The Planning Board met at 6:30 PM local time Thursday, June 9, 2011 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:  Arsen Markarian, Chairperson
          John Albright
          Jim Burton
          Allyn Hetzke, Jr.
          Doug McCord
          Terry Tydings

ABSENT:  Sue Kreiser

ALSO PRESENT:  Katie Evans, Planning Board Clerk
                Anna Knapton, Secretary
                Mark Valentine, Planning Department Head
                Peter Weishaar, Legal Counsel

II.  APPROVAL OF MINUTES:  May 26, 2011

The Board approved the minutes of May 26, 2011.

      Vote:  Moved by:  Hetzke  Seconded by:  Alright

      Chairperson Markarian - Aye  Albright –Aye  Burton –Aye  Hetzke - Aye

      Kreiser –Absent  McCord -Aye  Tydings -Aye

Motion was carried.

III.  PUBLIC HEARING:

1.  Walter Baker/DSB Engineers, 2394 Ridgeway Avenue, Suite 201, Rochester, NY 14626/SDSJ Associates, Inc. requests under Articles XIII-8-2 and IX-9-2 of the Code Preliminary and Final Subdivision and Site Plan approval to allow the construction of a 31 lot residential subdivision on 24.9 +/- acres located at 1617 Creek Street to be known as Caroline Court. The property is now or formerly owned by SDSJ Associates, Inc. and is zoned R-1-20. Appl# 11P-0007. SBL# 108.15-1-31.

FOR THE APPLICANT:  Walter Baker, DSB Engineers

•  The applicant is proposing a Town Law 278 development which will allow the existing home and barn to remain in the front of the property on a five acre parcel.

•  The applicant stated that they have agreed to convey a 50’ strip of land to the property owners to the south and the property owners to the southeast to give a larger setback to their properties. They have also agreed to a stub road to the Tytler property as requested by Mr. Tytler and also will make sewer connection available to Mr. Tytler as he requested. The existing easement for access to Mr. Tytler’s barn will remain.
• Three test holes were done on the property at the Town Engineers direction. There was no debris found in any test hole. There is some debris in the rear of the property and over the ravine and this will be removed.
• The on-site detention pond will comply with all regulations.
• The existing cell tower site will be re-landscaped and a new access road will come from the cul-de-sac.
• Board member Burton asked about the location of the test holes and what type of soil was found. The applicant indicated on the map where the test holes were dug and stated that sandy soils were found.
• Mr. Burton also questioned buffering to the adjacent property owners. The applicant stated that they have given a 50’ strip to each neighbor to the south for buffering.
• Mr. Burton also suggested that the proposed house adjacent to the Tytler property be turned to avoid headlights shining directly on the front of the Tytler home. The applicant stated that if required he will angel the home away from the front of the Tytler home.
• Board member McCord asked whether lot lines could be moved to save the mature pine trees that screen Creek Street from the cell tower.
• The applicant stated that some of these trees will have to be removed as development occurs but will save as many as possible.
• Mr. McCord also noted that the debris on lot 15 will have to be removed.
• Mr. McCord also questioned whether the conservation easement on the property can be preserved.
• Mr. McCord commented on the proposed pond plantings and stated that he would like to see more plantings.
• Mr. Baker stated that the adjacent neighbor asked for a berm with trees to screen her property but he feels that this will cause drainage impacts. He stated the developer is willing to plant trees but would prefer not to construct a berm.

PUBLIC COMMENT:

1. Mr. Henry Schnepf, 480 Wilbur Tract Road, Penfield; Mr. Schnepf is concerned with the existing and possible water run-off coming down the ravine onto Wilbur Tract Road. Mr. Schnepf stated that heavy rainfall causes flooding now. He questioned whether the DEC has looked at this drainage plan.

2. Mr. Mark Tytler, 1639 Creek Street, Penfield; Mr. Tytler stated that he has worked closely with the Planning Staff and everyone has been very helpful. He stated he is in agreement with most changes that have developed with this plan. Mr. Tytler would prefer a grate to an open culvert for maintenance purposes at the field inlet within the area proposed to be conveyed to him. He also noted that there is an area on this property that has been used as a dump for house hold/landscape materials and he would like to see that area cleaned up. Mr. Tytler would also like to see existing trees fenced so the natural buffers are not removed in error.

3. Mrs. Carol Saj, 485 Wilbur Tract Road; Mrs. Saj is concerned with drainage coming down the ravine to Wilbur Tract Road. She stated that the valley is clay soils and she is afraid that the woods will wash away with more water flowing downhill. Mrs. Saj also noted the area on the property that was used as a dump and stated that the debris is deeper than 10 feet down.

