development District

Owner – Woods at Valentown, LLC

Acreage – 56.87

Applicant is requesting approval to construct 288 for rent apartments within 12 buildings on 56.87 acres. The project will consist of underground parking and the buildings will be 3 stories for a maximum height of 48 feet. *Review of Part II & III of SEQR*

James Cretkos with BME Associates and with Fred Rainaldi the applicant.

Mr. Cretkos – Want to give you a quick update from the last time we were here which was March 12, 2019. We have done a couple of items some more extensive than the other. The first thing we did we provided the point plots to the Code Enforcement Officer, Al Benedict, issued a letter dating March 22<sup>nd</sup> stating he has no further comments. The main item we have been working on is the coordination with the water authority as well as the fire department to address some of the concerns the fire service had with the available water supply out at the site. We worked with another consultant to complete this analysis. The first thing we were able to do was

obtain two actual field flow test that is actually pretty difficult to do. The applicant did have to pay the water authority to complete those tasks for the applicant. We wanted to make sure we were using the most accurate and up to date data available because life safety is a very important feature to the Rainaldi's.

So with that we worked with and completed an analysis based on the proposed building construction materials, type of occupancy, basically the final engineering components for the sprinkler system and what the actual demands and pressures would be required so we could have actual data to incorporate into the model. Using that information as well as the flow test. We were able to fine tune and expand the hydraulic model of the site. With that and the updated demands we were able to model the actual conditions that we observed.

What we found was that we have enough water supply out here to support the sprinkler system demands as well as pulling a thousand gallons a minute out of any hydrant without dropping the system below 20 psi, which is a water authority standard. Basically what it boils down to is that we are well above and beyond what the regulations are for the fire water supply. A report was put together that was provided to the fire department when we met with them last Thursday. After that meeting we reviewed our findings and will still be proposing a Pump Station that will be at the northern part of the road where section 2, 3, and 4 come off. It is still consistent with what we had before but basically what we are able to determine is how much draw can we put on to the municipal system without causing a reduction in pressure and what we found is there is a lot more water available then what the water authority originally told us. The real data allowed us to fine tune our model and gave us something to check against since they gave us multiple flow tests. We were also able to compare it to the Steel Road tanks. We modeled all the way back to the water tower tank, so we had three points of check to make sure our model was accurate. With that we met last Thursday, the Fire Department took the information we provided and reviewed it offline a little bit. Friday Bob Graham issued a letter that determined that all of their concerns had been addressed. That is what we have been up to the last month and a half. We wanted to make sure the Fire Department concerns were adequately addressed before we moved any further. We would like to continue and finish up the SEQR and then moving into Site Plan approval.

Chairman Santoro – Any comments from the public? *None*

Mr. Pettee – As I recall, on or about March 12<sup>th</sup> we reviewed a draft of Part 3 of SEQR. Part 3 provides the reason and support of the determination of significance. Lead agency, this Planning Board, is responsible for completing Part 3. For every question in Part 2 where the impact had been identified as potentially moderate to large, or where there was a need to explain why a particular element of the proposed action will or will not or may result in a significant adverse environmental impact. After the feedback we received at the March 12 Planning Board meeting, the feedback I received from you, the Planning Board members, we did provide an updated draft March 26, 2019 of this Part 3 and there are highlighted portions of this in yellow. If you would like we can read thru those, they are fairly short.

On page 2 under topic **Impact on Historic and Archeological Resources**

The proposed action may occur in or adjacent to a historic or archaeological resource.

This was in reference to the SHPO letter that was received.

- a. *The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.*

**No or small impact may occur.** The project does not request or propose any modifications to the historical properties located within the vicinity of the Woods at Valentown. The proposed apartment buildings will be placed in locations consistent with the previously approved development plan for the townhouse units. Archeological Phase I and II studies have already been completed for the project. Two potential pre-contact sites were found during the archeological review. Those sites were further investigated and the minimal archeological resources found have been removed. The New York State Office of Parks, Recreation and Historic Preservation issued a letter dated August 13, 2007 indicating they had no further archaeological concerns.

The currently depicted Section 4 expansion area (formerly Conifer Village at Eastview), now included in the overall project, and has been reviewed by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP issued a November 7, 2017 letter (17PR02246) regarding the Woods at Valentown Phase 5 Development that indicates *“Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation’s opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and Nation Registers of Historic Places.”*

Based on the foregoing, there will be no significant adverse impact on the environment with respects to historic and archeological resources.

