

A regular meeting of the Town of Victor Planning Board was held on May 10, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: Joe Limbeck

OTHERS: Dave Nankin, Francis Rose, Daniel Haskell, Mr. and Mrs. Tovstukha, Babette Huber, Town Historian, Scott Reinhart, Richard Zajac, David Cocquyt, Ann Aldrich, Brennan Marks, 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:

There were none.

CORRESPONDENCE:

Timothy McGill re: Haskell Shed

BOARDS AND COMMITTEE UPDATES:

Town Board representative Dave Condon was present with Town Board representative Ed Kahovec.

Councilmen Ed Kahovec – I am liaison for this period of time and the only thing really that would concern you would be that there are a lot of questions about signs in the right-of-way. The library vote is a big hot topic in town right now and you have both Yes and No vote signs going up in rights-of-way. We have the same issue that comes up at election time with people who are looking to get elected. For Kim if it goes back to her let her know it is a concern in general. Is it something we are going to chase with the Code guys or if not do we need to change the code? That may come at some point in the future. It could be anything from Joe's Painting or Comfort Windows and a lot of times we know that we get complaints that the signs do not come down. That is the only item for you to start thinking about.

The Memorial Day Parade is back and pretty happy about that.

PLANNING BOARD reported by Lisa Boughton.

Tuesday May 24, 2022

PUBLIC HEARINGS

- Auction Direct Pavement Expansion, located at 6520 State Route 96, applicant is requesting approval to extend the front lot pavement by 18 feet x 200 feet long to display inventory cars.
- Fairways Phase III Lots 307-312, located on Championship Drive, applicant is requesting approval for resubdivisions of the lots into 25 individual townhomes.

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

40-SP-2021, 10-SU-2021

7463 State Route 96

Zoned – Commercial/Light Industrial

Owner – Dilip Patel

Tax Map # 6.00-1-64.100

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

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

DISH WIRELESS at BAKER ROAD

02-SU-2022

90 Baker Road

Zoned – Residential 2

Owner – Pinnacle Towers

Tax Map # 1.02-1-24.000

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

Richard Zajac representing Crown Castle on behalf of DISH Wireless

Mr. Zajac – Have you all seen a copy of the report that was submitted last week. I think that basically summarizes all the comments displaying the RF levels are within the FCC allowable limits and if anyone has any questions relating to that report.

Mr. Harter -Wes, did Labella look at this and have any comments?

Mr. Pettee – We did not get a chance to run this by our electrical engineers, but we can do that. The one question I do have is on Section 4.0 on Page 5, with regards to mitigation and site control portions. Could you summarize or describe for the Planning Board if there are mitigating issues at this site?

Mr. Zajac – No, there are no issues. It goes thru options that are available and if there were things required.

Chairman Santoro – For the benefit of everyone here. There should be no effect on anybody in regard to these emissions. A lot of it has to do with workers working close by. This will be in the file if anyone wants to read it.

Mr. Pettee – We should also note that this document that the applicant has submitted has been stamped and signed by a licensed professional engineer in NYS.

Mr. Logan – Scott also distributed a link to a website with a report and I had a chance to read thru that as well and it talks a lot about the levels of different frequencies and elements. It also talks about where the maximum effect of the energy where it gets directed in it and these antennas are so high, they say they are directional and do not focus the same amount of energy in a 360-degree direction. I have a hard time seeing where there is a lot of energy being focused to the ground and in addition to what was presented in the report.

Mr. Harter – Is the jest of the report pretty much page 1, statement of compliance where if you have these numbers, you say you have and you are under the thresholds identified by the FCC then you are in compliance. If you are in compliance, we can deduce there would not be some sort of health issue associated with that.

Mr. Zajac – I think page 1 halfway down says “the antennas are approximately .39% of the FCC general public limit”. It goes on to talk about the workers on site and the different readings for that.

Mr. Harter – There was another resource that I came across after our last meeting. It was on the internet and published by the American Cancer Society with respect to 5G and microwaves from cell phones. The jest of that publication is that they do not have enough data to say one way or the other. With that information in hand and what you have presented I do not have any reason to say this is problematic, but I think this is something we needed to do in order to address the issue by the resident. I do not have any basis to say no to you.

Chairman Santoro – It should be noted that we are very restricted on what we can do in regard to Cell Towers due to Federal regulations. We can only try to make comments as we have to make sure things do not go bad.

