

A regular meeting of the Town of Victor Planning Board was held on April 26, 2022, at 7:00 p.m. with the following members present:

PRESENT: Ernie Santoro, Chairman; Joe Logan, Vice-Chairman; Scott Harter; Al Gallina; Joe Limbeck

ABSENT: Al Gallina

OTHERS: Dave Nankin, Skye Hansen, Greg VanGordon, Katie Van Gordon, Bryan Tempio, Scott Reinhart, Wes Pettee, Town Engineer; Councilman Ed Kahovec, Councilman Dave Condon, Suzy Mandrino, Confidential Secretary to the Town Supervisor; 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 Joe Limbeck, seconded by Scott Harter:

RESOLVED, that the minutes of the meeting held on April 12, 2022, BE APPROVED.

Adopted Ayes 3, Nays 0, 2 Absent

CORRESPONDENCE:

Peter Vars of BME Associates re: Delta Sonic Car Wash
Dave Anderson re: TNT Fireworks Tent

BOARDS AND COMMITTEE UPDATES:

Town Board representative Dave Condon and Ed Kahovec were present.

Mr. Condon – When McMahon Road opened in the 60’s there were two driving forces from Farmington, *inaudible* and the racetrack. Those were the driving forces to bring sewer to the Farmington. Victor gave them that land and it started the sewer project, and it is hard to believe the Eastview Mall is 50 years old. We have done a great job with the Auburn Trail and few years ago we put 9 million dollars into bringing the sewer line down the Auburn Trail. We are trying to stay ahead of the game with our pump stations. You guys are well aware of what is going on East Victor Road. We know that that pump station is not going to be able to handle the capacity. We put something out to bid a while ago and we missed the mark on it, so we basically

went with a consolidation with Labella and said these projects are three or four years out, lets combine them and for cost savings now. We are working on five pump stations with two that are underground and at capacity and need to be brought up above ground. It is a 4-million-dollar project. I wanted you to be aware that moving forward that the Town Board is pushing forward to get these upgrades.

It was interesting last night with Stormwater Management, Keith Maynard, was making the presentation when the storm came thru. As we move back to some normalcy there will be a Memorial Day Parade on the 30th of May, and it is coming back.

PLANNING BOARD reported by Kim Kinsella

Tuesday May 10, 2022

PUBLIC HEARINGS

- Dish Wireless at Baker Road, located at 90 Baker Road, 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.
- Haskell Shed, located at 7940 Oak Brook Circle, applicant is requesting approval to construct a metallic 8 x 10-foot shed. The shed is pre-existing.
- Tovstukha Addition Modification, located at 1135 Willis Hill Road, applicant is requesting approval to modify an approved addition by reducing the height and depth of the structure.
- Auction Direct Pavement Expansion, located at 6520 State Route 96, applicant is requesting approval to extend the front lot pavement by 18 feet and 200 feet long to display inventory.

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.

DELTA SONIC CAR WASH

7463 State Route 96

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.

40-SP-2021, 10-SU-2021
Zoned – Commercial/Light Industrial

Chairman Santoro – This application has been removed until next meeting.

DISH WIRELESS at BAKER ROAD

90 Baker Road

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.

02-SU-2022

Zoned – Residential 2

Chairman Santoro – This application has been removed until next meeting.

CROWN CASTLE d/b/a VERIZON

90 Baker Road

Owner – Pinnacle Towers

Tax Map # 1.02-1-24.000

Applicant is requesting approval to install 3 antennas and 1 hybrid cable on an existing wireless facility.

04-SU-2022

Zoned – Residential 2

Chairman Santoro – The public hearing is closed.

Bryan Tempio representing Verizon and Crown Castle

Mr. Tempio – We were waiting on County resolution, and it came back as approved.

Chairman Santoro – Is this the one where we were waiting for more information?

Ms. Boughton – No, that was for DISH.

Mr. Harter – Was this the one where the resident was concerned? Is this hanging on the same tower?

Mr. Tempio – 90 Baker Road?

Chairman Santoro – A lot of facilities up there.

Mr. Harter – Are you adding three new or existing three?

Mr. Tempio – We are adding three new.

Chairman Santoro – What is there size?

