NOTICE OF PUBLIC HEARING, PENFIELD PLANNING BOARD

PLEASE TAKE NOTICE, that a public hearing will be held at the Penfield Town Hall in the auditorium on Thursday, August 12, 2010 at 7:00 PM local time by the Penfield Planning Board to consider the following applications. All persons in favor of or opposed to said applications will be heard.

1. Brody Smith, Esq., Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202/Fallone Family Associates, LP requests under Article VIII-8-2 of the Code Preliminary and Final Subdivision approval to allow the subdivision of the existing office park into 8 separate lots with no new construction on 9.78+/- acres, to be known as Spring Pines Office Park Subdivision. The property is located at 1670 Empire Boulevard, is now or formerly owned by Fallone Family Associates, LP and is zoned BN-R. Appl# 10P-0012. SBL# 093.19-1-45.1.

APPROVED WITH CONDITIONS

TABLED:

1. Walter Baker, DSM Engineers, 2394 Ridgeway Avenue, Suite 201, Rochester, NY 14616/Thomas Simone & Son, Builders, Inc. requests under Articles VIII-8-2 and IX-9-2 of the Code Final Subdivision and Preliminary and Final Site Plan approval to allow the construction of 18 single family residential lots on 11.19 acres, to be known as Graceland Estates Subdivision Section VI. The property is located at lots 11 – 21 and 51 – 57 on Triple Diamond Way, is now or formerly owned by Thomas Simone & Son, Builders, Inc. and is zoned R-1-20. Appl# 10P-0011. SBL# 094.03-1-71.995.

APPROVED WITH CONDITIONS

MISCELLANEOUS:

1. Bay Towne Plaza Redevelopment – The Board received the draft environmental impact statement (DEIS) on September 24, 2009 and declared it incomplete on October 22, 2009. Additional information was submitted on December 1, 2009. On January 21, 2010 the applicant requested the Planning Board to table the review process pending the submission of an amended plan. The Board decided to honor that request at their January 28, 2010 meeting. On July 12, 2010 the applicant requested the Planning Board to continue the review process based on an amended DEIS. The applicant presented the supplemental DEIS information to the Planning Board on August 12, 2010. The DEIS will be further discussed at the September 7, 2010 meeting. For additional details relating to this project please refer to the Planning Department website at www.penfield.org.

The Planning Board will meet at 6:30 PM local time Thursday, August 12, 2010, in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that may be before it.

Amy Steklof
Town Clerk
The Planning Board met at 6:30 PM local time Thursday, August 12, 2010 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: Sandy Kyle, Chairperson
John Albright
Allyn Hetzke, Jr.
Arsen Markarian
Terry Tydings

ABSENT: William Bastian

ALSO PRESENT: Doug Fox, Town Consultant
Deanna Herko, Planning Board Secretary
Evan Sheppard, Planning Technician
Mark Valentine, Assistant Engineer
Peter Weishaar, Legal Counsel

II. APPROVAL OF MINUTES:  July 8, 2010

The Board approved the minutes.

Vote: Moved by: Hetzke Seconded by: Markarian
Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Aye
Markarian – Aye Tydings – Aye

Motion was carried.

III. PUBLIC HEARING:

A. Brody Smith/Fallone Family Associates, LP requests Preliminary and Final Subdivision approval to allow the subdivision of the existing office park into 8 separate lots with no new construction on 9.78 +/- acres to be known as Spring Pines Office Park Subdivision. The property is located at 1670 Empire Boulevard. Appl# 10P-0012. SBL# 093.19-1-45.1.

Appearances by:

Brody Smith, Esq., Bond, Schoeneck & King, PLLC
Bob Fallone, Fallone Family Associates, LP
The applicant presented the proposed application to the Board and to the public. The property currently has seven existing buildings and one future building location. The property has been in its current form for approximately ten years. The applicant is seeking approval to allow subdivision into 8 parcels, with one building location in each parcel. This proposal is intended to meet the needs of some of the current tenants who have shown an interest in owning the building they currently occupy. The applicant received approval from the Zoning Board of Appeals for all of the required variances. Consequently, the proposal now complies with the Zoning Ordinance. The applicant received the PRC memo and will reply in writing. The applicant will grant all required easements per the request of the Town. The applicant stated the property maintenance agreements may be enhanced through the use of declarations of covenant verses a homeowner association.

Board member Albright requested clarification regarding the following:
- Who will oversee the property maintenance, such as deciding which contractors to use for maintenance?
- What are the practical differences between the use of an association and deed agreements?
- Are any mailing address changes proposed?
- Is the Profetta Funeral Home using this property’s private drive?

The applicant responded with the following:
- The property owners will hire the contractors with the opportunity to change:
  - The agreements will include snow plowing and will legally require owners keep their property in harmony with the office park
- The tenants will have the option to hire a property management company or appoint a trustee
- No plans to change the addresses:
  - Mr. Fallone stated each existing building has it’s own address on Empire Boulevard
  - The Profetta Funeral Home’s access road has not been in use for approximately 8 years per the request of Mr. Fallone

Board member Hetzke asked whether another office park is currently utilizing the deed agreements effectively. Board member Hetzke asked how the contractor will bill each separate owner. The applicant stated each owner will be financially responsible for paying their portion for the contractor(s).