Chairman Santoro – Anyone from public wish to comment? Hearing none.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Scott Harter:

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

1. A Site Plan and Special Use application were received on February 16, 2022, by the Secretary of the Planning Board entitled DISH Wireless at Baker Road.
2. Applicant is requesting approval to install equipment on an existing wireless facility.
3. The Town of Victor Planning Board reviewed the Type II Action on May 10, 2022, and identified no significant impacts.
4. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within a minimum of 500' of the application were notified by U.S. Mail and an Under Review sign was posted.
5. The Planning Board held a public hearing on March 22, 2022, and May 10, 2022, at which time the public was invited to speak on their application.
6. The application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On March 9, 2022, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
9. The proposed use will not cause substantial injury to the value of other property in the neighborhood.

- 10. The proposed use conforms to all applicable regulations in the district which it is located.
- 11. The Codes Dept reviewed the application March 2 and March 21, 2022, and stated that an annual report is required to be provided indicating that property maintenance is being conducted on the tower and that the tower is not a hazard to the health and safety of the public.

NOW, THEREFORE BE IT RESOLVED that the application of Crown Castle USA Inc. agent of DISH Wireless LLC, Site Plan entitled DISH Wireless at Baker Road, drawn by Jacobs Telecommunications, Inc, received by the Planning Board February 16, 2022, and, last revised March 18, 2022, Planning Board Special Use Application No. 02-SU-2022 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

- 1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.

Ongoing conditions:

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

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

CROWN CASTLE d/b/a VERIZON

90 Baker Road
 Owner – Pinnacle Towers
 Tax Map # 1.02-1-24.000

04-SU-2022
 Zoned – Residential 2

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

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

HASKELL SHED

7940 Oak Brook Circle, Pittsford

Owner – Daniel Haskell

Tax Map #

Applicant is requesting approval to construct a metallic 8' x 10' shed. Shed is pre-existing.

06-SP-2022

Zoned – LDD

Daniel Haskell, owner

Mr. Haskell – I am seeking permission to have the shed placed. I initially thought this was a Pittsford. I am now following thru with Victor regulations. It should show 15 feet now. I spoke with the Code Officer that came to inspect it and it is four inches short. That is going to be remediated this weekend. Nothing else.

Chairman Santoro – It has been moved?

Mr. Haskell - I believed it was 15 feet but apparently it is four inches short so I was told I can get provisional approval so as long as it is done by Tuesday. He will come then to inspect it.

Mr. Harter – Are you here because of the size of the shed?

Mr. Haskell – I am in the LDD. I am a family of three and we need the storage space.

Chairman Santoro – In that part of town a lot of people have a Pittsford address but in the Town of Victor.

Mr. Haskell – Correct. That is why I am here now.

Mr. Logan – One of the photos you supplied in your application shows a lot of water in the area where the shed is. Is that a seasonal thing?

Mr. Haskell – It is a seasonal thing and I have my landscaper doing some assessment to do some remediation done and we are expecting a dry summer and is best to get it done. What you do not see is there was something done for the water to escape. They need to grade it down a little more so that it drains down.

Mr. Logan – The season you took this picture looks like things were still frozen and you had a melt and water accumulated. Not so much a creek overflowed.

Mr. Haskell – No creek. Just from snow. I also should mention that it is pulled forward six inches.

Mr. Logan – I do not have a problem with the request.

Mr. Gallina – Agreed, no questions.

Chairman Santoro – Anyone from the public? Wes, do you have anything?

Mr. Pettee – No, I do not.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Scott Harter:

WHEREAS the Planning Board made the following findings of fact:

1. A site plan application was received on April 6, 2022, by the Secretary of the Planning Board for a Site Plan entitled Haskell Shed Site Plan.
2. It is the intent of the applicant to receive approval for a pre-existing an 8' x 10' shed at 7940 Oak Brook Circle.
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 May 10, 2022, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated April 20, 2022, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 10, 2022, and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Haskell Shed Site Plan 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 Daniel Haskell, Site Plan entitled Kwik Fill Shed, drawn by R.W. Larson Associates, dated 2014, received by the Planning Board June 15, 2021, Planning Board Application No. 19-SP-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

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

Ongoing conditions:

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

2. That a building permit be obtained for the shed prior to installation.

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 | Absent |
| Al Gallina | Aye |
| Scott Harter | Aye |
| Joe Limbeck | Aye |

Approved 4 Ayes, 0 Opposed, 1 Absent

TOVSTUKHA ADDITION MODIFICATION

08-SP-2022

1135 Willis Hill Road

Zoned – Residential 2

Owner – Andrey Tovstukha

Tax Map # 27.01-1-73.000

Applicant is requesting approval to modify an approved addition by reducing the height and depth of the structure.

