

A regular meeting of the Town of Victor Planning Board was held on Tuesday, July 09, 2019 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

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

OTHERS: Wes Pettee, Town Engineer; Ed Kahovec, Town Board Liaison; Lisa Boughton, Secretary; Lee Wagner, David Nankin, Fred Rainaldi, Barb Snyder, George Snyder, James Cretekos, Terry Venturino, Brian Lorenz, Jeff Reininger, Jerry Goldman, Mary Jo Cassini, Conor Gallagher, Susan Stehling, John Sheehan, Justin Shaffer, Martin Snyder, Tammy & Dave VanBuren, Paul and Carol Lawatsch, Will & Janet Gallagher, Mike Campoli, Abby Gallagher, Chris Boyea, David Mitchel, Chip Testa, Tabassam Javed, Kim & Dave Anderson.

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

### **CORRESPONDENCE**

Steve Sacheli re: New York Beer Project

George Snyder re: Valentown Plaza Lot 2 & 3

### **BOARDS & COMMITTEE UPDATES**

Councilman Kahovec to report from the Town Board

Councilman Kahovec – The next Town Board meeting will be July 22 so we will have more updates after that but the things we are currently working on believe it or not it is budget season. The 2020 budget. We have set our budget calendar and starting to work on that. All the department heads are starting to put together there numbers and wish lists. There is a draft to the

Parks & Rec master plan and we will talk about that more at the next meeting. The next Planning Board meeting on the 23<sup>rd</sup> I will have some more updates.

Planning Board reported by Kim Kinsella

- July 23<sup>rd</sup> meeting
  - Public Hearing
    - Bell Atlantic d/b/a Verizon at 90 Baker Road requesting approval of a co-location of (6) panel antennas and (6) RRHs, related equipment inside existing masonry building at base of existing tower, a new generator and associated improvements.
    - Glow City located at 7920 Rae Blvd is requesting a change of use to sell LED products on the internet and to use the building for shipping of products.
    - Angelo Subdivision located at 1256 Brace Road is requesting approval to create two lots from one parcel.
    - Horsepower Motorworks located at 1256 Brace Road is requesting approval to construct a 63,500 sf. building on 12.5+ acre parcel for a premier specialty restoration and service center, with climate controlled storage for classic and high performance vehicles.
    - Draft Local Law for the Access Management Plan for review and comment by Planning Board

## **PUBLIC HEARING**

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

### **SONG HILL WINERY – TASTING ROOM**

27-SP-19

521 County Road 9

Zoned – Residential 2/Ag. District 1

Owner – Connor Gallagher

Applicant is requesting approval to open a portion of the existing winery to be used as a public tasting room.

Conor Gallagher of Song Hill Winery

Mr. Gallagher – I submitted the application to open about the first 15-18 feet of our current winery building to utilize as a public tasting room. I know you can't make a formal

resolution today but I thought I would stay on the agenda to address any questions or concerns when I have to come back on the 23<sup>rd</sup>.

Chairman Santoro – Anyone from the public who would like to comment or have questions?

Jack Sheehan live across the street from Song Hill Winery

Mr. Sheehan – I am sorry to say but I really don't think we need any expansion in a residential area. Traffic on the weekends is terrible and the holidays it is just as bad. We live in a residential area I think it should remain as such.

Chairman Santoro – Anyone else? The Board? *None* Okay, you will be back the next meeting and we will have the comments from the County and if anyone has any comments from the public please feel free to submit them in writing, email or can drop it off.

**SURMOTECH – PARKING EXPANSION AND SHED**

28-SP-19

7676 Netlink Drive

Zoned – Lt Industrial

Owner – Surmotech, LLC

Applicant is requesting approval to expand their parking lot to the property line in front of their building, increase parking from 32 spaces to 61 spaces. Applicant is requesting to add a 16' x 40' shed in the southwest corner of the lot.

Mike Campoli of Surmotech

Mr. Campoli – It is a good story. The company has been growing rapidly for the last five years so we went from 21 employees to 68 employees and we are still looking to add on right now. We knew we were in trouble last year when we had two customers visit us and they took up all the parking spaces and started parking in front of the fire hydrants. We are looking for some creative solution expand the parking lot. We were waiting for the County to see if it was okay or not because if the approve the last plan that I submitted then we talked to Swift Lift who resides at 820 Phillips Road and he has agreed to sell us 20 foot of land so that we can meet the Fire Code of 20 feet for NYS. That is what we are hoping to try and get a resolution on. The shed is simply growth. A 20,000 foot and we keep buying more equipment and there is no place for anything else so the shed will store other equipment we will need for spare parts, ladders, no chemicals, garden equipment, snow blowers and preparing for expansion.

Chairman Santoro – Curious. What business is Surmotech?

Mr. Campoli – Surmotech we make circuit boards. We make circuit boards for the military, commercial, drones. ID detectors and semiconductor business.

Chairman Santoro – Okay. Anyone from the public would like to question or comment on this application? *None*

Mr. Gallina – Where is the proposed location of the shed?

Mr. Campoli – It is going about 5 feet away from the retention pond back there and 41 feet from the corner of the building.

Mr. Gallina – Have you seen the Fire Marshal comments around the lack of sprinklers and potential risk that that poses?

Mr. Campoli – The cost was astronomical to dig and get the water over there so I appreciate Bobs comments and he said by the time the Fire Department gets there it might be burnt down already but we thought it would be more practical solution. We are still trying to hire 7-8 people and reinvesting back into the business and bought another \$100,000 wash machine so we are trying to spend our money wisely. Plus this parking lot is going to cost a pretty good penny for us as well.

Mr. Logan – Congratulations for doing so well. We like to see that of course. Have you put thought into a future expansion on this particular building or looking at adjacent properties?

Mr. Campoli – We are doing these steps prior to pulling the plug. The owner, it is the last thing he wants to try and do. I am already drawing up the plans trying to get ahead of the game. We have a lot of footage here so we are thinking of blowing out the walls in the back and going out 35-40 feet for the plant expansion. Cannot go forward since there is no room and cannot go sideways because we O’Connell Electric right next to use.

Mr. Logan – You may want to have a conversation with the Fire Marshal looking forward that far in the future and say “hey, do you see any issues with us doing this” for future expansion. I do not know if that would affect your parking as well. If you would be adding more spaces.

Mr. Campoli – The parking is to have the parking swing around this way so that it will be in and out one way. Obviously if we do put the expansion on then we are going to have to put some sort of driveway to have them have access to it.

Ms. Zollo – Could you point out where you are buying the 20 feet from, which side of the property it will be?

Mr. Campoli – We are buying it for two reasons. The note from Robert said we were not to Code. Here is our property line points *to image on screen* so we are going 20 feet this way towards Phillips Road. I only need 10 feet but I am buying 20 feet to stay in variance because you have to be 10 feet from the property line and that is why we are buying the property.

Ms. Zollo – Are you still proposing the ... are these diagonal lines indicating your driveway? That is not parking?

Mr. Campoli - Yes

Mr. Pettee – LaBella does have a few comments. We just provided a comment letter this afternoon. You probably have not seen that yet. Our comments are fairly straightforward. We did review the revised letter of intent dated June 24 as well as the revised plan. That is what our comments are based on. Maybe you have gotten this straightened out already but I wanted to get clarification on the sequence of the boundary line adjustment versus site plan approval. My understanding that the Planning Board would not be able to provide their site plan approval until the boundary line adjustment was completed. For example, the Planning Board isn't authorized to approve a site plan that would be in violation of any of the zoning provisions specifically the setback of the parking to that lot line. That was one of the variances that you were initially go for. In my understanding they would not be able to provide that approval till after the boundary line adjustment is completed. Certainly the Planning Board could give some form of indication before you go forward with the boundary line adjustment whether or not they are in favor of the proposed configuration.

Mr. Campoli – That would be helpful. Then I could start getting the lawyers involved in that.

Mr. Pettee – The next comment was about drainage. I did note in your initial application you felt that there was going to be some detriment to acquiring some property where you are proposing now and that it might impede drainage from the front of the building going towards the back. I

was looking for a little clarification on that because now your updated letter indicated that you wouldn't be disturbing any7 existing drainage.

Mr. Campoli – Correct. We originally asking to buy property all the way to the end of the trees. Right near is the drainage. Drainage goes from here to the side back to the retention pond. The current plans that I provided doesn't disturb that area at all and so when I had the paving company come in there. He said no problem and he would pitch it to make sure it goes in there and it properly drains.

Mr. Pettee – That is good to hear. The third comment out of the four there is a small area on the south side of the driveway. Near the bend where it says area to be disturbed, 791 sf, what is that going to be?

Mr. Campoli – Four parking spaces.

Mr. Pettee – okay, four additional parking spaces.

Mr. Campoli – Trying to pick up as much as we can. Even though we own all this land I can't go any farther than four spaces because that is where the drainage comes in. I do not want to disturb that.

