

A regular meeting of the Town of Victor Planning Board was held on Tuesday, June 11, 2019 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

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

OTHERS: Wes Pettee, Town Engineer; Ed Kahovec, Town Board Liaison; Lisa Boughton, Secretary; Don Blanding, Matthew Oates, Lee Wager, David Nankin, Kevin Caggiono, Paul Prietz, Scott Morrell.

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

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

APPROVAL OF MINUTES

On motion of Joe Logan, seconded by Al Gallina

RESOLVED that the minutes of May 29, 2019 be approved.

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

Approved 4 Ayes, 0 Nays, 1 Abstained

CORRESPONDENCE

None

BOARDS & COMMITTEE UPDATES

Councilman Kahovec to report from the Town Board

Councilman Kahovec – Just quickly at the last meeting we discussed two different items and wanted to follow up with you. The first one was when necessary, an interpreter for certain circumstances. I did email the Town Board and will follow up with them at our next meeting on June 24th. The second comment or questions was about the intersection of High Street and Lane Road. One of the residents was asking about the potential for crosswalks to be put in. It went to the Town Board and I copied Kim so that she was aware. Once I get a response back from the Town Board I will follow up with you afterwards.

Planning Board reported by Kim Kinsella

- June 25th meeting
 - Public Hearing
 - Bell Atlantic d/b/a VERIZON at 701 High Street requesting to remove (12) antennas and install (6) antennas with supplemental equipment on the Water Tower at High Street.
 - Bell Atlantic d/b/a VERIZON at 7385 Willowbrook Road requesting approval to construct two wireless telecommunications concealment shrouds and associated equipment on a new 43 foot tall wood utility pole
 - Valentown Plaza Lot 2 & 3 for parking Expansion at 7724 State Route 96 requesting approval for construction of additional parking areas and associated utilities at the property with a net increase of 33 parking spaces.
 - Site Plan Modification for Seritage Façade, the former Sears building at 200 Eastview Mall Drive requesting approval for renovations to the former Sears building to re-tenant the existing retail space.

PUBLIC HEARING

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

BLANDING FRAME SHOP ADDITION

6431 State Route 96

22-SP-19

Zoned – Commercial/Light Industrial

Owner – Don Blanding

Applicant is requesting a change of use from an office furniture showroom to a custom picture framing business. Applicant is requesting approval to add a 24 foot x 36 foot addition onto the front of an existing garage to use as a showroom for his picture framing business.

Don Blanding representing the Blanding Frame Shop Addition, 865 Taylor Rise

Mr. Blanding – I have been in the framing business since the mid-seventies and I purchased this property hoping I could expand the building and have my business here. That was my goal here.

Chairman Santoro – Colored samples were passed around earlier. Anyone from the public have any questions or comments?

Paul Prietz 6427 Route 96

Mr. Prietz – I live right next door to the property. I have a concern about it and have lived there for 18 years. It was always businesses in there and I have a lot of troubles especially with the one, Kenderson. My concern is the building he is proposing is, I am estimating, 35 feet away from my house. That piece of property, I do not know if you own the back property, but it is approximately an acre and the back probably 4 ½ acres. My whole point is with that size of a piece of property why could he not be building farther back. Even the thought of the addition being put on the back of the garage instead of the front. I am very concerned about noise. It has been a problem in the past. Kenderson went in there and he was in the landscape business. By the time he got done, he had machinery in there so big that to carry the blacktop machinery and the rollers down the road they had to have a chase vehicle with yellow lights. He had dump trucks at 4 in the morning with salt. I have been thru a lot. I am a little gun shy I'll admit it. I am concerned about high traffic, noise and also don't know what he is going to be doing in there. Is he going to be manufacturing frames? Is this strictly a showroom? *Yes* That makes it a lot better if it is strictly a showroom. What is the chance he can build it on the back instead of the front? There is a garage basically the same size as what you want to add. He wants to attach it right to it and put on an addition of the front of the garage. My suggestion is to put it on the back of the garage. It will be the same size and dimensions and that way it would be the same distance from my house as it is now.

Mr. Blanding – I think it will be the same distance from the house. The building I am proposing on the front of the building is a new building and a much nicer part than the building that is there. So the building that is there I am proposing to use as my work are and the building I am putting on the front is much more pleasing to the eye.

Chairman Santoro – Are those the colors you are going to be using?

Mr. Blanding – It is a Burgundy.

Mr. Prietz – Is it masonry building?

Mr. Blanding – No, it is a metal building. It is Morton building.