Mr. Tempio – 2 feet high, 3, one per sector.

Mr. Harter – Were you present at one of our meetings where this was presented *inaudible*.

Mr. Tempio – I was not there.

Mr. Pettee – There were two applications for 90 Baker Road, and this is one of them. I was going to try and look up in the drop box link to identify whether there was any concerns addressed with this application versus the DISH Wireless.

Mr. Harter – A resident came forward about the high usage at this tower.

Chairman Santoro – We have not gotten anything back from them yet.

Mr. Harter – In terms of continuity or completeness isn't this the same comment valid for Verizon as it is for DISH?

Mr. Limbeck – From a previous life I had an opportunity to investigate a lot of this because a lot of the different cell carriers were using telephone poles to add antenna devices to further 5G employment in the neighborhood. I am very familiar with the FCC bulletin 65 with the RF safety limits. What we are looking at with the cell antennas is they are fully compliant with the FCC safety documentation relative to other antennas that may be on the various towers that are out there I know one of the companies had microwave antennas for long distance communication. The FBI and taxi companies had antennas for two-way radio communications and I cannot speak to the radiation exposure from them but to the cellular exposure I think as long as they are in compliance with the FCC regulations, I don't see any reasons why they wouldn't be, the technical bulletin they reference indicates there is no personal exposure issues.

Mr. Harter – I do not think you were at the meeting Joe when we discussed this, and we had input from the resident who lives nearby and his indication of health issues that has emerged since living there. We asked the applicant DISH to help us address the contribution of whatever the cell expansion effect that might possibly weigh in on our decision. I think I personally understand what you are saying in terms of the technical bulletin and the fact these things have been pre analyzed before they come to the Board. I think in this particular case I felt very compelled to take a closer look at the situation based on the input from the public hearing. Ernie you are the only other one and not sure what your feeling is on it.

Chairman Santoro – We are waiting on information from DISH. They said they will get it to us but are having a little difficulty gathering all their information so we do not have it yet.

Mr. Harter – I guess I do not understand the difference between whatever they are proposing and whatever Verizon is proposing in terms of the impact to.

Chairman Santoro – I cannot answer that.

Ms. Boughton – Crown Castle did send in this report and do not know if that makes a difference to you.

Mr. Limbeck – Do you remember at a prior meeting that we had a member of the public speak to the issues of 5G deployment and the internet activity that appeared to be misinformation and to Scott's point I do not know and was at the meeting and expressed concerned but was it relative to 5G or just radiation in general.

Mr. Harter – No, Dave Condon was here when that individual appeared, and Dave and I had a chat afterwards and both recognized that that individual had some pretty legitimate concerns which I think was our objective of our decision to ask for more information. So that we could make a decision as a Board that was not based solely on a technical bulletin, and I do not feel like I have that information.

Chairman Santoro – This was handed to me, and it is from Crown Castle, and it says “ We write to inform you that Verizon Wireless has performed a radio frequency (RF) compliance pre-construction evaluation for the above-noted proposed site and based on the result of the evaluation, the site will be compliant with FCC Guidelines.

The FCC has established safety guidelines relating to potential RF exposure from cell sites. The FCC developed the standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The FCC provides information about the safety of radio frequency (RF) emissions from cell towers on its website at: <https://www.fcc.gov/engineeringtechnology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety>.

Please refer to the FCC Office of Engineering and Technology Bulletin 65 for information on RF exposure guidelines. Policy questions should be directed VZWRFCCompliance@verizonwireless.com. Contact your local Verizon Wireless resource below if you have additional site-specific questions.

And it is a Michael Crosby at Michael.Crosby2@Verizonwireless.com and from Shawn Flynn manager RF System Design.

Mr. Limbeck – To Scott's point then I wonder if it would benefit to see the results of the preconstruction evaluation and compare to the FCC guidelines, so we knew where we stood with the exposure.

Mr. Harter – I personally would like substantiation then just a printed letter.

Mr. Limbeck – If we had actual documentation in front of us that showed the results of that survey that he mentions in that first paragraph to compare it to what we see from the FCC.

Mr. Tempio – Are you looking for additional information other than all those organizations? What are you looking for if Verizon is within the FCC guidelines which has been set for the by all the organizations in that letter?

