TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

The Planning Board met at 6:30 PM local time Thursday, July 14, 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
Jim Burton
Allyn Hetzke, Jr.
Sue Kreiser
Doug McCord, left at 8:25 PM
Terry Tydings

ABSENT: John Albright

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

II. APPROVAL OF MINUTES: June 21, 2011

The Board approved the minutes of June 21, 2011.

Vote: Moved by: Hetzke Seconded by: Kreiser

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

Kreiser –Aye McCord -Aye Tydings -Aye

Motion was carried.

III. PUBLIC HEARING:

1. 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.

NOTE: Board member Jim Burton has recuesed himself from this application.


• This is a continuation from the previous public hearing held on June 9, 2011.
• The applicant is proposing a 65’ x 52’, 3,300 square foot patio area with seating for 94 patrons.
• The area will be partially covered with a removable awning.
• There will be a railing surrounding the patio area with entrance to the area through the store and from the parking lot.
There are no plans to install any type of speaker system on the patio.

Comments from reviewing agency comments have been responded to.

There will not be any additional lighting added to this area.

PUBLIC COMMENT:

A. Rose Hanscom, 124 Anytrell Drive; Ms. Hanscom questioned whether there were speakers planned for the area. Ms. Hanscom stated that she was told that there was a car show at the store recently and talking could be heard from the use of the speakers. She was not home at the time. Ms. Hanscom also asked if there would be additional lighting.

The applicant explained that there will be no additional speakers or lighting planned, just additional landscaping. Ms. Seavert also stated that Wegmans Eastway did appear before the Zoning Board of Appeals to request permission to hold “car cruise” nights on Thursday evenings between 5 PM and 8 PM. They have permission to hold these until September.

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 authorized Chairman Markarian to sign the Environmental Assessment Form.

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Motion was carried.

The application was APPROVED WITH CONDITIONS.

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Motion was carried.

2. Walt Baker/DSB Engineers, 2394 Ridgeway Ave, Suite 201, Rochester, NY 14626/DiPrima Properties III LLC requests under Articles IX-9-2 and X-10-2 of the Code Preliminary and Final Site Plan and Conditional Use Permit approval to allow the construction of a 2,000 sq ft restaurant with associated improvements on 0.442 +/- acres located at 2110 Fairport Nine Mile Point Road to be known as Cam’s Pizzeria. The property is now or formerly owned by DiPrima Properties III LLC and is zoned GB and TF. Appl# 11P-0009. SBL# 140.01-2-3.

FOR THE APPLICANT: Walt Baker – DSB Engineers

- The applicant is proposing to construct a 2,070 square foot Cam’s Pizzeria on a .4 acre parcel located at 2110 Fairport Nine Mile Point Road.
- There are two existing curb cuts that will be utilized.
- There is a sanitary sewer easement across the property providing sewer access to the property to the rear.
- The dumpster location will be moved to allow for future cross access to the adjacent property.
- There will be infiltration pond located in the northeast corner of the existing property with the existing trees in the area to remain.
Board member Hetzke questioned the environmental state of the property as it was once a gasoline station. Mr. Baker stated that the DEC monitored the tank removal and the area was cleaned and fully documented.

Board member Hetzke also requested a lighting plan. It was noted that the lighting plan was included on the utility plan.

The applicant stated that there will be up to five employees on site at one time.

Hours of operation are proposed to be from 7:00 AM until 1:00 AM, seven days per week.

There will be no liquor service

The applicant distributed pictures of the existing Cam’s Pizza located in Ogden. It was noted that this building will be square instead of oblong but colors and materials are to be as shown.

Board member McCord questioned the landscape plan and stated that he would like to see landscaping surrounding the building.

Board member Kreiser mentioned the outdoor dining area as shown in the picture provided and stated that she would like to see something more aesthetic at this location.

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. 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 July 8, 2011, PRC and Memo issued July 8, 2011.
- The trees in the northeast corner of the parcel shall be preserved. This shall be shown on revised plans.
- Provide the landscaping proposed around the building as indicated at the public hearing.
- Provide final design drawings that include colored elevations of all building elevations, screening, light fixtures, roof penetrations, HVAC grilles, building-mounted lights, signs and canopies. Clearly identify all materials and colors, including exterior soffit materials. Provide colored exterior elevations of all sides of building. Provide a first floor plan and a roof plan. Provide elevations of exterior screen walls.
- Provide a written list of all exterior building materials with samples of each material. A sample of glass will be required if anything other than clear glass is being proposed.
- Provide catalog cuts with color selections of site lighting fixtures and landscape accessories including: fencing, tables, benches, trash containers, tree grates, tree guards, pedestrian walkway light fixtures, landscape lighting fixtures, bollards, fountains, clocks and bicycle racks, etc. Provide material and color samples of unit paving materials. Lighting fixture submittals shall indicate type of lamp and wattage per fixture.
- Provide a signage package including drawings to scale of all signage on site, including building mounted signs, site signage including vehicular traffic control signs. This material shall clearly indicate graphic layout, dimensions, colors, type of illumination, lamp wattage.

The application was TABLED.

Vote: Moved by: Hetzke Seconded by: Markarian

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

Motion was carried.