Mr. Pettee – I saw that catch basin on the plans. The fourth comment was about SEQR. Nothing for you to address. I noted that it appears that it is an unlisted action so they filled out a short form and everything looks good in that regard. Those are the extent of LaBella comments.

Mr. Campoli – I have a question. I have two things going on. I have a shed going in and parking expansion. Is there any comments and I have to disturb this green space here to put gravel. Crushed stone.

Chairman Santoro – What area would that be?

Mr. Campoli – The shed will go right here. It is 640 sf. Area to be disturbed will be 58x80 sf. Turning that all in to crushed stone.

Chairman Santoro – We have not had any comment about that so far.

Mr. Campoli – I guess I am, coming back.

Chairman Santoro – You have to ZBA thing out of the way.

Mr. Campoli – I am going Monday to the Zoning Board.

Chairman Santoro – We are also waiting for the County comments.

Mr. Logan – I think in general the Board seems to be in favor of all the things you are proposing. If you are looking for a sentiment of the Board I for one would not have a problem with any of this. You would have to look at the drainage that goes underneath the path area between your barn and the new shed and the building itself. It appears there is a culvert that goes under. The one that swings around.

Mr. Campoli – It goes from the edge of this building to the retention pond.

Mr. Logan – That would be underneath your gravel drive that would serve the shed.

Mr. Campoli – The paver looked at the plans and said it was not an issue.

Mr. Logan – I guess we would want to make sure that was noted on your drawings the next time you come thru.

Chairman Santoro – We will see you the next time.

**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 Attorney for Seritage Growth Properties

Mr. Goldman – The running track is being proposed.... I am sorry. It is out of the project. We are back this evening. We were here a couple weeks ago with regard to the façade modification and improvements that are being proposed for this area. Unlike the other applicants we have been to County Planning. County Planning declared this to be a Class 1 and had no real

substance of comments for us. We did get some comments from staff and Board at our last meeting and we would like to walk thru them. I would like to introduce people who may be answering questions. I will be doing the bulk of the presentation tonight. With us is Justin Schaffer who is here from Seritage Growth Properties. In addition Terry Venturino who is Vice President for Development of Dicks. We also have Jeff Renninger and Brian Lorenz from WD as the project architects and Chris Boyea from Boehler Engineering. Basically we have refined a bit of what we had talked about at the last meeting and got some answers to some questions. We resubmitted our proposed exterior elevations. It is a new set. I would like to walk thru some of the comments from LaBella on design which we received at the last meeting and comments from Al Benedict. The refinements I will talk about and review as set forth in a letter also provided by WD.

One comment we did receive was additional landscaping would be appropriate. Our elevation show additional landscaping around the base of the building. What we are proposing is low Boxwoods and type of growth which is not going to interfere with the ability to view the building or impede pedestrians or of that sort.

Questions about the height were raised by the architectural consultant at LaBella. Our intention was to create some variation in height throughout our entire site. The mall has a variety of building heights and parapet walls and the like throughout the site. If you would turn to pg. 7, you will be able to see on our elevations. Also color samples were presented to the Board at the last meeting and was well received. As Heather pointed out there was a letter we brought in this morning where we are looking to go more towards an earth tone look and we are going to present those colors to you.

Another question was raised in regards to the illumination of signage. Illumination of signage is critical. As we get into the winter signage to be visible is very important and also something that is consistent with those in other locations thru ought the mall. We have had a whole bunch of pictures that we took, everyone is familiar with the lighting of the signage within the mall.

With regard to the height of the building again we are looking for relief on the cluster authority similar to what you did with Von Maur to allow us to have 50 feet for the building , 45 feet for the light poles and 47 feet for the netting for the field. The height of the lighting poles has been reduced. Those poles were substantially higher and have now been brought down to 45 feet. Which we think is minimum necessary for safe lighting coverage. We have photometric support. There was some questions relative to that. It is towards the end of the package here. The photometric support established that we have zero foot candles around the perimeter of the site on pg. 15. It shows the ring of zero around that area. We have every design and every intention of bringing all that lighting into more conformance and to bring it down into a scale that we are all comfortable.

We think that we will not have any store front signage attached to the windows or that sort. There is some that may be able to be seen that is more decorative than advertising. We talked about that at the last meeting. In addition our signage is compliant with the allowances which is provided in the Zoning Code. We know there is sufficient parking under the Code and we have taken a look at the utilities and we are all set relative to that. There are no issues. Relative to us and the storm sewer we have to talk to RGE and Rochester Telephone make sure they are ok ay relative to our utilities but there are a lot of utilities that are under surfaces. They are not under the building itself and is under corners of the field.

Noise levels should not be an issue at this location. It is remote from a lot of areas where it may be sensitive. To repeat again, the existing auto center is meant to be a centrally on its own. It will not be connected with the mall and is separated from the rest of Dicks building.

One of the main questions that came up dealt with the emergency access from the field and making sure that we were fine with that. We have relocated a rolling door in the fence. That is shown on plans pg. 3.

Mr. Logan – Pg. 3. You are referring to all the pages in the packet you just handed out correct?

Mr. Goldman – You can see there is a doorway which is at grade that provides for that access at that location.

Mr. Logan – if you are looking at the front elevations of the fencing it is closer to the service pick up entrance? The rolling door looks like it off to the right side of the building.

Mr. Goldman – Yes, we do provide that accessibility for the area. We are also talking about some accent lights which are on the building itself. Basically wall wash along the building. We think that will also have a tendency to soften the effect. We are sitting here with a relatively large building to start with. What we want to do is to break it up in terms of its massing and in terms of its look to be able to make it a more manageable scale in the whole scheme of things.

Heather pointed out that, in fact, we have some change in the colors that we are talking about. It is a mild modification. Our initial scheme had a primarily white building on here and we are talking about providing some more earth tone colors in this area. We are not talking about changing the building. This that you have received is meant to depict the colors only. Not to depict the architecture remains the same in regards to the building.

Mr. Logan – A couple things. You mentioned wall wash lighting. I am looking at pg. 11. The night lighting we have not accepted and is not part of the Lighting Code, is upward wall wash

lighting. Your wall pack accent lighting exhibit (d) on that same page would be more in keeping with what we would expect to see is a down wash not an up wash lighting.

Mr. Goldman – We had some discussion about that a little early actually. I think as a whole we are ok with eliminating the up lighting.

Mr. Logan – What do you mean? Eliminating or illuminating?

Mr. Goldman – Eliminating. We would stay with the wall backs and the downward lighting. There are a lot of issues with regard to the up lighting and that is reason why the Board traditionally has not allowed it. We do not necessarily want to run afoul of that. I think some people in our group felt the same challenge. In terms of the building and building material, I think Terry would like to present the material that are involved. As you take a look at our images. We do have some brick which is part of our building. The brick is a pure earth tone.

Mr. Logan – Jerry, you showed a picture of sample for colors. It is probably the same as you have. It shows brick all the way up the Dicks steel green façade and without green on the box.

Mr. Goldman – That is not what we are doing.

Mr. Logan – In my opinion that is a much better look for the mall than a much larger expansive green than what you are showing. I have a challenge with that and maybe ARC folks, our architect, would want to weigh in on that as well. I see the accents and I thought that looked great and I thought that was what you coming forward with today and then you handed this packet out and it is a lot of green across the front.

Mr. Goldman – Yes there is some green and we can take a look at that. I will lean a little more towards Jeff and Brian on here and talk a little bit about how we can incorporate some of the accents we are talking about. The comment that Joe had raised was that on this drawing that arrived today there seems to be a lot more in the way of brick accents across the front. I think we can accommodate.

Mr. Venturino – What we want to do with the colors is that we don't change so much the architecture but we want to work in this red brick color. We feel it is more appropriate with the mall and we can work it in to and embellish a little more of the red brick and add more red brick to the front.

Mr. Logan – I think, as I indicated a minute ago, that the elevation takes a lot more of that red brick and puts it in then having a much more in your face, I am not trying to be negative about it, but there is so much green there that it takes away from everything else.

Mr. Venturino – We could work this in like that.

Mr. Goldman – We can incorporate that clearly into our plans and if that is a condition of approval certainly that is something we can work with. That is essentially is our entire package. We can continue and hear any questions the floor may have. I know the public hearing is still open and typically you ask the public before you ask the Board.

Chairman Santoro – Anyone from the public wish to make any comment or questions? *None*  
I have a question before I forget. Pg. 6 What are those numbers in the parking lot?

Mr. Renninger – Your comment is regards to the numbers in the parking lot? They are for the service and pickup area. Like a curbside pickup. You park in that stall and they can bring your services out to you. It usually is a text that tells you to go park in stall 8.

Chairman Santoro – Where is 2, 3, 4?

Mr. Renninger – On the opposite side of the signs. They are back to back.

