

A regular meeting of the Town of Victor Planning Board was held virtually on May 11, 2021 at 7:00 p.m. with the following members present:

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

ABSENT: None

OTHERS: Wes Pettee, Town Engineer; Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town Supervisor; Kinsella; Lisa Boughton, Secretary

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

APPROVAL OF MINUTES:

On motion of Joe Logan, seconded by Joe Limbeck.

RESOLVED that the minutes of April 13, 2021 be approved.

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

Approved 5 Ayes, 0 Nays,

CORRESPONDENCE:

Dave Anderson re: TNT Fireworks

BOARDS AND COMMITTEE UPDATES:

Councilman Kahovec from the Town Board.

Councilman Condon – Just quickly, we had our financial auditor in yesterday at the Town Board meeting and he said we were in good financial shape despite all the things we went thru from Covid experience. All things are good. Also, Dr. Tim Terranova from the Superintendent of the schools came in and gave a presentation on the budget that is coming up for a vote on Tuesday.

That is it for right now. We are looking at a dog park, some preliminary planning in Harlem Fisher Park.

PLANNING BOARD reported by Lisa Boughton
Tuesday May 25, 2021

PUBLIC HEARINGS

- Mooney Pool and Pool House, located at 7618 Arbor Glen Drive, applicant is requesting approval to construct a 400 sf pool house, a 40’ x 20’ pool with a 4’ high fence.
- Wade Minor Subdivision, located at 140 Cline Road, applicant is requesting approval to create two lots from an existing parcel. Lot 1 will contain 4.765 acres with the existing residence and farm structures. Lot 2 will consist of the remaining 24.640 acres. Lot 2 will continue to be used for agricultural purposes and therefore applicant is requesting a waiver from Design and Construction Standards.
- Wilkins RV of Victor, located at 7447 State Route 96, applicant is requesting approval to demolish the existing 13,318 sf showroom and construct a new 18,560 sf showroom that will be attached to the existing service building. The existing two entrance will be removed and a new consolidated entrance will be installed.

The legal notice for the public hearings appeared in “The Daily Messenger” along with “Under Review” signs being posted on the subject parcels. Post Cards were mailed to property owners within a minimum of 500 ft. from location for the initial public hearing date of each application. For applications carried over please refer to the Planning and Building Office.

PUBLIC HEARING

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

DR. CALHOUN OFFICE CHANGE OF USE

81 Victor Heights Parkway
Owner – John Hoff
Tax Map # 15.01-1-35.200

14-SP-2021
Zoned – Light Industrial

Applicant is requesting a Change of Use Permit to open a chiropractic office. Hours of operation will be Monday – Thursday 8am -4:30 pm, Friday 7:30 am – 4:30 pm and two Saturdays per month 8am – 12 pm.

Ms. Boughton – He was just on the phone and is trying to get in right now and will be under Aimee.

Dr. Calhoun – I would like to move my practice to 81 Victor Heights to have more space to help more people.

Chairman Santoro – Where are you located now?

Dr. Calhoun – 7171 State Route 96. Right across from the car wash.

Chairman Santoro – Is this where it will be outlined in yellow?

Dr. Calhoun –Correct.

Mr. Logan – All set.

Mr. Limbeck – I am all set as well.

Mr. Harter – No questions.

Mr. Gallina – All set as well.

Chairman Santoro – So am I. Any comment from the public Suzy?

Ms. Mandrino – No comments.

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

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

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

1. A site plan application was received on May 3, 2021 by the Secretary of the Planning Board for a Site Plan entitled Dr. Calhoun Office Change of Use.
2. It is the intent of the applicant to request a change of use to open a chiropractic office. Hours of operation will be Monday – Thursday 8 am to 4:30 pm, Friday 7:30 am to 4:30 pm and two Saturdays per month 8 m to 12 pm.
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 11, 2021 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 11, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Dr. Calhoun Office, will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Dr. Justin Calhoun, D.C, Site Plan entitled Dr. Calhoun Office, received by the Planning Board May 3, 2021, Planning Board Application No. 14-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.

Ongoing conditions:

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

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

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

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

Approved 5 Ayes, 0 Opposed.

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 operation to be from 9 am – 10 pm.