Mr. Harter – The question we were asking from the other application that carries over onto you is when we receive the information from the resident during the public hearing it relates to that tower with all the devices that are hanging on which goes beyond just cell. Maybe there is a radio station there or other items as well? I recall a comment that came out was what was the cumulative effect of all these items that are hanging on that tower. Whether it is cell service or radio or whatever it may be. Some sort of expert saying in spite of all these electronics hanging on this tower and emitting radiation the three you are asking for have no significant impact. That is what I am looking for.

Mr. Tempio – You need to see someone here in person to talk about it?

Mr. Harter – I would like to see something specific to that tower.

Mr. Tempio – So all the antennas up and down the entire tower? Verizon can not speak for anybody else.

Mr. Limbeck – Pinnacle Tower is the owner of the tower, and they should be able to give us aggregate exposure.

Mr. Tempio -We had the public meeting for this two weeks ago that I was here at, and nobody spoke up then nor the Board.

Mr. Harter – I do not think we had the input from the resident when your application appeared but in terms of timing, we must have done the other one.

Mr. Tempio – At the other meeting I had the RF Engineer, Mike Crosby, here but no one spoke up against it two weeks ago and here we are today. You are looking for additional information that I am not quite sure we can provide. I am not sure there is going to be a human being that can come and stand here and speak of all the antennas in conglomeration and creating a combined radiation.

Mr. Harter – We received a valid comment from the individual who lives nearby and may not have come out on your application, but I think it came out on the other application. Same cell tower and it is the same comment. I think of the purpose of why we are here, and the purpose of the public hearing is to do what that did imperfectly. Nevertheless you are in the same business doing a very similar thing and as a Board member I feel compelled to see this to a little better information than a standard form letter. Such as someone who is in the business, which I am not, who can take a look at the situation and say adding three new cell features is not going to make any difference and not going to be additive to the total radiation that is emitted from there. I

guess I would like to have some level of comfort and some way to reply to the resident should the resident wish a reply from us as what the basis for our decision was.

Mr. Tempio – I can bring the gentleman, Mike Crosby, who wrote that letter to you who is RF Engineer for Verizon. Basically what he will tell you is what is in that letter. He will just repeat it.

Mr. Harter – I think what we are looking for is all this hardware being hung on the tower adding more radiation to the nearby public.

Mr. Tempio – We fall back to who could possibly answer that because I do not know who that person would be that can measure all the cumulative radio frequency from the tower.

Mr. Harter – I am not sure they would have to measure it so much as to qualify it. I can't believe we are the only Board in this country that is seeing this type of thing. Speak to us from a qualitative perspective that these speakers broadcast on this frequency which is not additive to this frequency.

Mr. Tempio – I can tell you that and I am not even a RF Engineer. All the antennas on any cell tower have different frequencies. Verizon purchases from the government. Like Channel 10 and tv channels. They own their frequencies or the radio stations. They all [purchase different radio frequencies like turning a knob on a radio. They are different and do not cross.

Chairman Santoro – We are going to get some information from DISH at the next meeting. The said they would be here. We can put this over to the next meeting and you and the DISH people can get together.

Mr. Tempio – You want Verizon and DISH, two competitors to get together? I am not sure we will do.

Chairman Santoro – If you have someone that can speak to this bring that person along.

Mr. Harter – I would ask you to take a look at it from our perspective and understand that when someone come s to this meeting in good faith and tells us what we were told we have an obligation to have a sound basis for granting an approval if that is what we grant and vice versa.

Mr. Limbeck – I think the problem is that you all have is that you are just one person that is on this tower and there are other entities that are on there and these folks can not get the information from and would go back to whoever is leasing you the space on the tower, I think.

Mr. Tempio -Crown Castle owns the tower.

Mr. Limbeck – So they should know what else is on the tower and should be able to get the engineers to tell you what the frequencies are and the power.

Mr. Tempio – I know all the frequencies.

Mr. Limbeck – It is all cellular and it's no one else ?

