

A regular meeting of the Town of Victor Planning Board was held on Tuesday, June 25, 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

ABSENT: Rich Seiter

OTHERS: Wes Pettee, Town Engineer; Ed Kahovec, Town Board Liaison; Lisa Boughton, Secretary; Joel Carter, Peter George, Don Blanding, Lee Wagner, David Nankin, Fred Rainaldi, Barb Snyder, George Snyder, James Cretekos, Harriet Neville, David Mitchel, Jeff Morrell, Brent Hoover, Martin Snyder, Matt Tarantelli, Tammy VanBuren, Paul and Carol Lawatsch, Tom Mika, Deborah Rose, Tabassam Javed, Jared Lusk, Terry Venturino, Shannon Yeakel, Brian Lorenz, Jeff Reininger, Chris Boyer, Jerry Goldman, April Castaldo, Mark Castaldo, Kim Anderson, David Anderson, Vince Siciliano, Kathy Rayburn, Chip Testa

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

June 11, 2019 minutes tabled till July 9th, 2019 meeting. Joe Logan unable to review.

CORRESPONDENCE

Steve Sacheli and Bob Rose re: New York Beer Project

BOARDS & COMMITTEE UPDATES

Councilman Kahovec to report from the Town Board

Councilman Kahovec – A couple things that came out recently from the Town Board meeting. The big thing at our meeting was we honored our veterans in the Town with a Honor Flight ceremony. The Honor Flight week raised over \$18,000. A few interesting tidbits are: over eight

years they raised over \$150,000 and sent over 300 local veterans on the Honor Flight trips. In overall, Honor Flight Rochester is sent 3,200 veterans on 66 missions and 900 waiting on the flying list coming up. A lot of local people participate in this, donate to this. Your own Al Gallina was recognized by the Davis Family for his support. It is very important when you think about our veterans, we are losing a lot every day and we can get the chance to thank them or honor them it is very important to do so.

The citizens committee and Beyer Architectural have been working on our Town Master Plan for Parks and Recreation. That plan is now in draft form. July 22nd meeting will be setting a public hearing and will be in August. After that we hope to adopt the plan. There is a lot to it and will be posted on our website. The three big priority projects that they have talked about and they have identified is; a community rec center, a Town wide connectivity that deals with sidewalks and bike paths, Harland Fisher Park. Please look for that on the website and attend the public hearing to discuss it.

Planning Board reported by Kim Kinsella

- July 9th meeting
 - Public Hearing
 - Song Hill Winery – Tasting Room at 521 County Road 9 requesting approval to open a portion of the existing winery to be used as a public tasting room.
 - Surmotech – parking Expansion and Shed at 7676 Netlink Drive requesting approval to expand their parking lot to the property line in front of their building an increasing parking from 32 spaces to 61 spaces and also requesting to add a 16' x 40' shed to the southwest corner of the lot.

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

22-SP-19

6431 State Route 96

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 at 860 Taylor Rise

Mr. Blanding – Since I was here last I had a few issues that you wanted me to address. One is the space between the building and the proposed new building. I contacted Morton Building to do a change order to modify it to 20” x 36’ instead of 24” x 36” and to move the porch from the center to the left side. That should address the 40 feet issue there. I have contracted with Tubbs Landscaping to remove three trees on the property. Two on the west of the driveway near the house and the third tree to be removed is near the road on the east side of the driveway. The fourth tree will be trimmed that is further back on left side of the driveway that over hangs a little bit. Also there is a shed on the property line. I have two properties and it is on the line and was there when I purchased the place. I have contacted Venezio to construct a new survey to turn it from two lots into one property. They are in the midst of that and then I would submit a Lot Line Adjustment.

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

RESOLUTION

Motion made by Al Gallina, seconded by Heather Zollo.

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

1. A site plan application was received on May 20, 2019 by the Secretary of the Planning Board for a Site Plan entitled Blanding Frame Shop Addition.
2. It is the intent of the applicant to request a change of use from an office furniture showroom to a custom picture framing business. Applicant is requesting approval to add a 24’ x 26’ addition onto the front of an existing garage to use as a showroom for his picture framing business.
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 June 11, 2019 and June 25, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.

6. The Fire Marshal reviewed the project on May 29, 2019 and stated that currently the property is difficult to access which requires the fire trucks to remain in the street. The current building does not conform to the Fire Code of New York State.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On June 12, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 25, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Blanding Frame Shop Addition 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 Don Blanding, Site Plan entitled Blanding Frame Shop Addition, received by the Planning Board May 20, 2019, Planning Board Application No. 22-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated June 7, 2019 from LaBella Associates be addressed.
3. That comments from the Fire Marshal dated May 29, 2019 be addressed.
4. That comments from Code Enforcement Officer, dated June 11, 2019 be addressed.

Ongoing conditions:

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

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

BELL ATALNTIC d/b/a VERIZON

25-SP-19, 06-SU-19

701 High Street

Zoned – Residential 3

Applicant is requesting to remove (12) antennas and install (6) antennas with supplemental equipment on the Water Tower at High Street.

Jared Lusk of Nixon Peabody

Mr. Lusk – I think you summarized the project appropriately. In an effort to upgrade on the facility and make it more consistent with the modern antennae facility, Verizon has proposed to remove (12) antennas that are currently installed on the tank and replace it with only (6) and then some upgrade equipment in the shelter. Set forth in the application this is an eligible facilities request pursuant to Federal Law and have outline it in the application. No change and actually a reduction in the number of antennas.

Chairman Santoro – This is a public hearing anyone from the public wish to speak? *None*

Mr. Logan – Just a request to have them painted to match the existing water tower like the other ones are.

Mr. Lusk – Yes that is fine.

RESOLUTION

Motion made by Joe Logan, seconded by Heather Zollo.

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

1. A Site Plan and a Special Use application were received on May 21, 2019 by the Secretary of the Planning Board entitled Bell Atlantic d/b/a Verizon – 701 High Street.
2. Applicant is requesting approval to remove (12) antennas and install (6) antennas with supplemental equipment on the water tower at High Street.
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.
4. The Planning Board held a public hearing on June 25, 2019 at which time the public was invited to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On June 12, 2019, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
8. The proposed use conforms to all applicable regulations in the district which it is located.
9. The Codes Dept reviewed the application on May 31, 2019 and stated that an annual report is required to be provided indicating that property maintenance is being conducted on the tower and that a building permit is required or the proposed ground work and antenna replacement.
10. LaBella Associates reviewed the application on June 21, 2019 and had comments.

NOW, THEREFORE BE IT RESOLVED that the application of Bell Atlantic Mobile systems of Allentown, Inc. d/b/a Verizon, 1275 John Street, Suite 100, Henrietta, New York, Site Plan entitled Bell Atlantic d/b/a Verizon located at 701 High Street, drawn by Costich Engineering, received by the Planning Board Secretary May 21, 2019, Planning Board Site Plan Application No. 25-SP-19 and Special Use Application No. 06-SU-19 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a building permit be obtained before construction begins.
3. That LaBella Associates letter dated June 21, 2019 be addressed.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

BELL ATALNTIC d/b/a VERIZON

24-SP-19, 05-SU-19

7385 Willowbrook Road

Zoned – Commercial/LI

Applicant is requesting approval to construct two wireless telecommunications concealment shrouds and associated equipment on a new 43 foot tall wood utility pole.

Jared Lusk of Nixon Peabody

Mr. Lusk – Anyone who has the opportunity to be on the phone and to exit the Thruway at Exit 45 and you make the turn the calls drop. That is because there is a lack 0of coverage in that area. I do lose the call there. Based on that Verizon Wireless has set forth in the application dated May 2, 2019 is proposing to install a microcell wireless telecommunications facility. Involving a utility pole adjacent to that building located at 7385 Willowbrook Road and installing two antennas on the top of that utility pole. It is tucked back in nest to the building, next to the hill that leads up to the Thruway. Look at Tab (K) the proposed photos of the facility. It is surrounded by the hill. Relatively, you can see the two equipment shrouds that are proposed to each top to operate the antennas. Designed to provide coverage to that small area. The tower needs to be of sufficient height to get over that topography. It is relatively simple project that

needs are based in the application. We have reviewed the comments from Town Engineer and Code Enforcement and prepared to respond to those with our construction drawing.

Chairman Santoro – Anyone from the public have any comments or questions? *None* You have to go to Zoning first.

Mr. Lusk – I do have to go to Zoning. Is there possibility to get approval subject to the Engineering comments/

Chairman Santoro – The Zoning Board of Appeals has to make a ruling and we wait for that.

Mr. Lusk – That is not till July 15 so would it be the meeting after to be able to appear. ZBA will not have acted by then so it will be the following meeting.

Mr. Pettee – Looks like that date might be July 23.

SERITAGE FAÇADE MODIFICATION (Formerly Sears Building) 26-SP-19

200 Eastview Mall Drive

Zoned - Commercial

Applicant is requesting approval for renovations to the former Sears building to re-tenant the existing retail space.

Jerry Goldman

Mr. Goldman – My comments probably are going to be more in the way of introducing the people who are going to be saying a few words on each piece of this. Just by way of introduction. Seritage owns the box which is the Sears building and is vacant. Dick's has a new concept that they are looking to establish and this would be literally the first of this concept. It will be presented this evening. With us tonight from Dicks is Terry Venturino who is the Vice President of Store Planning, Purchasing and Construction. Also with us is Sharon Yaekel who is the Director of Development for Dicks. In addition to that WD is the designer for this project and Brian Lorenz and Jeff Renninger her from WD, as well as the Project Engineer who is Chris Boye form Boehler Engineering. I will turn it over now to Terry who will explain the Dicks concept and get into any detail by the other folks.

Terry Venturino VP of Store Planning, Purchasing and Construction for Dicks

Mr. Venturino – This is a project we are very excited about. It is one of two new concepts, we chose Victor NY because it is a key market for us. As the first project, there is another project going on in Knoxville, Tennessee but we are excited about this one. We are excited to retrofit this building, the Sears building, and refresh that side of the building since the rest of Eastview Mall is very beautiful and I think this will be a great addition to that mall. One thing we are going to do is to refinish the outside of the building. We are proposing a field next to the building which can be used for community, marketing, sell of merchandise, testing out merchandise and also working on other aspects on how we are going to use that field. This concept, the purpose of it, we are competing with Amazon just like every other retailer. Amazon has a control on the retail segment right now but we are brick and mortar and we are doing a lot of things inside. The field is one of the key experiential items.

On the inside we will have a climbing wall and also golf hitting bays and a putting green. Also a cage where people can test baseball bats and some technology with that. We are excited about this and think this will be a great addition to Eastview Mall. The other folks are here if I can't answer the question, they are here to support any questions that anybody may have.

Chairman Santoro – Any questions or comments from the public?

Tammy VanBuren 365 Meadowlark Lane

Ms. VanBuren – Will this be replacing the existing Dick's that is currently located across the street that is in Cobblestone Court? *Yes* So that will leave another building empty in the Cobblestone Court. That was my question.