Amanda Gump of TNT Fireworks

Ms. Gump – We are just looking to see about getting your approval to once again be a part of your community for a few weeks.

Chairman Santoro – What about this closing time? I do not know if you were here last year but there was a lot of public objection to 10 o'clock close so we as a Board approved the 9 pm close.

Ms. Gump – That is acceptable. I am perfectly happy to make that adjustment.

Mr. Harter –Is there a reason for the resident attacking us and FOILING us for information? Was that the purpose of the email correspondence that we received?

Chairman Santoro – Last year there was other comments but this year it is spoken thru Dave Anderson. Even thou the time change from last year to this year.

Mr. Harter – So it was just a time issue?

Chairman Santoro – He submitted everything that we did last year. That was about it. Suzy, anyone from the public call in?

Ms. Mandrino – No comments.

Mr. Limbeck – I see the notes that we have not met the letter looking for the anchoring tent meeting code an all.

Chairman Santoro – It will have to if it wants to stay there. If they are doing the same thing they did last year and received approvals last year. It is up to code to take a look at it. Anything from the public?

Ms. Mandrino – No.

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

RESOLUTION

Motion made by Joe Logan, seconded by Joe Limbeck.

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

1. A Site Plan and Special Use application were received on April 6, 2021 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. 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 virtual public hearing on May 11, 2021 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 May 11, 2021 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 April 6, 2021 Planning Board Site Plan Application No. 12-SP-2021 and Special Use Application 01-SU-2021, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That comments from Fire Marshal dated April 9, 2021 be addressed.
2. That comments from Code Enforcement Officer, dated April 27, 2021 be addressed.
3. That a Peddler’s/Solicitor’s License be obtained from the Town Clerk prior to erecting tent and sales.
4. That if the Peddler’s/Solicitor’s License is suspended, the tent will be removed at the owner’s expense within 10 days.
5. That hours of operation from June 20 to July 5 to be 9:00 am to 9:00 pm.
6. 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.
7. 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.
8. 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.

Mr. Pettee – This is Wes at LaBella, I was looking at the resolution from last year and the limit on the number of signs was two per the resolution last year. I do not recall the discussion around that but I did see that there is a diagram in the applicant’s submission material indicating where the signage would be placed.

Chairman Santoro – Two signs then Ms. Gump?

Ms. Gump – Yes, I will mark that down.

9. 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	Aye
Scott Harter	Aye
Joe Limbeck	Aye

Approved 5 Ayes, 0 Opposed.

CROWN CASTLE

795 Old Dutch Road

Owner – Global Signal Acquisitions LLC

Tax Map #14.02-1-6.200/TWR

Applicant is requesting approval to modify existing wireless facility replacing and removing (6) antennae's, replacing (9) RRUs, Install (3) RRUs and install (3) cables.

02-SU-2021

Zoned – Light Industrial

Chairman Santoro – Do you have anything Wes?

Mr. Pettee – We have not submitted our letter yet but we have reviewed the project and will have a few minor comments nothing to terribly significant. Just crossing “t” and dotting “I”. I do understand that we are waiting for the County Planning Board also to review the project and provide feedback.

Chairman Santoro – David are you here for this application?

Mr. Killion – A routine antennae upgrade that the carriers go thru from time to time updating there equipment and modernizing it and making sure they have most sufficient installation. They are removing 9 antennae's and replacing it with six newer models. Adding a few radio heads and I believe there is a new cabinet going on the platform below. Just a modernization upgrade project.

Mr. Limbeck – What sure an RRU is?

Mr. Killion – A remote radio unit. Basically an amplifier and goes on the tower behind the antennae's. The closer to the antennae's the more efficiently it works. It helps to intensify the signal so that we can download our webpages and play our games on our phone or do our vide calls much quicker.

Mr. Logan – I have no objections. It is well within the code and doesn't appear that it will effect anything.

Mr. Gallina – No issues or concerns.

Mr. Harter – No questions, no comments.

Chairman Santoro – As you heard, we cannot give you a resolution tonight but as soon as we hear from the County we will be able to address that. Any calls from the public?

Ms. Mandrino – No comments.

Chairman Santoro – Is it going to change in size at all?

Mr. Killion – The tower? No tower height increase, no compound expansion. It's just changing of the antennae's.