Mr. Prietz – And you are attaching it to a wooden building which I understand have no problem with it. I don't understand why you couldn't make the front of the existing building like the front of that building.

Mr. Blanding – This is going to be a brand new building and look a lot better than that building that is there. I want that to be my showroom and the people that are going to come to the building, I want them to come into the front of the building as opposed to drive past the barn.

Mr. Prietz – I wasn't suggesting that. I was suggesting use the front of the garage as front of the building.

Mr. Blanding – That is what I am going to do is pretty it up.

Mr. Prietz – I don't want to stand here and argue. I really wanted to note my concerns. Could we leave it at that? I have noted my concerns. It is your job to take it into consideration. If that makes sense to you, I will take my exit.

Chairman Santoro – I am certain that Mr. Blanding will be happy to talk to you about it and get your thoughts. I am sure he has put a lot of thoughts into this project himself.

Mr. Prietz – It helps a lot that it is a showroom. I heard you say that you would now be working in what is now the garage. Is there any machinery involved? That doesn't sound that bad. I wanted to state my concerns that after he gets this going, going back to this Kenderson guy who had a Lawn mowing business going, if it develops into something else I am on record.

Chairman Santoro – If there is a change of use, whoever was doing the change of use would have to come back here.

Mr. Blanding – There will not be any noise, in fact there is one thing based on the size of the building, I would need 10 parking spaces. In forty years I have never had more than 5 customers in my store at the same time. It is just parking spots so it is not a big deal. There is room around back for parking need be.

Chairman Santoro – You can land bank some of those parking spaces. You don't have to install them right now but if you needed them it is there.

Mr. Blanding – I don't mind drawing lines and making spaces. I am trying to tell him there is no traffic to speak of.

Chairman Santoro – We do not have a resolution for you tonight because we have not gotten comments back from County. They should be back by the 13th.

Mr. Blanding – It seems like there are a lot of things that I need to do. I do not know if this committee is who I ask or do I come back. The things I received from the Fire Department about either widening the drive. I do not want to take up the time if this is not the forum for it. I want to find out what I need to do next.

Chairman Santoro – We will get the comments from the County which generally speaking, don't change much usually. You can deal with the agencies that you have too.

Mr. Blanding – I want to make sure I am getting all my I's dotted and T's crossed.

Chairman Santoro – Any other comments or questions from the public?

Ms. Zollo – According to the Code Enforcement Officer they are asking about if you are having the building sprinklered? Are you going to take care of that?

Mr. Blanding – One of the things in there was to ask for a variance for not having a sprinkler. The other was to widening the driveway to get a truck in there. Something was asking about a dumpster. The dumpster was there from a previous place and the dumpster truck can get around the building and back up to the dumpster. Maybe it needs to be wider for a firetruck and if so, I would want to know how much wider.

Ms. Zollo – The people in the Building and Planning Dept. they can help you out.

Mr. Blanding – Am I done?

Mr. Logan – I had a question about the lot. It looks like the former owner spread out a gravel driveway well into the next parcel. Do you own that other parcel?

Mr. Blanding – Yes, well I pay tax on it so I think I must. When the realtors and the attorneys, I don't know if they were a little bit lazy or they got to a point where they said we can't find something to make it into one property. He asked if I would ever sell this as one property. They did something where the big property I paid \$1.00 for and the other property I paid what I paid. I would be happy to make it into one property.

Mr. Logan – My question was regarding pieces of what looks like one property bleeding over to the second parcel. If you have control over both of them that is your prerogative. There is a shed that appears to be crossing the line. If you were only going to buy that one parcel and sell the other the shed would have to be moved, demolished. I understand your neighbors concern about sometime in the future if someone bought it from you and could spread out like the previous business did. I do have a little sympathy for his concerns about putting a new one in the back. Are you planning on any upgrades to the barn or garage to blend in to what is being put up in front of it?

Mr. Blanding – I would not do it in the back. They told me they can do it so the roof line blends and such. I do not really have what is there now. It is not attractive to the eye. That is why I want to build.

Mr. Logan – I was thinking if you took the same siding for instances and wrapped it all the way around to make it the same color scheme and blend a little better. You could have used a lower building which is there now. Is the one you are putting in taller?

Mr. Blanding – I think it will be the same roof line. Or pretty close.

Mr. Logan – I am looking at it as the opportunity to clean is the façade and make it look nice it would be presentable from the old side of the building.