Andrey Tovstukha of 1135 Willis Hill Road

Mr. Tovstukha – Some of you may remember last year you approved the addition next to historic building. At the end of the hearing, we settled down and took some additional comments from Babette and some from the Board, even thou you approved it we still were not satisfied and was afraid if we went ahead with the project and built it, we would not be happy with it. We found an alternative design. It is a reduction in size by square footage of 33% according to the architect and height by about 3 feet. Aesthetically I think it will fit better with the existing home. It still serves its purpose for what I need it to do. It is somewhat smaller and what we thought would be a better fit long term. We are requesting approval for changes in the second-floor modification.

Chairman Santoro – We spent quite a bit of time on it last time and it was approved.

Mr. Gallina – No, I think that was one of our reservations was the size and scale of the addition relative to the original house and the fact that it is smaller I think it improves the overall situation. I am fine with it.

Mr. Logan – I agree with Al. I like the scale of it, and I think I was one of the ones that voiced about the size along with Babette. I think you will eb much happier with the overall look of it in the long run. I have no problem with his change.

Mr. Harter – Same comments.

Ms. Huber – Wow. Thank you. The decrease in the square footage and the reduction of the height of the roofline makes it so much better to compliment the cobblestone house. You have my comments. The only two things are the board and batten. They want it to look like a carriage house and most carriage house did you board and batten which is vertical. They could also go with clapboards that are horizontal that would match the addition to the cobblestone house. Two other comments were painting. We hope that it would be muted and go along with the cobblestone colors and also leaving as many trees as possible on Willis Hill so the addition blends in.

Ann Aldrich is here from the advisory committee and has a short comment as well.

Ms. Aldrich – We discussed this at our last meeting, and we were please to see the change in design since it is less obtrusive and fits better with the house. The roofline is lower. We like the change of the windows and look more period than what it was before. We are pleased and support this change.

Mr. Pettee – I have no comments.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0.

Chairman Santoro read the draft resolution.

DECISION:

On motion of Joe Logan, seconded by Scott Harter:

WHEREAS the Planning Board made the following findings of fact:

1. A site plan application was received on April 6, 2022, by the Secretary of the Planning Board for a Site Plan entitled Tovstukha Addition Modification.
2. It is the intent of the applicant to modify an approved residential addition to an existing single-family residence by reducing the height and depth of the structure.

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 May 10, 2022, at which time the public was permitted to speak on the application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Town and Village Historian reviewed the project on May 2, 2022, and provided comments.
7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated April 15, 2022, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 10, 2022, and identified no significant impacts; now, therefore, be it

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

RESOLVED that the application of Andrey Tovstukha, Site Plan entitled 1135 Willis Hill Road, architectural renderings drawn by Identity Design, Inc., dated April 4, 2022, received by the Planning Board April 6, 2022, Board Application No. 08-SP-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. The building design plan shall be consistent with the architectural details as shown on the elevations, entitled Tovstukha Addition Modification and details as shown on the April 4, 2022, drawn by Identity Design received by the Planning Board April 6, 2022.
3. That a building permit be obtained from the Building Department before construction begins.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

FINAL SUBDIVISION

VALENTOWN MEADOWS

06-FS-2022

7241 Valentown Road

Zoned – Residential 2

Owner – CoMark Holdings

Tax Map # 1.02-1-21.000

Applicant is requesting approval for a clustered subdivision of a 28.6-acre parcel into 8 individual lots ranging in size from 1.58 acres to 5.87 acres. The property is currently divided by Valentown Road with an existing house on south side of Valentown Road and existing barn structure on the north side of Valentown Road. This will be the third step in a 3-step process for a major subdivision. The Preliminary Plan was acknowledged complete March 22, 2022.

Brennan Marks with marks Engineering

Mr. Marks – It is my pleasure to introduce to you the final subdivision. We have been working on this for a few months now. We have prepared the plans for the preliminary subdivision that was approved previously. We received the letter from the Town Engineer acknowledge the letter and plan to address all the concerns. We have no objections to anything that was prepared, and I think it is very minimal and minor impacts and all technical in nature. I do not think I have to go into much detail since you are all very familiar with it. We are requesting final approval for the subdivision to move forward.

Chairman Santoro – Anyone from the Board have any comments?

Mr. Gallina – Just one question from reading thru the materials was where we landed with the potential dedication of some portion of it to the parks trail.