Paul Lawatsch 376 Meadowlark

Mr. Lawatsch - Just being an old athlete I like the concept to be able to try out merchandise but is that replacing the automotive bays and expanding and taking parking spots out of Eastview mall? What more space is this requiring from what is already there?

Mr. Venturino – It is parking spaces but Brian can you elaborate.

Brian Lorenz Dublin, Ohio

Mr. Lorenz – Yes the field will take up about 60 spaces. There will be a surplus of parking of 547 spaces above and beyond what the Code requires.

Mr. Lawatsch - Parking is really what it is all about. Not only in Eastview Mall but in the other areas we are going to hear about later tonight. It is about parking and traffic and my wife can tell you she was trapped in Eastview Mall for two hours trying to get out of there at holiday time one year. We don't need any more of that impact. This is a great concept and we feel great that our community is so sports oriented and would entice Dick's to put that type of investment in here. It is just traffic flow in and out of there and parking spaces is the main point to try to make. I have been here since '93 so we have seen a lot of the growth come and we have seen the traffic patterns change. Eastview Mall is getting to be a destination and it draws from upstate, downstate and across state and especially at certain times of the year. The Fisher Fire Hall is located right next to us and I think they put on their sign they have answered 400 something calls this year and I would like to look and see where the majority of those are. I would guess they are right at High Street and 96. We see them go past our house and right out there to that intersection. There is a lot of congestion and so parking and traffic patterns are probably neat and dear. We are not against development.

Chairman Santoro – Do you have other people here that are going to make a presentation?

Mr. Lorenz – Mr. Chairman, what we would do is give you a new packet. It is similar to what you have and maybe walk you thru it and talk about the architecture and elevations and how everything ties in together. We have gotten some comments and try to talk thru some of those items on your list.

Chairman Santoro – If you have more to present I would like you to do that now.

Mr. Lorenz – We also have samples of our building materials that we have brought. Jeff can pass those around.

Chairman Santoro – Does this differ from the one we have?

Mr. Lorenz – Yes, it is slightly different. It has been updated. What we did is that we had some lighting concerns and went ahead and put in some photometrics. Two important things on this application since it is a cluster zoning and our height is over your allowable height both for our lighting poles and fences, we are asking that we may get a waiver thru the planning process because of the cluster zoning instead of going in front of the ZBA. To get started, the building façade of the Dicks store of the future, it was designed to create a hierarchy of glass windows, middle frame elements that would build towards the center entry structure. The height and width of this structure is scaled proportionally to the entire width of the front façade. It is also sized to become complimentary with the other large entry features and towers of the retailers of the

Eastview Center. An alternative service and pick up entry location is scaled down and it is positioned to the right of the façade. The material that we chose for the Dick's store we selected because of the combination of banded brick and green metal reflect the historical look of the store and however the colors were updated to give it a modern aesthetic that matches the clean neutral feeling of the interior of the mall.

If you take a look at pg. 4 you will see the front elevations with all the materials and the glass in the middle. On the roof you will see a pop out there that is for the climbing wall. Dick's will utilize one of those as well. Again, what we are trying to do as Terry indicated is this is to be not only a place to come in and purchase but a place to experience. You will start seeing retailers come in with these types of activities more and more to keep up with amazon. We want people to be able to come in and try things out and experience them on their own in a fun and inviting destination. That is part of what is sticking out there and wanted to point that out. The left elevation or the front elevation where you can see to the right where we have the service and pick up. It is an online pick up facility. Many of your larger retailers have implemented that as another customer service option. If you look on the next page. Page 6 you will get a detail of the playing field. From our original submission we have been able to run numbers that make sense to lower those lights. To keep lights downcast on the field and that will only be on during store hours. I am aware of the Route 96 guidelines and how they apply to lighting. The building will also not have any lighting on it. We want to keep that as close knit and neat and clean as we can on site. Jeff, would please get out the materials and have them take a look at those. Page 7 shows you the scalability and the amassing of the facility and that plays into why you are seeing some of the elements stand out so much. It is the amassing and it is appropriate for the size of the building. We can move those around too. You can see that on the front we have signage and on the west elevation we will have one sign as well. How the sports netting and field will stack up compared to the elevations. We have some signage details. I wanted to draw your attention to pg. 9. It is showing you the heights and elevations of the existing buildings. You can see we did some calculations there as well. The 35 foot height restriction has been compromised by several buildings and we are asking for something that is in line with what was done in the past as well. You can see the scalability across the board.

Materials are shown on pg. 10 and Jeff has passed those out to you and you can see we are using the thin brick veneer. The Glen Gray and the Beldon accent bands for the black modular diamond. The metal panel is a green metal. The last few pages really deal with the lighting. We have taken a look at the lighting and addressed it and have scaled it down. I went to the detail of giving you all this information on the lighting for you to study.

Other than that we are happy to answer any questions you may have. One of the comments was pertaining to landscaping around the façade. We are happy to do that and match what is appropriate. That was one concern.

Chairman Santoro – Any anticipated lighting to the parking lot?

Mr. Lorenz – No.

Chairman Santoro – Anyone from the public have a question or comment?

Lee Wagner

Ms. Wagner – I like all of this. Is there going to be inner connectivity between the building and the existing mall? *Yes* And How are you going to control kids?

Mr. Venturino – I am not sure what you mean by controlling kids...we welcome kids into our store because a majority of our business is with parents with their kids to buy equipment: basketballs, baseballs, bats. *Inaudible* We have several mall stores thru out the country and we don't have a problem with that kind of behavior. We haven't heard of any problems or we wouldn't go into malls. We think going into malls is a big bonus for us because you get the traffic from the mall as well. One other thing, is that the existing Sears Auto Center is not part of this project. I believe Seritage has a plan that they are going to present.

Mr. Goldman – Seritage is the owner of the building, which also includes the Auto center and the surrounding parking lot.

Mr. Logan – Is it just that block where that service center and batteries and tire center?

Mr. Goldman – That entire box is not going to part of the Dick's store.

Mr. Logan – That will be stand-alone remaining piece. Behind the future Dick's space it opens up to the parking lot between there and JcPenny. Is that going to be still an entrance to Dick's?

Mr. Goldman – We are not showing an entrance in the back.

Mr. Logan – A lot of people rely on that entrance to get into the mall. It will be a little bit of a traffic pattern to people to get used to.

Mr. Goldman – It will be something to get used too but it is of interest. We received a letter today from Wilmorite supporting the application and the plan that we have. They have contemplated all of that. Perhaps they have some thoughts relative to how they are going to deal with that. First, regard to the vacancy issue. I should point out that essentially what we are

doing is a 50,000 sq. ft. area across the street. We are going to be more than doubling the occupied space. We are going to be actually reducing the amount of overall vacancy in the area. One other thing that is a benefit to point out is that I have experience with a center in Chili. We had the benefit of having it being entirely vacant and was able to be divide in a way that made sense to tenants. That reason there is a benefit to having a larger open space as opposed to split up open space.

In terms of the number of parking spots the Code requires 6,820 we have 7,427 after. We will have an excess of 547 parking spaces. We did go to County planning and came back as a Class 1. We have received comments from LaBella and from Al Benedict and feel we are pretty good on those. In regard to the building height. One we are seeking is to do what the Board did with VonMaur and to deal with it under the cluster provisions of the Code. Also we are well below grade of the street so I think when we do Code figures in terms of what it is we general y assume things are at grade. Not so much here, it is well below. From a visual point of view we are going to be far less obtrusive and those are the comments I have to add at this point.

Mr. Logan – I have a question for you? Talking about the auto service area. Is Wilmorite or Dick's going to be allowing passage thru their store to get to the mall then?

Mr. Goldman – My understanding is that is going to remain freestanding without a connection thru the Dick's store in the mall.

Mr. Logan – Anyone who goes there will have to go outside and go around to the Dick's entrance or mall entrance to get back into the mall.

Mr. Goldman – If they are going from one place to another that is likely going to happen.

Mr. Logan – With the exception of Chang's and Champs, those are the only two out buildings that do not have direct access.

Mr. Goldman – The market will help define a lot of that. If someone really wants to be attached to the mall they will find a way to be attached to the mall. I would anticipate although, I don't know who their proposed users are. They probably would want to be freestanding without connection.

Mr. Logan – There is parking now for Sears on the backside. What happens to that parking? A future requests for a building to make an end connection beyond the backside of Dick's?

Mr. Goldman – We do not anticipate that. It is good forth thought. Ultimately, like everything else, the prelude to all of this is that malls right now are undergoing a great transformation. You know what is going on with Marketplace and what had gone on with Irondequoit. No malls have been built. Brick and mortar is challenged for the reasons that Terry mentioned. We need to do creative things and this is the future. It is something that you aren't going to be able to get by mail order. Right now we are working our way thru and our anticipation right now is that that box will be freestanding.

Joel Carter on Rolling Meadows

Mr. Carter – it looks like the indication that the parking lot is flat or will be flat. It is on an incline. Will you make the entire parking lot, not just for Sears but all the way over to the restaurant flat?

Chris Boyer of Boehler Engineering

Mr. Boyer – This is an absolute dream from a civil site engineer standpoint. All the infrastructure and everything is there today. As far as the parking lot grade goes. No grades will be changed substantially. It does slope from right to left and order to make a flat field, the field would be flat and the parking lot would slope up to it. The field may be elevated about 24" to 36". There isn't any large scale parking lot redevelopment. It is anticipated to seal coat and restripe so that it looks brand new. The benefit of replacing the sidewalks around the facility would be to make it now current conforming to ADA. Which is, Americans with Disabilities Act, as far as slopes and making sure everything is compliant. There are no large site grading changes or modifications proposed. It is too work with the existing facility and grades that are out there today.

Mr. Carter – The next question is regarding the lighting. We do not have the benefit of the project drawings. How high is the fences and how high is the lights? As you know we had a tremendous back and forth on the Walmart Project regarding lighting issues. That looks like it is pretty open. How did you address it? Is that going to be an issue we need to talk about?

Chairman Santoro – There plans say 63'. We are going to have to discuss.

Mr. Carter – The next piece would be, is the cage fully enclosed? Any possibility of a fly ball flying out of that into the cars in the parking lot?

Mr. Lorenz – The lights and the fence are at 45'. They have been lowered from 63'. The fence is a netting material similar to what you would see at a major league baseball game, NHL game. It is very sturdy nylon material that will support any balls and retain them.

Chairman Santoro – It will not prevent noise from coming out?

Mr. Lorenz – It will not stop noise from coming out but the facility and the field will only operate during business hours as well. After that everything will be turned off and lighting is also downcast. It will shine on the field and comply with all the photometric requirements for the Town. Including the extra stringent requirements within the 96 corridor district.

Mr. Venturino – The field has no access from the parking lot. You have to get to it thru the store.