Chairman Santoro – If no one else has anything else we will keep the public hearing open and we will see you next time.

GABRIELLI MINOR SUBDIVISION

6756 County Road 41

Tax Map # 28.03-1-7.000

Owner – L & L Specialty Co. Inc.

Applicant is requesting approval to split the existing 10.02 acre parcel into 2 lots. Lot 1 will consist of 4.0 Acres and contain the existing house structure. Lot 2 will consist of 6.0 acres.

01-MS-2021

Zoned – Residential 2

Chairman Santoro - We are waiting for the driveway placement and sight distance.

Mr. Gabrielli – I am here.

Chairman Santoro – We had the drawing up a second ago. Wes has seen you this.

Mr. Pettee – I have had the opportunity to talk with BME Associates, the design folks that have put together the updated subdivision plans. They have indicated the location of the tentative access point to this lot which is something the Planning Board wanted to see. It identified the site distances, 1,300 feet either direction. The sight distances isn't a problem. With regard to the Access Management Standards, with a proposed access point here it wouldn't meet the separation requirements that are generally outlined in Chapter 55 of the Town Code. The separation requirement here is 440 feet between driveways and appears the proposed entrance is probably in the vicinity of 120-150 feet away from an existing drive. The gravel loop drive for the existing house on the parcel. It simply requires a waiver from this Board if you chose to move forward with proving the access point. There are some constraints on the site for if you wanted to see that access to the parcel moved a little bit closer to 444 or on the map to the left or west. There is a berm on the frontage of the parcel. Where they have depicted this it's probably a pretty reasonable location in terms of existing topography for the parcel.

Maybe a future site plan review if there is a need to modify that location or maybe close off one of the driveway points on the other parcel you could maybe do that at another time. Happy to answer any questions.

Chairman Santoro – Any questions for Wes?

Mr. Logan - I do. I'm trying to understand it is a big issue putting a driveway within a certain distance because it is not like we are talking subdivision with potentially a lot of cars next to another subdivision that as a lot of cars coming out of it. It is one car at a time from a residential lot. To me I do not think it is a big deal that it is less than 440 feet to the next driveway entrance. There is no traffic conflict there. The only conflict that you may have there is if you have two cars coming out of driveways at the same time but it is unlikely. I am not sure if you want to comment on that Wes.

Mr. Pettee – That is a very good point and I am glad you bring it up. We have observed this scenario in other locations throughout the town and I think in my own opinion in terms of the separation distance required from driveways, I think there is some things we need to consider tweaking in the code. Like you said, this isn't a traffic generator. We are dealing with a single family home and we are not going to see routine and repeated vehicles slowing down throughout the day at a particular single family residence driveway. A lot of these Access Management driveways and my feeling is the Access Management material is really come into play more in-house commercial corridors where you have those traffic generators and see your routine turn movements in and out of a driveway. In this particular instance I do not see waiver as a big issue at all for the Planning Board.

Mr. Logan – Honestly if you look to the west there is a half a dozen houses between here and 444 that are very close to each other driveway placements. The lot sizes for residential houses are generally such that how can you possibly get that distance between two driveways unless you are talking a dozen acres for each property. I really do not have an issue with this. It is when they are so close that they are putting snow on each other's driveway or things like that. I think that is more of an issue for a single family residential home then a site like this. I have no problem with a waiver. Those are my two cents.

Mr. Harter – I agree with revisiting the code. I agree with what Joe said and trying to achieve that number with currently lot density out there is not really achievable. I agree that sight distance s are not an issue right here. I also agree that the location from the topography is the best way in. I drove by it today and I was little surprised to see what it appears to be a new gravel driveway and culvert. Looks to be near this location but maybe not quite exactly where shown. I was curious to know where that came from. It does not appear on the aerial photograph.

Mr. Gabrielli – We had trees removed and they wanted to access the property to go behind the house rather than trying to go down the front yard so we made a decision to create an access point so they could drive the heavy equipment in and drive behind the backside of the house. I said totem that I ordered some gravel and if you guys are going thru all that let me just put some gravel down and they put a pipe in for drainage. We named temporary access point. It turned out that when I looked at an aerial photograph there was a pond that could fill with water. I kept it to the right of that. That is pretty much how it came about.