Mr. Tempio – I am not sure. I appreciate where you are coming from and looking out for the town and the folks in it. Crown won't be able to amass anything different then here are the frequencies licensed by Verizon, AT&T or whoever is on the tower. They will give you a document showing all the license frequencies that could be used on that tower. That is all they can do. The next thing would say that anyone representing any f the carriers, Mike Crosby, would come in and say this is our emissions report and we are tuning our antennas at or below the allowed radiation under the FCC and all the other organizations that are on that report.

Mr. Harter – Maybe the best way for us to take care of this is for us, the Planning Board, is to attain someone who is an expert in this field to digest this information from both these cell companies to tell us whether we are making a sound decision.

Mr. Tempio – I do not want to open Pandoras Box but are we just talking about one tower in Victor or all towers in Victor?

Mr. Harter – No, we are talking about this one. It has produced a pretty good response and is unique that it has so many items hanging from it. Maybe the expert would concede to what you are saying and say it is no big deal. I do not fee l I am an expert in it and think to a certain extent we are not supposed to be.

Chairman Santoro – We know we are limited by FCC rules of how much we can do in regard to cell towers.

Mr. Tempio – That is the number one thing that this falls back onto is that right there.

Chairman Santoro – We can certainly look into what this question is which was raised by one of the residents nearby. When it comes down, we will have to probably approve it no matter what anybody says but we would like to be comfortable in knowing what the exposure is to our residents.

Mr. Tempio – I am trying to be helpful. The only disappointing aspect that was we thought this was going to happen two weeks ago. We had the RF Engineer here to answer to all these questions and no one showed up to say anything and the Board did not even ask.

Mr. Harter – I think we are mixing up applications.

Mr. Tempio – I did here there was gentleman who was upset and voicing against this.

Mr. Harter – It is two similar projects hanging from the same tower.

Mr. Tempio – Would you like me to come back with the RF Engineer who wrote that report to you so he can defend his report.

Mr. Pettee – I think one of the things the Board would like to see is the actual report. Mike Crosby has indicated in this April 12th letter that Verizon has performed a radio frequency complaint pre construction evaluation. I think the Board and the town would like to see that evaluation.

Mr. Tempio – Show you the evaluation? Will anyone on the Board understand it?

Mr. Pettee – That is why they are saying they may need to look for someone to help digest it.

Chairman Santoro – Do you have anyone like that Wes?

Mr. Pettee – I do not know if we do, we might.

Mr. Tempio – How many months do you think this will take?

Mr. Pettee – I do not think a review of an emissions report will take a matter of months.

Mr. Tempio – Too get an actual person on the Board to understand it.

Mr. Pettee – We do not need someone on the Board to do that.

Mr. Tempio – Or present here.

Mr. Harter – We can obtain support from someone who is an expert in the field and ask them for there independent opinion.

Mr. Pettee – The Town Engineer might have someone on staff to be able to review that in a quick fashion.

Mr. Tempio – I am bringing that up because there is a certain time frame that the federal government says in a parameter of time.

Mr. Harter – There is certain time that which you have to have decision.

Mr. Tempio – Iti s like 60 to 90 days.

Mr. Pettee – For example if by the end of the week your folks can provide the evaluation of the report to the Planning Office, we might be able to have it reviewed it in 7 days.

Mr. Tempio – I would have to ask if they would provide the whole report.

Mr. Harter – In addition to the technical it was really the public health that emerged. If you have someone that can address the public health issue with respect to what you are doing and what is there that is more what I am considering. I understand we can talk about frequencies till the cows come home.

Mr. Tempio – I can bring back Mike Crosby. He is very well versed in this.

Mr. Harter – The compelling issue was public health. In other words, is this thing of six total antennas creating an unhealthy environment. That is the question. Someone who can speak for qualitative then quantitatively.

Mr. Tempio – Who is that person that is going to come up here? I can assure you that all these companies will say we are within their FCC guidelines. They have to be by law. I do not know who that would be because we do not have that information of DISH or whoever else is on the tower.

Mr. Harter – Maybe the best approach is for you to submit that information and to have us get some consultant support.

Chairman Santoro – The manager of RF system Designs, Shwan Flynn.

Mr. Tempio – He and Mike would know the same thing.

Mr. Pettee – We can find someone to look at it.

Mr. Harter – I think I would like you to rout your information to Wes's company to advise us.