Page 5 has to do with **Consistency with Community Plans** and we are talking about the sanitary sewer in this instance. In considerate the additional text that we added after the March 12<sup>th</sup> meeting includes:

In consideration of the aforementioned January 18, 2019 LaBella letter, the Town Engineer also feels that future evaluation of PS-18 and downstream sewer infrastructure could be performed prior to a Certificate of Occupancy being provided for a “model” apartment building to determine whether the conveyance system could accommodate a single “model” apartment building. Any approving resolution considered by the Planning Board should include a condition that requires that a Certificate of Occupancy NOT be provided for any building until such time that either one of the following is met:

1. An updated evaluation by the Town Engineer is performed to determine whether the sanitary sewer conveyance system could accommodate anticipated flows for buildings where a Certificate of Occupancy is being

sought, if said Certificate of Occupancy is sought prior to the completion and operation of the Town's 2018 Sanitary Conveyance Improvements Project.

2. Upon confirmation from the Town Engineer, the 2018 Sanitary Conveyance Improvements Project is on-line and operational to accommodate sewer flows from the Woods at Valentown project.

So those are the elements that we added to Part 3. Just to update the Planning Board while we are talking about Pump Station 18. My understanding is last night the Town Board did issue a bid award for the Town Sewer Project a 9 million dollar sanitary sewer project, which includes Pump Station 18. We anticipate the project is going to construction early May 2019.

Mr. Gallina – I think you accurately captured the comments from our last session.

Mr. Pettee – We have a Draft SEQR resolution that I would be happy to read that.

## RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS, on or about December 5, 2018 the Secretary of the Planning Board received a site plan Application (the "Application") from Woods at Valentown, LLC (the "Applicant") for the Woods at Valentown Apartments to be located on High Point Drive, Victor, NY; and,

WHEREAS, it is the intent of the Applicant to construct twelve apartment buildings consisting of 288 apartment units, one clubhouse and associated amenities as depicted in the set of site plan drawings by BME Associates dated December 2018, last revised March 6, 2019, where development would be conducted within a project area of approximately 56.87-acres; and,

WHEREAS, the Town of Victor Planning Board passed a resolution at the January 8, 2019 Planning Board meeting classifying the Action as Type I pursuant to the State Environmental

Quality Review Act (“SEQR”), and initiated a Lead Agency coordination process as part of the same resolution so as to set forth their intent to serve as Lead Agency; and,

WHEREAS, on or about January 9, 2019 letters were duly sent to all involved agencies setting forth the Victor Planning Board’s intent to serve as Lead Agency for SEQR; and,

WHEREAS, subsequent to the Lead Agency coordination process, the Town of Victor Planning Board passed a resolution on February 12, 2019 affirming their status as Lead Agency; and,

WHEREAS, the applicant has submitted part 1 of the Long Environmental Assessment Form (“EAF”) regarding said Application; and,

WHEREAS, with the assistance of its consultants, including the Town Engineer, the Town Traffic Consultant, as well as Town Staff, the Victor Planning Board has carefully examined the EAF, the Application, all materials accompanying the Application, and all other materials related thereto, including information and comments offered at its meetings; and,

WHEREAS, at the request of the Planning Board, the Town Engineer has prepared Part 2 of the EAF as well as Part 3 of the EAF for the Planning Board’s consideration; now, therefore, be it

RESOLVED, that the Town of Victor Planning Board has evaluated the Project and the Long Environmental Assessment Form using the criteria for determining significance identified in 6 NYCRR Section 617.7 (c) (1) and in accordance with 6 NYCRR Section 617.7 (c) (2) and (3), and although potential environmental impacts were identified with this Action, none of the impacts were found to be significant; and be it further

RESOLVED, that the Application, Woods at Valentown Apartments, will not have a significant adverse environmental impact, and the Town of Victor Planning Board hereby issues a Negative Declaration of Environmental Significance, as indicated in the attached SEQR Full Environmental Assessment Form, Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance; and be it further

RESOLVED, that the Victor Planning Board’s adoption of the Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law of the State of New York and implemented under 6 NYCRR Part 617; and be it further

RESOLVED, that notice of this Resolution and the Notice of Negative Declaration shall be filed to the extent required by the applicable regulations under SEQR and/or any other relevant statute or regulation; and be it further

RESOLVED, that the Chairman of the Planning Board be and hereby is authorized to execute any further documents that may be required to complete the issuance of the Negative Declaration authorized herein.