Mr. Logan – Several questions regarding the field enclosure. I assume there is some way for emergency egress from that enclosure to the parking lot in case of an emergency within the building. Maybe the Fire Department need to weigh in on that too. Either that or access into it in a fire emergency. That is quite a distance to restrict access to the building façade and inside of it. That might be a challenge. In that area you are covering over 40-50 year old utilities. Is there a plan to upgrade the utilities across that or reroute around the field so that there is no need to tear it up in the future if there is a problem with electric or water? Lighting. I appreciate that you are getting it lower to the 45-47' it says. 47' is the top of the netted structure. It is repressed. The gentleman mentioned the concern of noise. I venture to say that the noise from 96 is quite higher than anything you would get from that field. It does not concern me too much.

Mr. Gallina – You have already addressed the lighting. That has been a big concern in the 96 corridor and appreciate that. I think in favor of reuse of the facility. Even though it means a vacancy somewhere else I rather it see it stay in the Town of Victor and upgrade the larger facility than have you move. There were a couple of comments around the architect and landscaping that I ask you to take a look at. No other questions at this time.

Ms. Zollo – You mentioned that the field will be 24-36" above grade, then will the fencing and lighting be on top of that? 45' above?

Mr. Boyer – I mentioned worst case scenario and that would be at the front right corner is the only spot where it would be elevated. As you go towards the building the elevation dissipates and as you go up to the auto center doors the elevation dissipates to flat. At the one spot the

fence is same height all the way around so it goes from the finish floor up to the height. In that spot it would be elevated by that 24" or wherever that grade is.

Ms. Zollo – Joe mentioned that our engineer had comments about the illuminated sign. I am hoping you will address that. It is not recommended internally illuminated sign. From your examples of your brick it looks like that the stark white contrast that we were seeing on our printout, that was just a printing issue and not the actual color it is the more muted. There was also a comment about the window posters. Are you planning on using the window posters'?

Jeff Renninger of WD Partners

Mr. Renninger – I can speak about the images. We had a discussion earlier on regarding the posters and we understand there is a Code change happening right now. We are not planning to have any posters as far as I am aware on the windows. They will be setback. There will be mannequins but they will not be part of the façade or exterior windows.

Ms. Zollo - It would be more of a window display as opposed to these posters stuck on the windows. I am not a fan of those.

Chairman Santoro – I have a question on this drawing here. The climbing wall, it seems to show in the drawing that it is back here. Here it shows it up at the front.

Mr. Lorenz – It sort of decipher where it is.

Mr. Venturino – That is the most current. We are still working on the interior merchandise flow. The climbing wall originally started back in the corner and recently in meetings with our CEO they moved the climbing wall to the front. That is the most current and it is where it is going to stay.

Mr. Logan – Is the climbing wall in the scale of the one of the Dick's at Marketplace?

Mr. Venturino – I think it is still being spec'd out right now. I believe the one at Marketplace could be a little bit bigger. I can't give you that for sure.

Mr. Goldman – In terms of emergency services and making sure, Joe, we will take a look at that. It is something that we are all concerned about and want to make sure we are safe. The intention is to leave the utility line in place and probably evaluate it. I don't think there is any plans to upgrade at this point. Those utility line and at Eastview are all over the place.

Noise you did point out. Ambient noise level on 96 is pretty high so I do not anticipate that noise will be much of an issue. Lighting. We did bring it down and it was mentioned that we are going to shield the fixtures themselves so it is down lite so we don't have a spread of the light. We will provide some plantings and landscaping along the façade of the building itself and we can do that as well. The lighting is 24-36" above the number in that one spot. We do want to keep it down on the site. Considering the configuration that we have. In terms of the illuminated signage. That is a Route 96/251 corridor recommendation. I will point out that most of the mall stores have internally illuminated signs so we are asking to be in the same mode as the rest of the mall is concerned. Color is muted. It is not the white.

Ms. Zollo - Can you clarify the climbing wall, it is going to be towards the front by the service pick-up area?

Mr. Venturino - The service pick-up is actually an enclosed area. It is going to have lockers inside where you can come in, it is buy online and pick up in store. That area is accessible 24/7 but it does not have access to the store. We have worked the climbing wall behind that.

Ms. Zollo – Good. I was thinking that traffic pattern would be a nightmare.

Mr. Pettee – I haven't had a full opportunity to review the lighting plan that was handed out tonight. I am happy to coordinate with the Town CEO on any assistance in reviewing that. Something we might want to see and before I send you off with directions I just want to be sure we coordinate with the town first. We might want to see a lighting plan that shows the cumulative impact from what is proposed at the outdoor field with what is existing there now in terms of what is around the parking lot. Maybe that what pg. 13 is indicating. Is that the extent? There is a rectangular circle that shows zero foot candles and .2 foot candles on the bottom. Is that the extent of where the illumination is projected to be?

Mr. Boyer – Based on the four towers we have for the lights that is the throw it will have in those areas. Which is pretty much zero throughout.

Mr. Pettee - Then also with regard to lighting. We can look at the Code, section 131-11, of the Victor Town Code, paragraph (j). Recreation sports, athletic field and facility playing areas located in any district. I am not sure if it applies, but it looks like maximum illumination of play areas during times of play must not exceed 40 foot candle as measured in all orientations of the ground. I would like to confirm that particular provision is the one that is applicable in this instance with the CEO. It looks like based on what I am seeing here, it looks like we are exceeding the 40 foot candle if that is the Code. My colleague Joe did bring up about the utilities

and the attorney did address that. I was initially a little concerned that if something was to go wrong with one of the utility lines there was a drawing in particular that you had submitted a couple of weeks ago showing a water line or gas line, one or two maybe three lines that crossed the corner of where the fence is located and whether or not there needed to be access to those. That is why we brought it up.

Mr. Lorenz – We can verify that for you.

Mr. Logan – regarding sheet 7, the west elevation. A question about that façade look. It shows a clear view to the screen, I assume the auto center is not shown on there for illustration of how the rest of the fencing compares to the building from the backside. It does project out away from the west elevation easily 30-40 feet and there is a temporary structure there which I assume will be taken out at the Dicks rear facade as well. You might want to update your elevation to show even if it is a white rectangle in front that it is separate from your facility and how it relates to the elevation on that sheet. It is a little bit lower than the façade of the balance of the existing Sears structure.

Chairman Santoro – That is all we can do for tonight. We will leave the public hearing open.

Mr. Goldman – I think we have our takeaways and will try to get information back to you in advance to wrap it up at July meeting.

VICTOR CROSSING

400-441 Commerce Drive

Owner – Main Street Stop, LLC

Applicant is requesting to do a site plan modification 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.

19-SP-2019

Zoned – Commercial

James Boglioli of Benderson Development

Mr. Boglioli – I know we presented last week and I will give a quick summary and address the comments at the last meeting. I know the Board is familiar with the site and I have been coming here a long time. The area for the proposed patio expansion is this area here. We have Nann-

Tastic going into the existing site. The restraint uses a permitted use and does not require any approvals and the only approval we are seeking is for the patio expansion. We will provide a “wowed” out, that means we will bow the patio out, it will slow the traffic coming thru this area as we know it sometimes becomes a raceway. We are adding a raised pedestrian walkway that will connect to the sidewalk that goes all the way to the 15,000 sf building. We lose eight parking spaces by adding that patio. I know the Board is familiar with the patio plan, it will be all pavers consistent with our other patios in the shopping center. We are going to relocate 4 pedestrian style lights along the outside of the sidewalk. We will have traffic rated decorative bollards are incorporated into the railing on the patio so that there will be vehicular protection. The Board did ask for pictures and we are proposing strand lighting over the patio. This is the strand lighting we have used previously. It goes off at night when the restaurants are closed. As you know nothing in Victor can be open after 11 pm in that area of the shopping center. It is below the building.

I know there was some issue that were raised that are unrelated to this application and unrelated to the patio. The first one is odors. This is the SEQR findings from 2006. In 2006 when the Board originally approved this project all that was required was filtering added to the restaurants. We now that we had an issue with Five Guys, we have been working to address that. In 2015 when I came back to ask for some of the shopping center to be open later we actually refined those standards and that applies to all future restaurants. If you notice there is no smell from Chipotle or the pizzeria, since this is what is being used. What we did was changed the standards to add carbon activated filters, grease extracting filters ion the hoods and to comply to two standards, ASHRA 52.922 and 52.9-1999 and that removes particles down to .05 microns. Basically that is why you do not have any more smells from the restaurants. I did speak to Five Guys they have hired a consultant and looking to see if they can modify their system to comply with the new standards even thou they are not subject to those standards. I was on the phone with them this morning and they are going to start to work on that to see if they can fix that. They are double since the last time I was here. They did add a second filtration at Five Guys. They are double filtering the air already. It is not part of this application but they are continuing to work on it. I know there was an issue with dumpster enclosures. The Board previously approved a plan to add dumpster enclosures all those will be completed by 9/15. They are already bided out and will be completed this summer. None of the dumpsters are visible and all are behind the shopping center and not in the public right of way. The shopping center has a really high wall in the back. All those will in an enclosure by 9/15. We did mention there was some grease barrels behind Five Guys and they are going to talk to their consultant and pick those up more often so that they are not out there. As I noted we did provide a parking study that shows at peak we requiring 959 parking spaces, that leaves us with 627 available parking spaces at any given time. This site has more parking than that is required. The waiver to drop the

parking to allow for the patio to go in is consistent. I am happy to answer any questions and we have addressed all the comments we have received.

Chairman Santoro – Public hearing still open. Anyone from the public?

David Anderson 359 Meadowlark Lane in Victor

Mr. Anderson – My concern is all existing and new restaurants must comply with smoke, dust, noise and odors as per commercial district regulations and also noise in section 143 of the Commercial Code. I want a good neighbor that is going to the right thing. I am leaving it up to you to put the necessary restrictions on the project. I have a neighbor that was unable to speak here tonight that I wanted to convey that to. I am further away and I can't smell the smell but it is an existing problem in our subdivision. Thank you for your time.

Chairman Santoro – Anyone else from the public? *None*

Mr. Gallina – There was one comment from the County suggesting stop signs at the crosswalk between the parking lot and the restaurant.

Mr. Boglioli – I will be happy to add the crosswalks as a condition. We usually do a yield to pedestrian sign. We generally do not stop the traffic since then you are stopping traffic mid-block. I would be willing to do a yield to pedestrian or yield to crosswalk.

Mr. Logan – I would think that instead of the stop sign that the prominent pedestrian yield sign.

Mr. Boglioli – That is typically what we do.

Mr. Gallina – I was looking for a visual to ensure traffic is aware that there is a crossing.

Mr. Logan – that is a table there isn't it?

Mr. Boglioli – Yes that is so that it is already slowing traffic down.

Mr. Logan – It is good to alert that it is a ped crossing. The signs really help.

Ms. Zollo – I think my neighbor talked about the Code that the restaurant must comply with as far as the odors wafting into the neighborhood. As long as that is complied with then we will be ok.