4. Mr. Mark Klein, 8 Russett Court; Mr. Klein questioned whether the easement between 37 & 29 Russett Court will be utilized for construction vehicles. Mr. Baker assured him that this easement is only for the construction of sewers and nothing else. This will not be a construction entrance.

5. Mrs. Marlene Davidson, 5 Russett Court; Mrs. Davidson only has a concern with the size of the proposed sewer and wanted to be sure that it can accommodate 29 more houses. She also stated that there is some ground heaving between 5 & 8 Russett Court and feels that it is because of the sewers.

6. Mr. Tim Rendsland, 1604 Creek Street; Mr. Rendsland stated that he does not want to live across the street from a construction zone and he would prefer that no development take place in the Town.

Following the public hearing the Planning Board returned to the rear of the Auditorium to discuss, in a matter open to the public this application. The Board directed staff to prepare a tabling resolution to include the following:
• Submission of written responses to this resolution and reviewing agency comments including but not limited to the County Planning Comments issued June 2, 2011, Town Engineer Memo issued June 6, 2011, Town Landscape Consultant Memo issued June 8, 2011, and Conservation Board Report issued on June 7, 2011.

• A Phase I Environmental Assessment shall be completed and submitted for review. Based on testimony from the neighbors, the Planning Board has concerns about the past dumping practices that have taken place on this property and over the steep slop area.

• The SWPPP shall be submitted for the purpose of evaluating storm water discharge and developing an erosion control plan for the proposed development. The SWPPP shall include Green Infrastructure practices and the necessary calculations to determine the Run-off Reduction volume.

• A final landscaping plan for the entire site shall be submitted including but not limited to:
  o showing proposed street tree locations;
  o landscape screening of the cell tower base and accessory structures from the adjacent residences;
  o additional pond plantings;
  o preservation of the existing Norway Spruce hedgerow on site;
  o the addition of conifer trees 4-6’ in height 12’ on center and mounding along the proposed strip of land to be dedicated to 1633 Creek Street; and
  o proposed subdivision sign location and any other embellishments intended for the entrance of the subdivision

• The proposed subdivision shall comply with the Town Sidewalk Policy. Should a waiver be requested it shall be submitted in writing to the Town Supervisor and copied to Mark Valentine, Planning Department Head. Questions regarding the waiver process shall be directed to Mark Valentine at 585-340-8645 or valentine@penfield.org.

• A proposed tree clearing limit shall be clearly indicated on the site, utility, grading, and landscape plans. Any trees to be preserved in addition to those beyond the tree clearing limit shall be noted on the plan.

• Any disturbance within the woodlot or steep slope shall be identified on the grading plan.

• Permanent markers are to be placed at the boundary of the limits of the permanent conservation easement in locations and designs subject to the satisfaction of the Town Engineer. These markers shall be shown in their proposed locations on the drawings.

• Instrument survey stakes shall be installed every 50’ along the north and south property lines.

• The proposed field inlet on the property proposed to be deeded to 1639 Creek Street shall be furnished with a storm catch basin with grate and graded so that it can be easily maintained with a lawn mower. This shall be done in a manner found acceptable to the Planning Department.

• The utility plan shall show how the applicant intends to tie in the storm drain running under the residence located at 1633 Creek Street.

This application was TABLED.

Vote: Moved by: Burton Seconded by: Hetzke

Chairperson Markarian - Aye Albright – Aye Burton – Aye Hetzke - Aye

Kreiser – Absent McCord - Aye Tydings - Aye

Motion was carried.

2. Kimberly Seavert/Wegmans Food Markets, Inc. 1500 Brooks Avenue, Rochester, NY 14624 requests under Article IX-9-2 and X-10-2 of the Code Preliminary and Final Site Plan and expansion to an existing Conditional Use Permit approval to allow the construction of a 3,350 square foot partially covered patio on 20.2 +/- acres at 1955 Empire Boulevard, to be known as Eastway Wegmans Patio. The property is now or formerly owned by Wegmans Food Markets, Inc. and is zoned GB. Appl# 11P-0008. SBL# 093.11-1-33.1.

FOR THE APPLICANT: Kimberly Seavert, Wegmans Food Markets, Inc.