Mr. Gallinia – I think the modifications from two weeks ago are very positive. I think the adjustments to the lighting, the exits from the field area, as Joe indicated, the enhancement at the single page are much better at keeping with the architecture style of the rest of the mall.

Mr. Goldman – I like that too. The accents really help a lot there.

Mr. Logan – The remaining auto building, I know you have shown it shaded it in there on the elevations on pg. 7. Is that building included in façade improvements for this project? Too match the other façade pieces that are on Dicks.

Mr. Goldman – It is not. It is not included in this application because frankly we don't know the ultimate end use is going to be on that building. Whether it is going to be a single use or multiple users where doors are going to or other elements are going to be. The intention right now is to leave it in its current state and hopefully that will all come into focus in the future.

Mr. Logan – You are showing your new façade going across that whole building instead of a blank I guess. That is what is a little confusing about it. I would refer it to the north elevation and the west elevation looks more like shaded glass in the area that the building is.

Mr. Renninger – I think it is an illustration error but I know what you are saying that it does look like we are bringing that façade across. The auto center is being left as is.

Ms. Zollo – I may have missed this because I was getting the color descriptions. So you are planning to add the brick around the green sign in the front?

Mr. Venturino – Yes, we can work in the brick around the entrances the red brick and more brick onto the store front.

Ms. Zollo – The green sign is just, as Joe said, in your face. I think the other rendition is a lot more attractive. You mentioned the additional landscaping earlier and you said it would be Boxwoods at the base of the building but I think what our landscape consultant was talking about was something between the new Dicks building and whatever is existing to kind of break up the color change.

Mr. Lorenz – We can take a look at that. We wanted to go with Boxwoods and worked in well with the lighting. But since we are taking the lighting out we can come up with an alternative landscape scheme.

Ms. Zollo - Otherwise it is an abrupt change from the existing to the new.

Mr. Lorenz – We will have cohesion amongst the buildings that is fine.

Ms. Zollo – You are eliminating the track?

Mr. Lorenz – No the track is gone.

Ms. Zollo – Too bad. My next question was about the signs. You said there would nt be any signs in the window but they would be more decorative. Are you talking about those window panels decal like signs that are popping up everywhere?

Mr. Lorenz – We talked about it last time and I think that might have been your concern last time. We are not putting window decals on the windows. What you may see is something a

couple feet back would be a mannequin or something like that. A window box or store front. No decals.

Ms. Zollo – I thought we had that cleared up. Window displays, which is great. You had talked about the illuminated sign which the mall apparently has a lot of illuminated signs but what I would request is that it be somewhat muted and not that obnoxiously white LED that you can see for five miles.

Mr. Lorenz – We will put in our signage according to the zoning code and meet those requirements. It is not going to be a beacon of light. It will be a normal illuminated sign like the other mall tenants will be.

Mr. Pettee – I was looking at Al Benedict comments, the Code Enforcement Officer, and he had a question. #11 will there be any building mounted lighting? If there is please provide information as indicated in section 131-7 of the Victor Town Code. Yes we understand there is some building mounted lighting.

Mr. Venturino – We talked about the up lighting previously. We don't care for that much. It is a lot of maintenance and is a liability for children going up and it gets hot. What we have done in the past is we have put a decorative medallion on the building but it is back lit it is halo lit. It is not down and is like a silhouette so we would like to do that if the Board is not opposed to something like that.

Mr. Pettee – If there is any building mounted lighting, if it is going to be what you describe, I think Al was looking for a catalog cut sheet of what those would be so he can review and confirm that it is compliant with the Code.

Mr. Goldman – We can confirm compliance with 131-7 with Al.

Mr. Lorenz – We would have to show him that on the building permit drawings also so he will definitely get all that information.

Mr. Pettee – It would be helpful for the planning Board to weigh in on what you preferred to see in terms of building mounted lighting. I did hear comments from Joe in terms of the down wash versus the up wash.

Mr. Logan – I am ok with the medallion style lighting. It does not directly shine out on to the area or upward into the sky. Their accent light is a good as a sconce. Not as impactful as a sconce.

Ms. Zollo – I agree with Joe as long as it is not up lighting the sky and is subdue that would be acceptable.

Chairman Santoro – Think you will have that all put together by next meeting?

Mr. Goldman – We were hopeful that we could consider a resolution this evening. We have a lot of people in from out of town. Hopefully we had answered all the questions. We are also on a time schedule.

Mr. Logan – I think we would need to see an updated elevation set for architecturally and if we did a resolution to make it contingency on acceptance of that.

Mr. Goldman – If we can do that that would be great. We certainly can provide those elevations within the next week on 23<sup>rd</sup> but there is some critical time issues that we have to deal with so if we can get an approval of the base application subject to that that would be great.

Mr. Logan – Wes is working on a couple of edits to accommodate you.

Mr. Goldman – In the meantime we do want to thank the Board for their considerations, staff has been very good in working with us also. I know the importance of filling spaces like this are critical. This is one of the fun things we get to do every once in a while. I am told there are some good thoughts about doing something across the street unrelated to our application but to that extent we are hopeful we are not going to have many vacancies on the 96 corridor.

Mr. Logan – Did you mention your goal on timing for this when you wanted it open for business?

Mr. Venturino – We are planning right now to start construction on the building November 13<sup>th</sup>. We are planning on opening in July 2020.

Chairman Santoro – I assume you will be keeping the store across the street open until then.

Mr. Goldman – Yes. There will be no gap between the two stores.

Chairman Santoro – You are not running into contract problems with that landlord?

Mr. Venturino – No. Where we are now we haven't heard a thing. Our lease will be expiring so I cannot be sure but we haven't heard any negativity from this.

Mr. Logan – Jerry, what would you call the extension above the rock wall, what do you refer to it as?

Mr. Goldman – I think a cupola could be a good characterization.

Mr. Logan –It looks like it says clear story. It says elevated climbing tower with clear story.

Chairman Santoro – We have a resolution ready.

### RESOLUTION

Motion made by Al Gallina, seconded by Joe Logan.

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

1. A site plan application was received on May 29, 2019 by the Secretary of the Planning Board for a Site Plan entitled Seritage Façade Modification.
2. It is the intent of the applicant to renovate the former Sears building to re-tenant the existing retail space.
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 25, 2019 and July 9, 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 Town of Victor Code Enforcement Officer reviewed the application and provided comments in a letter dated June 24, 2019.
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.
8. The project area is part of the original cluster subdivision initially approved by the Planning Board under Section 184 Article 5 of the Victor Town Code.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on July 9, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Seritage Façade Modification, will not have a significant impact on the environment and that a negative declaration be prepared.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the 50 foot entrance height, the 47 foot tall fence and the 42 foot tall clear story where the rock wall is located, pursuant to the flexibility allowed under the Towns clustering provisions Section 184 Article 5 of the Victor Town Code,

BE IT FURTHER RESOLVED that the application of Brian Lorenz, WD Partners, Site Plan entitled Seritage Façade Modification, drawn by WD Partners, dated July 9, 2019, received by the Planning Board May 29, 2019, Planning Board Application No. 26-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 19, 2019 from Architect Consultant be addressed.
3. That comments from Code Enforcement Officer, dated June 24, 2019 be addressed.
4. Architectural renderings are subject to further Planning Board review pursuant to the comments made at the July 9, 2019 Planning Board meeting.

**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 facade modification.

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	Abstained

Approved 4 Ayes, 0 Opposed, 1 Absent

Mr. Goldman – I am trying to get a sense right now when we can get our materials back to you so that we can get back to the Board. If we can get it here within a week can we look to coming back to the meeting on the 23<sup>rd</sup>?

Mr. Logan – We need to look at the architectural renderings as we discussed this evening, they are showing a lot of green steel and large expansive façade. We asked to step back and look at the ones that were in the most recent electronic submission. Jerry said they are willing to do that. I want to make sure we have those for the record, the proper renderings that we can approve. Ernie, does that work?

Chairman Santoro – That works. Before we do anything we have to have a motion to close the public hearing. Moved Al Gallina, seconded by Joe Logan.

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.

James Cretekos of BME Associates

Mr. Cretekos – Since last time we were here we did obtain the variance from the Zoning Board last Monday on July 1. They did restrict the variance to those 6 specific spots that are affected by it. It does not apply to the whole property this is only for the six spaces that are right at this entrance. I would also like to clarify based on revisions from the initial application we only have 26 additional parking spaces proposed not 33. We did provide an updated Landscape and Lighting plan today incorporating some of the comments from the Board from our last meeting as well as to provide the isofoot candles per Al Benedict, Code Enforcement Officer, comments. The plantings we did change them. If you take a look at the plan we provided we are now providing full Common Junipers along all of the proposed parking limits to help screen the headlights. These are maintained around 2-4 feet to help screen those headlights. They are basically what is out there now in front of the Longhorn lot. We are just replacing that in kind. We have also proposed a couple of White Spruce pine trees in the front to replace some of those that were taken out from that parking area.

