PLANNING BOARD MEETING MINUTES
AUGUST 21, 2013
The Planning Board met at 6:30 PM local time Wednesday, August 21, 2013 in the Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Bill Bastian  
Jim Burton  
Allyn Hetzke, Jr.  
Doug McCord  
Terry Tydings

ABSENT: Katie Evans, Clerk to the Board  
Linda Cummings, Secretary to the Board

ALSO PRESENT: Zach Nersinger, Planning Technician  
Mark Valentine, Planning Department Head  
Pete Weishaar, Legal Counsel

II. APPROVAL OF MINUTES: June 27, 2013

The Board approved the minutes of June 27, 2013

Vote: Moved by: Tydings  
Seconded by: Burton

Chairperson Markarian—Absent  
Bastian—Aye  
Burton—Aye  
Hetzke—Aye  
McCord—Aye  
Tydings—Aye

Motion was carried.

III. TABLED:

1. Kip Finley, Indus Companies, One Corporate Place, 1170 Pittsford Victor Road, Pittsford, NY 14534 requests under Articles III-3-10 and IX-9-2 of the Code Preliminary and Final Site Plan and EPOD Permit approval to allow the construction of a 70-75 room, 6 story hotel and associated improvements on 3.2 +/- acres located at 950 Panorama Trail South. The property is now or formerly owned by RDG Incorporated and is zoned LI. Appl# 13P-0020. SBL# 139.09-1-60.1. The Board is awaiting submissions from the application. Therefore, no action was taken.

V. MISCELLANEOUS:

1. Charles Smith, Design Works Architecture, 3300 Monroe Avenue, Suite 117, Rochester, NY 14618/Lalit R. Shah and Surekha L. Shah requests under Articles VIII-8-2 and IX-9-
2 of the Code Preliminary and Final Site Plan and Subdivision with the Board regarding a
Final Subdivision and Site Plan approval to allow the resubdivision of two parcels and to
build a 6,000 +/- Sq. Ft., two story office building on 2.79 +/- acres located at 30 Sanders
Farm Drive and 2041 Penfield Road. The property is now or formerly owned by Lalit R.
Shah and Surekha L. Shah and is zoned PD. Appl# 12P-0019. SBL#’s 139.08-2-1 and
139.08-2-1.11.

The applicant requested re-approval from the Board via an e-mail received on July 29,
2013.

The Board RE-APPROVED with Conditions

Vote: Moved by: Bastian Seconded by: McCord
Chairperson Markarian– Absent Bastian –Aye Burton –Aye Hetzke - Aye
McCord - Aye Tydings - Aye

Motion was carried.

2. Steven Ketch, Popli Engineering, 555 Penbrooke Drive, Penfield, NY 14526/Gurudwara
of Rochester requests under Articles III-3-10, IX-9-2, and X-10-4 of the Code
Preliminary and Final Site Plan approval, EPOD Permit, and an expansion to the existing
Conditional Use Permit to allow the construction of a 1,900 sq ft. expansion to the
existing building with 32 additional parking spaces on 7.9 +/- acres located at 2041
Dublin Road to be known as Gurudwara of Rochester Expansion. The property is now or
formerly owned by Gurudwara of Rochester and is zoned R-1-20. Appl# 08P-0011.
SBL# 125.03-2-11.1.

The applicant requested re-approval via an e-mail received on July 1, 2013.

The Board REAPPROVED with Conditions

Vote: Moved by: Bastian Seconded by: McCord
Chairperson Markarian– Absent Bastian –Aye Burton –Aye Hetzke - Aye
McCord - Aye Tydings - Aye

Motion was carried.

3. Home Depot, 750 Panorama Trail South – Request for color modification to existing
building:
   • Mark Valentine briefed the Board on the applicant’s request to change the color
     of the canopy on building from the current green color to the company’s standard
     orange color. Any modification to the color scheme of the building requires the
     Board’s approval as stated in the original approval resolution. It was noted that
     when this application first came to the Town for approval it was met with several
obstacles based on the proposed designs. Since then the owners have been back to the Zoning Board of Appeals for several permits to allow for sales in the parking lot and other similar uses that have caused concerns from staff and some neighbors to the property.

- Board members Hetzke and Burton questioned the need for the color change and if it was due to corporate pressure or was it simply to change the color. Considering that the Planning Board that had approved this project originally specifically made the applicants paint the canopy green because orange was not the preferred color.

- Pete Weishaar informed the Board that there are precedents that support denying the request to color change.

- Board member Burton then asked if any of the precedents involved trade marking of the logo used for signage. Weishaar replied that yes there were cases that did involve trade marking, where a business wanted to use it’s own color scheme for signage in a plaza; however, the plaza owners insisted that they business conform to the overall color scheme that was to be used in the plaza.

- Board member McCord, asked if the proposed orange color was specifically not allowed the Planning Board that approved this project originally. Mark Valentine replied that the orange color was indeed not allowed by the Board and the current green color was accepted as an alternative.

- Board member Hetzke stated that if there was hardship created for the success of the business because of the green canopy, then the owners should present the Board with evidence of this to justify the color change. In other words, would changing the color help sales in anyway? And as Burton states, what are the tangible benefits to the proposed color change?

The Board directed staff to prepare a letter to the owner stating the concerns listed above:

Vote: Moved by: Bastian Seconded by: McCord
Chairperson Markarian – Absent Bastian – Aye Burton – Aye Hetzke - Aye
McCord - Aye Tydings - Aye

Motion was carried.

4. BayTowne Plaza, 1900 Empire Boulevard – Request for modification/expansion to sidewalks on previously approved site plan:

- Paul Colucci was in attendance at the meeting to represent this application
Mark Valentine briefed the Board on the applicant’s request to modify the previously approved plan for the redevelopment of Baytowne Plaza and widen the sidewalks and enhance the existing landscaping by six (6) feet in specific locations in the plaza. A site plan was submitted to the Planning Department on August 8, 2013 to show the proposed modification. The proposed modifications will help to calm traffic, provide a sense of place and help to enhance the pedestrian connectivity and overall landscaping of the plaza. Such a request required the approval of the Board to modify the previously approved site plans.

The Board had asked if the Town’s Fire Marshal had any issues with the proposed modification in terms of vehicle access and operation in the event of emergency situation. Further, the Board asked if there would be permanent fixtures placed in the area of the proposed sidewalk expansion. Valentine responded that the applicants have not indicated that any permanent fixtures would be installed and that the Fire Marshal, the West Webster Fire Department and the PRC group have all reviewed the updated plans and all were okay with the project as proposed.

The Board APPROVED the sidewalk modification/expansion

Vote: Moved by: Burton Seconded by: Bastian

Chairperson Markarian– Absent Bastian –Aye Burton –Aye Hetzke - Aye

McCord - Aye Tydings - Aye

5. Taco Bell, 1922 Empire Boulevard– Request for modification to the façade of the existing building

• The Board reviewed revised architectural plans that showed a new building façade, but didn’t include any changes to the site of the footprint of the building.

• Given those facts, the Board felt that the architectural upgrades were an improvement and an enhancement to the area.

• It was noted that the owner would have to apply for a variance for the new signage as the proposed one exceeds the allowed coverage percentage.

The Board APPROVED the building modification

Vote: Moved by: Burton Seconded by: Bastian

Chairperson Markarian– Absent Bastian –Aye Burton –Aye Hetzke - Aye

McCord - Aye Tydings - Aye
There being no further business to come before the Board, this meeting was adjourned at 7:23 p.m., Wednesday, August 21, 2013.

These minutes were adopted by the Planning Board on September 12, 2013