Mr. Tempio – Whether or not the antennas are working within the frequencies that are considered safety margins of the FCC if they are harmful or not?

Mr. Harter – I think that is what we are looking for. Do we have a situation that is a hot spot in our community that is emitting a tremendous amount of radiation because of all these features being hung from it? I think it would be good to know.

Mr. Logan – I am digesting all the information and scanning the effects of RF exposure and what levels are safe. I would concur about Wes's team take a look at it and give us an opinion. The issue we all have is that we have some high-powered radio stations up on that hill plus all the frequencies of the cell towers and all. The residents' comments basically saying how many more things am I going to see. It is all this radio frequencies directed outward, and I am right next to it and now you are adding more things. His concern is he can not get certain communications whether it is tv or whatever because of the power and now we are adding more to it. Bottom line is what is the incremental increase and to me it is a bigger question is what is the true exposure issues that someone in that location from all the cumulative radio transmission power. Is it a

harmful thing? I do not think it is a matter of your frequency and another frequency all piling on. It is cumulative radio frequency emissions. I think getting an opinion from Wes team would be valuable.

Mr. Tempio – The public hearing is closed correct and the next meeting I can bring Mike Crosby and he can speak for Verizon.

Mr. Logan – Id Crown Caste owns the tower I would think they would want to address it directly.

Mr. Tempio – I would be guessing in them saying that any antennas on our tower falls within the FCC guidelines for safety. There is no cumulative effect of different frequencies.

Mr. Logan – I understand your position and we need to answer the residents. If we can get thru that hurdle.

Chairman Santoro – We will table this till the next meeting.

Mr. Pettee – You will submit a preconstruction report. That way we could review and have report back at that meeting.

TNT FIREWORKS TENT

05-SP-2022

4-20 Commerce Drive

Zoned – Commercial

Owner – Victor Square Retail LLC

Tax Map # 6.02-2-47.100

Applicant is requesting approval for a temporary tent for sale of NY sparkling devices from June 20th thru July 5th. Hours of operations to be from 9am – 10pm.

Chairman Santoro – We need to discuss any outdoor lighting and hours of operations. A note from a resident that last year we did 9 am to 9 pm.

Amanda Gump of TNT Fireworks

Ms. Gump -I think it may have been over site when we were writing it. We intended to do 9pm. We are absolutely understandable if that is what you want us to do.

Chairman Santoro – That is what we did last year.

Mr. Logan – In the resolution it does say it.

Ms. Gump -That is when the group prefers because that is when it starts to get dark about those times and they can get everything closed up and put away before it gets dark out.

Mr. Harter – Your location is the same location as last time, 96 by where Goodwill used to be? I think the concern was the close proximity to the neighborhood and they did not want it to go much longer.

Mr. Limbeck – I am looking at the letter from David Anderson indicates the issue with the lights but also the debris on the emergency exit and the litter around the site. IS t hat something we need to get to the property management folks?

Ms. Kinsella – I have already taken care of it. Benderson has been notified and had Code Enforcement up there today also.

Mr. Logan – Kim, as long as we have you up there. Benderson is also planning on doing an exit construction project in that area. Have they pulled any permits yet?

Ms. Kinsella – No they have not. I asked the question of them also. I asked them to provide an answer for tonight, but I have not heard back. The only thing I did receive back was from Matt Oates and he would be sending his property manager up there to check out the issue brought up by the resident.

Mr. Logan – We are two months out and I thought construction could happen then.

Mr. Limbeck – I am good.

Mr. Logan – If they are going to go ahead with this, which I do not see a problem doing, that if Benderson decides to pull their permits to tell them they are going to have to wait till these folks are done on the site.

Mr. Limbeck – Agreed.

Mr. Harter – Nothing else.

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

The Board was okay with closing the public hearing.