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

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

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

Motion passed 4 in favor, 1 Opposed

Mr. Pettee- Following up with the SEQR resolution, we have a Draft approval for Site Plan approval.

## 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 (the "Application") was received on December 5, 2018 by the Secretary of the Planning Board from Woods at Valentown, LLC (the "Applicant") for a Site Plan entitled Woods at Valentown.
2. It is the intent of the Applicant to construct twelve apartment buildings consisting of 288 for-rent apartment units, one clubhouse and associated amenities as depicted in the set of site plan drawings by BME Associates dated December 2018, last revised March 6, 2019, where development would be conducted within a project area of approximately 56.87-acres (the "Action").
3. The Application is generally in conformance with the Preliminary Development Plan drawn by BME Associates, dated August 2017, last revised March 26, 2018, adopted by the Victor Town Board on July 9, 2018. The Application, in fact has fewer units (288)

and apartment buildings (12) than were approved by the Town Board as part of the Preliminary Development Plan (294 units and 14 apartment buildings).

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-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.
5. The Planning Board held a public hearing on January 8, 2019, January 23, 2019, February 12, 2019 and February 26, 2019 at which time the public was permitted to speak on the Application.
6. The Action is classified as a Type 1 Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the Applicant provided Part I of the Long Environmental Assessment Form.
7. The Town Planning Board declared its intent to serve as SEQR Lead Agency on January 8, 2019 and affirmed Lead Agency status on February 12, 2019.
8. On April 23, 2019, the Town Planning Board completed a thorough review of the environmental record, including, but not limited to the Long Environmental Assessment Form and associated attachments and issued a SEQR Negative Declaration for the project.
9. The Conservation Board reviewed the project on December 18, 2018 and made comments on limits of disturbance, erosion control, and types of conservation easements.
10. The Application was referred to the Ontario County Planning Board under Section 239-m of the General Municipal Law. On January 9, 2019 Ontario County Planning Board referred the Application back to the referring agency as a Class 1 with comments.
11. In response to concerns expressed by the neighboring residential property owner to the southwest of Section 4, the Applicant has included an additional nine (9) White Fir evergreen trees that are intended to screen vehicle headlights from the existing residence, as was presented at the March 12, 2019 Planning Board meeting.

NOW, THEREFORE BE IT RESOLVED that the Application of Woods at Valentown, LLC, 205 St. Paul Street, Suite 210, Rochester, New York, Site Plan entitled Woods at Valentown, drawn by BME Associates, dated December 2018, last revised March 6, 2019, received by the Planning Board December 5, 2018, Planning Board Application No. 35-SP-18, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated January 18, 2019 from LaBella Associates be addressed.
3. That comments from the Fire Marshal dated January 29, 2019 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. 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 (10%) of the final construction cost, as determined by the Engineer for the Town.
3. 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.
4. The building design plan shall be consistent with the architectural/landscape details as shown on the elevations and details drawn by Hanlon Architects and dated December 26, 2018 as discussed at the March 26, 2019 Planning Board meeting.
5. That no Certificate of Occupancy shall be issued for any building until such time that at least one of the following is met:
  - a. That an updated sanitary sewer conveyance system evaluation is performed by the Town Engineer, and the Town Engineer confirms in writing that the sanitary sewer conveyance system could accommodate anticipated flows for buildings where a Certificate of Occupancy is being sought, if said Certificate of Occupancy is sought prior to the completion and operation of the Town's 2018 Sanitary Conveyance Improvements Project (also known as the Auburn Trail Sanitary Sewer Project).
  - b. That upon written confirmation from the Town Engineer, the 2018 Sanitary Conveyance Improvements Project is on-line and operating, and that such confirmation indicates that sewer flows from the Woods at Valentown Project can be accommodated.

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
Heather Zollo	Nay
Al Gallina	Aye
Rich Seiter	Nay

Approved 3 Ayes, 2 Opposed

There were no other discussions.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 8:26 PM

Lisa Boughton, Secretary