Chairman Santoro – My understanding is that the approval for that has been withdrawn and not going forward.

Mr. Marks – That is correct.

David Cocquyt from CoMark Holdings

Mr. Cocquyt – After several back and forth with the representatives from the Parks Department and trails the continual ask was far reaching compared to what was offered multiple times. Very much felt the offer that was made was reasonable and was flatly ignored. They asked was about three times farther into the property then we were willing to offer. We were so far apart on starting points that there was in my opinion no meeting in the middle. The Parks Department has acknowledged that in their letter and has vowed to take a different tack and approach in future projects. These parcels that they are looking to have access to will be coming to this Board again when they come in for Building Permits. There will be another shot at this but not under this application.

Mr. Logan – I am all set.

Mr. Harter – I had a question on the sight distance clearing. Is that something that takes place now or later?

Mr. Marks- We are asking that prior to issuance of a building permit for those lots.

Mr. Harter – Wes, are they okay on the drainage?

Mr. Pettee – We spent some considerable time looking at the subdivision plans and then looking at the Code. We are to a point where we are satisfied in general with the concept of where this project is heading. We do not have stormwater management facility per se that is proposed here and is not required. We are just talking some time to come to consensus with the translation of the perc tests which gives us a sense of what the solid are doing for infiltration. We know there is an infiltration pipe coming from three of the homes on the north side of the road embedded in 24” of stone. It is going to help infiltrate roof drainage. I think in general we are satisfied with stormwater and there is nothing that is going to result in a significant design change. We may see a rain garden similar to what transpired to the Anderson Section 1 estate lots.

Mr. Harter – Do they need to do other soil test for the infiltration?

Mr. Pettee – DEC does not require them to do any testing. It is more of a town thing with us becoming comfortable with what they have provided, and I do not see an issue. I have talked with Steve Metzger and Mary Steblein about where we are at with these, and we are comfortable with how things look.

Chairman Santoro – Comments or question?

Ms. Aldrich – The last time I was here about this project our concern at condition the Historic Advisory Committee was the barn. I asked the question if there could be something in the deed or whatever you call it that there be a condition that whoever gets that parcel with the barn on it that they would need to take care of that as a historic structure. I believe the comment was you would have to check with the lawyer and wondering if that was done.

Ms. Boughton – I believe Kim was reaching out to the lawyer and do not think we can put anything in the resolution. I think it was gearing towards when they close.

Ms. Aldrich – We want to protect that barn and want something in writing that the owner be aware that they need to maintain that barn. Are we going to do something about that? It does not sound like we have addressed that.

Mr. Pettee – We have not received anything from the Town Attorney in regard to the structure and what if anything the property owner would need to do to inform future owners of maintenance of that barn.

Ms. Aldrich – It is a post and beam, not a new construction.

Mr. Cocquyt – The building is not designated a historic structure under the registry in the town.

Mr. Pettee – That was a question I was going to ask Babette. There is a historic resource inventory here in the Town of Victor. Is this structure in that inventory?

Ms. Huber – It is attached to the Freund house. It is part of the Freund property. It was originally with the Freund house which is listed as medium value. The house is across the street.

Mr. Pettee – The house is designated as a medium value.

Ms. Huber – Our only concern is, and I am thinking positively if someone buys this property that they are building a new house. I would expect that they would keep the barn up. I do not want to see us come back here and say we have the new house and the barn we are going to demolish it. We need to make a decision.

Mr. Pettee – Currently the barn itself is not on the historic inventory.

Ms. Huber – Correct. We have not done barns. This is not going to be Tiananmen Square, but the barn is in pretty good shape.

Mr. Gallina – My question would be that if development was not even up for discussion there is nothing that currently obligates the current owner to maintain, demising it so the development itself does not change the current conditions. Not to dispute, we would all love to see the barns stay.

Mr. Cocquyt – This barn is in good condition, the roof is fairly new, the house for clarity burned down in 1955 and was rebuilt. The house is not the historic structure. The barn is of the age and is not deemed as a historic structure.

Chairman Santoro – Is that house a Sears Robach as described?

Mr. Cocquyt – Yes, our intention is to keep the barn and hope the buyer that comes in maintains that barn. We have no deed restrictions to force that onto any buyer. We do not want to see it fall into disrepair, but this ultimately will be a home lot that will go with the barn.

Mr. Marks – The barn encroaches into the right-of-way eight and a half feet. The town already put the writing on the wall for the barn to get rid of it. We have gone thru great lengths to save it including getting a variance to keep it on that property. It is an asset to us, and I think we have made that clear.