Mr. Boglioli – We continue to work on that that is why we changed the standards in 2015. I was on the phone with Five Guys multiple times and they have hired an Air Consultant to start to progress that.

Ms. Zollo – You said by September 15 you will have all the dumpster on the northern side enclosed and they will be closed and padlock.

Mr. Boglioli- They will never be padlocked but they will be closed.

Paul Lawatsch 376 Meadowlark

Mr. Lawatsch -This was the one I really came her tonight for. Again, just given that we have been there since 1993 and we have seen the traffic. In the winter we can see right thru those trees to this whole development and quite frankly we are glad that that parcel was developed. We saw it sit vacant for so long and Longhorn is fine and we don't get any odors that we really smell...

Chairman Santoro - We are talking about the Walmart Plaza.

Mr. Lawatsch – Oh we are? I thought this was the patio for the Beer Project. My bad. Excuse me.

Chairman Santoro – Motion to close the public hearing by Joe Logan, seconded by Al Gallina.

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 a Site Plan entitled Victor Crossing – Patio Expansion.
2. The applicant is requesting approval to do a site plan modification to expand 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.

3. 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.
4. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On June 12, 2019, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
5. LaBella Associates reviewed the application on a letter dated May 21, 2019, and had comments.
6. The Fire Marshal reviewed the project on May 10, 2019 and had comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 25, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Victor Crossing – Patio Expansion, 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, Benderson Development Company, LLC, 570 Delaware Avenue, Buffalo, New York, Site Plan modification for Victor Crossing Patio Expansion,, received by the Planning Board April 30, 2019, Planning Board Site Plan Application No. 19-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated May 21, 2019 from LaBella Associates be addressed.
3. That the comments from Robert Graham, Fire Marshal, dated May 10, 2019 be addressed.
4. That comments from Bruce Zaretsky, Landscape Consultant, dated May 22, 2019, be addressed.

- 5. That comments in a memo dated May 24, 2019 from Al Benedict, Code Enforcement Officer, be addressed.

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 appropriate standard conditions with 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	Absent

Motion passed 4 in favor, 0 opposed, 1 Absent

VALENTOWN PLAZA LOT 2 AND 3-PARKING EXPANSION 23-SP-19
 7724 State Route 96 Zoned – Commercial
 Applicant is requesting approval for construction of additional parking areas and associated utilities at the properties at 7724 Pittsford- Victor Road and 300 High Street, with a net increase of 33 parking spaces.

NEW YORK BEER PROJECT MODIFICATION 31-SP-19
 7724 State Route 96 Zoned – Commercial
 Applicant is requesting approval for site plan modifications in the addition of an outdoor seasonal fenced-in sidewalk patio along the northwestern corner of existing building, also include a seasonal roof patio seating area, a dumpster pad and enclosure. Applicant is requesting approval of a pergola and string lighting on the roof patio.

James Cretkos BME Associates, Fred Rainaldi

Mr. Cretkos – The application the Chairman just noted was for the expansion of a couple parking areas on Lots 2 & 3 so that is the Beer Project lot and the Longhorn lot. We have made some revisions based on some comments received so the net parking gain between the two lots is not at 25 spaces. Both properties that we are proposing development on are currently zoned Commercial and within the Route 96/251 corridor overlay district. We did attend the County Planning Board meeting on June 12. They provided a Class 1 referral, which indicates that the project will have little potential to cause inter municipality or county wide impact. To date we have also received comments from the County Planning Board and their meeting minutes, Code Enforcement, the Towns MS4 representative, the Fire Marshal, the Town Engineer and the Town Landscape Consultant. We have provided written responses back to the Town yesterday addressing all those comments.

Today we did receive additional comments from the Fire Marshal, the MS4 representative and the Code Enforcement Officer indicating they had no further comments at this time. From the time of the initial application was made again we made some modifications primarily based on the Fire Marshals comments and some concerns that the County had in regards to traffic maneuverability and access. Basically the main change that we did was we eliminated the point of connection to the Route 96 entrance and instead of bringing that parking area back into the Longhorn lot it will help prevent any traffic congestion at that Route 96 intersection. The other change that we did was we modified the parking on the southern portion of the New York Beer Project to the angled parking. These are in response to the Fire Marshal comments primarily. The modifications did result in some reduction in spaces that we had originally proposed. We were originally at 33 and we are now at 26 parking spaces. All these parking spaces are being proposed in addition to what the Code requirements were when the plaza was originally developed.

We do have a variance application into the Zoning Board currently. We had an initial meeting with them and will attending the meeting next Monday. We are requesting a modification to the front setback variance that is along the 96 corridor. On June 23, 1976 the Zoning Board approved a 35 foot front setback so we are asking for a 30 foot front setback so a little more relief. This enables us to build 6 additional parking spaces in the front area in front of Longhorn. These parking spaces are the ones that are going to be closest to the 96 corridor and is also the furthest away from all the residential properties to the south.

We are still compliant with the open space requirements on the project s with the additional pervious area. The stormwater facility is adequately sized to handle all of the increases in the impervious surfaces. We will be doing some maintenance items on the pond that were identified by the Towns MS4 representative which includes removal of sediments, cleaning around the outlet structure as well as repairing some pipe inlet and outlet discharges, providing new riprap where some minor erosion has occurred over the years. We do have some minor lighting modifications with the sites. We will be relocating two existing lighting poles and reestablishing them. We are going to be moving approximately eight feet for this one area and about 15-20 for the other one. There is still an existing residential buffer to the south as required

by Code between commercially zoned and residential properties as being 99% maintained. We have a small amount of grading that we will be doing. Pretty much all of the existing vegetation that is in that area will be maintained to continue to buffer those properties to the south.

Chairman Santoro – The next one is yours also and relates to the same area. I am sure there will be comments and questions on both of these.

Mr. Cretekos - Also with us for this application is Kevin and Kelly Krupski, who are the owners of the Beer Project. This application we submitted at the request of the Town Planning Department thru some of the review with the Building Dept. on a couple of patios that we had provided on the plans. The first patio area is a ground level patio. It will be located on the western side of the Beer Project building. This provides seating for approximately 47 seats, the fencing and tables will be seasonal so it will be removable. We do plan to mark in the sidewalk permanently or with paint every year where the fences go and make sure the accessibility requirements along the sidewalk are maintained for that area. The additional 25 parking spaces that we proposed on the other application s would account for the increase in the seating for this patio area. For the rooftop patio we are proposing seated area with some landscape features as well as a pergola and string lighting. The capacity was to determine to be 125 seats which we reviewed with Code Enforcement. This patio is not intended for standing area only. It will be ancillary to the upstairs interior space. Therefore if we are going to be utilizing this space outside we will be sectioning off and equivalent area of seats in the second floor hall area. That way we are maintain the total capacity of patrons that would be allowed in the building and not changing or increasing the parking requirements or uses for the buildings. We will be providing a plan showing how this will be blocked off for the Code Enforcement for their review. If for some reason we do anticipate a need to do a different event we discussed with Codes potentially to submit a plan to the Town for their review where we may be bringing people in from offsite based on the building occupancy limits. We did receive several of the neighbor comments. Some of them specifically related to noise and odors. For the owners of the site, the restaurant is in compliance with the required filtration systems on all of the exhaust fans. Regarding noise, there was also some comments from Code Enforcement about inquiring about live music on the rooftop patio as well as the external speakers. At this point we are having no live music on the patio area outside. There are some externally mounted speakers out there and will be compliant with the Towns noise ordinance. The other part of the application we submitted this is going to house and enclose the dumpster that are out there now. As well as the oil bins that are associated with the restaurant. We did have a comment from Codes about making provisions for potential spills, so we have agreed to keep a granule oil absorbent material, a bucket typically like cat litter, and wanted to make some provisions incase an accidental oil or grease spill occurred in that area. We did receive comments from Code Enforcement Officer and provided a response letter to those comments yesterday as well. We also received comments this afternoon from the Fire Marshal. The comments he issued were primarily in regard to the demarcation of the

fencing. We will be doing a permanent or painting every year. As well as inquiring if the dumpster will house the two grease bins, which it will. Again if the Board has any comments or questions.

Chairman Santoro – Anyone from the public have any questions or comments?

Tammy VanBuren 365 Meadowlark Lane

Ms. VanBuren – I have several comments relating to both of these issues. First of all I would like to say that I know that Heather lives in the area and am not sure how anybody else in here other than my neighbors, live in this area and are impacted by the additional congestion that is brought by this project. Since this project has been in place I have almost been in three accidents with people trying to turn left out of the High Street entrance. The High Street extension where you are not supposed to turn left and people do. There needs to be other than a ‘No turn left’ sign something to force people to turn right and not turn left. Either that or make that an entrance only. There are still two exits. In regard to the additional parking. I know that this project was given site plan approval many years ago and once approvals are given I was told by the Town they are not rescinded. It appears the developer has over developed this project and now asking for forgiveness rather than permission. That are asking for additional parking, which is just going to increase the traffic issue exponentially. If they put the parking where they say they are going to put it over across from Longhorn, they are going to have to do some pretty good excavating because there is a drop off there. I drove it today. Also when the original plans were put in place and we discussed when Uno’s was being put in, there was a lot of discussion surrounding the landscaping and the trees in that area. They are going to have to remove some of them. This is not acceptable to us. Whether it is in there green space requirements or not part of that is a buffer from 96 and we have animals that live in those areas that you are going to be taking away part of their safe zone. As far as the parking on the entrance from High Street. I cannot say enough how. It is not wide enough to even get two cars thru. The building is right on the street where the entrance and exits are. Now we are going to add parking there? There is also a pretty extensive drop off in that area that they are going to have to put a retaining wall and backfill in order to put the parking in and not have there be a drop off. It doesn’t directly back up to our neighbors it does impact us. There will be more cars, the lighting will be moved and it will be closer to us. This has a huge residential impact. I have some comments that I sent to Kim this morning but would like to read.

I am concerned that the Town appears to be taking a piece meal approach to the development in this area. Due to the amount of traffic on Route 96 the traffic on High Street has increased significantly and by adding more parking here and allowing more people in and out we are just going to increase this exponentially. The land was meant to be developed as it was originally approved. If they need more parking because of New York Beer Project is successful, which is great, don’t get me wrong I don’t think it is bad that they are successful. Perhaps they

need to rethink the Chase Bank and pave over it. They will get there parking if they do that. There doesn't have to be another building built there. There are other ways to get parking. All of this has a great impact on the residents and because I live in the area I see the increased traffic and I see all of this. People who are not familiar with the area are pulling in and out of there and not familiar and will be causing accidents. It happens all the time. I have asked for a traffic study and am hoping that maybe you will do that. I am also trying to get information about accidents in the area. I have lived in Rolling Meadows since 1992 in the 27 years that I have lived there I have seen the development continue to grow and grow it decrease our quality of life in this area. Please do not let them impact the residents anymore than they have already have. Please make them work within what they were originally approved for. Thank you for your time.