Mr. Blanding – I do not want that to be what my customers see whether I dress it up or not. I want that to be my work area and the new part to be my showroom and wide open. I do not mind making it smaller.

Mr. Logan – I don't mind the size. If it is matching roofline, width and everything else blends in. As long as there is plenty of room between the houses up front and the garage.

Mr. Blanding – On somebodies thing that they sent me they said it is too close but could get a variance and I also am not opposed to making it a little smaller.

Mr. Logan – Is it the side setbacks or is the building is too close to the house?

Mr. Blanding – It has to be 40 feet.

Ms. Kinsella – It is 33 feet and it needs to be 40 feet.

Mr. Blanding – I can ask for a variance of that and/or make it smaller? *Correct*

Mr. Logan – Ernie, we are not taking action on this tonight since he may be asking for a variance and comments from county?

Chairman Santoro – No. We are waiting for County comments.

Mr. Logan – My questions notwithstanding. I would look at this again to see if you can make it work with a building further back. You wouldn't have to have the setback and you would have the same amount of new space. If you reestablished a better looking façade on the old building to make it look just as nice as the other it would all blend together. I am asking you to consider it, it is not a requirement.

Mr. Blanding – I get it. I think that is a deal breaker for me. I would sell the property and need a new building on the front where my showroom is. I don't want people to have to drive around back to get into my showroom and also a cost factor.

Mr. Logan – All I'm asking is that you take a look at it. If the way it is is the way it is going to be then I understand.

Mr. Blanding – I think the cons outweigh the pros. I don't mind making it smaller or anything like that. I don't want to put my showroom in the back.

Mr. Logan – It sounds like you can be a good neighbor with the way your business is going to be set up. I certainly want your business to be successful and do not want to put undo cost on you.

Mr. Pettee – The applicant did get a copy of LaBella comment letter. A quick question on roof drainage. Do you know what will happen to the rain water?

Mr. Blanding – The roof should be the same and what is there now is draining and goes out and downhill to the back.

Mr. Pettee – You will have downspouts on the new building?

Mr. Blanding – I believe that it is part of the new building. If not I can do them. It comes off the roof and goes back.

Mr. Logan – Does it go underground in a pipe out to the back or does it go on the surface?

Mr. Blanding – I think it is over land. If it needs to be something different...

Mr. Pettee – I don't believe it needs to be something different, I was just curious as to what the plan was for the new roof.

Mr. Blanding – The new roof is supposed to be the same as the other. Some things on this that I did not know the answers too. I do not know how critical these are.

Mr. Pettee - We can review those at the next meeting. I did Draft some potential response s to those questions for the Planning Board to consider.

Chairman Santoro – We will keep the public hearing open.

Mr. Blanding – I will find out from people about what I should do before next meeting. Thank you.

AT&T SIGNAGE

400 -441 Commerce Drive

Owner – Main Street Stop, LLC

Applicant is requesting approval for a building mounted sign to be installed on the store front.

17-SP-2019

Zoned - Commercial

Matthew Oates of Benderson Development

Mr. Oates – We are requesting a building mounted sign for our proposed AT&T tenant between Chipotle and Pi Pizza at the first building entering Victor Crossings. The first submittal that was made was slightly over the building signage and then the graphic they have on the door. We made a resubmittal to meet Code and it matches all the other signage in the plaza.

Chairman Santoro – Anyone from the public like to speak? *None*

RESOLUTION

Motion made by Al Gallina, seconded by Rich Seiter.

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

1. A Site Plan application was received on April 30, 2019 by the Secretary of the Planning Board for AT&T Signage.
2. Applicant is requesting approval for a building mounted sign located on the west elevation.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on June 11, 2019 at which time the public was permitted to speak on their application.
5. The Code Enforcement Officer reviewed the application on May 13, 2019 and stated the wall mounted tenant identification sign was code compliant.
6. 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 June 11, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, AT&T Signage will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the Site Plan application of Benderson Development Company, LLC entitled AT&T Signage dated April 26, 2019 received by the Planning Board on April 30, 2019 Planning Board Application No 17-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

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

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 following results:

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

Motion passed 5 in favor, 0 opposed,

VICTOR CROSSING

400-441 Commerce Drive
Owner – Main Street Stop, LLC

19-SP-2019
Zoned – Commercial

Applicant is requesting to convert approved retail to a restaurant space along with expanding the existing sidewalk into a larger patio space with a raised pedestrian crosswalk. The

existing drive lane is proposed to be “wowed” out to allow for expansion. A raised pedestrian connection to the existing sidewalk will be constructed with connection to Breathe Yoga-Orange Theory building.