Mr. Logan – What variance did you get?

Mr. Marks – A barn in front of a primary structure.

Mr. Logan – This is a preexisting.

Mr. Marks – Yes, we had to get a variance for the principal structure to be located behind the barn. The town paving the right-of-way with the barn eight and half feet encroaching into it was already saying the barn should go however we are proposing to preserve it and maintain it and have also put a variance to allow for it to stay. The ZBA was asking us why you don't remove it and they wanted to put a sunset clause on the barn that if it was beyond repair it was to come down.

Mr. Logan – Early on in my career here we saved a barn somewhere else and halving a company come in and save the barn.

Ms. Huber – I think this is getting into more depth than what we want too. It was the Hawkins barn across from Ravenwood they wanted to demolish it and Harley came in and said we would like to have our new building. They came and dismantled the whole barn and used as much as they could. I still think that if someone who buys this property will want to keep the barn. As I said before, I am very positive about this.

Mr. Logan – I would expect that if someone wants to demolish a historic structure, they need approval by the Board.

Chairman Santoro – You can get a deed restriction and buyer agree to it.

Mr. Logan – If they sell it without this deed restriction it is still ... I would not know how to include it in this particular subdivision.

Mr. Gallina – Do we have a Town Code that is there is a structure that is older than 1950 that demo has to be approved by the town? There is some protection.

Chairman Santoro – You would have to come to us.

Mr. Logan – And the Building Department I assume.

Chairman Santoro – Babette would have to take a look at it.

Mr. Logan – I do not know how that would affect this application. They are trying to sell Lot 2 with the barn on it. Someone is going to have to understand that there is a barn on it and how do we make sure they do not burn it down for instance.

Chairman Santoro – Someone from the town or Babette has to go out there and tell the owner.

Ms. Huber – that is the owner of the property, and it is his responsibility to tell that person who buys that lot that this is a barn that you cannot demo without going to the town and the historian. If he doesn't...you either trust him and the people who are buying it or you need to put something into the resolution.

Mr. Pettee – Is there a possibility that this could be thru the inventory that was previously done, would this barn be eligible to be included on the towns resource inventory? How does that process happen?

Ms. Huber – Process would be again we go thru the Landmark Society and honestly there is really no reason to do that. They are going to put all the barns that are in good conditions on a historic resource inventory.

Mr. Logan – Can we put that on the record?

Chairman Santoro – How and when do they do that?

Ms. Huber – We can do it anytime.

Mr. Pettee – What I can offer in regard to the Town Code Section 211-50.1, Demolition Permit review, prior to issuing a permit for a demolition of any structure, when therein whole are in part, the Code Enforcement Officer shall determine whether the structure is 50 years old or older, or is listed on the towns resource inventory.

Nothing in this section, subsections, limit the demolition of unsafe structure in accordance with Section 83.9. If the structure is both 50 years old or older or is listed on the towns resource

inventory the Code Enforcement Officer shall refer the application for said demolition to the Planning Board for its review and recommendation. For such applications referred to the Planning Board, the Planning Board shall hold a public information meeting and its review shall include the impact of the demolition on the towns historic resource including but not limiting to the following considerations: if the structure is 50 years old (or older) or is listed on the Historic Resources Inventory as having "high" significance, the following considerations: Recommendations, if any, from the Town Historic Advisory Committee and/or Town Historian. Whether the structure can be preserved or incorporated into the future design or plan for the parcel. Whether there are alternative sites for the applicant's project. Whether the structure can be sold to a buyer willing to rehabilitate the structure. Whether architectural features of the structure can be documented and/or salvaged prior to demolition. Whether other alternatives for preserving all or a portion of the structure exist without imposing an undue hardship upon the applicant.

If the structure is listed on the Historic Resources Inventory as having "medium" significance, the Planning Board's review shall include the recommendations, if any, from the Town Historic Advisory Committee. If the structure is listed on the Historic Resources Inventory as having "low" significance, the Planning Board's review shall include the recommendations, if any, from the Town Historian. After reviewing the application for demolition and hearing all comments submitted in writing and/or at the public information meeting, the Planning Board shall issue nonbinding recommendations to the applicant and shall authorize the Code Enforcement Officer to issue the permit.

Mr. Logan – Can we request that a note be put on these plans prior to approval that this framed barn is potentially historic and demolition of said barn will be subject to review by the town planning and zoning departments. Would that be adequate enough identification that when someone goes to buy lot 2 that they would see that note and understand that the application do demo it may be subject to review by the historic committee. If you want to go direct, we can do that too. There is no harm, and it is probably transparent to make sure that is known as an element.