The photometric candle foot candles that are provided on the plan do show that there will be no light spillage from those two relocated lights that are part of the application. Since the last time we were here we have also had a little bit of conversation with Mr. Logan regarding some of the alternative layouts, driven from comments to explore reconfiguring Lot 1, which is the Chase Lot that got approved earlier this year. Mr. Logan did provide us with a sketch, I think at the time our office was looking at some different options to enable some additional parking potentially. What we found was the most economical and viable solution to capture some additional parking is to eliminate this existing landscape island here on the north portion of the Longhorn lot. By doing so in pushing this parking stall a little bit south this gives us enough room to make another bay of parking here adjacent to the drive thru. I brought some copies. This would give us another 17 parking spaces out at the property which is pretty much the best we can do while respecting some of the other site restraints, green space and without going for a setback variance. It helps maintain some of our site line to the other establishments and keeps the front of the Chase building facing 96 which is critical for the marketing and signage. We did do a quick check on the green space requirements for both lots. It is pretty minimal amount of impervious area that we would be constructing for this, it is only about 2,600 sf. With that we

are still compliant with green space, the stormwater facility is still adequately sized to handle this and we are currently in discussion with some Town staff on what the best way to go about submitting an application for this, whether this needs to be separate or how we will pan this out. That is something we are looking to pursue in the future and just figuring out the timing for it. I would also like to clarify some comments that were made at some previous meeting in regard to elevation differences between our parking areas and the residential homes to the south. Specifically our whole parking area is below all the finished floors for these three houses right here. If we are up closer to the 96 road elevations we are around 10-12 feet lower than these two houses here. The site does increase in elevation as we move closer to High Street. These proposed parking spaces do sit about six to eight feet lower than the finished floor of this house down here adjacent to where the pump station improvements are going to be started soon. We brought the aerial image in this evening to show the existing buffer that exists between this and the residential properties to the south. Again there is the 100 foot residential buffer that is on our property that we are maintain. That is all existing woods that have been there. Depending on exactly where you sit you are anywhere from another 130 feet of existing wooded vegetation on the adjacent neighboring properties that will continue to buffer it down to around to 60-70 feet by the time you get closer to Valentown Road. That summaries what we have been working on since the last time for this application.

Chairman Santoro – The public hearing is still open so we will be asking for comments and questions. Did you get a copy of George Snyder’s correspondence?

Mr. Cretekos – Yes. We received two letters today.

Chairman Santoro – Can you address those.

Mr. Cretekos – Sure any specific comment? I can go thru them. The first one is talking about increasing the parking, saying they live closer than the residential properties to the south, we are not proposing anything in that 100 foot residential buffer. There is a tiny amount of grading just to enable the front parking area where we have to bring in some fill from of the other construction areas that we are working over in the High Point residential. We do have extra fill to use to accommodate what we need to do out here. The stormwater facility that sits off the wall and all the wooded area and the trail that runs thru there, those are going to stay intact. The only disturbance is within that buffer are going to be those associated with the pump station improvements completed by the Town. Regarding the second comment about the map overlay as what it is referred to as. We are aware of this, the applicant’s attorney is aware of this. This is something that came up originally when went back thru the approval of the Longhorn project

back in 2015. We have always shown there was a map overlay basically when the Rainaldi purchased the property the survey map prepared by Crohn Engineers is what is shown on this. At the time we went thru the application for the Beer Project we had discussion with Town staff on showing it based on the applicants holdings as well as establishing the setbacks off that line. If you actually look back to the approved site plan for the Beer Project there is a notation on there about the applicant conveying that disputed area to each of those residents. The Rainaldi still have every intention of doing that but are waiting till the construction of all the properties has been completed in case there is some need for them to access it. It also has to do with some of the financials I believe is my understanding. That was determined by their attorney to wait until everything has been completed. That is still the intent. We also did have some conversations with Town staff before we submitted this application inquiring about the same property boundaries and whether we should be showing the property as it sits or revising the map overlay and determination was to show it consistent with what was reviewed and approved with the Beer Project. We are continuing to show the 100 foot residential buffer line based off that property line. If the Town wants to change their opinion on that we would be happy to have discussions with them. It really does not have any impacts to our site. The only area where it changes where we have any proposed activity is about the back two feet of the dumpster. We can easily push it up to get out of that 100 foot area if we need too. Regarding about Valentown crosswalk and the sidewalk being impossible. Very similar to what we noted last time when we were at the meeting. A challenge with working with the historic district to either get an easement so we can go up into the property or try to figure out some kind of solution to avoid removing the Oak tree that is mentioned in the comment. Comment #3 is regarding to the crosswalk to direct people which is the exiting crosswalk here that currently goes to no sidewalk. The plans had always been to take a sidewalk down the north side of High Street to connect into the other portion of the High Point Retail phases. We are working at possible solutions to avoid impacting the Valentown Historic Museum as well as the existing tree right on the pavement there.

Chairman Santoro – Public hearing is still open so if anyone wishes to speak.

Tammy Van Buren 365 Meadowlark Lane

Ms. Van Buren – I would like to start this tonight by saying that I certainly hope that the owners of the New York Beer Project and Mr. Rainaldi are not taking all of comments personally. We are really glad to see that their business is doing well and thriving. I do ask that they realize that the site backs up directly to residential property and when any modifications are requested this needs to be taken in to consideration. Before any decision is made on this site plan modification, and I am hoping you were not planning on making a resolution tonight. I ask that the members

of the Planning Board “field trip” to the site. Please do so on a Friday or Saturday evening and I recommend that you do it his coming Saturday, July 13th after 8:30 pm which is when New York Beer Projects 80’s night party is in full swing. If you do that then you will experience what the residence in the area are experiencing. You will see patrons crossing the very busy road and might even see someone turning left where there is no left turn sign. I have an email from Kim Kinsella, dated February 28<sup>th</sup> 2019 that states that the Rainaldi’s will be installing breakaway bollards at the right in and right out entrance onto High Street along with signage. The signage is there but has been 4 months and the bollards are not. What is taking so long? As I stated at the last meeting I have almost been in three accidents in this area. Having lived in Rolling Meadows for 27 years I am very familiar with the traffic patterns in the area. Someone who is not from the area may not be as lucky as I am to avoid the accidents. Now back to your field trip. While walking the site notice how close the building is to the road at the High Street Valentown entrance. Also notice this entrance is hardly wide enough for two cars. Next look at the terrain of the area where the additional parking is proposed. There is a drop off that will have to be backfilled and shored up. Also notice how the cars will directly face the neighbors. That same email from Kim stated that no parking signs were installed along the driveway coming in from High Street to Valentown Road. Now they are asking that additional parking be put where there is no parking signs. I also suggest that you look at the existing signage on the property and notice just how confusing it is. The entrance near Northface has a do not enter sign on it. So should cars be enter there or not? Also look at the signage at the Route 96 entrance/exit. When exiting onto Route 96 the first thing you see is a one way sign into the property along with the do not enter sign. How are cars supposed to exit if it is a one way and you shouldn’t enter it? There is a solution to the parking that will have little impact on the surrounding residence and actually improve the safety for the patrons of the New York Beer Project and their employees. The solution is knock down the old Pizzeria Uno’s building and put in more parking. I understand that Mr. Rainaldi wants to maximize the use of his property but as it is the site does not meet the current requirements for parking. Parking across the street is not the answer and the requested increase in spaces will not solve the issue. I don’t know what happened when this project was approved. How it was possibly approved without the required parking? Now they want to make modifications to increase the seating. I understand that they state that they will reduce the inside occupancy to offset the outside seating. How will this be monitored to ensure that they keep to this promise? A memorandum from Al Benedict dated January 3, 2019 stated that there is not enough parking on this site for the current tenants. Yet, the Chase Bank was approved anyways. It is pretty obvious that a mistake was made somewhere with this project. Even the Chairman of the Zoning Board stated at their last meeting “someone did not do their homework right”. The surrounding residents should not have to pay for that mistake. Please do not approve the

requested site plan modification, it is not the solution to the parking issue and the outside seating will just make the matter worse. Thank you for your time.

Dave Anderson 359 Meadowlark lane

Mr. Anderson – I am Tammy’s neighbor and have lived there for 27 years as well. When I look at this project it looks like these parking spots are very expensive to build because it will require a lot of backfilling, building a retaining wall and etc. I am a little bit confused because at the last meeting we combined the two issues, parking expansion and also New York Beer Projects patio, it was my understanding at the last meeting on the 24<sup>th</sup> that the applicant wants the additional parking so Beer Project can have 47 additional seats outside therefore increasing occupancy of the building. I need a clarification on that.

Chairman Santoro – These are two separate applications.

