The Planning Board met at 6:30 PM local time Thursday, October 13, 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
Allyn Hetzke, Jr.
Sue Kreiser
Doug McCord
Terry Tydings
Jim Burton

ABSENT:

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

II. APPROVAL OF MINUTES: September 22, 2011

The Board approved the minutes of September 22, 2011.

Vote: Moved by: Hetzke Seconded by: McCord

Chairperson Markarian – Aye Burton –Aye Hetzke –Aye Kreiser - Aye

McCord –Aye Tydings -Aye

Motion was carried.

III. PUBLIC HEARING:

SKETCH:

A. Robert Winans/LaDieu Associates P.C., 40 Cedarfield Commons, Rochester, NY 14615/Masi Enterprises, Inc. requests an informal discussion with the Board regarding the construction of a 23-lot single family subdivision on 13.6 +/- acres located at 1813 and 1817 Baird Road to be known as 1817 Baird Road Subdivision. The property is now or formerly owned by Masi Enterprises Inc, James Pschirrer, and Daria Reitknecht and is zoned R-1-20. Appl# 11p-0015. SBL# 124.01-2-28.1 and 124.01-2-29.1.
Appearances By:  
Bob Winans, LaDieu Associates  
Lou Masi, Masi Enterprises  
Ian Cohen, 1831 Baird Road  
Dave Kostozak, 1846 Baird Road  
Robert Salmon, Legacy Circle  
Gail Williams, Legacy Circle  
Michael Trevenosky, 1850 Baird Road  
Judy Richter, 7 Woodland Way  
Dave Castellani, 1832 Baird Road  
Jenine Fogerty, 1816 Baird Road  
Maryann Begland, 1839 Baird Road  
Don Appleton, 1909 Baird Road  
Bill McDonald, Legacy Circle  
Robert Peck, 1812 Baird Road

- Bob Winans addressed the Board and reviewed the plans for the proposed 1817 Baird Road Subdivision.

- Board member Tydings inquired as to what size the and cost the proposed homes would be on the site and if there were any environmental issues. Lou Masi, of Masi Enterprises (applicant) replied that the homes would start at around $260,000 and would start at approximately 1,600 ft and up. The only environmental issues were the high concentration of rock on the property. He also noted that he would like to curve the road instead of keeping it straight to make the subdivision look more attractive and and give more flexibility to accommodate a variety of lot sizes. He also mentioned the possibility of walking trails towards the west side of the property.

- Board member Kreiser inquired as to what age group was targeted for the proposed subdivision. Applicant replied they are gearing for a 55+ community, but are not limited to it.

- Chairperson Markarian inquired if there would be blasting for basements. The applicant replied that he was not sure yet and would know when they actually get in there and start the project.

- Board member Burton inquired if the applicant will study rock profiles before construction and bring in any materials to elevate grading. The applicant replied that he will study the rock profiles and was receptive to any re-grading of the site if necessary.

Resident Comments:

Ian Cohen of 1831 Baird Road is concerned about the following topics:

- This project will result in a high density area
- Increased traffic
- Water drainage and flooding on his property
- Loss of woodlands (he would like to keep as many trees as possible around the area)
- Impact on wildlife. Wildlife is running out of space.
- Increased noise and pollution
- Blasting concerns (how will it effect his property regarding structural damage)
- Negative impact of characteristics of the neighborhood.
- Signage on property was not accurate in communicating the actual scope of the project.
- No financial gain for the Town of Penfield
- Would like to see the green space towards the front of the property instead of the rear.

Dave Kostozak of 1846 Baird Road is concerned about the following topics:

- Inaccurate signage pertaining to proposed project
- Sanitary sewer capacity being adequate for the proposed development
- Who will be responsible for the retention pond and why not put it in the back of the property instead of the front

3100 Atlantic Avenue, Penfield, New York 14526, USA
Tel: (585) 340-8600 • Fax: (585) 340-8667 • www.penfield.org
- Cost of the road maintenance to the Town of Penfield
- Questioned calculations for the sidewalk fund
- Speed control should be monitored via speed bumps, traffic light, or widened road
- More detail from developer regarding variances