3. Mark Costich/Costich Engineering, 217 Lake Avenue, Rochester, NY 14608/Penfield Fitness and Racquet Club, Inc. requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the Code Preliminary and Final Subdivision and Site Plan and EPOD Permit approval to allow the demolition of an office building and an the construction of an 87 parking space expansion with associated improvements on 3.09 +/- acres located at 667 and 673 Panorama Trail West to be known as Penfield Racquet Club Parking Lot Expansion. The properties are now or formerly owned by Penfield Racquet Club Inc. and are zoned BN-R. Appl#11P-0010. SBL# 123.20-2-39.1 and 123.20-2-41.
FOR THE APPLICANT:  
Mark Costich – Costich Engineering  
Alan Hanford – Penfield Fitness and Racquet Club

- The applicant is seeking preliminary and final site plan approval and EPOND Permit to allow the construction of an additional 87 parking spaces on 3.09 total acres.
- The applicant includes the demolition of an existing office building.
- The application includes 63 new parking spaces and re-development of existing spaces for improved traffic flow.
- The plans also include a large landscaped island area to help with traffic flow.
- The applicant is proposing three new light poles to match the existing.
- Board member Burton questioned the need for additional parking spaces. Mr. Hanford stated that there is more demand for organized classes with more patrons coming in at one time.
- Reviewing agency comments were discussed. The existing dry drainage swale was discussed and the applicant agreed that stone and vegetation could be added to create a bio-swale for water quality.
- Board members questioned whether there have been drainage problems on this or adjacent properties. Mr. Hanford stated that there has been standing water in the rear of the property in the past. He is not aware of any problems on adjacent property.
- Snow storage in the rear area was also discussed.
- There is an existing Japanese Maple Tree on site that the Town Landscape Consultant recommended to be preserved. The applicant stated that his landscape architect does not feel that this tree can be saved due to disruption to the root system caused by construction.

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. The Board prepared an approval resolution, discussed conditions, and factors of consideration.

The Board authorized Chairman Markarian to sign the Environmental Assessment Form.

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

Kreiser – Aye  
McCord - Absent  
Tydings - Aye

Motion was carried.

The application was APPROVED WITH CONDITIONS.

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

Kreiser – Aye  
McCord - Absent  
Tydings - Aye

Motion was carried.

IV.  TABLED:

A. 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.

Staff reviewed submitted materials with the Board.
The application is CONTINUED TABLED pending additional review of submitted materials.

Vote: Moved by: Markarian Seconded by: Hetzke

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

Kreiser – Aye McCord - Aye Tydings - Aye

Motion was carried.

B. 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. Douglas Eldred, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450/2064 Nine Mile Point Associates, LLC. requests under Articles XIII-8-2 of the Code authorization for the Chairperson to sign a plat map allowing the re-subdivision of lands to merge two parcels into one creating one 5.82 +/- acre parcel. The property is now or formerly owned by Apollo Development Co. LLC and S3 Enterprises LLC is zoned BN-R and TF. SBL# 140.01-1-2.12 and 140.01-1-2.11

The Planning Board Chairman was AUTHORIZED to sign the revised Plat Map.

Vote: Moved by: Markarian Seconded by: Hetzke

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

Kreiser – Aye McCord - Aye Tydings - Aye

Motion was carried.

B. Robert L. Keiffer, PE, FRA Engineering, 255 East Avenue, Rochester, NY 14604/Dave Clements requests re-approval under Articles III-3-10, IX-9-2 and X-10-4 of the Code Preliminary and Final Site Plan, EPOD Permit, and Conditional Use Permit approval to allow demolition of an existing dry cleaning facility and the construction of a 6 bay carwash with associated site improvements on a total of 0.68 +/- acres located at 1600 Penfield Road to be known as Classy Chassy Carwash. The property is now or formerly owned by Springs Land Company LLC, and is zoned GB. Appl# 09P-0021. SBL# 123.20-2-47. The application was originally approved on May 13, 2011 but expired because construction did not commence within a year.

NOTE: Board member Jim Burton has recused himself from this application

The Board discussed the application and directed staff to add in an additional condition requiring the applicant to copy the Town on all correspondence with NYS DEC.

The application is RE-APPROVED WITH CONDITIONS.
Vote: Moved by: Tydings Seconded by: Hetzke

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

Motion was carried.

C. Charles J. Costich, Costich Engineering, 217 Lake Avenue, Rochester, NY 14608/Crosstown Construction, LLC requests under Articles XIII-8-2 of the Code authorization for the Chairperson to sign a plat map allowing the re-subdivision of lands to convey 673 sq. ft from 2911 Atlantic Avenue to 2 Fernstone Lane. The property is now or formerly owned by Donald E. and Julie Wojick and Crosstown Custom Homes of Rochester, Inc. and is zoned R-1-20. SBL# 124.01-2-14 and 124.01-2-10.1

The Planning Board Chairman was AUTHORIZED to sign the Plat Map.

Vote: Moved by: Hetzke Seconded by: Kreiser

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 9:45 PM, Thursday, July 14, 2011.

These minutes were adopted by the Planning Board on August 11, 2011.