On motion of Joe Limbeck, seconded by Scott Harter, 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 and Special Use application were received on March 29, 2022 by the Secretary of the Planning Board entitled TNT Fireworks Tent.
2. It is the intent of the applicant to put up a 30' x 40' temporary tent and a temporary container for sale of NY sparkling devices from June 20th to July 5th, 2022. Hours of operation will be from 9am to 9 pm.
3. The proposed use of the property is a permitted Special Use in Chapter 211-23.
4. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
5. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
6. The proposed use conforms to all applicable regulations in the district which it is located.
7. 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.
8. The Planning Board held a public hearing on April 26, 2022 at which time the public was permitted to speak on their application.
9. 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on April 26, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, TNT Fireworks Tent, 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 American Promotional Events, received by the Planning Board March 29, 2022 Planning Board Site Plan Application No. 05-SP-2022 and Special Use Application 05-SU-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Code Enforcement Officer, dated April 14, 2022 be addressed.
2. That a Peddler’s/Solicitor’s License be obtained from the Town Clerk prior to erecting tent and sales.
3. That if the Peddler’s/Solicitor’s License is suspended, the tent will be removed at the owner’s expense within 10 days.
4. That hours of operation from June 20 to July 5 to be 9:00 am to 9:00 pm.
5. That the site plan approval will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10 day period.
6. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
7. That any temporary signage be removed from the site entrance during non-business hours and shall not be placed within the State Route 96 right of way per Town Code.
8. That there be a limit of 2 signs on the tent and shall be compliant with Town Code.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

INFORMAL DISCUSSION

1098 OAKWOOD DRIVE

Zoned – Residential 1

Owner – Daniel Heib

Tax Map # 15.03-1-65.000

Applicant is requesting to come before the Board to discuss if they will allow another lot in the existing subdivision.

Sky Hanson with APD Engineering with Greg Vangordon

Ms. Hanson – The clients wish to build a 2,300 sf home on their families property. Our vision is to subdivide one acre out of the existing six acre property that the family owns. We came here tonight to have an open conversation on if there is any concerns that may stick out to you with subdivision of this parcel.

Greg Vangordon and Katie Vangordon

Mr. Vangordon - My wife's parents own the property and the whole would be to create a one acre lot down along the roadside. We are hoping to build a house even with their property so that there is minimal view from their house to the new house. We do recognize because of the one acre it is narrow there and the way their property lies it would not match the 200 foot depth that is typically code. Also depending on the specific floor plan used the 40 foot setback on the heart side would be difficult to meet so there would be two areas where we would potentially need variances. If you felt that this subdivision was feasible.

Chairman Santoro – I am looking at the map here and there is bump out which is where you would measure the distance for the lot line. Is that for a fireplace?

Mr. Vangordon – Yes, a very small one. It would be propane and would not have a full chimney there.

Chairman Santoro - That is very steep. Close to 45 degrees.

Ms. Hanson – We are very early on in our design and obviously would get a survey before we came back. I also wanted to note that this floor plan is preliminary. These numbers you see for setbacks are not exact and could change.

Mr. Logan – It looks like the house plan you are showing is awfully small. That could be a very large house. Is that to scale?

Ms. Hanson – Yes, that is to scale.

Katie Vangordon

Ms. Vangordon – That is the house I grew up in. its a ranch style home and to two stories. The part of the house that is closest to the proposed house is garage space. The livable part of the house is the other side.

Mr. Vangordon – her parents have owned their own business and have space in there.

Mr. Logan – I may have another question in a little bit.

Mr. Harter - I think it is a good idea to come before us informally. I do not know what the topography looks like but if it is steep slopes that is an issue to be contended with. What jumps out at me more than anything is the size of the neighborhood in terms of lots. That surround you on Oakwood Drive. The lot you are creating seems to be especially smaller than any other lot on the neighborhood and curious to know what the public hearing will bring in terms of what your neighbors would say. My question to you is have you spoken to any of your neighbors and do you have any preliminary input?

Mr. Vangordon – I have not. Your parents are familiar with quite a few of the neighbors.

Ms. Vangordon – We could go forward and ask.

Mr. Harter – This drawing that was included in our packet is very telling. When this neighborhood was created it was created with large houses on large lots. It had been my experience in Victor that is what many people liked at the time. I understand today the home you are sowing is more popular than the homes built 20 or 30 years ago. The neighborhood is established and the wild card is how the neighborhood is going to react to it. In addition to the topography I would like to see how it affects the layout. I think it is an interesting proposition. It may stick out as a noticeable difference.