**Robert Salmon, Legacy Circle** is concerned about the following topics:
- Retention ponds becoming a breeding ground for mosquitoes, foul water and they never work properly
- Traffic will be increased and cause turning onto Route 441 during rush hour even more difficult
- Impact of wildlife as far as deer related accidents and deer migrating into residential areas and destroying shrubs, gardens, etc.
- Negative effect of quality of life from too many developments “popping up”
- Subdivision signs will be too large. They are never maintained properly and end up deteriorating

**Gail Williams of Legacy Circle** is concerned about the following topics:
- Retention pond adjoining the property will be a risk to children at the nearby day care
- Blasting will be dangerous and disruptive

**Michael Trevenosky of 1850 Baird Road** is concerned about the following topics:
- Development is too dense and lot sizes too small
- Impact of future developments coming into the community

**Judy Richter of 7 Woodland Way** is concerned about the following topics:
- Safety of her grandchildren who live on Baird Road due to increased traffic and speeding
- Blasting in the area
- Lack of signage that children are in the area from the day care and residents

**Dave Castellani of 1832 Baird Road** is concerned about the following topics:
- Easement on his property
- Storm water drainage on his property
- Maintenance of landscaping and retention pond. What is the recourse of residents if they are not maintained.
- Increased traffic and speeding
- ¼ lots for $260,000 and up are too expensive for current economy
- Would like less houses in the development

**Jenine Fogerty of 1816 Baird Road** is concerned about the following topics:
- Water drainage on her property
- Development is not consistent with existing neighborhood

**Maryann Begland of 1839 Baird Road** is concerned about the following topics:
- Water drainage on her property
- Blasting will be disruptive and cause property damage

**Don Appleton of 1909 Baird Road** is concerned about the following topics:
- Natural gas and electric being properly executed
- Too much growth in the Penfield area
- Conservation of green space and wildlife
**Bill McDonald of Legacy Circle** is concerned about the following topics:

- No financial benefit to community
- Wildlife is being pushed into his backyard
- Increase in traffic and speeding
- Retention pond being an eyesore
- Development is not the right for the existing neighborhood
- Amount of variances required

**Robert Peck of 1812 Baird Road** is concerned about the following topics:

- Water drainage will effect his property which is already too wet
- Decrease in his property value which is assessed at $100,000 over proposed price of new housing in development

**CONCERNS NOTED**

B. Doug Eldred/BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450/Ellison Heights LLC requests an informal discussion with the Board regarding the construction of five four-story apartment buildings consisting of 183 +/- units and one clubhouse with associated improvements on 18.6 +/- acres located at 1200-A and 1200-B Penfield Road to be known as Ellison Heights Section 2. The property is now or formerly owned by Ellison Heights LLC and is zoned MR. Appl# 11p-0016. SBL# 123.19-1-26.11 and 123.19-1-26.12.

Appearances By: Doug Eldred, BME Associates
Jeff Ashline, Mossien Architects
Ann Peterson, HOA Allens Creek Valley
Steve Mancini, RSM Development
Chip Russell, Harris Beach Attorneys at Law
Ruth Grace, 137 Shirewood
Diane Barr, 65 Skyridge
Marcia Sutton, 39 Skyridge

- Doug Eldred of BME Associates addressed the Board and reviewed the plans for the proposed Ellison Heights Subdivision.
- Jeff Ashline of Mossien Architects addressed the Board and reviewed the materials that would be used for the buildings would be a combination of stone/siding. There will be 180 residential units and 70 parking spots under the larger buildings. There will be one and two bedroom apartments ranging from 800sq.ft – 1100 sq. ft with rent ranging from $1,100 - $1,500 plus utilities. The previous approval was for two eight story buildings rather than seven story buildings.
- Board member Hetzke inquired if this plan will have more green space, if the parking will be one level, and who has ownership of the road. Doug Eldred (BME Associates) replied that there will be approximately .02 acre’s more of green space with 1.1 acre of wooded area, the parking will be one level. The cost of the road will be shared (60/40) between the apartments and existing condos (based on usage). The access on Sable Oak Lane has less of an impact on the road.
- Board member Hetzke also inquired about the ownership of Sable Oaks Lane and that the development was approved as one project...how did that change? Mr. Eldred replied that an easement is reserved in the deed to allow the access points to Sable Oaks Lane. He also stated that the offering plan could have been a little clearer, however, it did show that plan was part of a “phase” project and showed three connection points to Sable Oaks Lane.
Chairperson Markarian inquired if any variances would be required and if the original 18 acres of property has been subdivided. The applicant replied that they will request two waivers. One is to have a unit closer than 70ft to Old Penfield Road and the other is that there will be one less covered parking space. The applicant also stated that the property has been subdivided and the land to be developed is approximately 10 acres.