Martin Snyder of 304 High Street

Mr. Snyder – I am one of the owners of 304 High Street which is the lot just immediately south of where the proposed parking at the intersection of Valentown. I came before this Board during both the public hearings for the Chase Bank and I really appreciate what that lady just said. Those are very big concerns of mine. I want to remind the Board that this letter, I will be glad to pass this around, this is the resolution from the site plan that we are revising tonight. This was from the meeting on April 8, 2014 letter written on April 9, 2014 detailing the findings of fact. I want to remind the Board that the applicant asked for this problem. This is fact 10 of the findings of fact. The applicant has asserted that the previous site plan of May of 2007 contains 357 parking spaces and due to the specialty retail use in the new building, fewer parking spaces are needed in comparison to restaurant or commercial uses. Now we have a restaurant there. The Planning Board approved the number of spots to be decreased back in 2014. Now here we are with these problems and we want to increase the use on this property with the patio seating, it is a net zero impact on the top. These are all big problems. With the parking that is on the southeast side of the property, I think that is the site plan from before County comments. I don't think that is a current site plan. This one is. This has the angled parking. That is old. I believe that one has the entrance on 96 which I don't think that is correct. Just for the record I think the one that is one the overhead is incorrect.

To bring up that parking on the southeast corner of the lot. My concern is that you have 18 give or take parking spots that are proposed there all on the ingress and egress. That is where the parking cues. That is the only intersection with a traffic light where you can chose to go any direction you want. The one on the curve that the lady had mentioned, I have seen where they make their own choice regardless of what sign is up there, they go whatever way they want. Supposedly they can't go across to High Street extension, I have seen that happen as well. You have limited turns onto 96. We need to keep that exit open. The parking seems ridiculous to have parking on there. Another concern I have. No matter how those parking spots are on that proposal those lights shine right at our house. If you are familiar with the topography there you

go from the proposed parking spots, drop right off, what type of shielding is there going to be between commercial and residential use. There is not many options. Once you lose the leaves off the trees lights are in the house and that is not something that we want.

I want to reiterate the fact that two Fridays ago I drove thru there at 6:30 in the evening. Everything is maxed out there. The parking is maxed out. There is not enough room to figure the people who want to come in there now let alone increasing the use. I would like to reiterate that when the Chase Bank was proposed that that is too much development on that lot. I know we are relying on the fact that the bank closes during the when the Beer pub is open. I think we are relying too much on that. We had a traffic study done. I have it on my phone right here. Before the Chase bank went in. The engineers said oh its fine. It is all good. Anyone who drives thru there for peak hours know that is not the case. There is an error here. There is an error and I wish someone would look at the big part of this project. I tried to do that two times during the site plan process for the Chase Bank and I just pray that you look at this entire application and not just bits and pieces. We have the other new building that is going in on High Street extension. That is only going to add to the problems. I am not positive about this and would love for you to ask the applicant. I think the workers from the Beer Project have to park on High Street Extension and go back and forth. I see logo shirts of people walking across that intersection there. We don't even have room for people who work on that site to park. That is my supposition but I am pretty sure and would put money on that. We have big problems here and the applicant can resolve all this by not building Chase Bank. That can be used as parking we don't have to have head lights into our residence, we don't have to have the additional parking on the ingress and egress and be a good neighbor and not over develop and put the parking where the Chase Bank is proposed. Thank you.

Paul Lawatsch 376 Meadowlark Lane

Mr. Lawatsch – I back up to George and Marty. Yes, we have traveled it now for the four months it has been opened. All hours we come at 11:30 at night and there are people and pedestrians crossing four lanes and trying to get over to their cars on High Street Extension. There is alcohol involved. Whether they are within the limits or outside the limits. My wife and I walk and cut thru the Uno parking lot just to stay away from walking on the Valentown shoulder. Again this Town was supposed to build a sidewalk all the way to the schools so that we could have recreational walking but that isn't the case. So we walk on the shoulder of High Street. We have seen the traffic all days of the week having weekends the worst. Saturday mornings when all the soccer moms are driving like crazy. When you go to cross that four lanes, we have to hustle and we are sober and we are walking to get over to Starbucks and Constellation to walk we see people in dark clothing crossing ...someone is going to get killed. That's all I'm saying is it is very dangerous and overcrowded. Everybody is parking down to Alex and Ani, Northface is usually full and now you are going to put a microbrewery in there. My concern is this patio for 40 something people. What kind of lighting is it going to have?

Obviously it won't be open in the winter but will the lighting still be there in the winter. Will that lighting be visible thru the trees that lose their foliage in the fall? Again, I was involved in a T-bone accident just making a legal left with the arrow and somebody just blew a red light, three years ago at that intersection, I have seen Mercy flight take people out of there, these are people in cars and people trying to cross four lanes the way people drive up and down High Street it is not going to be good. Everything else I agree with that has been said and appreciate your time.

Dave Anderson 359 Meadowlark Lane

Mr. Anderson - I live about a 1000 feet from this project. The entire site is over developed in relationship to the available parking. It is hard to believe that this project was approved. 33 or 25 now additional parking spaces will not alleviate this parking at peak times. It is like looking for a parking spot on Black Friday at Eastview Mall. Talking with Code Enforcement Officer today, retail store require 5 parking spaces per 1000 sf of retail according to Al Benedict. Restaurants require 1 parking space for every two occupants and 1 parking space for every employee that is on duty. New York Beer Project currently has occupancy for 575 guests that would equal 288 parking spots. If we estimate 25 employees on duty at that time that would equal 313 parking spots need just for the Beer Project. All three lots currently have 332 spaces which leaves only 19 spaces for Longhorn Steakhouse, the proposed Chase Bank and the additional retail under construction on Lot 3. 33 spaces or 25 spaces will do very little to solve this problem. I was waiting to hear back from Al today and did not. I called him alter in the afternoon. I went into Longhorn Steakhouse and there occupancy is 204. Tonight they had 15 employees working. Longhorn would require 102 parking spots for the patrons and another 15 for the employees, which is 117. Add that to what we said the Beer Project needed, 313. It is upside down. They need a ramp garage there to house all these cars to be compliant. I think we just have to say no to this. I propose a traffic study be performed before reconsidering the approval for this application. This should be done after the curbing's installed for the right-of-way entrance, in and out on High Street. This area is currently not functioning as intended and is confusing for patrons not familiar with this intersection. If you are trying to turn into the parking lot from High Street and on your left hand side it says do not enter. I think it is trying to keep people from making a left hand turn in there. If you are turning in right you see do not enter, if you are in the parking lot and you are trying to pull out and says right turn only and the sign is almost obscure because it is on the backside of the do not enter sign. People are turning left out of there ass previously mentioned. There needs to be a diamond in there to define the flow. Please note there are only two crosswalks within one mile of this project. There is one new crosswalk behind New York Beer Project Lot 3 leading across High Street towards Valentown Road. This crosswalk is currently not in use and doesn't really lead anywhere. There is no direction in trying to get people there or to anywhere else. The other crosswalk is at Route 96 and Commerce Drive. The crosswalk would not benefit Valentown Plaza being way down Route 96 by McDonalds there. There is a problem there. In essence, if you pull into this parking

lot and you want to go south on Route 96 you have to go out of the exit behind Beer Project at the signal light at Valentown and turn left and come around onto 96 then make your turn left to go South . Other than that you are trapped in there.

In regard to New York Beer Project modification, I think this project should be put on hold until the parking issues that I just mentioned are resolved along with neighboring residents concerns that I am going to list. Noise from the approval of outside seating is a major concern of neighboring residents, outdoor live music and amplified music from inside needs to be contained. I do not think this is possible with the doors open of any kind. Please refer to Chapter 143 of the Town Code regarding excessive noise. There are many documented complaints going back to May 27 from the residents that have reported to the Code Enforcement Officer. Emissions and smoke of cooking odors are also concerned to some residents upwind from this establishment. Please refer the commercial district regulations regarding this. This would affect people over on the Franleee subdivision. Even though they said it is fixed someone needs to verify that. With regard to the rooftop patio, the patio has been in use since before Memorial Day. This is contrary to the Certificate of Occupancy that was issued to New York Beer Project. Please refer to the letter from Sean McAdoo, the Code Enforcement Office that was addressed to Kevin Krupski, owner of NYBP dated May 30, 2019. I have a copy here if you would like it. The pergola and outdoor lighting that is being requested were also installed and in use without a permit prior to Memorial Day. It is my understanding that they are allowing general seating even thou not allowed yet. Now they are asking for permission to have it when they have not been compliant. Same goes for the pergola and the lighting. Once again that has all been there and been in use without a permit.

As far as dumpster pad and enclosure are concerned. I believe that should be immediately approved. Dumpsters are unsightly and do not have contents when left open. Perhaps this applicant could reapply for outdoor seating after they have proved they can be a good neighbor.

I also have two neighbors who could not be here. I want to make sure they go on record that Steve Sacheli letter, which I have a copy here and also Robert Rose, wanted to be sure their comments are documented.

Martin Snyder

Mr. Snyder – One thing that was not brought up during presentation. The dumpster pad outside of where it was previously. It is on the map there but was not brought up in the presentation. I would like to see that addressed as well. It sounds like they are trying to put dumpsters in two different spots. Let's leave them behind the building and not out in the parking lot.

Kathy Rayburn Director of Economic Development for Town of Victor

Ms. Rayburn – I am also a resident. I am here tonight in support of the New York Beer Project. I just want to make sure you know. I understand the process you are going thru tonight and the reasons you are doing that, I applaud you for that. Basically what I want to drive home from an economic development standpoint is what the New York Beer Project has done for the Town of Victor and its community. You heard Jerry Goldman a little while ago talk about Dick's Sporting Goods and brick and mortar is really being challenged now. This NYBP has been a huge shot in the arm for Victor and this community. 7,000 visitors a week that is hugely impressive. We need these kinds of projects again I understand why you are going thru this process. It is necessary and want to make sure you look at the big picture and what this project has done for the community when you are making the decision and not lose sight of what it has done here.

Joel Carter 7356 Rolling Meadows Way

Mr. Carter - I was visiting the site at the Beer Project and not only heard the screaming from the top of the patio and thought it was music and when we got there and inside there was music but outside was just screaming. We couldn't hear ourselves inside of our home. When you she talked about the economic development of this project, think about the economic development that we have brought to this community as well. Our homes was not one of those that you buy for \$2. All the other people's homes and the taxes that we pay, they continue to rise. We talk about the taxes we pay now and not sure what some of this development comes in, as it comes in we seems to pay more taxes. I understand that we want to have brick and mortar and I support that. But we have to live her too. When I come home, I don't want to hear the noise. I want to sit and be comfortable. I do not want to have the smell from the cooking. Yes it has been a shot in the arm but is small compared to the homes and the taxes that we pay. Very small and we plan to be here.