Chairman Santoro – How does that information get to them?

Ms. Aldrich – That is the problem. We lost a barn on the corner of Victor Egypt Road and Aldridge Road. They just tore it down and did not ask. They just did it and it was gone.

Mr. Logan -Was it identified somewhere that it was?

Ms. Aldrich – Don't you need permission to demolish a building? We are back to that, and they didn't. That is why we are trying to be proactive with this barn to try to protect it.

Mr. Cocquyt – I am more than willing as owner of the property to convey the message to the buyer of this property that this barn is of the age that it is and in the condition that it is in and if the new buyer wishes to demolish this, they need to bring in an application prior to that.

Mr. Logan – Or demolition to the town.

Mr. Cocquyt – I am happy you have that relayed in an attorney letter. That is not a problem. My only concern that we are debating this again when the comment period is closed and were starting back over and that is after going thru this for six months. I understand the concerns, but I feel like we have already gone thru this.

Chairman Santoro – How are you going to market the houses?

Mr. Cocquyt – Thru realtor and as a normal MLS listing. The barn is listed as part of that and a selling feature. It is not something that we are trying to avoid. It is actually a selling feature of the property.

Mr. Logan – I do not think anyone is debating that. I want to make sure it is clear.

Mr. Cocquyt – Adding a note to the plan that is fine.

Mr. Logan – It should be part of that parcel that that note goes along with it. Having it as a general subdivision is one thing.

Mr. Cocquyt – That is why I would have my attorney list that and the closing letter.

Chairman Santoro – Do you have a realtor?

Mr. Cocquyt – I have a realtor and an attorney.

Mr. Logan – I would be amendable to that. Anyone who buys the parcel gets that as a notice prior to sale.

Mr. Harter – What is the means by what we are proposing the notice be given? A note on the plans or communication between the seller and buyer?

Chairman Santoro – A note on the plans the buyer get.

Mr. Harter – We can put a note on the plans, but it is unlikely that anyone would see it.

Mr. Cocquyt – As a 30-year resident of this town my name is on this as much as my reputation. I assure you that it will be conveyed to the new buyer.

Mr. Harter – Prior to the Certificate of Occupancy a copy of the letter would be supplied to the Town of Victor indicating that the buyer to be notified?

Mr. Logan – I would say it is prior to him receiving a building permit to build a house. They have to know that when they start building a house that they will own the property and the barn that is on it. That barn would be subject to review if they wanted to do anything other than restore it.

Mr. Harter - It will be communication via a letter sent from the seller attorney to the buyer and copied in. We would have that on file so that we did our due diligence in respect to this issue. I think that is the greatest element of control that we could possibly assert here.

Ms. Aldrich – That sounds like a good plan but if that owner sells is that note in that information about the barn go to the next owner?

Mr. Pettee – That might be one of the reasons why we add a note to the mylar to the plans that get signed and filed at the County. I understand that buyers do not look at those plans.

Mr. Logan – Buyer’s lawyer should.

Mr. Cocquyt – I would say the ball is in your court to work with that new buyer and work for historic designation.

Ms. Huber – I think you are absolutely right, and I do get list of all the new owners, and I do send them letters. It is a perfect opportunity.

Mr. Harter – We will put a note then in addition to put it on the plat.

Chairman Santoro – They will have to be provided with some sort of map at closing. Please send us a copy.

Mr. Marks – Can we remove condition 2, maintenance bonds, there is no improvements offered to the town for dedication.

Mr. Pettee – That is fine. We can cross that one out.

Chairman Santoro read the draft resolution.

DECISION:

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

WHEREAS the Planning Board made the following findings of fact:

1. An application submitted by CoMark Holdings LLC (the “Applicant”) was received on or

about April 7, 2022, by the Secretary of the Planning Board for a Final Subdivision entitled Valentown Meadows Final Subdivision (the “Project”).