Board member Burton inquired if the community center and pool will be available to the existing condominiums, and if the roofs on the bldgs will be flat. The applicant replied that he was not sure yet if the pool and community center will be shared and the roofs are flat. He met with the Fire Marshall regarding the possibility of providing a 35ft wide area for fire truck accessibility.

Board member Kreiser inquired how many entrances there will be to each building and how will they be accessed. The applicant replied that there will be one central entrance and will be accessible via key pad.

Town Planner, Katie Evans, offered to email a copy of the plans to any interested residents (given the audiences difficulty in seeing the presented exhibits).

Doug Eldred offered to meet with any residents to answer any questions or concerns they may have.

Resident Comments:

Ann Peterson, HOA Allens Creek Valley is concerned about the following topics:
- Displacement of wildlife will be greatly impacted
- 180 units is too many for the area
- The Right In, Right Out exit is a huge concern regarding illegal left hand turns causing accidents
- Increase in traffic in the area
- Very limited sight lines
- Parking lot area - fronting on Penfield Road is too large
- Water drainage impacts to Irondequoit Creek and adjacent properties
- Loss of buffer of trees and vegetation

The applicant responded to Ann Peterson’s concerns regarding the traffic entering the development. He stated that coming from the west, there is an opportunity to use Old Penfield Road to enter the development which will ease the incoming traffic. As far as drainage into Irondequoit Creek, BME Associates will handle storm water on-site because they are not in a floodplain.

Ann expressed concern about water backing up under the bridge.

The applicant replied that the development is downstream of the bridge, so there will be no additional run off.

Ann expressed concern that the parking lot is too large.

The applicant replied that the parking lot is appropriate for the surrounding area.

Town Planner, Katie Evans mentioned that Planning Department Head, Mark Valentine spoke with the CDOT regarding right in, right out, entrance. Residents are encouraged to submit, in writing, any concerns or observations with traffic to the Planning Department.

Chip Russell – Harris Beach Attorneys at Law (representing Ellison Heights HOA) noted the following concerns
- Incorrect placement of property line on the site plan
- Site plan implies the project is 18.92 acres when in fact it is 10+ acres
• Easement shows ownership of access road by Ellison Heights and will not share costs
• Project has gone past the three year limit allowed for in the offering plan
• Would like to see a new application with an updated density analysis based upon the 10 acres in question
• Ellison Heights does not permit their property included in proposed plan
• 7.5 acres of green space noted on plan is actually owned by Ellison Heights
• Dangerous right in, right out entrance proposed for development
• Overall density of parcel has increased significantly
• Parking lot to one of the buildings proposed backs out onto Sable Oaks Lane just after a curve in the road, making it a dangerous situation.
• Original application was approved for condominiums, not apartments.
• Apartment dwelling can result in transient occupants, more cars per unit, and less care for maintenance of property
• Lighting and parking in proximity to existing homeowners is too close
• Original plan was approved back in 1999, so their needs to be a new Environmental Impact Statement and site plan
• The addition of approximately 300 cars using entrance is too great
• Traffic studies may be out dated
• Overall concern is that the board will approve the new plans only because the previously approved plan was “bigger”.

Board member Burton inquired if any of the above concerned were shared with the developers. Chip Russell replied that he asked for the meeting to be adjourned so he could meet with the developers, “offline”, for discussion.

Steve Mancini of RSM Development commented that he would be happy to meet with Mr. Russell after tonight’s meeting and address any issues.

**Ruth Grace of 137 Shirwood** is concerned about the following topics:
• Increased traffic and how are traffic studies done to foresee future traffic patterns on Penfield Road
• Cost of rent for proposed units is high
• Who would occupy units given the quantity of apartments in the area already
• Reliability of retention pond
• Overflow of wildlife into residential areas
• Are potential residents aware of current gun shots in the area from the nearby Genesee Conservation League
• Current proposed development will not enhance Penfield

**Diane Barr of 65 Skyridge** is concerned about the following topic:
• The removal of trees along Penfield Road

The applicant responded that the tree’s will not be cut down or effected.

