

A virtual meeting of the Town of Victor Planning Board was held on June 28, 2022, at 7:00 p.m. with the following members present:

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

ABSENT: Joe Logan, Vice-Chairman;

OTHERS: Councilman Ed Kahovec, Suzy Mandrino, Confidential Secretary to the Town Supervisor; Lisa Boughton, Secretary.

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

### **APPROVAL OF MINUTES:**

On motion of Scott Harter, seconded by Al Gallina:

RESOLVED, that the minutes of the meeting held on May 10, 2022, BE APPROVED.

Adopted Ayes 4, Nays 0, 1 Abstention

### **CORRESPONDENCE:**

There were none.

### **BOARDS AND COMMITTEE UPDATES:**

Town Board representative Ed Kahovec was present.

Councilmen Kahovec – Scott Harter you may remember that you brought up to me a discussion on Access Management and how the distances are determined and should we look at having functional class of the roadway as opposed to residential use. I did bring that up with the Board and had no issue with us looking at that again. Unfortunately, Wes is not here but Steve Metzger was at the meeting yesterday and was going to talk to Lorenzo who was their Access Management guy, and we will relook at it and see if we need to amend anything,

Mr. Harter – I think that would be a good idea and I know that when we first started that adventure that Lorenzo had worked on creating a pretty comprehensive booklet in conjunction with Ontario County and what we have learned over the years that I have seen is sometimes with the residential properties it does not really work. More so with the commercial and larger subdivisions.

Councilmen Kahovec – We will bring it up again and talk with them and they may reach out to you for some input or anyone else on the Board that is interested.

PLANNING BOARD reported by Lisa Boughton

Tuesday July 12, 2022

**PUBLIC HEARINGS**

- Victor Square Retail Expansion, located at 4-20 Commerce Drive, applicant is requesting approval to construct a 4,000-sf building addition on the south side of the Victor Square Shopping Center. Applicant is also requesting a reduction in allowable parking from the Town Code requiring 270 spaces to the proposed 202 spaces.
- Timber Top Tree Parking Expansion, located at 7355 State Route 96, applicant is requesting approval for site plan modification to add 10,000 sf of parking area on the existing 1.6-acre parcel to accommodate the business operations of Timber Top Tree.
- Woods at Valentown Revised Section 1, located at High Point Drive, applicant is requesting approval to modify the June, 2021 approved site plan for Woods at Valentown. The modified Section 1 will reconfigure 8.1 acres to accommodate 84 apartments in two 42-unit buildings, increase impervious area by .57 acres, provide related green infrastructure, parking, clubhouse, and associated site layout.
- Vandenberg Minor Subdivision, located at 1657 Strong Road, applicant is requesting approval to subdivide the parcel into three lots with existing house and barn on the center lot.
- The Fairways Phase III Resubdivision Lots 305 & 306, located at Championship Drive, for resubdivision of Lots 305&306 into 9 individual townhomes.

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

**DELTA SONIC CAR WASH**

7463 State Route 96

Owner – Dilip Patel

Tax Map # 6.00-1-64.100

40-SP-2021, 10-SU-2021

Zoned – Commercial/Light Industrial

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

Chairman Santoro – This application has been removed until July 12<sup>th</sup> meeting.

**AUCTION DIRECT PAVEMENT EXPANSION**

09-SP-2022

6520 State Route 96

Zoned – Commercial

Owner – 6520 Rt 96 LLC

Tax Map # 28.02-1-52.100

Applicant is requesting approval to extend the front lot pavement 18 feet by 200 feet long to display inventory.

Chairman Santoro – This application has been removed until July 12<sup>th</sup> meeting.

**DIPASQUALE GARAGE**

14-SP-2022

7928 Oak Brook Circle

Zoned – Limited Development District

Owner – Joseph DiPasquale

Tax Map # 5.02-3-1.000

Applicant is requesting approval to construct a 325-sf garage on the parcel.

Joseph DiPasquale, owner of parcel.

Mr. DiPasquale – Currently at the end of our driveway, we are a family of 6 here and we have to have some of our cars uncovered, so I was looking to be able to create a garage in which I could put a car or two and keep all the bikes and keep everything clean and tidy.

Chairman Santoro – As I said the reason, we are here is because you are in a Limited Development District otherwise something of this size would not come before us. Any questions?

Mr. Harter – I have a couple questions. The drawing you submitted shows 60-foot setbacks, but I think according to the Code Officer it is only 40. Is that right?

Paul Morabito of PMJ Architects

Mr. Morabito – I did update the site plan to show 40-foot setbacks because I heard back from Code. We found out after. We started pre covid and started thinking about doing this and getting our setback since we have two front yards on a corner lot. We learned we have 40-foot setbacks now. At this point the setback is not an issue. Since we are two front yards we are technically not in front of the principal structure. I think that is what the meeting is now about just the fact that it is two front yards and within the setback. I did send an updated site plan which I am looking at. Looking to construct this garage. I talked with Joe and about enlarging it slightly. Just reviewing the code, it looks like as long as we are less than 1,000 and within

setbacks an accessory structure is allowable. We have a couple feet to work with that setback. One little note, the letter of intent states that it is a 352 structure. The garage is 352 and the porch is 96 and total 448 and still below 1,000. A question is if we do enlarge it slightly and stay below the 1,000 and within the setback are we allowed to do that, as long as we are approved for having the garage be within one of our two front setbacks.

Mr. Harter – I noticed that the code officer indicated he did not have any issues with respect to the setback. I suppose if you had the structure in front of the primary structure and if that required some type of variance, he would have flagged that and did not seem to do so. I am assuming that this is okay in terms of the setbacks. The surface grading, will that accommodate the building, and will you have positive drainage away?