Matthew Oates of Benderson Development

Mr. Oates – What we are proposing is to take the existing sidewalk and actually expand it out. What we call the “wow” is taking the drive lane that runs in front of the building and instead of having it come straight thru we put a gentle curb in it and push it out farther away from the building. This is Dollar Tree here and US Masters Academy in this location. This is the vacant space right now. We are proposing to do a Naan-Tastic Indian Grill, it is a fast casual Indian Grill concept. It is the sons of the owner of Thali of India over on Winton and Jefferson Road. They did a new concept over in Henrietta. It was really successful. They did another one in Amherst and now a third one in Victor. We are looking to try to bring some more life to this area and do a nice connection to tie into the Orange Theory building. Bring some more life to this section of the center.

As part of the work we are proposing to redo this crosswalk area. We are going to keep it in pavers at the top and raise it up so as you are walking across the cross walk you are not going to go down across the drive lane and then back up. You will just have a flat crosswalk going all the way along the top. Then we will slope up the pavement on both sides to reach that. Based on the Fire Marshals comments that we did receive, we did make a resubmittal and are making the top section flat for 20 feet wide which is what he is looking for for the wheel bases for the fire truck. We don't have the room to do it as a normal raising up with the concrete we are proposing. We are going to rework the grading and to bring it up to the top so that it works better with the fire trucks.

As part of it we are requesting a waiver for 36 parking spaces from the Code. With the initial submittal we submitted the parking counts done by SRF Associates and that showed the parking levels are much lower at the site then what is proposed by Code. The Building Inspector had a comment asking for the analysis in regards to the vacant space. We resubmitted a new Shared Parking Study that we put together that analyzes the overall parking and including looking at the vacant space with the Town Code. We took the existing counts that we got from SRF then we looked at how much vacant space was at the site. We took the Town Code requirement of the vacant space and added that too the parking that was already used out there to account for their vacant space generating parking and we are still well below the parking. We still have 627 spaces available at the site based on the peak demand of the existing counts and then adding in the Code required counts. The way we got to that 627 number is we took the

existing counts that they had at their peak and put in a 15% buffer on to that, just based on shared parking studies, the Urban Land Institute has put out a whole study on different shared parking and how different uses generate different peaks. A fitness center, January thru March is going to be really packed compared to summer months. Restaurants in the evening versus retail more in the afternoon. What they have said is that once you get down to 5-15% of overall parking, people start to look at the shopping and parking as being completely full. We look at taking the counts at a 15% buffer to always make sure we have a good buffer there. Since those are less than what the Town Code requirement is we just took the Town Code requirement and added that on. The parking at the center is over parked so there was no need to add an additional buffer. With doing that the study still shows that we have extra 627 spaces available at that site. We do feel that even requesting the waiver for 36 parking spaces that there is plenty of parking still available.

We received a few other comments from the Landscaping Consultant. We made adjustment to our landscape. We modified it to get salt tolerant plants up along the edge of the road. Ones that were previously proposed wouldn't do well with the snow and salt. We received the comments from LaBella as well. We submitted a response letter to address those. There will be seating in this area as well. We will be doing a decorative railing around the seating to match what we have behind by Pi Pizza. We will also be doing as part of the railing, traffic rated bollards to protect the customers. We will incorporate that into the railing so it looks nicer than just putting bollards on the outside. We will also be relocating the existing pedestrian lights to continue along the outside of the sidewalk and proposing some string lights along the top as well.

Chairman Santoro – Will the bollards have lights?

Mr. Oates – No they will not. They will be in the railing themselves. The railing will be proposed to stay in the back more along the store fronts and will be keeping an open pedestrian corridor still along the outside. So they will have a clear path along the outside.

Chairman Santoro – Anyone from the public have any questions or comments? *None*

Ms. Zollo – I have some questions. Your patio is expanding across several sites. Are you planning to be recruiting additional restaurants because you are going to have this additional seating?

Mr. Oates – If we are able to yes we would and then have to come back to the Board and see if the Board would be in favor of additional restaurants. Our goal is to get this to be a couple of

restaurants here and to generate more life in that plaza. We do feel based on the parking and everything else that is out there that we have ability to support multiple restaurants in this area.