Mr. Pettee – For the Planning Boards benefit I have brought up Google Earth. I will zoom in. Modock Road is here. Here is an understanding of the topography from the roadway. From a planning standpoint and sometimes we have heard the conservation board talk about having a project fit the site versus modifying the site to fit the project. It is just an example of the challenge that we would be presented with. We are not serviced with public sewer here and do not know what the possibilities of a conventional septic system versus some alternative system.

Ms. Vangordon – The only information I have on that is that every home on the street is on septic and far as I know there has never been any issues with drainage.

Mr. Harter - Larger lots, larger houses can handle the septic systems. In your case if you have to do a lot of excavation in order to create a level area for the house then that could compromise the grade for the septic system. You are not at the point of doing a design at this point.

Ms. Hanson – We are aware of the design challenges. We will have more information once we have it surveyed and know what is out there.

Mr. Harter – I think you are wise to check in with us early as your doing.

Ms. Hanson – Do you believe the only issue with the subdivision of this parcel would be from the public?

Mr. Harter – I think topography.

Mr. Limbeck – Agree. I think a straw poll among your neighbors to see what their thoughts are on this. Relative to the slope are you considering a walk out basement to take advantage of the slope?

Mr. Vangordon – We pictured the front of the house facing the road. It does not make it ideal. We could try and have a walk out basement on one side. We would try to have an accessible basement and would depend how we situate the house.

Chairman Santoro – Is this for you and your family?

Mr. Vangordon – Yes, for us.

Ms. Vangordon – My grandfather built the house and my parents bought it from them.

Ms. Kinsella – Tonight you are deciding on whether you would want them to move forward with just a subdivision. That is your goal tonight to see if that is something you want them to move forward with. Not design but the subdivision.

Mr. Harter – I think your subdivision is directly tied into your design. Where you put your property lines will show where the house sits. I think that is a challenging site. I think if you had a reverse walk out house it might work. I think if you wish to proceed that is up to you. I think a straw poll would not be a bad idea. I would hate to have you come here and try to make everything work.

Mr. Vangordon – that is why we are here because we do not want to invest a ton of money into trying to do this project to find that the variances are not going to work out. We have recognized from the beginning that topography could be an issue. We talked to a general contractor who think it could work.

Mr. Harter – Is there any possibility that you could take the main structure and add on to it?

Mr. Logan – I was thinking about as you were discussing that perhaps the original statement of locating the house in front of the other. The street view is the house is so much higher and you would see a roof line. My question is it seems to be flatter to the left on the image. If I were putting a house I would put it more to the left. It would be easier to build on a flatter surface.

Mr. Vangordon – There is one issue. When the town water came thru the water line comes from the corner of the house right down to here. If we were to build there we would have to move the water line. Pretty substantially. It is flatter area.

Mr. Logan – You would need an easement there. In general I would sympathize with what you are doing and get some buy in from neighbors. The other question was whether it was a minor

subdivision. I might see one or two people wanting to do the same thing. When does it become a major?

Ms. Kinsella – It is dependent on when the lots were created. If they were created prior to 1977 each one could be resubdivided as a minor subdivision. We have told them to check deed restrictions that applied so that it could not be resubdivided. We do not enforce those deed restrictions. If they were put on the lots, it is filed in Ontario County Clerks office. If they go forward with it would be civil matter if someone did have a problem with it.

Mr. Logan – It would be a showstopper.

Ms. Vangordon – We spoke with someone at the deeds office this morning and there was no issues.

Mr. Pettee – Where is the leech field?

Ms. Vangordon – I believe it is right there.

Ms. Hanson – With the one acre minimum to subdivide we would need a variance for the lot depth. We might not need the rear setback. Will that be an issue?

Mr. Pettee – The variance would be considered and reviewed by the Zoning Board of Appeals. I do not know if the Planning Board can provide a recommendation.

Mr. Logan – An informal with them might be good. They may be appreciative of that.

Mr. Vangordon – A subdivision could be approved along with the variance.

Mr. Pettee – You will need the variance before the Planning Board can approve it.

Ms. Hanson – Thank you.

Motion was made by Joe Logan, seconded by Joe Limbeck RESOLVED the meeting was adjourned at 8:14 PM

Lisa Boughton, Secretary