Kelly Krupski – I and my husband Kevin are the family owners of New York Beer Project. I will be brief. This morning I was doing my morning reports and reading the logs from our managers and I came across this and wanted to read it. It's from Amber Forkell, our manager and a Victor resident. She wrote "What we are a part of is simply amazing. The energy, the happiness, the fun that our guests are having is magical. I stopped the servers and asked them to take a moment to just listen to the energy in the room, too look around and see that they are a part of helping to build this incredible experience in Victor." We are doing good things inside but we are also very good neighbors. We take this very personally. We pour beer and give generously. We give gift cards and gift baskets to many quests community causes in the very short time we have been here. In Lockport we have been here for three and half years, thru collaborations we have managed to raise \$20,000 for Children's Hospital and we are among many other things that we do. We support local wherever we can. We use local hops, local farmers and we look forward to when we catch a breath, going out on field trips and finding

more. We are doing good things for our neighbors. We are doing a collaboration beer right now with Valentown and Kathryn White. The Cornell Coop Extension using feral hops from the community for the Hop Fest on July 20, which we are very excited about. We also thou are the community gathering spot. We have become this defacto place where Victor can gather. Everybody. You get teams that come to play. Everybody wants to play the Victor baseball team now so they can go to NYBP and they come in with 50 little kids and we can take care of them and we make sure that they are not rowdy. We have corporate happy hours upstairs in our loft. We pay very very strict attention to the Codes that we have been asked to follow. We are very very diligent on that. In terms of the noise we did. We had a band outside one time. Mr. Sacheli came over and asked us to refrain and we did. We have not had any bands since that evening. Then there was a time when the doors were open. He came over again and he talked to Andy, our General Manager, and Andy is like a Pitbull making sure that that noise ordinance of 25 feet from our footprint is in existence. Andy and our manager's walk around every 15 minutes because we know when the traffic goes down the noise level goes up. I would anyone to walk around and check that out for themselves. We take that very seriously. It also is, in Lockport we have a 150 mug club members, and in Victor we have 750. I do not have people here standing behind me, I know that if you go down to the Beer Project and you ask them, your Victor residents, and I truly truly understand what everyone is saying here and I take it very much to heart but it is a wonderful place to be. As for we all went out this weekend and tried to find in a very short little time of summer, what do you try and find? Something outside to sit. That is what the people of Victor, they go anyplace they can get outdoor seating. The go to Rochester festivals, Canandaigua, Finger Lakes. We are trying to bring them here and we can. I was just talking to Paul Leone who is the President of the entire NYS Brewing association. He told me over the weekend that he has never, he is the President for 565 breweries in NYS, seen such hype or excitement from a community and there is so many communities in NYS and different states that would love to have this excitement come to their town. I think that what we are doing here with New York Beer Project is giving a wonderful place to so many people to come in and see the Town of Victor.

Mr. Cretkos – I would like to respond to few comments if that was okay with the Chairman. Regarding the entrance onto High Street. The original approval of Lot 3, the NYBP building, we originally had a raised median island that was going to be installed on the entrance to High Street. Right about as we were going to construct it we were contacted by the Fire Marshal, also was in conjunction with the Chase Bank application. It was at the request of the Fire Marshal to not install that island. Primarily for allowing fire truck movements coming sown High Street to be able to make a left into the development. One thing that it is not installed yet at that intersection that will be completed when the rest of Chase bank improvements are is the flexible bollards that are being proposed and approved in this intersection. Although it is not a permanent deterrence to vehicles since they will be able to be driven over and 360 angle this

should help with some of those movements and helping motorist understand that they are not supposed to be making a left hand turn at that location.

Regarding some of the vegetation that we will be removing for the parking areas specifically in front of Longhorn. We are removing a hedgerow of tree. We are replacing that with some shrubs to help screen the headlights and also 40 feet of vegetation that is in the NYS right of way that will be maintained. Largely views from Route 96 as you come northbound along it will be no different when viewing into our site.

Regarding some of the headlights shinning onto the southern properties, Fred would be more than willing to propose shrub rows along the back of those parking to help screen any potential spillage.

Chairman Santoro - Would it be a solid fence?

Mr. Rainaldi – It would be a combination of solid fence and mature vegetation in from of that. 100% of whatever is displaced from 96 parking component we would, I am committing right now, to replace.

Mr. Cretkos – Some of the other comments regarding the pedestrian crossing on High Street. Originally there was a plans to create the connection between the Valentown intersections, you can see there is an existing crosswalk there and then carry that up to High Street extension. Fred is more than willing to engage and initiate and complete that project. We would just be looking for potentially an easement from the Valentown Museum or there is one large tree on the edge of pavement that is a challenge for configuring that sidewalk and pedestrian access. We would be happy to proceed with that and submit an application to develop that and to help with some of the pedestrian traffic in that area.

Regarding any of the light poles we will be relocating. We are going to be providing a point plot to the Town Code Enforcement Officer for his review. We will still be compliant with the Towns requirement to have zero spillage over any of the property lines.

Regarding some of the concerns getting to the thruway from our site and having to leave thru the Valentown signal light entrance and then go to 96 and make a left. We are going to be putting up some signage in the site for that to help direct motorist who are trying to get to Route 96 to exit in the appropriate location which should also help reduce the number of motorist trying to make that left hand turn onto high Street.

Mr. Rainaldi – I would like to clarify one point that James spoke to a moment ago. The flexible bollards that will be installed on the right in and right out at High Street. Those were planned to be installed with the improvements to the Chase Bank, those actually have been purchased. It is not a typical item so there is a lee time. In two weeks' time they will be installed. The signage which was requested by Codes has been installed. Signage that will direct the entire parking

facility, all three lots, to provide access to the thruway if they are heading south on 96. Those signs have already been ordered from Premier Signs and will be installed within 10 days.

With regards to odor, the system were designed to spec and sometimes spec does not service true demand. We have two styles of hoods, vents, filters and changing sequence that we have available to use that we will engage immediately to service that and I am confident that will be addressed and cured.

The sidewalks, even thou this project is what we are discussing now, there actually has been a lot of sequencing in planning over the years to take advantage of capital improvements both the Towns and ours. We have participated greatly in those. It was always our intention that the prospect to continue the sidewalk and pedestrian traffic. Walkable features of this project and not just at the retail portions but also thru the residential that was previously approved. There was reference to cross parking. Employees parking at Phase 2 and Phase 3 and yes that is correct. That was something that was not only agreed to by me but part of our planning with the Town and Codes and the Planning Board. We were very hard to assemble these four phases of retail. We want these four phases of retail to work together to be crossed shopped and for the amenities to be shared across all four phases. I want to reference an application I made almost four years ago where we were experiencing this very same thing with Olive Garden. The parking lot and infrastructure was built to Code and we built a series of building and retailers that have experienced great success. I came in front of you and asked if I could build an additional parking facility across High Point Drive to the tune of 27 parking spots. That was in coordination with all of our efforts of my team and your team and it has worked beautifully. I expect that these improvements in additional parking spaces will accomplish the same.

My site is not complete yet. The site surface is binder. I don't have my final stripping or signage because we typically do not finish that until all the construction is complete. There is some staging areas that have compromised up to 15% of the parking site. We are also very new with a very exciting concept and as I have learned exercise great patience I am begging everybody here, both official and residents, to share in that with me. We are working very hard to provide something special for this community. The Chase Bank has allowed the Town to use the facility for the Fire Department training and I will upon completion and when we have completed our pre-construction meeting with the Town and it is demolished we will move expeditiously thru that construction phase to make sure those improvements and additional parking spaces are brought online as soon as humanely possible.

One last point in regards to the mitigation of total capacity yield for New York Beer Project. We went thru a pretty extensive exercise with both Mr. Graham and Mr. McAdoo, Hanlon Architects, James and myself along with Kevin and Kelly. We have established several methods to protocol to manage the total capacity within the Beer Project. It includes the use and enjoyment of the patios. We have established the three means of mitigation and reporting and enforcement. Thru our collective efforts, Kevin and Kelly primarily and mine second, look forward to the Town being happy with our progress. We will make sure that these issues are addressed immediately.

Chairman Santoro – I let discussions going on longer than the allotted time since it was for two applications. I let you double up.

Mr. Gallina – First of all, I think the New York beer Project has been very successful and I think we speak for the Board that we want to continue to see success Fred with the rest of your projects. I think there has been some concerns raised relative to traffic. I don't mean overall traffic because we understand that but safety issues related to some of the intersections and whatnot. I take you at your word that you will work aggressively to mitigate those issues. I actually think the innovative solution to cordon off some interior seating to accommodate for the exterior seating is very innovative approach to manage the total capacity. I think there is some very legitimate issue that the community has brought up today. It sounds as though they are already mitigation plans but I think we need to see that total package come together so we can make a holistic evaluation.

Mr. Logan – First off I will echo Al's comments and I won't labor them for the sake of time but I did have a question for you Fred. Regarding the location of the Chase bank and the performance of the future circulation. When you propose the Bank did you look to see if there is anyway with the location of the bank and the circulation around it to maybe put the building in a different spot that would enhance the parking lot further?

Mr. Rainaldi – We did an efficiency study which captured that along with a study with the flow as it relates to their expectations of how their atm's are going to be used. This store is unique as in it is the first modern branch to be built in upstate NY in 16 years. Great thought has been applied to the location where this is going to be placed. Our market was this was a unique process of how they came to Victor and the stores and have a lot of features that are quite unique.

Mr. Logan – Maybe I misspoke. I am looking at not the location in the Town but on the site itself.

Mr. Rainaldi – Absolutely. What we found was the footprint where the bank sites now, which is roughly on half of what the former's Uno's would be, was driven largely by the flow from the atm's and preserving certain infrastructure to not disturb features of the site. We did several parking efficiency studies to see how we could maximize the parking and maximize the traffic flow. We kept with the plan that is in front of you now and is what we had established, what TPG, which is Chase's design firm, had established and gone thru review with our consultant being Bergman Associates. Yes, the concept of always finding opportunity to improve is not lost on me so I know that you have been living with these as long as I have and I am open for suggestions. But we did study this extensively.

Mr. Logan – I was just curious because a lot of space is taken up by the drive thru and the median between the drive thru and the parking surrounding it. I am thinking out loud that if you put the drive thru along the outside curb where the parking is and push the building to the northwest and put a lot more parking out in the region between the bank and two other restaurants. I don't know if that would save some space by eliminating that island space. I would be glad to sit down. Have you laid that out as one of your options and dismissed it because it wasn't as efficient as what you gave now?

Mr. Rainaldi – What I am going to do, I agree with Al that I am going to respond point by point thru every talking. I am also going to provide you the documentation that was created. The overlay maps, the study and send it to administration to share. It will show the entire process. It shows the interaction with the site before we got involved, our action with assumption before we teamed up and us working in tandem. I have that I can supply immediately. If you find improvements in there again. I entitle, build and I manage. You are stuck with me thru the whole process. I fully intend to be a good neighbor. I fully intend to produce a very safe and enjoyable site and have great resources thru our human capital her on both sides to accomplish that.