Mr. Anderson – I understand. I am trying to understand the intent of the applicant and why he is going to all this expense to put a parking in there. Are you trying to alleviate a parking problem or are you trying to get more people into the place by packing the Beer Project with more chairs and seats.

Fred Rainaldi from Valentown Plaza and High Point

Mr. Rainaldi – I agree with the Chairman that these are two separate topics but to shed some light on the process and strategy here. Right now the site is an active construction site. The parking lot topping is a binder, is a temporary condition until the construction activities are completed then there will be a final parking lot installed. We have learned a lot by being a part of this community with High Point over the last decade and a half and we have decided that while we are in our construction phase that we are going to take an opportunity to exercise certain resources that the site is allowing to happen comfortably and add the parking now while it is most cost effective. While we are in front of the Board for various topics, you are correct, there are two topics for the same site and on the agenda tonight but they are unrelated in their intent. The concern about expense, which I appreciate, this is something where we are highly strategic and operate our construction company and everything that we do at this project we do with great care and great love. We have been around for a very long time and feel we have made a great case study to prove what I just mentioned. If there is any question specific to the intent, I have a long history of bringing very healthy and viable tenants and have no intention of slowing

down in my activity and having parking in Rochester NY to service them is critically important. That is why I am in front of the Board this evening.

Mr. Anderson – At the Zoning Board meeting you said the maximum seating capacity that was defined by Robert Graham and Sean McAdoo that cannot be exceeded. If 40 people go outside then 40 worth of space inside with the seating has to be eliminated. These measures of enforcement have been in to protocol. All of them have been agreed by Robert Graham, Sean McAdoo, Kevin and Kelly Krupski, and every one of their managers. Do you remember making that statement? I am afraid that this is a Trojan horse and I am afraid the fact that they are going to want to put in the more parking and then they are going to increase the seating with outdoor seating. I have the microphone, you can sit. You will get a rebuttal. I passed out a spreadsheet. If you look at the spreadsheet there and I went over this with Al Benedict. They have 30% parking shortage right now. Based on the current occupancy of both the Beer Project, Longhorn steakhouse and the retail space that is there. I am making an assumption there that the last 11,000 feet of the building on Lot 3 retail only. Take into consideration there we have a big problem and we can't fix the problem by building more parking spaces and allowing more people in the restaurant. I realize that is a separate issue.

The bollards were mentioned earlier by Tammy Van Buren. At the last meeting the applicant said that the bollards would be installed in two weeks. It is two weeks and I drove by there tonight and they are not there. This area is not functioning as intended. It is confusing to patrons not familiar with the intersection. I do know that there is some new signage there but it is not fixing the problem. There also needs to be signs within the parking there so people know how to move around in there and how to get out. Signs should be visible from within the parking lot and direct the patrons to exits that will allow them to go in the proper direction. For example, you must exit the traffic light by Valentown Road if you want to go to south on 96. There is no other way to do it. If they go in and want to go south on 96 and they try to go out going north on 96 they are going to have to go north and make a U-turn. They pull out onto High Street they are probably going to turn around in my neighborhood. Their GPS will probably tell them to turn around. It is crazy because people are not going to know where to go. I think that needs to be addressed.

I think there is a huge safety issue with the speed limit and do not know what we need to do to correct that but I believe the speed limit should be 25 -30 miles per hour max going from Route 96 all the way back to Satchum Trail to kind of slow everyone down. Someone is going to get killed walking across the street j walking there.

There is also another issue on Route 96, the turning lane going south on 96 onto High Street. There is a wait for green arrow sign. This sign is frequently ignored with people not familiar with the intersection. People will literally take left-hand turn and dart across on a red

arrow. I think the State needs to correct that. There has been at least one fatality at that intersection since that turning lane has been installed. I would hate to see that happen again. With that said I think we really need to figure this all out before we add to it and create more of a problem.

Chairman Santoro – I think that fatality that you are talking about was before they put the turn arrows in.

Mr. Anderson – I remember a gentleman took a left hand turn and was broadsided by a truck and pushed into a telephone pole and the girl was killed.

Chairman Santoro – The passenger was killed. They had not installed the turn arrows.

Mr. Anderson – Still, people are trying to make a left hand turn there when they shouldn't. I think it is an issue and we have more traffic going thru that intersection.

So back to the spreadsheet. We are short 174 parking spots right now by what Code requires based on the proposed site of the Chase building, the Longhorn, Beer Project and the additional retail there. The Longhorn and Beer Project will be operating at maximum capacity at the same time. They have the bulk of the parking. If Beer Project gets 47 more seats that basically wipes out the additional 26 parking spots that were proposed here. There is no gain and that is no fix. Those are my comments and thank you for your time.

Martin Snyder own property at 304 High Street

Mr. Snyder – I spoke at the Chase Bank site plan meetings I had concerns over this [parking issue before it came to fruition before the New York Beer Project was even opened. I believe there is a reference to the letter from Al Benedict to the Planning Board, dated January 3<sup>rd</sup> addressing the combined parking of the three lot site. He stated “as of that date January 3 that the present requirement is for 394 parking spaces whereas 331 are provided” that is a deficit of at least 63 parking spaces. This is what we approved. He went on to acknowledge that there is still approximately 10,000 sf of tenant space on lot 3 that the parking requirements are unknown at this time. Fast forward to today. We have a few more of the pieces of the puzzle filled in and I want to know if anyone on the Board done the math to try figure out the site plan that we are looking at now, does this adequately address the parking issues that Al brought up. Do we have enough parking spots, is anyone confident in that? I am not confident and I want to be assured that this is going to take care of things. I think that silence speaks.

Chairman Santoro – Oh no, that is not why it is silent. It is not our position at this point in time.

Mr. Snyder – OK. I can't see how you can approve a site plan that does not address parking.

Chairman Santoro – Are you talking about the Chase Bank?

Mr. Snyder – I am talking about the entire site.

Chairman Santoro – The entire site has been approved and we are only talking now about the Chase bank that hasn't even been built yet.

Mr. Snyder – I am talking about the entire site. Al Benedict's letter addresses everything. 1, 2 and 3. Lots 1, Lot 2, Lot 3 combines it all together. We ran into this problem last time where we took a look at just the Chase bank and everyone said "oh, everything is hunky dory. It's all good, it's all going to work out" and like everyone is saying drive thru there at 6:30 on a Friday or Saturday. It is like sharks circling. There are not enough parking spots. Let me refer to Victor Town Code if you need more.

Chairman Santoro – What do we do about Eastview Mall at Christmas time? You see the same thing.

Mr. Snyder – Why would this be approved?

Chairman Santoro – Why was Eastview Mall approved?

Mr. Snyder – That was the 60's, this is today. Victor Town Code 211-32 addresses parking. A (1) adequate parking must be constructed for the immediate use of the property, while land must be reserved for parking expansion should the need arise. Was this done for any of the previous site plans? Is it going to be done with this site plan that is on the table today? Convince me.

Chairman Santoro – We will have to consult with our consultants.

Mr. Snyder – So that means we are not going to be approving anything tonight? Victor Town Code also reiterates this. Town Code 211-32 A (2) (b) (2) all sites shall be so designed to provide sufficient parking and numbers to satisfy requirements of this Code. Parking spaces must be provided for both immediate and future needs of this site. We do not have the immediate needs taken care of. I am still in the dark whether or not we are having a net increase

in the seating. I don't think that was really addressed. I'll get up to the podium again if I need to do that for the second public hearing. Regarding the parking on the very south side of the property. The angled parking. Victor Town Code. 211-32 A (2) (a) (2) each off street parking space in the means of access to the parking area shall be so designed and maintained and regulated so that no parking or maneuvering incidental parking shall be on any public street, walk or alley. Those are all angled parking spaces angled for people exiting the property. If someone comes onto the property finds an open spot, they have to maneuver turn around to get into those parking spots. It would make more sense if they to be on there to face towards the building. Someone entering, here's my spot. It makes no sense and I know the County suggested that that be done. Based on Victor Town Code it makes no sense.

Mr. Pettee – I think that drive aisle is private though. It is not public.

Mr. Snyder – We talked about alleyways in there too. A public street or walk or alley. So walks or alleys.

Mr. Pettee – We would need to get the Code Enforcement Officer to tell us whether the Code is speaking to public alleys, public walkways.

Mr. Snyder – The comment is in there if you want to get down to the nitty gritty. Public street, walk or alley. Walks or alleys generally does not include a public right of way. I think that applies and also as far as the vegetative cover I appreciate the cover they are proposing there. I don't think it should have the headlights facing towards our house.

Chairman Santoro – I asked them last time if they would put in a solid fence. They said they would.

Mr. Snyder – I heard of the Junipers. We do know if the Junipers are on the inside or outside of the fence?

Chairman Santoro – Does it matter where the fence is as long as it is there?