2. It is the intent of the applicant to create a clustered subdivision of eight individual lots on a 28.6-acre parcel, tax map number 1.02-1-21.00, located in the Town’s Residential 2 Zoning District and also within the Town’s Residential A (north side of Valentown Road (20.6-acres)) and Residential B Overlay Zoning District (south side of Valentown Road (8.0-acres)).
3. The Planning Board held a public hearing on the preliminary subdivision application (01-PS-2022) on February 22, 2022, and March 8, 2022, at which time the public was permitted to speak on the Project, and the record of public comments on the Project can be found in the Planning Board meeting minutes of these dates. The public hearing was closed on March 8, 2022.
4. The Project was deemed to be an Unlisted Action pursuant of the New York State Environmental Quality Review Act regulations, and the Planning Board, as lead agency, found that there would be no significant adverse environmental impacts as a result of the Project. The Planning Board and issued a Negative Declaration and issued approval of the preliminary subdivision on March 22, 2022.
5. The Conservation Board reviewed the Project on April 19, 2022, and identified no significant impacts and supports the proposal to clear some vegetation to improve sight lines.
6. LaBella Associates reviewed the Project and provided comments on May 9, 2022.
7. The Town of Victor Highway Department reviewed the Project on April 14, 2022, and provided comments.
8. The Town of Victor Code Enforcement Officer reviewed the subdivision plan, and indicated in their letter dated May 2, 2022, that they had no further comments.
9. There was a Coordinated Fire Service Site Plan Review on April 18, 2022, and had no further comments.
10. As currently depicted, the subdivision would require waivers to the following sections of the Town’s Design and Construction Standards.
 - a. 2.9.1.5, Four (4) or more lots must be served by a drive, road or street, consistent with the Design and Construction Standards for dedicated roads and streets.
 - b. Typical Driveway Section Detail RS-11, which indicates “Common driveways shall not serve more than three properties.”, and which also depicts the types and quantities and dimensions of materials to be used.
11. 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.

NOW THEREFORE BE IT RESOLVED, consistent with the preliminary subdivision approval, the Planning Board hereby issues a waiver to Section 2.9.1.5 of the Town's Design and

Construction Standards to allow a total of four (4) lots to be served by a common driveway, where the Town's Design and Construction Standards would otherwise require no more than three (3) lots to be served by a common driveway; and

BE IT FURTHER RESOLVED that the final subdivision application of CoMark Holdings LLC, Major Subdivision entitled Valentown Meadows, Cluster 8-Lot Residential Subdivision, drawn by Marks Engineering, sheets G001, PLAT, EX100, C100, C200, C500, and C501, dated April 5, 2022, received by the Planning Board on or about April 7, 2022, Planning Board Application No. 02-FS-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer must submit electronic subdivision map files to the Town, pursuant to Section 1.3.3 of the Town of Victor Design and Construction Standards. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.
4. That the comments in correspondence dated May 9, 2022, from LaBella Associates be addressed, and that any residual stormwater comments be addressed to the satisfaction of the Town Engineer and Town's Stormwater Program Manager.
5. That all conservation easements markers be shown on final subdivision plans.
6. That a reciprocal easement and a common maintenance agreement be submitted in accordance with Sections 184-8 ("Driveway" definition), 211-12 ("Driveway" definition), and 211-36 of the Victor Town Code.

Mr. Pettee – I am going to add a condition here before the Chairman signs the final subdivision plan. *“That the subdivision plat include a note indicating the potential historic significance of the barn located on Lot 2 and that the Victor Town Code requires a local review prior to potential demolition or relocation”*

Mr. Harter – Did we want to add a waiver on the driveway separation? We add the waiver for the shared driveways, but I do not think we issued the waiver for spacing requirements for the driveway entrances entering the public highway.

Mr. Pettee – If I recall, did we meet the driveway separation requirements?

Mr. Harter – I think what we have done with residential projects is we have focused on the sight distances and not the separation of residential properties. I think we have to give them waivers as a by product of what we have done. I think we have the sight distances resolved and have a clear zone being proposed.

Mr. Pettee – To the extent that a waiver from the Planning Board to the separation distance required to the extent necessary to allow for the driveway entrances as depicted on these plans.

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

1. That the major subdivision comply with Town of Victor Design and Construction Standards For Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
3. That all water services will need to be directionally drilled. There shall be no open cut on Valentown Road.
4. That a Town of Victor Highway work permit be obtained for work occurring in the Town's right-of-way.
5. Site plan approval will be required by the Planning Board prior to lots 5, 6, and 7, becoming buildable lots and before issuance of a building permit.
6. That a pre-construction meeting shall be held prior to the start of construction.
7. 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.

Mr. Pettee – I have “ *Prior to a building permit being issued, that a letter be provided to the town verifying that the buyer was notified of potential historic significance of the barn on Lot 2.* ”

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Mr. Logan – I wanted to ask Wes and Scott about this driveway separation clause. Should we be looking at the Code if there is a distance requirement unless it is driveways that cannot be separated by that much in which case, they also satisfy a sight distance requirement and not have to give them a waiver if it does satisfy that.