Mr. Logan –Regarding the function of the Beer Project itself on the outdoor patio. Rochester used to have a festival downtown where they had a huge tent and band concerts but they used noise cancelling equipment around there to keep the sound from going out of the tent. You could be 50 feet away from the tent and you couldn't hear the band because they have this noise cancelling equipment. I am not seeing you need that level of sophistication for this but is there other ways to dampen the noise on the patio above. Once you're up you are projecting out.

Mr. Rainaldi – we do have that technology and the immediate mitigation is to terminate any live music or anything that challenges the Town Code. The second step is for our team to apply similar technology. The extension of the roof top patio at Trattia in the city is built with sound attenuated walls. We did that and tested it because it abuts office and neighbors. We have the technology and would be excited to apply it and so absolutely but the immediate response is to terminate anything that challenges that noise right now. The sunsets right in front of that patio. I will be teaming up with Kevin and Kelly to address that.

Ms. Zollo - I don't know if you want to do this Fred or James, could you walk me thru what you are planning with landscaping and what you are taking out and what you are replacing with and what you are doing with the 100 foot fully landscaped buffer between residential and commercial.

Mr. Cretokos – If you look in your site plans that we submitted you can see on the drawing 05, the demolition plan. If you look in that front parking area there is a row Pine trees that were

planted at some previously with the development. I think the intention of that was to basically screen the headlights from parking area onto Route 96. Those are going to be removed as part of the application and will be doing our land grading in that area. We will be replacing that with a sufficient row of shrubs and things to continue to screen the headlights from the Route 96 corridor.

Ms. Zollo – Will it be evergreen?

Mr. Cretkos – I think we have Dogwoods opposed. We can certainly look at something different.

Mr. Rainaldi – I have no problem matching like kind. We also have adopted the Conservation Board indigenous species plan into our Victor based projects. I can make a recommendation that is more consistent with what is there now.

Ms. Zollo – You said that was screening for Route 96?

Mr. Cretkos – Correct. There is around 40 feet of vegetative area in the 96 corridor between the edge of pavement and the property line. We cannot remove anyways and will continue to screen our site. The landscape buffer. The bottom 100 feet of our project site is all wooded area. There is a trail that runs thru there. The only thing in there as well as our stormwater management facility, again that is existing and has been there since the original development. That is all wooded. That is our landscape buffer. If you look at the Code requirements for commercial to residential properties this would be more than what we would typically satisfy the Boards for any other similar project.

Ms. Zollo – That is fully landscaped, the entire length of the property line?

Mr. Cretkos – The wooded area at the southern is completely wooded except for the trails are.

Ms. Zollo – Where you're adding the parking you are creating additional steep slopes. What is the grade that you are doing?

Mr. Cretkos – We are going to be doing some engineered steep slopes out here. We really wanted to minimize the impacts and stay as far as away from the residents to the south as possible. We are proposing a two on one slope in some of these areas. We do have mitigation measures incorporated into the plans using specific erosion slope mats that are rated to stabilize two to one slopes.

Ms. Zollo – What is the percentage of open space that you are going to have at the finish of this project?

Mr. Cretekos – Lot 2 will be at 47% and Lot 3 will be at 52% and the Town requirement is 35%.

Ms. Zollo –As you heard from the comments tonight that our goal is to make sure the neighbors are protected. It is wonderful that the project is doing so well. Everyone is thrilled about that but we have to live here and so we want to make sure the neighbors aren't affected by the noise the odors and the lights. Joe talked to you about the bank and there is no thought of reducing the size of the bank to allow additional parking?

Mr. Rainaldi – I cannot reduce the size of the bank but we can revisit the orientation of the site features that are supporting the bank services. That will be an absolute priority.

Mr. Cretekos – There are some restraints that we do face with that. A lot of the configurations would involve use getting a variance from ZBA to allow the building to be closer to 96 or High Street. A lot of those layouts we originally didn't continue to explore beyond that because we had identified that building being closer to those roads as an obstacle to get thru both this Board and the Zoning board.

Ms. Zollo – one more question. You have already have a dumpster location right behind the project, is that correct?

Mr. Cretekos – We have not finished the development out at the project site. We originally had a dumpster proposed down at the southern portion of the site. That has been relocated slightly with our parking expansion plans. Currently the dumpsters that the New York Beer Project utilizes are located behind the building on the gravel area.

Ms. Zollo – Will you keep that dumpster location site? And you are adding this other one down with the new parking in the south portion of the site?

Mr. Rainaldi – it was always identified there and it has been moved slightly.

Mr. Cretekos – Ideally what is going to end up happening is the dumpster behind the building based on the Beer Projects needs will be essentially there dumpster. That is why they are located back there now.

Ms. Zollo – It will be enclosed?

Mr. Rainaldi – just like all of our dumpsters on High Point Proper. They have been cladded with the exact same building material and the gates are the new automatic system. What it does it makes it easier for the disposal companies. They are very fast and it is nearly impossible to keep those clean. We spend a fortune in maintenance making sure our dumpster enclosures are clean so that it will have the new door mechanisms and it will be cladded with the exact same building material.

Chairman Santoro – Do they have to come at 5:30 in the morning?

Mr. Rainaldi – They do not. In our contracts we prohibit that. We have half dozen times a year and I fall victim to this at every one of our properties where we have a new driver or a driver that is a fill in that is moving outside of our routine. It is as if every memory of what we went thru in the bidding process was removed. They can care less because they do not deal with it. I have to then address the Town, the neighbors, the tenants.

Chairman Santoro – What time do you tell them to come?

Mr. Rainaldi – The earliest pick up on the lower portions of High Point should be 7:30 and on top where the office park they have it, it varies requiring on offices.

Chairman Santoro – Can you make some effort to make sure they are not there 5:30-6:30?

Mr. Rainaldi – 100%. Yes.

Mr. Pettee – Our letter from June 21 is relatively short and rather technical. It deals with issues that are generally outside of what the discussion has been tonight but those are important issues that have been discussed here tonight. Did you submit a response to these? We haven't had the opportunity to review the responses but we will take a look at those and update our comment letter.

Chairman Santoro – the public hearing will stay open.

Mr. Logan – Fred, I would love to speak with you offline about the comments I made regarding the orientation of the building and traffic flow. If you want to meet with me separately.

Mr. Rainaldi – Absolutely. I will go as far as to assemble our team and TPG forgetting ready to demolish that building for pre con. Maybe we coordinate that so we are here with them and make the most of all our time. I will send those dates to Kim and we can react accordingly.

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.

Chairman Santoro – The public hearing has been closed on this.

Jeff Morrell of Morrell Builders

Mr. Morrell – We do not have a formal presentation this evening we have addressed all comments now internally with staff. We will walk along with you if you have any questions. We are happy to answer them as you proceed thru the process.

Mr. Pettee – Since the last time we met the applicant did provide an updated set of preliminary subdivision drawings for us to review. LaBella has reviewed those updated drawings and we did provide a letter just yesterday on those updated subdivision plans. Generally we are pretty satisfied where things stand with regard to the quality of the preliminary subdivision plans and what we would expect to see to move a project forward. In other words, there is nothing on the plan set that would be a show stopper. Although that we have gone thru the updated plan set we do have to get thru SEQR. The last meeting we went thru Part 2 of the EAF and you gave us some direction on updating the Part 2 of the EAF. What I just handed out here there are three kind of packages in here. There is a draft resolution for SEQR, which we will get to, there is an updated Part 2 of the EAF. The changes on there is on item #13 on page 8 of 10. The impact on transportation where formally yes there is an effect to the transportation. We have also checked no or small impact may occur, under other impacts (f) there is a cumulative traffic impact due to incremental residential development with in the Town. Now that I have said that was the only change I also recall Joe bringing up the Northern Long Ear Bat. We have addressed towards the top of page 5. It is question #7, impacts on plants and animals. On other impacts the Northern Long Ear Bat per NYS DEC are no none Northern Long Ear Bat occurrences in or within 5 miles of hibernation site or 1.5 miles of as summer occurrence. I have explained that in a little more detail in the Part 3 narrative. That is where I would like to bring you too is Part 3 of the EAF.

We have to go thru Part 3 before we feel to the determination of the significance and this is where we explain if there is a large impact. We talk about that in the narrative or reason why an impact is not moderate to large. We can take a look at Part 3 of the EAF, third page. Impact

on Land. I have indicated here there are some existing slopes on site greater than 15% that will be disturbed with the proposed development which are generally located in a few specific areas. These areas as include the rear portions of Lots 110-113 where slopes also exceed 25%. Two narrowly defined linear areas to accommodate the sanitary sewer and trails that connect the two phases and the stormwater management is depicted within the proposed HOA lands. The project appears to only disturb a small portion of the site that has slopes of 15% or more and appropriate erosion control measures are provided within the plan to minimize the potential for erosion. Site areas will be stabilized to minimum exposure and erosion over the duration of the construction process pursuant to NYS DEC standards. The development has been configured to minimize the disturbance of the existing slope areas however they cannot be completely avoided. The project will create approximately 5.3 acres of impervious area over the 41 acre project site. Approximately 21 acres will be disturbed. Stormwater discharges will occur, however the proposed design attenuates the rate of discharge during that post development conditions to do not exceed pre development conditions. Based on the foregoing it is not anticipated that significant adverse environmental impacts would occur.

Any comments or questions.

Chairman Santoro – Your saying it will not be any worse but it may not be any better?

Mr. Pettee – Yes. #3 Impacts on Surface Waters. The action will not have a significant adverse environmental impact on surface water. The action would create a new water body by shaping the land to incorporate stormwater collection. However this accounts for 1 acre of the land and resulting in a small impact. The project will involve a disturbance to a federal wetland to accommodate a sanitary sewer line as well as a water main. The applicant has indicated that coverage under the nationwide permit will be confirmed by their wetland specialist and any necessary United States Army Corp submissions completed during the final subdivision review and prior to construction. No permanent wetland taking is proposed as part of this project. The Ontario County Online resource indicates that the Schoharie silt clay loam has a very high erodibility classification. This is the soil type that is present on the majority of the site. Although the action could create minor turbidity in a water body or soil erosion during construction activities these impacts will be small and localized and short term in nature. The attached NRCS soil report provides and evaluation on erosion for unpaved roads and trails that is applicable to the instance of the proposed trail connecting the two phase. It also crosses a wetland and stream area. The soils in the vicinity of the trail appear to have a rating of moderate based on the NRCS. The hazard could be described as either slight moderate or severe. The term moderate indicates that some erosion is likely and that trails may require occasional maintenance and that simple erosion control measures are needed.

The stormwater pollution prevention plan known as the SWPPP, prepared for the project will implement the construction and post construction practices to address potential stormwater runoff that is expected to meet or exceed implacable NYS DEC regulations. Sedimentation and

erosion controls will be employed to avoid an adverse impact on water quality as part of the proposed action. Stormwater management facilities and practices will be utilized to control discharge rates leaving the property to ensure peak rates are less than or equal to preexisting conditions. Based on the foregoing there will be no significant impacts on the environment in respect to surface water.