• The applicant is proposing to construct a 3,000 square foot patio area near the existing Market Café’.
• The patio will have an awning covering ½ of the space and a 4’ railing with a gate for an enclosed area with removable clear vinyl walls
Hours of operation for the patio area are proposed to be 9:00 AM until 9:00 PM. Store ingress/egress will be through existing double doors. Board member Hetzke questioned the percentage of green space that will be removed from the overall plan with this patio. The applicant did not have specifics but will add that to the plan. Heavy duty outdoor tables and chairs will be used on the patio. There is no lighting proposed. Refuse containers will be placed in the area. Existing drainage patterns will remain for the area. The applicant stated that this area is being used solely for outdoor seating alternative to the existing in-store Café. Written comments to PRC memo were submitted.

PUBLIC COMMENT: No comments received.

Following the public hearing the Planning Board returned to the rear of the Auditorium to discuss, in a matter open to the public this application. Board member J. Burton will abstain from this application. The hearing will remain open due to an error in advertising for an expansion to a conditional use permit.

There was NO ACTION taken regarding this application

IV. TABLED:

A. Jared Lusk, Nixon Peabody Attorneys at Law, 1100 Clinton Square, Rochester, NY 14604/Dimarco Brandt Point, LLC requests the Town Board to consider their pending application for the proposed action. The proposed action has been classified as a Type I Action pursuant to applicable SEQRA Regulations, including 6 N.Y.C.R.R. 617.5 et seq, and the Penfield Environmental Quality Review Local Law #3 of 1996. The Planning Board, acting as lead agency, has accepted a Draft Environmental Impact Statement for the proposed action. A public hearing was held October 14, 2010 at 7:00 PM, at which time the Planning Board heard all interested persons on the content of said document.

The Draft Environmental Impact Statement is available on the Planning Department’s web page on the Town website located at www.penfield.org. Comments on the Draft Environmental Impact Statement were requested and accepted until October 25, 2010. Appl# 09P-0003.

There was NO ACTION taken regarding this application.

V. MISCELLANEOUS:

A. Danielle Wink, Elderwood Senior Care, 7 Limestone Drive, Williamsville, NY 14221/Elderwood Senior Care requests a fence to be installed around the pond previously approved under Articles III-3-10 and IX-9-2 of the Code Preliminary and Final Site Plan approval and EPOD Permit to allow construction of a 2-story 90 bed Assisted Living facility and 26 units, 1-level patio homes for independent living seniors on 12.278 +/- acres located at 2018 Fairport Nine Mile Point Road to be known as ElderWood Assisted Living at Penfield. The property is now or formerly owned by Elderwood Rochester ALF Property Company LLC and is zoned MR and is in the TF Overlay District. Appl# 08P-0021. SBL# 125.03-2-55.

The Board directed staff to prepare a tabling resolution to include the following:

• The fence installed shall be chain link with no slats or fabric on it. The purpose is to provide visibility through it to enhance safety.

The Board APPROVED WITH CONDITIONS.

Vote: Moved by: Hetzke Seconded by: McCord

Chairperson Markarian - Aye Albright – Aye Burton – Abstain Hetzke - Aye
Kreiser – Absent McCord - Aye Tydings - Nay
Motion was carried.

B. Jess Sudol, Passero Associates, 100 Liberty Pole Way, Rochester, NY 14604/Gary Passero requests a 90 day extension under Article VIII-8-2 of the Code Preliminary and Final Subdivision approval to allow construction of a 4 lot residential subdivision on 5 +/- acres on three parcels at 1440, 1452, and 1460 Scribner Road to be known as 1440 Scribner Road 4-Lot Subdivision. The subdivision was previously approved on December 13, 2010. The property is now or formerly owned by Gary A. Passero, Gary W. Passero, and Francis A. Passero and is zoned R-1-20. Appl# 10P-0019. SBL# 109.05-1-55.1, 109.05-1-55.2, and 109.05-1-55.3.

The Board GRANTED 90 DAY EXTENSION.

Vote: Moved by: Hetzke Seconded by: Albright

Chairperson Markarian - Aye Albright – Aye Burton – Abstain Hetzke - Aye
Kreiser – Absent McCord - Aye Tydings - Aye

Motion was carried.

C. Home Depot, 750 Panorama Trail South – Staff informed the Board that the Zoning Board received an application for outside storage and display. The display is currently set up in the parking area of the site. Board members discussed the application and agreed the Zoning Board of Appeals should refer to the original approval resolution.

There was NO ACTION taken regarding this item.

There being no further business to come before the Board, this meeting was adjourned at 9:30 PM, Thursday, June 9, 2011.

These minutes were adopted by the Planning Board on June 21, 2011.