Mr. Harter – Did you obtain a permit from the Ontario County DOT for that?

Mr. Gabrielli – No, because it was just for their heavy equipment and temporary and was not thinking about anything else. It is not interfering with anything.

Mr. Harter – It is temporary to the extent that it is going to be removed you mean?

Mr. Gabrielli – It was temporary usage. At the time we were not planning on doing any kind of subdivision. It was just a temporary thing to get the equipment in easily.

Mr. Harter – I am not aware of that definition of temporary when it comes to Highway Permits.

Mr. Gabrielli – Like I said, it was not meant to be a driveway at the time. It was for the heavy equipment did not have to go down a gully to get in. We just made it flat so that we could get the heavy equipment in.

Mr. Harter – I understand. I am just familiar with the process of getting a permit to do that.

Mr., Gabrielli – I was not aware that you had to have a permit to do something like that.

Mr. Harter – One other question I have is that you are seeking a waiver for the soil testing and your surveyor indicates that the reason you are is because the property is not going to be developed?

Mr. Gabrielli – At this time.

Mr. Harter – personally, I do not think that is a good answer. The regulation isn't there necessarily because the property is to be developed immediately. It is just there as a quality control standpoint as I understand it. I guess that would be my comment. I will let the rest of the Board weigh in.

Mr. Pettee – I am just reiterating my comments from our previous letter. We did point out that generally when the Planning Board is creating a new parcel you would want to do the due diligence at this point to assure that the lot is buildable and that is why we would do the soil testing. In this particular instance to do it to assure a septic system would be accommodated. It also provides some assurance to a potential buyer that they could construct a house and be feasible to do a septic system there as well. I guess you do have the possibility of someone buying the parcel that would not build on it. It is fairly small in size and surrounded by some residences and a golf course. The parcel is big enough where a conventional system weren't able to be constructed I suppose some sort of alternative system could be or raised bed septic system could be installed there. That is really up to the Planning Board on whether or not you want to waive that requirement. It is something I called out as a general submission requirement per the Design and Construction Standards. It seems like a good thing to generally require for subdivisions. I will leave that up to the Planning Board members on what you want to do.

Mr. Limbeck – I have a question for Wes actually about the proposed waiver. I agree with the other Board members about the driveway and sight distances and all but I am not sure if approving the waiver is contingent on getting rid of one of the two current driveway points that are there or would we leave them as they are and if the waiver would be contingent on removing the “temporary” driveway or leaving that as it’s as well. I want to make sure I am understanding the terms and conditions of the waiver.

Mr. Pettee – At this point I would consider and is subject to change in your preferences as a Board. The way I see it now and it might be the way the applicant sees it as well. You are providing a waiver for the proposed driveway access to be in proximity to the existing looped driveways and that you are not requiring the closure of whether of those ingress or egress points on that looped driveway. Each of those would remain.

One of the conditions that you might add to that a resolution and also provide this waiver is that the applicant obtain a Highway work Permit from Ontario County for any of the drainage or improvements that are there. As far as a waiver on the septic and soil testing, what the applicant has done in anticipation of the Planning Board providing that waiver has provided a note on the subdivision plan #5. It mentions “this plan is for subdivisions of lots only, the development of the lots require site plan approval from the town and will be done with a separate site plan application for review and approval from the town. Site plan review for each lot will need to include SEQRA, stormwater management requirements, septic design, water service, erosion control and conform to the Town of Victor Design and Construction Standards. No assurances are made regarding the future availability of lot 2”

There is a little disclaimer on the Mylar should you decide that you want to provide that waiver for soil testing.

Mr. Logan – I am thinking that we do not know where the house would go or a leech field or septic system why push the issue of getting that testing unless you know on the property where it is going to be. To me it would make more sense to leave the note the way that they have it on the plans and allow them to subdivide the property with the understanding that it is not an approved building lot yet. That has to get approved with the appropriate engineering. That is my thought on that.

Chairman Santoro – Sounds good.

Mr. Gallina- I would agree with Joe’s comments. For the size of the parcel also comes into play and why I would lean towards not having to have the requirement upfront given there is ample space to locate the house and I am perfectly fine proceeding without the ground testing.