Ms. Zollo – When this property was originally approved the restaurant portion was slated for the center, the interior, of the property where you have a proposed restaurant over towards that middle strip plaza that you have got. Now we have four restaurants that are going to be on the residential side of this property. That is my concern. If you add two more, all of the restaurants are going to be on the residential side. The problem for the residents is the odors are difficult. I took a bunch of pictures of the dumpsters the other day. They are all open. There are five (55) gallon drums of grease outside the Five Guys. They are sitting in front of the dumpster. You cannot have that adjacent to residential properties. We are going to have rodents and other problems. The worst thing is you cannot enjoy your backyard because of the odors coming from the restaurants. What I would like to request is that you have some kind of scrubbers, the best that can be purchased, to keep the grease odors from wafting over to the residential properties.

Mr. Oates – We would do that and I actually, correct me if I am wrong, that is part of Town Code requirements. I believe that the smells from a restaurant generated that the Building Inspector would be able to go out there and, whether it is our plaza or any other restaurant that might have been one of his comments. We direct our tenants and tell them that they have to comply with the Town Code and if there is an issue with Five Guys where the smell is getting beyond the property line I think that would be in the privy of the Building Inspector to go out there and tell them you have to upgrade your filters or scrubbers and it is not meeting Town Code and you have to do that. We would be very supportive of that as well. We do not want to have people not enjoy their property because we did something next to it.

Ms. Zollo – That would be a major concern of mine. I am not thrilled about the fact that you want to add two more restaurants over on that side of the property when the original approval put them all on the interior of the plaza. Do you have any images of the lighting that you are proposing?

Mr. Oates – No I do not but I can bring some. They would be the low level string lights you would typically see over a restaurant patio area.

Ms. Zollo – You said there was going to be lighting in the railing?

Mr. Oates – There is existing pedestrian scale lighting within the plaza in the sidewalks. We will just be relocating those lights to push them out to maintain the path along the outside. They would be the same lights that are there.

Ms. Zollo – If you can make sure the scrubbers are installed and lean on Five Guys to take care of their grease bins and their scrubbers.

Mr. Oates – Yes, I will do that myself tomorrow.

Mr. Seiter – I do not know if scrubbers are what we are talking about here. The typical kitchen ventilation, FPA has a blast fan 40” above the roofline so that can meet their Code but the wind can still carry your odors wherever. You probably have not done a wind study but there are other industrial type ventilation, there are other ways above and beyond commercial cooking Code may be more appropriate. Scrubbers is a maintenance item and they get clogged. It will cost even more than a type of ventilation application.

Mr. Oates – I do understand that and even going with what the building Code would be for that we would still above and beyond meet the Town Code for not generating the odors.

Mr. Seiter – There is no way to guarantee that. For instances, I assume the fans are going to be on the roof? Without a wind study you are not going to know where these odors and fumes are going to go. You are just discharging them vertically 40” above the roofline and it's being carried this way or that way. You can guarantee that in any way shape or form,

Ms. Zollo – That is why I wanted to get away from calling it an exhaust fan or whatever is required for a restaurant. Most of what I read was about interior odors. I want there to be no odors. I want the air scrubbed so that it doesn't blow into the neighborhoods.

Mr. Seiter – Is there a configuration where it is on the roof where you can induce outside air to mix with the airflow from the fan. There are ways to do it from an industrial perspective. Not so much commercial cooking.

Mr. Oates – We would have to do what we need to do to make sure we are compliant with the Town Code.

Ms. Zollo – Above and beyond the Town Code was what Rich was saying.

Mr. Oates – I am referring to the Town Code as saying it can't put odors on there so I would assume if Al would go out there and stand on someone's property and smelling odors from the restaurant...

Mr. Seiter – That is after the fact.

Mr. Oates – I understand that but I am, after the fact, doing something if I am violating Town Code, eventually they will come out and fine you, site you and then shut you down. You are not allowed to get away with hazardless violating the Town Code with no consequences. We would work with them to make sure everything is proper.

Mr. Seiter – Tonight we are just talking about the sidewalk and pavement arrangement.

Chairman Santoro – We cannot do anything with this because we do not have the comments from the County yet.

Mr. Seiter – Will we eventually see the arrangement of the exhaust system?

Mr. Oates – If that is a requirement then yes.

Chairman Santoro – We can see that I suppose. Since there was a concern raised.

Mr. Gallina – Joe and I were just looking at the rear to kind of build on Heathers comments about the dumpsters. It appears in the drawing that there is dumpster enclosures round the rear of the building but aerial views looks like randomly placed dumpsters on the pavement.

Mr. Oates – It was recently, later on last year, with Pi Pizza approval that additional dumpster enclosure to wov out the drive lane to do the dumpster enclosures. We are working with getting their final design and getting the bid out.