Mr. Morabito – Yes. The end of the driveway comes to a flat section. It pitches off slightly to the rear so we will have positive drainage away from the buildings.

Mr. Harter – Regarding lighting, you indicated the plans you are going to match existing, and the Code Officer indicated that we should take a look at that as a Planning Board. My feeling is that whatever light fixture you use should be compliant with the town's lighting code. Which is typically downward focused lighting. The style can be the style but not obtrusive lighting.

Mr. Limbeck – I do not know who to address this too. Mr. Morabito indicated that he might want to enlarge the structure and I do not know what our approval entails. Does it entail the dimensions shown on the drawings or do they have to come back to us with new drawings with new dimensions or do we give him a certain amount of leeway in our approval?

Mr. Morabito – I did talk to Joe about that. Typically in these situations if we come and ask for a certain number of square footage that is what we are going to stick to and if we don't then we will have to come back and reapply. In this case because we are within the setback and less than 1,000 and we are within the setback the approval we are seeking today is that we can be "in front" of the structure of one of the front setbacks. That is our reason for today.

Mr. Limbeck – My concern is that we are approving a project that is in the neighborhood of 500 sf and adding an indeterminate number of feet to the dimensions we could end up with a 950 sf.

Mr. Morabito – If I may, we had a discussion about it and there is not that much room to do that. We can go 2 feet towards the setbacks and about 2 feet left and that is it. That is as far as we can go and still work within his current garage configuration. We can not get much wider than 4 more feet. That is the discussion happening right now with me and Joe is it is possibly going to get 4 feet wider. It really can not get up to 950. Will not be deeper but maybe a little wider to get a front door.

Mr. Harter – Paul, why don't you give us a maximum number then. I agree with Joe, I think we need to lock into a number and I don't know how the other Board members feel but I do not

think it is all that significant if you add 88 sf to the building you are showing but in terms of the accuracy of the approval which is what Joe is getting at we want to have a number to work with.

Mr. Morabito – If we added two feet to the right side and two feet to the left side and we keep the porch we would wind up with a total building footprint of 536 sf and that is what we are deciding on right now.

Mr. Limbeck – So you are looking at 20 x 22 and still with the single door on the front and a two-car garage?

Mr. Morabito – It would be a tight two car but give a little more storage and his car in there.

Chairman Santoro – If we said rather than sticking to the 325, no more than 600 sf, would that be within your building plan?

Mr. Morabito – Absolutely. That is fair enough.

Mr. Limbeck – That works for me.

Mr. Gallina – Works for me as well. The elevations and the architectural look of the building is in keeping within the character of the existing home and neighborhood.

Chairman Santoro – I agree.

The Board was okay with closing the public hearing.

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

Adopted Ayes 4, Nays 0, 1 Absent

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Scott Harter, seconded by Joe Limbeck:

WHEREAS the Planning Board made the following findings of fact:

1. A site plan application was received on May 5, 2022, by the Secretary of the Planning Board for a Site Plan entitled DiPasquale Garage.
2. It is the intent of the applicant to receive approval for no more than 600 square foot

garage at 7928 Oak Brook Circle.

3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a virtual public hearing on June 28, 2022, at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated June 23, 2022, and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on June 28, 2022, and identified no significant impacts; now, therefore, be it

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

RESOLVED that the application of Joe DiPasquale, Site Plan entitled DiPasquale Garage, drawn by Morabito Architects, dated December 2021, received by the Planning Board May 5, 2022, Planning Board Application No. 14-SP-2022, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

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

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a building permit be obtained for the garage prior to installation.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

**PRELIMINARY APPLICATION**

**STONE BROOK SUBDIVISION**

2-PS-2022

1403 East Victor Road

Zoned – Residential 2

Owner – Bruce DeSimone

Tax Map # 28.04-2-62.000

Applicant is requesting approval for a clustered subdivision of 85 buildable lots on 100 acres in the Town of Victor with 15+ acres in the Town of Farmington for a total of 115 acres. This is the second step in a three-step process for a major subdivision. The Sketch Plan was acknowledged complete March 22, 2022.

Chairman Santoro – This application has been removed until July 12<sup>th</sup> meeting.

**EXTENSION OF TIME**

**WOODS AT VALENTOWN – 1st 90 DAY EXTENSION BUILDING REQUEST 16-SP-2021**

High Point Drive

Zoned – Planned Development District

Owner – Valentown Woods LLC

Applicant received approval on June 22, 2021, to construct 288 for rent apartments within 12 buildings on 56.87 acres. Pursuant to Town Code § 211-31(F)(2) , the Applicant is required to obtain a building permit within one year of the date of the resolution granting approval. Applicant is requesting their First 90-day extension to Section 211-31(F)(2).

Chairman Santoro read the draft resolution.

**DECISION:**

On motion of Al Gallina, seconded by Joe Limbeck:

WHEREAS, by letter dated June 7, 2022, James Cretkos, of BME Associates, on behalf of his client the applicant (the “Applicant”) Commercial Street Partners, LLC for Woods at Valentown,

(the “Project”) requested a 90-day extension of time to obtain a building permit in accordance with Victor Town Code (“the Code”) Section 211-31(F)(2); and,

WHEREAS, Code Section 211-31 (F)(2) provides that an applicant shall obtain a building permit for any project that has received site plan approval within one year from the date of the resolution granting site plan approval, whether such approval is conditional or otherwise. If a building permit is not issued within one year, the site plan approval shall expire. The one-year period may be extended by the Planning Board for up to two 90-day periods at the discretion of the Planning Board;

Now, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for the Project to obtain a building permit.

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Motion was made by Scott Harter, seconded by Joe Limbeck RESOLVED the meeting was adjourned at 7:30 PM

Lisa Boughton, Secretary