Mr. Logan – Just a follow up on that Ernie. We do not know where any of the natural resources are on the property. They are not surveyed or mapped out so how would we possibly know where to approve the location of the driveway and the house without having that engineering

done for the future home location. They need to do that to show us that they have engineered a location for the house, leech field and all the testing to get it approved.

Mr. Gallina – I think the drawing that you mentioned Wes is appropriate and again it is buyer full understanding of he/she is purchasing full disclosure. I am fine with that.

Chairman Santoro – Is that note going to solve that problem Wes?

Mr. Pettee – It is there as a cautionary measure if the buyer or their attorney does there due diligence and look at the approved plat that is files at the County and hopefully they see that note and understand that is the risk they take as a buyer. Maybe they have to do their own due diligence to future out if the lot is buildable. You as a Planning Board are not making any assurances of that today.

MR. Logan – That is so vague and if someone is scared off by the fact then the owner of the lot before he can sell it might have to do that engineering anyway in the future to create a lot that is buildable. At this point they are looking to subdivide and everything else meets the code. They may be back before they can sell it because they do not have a buyer that is interested in taking on that expense.

Chairman Santoro – Anything else? I have a resolution.

Mr. Logan – Can we assure that the notes are on the plan appropriately in this note #6 on conditions prior to signature? This is a statement from the Board in the resolution but does not say that there has to be on the drawing and I understand it is but I want to make sure that it is retained on the drawing for submission.

Chairman Santoro - #6 in the conditions prior to signing the subdivision plan. Next section down?

Mr. Logan – Can we add a sentence that serves that this must be noted on the plan or something to that effect. We should probably state that so that anyone looking to buy the parcel has that on the plan.

Mr. Gallina – We had talked about possibly a seventh one, a condition of either application being filed and approved by the County for the temporary access or for it to be removed.

Chairman Santoro – Anyone that wants to see that in there have some language we can put in there.

Mr. Pettee – I am working on that seventh condition that the applicant obtain an Ontario County Highway Work Permit. For the temporary access drive...

Mr. Gallina – Should we call it pre-existing or existing? To say it is temporary...

MR. Gabrielli – I have a question. There will not be any traffic going in and out of there.

Mr. Gallina – It is still an access point on the highway. I think formally it would need to be permitted or removed and I will leave it to Wes.

Mr. Pettee – Scott Harter you may have some suggested language here. What I have for condition seven is “That the applicant obtain an Ontario County Highway Work Permit for the pre-existing temporary access drive and associated drainage structures” or any of the Planning Board members if you have a comment.

Mr. Harter – That sounds fine to me.

Mr. Logan – That works Wes.

Chairman Santoro – Everyone okay with that?

Mr. Pettee – Another caveat we could say is that those temporary improvements be removed. This means we wouldn’t be able to sign mylars until the Highway Work Permit is obtained or they remove those improvements.

Mr. Harter – That sounds good.

Chairman Santoro – Everyone okay with that language? Wes, when we get to that number I am going to ask you read what you got there.

Mr. Gabrielli – What would be involved in moving that?

Mr. Gallina – Reverse the process that put it there.

Mr. Gabrielli –Bring it back to the gravel pit?

Mr. Gallina – Return to neutral. However it was before the upgrade was done.

Mr. Gabrielli – It is just a load of gravel that is there. Removing I guess you would want me to create a dip in the gravel to represent what was there before?

MR. Limbeck – There is a culvert pipe there and a load a gravel it should be relatively easy to remove.

Mr. Gabrielli – You want me to pull the culvert pipe out? We do not have to take the gravel off the property right?

Mr. Gallina – First of all, if you obtain a country permit then you can leave it as is.

Mr. Gabrielli – What is involved in that? What do I have to do?

Chairman Santoro – You will have to get in touch with the County Highway Department.

Mr. Gabrielli – DO I have to have some kind of engineering for that? I am not familiar with that process.

MR. Limbeck – I think the County Highway Department can give you all the forms and instructions that you need to accomplish that.

Mr. Gabrielli - If it is a problem or the pipe is not big enough or it is maybe in wrong position that is why I was asking if I have to remove it what would be acceptable? I can't put it back the way it was because there is two loads of gravel there.

Chairman Santoro – As nearly as possible.