Chairperson Kyle asked if the financial responsibilities will be annual verses monthly. The applicant stated the building owners could have a trustee or a property management company who will manage all their finances.

Board member Markarian asked if the property owner has potential buyers for the buildings. The applicant stated yes there are potential buyers but no realtor offers are currently in place at this time.

The Board discussed this application and reviewed the draft approval resolution following the public hearing. The Board agreed to use property maintenance
agreements for all buildings and properties to be filed in the Monroe County Clerks Office. The Board requested the applicant submit written responses to the reviewing agency comments.

The Board requested the below findings statement or similar statement be added to the approval resolution:

- The access drive to Plank Road passes close to the Profetta Funeral Home parking lot. If a mutually beneficial agreement were reached between these two parties, the Board would not prohibit Profetta Funeral Home’s use of this access drive. Establishment of such an agreement would be in harmony with the North Penfield Crossroads study.

This application was APPROVED WITH CONDITIONS.

Vote: Moved by: Albright Seconded by: Tydings

Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Nay
Markarian – Aye Tydings - Aye

Motion was carried.

IV. TABLED:

A. Walter Baker, DSM Engineers/Thomas Simone & Son Builders, Inc. requests Final Subdivision and Preliminary and Final Site Plan approval to allow the construction of 18 single family residential lots on 11.19 +/- acres located at lots 11-21 and 51-57 on Triple Diamond Way to be known as Graceland Estates Subdivision Section VI. Appl# 10P-0011. SBL# 094.03-1-71.995.

The Board reviewed the draft approval resolution for this application. The applicant has addressed all the outstanding issues and the Board has received written responses from the applicant.

This application was APPROVED WITH CONDITIONS.

Vote: Moved by: Hetzke Seconded by: Albright

Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Aye
Markarian – Aye Simon – Aye Tydings – Aye

Motion was carried.

V. MISCELLANEOUS:
A. Bay Towne Plaza Expansion Rezoning – On July 12, 2010 the applicant requested the Planning Board to continue the review process based on a Supplemental DEIS. The applicant informally presented the content of the Supplemental DEIS to the board, which included 3D visual simulations of a full build-out of their preferred alternative concept plan. Doug Fox, Town Consultant, explained to the Board the possible SEQR schedule for the DEIS, including hearing dates and public comment timeframes. The Board discussed concerns regarding the completeness of the DEIS, including:

- Traffic Study
- Noise Study
- Crime Statistics Reports
- Property Value Statistics Reports
- Drainage

The Board determined that the DEIS was incomplete and not adequate for public review. The Board requested the applicant provide additional information regarding relevant crime statistics and property value impacts.

B. Gurdwara of Rochester - The Board received and reviewed the letter requesting a re-approval dated August 4, 2010 submitted by the applicant.

The Board granted RE-APPROVAL per the request of the applicant.

Vote: Moved by: Albright Seconded by: Hetzke

Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Aye
Markarian – Aye Tydings - Aye

Motion was carried.

C. 2010 Comprehensive Plan – The Town Board has requested the Planning Board provide comments on the Comprehensive Plan. The Board received a copy of the Comprehensive Plan, DGEIS, and a draft memo of comments to review. Board member Markarian provided an update to the Board. The Board reviewed their written comments and requested some modifications.

The Board AUTHORIZED staff to submit their comments to the Town Board with the requested modifications. It was noted that not all included comments were in harmony with each other, but the Board felt it was important that the Town Board receive ALL feedback that represented differing opinions of Planning Board members.
Penfield Planning Board  
August 12, 2010

Vote: Moved by: Markarian Seconded by: Albright

Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Aye  
Markarian – Aye Tydings - Aye

Motion was carried.

D. House of Prayer Ukrainian Pentecostal Church – The applicant submitted the proposed sign package to the Board for consideration. The Board reviewed the submitted sign rendering, as required by condition #8 of its resolution dated May 8, 2008. The Board finds the sign rendering acceptable, with the provision that external lighting that does not interfere with area motorists on visibility on Atlantic Avenue.

E. 773 Liberty Street – The Board received and reviewed the letter requesting a re-approval dated August 12, 2010 submitted by the applicant.

The Board granted RE-APPROVAL per the request of the applicant.

Vote: Moved by: Hetzke Seconded by: Albright

Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Aye  
Markarian – Aye Tydings - Aye

Motion was carried.

F. Juliarose Properties – The four parcels are located at 2474A and 2474B Browncroft Boulevard. The applicant submitted a request to the Board to combine the two western properties into one parcel and the two eastern properties into one parcel.

The Board granted APPROVAL to allow reconfigurations of property lines, as shown on the map prepared by Kocher Surveying, P.C. The Chairperson was authorized to sign the map for filing in the Monroe County Clerk’s Office.
Vote: Moved by: Hetzke Seconded by: Albright

Chairperson Kyle - Aye Albright – Aye Bastian – Absent Hetzke – Aye
Markarian – Aye Tydings - Aye

Motion was carried.

G. 1633 Empire Boulevard Parking Lot Expansion – The application is schedule for a public hearing with the Board on September 7, 2010. This application, as an administrative matter, has been deferred to the Planning Board for public hearing due to the potential impacts to adjacent property owners.

There being no further business to come before the Board, this meeting was adjourned at 9:15 PM, Thursday, August 12, 2010.

These minutes were adopted by the Planning Board on September 7, 2010.