#7 is Impact on Plants and Animals. The action will not have a significant adverse environmental impact on plants and animals. The action will result in some loss of flora or fauna within the areas where land disturbances are proposed. Based on information provided thru the NYS DEC mapper some report there are no endangered, threatened or rare animals or plants associated with the site. With regard to NYS DEC guidance for Northern Long Ear Bats. Removal of trees from the landscape is not considered harmful unless there are potentially bats within the trees the time they are harvested or otherwise removed from the landscape. The DEC encourages the voluntary implementation of all forest management activities during the hibernation period which is Nov1. Thru April 1 of any given year when bats are not expected to be present. However, there is no restrictions on tree cutting unless a project is located within 5 miles of a known hibernation site or 1.5 miles of a documented summer occurrence. Per NYS DEC there is no known Northern Long Eared bat hibernation site within 5 miles of the project not are there any documented summer occurrence within 1.5 miles of the site.

Mr. Logan – Is that a new requirement within 5 miles? It seems it is a relaxation. Every project we ever get involved in there is no hibernation sites but there is still the bat in the region and you just can't cut them all down without doing a bat survey or being within that April 1 timeframe.

Mr. Pettee – I do not know how new this guidance is but that's what is the current guidance is from the NYS DEC.

Mr. Logan – I will have to ask our guys that do that our permits.

Chairman Santoro – What is a summer occurrence?

Mr. Pettee – Where there is a presence of the bat and where it has been documented.

Inaudible from audience

Mr. Logan – I am not doubting any of this but kind of a more refined approach to it then I am used to seeing for transportation projects.

Mr. Pettee- Impact on Transportation. The action is not anticipated to have a significant adverse environmental impact with regard to transportation, the applicant provided a traffic impact letter dated May 23, 2019 from McFarland Johnson in response to the Planning Boards request for

information regarding traffic. The letter included a traffic capacity analysis that demonstrated the proposed development will have little to no impact on the level of service at the intersection studied including intersection of Lane Road and High Street and the proposed new intersections with High Street. The Town's traffic consultant, Clark Patterson Lee, concluded in their May 28, 2019 letter the proposed development will have no significant impact on traffic on the surrounding roadway network. Planning board remains concerned about the cumulative impact that incremental development has on the greater traffic concerns in the community. The following pages there are the attachment from the natural resource conversation NRCS for soil erosion.

That is the narrative back up for Part 2. We did not identify any impacts when we went thru Part 2 as moderate to large. We really do not need to elaborate in a narrative on any items. I felt that these items in particular were discussed and need to talk a little more to help us act on SEQR. There is a draft SEQR resolution that I have brought with me for your consideration tonight. Prior to taking action on the preliminary subdivision plan you would need to issue a negative declaration.

Mr. Logan – Seems consistent with what we have talked about.

Mr. Gallina – My take is that we have spent an extended period of time going thru the due diligence Part 2, Part 3 the research and am comfortable with the resolution.

Ms. Zollo – I made my comments when we were going thru the other parts.

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS, an Application (the “Application”) was received on or about January 9, 2019 by the Secretary of the Planning Board for a Preliminary Subdivision entitled Piper Meadows Subdivision; and,

WHEREAS, it is the intent of the applicant to subdivide approximately 41.09 acres into 41 lots under New York State Town Law Section 278, Clustering Provisions, as well as pursuant to Section 184, Article V, Clustered Projects, of the Victor Town Code; and,

WHEREAS, the Application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared by the Applicant; and,

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

NOW THEREFORE BE IT RESOLVED, that the Town of Victor Planning Board hereby affirms its status as Lead Agency; and

BE IT FURTHER RESOLVED, that the Town of Victor Planning Board finds that the Project, Piper Meadows Subdivision, will not have a significant adverse environmental impact and hereby issues a Negative Declaration of Environmental Significance, as indicated in the attached SEQRA Long Environmental Assessment Form, Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.

This resolution was put to a vote with following results:

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

Motion passed 4 in favor, 0 opposed, 1 Absent

RESOLUTION

Motion made by Al Gallina.

Motion made to the modify version Al Gallina, seconded by Joe Logan.

WHEREAS the Planning Board made the following findings of fact:

1. An Application (the “Application”) was received on or about January 9, 2019 by the Secretary of the Planning Board for a Preliminary Subdivision entitled Piper Meadows Subdivision.
2. It is the intent of the applicant to subdivide approximately 41.09 acres into 41 lots under New York State Town Law Section 278, Clustering Provisions, as well as pursuant to Section 184, Article V, Clustered Projects, of the Victor Town Code.

3. The Application was deemed to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations and a Long Environmental Assessment Form was prepared.
4. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the project location were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
5. The Planning Board opened a public hearing regarding the Application on February 12, 2019, which remained open until May 29, 2019, at which time the public hearing was closed. The public was afforded the opportunity to speak regarding the proposed Application during this timeframe.
6. The Planning Board, as Lead Agency, found that there would be no significant impacts to the environment as a result of the Action and issued a Negative Declaration on June 25, 2019.
7. The Conservation Board reviewed the project on March 19, 2019 and May 7, 2019 and provided the Planning Board with their findings.
8. The Application was referred to the Ontario County Planning Board under Section 239-n of the General Municipal Law.
9. On February 13, 2019, Ontario County Planning Board referred the Application back to the referring agency as a Class 1 with comments.
10. In a letter dated June 11, 2019, Labella Associates stated that technical aspects remain to be addressed.
11. The Director of Parks and Recreation Department reviewed the plans and comments on sidewalk location and trails internal to the site.
12. 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.
13. Pursuant to Town Law Section 278, the Planning Board allows a front setback of 10’ to the existing garage on Lot 121. All other buildings, existing or future, are required to meet the proposed 30’ front setback.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Victor Planning Board hereby waives the provisions of the Design and Construction Standards that would otherwise require for disposing of roof and basement drainage into a storm sewer system, or dry wells for roof drainage (Sections 2.7.9.2, and 2.7.9.3), and hereby allows roof leaders to daylight to rear yard swales on lots 101- 108, 118-121 and 211-220; and

BE IT FURTHER RESOLVED, that the Planning Board hereby waives the Design and Construction Standard Detail, RS-6 (Driveway Layout Detail) for Lots 110, 111, 112, 113 and 114, to the extent that would otherwise require that driveways on the aforementioned lots be a minimum of 10-feet from the side lot line; and

BE IT FURTHER RESOLVED that the preliminary subdivision application of S & J Morrell, 1501 Pittsford-Victor Road, Suite 100, Victor, New York, Major Subdivision entitled Piper Meadows Subdivision, drawn by Marathon Engineering, Sheets 1 through 29, dated January 8, 2019, last revised June 18, 2019, received by the Planning Board January 9, 2019, Planning Board Application No. 1-PS-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the preliminary 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 Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) of the Design and Constructions be met.
3. That the comments in a letter dated June 11, 2019 from Labella Associates be addressed.
4. That the comments in a memo dated April 11, 2019 from Al Benedict, Code Enforcement Officer be addressed.
5. That the comments dated March 12, 2019 from the Town of Victor Fire Marshal be addressed.
6. That comments in a letter dated January 29, 2019 from MRB Group on behalf of the Village of Victor D.P.W. be addressed.

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 Standard Land Development, including Section 4.
2. That the location of all conservation easement markers shall be shown on the final plans.
3. That prior to construction commencement, the applicant shall offer and the Town shall accept a permanent conservation easement over a portion of the Piper property while simultaneously terminating the existing term conservation easement presently affecting the property. The applicant agrees to be responsible for any termination of fees due and owing in accordance with Chapter 16 of the Victor Town Code
4. 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.

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	Nay
Rich Seiter	Absent

Motion passed 4 in favor, 1 opposed, 1 Absent

Ms. Zollo – I am voting no reason being this is a R1, residential area and it was up to our discretion whether to allow attached or detached and I do not agree with allowing the attached townhome properties. It would have been better with single family because it is R1.

Mr. Logan – So the significance to that.

Chairman Santoro – Zoning Board of Appeals for an opinion in regard to that.

Mr. Morrell – Yes.

Ms. Zollo – I thought we just went with the Code Enforcement Officer.

Mr. Morrell – We had a full ZBA hearing on that and found it to be in compliance with the Code.

Ms. Zollo – But the Code says it is up to our discretion.

Mr. Morrell – All clustering provisions are up to your discretion.

Chairman Santoro – It was sent to the ZBA specifically to get an opinion.

Mr. Morrell – Correct and as I mentioned in documentation provided to the Planning Board that that area from an environmental impact perspective is greatly reduced with regards with this design both in terms of impervious area impact on woodland and streams as well as the immediate surrounding character of the neighborhood in that entry point is all ranch homes. It is very much in keeping with both of your clustering provisions on impact perspective as well as the nature and character of the homes immediately surrounding that area. That was provided also to the ZBA and was in concurrence that this Board has absolute latitude to provide that and it is keeping with 278 clustering provisions. My final comment was to applaud the Board because I think in moving thru the iterations of the design we did propose colonials in that section originally and what we are finalizing on the project is the least amount of disturbance and the least amount of impervious surface area and least amount of environmental impact. Especially with the reduction in the street scape as well as the interconnectivity between the two communities. I was due to applaud the Board in regard to those impacts and in making sure that that flexibility granted to the Board is an excellence one.

Mr. Logan – The reason I am inclined to go along with this or have is for stated reasons that it is the least amount of environmental impact which is exactly why I suggested early on to separate the two project driveways so we didn't invade more space then we needed too between the lots.

Ms. Zollo – My thoughts were instead of the townhomes on that cul-de-sac just do the dingle families that fit an cul-de-sac. You are dealing with how steep it is back there. It would have been probably pretty difficult to build back there.

Mr. Morrell – Actually the original proposal of the colonials extended much further back and from a grading perspective that was a corn field and is completely flat and we walked this with the Conservation Board we looked at both of those designs and from an open space perspective the Conservation Board was no comments received from them that were not very affirmative of the project in its design. With respect it is an excellent outcome.

Mr. Pettee – I understand Heathers justification in your vote. I think based on the Town Code section 184-23 in the clustering provisions it appears you as a Planning Board member. The y

have different opinions and yes the ZBA and Code Enforcement determined that yes the attached units are allowable but as it says here in the Code the Planning Board has discretion. In the case of residential the dwelling units permitted may be at the discretion of the Planning Board in detached, semi-detached attached or multi story structures. It sounds like the majority of the Planning Board is okay with those attached structures but I don't see conflict with the Code. You are justified in your decision. There were no other discussions.

Mr. Logan – For the public's benefit the next step is to review the engineering and Board review work thru. There may be some drainage things and some things from the public that we will still be addressing.

Mr. Morrell – We will be back before the Board for final engineering of section 1.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 9:48 PM

Lisa Boughton, Secretary