Mr. Pettee – Do you know if that drainage pipe is in the Ontario County right-of-way?

MR. Gabrielli – I do not know any of that stuff.

Mr. Pettee – Probably what you might want to do is thru your design engineer for the subdivision is talk with BME and also consult with Ontario County Highway Department on if they would like it removed or restored. You need to satisfy them because it is their right-of-way.

Mr. Gabrielli – Okay, I got you. I thought this was trying to satisfy your requirements. The other alternative is you can get that permit from Ontario County Highway and you install it to a satisfactory condition that the way it is today. You will have to consult with your BME design engineer and Ontario County.

Mr. Logan – If it a permit for a temporary facility like the driveway entrance and the pipe isn't what they would normally install for a permanent drive then when you go get the building permit and has the engineering done for the driveway they have to replace the pipe with say an 18" if that is what the County needs as a minimum. As long as they approve your temporary with a 12" and understand that it is temporary and need something permanent later than if there okay with it your fine.

Mr. Gabrielli – I was going by the tree logger guys had recommended doing all that so I did not know any better I guess.

Mr. Logan – Still a good thing to have except you did not get the permit.

Mr. Gabrielli – I should have checked into that I guess.

Mr. Logan – I do not think it is a lot of work and you have a lot of information on there, lot lines and everything else. All you have to do is locate the driveway and but a couple lines temporary access point. BME should be able to tell you that.

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

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on March 23, 2021 by the Secretary of the Planning Board for a Minor Subdivision entitled Gabrielli Minor Subdivision.
2. It is the intent of the applicant to split the existing 10.00 acre parcel into 2 lots. Lot 1 will consist of 4.0 acres and contain the existing house structure. Lot 2 will consist of 6.0 acres.
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 27, 2021 and May 11, 2021 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. On April 12, 2021, Ontario County Planning Board determined it to be exempt from County Planning Board review.
8. The Conservation Board reviewed the Unlisted Action on April 6, 2021 and identified no significant impacts.
9. The Town of Victor Code Enforcement Officer reviewed the site plan in a memo dated April 27, 2021, and provided comments.
10. LaBella Associates reviewed the site plan in a letter dated April 27, 2021, and provided comments.

11. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 11, 2021 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Gabrielli Minor Subdivision will not have a significant impact on the environment and that a negative declaration be prepared; and, be it further

RESOLVED, that the Planning Board waives the Town's Design and Construction Standards for Section 1.2 requirements for subdivision of land including Section 1.8.3.1 for individual subsurface disposal systems; and, be it further

RESOLVED, that the Planning Board waives Chapter 55, Section 55-6, Paragraph D of the Victor Town Code that would require 440-foot separation between driveways as part of access spacing requirements; and, be it further,

RESOLVED, that the application of Estate of Gino Gabrielli, Minor Subdivision entitled Gabrielli Minor Subdivision, drawn by BME Associates, dated March 17, 2021, received by the Planning Board March 23, 2021, last revised May 4, 2021 Planning Board Application No. 01-MS-2021 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated April 27, 2021 from LaBella Associates be addressed.
5. That the comments from Code Enforcement Officer dated April 27, 2021 be addressed.

Mr. Logan – Before you do that can we say on #6 that this shall be noted on the subdivision plan? Would that suffice? If site plan approval is required. They have to do more work so Wes said there was a note on the plans but I want to make sure that that stays there. If you just make a sentence after end of #6 that this shall be noted on the plans.

Mr. Pettee – I have done that. I have my own Microsoft word version of this resolution ad at the end of #6 I have added that this shall be noted on the subdivision plan.

6. The applicant shall be aware that approval of a subdivision does not mean that the parcel is an approved building lot. Site plan approval is required prior to it becoming a buildable lot and before a building permit can be issued. This shall be noted on the subdivision plan.
7. That the applicant obtain an Ontario County Highway Work Permit for the pre-existing temporary access drive and associated drainage structures or said improvements are removed to the satisfaction of Ontario County Highway Department.

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

1. That the minor 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).

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

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

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

Approved 5 Ayes, 0 Opposed.

Motion was made by Joe Limbeck, seconded by Joe Logan RESOLVED the meeting was adjourned at 8:00 PM

Lisa Boughton, Secretary