Mr. Gallina – Not just to install?

Mr. Oates – Correct, the intent is to get those installed the way they are shown on the plan.

Mr. Logan – It shows three pretty much lined up on your drawing behind the new Naan-Tastic. Right now there are just a couple of dumpsters there. If you go further to the left there is supposed to be two more right in that little nook and there is nothing.

Mr. Oates – Yes. We are looking to getting those built in.

Mr. Logan – I can go all the way around. There are dumpsters scattered all over the place back there. The upper left corner there. I do not know where they are all supposed to be but they aren't being managed.

Mr. Oates – I understand and working on getting that all managed.

Mr. Logan – I do not have a problem with the concept of “wowing” out the driveway. It can make it a more pleasant experience for pedestrians and in any case, I had a question about access. People come along and drop people off at the curb then go park it looks like you are putting planters or plantings along the curb line.

Mr. Oates – It is mimicking the design you actually see along there doing landscaping then opening it with the sidewalk then doing landscaping. We are not doing continues so you would still have the ability to have access onto. That one landscaping island you see wher it lines right up with the pavers that will be relocated. We will have landscaping on the side and some openings then more landscaping.

Mr. Logan – It looked like there was 5 foot openings then landscaping then openings. The planting themselves they have to be low so that pedestrians can see cars and vice versa. I assume that is what you are doing.

Mr. Oates – That was requested so we are doing all low shrub plantings and keeping them lower so you are able to see anyone walking over there. Switching out some species that are more salt tolerant and better handling of the snow.

Mr. Logan – It looked like you were losing six spaces?

Mr. Oates – We are losing a total of eight. Four in the center and then two on either side. The difference with adding, we added 30 extra parking requirements and we lose eight but there is only a 36 deficiencies and it is over parked by two.

Mr. Pettee – The applicant did get a copy of our letter and has already responded. I didn't get a chance to review the responses. They have addressed the question on existing light fixtures and sidewalk area. Outdoor seating was answered. We noted in the commercial district regulations

in Section 211-22 (7) a (4) a, states the following: the food preparation and service facility must be designed and maintained so as not to produce smoke, dust, noise, odors, excessive heat or other deleterious by products detectable beyond the property nor to litter the premises or those of adjoining properties. We did note that. I don't think I have any other questions at this point. I'll take a look at the responses and updated plans and will provide and updated Towns Engineer Letter.

Chairman Santoro – As I said, we do not have a resolution tonight since we are waiting for the County comments.

NAAN-TASTIC INDIAN GRILL SIGNAGE

18-SP-2019

400-441 Commerce Drive

Zoned – Commercial

Owner – Main Street Stop, LLC

Applicant is requesting approval for a building mounted sign to be installed on the store front.

Matt Oates of Benderson Development

Mr. Oates – The sign is internally laminated channel letters. It does meet the Code requirement for size and it is consistent with everything else in the plaza.

Ms. Zollo – Are we getting the cart before the horse by approving the sign before we have gotten the comments back from the County.

Chairman Santoro – This other project about bumping out the sidewalk is totally separate. If it doesn't get approved, it does not get approved but the restaurant can still go in. Anyone from the public? The Board?

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 April 30, 2019 by the Secretary of the Planning Board for Naan-Tastic Indian Grill Signage.

2. Applicant is requesting approval for a building mounted sign located on the west elevation.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on June 11, 2019 at which time the public was permitted to speak on their application.
5. The Code Enforcement Officer reviewed the application on May 14, 2019 and stated the wall mounted tenant identification sign was code compliant.
6. 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 June 11, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Naan-Tastic Indian Grill Signage will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the Site Plan application of Benderson Development Company, LLC entitled Naan-Tastic Indian Grill Signage dated April 26, 2019 received by the Planning Board on April 30, 2019 Planning Board Application No 18-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

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

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 following results:

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

Motion passed 5 in favor, 0 opposed,

Mr. Oates – For additional information on the patio. I will resubmit the string lights, what we are proposing for that and then what we are proposing for the ventilation for the restaurant as well and wait for County comments.