Mr. Harter – I think t with this project we went around and around with where the driveways best fit and had a lot of input from the public and that over rode in my mind the need to satisfy that requirement. I also think on past projects it seems like, VanBortel for example, was a good one to apply that too. I think with the residential projects they are hard to satisfy and given the various lot configurations and how often we have tried to put this into motion, my thought is that we should amend our code to apply those criteria exactly as we are doing it.

Mr. Logan – Maybe I am saying the same thing.

Mr. Harter – I think they have done what they have done and that in order to be complete in our resolution we need to indicate that we gave a waiver.

Mr. Logan – I am good with that but do not want to keep giving away waivers every time an application comes in for a small subdivision. We are going to do that.

Mr. Gallina – The minimum width of a lot is a hundred feet, and we can have a driveway every hundred feet on a road.

Mr. Logan – Seems to me this is more for public road coming in a new subdivision.

Mr. Harter – I agree. Conventional subdivision coming onto a public highway is applicable. This reminds me of when I was on the ZBA and people coming in for variances all the time. It tells you that maybe you have to change your code. I think if I have learned some things being on the Board this is probably one, we need to modify a little bit.

Mr. Logan – What is the mechanism for that?

Mr. Pettee – We have been documenting some of these waivers for the separation distance

requirements and we had begun to take some notes and make some modifications. These separation distance requirements came about as the Access Management Plan that LaBella participated in where Ontario County Planning staff wrote regulatory requirements which were adopted by the Town Board. I think we have found that they seem to be unreasonable in the residential, countryside. They universally applied these separation requirements along many roads in the Town of Victor where if you have a residential zoning district and these parcels are just being accessed by the homeowners, they do not make sense. If you look at the function of land use and zoning where you have your commercial and light industrial, those requirements might make more sense.

Mr. Harter – I think that is true and I attended that seminar. Tom Harvey is big on this. I think something has been learned from all of this in terms of how we apply it.

Mr. Logan – Would you be looking at multiple items including this one to go before the Board and say we have some suggestions for Town Code?

Mr. Pettee – What we can do and envision is based on our notes and history, identify the areas. The County regulation that was adopted goes by road and gave a functional classification to these roads. Some of the roads need to be taken off of the that list. Somehow it is amended so that it is not done by the functional classification of roadway, more by zoning and land use.

Mr. Harter – Use is a big factor. Each individual residential use of the se lots is not all that significant. Same token we have 332 in Canandaigua that has been a case study for access management. That really was a whole new level and many access roads went in parallel to 332. It has value.

Mr. Pettee – I can follow up with Kim and also talk with Jack. We have touched base a year ago. Maybe it is time to get it moving.

Mr. Harter – We as a Board could issue some communication to the Town Board having applied this code you have adopted that we find ourselves issuing these waivers. Can I ask a question on the Benderson Development and the electric car area where you charge your car the green neon light that is on all night long? I remember when they were here, and I asked the question of the person presenting what the lighting was and they indicated they were not going to do any new lighting. They did not indicate in the presentation that they were going to create this glowing orb. Curious if we approved that and if we did, I feel very bad.

Mr. Pettee – That is a great question and wonder if the color that perimeter color is used as a signal. Green means available to charge? You are right in regard to the towns lighting regulations and detail. I do not remember if we had a specific detail from the charging station itself.

Mr. Logan – We saw a picture of it but no glowing green.

Mr. Harter – We do deal with aesthetics, but I think these issues jump out at us and we need to consider them. I think it should be subject to the hours of operations.

Mr. Logan - If they are there available 24/7, they should have some sort of lighting.

Chairman Santoro – We had the question for drive thru teller.

Mr. Harter – The banks have some federal thing that allows them to do that.

Scott Reinhardt Victor Hiking Trails

Mr. Reinhardt – I just wanted to comment on the Valentown and know it is closed but the gentlemen mentioned how in the last meeting he said that you wanted Parks and Rec to meet with them to talk about the trail issue. I am going to disagree with that the developer said. I know for a fact that Parks and Rec reached out and tried to set up a meeting and there was no response. When I heard the proposal was to far apart, Parks and Rec agreed to go with their proposal and got no response. I do not want Parks and Rec being thrown under the bus and they made an effort to reach out.

Motion was made by Joe Logan, seconded by Scott Harter RESOLVED the meeting was adjourned at 8:21 PM

Lisa Boughton, Secretary