Mr. Snyder – that is fine. As long as it is there. So for the site plan to comply with Town Code the revisions are so involved that I do not think they can be remedied tonight. The applicant needs to go back to the drawing board and I stand firm and insisting that you demand the applicant use the bank site for parking. The math does not work out. The numbers do not work out. I want someone to prove me wrong with that. I wish you would. He state that he loves this

community and wants to be a good steward and I think he probably is a great guy. I have nothing against him but I think this is where he can put his money where his mouth is and get that parking in there and take care of the people who are going to be using this property. I think that is the right thing to do. It is going to cost some cash but it is the right thing to do. Especially for the neighbors and the Town of Victor. You can start using the new site for parking once that building is demolished. Even if the current site plan does not comply with Town Code I don't feel there is any way you can approve the proposed site plan tonight. Thank you.

Chairman Santoro – Being the case, we are not in the position to do a resolution tonight. We will go onto the next item on the agenda.

Mr. Logan – The parking plan that you handed out that you were adjusting with the red. What is the total number of parking spaces on the site with that modification? Just for the Boards clarification. I had 359 on the plan I sent you so this was more efficient. The building can stay where you were planning on putting it.

Mr. Cretekos – 374.

Mr. Rainaldi – I appreciate that. The yield was a little bit greater. What I was really excited about was that it maintained the alignment of the buildings and we fought so hard to be a balanced and arrhythmic aesthetic back and forth. Just very quickly to just confirm a question, the meeting that was referenced between Sean McAdoo, Bob Graham, Jay Harris Maxwell from Hanlon Architect, myself where the capacity plans were established and the three step protocol to enforce the max capacity. The plans were issued and made very clear by Hanlon Architects to be transposed in an enforceable method. An easily enforceable method to the operators Kevin and Kelly Krupski. That capacity is a max capacity. It is not just there for life safety it is also there for resources, bathrooms and etc. The enforceability of that max capacity we have made very simple. We have educated the managers, assistant managers and shift operators. I have great faith in their ability to live within that capacity. With the downstairs and upstairs patio that is captured in that drawing there is no additional capacity being requested with this application.

Mr. Seiter – The bank project was approved. In addition to these spots you have highlighted in red was not a condition of that approval, correct? We look at these as two separate issues. You are jus spending money for these parking spaces just because or you've acknowledged an insufficient parking? So you are deciding to spend money in spots you are not required to do as part of the approval of that project, correct?

Mr. Rainaldi – The mobilization and construction activity required to build the Chase Bank makes the modification of that parking stall economical.

Mr. Seiter – I understand that. By spending money when you are not required to do so to add these spots you are conceding that there is a lack of parking.

Mr. Rainaldi – Not at all. I spend quite a bit of money to purchase an acre from Simon...

Mr. Seiter – We are not talking about that. Spending money to add parking spots.

Mr. Rainaldi – You asked me a question and I am going to answer it in like kind. The parking I added to Lot 1 was not mandated by Code it was done at my expense to protect and preserve the integrity and health of the business, my tenants that occupy my properties.

Mr. Seiter – We talking about this?

Mr. Rainaldi – The same exact scenario, different format but exact same scenario. I am fortunate that I have the ability to the very same thing. That while I am in a construction phase where it is affordable for me to do so. I can preserve...

Mr. Seiter – You are just spending money to add parking spots because you are a nice guy?

Mr. Rainaldi – I am a builder correct.

Mr. Seiter – Just for providing additional parking because it is obviously needed. You wouldn't spend money to put in parking spots if you didn't need parking spots.

Mr. Rainaldi – Two answers. An affirmation. I am a nice guy and two this is something I do. This is something that my father has a history of doing where we are legacy holders. You do not see us selling properties. We like building sites that are easy to manage that build great faith and empathy not only from our tenants but from the community. These little things that we do, these little nuisances that show that we care. That add great value and allow us to do what we do every day.

Mr. Seiter – My perspective, obviously disagree with, is that you are spending money that you do not have to add these parking spots because they are needed. Which acknowledges a parking

squeeze. Then whether it's two issues on paper or not the additional seating here exasperates that.

Mr. Rainaldi – The sequence of events actually was at the last Planning Board meeting there was conversation thru the Board, I don't believe you were at that meeting Rich, where I was asked to study an efficiency yield by either Joe or Al or both. Which I obliged. Thru that study we found that thru an easy modification we can gain 17 spots without challenging the integrity of the site or the rhythm of the buildings. It was actually out of the request of the Board that we found these spots.

Mr. Seiter – thank you I made my point.

Ms. Zollo – James you mentioned the green space, you said while shifting around and eliminating that island you were still going to meet your green space. What is the green space?

Mr. Cretekos – Lot 1 green space I believe it is around 38%. I do not have the information with me for the Chase Bank but I believe it was going to be around 37%. Just above the 35% required by Code. Then I believe the Longhorn adjustment is only a ½% of that. It is around 47% I think.

Ms. Zollo – You also mentioned the Junipers along the parking along the south east side of the property.

Mr. Cretekos – Correct. We proposed a solid row from the start of our proposed parking here all the way to the end of it. We also have plantings proposed a little inline of where our parking is proposed and then rimming the edge, basically primarily for headlight screening and the existing plants out there function now.

Ms. Zollo – I just wanted to make sure that everyone was clear on that. I was curious to the amount of fill your going to have to bring in to put the parking on the south east portion.

Mr. Cretekos – We haven't calculated that but we would be more than happy too. It is very negligible and not a fill compared to the work we are doing up at High Point for the office parks.

Ms. Zollo – I am sure compared to that but I just took my little field trip over there this evening and that the two lane drive there it drops right off, right after the drive. On the south east side.

Mr. Cretekos – We will have a little fill in here. This is still very manageable there is not any excessive amounts of large trees. There is a lot of brush area in there right now.

Ms. Zollo - It is really steep and you are going to have to bring in a considerable amount of fill. That is a question I have been asking every developer who comes in and they never have that calculation. It always surprises me with all the other work you have done.

Mr. Cretekos – Typically we get into that once we get into a construction phase and start doing estimates and take off for the applicant. It is typically not included in a Letter of Credit that we provide to the Town so we don't usually proactively complete that information. If there were changes to the plans based on comments then I have just wasted some of my client's money so we are trying to be a little bit business savvy. That is something we can absolutely provide later this week.

Ms. Zollo – During the big rain event we had last week it looked like there was a considerable amount of water at the back of the Beer Project. Standing water and that was flowing thru the doors and things. Did you have any information about that?

Mr. Cretekos – I have not been made aware of any of that. I am certainly sure if it is an issue that is something that we would look at for our client.

Ms. Zollo – Afterwards there was a lot of trash that was laying around beyond the dumpster and things so I think that is something that should be dealt with by the renters at the property to make sure they are cleaning that up.

Mr. Cretekos – I know a lot of that would be improved too if we were approved and completed the dumpster enclosure to handle some of that.

Mr. Gallina – To clarify what I heard. The proposed outdoor seating and patio area would result in zero increase in occupancy in the New York Beer Project that there would be an operational protocol to ensure that it is a zero sum gain from a seating capacity perspective?

Mr. Rainaldi – That is correct. As an example if 10 people are allowed to be in the Beer garden area on the first floor and 75 in and 25 outside, that area that has been delineated very cleanly on a map, that is the max. Furniture would be maneuvered, station would be imposed. There is a manager or assistant manager that has a head counter.

Mr. Gallina – So it is a zero sum gain for occupancy and between the red mark proposed parking at the Chase area and what is before us today and looking at adding 43 parking spaces on the site. I wanted to make sure for the record that was clear to everyone.

Mr. Rainaldi – Also in the topic of parking I beg a little bit of patience. We are still an active working construction site and we are not 100% spaces are usable right now. I have pulled as much staging as I possibly could to phase 3. There are things we are going to be using very soon. We are staging within the building as well and doing everything we can to activate. We are very excited to get moving with the Chase to complete that construction. The improvement of that will activate everything we have as a resource.

Mr. Gallina – Given that there are concerns of crossing High Street to get to the other part of your development. If there is anything short of the sidewalk proposal which probably requires some additional work and modifications. If there is anything that can be done with lighting or signage to improve the safety of crossing at that point if you could please take a look at that.

Mr. Rainaldi – We have looked at adding a couple of measures which would include on days there are booked events we would have safety personnel out there. We have a new security team that will be taken over and will be present at all the phases and will access and purview over the fourth phase of retail. The lighting, safety and we have been using valet by car so they will not have to be carriage back and forth. I am remaining optimistic that we can improve the pedestrian flow, not just for this but we are hopeful we can connect the sidewalks all the way up to Woods at Valentown residential phase as well. I think that will be a heavily used amenities.

Mr. Gallina – Wes, perhaps you can take the lead on getting a definitive assessment on the total parking capacity versus a requirement.

Mr. Pettee – I can coordinate with the Town on that.