PUBLIC HEARING IS CLOSED

PIPER MEADOWS SUBDIVISION

1-PS-2019

860 High Street & 870 High St

Zoned Residential 1 w/C overlay

Owner – 860 Andrew Glasgow (20.40 acres) & 870 Glenn Piper (20.6 acres)

Applicant is requesting approval for a 41 lot subdivision on 41.09 acres. The project is comprised of 2 adjacent parcels approximately 20 acres each and will consist of 2 existing single family homes and 39 additional lots. Section 1 will consist of 21 single family homes and Section 2 will consist of 20 townhouse lots (ten 2-unit bldgs). This will be the second step in a 3 step process for a major subdivision

Bob Bringley Marathon Engineering

Mr. Bringley – My understanding is reviewing Part 2 of the SEAF and we are waiting on the Board to be comfortable to prepare a resolution for overall preliminary approval for Piper Meadows subdivision. Here to try to answer any questions that the Board may have.

Mr. Pettee – I have an update to provide for the Planning Board. I did hand out tonight a Town Engineers comment letter dated June 11. I wanted to review that with you. There are some things we want to button up on the subdivision application prior to making a determination of significance with SEQR. We did go thru Part 2 of the EAF at the last meeting. We don't have Part 3 completed yet. We think we would like to get some additional information from the applicant before we proceed with SEQR. One of those items being, I recall there was a letter from NYSDEC with regard to stormwater and we did receive from Marathon yesterday a letter responding to the DEC comments. We're looking to get another response from DEC before moving forward with SEQR. On our updated comment letter one and two are pretty easy. They did submit a Long Form EAF. We are good there. The open space, they have clarified that none of the open space is going to be offered for dedication to the Town. It is going to be owned by a HOA. Number three we have summed that up in the past with regard to the sidewalks. Our understanding now that the Planning Board would prefer two crosswalks at the locations of where the proposed roads are going to intersect High Street rather than having a sidewalk run northward and parallel to High Street. Such a configuration would benefit the surrounding neighborhood, it may not serve a direct purpose to getting someone to school. It would probably be more direct for someone to come out of this neighborhood cross High Street where the new road intersect but there would be a benefit to the surrounding neighborhood. Even though LaBella would be a proponent for that sidewalk and crosswalk at the intersection, we would certainly defer to the Planning Boards preference here. One of the items that we would want to see in the updated plan set is a detail for an advanced warning signage for these crosswalks. There is a detail for the crosswalk themselves but some advanced warning signage details would be beneficial as well.

Mr. Logan – For those crosswalks are we talking about the solar ones with the buttons that would trigger lights when someone wants to cross or just benign signs with bright green crosswalk signs?

Mr. Pettee – That is a great question. If Brian Emelson hasn't already provided a comment on the type of sign he would prefer maybe we can ask him to what sort of detail he would like to see there.

Mr. Logan – He did comment on one of the earlier meetings. We had a conversation. There is one that crosses in the Village for the insulator plant from their parking lot that has flashing lights either on the perimeter of the sign or the sign post itself. It alerts people coming thru the Village or down from the hill that would say "somebody wants to cross there" It is a midblock

crossing and that is what these two would be. It makes more sense to me to have that alert because of the speeds that people have seen along that stretch of High Street. I would be an advocate for that, allowing the pedestrians a button and the cars are required to stop at crosswalks but this would alert them that there is someone who would like to cross. Otherwise they get to passive and tend to blow thru that stuff waiting.

Mr. Pettee – The applicant would be amendable to adding that detail in the detail page.

Mr. Logan - I believe that Brian had expressed that he would like to have that in other parts of the Town but it was difficult from the perspective from Parks & Rec to be able to afford those or even the Town. In this case we are adding to roads to be dedicated to the Town and it makes sense to put those in.

Mr. Gallina – I would agree with that. I think the more active the safety crossing can be the better. That is for students or empty nest grandparents that are going across the street to visit. I think it is a good enhancement.

Mr. Bringley – Both of those crossings will be at the intersections.

Mr. Logan – One crossing at each of the two intersections on High Street. In lieu of a sidewalk run up High Street. You can get up Lane Road by going across and up and once the Town ties into Lane Road a sidewalk from High Street to the school entrance then that circuit will be complete for those owners. I think with Dunbar they are going to have some requirements for sidewalks along Lane Road. A few remaining stretches to get to the school entrance.