Mr. Cretekos - I would like to note that when we were here for the Chase application earlier this year. Bergman Associates did completed a parking utilization study prior to the Beer Project opened. That showed that we were within the capacities of parking out there. I would like to remind the Board, but you did have the ability to reduce the parking requirements for plazas based on supporting information which we did provide. I think what the Chairman was talking about earlier in regards to when the approval was granted, yes, we were only looking at what was required for the Chase Bank which was in the ball park of around 9 spaces and we had 85-90 spaces proposed on the site. That use is obviously is well within the parking capacity that is out

there once we finish construction. At that time we did go that extra step to try and show that based on our engineering analysis Bergman Associates thought that the parking was going to be adequate to serve all the tenants out there.

Mr. Rainaldi – One last point, there was a comment about the breakaway bollard not being installed as of yet. I have made soft request and will be making a formal request for the Fire Dept. to reconsider and let me put a version of the island back in and think that is one of the most effective tools. If that conversation requests goes to plan that is something that can be installed immediately.

Mr. Cretkos – That was actually designed and approved with the New York Beer Project Lot 3 construction originally. It was only changed when we came in for the Chase applications and we are in the process of making those entrance improvements and the comment came down from Bob Graham about not installing that for fire truck maneuverability which is at the point where we explored other potential solutions which is why we came up with the 360 degree flexible bollards. I think we would be more than happy to put that curbed island back in there. I don't think that will really prohibit fire trucks and obviously it will be a mountable curb. That would go a long way to deter some of those vehicles, especially sedan cars going over that regularly.

Mr. Pettee – From a Town Engineers perspective I think that would be a great feature the curbed island that was initially approved with Lot 3. I was surprised to see that the Fire Marshal requested that it be removed because it was a mountable curb. I guess I do not full understand what the limitations are of emergency vehicles. Maybe they do have a hard time going over those curbed islands but it seems like that is what they are designed for is to be mountable.

Mr. Rainaldi – That can be designed specific to equipment, to fire plans to trajectories and can customize it in addition to having the breakaway bollard on top of it even. It gives us additional opportunity to cause people to follow the designated movement.

Mr. Cretkos – At the same time we would be more than happy to take a look at elaborating on that center median a little bit to really force anybody exiting that to make that right hand turn and not give them the ability to swing wide and make that left.

Chairman Santoro – We will go on to the next item.

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 Cretokos BME Associates

Mr. Cretokos – I think we have covered most of the items we wanted to speak about regarding Beer Project thru public comments and the Boards comments. We would like to reiterate the fact that we are having net zero increase in capacity. Any seating outside will be sectioned off inside equivalent. We are not looking to approve any additional capacity.

Chairman Santoro – Can you elaborate on what string lighting would be?

Ms. Zollo – It is already there.

Chairman Santoro – Pergola is there too?

Ms. Zollo – Pergola is there and the string lighting is there.

Mr. Cretokos – That was all installed and based on Town comments and meeting with Code Enforcement Officer we are going to be submitting plans reflective of that for their review and approval. I think it is a Building Department issue from my understanding to do that review.

Mr. Rainaldi – The pergola and string lighting were not installed by myself or our team, it was done outside my purview and I learned of it in similar fashion. It is a traditional outdoor Mediterranean light that is iridescent that is orange or yellow light that follows the pergola ends to three of the corners of the fenced in area of the patio. There are six sections in all and carry between 20-30 lights each.

Chairman Santoro – What is the size of the pergola? Is it freestanding?

Mr. Rainaldi – It is two units that make up the one and it sits on four pedestals. It is freestanding and can be integrated into the rooftop patio pavers.

Chairman Santoro – Is it bolted down?

Mr. Rainaldi – I do not believe it is.

Chairman Santoro – Any comment from the people in the audience?

Martin Snyder 304 High Street

Mr. Snyder - I have concerns about this as well. I know they have good intentions and they say they are going to monitor how many people come in and out. As I understand it and correct me if I am wrong, it seems like this pergola, the lights, all the rooftop seating is out of compliance right now as it is operating. Seems like that is what we are here to talk about tonight to propose but that seems to be something that has been going on for the entire outdoor tolerable temperature season. We're trusting that they are going to monitor the number of people inside but they have been running out of compliance for weeks maybe months at this point. How do we trust that they are going to monitor the number of the people walking in and out and doing a head count every 15 minutes? It is good intentions and I appreciate that they have good intentions but I don't see that if they are allowed to be out of compliance with what is being proposed tonight that is already in effect. I don't have much confidence that the method that is being proposed to block off an area, to do a head count. Restaurants are busy places and I have never worked in one and have respect for people running around there trying to take care of customers. It will be tough to try to keep a head count and with a bar how do you allow people to walk in and walk out, you have standing room and do you tell people you have to get out of here we are at X number. I don't know how that can be enforceable. That is one of my concerns right there is that they are out of compliance as I understand it and I am not hearing anyone saying that they are in compliance with what they are doing. I don't see that they have out trust going forward. Also, as far as the dumpster goes. I know that is on this issue here. My father said they were there at 5 am this morning dumping the dumpster. I know we have had this conversation before and there was good intentions and that it would be 7:30 and after. 5 am. He is up at 5 am, he knows. He is an old farmer and knows what is going on at 5 am in the neighborhood. Once again there all these things which are good intentions that they say they are going to do. I am sure they are good folks but these aren't being done and now they are saying to trust them to take these headcounts every X number of minutes. I would like to say that I believe it but given the track history I am not putting money on it. To have a safety team there and security it seems to be blowing it out of proportion. I don't think we should change what we have out there. Don't allow this out of compliance use that is playing out now. Don't increase the square footage or whatever you want to call it on the front side. Leave it as it is. We are changing to many things,

to many moving parts and we don't have everything filled in with occupants. We just don't know. I don't think any of this should be approved as far as the dumpster goes. Keep them behind the building, at least sheltered behind the building. By High Street shield them in there. You get the open parking lot and the wind blowing thru and there is trash that blows all over the place. I know you have the enclosure but the wind gets in there and it will that stuff right out. You have a lot of natural enclosure behind there. That is my input on that as well. Thank you.

Dave Anderson 359 Meadowlark Lane

Mr. Anderson – Back in April my wife wanted a gazebo so I found a kit for sale at Costco and I downloaded the instructions and the first thing it says is to contact the Building Department and you may need a Building Permit. That process took three weeks to get the building permit and by the time I got it they were sold out of them for the seasons. MY wife does not have her gazebo. They have a pergola with no building permit, no inspection and no anchoring. That is crazy. Another observation I made. I am here tonight because I care. The applicant Kevin and Kelly Krupski that were here at the last meeting are not even here tonight. What is up with that? I do have some questions. If for some reason they did get approved for outdoor seating, how soon would the fence, table and chairs be installed? That is question one. Question two. Would additional access door to the ground level patio be installed if this project was approved? How are people going to get to the patio? Whether it is thru existing entrance/exits are new doors installed? Question three. Outside lighting and/or speakers be installed or upgraded on the proposed outdoor patio on the first level?

Mr. Rainaldi – In sequence of the questions. The bollard system is mandated by planters. Heavy planters would be planted and installed according to the map as required by the liquor authority and that would happen as soon as possible. The bollards would be bought in and planted and the chairs would be put out about two weeks. The access to the patio area would be thru the man door and the garage door which already exists. So additional access point to the ground floor portion of the New York Beer Project would be necessary and no additional speakers or anything audible would be installed as part of this application.

Chairman Santoro – Would that go for the upstairs patio also? Do you already have speakers in the upstairs patio?

Mr. Rainaldi – I believe there are two speakers upstairs.

Ms. Zollo – There are speakers in this proposed patio as well. I was there tonight and they were on.

Mr. Rainaldi – I said no additional speakers would be added.

Ms. Zollo – So additional but the ones that are there will remain?

Mr. Rainaldi – Correct.

Chairman Santoro – Did you cover all his questions?

Mr. Anderson – When you look at the proposed patio area and the curbing and the sidewalk swoops away from the building and gets larger. It seems to me that it was all part of the original plan and wasn't announced until a more convenient time. Here is the bottom line. The neighbors in Rolling Meadows subdivision and Franlee across the street we do not want hear it or smell it and do not want to police it. Code Enforcement is closed at peak hours. They go home at 5 o'clock, 4 o'clock. Everything happens after hours. I don't to want to have to call the police. I don't need to do that. We really have to think about this and how it will affect the community. Your decisions affect forever the neighboring residents and the rest of the community and all I want is safety for our residents and the patrons of this development. I would make some suggestions here of restrictions should be considered. No additional occupancy should be allowed for this restaurant. Right now there is somewhere between 545-575. No live bands should be permitted outside. There are many documented complaints with Code Enforcement dating back to May 27, 2019. Number three, the doors to the patio should remain closed at all times to contain the noise inside, as per Chapter 143 of the Town Code regarding excessive noise. Number four, emissions of smoke and cooking odors are to be contained as per commercial district regulations regarding this issue. I would ask you to proceed cautiously and look out for the community. Thank you.

Chairman Santoro – This will be carried over and in the meantime we will get some input from our consultants.

Mr. Seiter – The gentleman before controlling the maximum amount of patrons in the establishment. I am to believe that you have 36 seats on the patio. Let's forget the roof. On a nice day like today that is full and your telling me you are going to rope off 36 in the restaurants and turn away patrons from the restaurant?

Mr. Rainaldi – It is a combination of three things. One, yes the stations that restrict seating areas. A fixed counter it is not an interim counter a fixed head counter.

Mr. Seiter – How when people come in the front and get counted off and go into the tap room then leave out one of the back doors, how do you monitor that? Do you have someone at each door?

Mr. Rainaldi – They effectively do that know. When you see the managers floating thru for seating, and they are very good at what they do, ...

Mr. Seiter – I have been there by the way and I have never seen it. I do not see you accurately or effectively maintain that maximum level.

Mr. Rainaldi – I disagree. Thru those three measures which when combined are more than sufficient to manage a head count in a restaurant or brewery. The easiest solution for the tap room because of the way the seating is set up is thru the stations. There is only one access thru to access the rooftop and the fixed counter is an efficient method. The plans, seating and the seat diameter all those are to be consistent with the actual plans that were approved. When those are modified or if anything were to change they don't have the discretion to do that without either contacting me as a liaison to the Town or contacting the Town directly. I will tell you that the space, not only because it is new, but because of the style of management within the Towns Code Enforcement Office that this space is inspected regularly. All my spaces whether it is the office buildings or Lot 1, 2 or 3 are inspected regularly.

Mr. Seiter – My basic question is when it is full outside and you have 35 seats roped off and that section is closed and a party of eight walks in to a half empty restaurant are you going to turn them away?

Mr. Rainaldi – Correct. We will not seat beyond what is accessible. If we are opening up 30 odd seats on the patio then 30 odd seats will be removed from usability in the tap room.

Mr. Gallina – So Fred, it wouldn't necessarily be turning people away but becomes an hour and half wait. You self select, do I stay or do I go at that point.

Mr. Rainaldi – They are going to decide if they are going to wait or not. The matter of fact has been an increase in business across our three phases which I do not hate. That scenario happens virtually with any program like this.

Chairman Santoro – Ms. Van Buren had her hand up. My original statement of three minutes and I will cut you off at five.

Ms. Van Buren – I just have one quick question. The people that are not going in they have to wait outside is where do they wait and how are they factored in to the head count? They have walked in and are they clicked then or when they are seated?

Mr. Rainaldi – Only a seated or stationed customer is collected in that head count. The staging area which is clearly identified. This is the lobby area where they wait, the staging area *points to plans on easel* it was designed very specifically and they have not only manned personnel that manages it and also have very cool high tech app for reservation system which they use to also manage people in que. There would be three scenarios. One, they could move thru other portions of the space and if it is not possible it is my hope that they would walk outside and window shop the other tenants of the plaza. The worst case they would be turned away and would leave the property completely. So it would be one of those three movements. There is a very clear waiting and retail area and if they were not comfortable for them to wait for whatever the duration of the time they have the other two options. To roam the property or to leave and come back another time.

Ms. Zollo – You have the sidewalk already bowed out here so was that your original plan or are you planning to bow it out further than it is right now?

Mr. Rainaldi – The way it is built is its final form.

Ms. Zollo - This was in the plans to create this patio seating from the beginning?

Mr. Rainaldi – I did not have the New York Beer Project as a tenant when we were going thru the original approvals but we always had hopes we would have outdoor and rooftop patios seating areas. They are spectacular and people love them and it has been a practice of ours to exaggerate the size of our plaza ways. You will see that same application at our facility at Culver Road Armory and we have people that are quite older there than we are with business. We still have people waiting to use the rooftop and ground patios. No modification will take place to that sidewalk as it exists today.

Ms. Zollo – The rooftop patio is that...you are asking for approval now but it is already in use correct?

Mr. Rainaldi – The patio use and capacity was something was discussed with the Code and admin thru the approval process. What changed was the definition of “event”. What is an event? It was the election of Sean, Rob and Ed the Towns administrative staff for clarification to come back to the Board for the avoidance of doubt, review the capacity plans and have it chronicled properly for a go forward.

Ms. Zollo – That is why you are here now is for general seating for the rooftop. Following up on one of the neighbors recommendations. Is it still the plan that there will be bands and other live music either inside the property or on the rooftop?

Mr. Rainaldi – No live music will ever be permitted on the rooftop, patio or the ground patio. Nothing outside. Inside they are allowed to have bands as long it stays within the decibel range allowed by Code.

Ms. Zollo – If there is a band inside will the music be amplified to those outside speakers that are already there?

Mr. Rainaldi – No they are not connected. The concept was to have several different ecosystems. There is the main dining area where the trees are. There is the tap room and then the upstairs environment. The hope was to partition those so this patron is having an isolated experience as compared to the patron upstairs or the patron in the tap room or on the patio. In a space that large and that much volume you traditionally will not try to run a consistent noise program then the whole thing. It not quite vertigo but it is confusing and not an enjoyable environment. They will not be connected or amplified.

Mr. Logan – If they are able to track if they are at capacity or not like any business you would want to know what your success is on a quantitative scale. Is there a way for them to produce numbers? Maximum number of occupants at any given time during the last month or the next couple weekends for instance.

Mr. Rainaldi – Yes they track that. They track that actually by department.

Mr. Logan – Could they provide us with some numbers next time you come back?

Mr. Rainaldi – We use that and was part of the capacity analysis, part of the interior design, layout and flow.

Mr. Logan – Whatever the capacity of the building is if they can say how close they are to that on any given night and what is the highest usage, assuming it is Friday or Saturday night happy hour, get a 3-4 hour window where it is packed. What are the numbers that relate to that?

Mr. Rainaldi – They are aware and that is why having that information even when it was only a couple months old was really helpful and putting the enforcement program together and did final capacity.

Mr. Logan – I would like to see how good of a handle they have on the number of clients at any given time.

Ms. Zollo – Fred, you may not remember this but back when your father was appearing before this Board with some previous proposals. He proposed having a trolley to shuttle people around the High Street Extension as well as this property and to the mall. I thought I would throw that out there just because we have this problem with the parking and the people and the kids who work there crossing the streets. It is dangerous.

Mr. Rainaldi – To that point I will take a little bit of credit for the trolley. I was born in '81 and grew up thru the full tenure of Mr. Rodgers so there is some nostalgic element there but we actually have made accommodations for the trolley stop pickup. Those will be further developed and I believe it is our intention to continue to pursue that but I believe it is a condition of the approvals for when we are complete of building of third phase. We are excited to have that and we have had preliminary meetings with Mike Menikowski and Sue Vary of Ontario County. There is a really cool local transportation company that they thought would be an awesome candidate to top rate that. Because of their size they thought it would be practical to learn together and see what the utilization would be of those things. For the people crossing, we do have as part of the internal directory that will identify how you access the thruway and continue south to get on the ramp. We will be doing educational directional for staff and which will push them to use. What do you call this marked off lane here? What do you term that?

Mr. Pettee – The center lane, the shoulder?

Mr. Rainaldi – You can legally walk on that correct?

Mr. Pettee – Sure.

Mr. Rainaldi – When I do tours which I do seven days a week out here and I have parked at the 3<sup>rd</sup> phase building that is under construction and have walked this lane thru the shoulder to access this. I have done this with clients, with 3 year old son and I felt safe the entire time. My hope is that we are going to begin discouraging the use of this transfer and push people to use this. It's like learning the site all over again. I have been with the site for a long time. This would be the path we would like people to start utilizing for the shared parking.

Mr. Seiter – Back on what Joe said about the traffic of pedestrians. A little more detail on how you plan to control this maximum amount. Either in a narrative or diagrammatically, where you going to have people doing the counting, how are you going to control egress and ingress and how many people you will have on for that as it relates to the peak and off peak. Off peak is not a problem obviously. A little more detail on how you intend to do that still a little skeptical on that.

Mr. Rainaldi – When I present to you next time I will actually bring in the deck we prepared for Kevin and Kelly, the operators, and then I will have with us the interior rendering so I can show you to scale and walk thru it.

Mr. Cretkos –Just so I am clear. Based on that I think the Board is looking for information on the people counting and basically some kind of plan as to how we are going to be implementing the controls and the counting. Is there anything else that the Board members would like to see to feel more comfortable to make a decision for this or for the parking application too?

Chairman Santoro – Think you have it all. If something comes up in the meantime.

There were no other discussions.

Motion was made by Joe Logan seconded by Rich Seiter RESOLVED the meeting was adjourned at 9:17 PM

Lisa Boughton, Secretary