Mr. Pettee – We can scroll down to number six. The road grade they reduced the grade from 10% on the previous plan set to 8%. That is in compliance with Town standards. On number thirteen, page 3 of LaBella letter. The sanitary sewer slope it looks like this comment remains to be addressed. The drawings didn't appear to be revised with any special provisions and also an updated engineers report to help us resolve that comment. On number 16, the swale design we noted that the vegetative swale worksheets indicate a soil infiltration rate of half an inch per hour is provided and if a rate of half an inch per hour is entered into the cell indicates error infiltration rate is too low and practice is not appropriate. I was talking to Mary Steblin, our stormwater expert and she would like to coordinate with your office on resolving that. Under 17 on same page, subparagraph c, if we can get some more contour labels. The elevations in this area seems to have changed the minimal contour labels. We like to see a few more labels. Also 17, top of page 5. We noted in subparagraph e, per the Towns Design Construction Standards,

land within the hill area in excess of 30% slope should not be developed into individual lots. It is noted that on Lot 112, the rear yard slope appears to be in excess of 30%. In Marathon response letter they have indicated although some of these existing slopes are close to 30% they do not exceed that. Addition information will be provided to show the slope information. I wondering if you have any additional information beyond the contours depicted on the grading plan?

Mr. Bringley – Contours and spot elevations basically.

Mr. Logan – Which Lot is that up on the screen?

Mr. Pettee – Lot 112 is on the northern road at the end of the cul-de-sac.

Mr. Logan – *Referring to the screen.* That right there is a steep backyard is what you are saying? Do you have a road profile and a section that continues thru the cul-de-sac?

Mr. Bringley – We have all the information and that can be positively identified.

Mr. Pettee – On number 20, we are looking for a little more modification in the stormwater inclusion prevention plan. Also, number 22, our updated response to C. A proposed green infrastructure summary map was added to the SWPPP however we refer to the NYDEC comments related to the proposed riparian buffer. That is where you have provided that response letter on the NYDEC comments. We would like to get there feedback on that. Finally, comments 25 and 26. We are looking for updates to the engineers report. We did have a new comment on the notice of intent which was not previously provided but it was provided for us to comment on here. There is not a whole lot that I feel needs to be resolved but I think an updated set of plans that responds to all the comments. The plan set we have is last updated March 8, 2019. Any of the issues that have been discussed and resolved by your comments we would like to see those changes on the plans as well. One of them being the pavement width at the fire hydrant. You need a 20 foot length on each end of that fire hydrant where the pavement width needs to be a little wider. That is something we would like to see on the updated plans too.

Mr. Bringley – In addition to the gutters?

Mr. Pettee – Yes, in addition to the gutters even.

Mr. Bringley – You have a detail for that on how you want that or do we make it up?

Mr. Pettee – I don't think the Town has a standard detail. If the Town doesn't have one we might be able to put our fingers on one.

Mr. Bringley – Prefer to keep the gutters straight. I would have to defer to the Fire Marshal on that comment. I would prefer to leave the gutters straight and pave behind it.

Mr. Pettee – We would need to coordinate with the Fire Marshal. On my stand point I do not have a problem at all what you are proposing but we should coordinate with him.

Mr. Bringley – We will give him a detail of our proposal and see if he agrees.

Mr. Pettee – With the responses we have now and any of the changes you make will be prepared for the Part 3 of the EAF and potentially provide a preliminary approval at the next meeting. We will have an updated set of drawings and signed for the file.

Chairman Santoro – Anyone on the Board have any questions?

Ms. Zollo – I had asked at the last meeting if you had a calculations of the number of cubic yards of earth that you will be moving when you do your cutting and filling.

Mr. Bringley – We had addressed an email to Wes that was sent the other day. Basically we are going to move between 60,000 – 70,000 yards. All that material will be moved on the site in different locations. That includes the entire project.

Ms. Zollo – That is throughout the part that is being developed. *Yes*

Mr. Bringley – Thank you. We will be back.

EXTENSION OF TIME

DUNBAR HILL SUBDIVISION – 90 DAY EXTENSION REQUEST 2-PS-18 & 1-FS-18

Lane Road

Zoned - Residential

Owner – RB Land Company LLC

Applicant received approval on October 23, 2018 to construct a 4 lot single family residential clustered subdivision. Applicant is requesting their first 90 day extension of this approval.

RESOLUTION

Motion made by Rich Seiter, seconded by Joe Logan.

WHEREAS, in a letter dated June 5, 2019, Steven Phillipone from R.B. Land Company, LLC requested a 90-day extension of time for application titled Dunbar Hill Subdivision, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for Dunbar Hill Subdivision.

This resolution was put to a vote with following results:

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

Motion passed 5 in favor, 0 opposed,

There were no other discussions.

Motion was made by Joe Logan seconded by Heather Zollo RESOLVED the meeting was adjourned at 8:05 PM

Lisa Boughton, Secretary