**Marcia Sutton of 39 Skyridge** is concerned about the following topic:
• Proposed development is too dense

The Board discussed the following applications following the public meeting -

**Ellison Heights - Section II Sketch Plan** –

All board members agreed that all legal issues pertaining to the proposed development be resolved before continuing any review.
Chairperson Markarian suggested that Pete Weishaar, Planning Board Attorney, should be contacted for advice and direction regarding the Ellison Heights proposal.

CONCERNS NOTED

TABLED:

1. 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.

Staff informed the Board that comments have been received from SDOT, DCOT, and Stantec on traffic and noise. The comments have been distributed to the Board this evening.

At the next meeting, Doug Fox (SEQR Consultant), will come to provide an overview of the plan alternatives within the DEIS. Staff expects the applicant will be submitting a draft FEIS very soon.

NO ACTION TAKEN

MISCELLANEOUS:

The Board discussed these applications prior to the public meeting

1. Timber Glen, Whalen Road/Rte. 250 – The second phase of the development has not been filed yet, so the phase 2 subdivision approval has expired. The applicant is requesting re-approval. Since construction has been initiated for phase 1, the site plan approval has been preserved.

The Application was REAPPROVED WITH CONDITIONS

Vote: Moved by: Hetzke Seconded by: Kreiser

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

Motion was carried.
2. Applebee’s, 1955 Empire Blvd – Applebee’s was initially approved January 1995. They are interested in revising the building's exterior signage and canopies. Staff brought this before you as a courtesy review to ensure you are comfortable with the changes. It will require Zoning Board approval for the sign changes. The Board declined to comment and defers to the Zoning Board.

**NO ACTION TAKEN**

3. 1439 Plank Road

   The Board made a motion to issue a letter to the file.

   **Vote:** Moved by: Hetzke Seconded by: Kreiser


   Motion was carried.

*The Board discussed the following applications following the public meeting –*

**1817 Baird Road Sketch Plan** –

Town Planner, Katie Evans and Planning Department Head, Mark Valentine reviewed notes and drafted a letter to LaDieu Associates, P.C. Upon submission of an application for Preliminary and Final approval, written responses to the comments below should be provided by the applicant. Written responses to the factors of consideration for Subdivision and Site Plan found in Articles VIII-8-3 and IX-9-3 of Chapter 29, Town of Penfield Zoning Ordinance. The key factors noted in the letter are as follows:

1. The Board needs additional information prior to determining if Town Law 278 is appropriate for this site. Any future submission should include the total acreage of disturbance of both the conventional and cluster plans, and should include a statement discussing the benefits of Town Law 278 for this project, and inventory the proposed departures from the Code.

2. The Board would like to see a concept plan that shows the following:
   - A portion of the 3.5 acre common area redistributed to the front of the parcel to provide additional buffering and screening from the Baird Road frontage to the subdivision.
   - The Board has safety concerns with the proximity to the sidewalk on Baird Road and directs the applicant to look at potential alternative locations or incorporate any possible safety measures.

3. Who will be responsible for the maintenance of common lands including the proposed pond? What is the anticipated maintenance of these areas?

4. Will the driveway of the exception parcel (proposed lot #23) be revised to remain within confines of the parcel?
5. The Board is in favor of permitting public access to the 3.5 acre woodlot at the rear of the property. Is there a reason this was proposed as private access versus public access?

6. Any future submission should identify any proposed lighting and state whether the creation of an intensified lighting district is requested. Lighting should be designed to minimize its impact to neighboring residences.

7. Any future submission shall show compliance with both the Town Sidewalk and Street Tree Policies. This would necessitate the creation of an Intensified Sidewalk District.

8. Any future submission should show the proposed building envelope of each lot and should show an approximate intended building footprint. The Board has some concern regarding the lot widths and depths. Buffering to adjacent properties should be considered where practical and may be required upon future review.

9. Any future submission should comply with any Town of Penfield and New York State stormwater regulations that are in effect at the time of submission, including Green Infrastructure. The applicant should contact the Engineering Department for assistance with this requirement.

10. Any future submission should comply with the recommendations found in the PRC memo dated September 3, 2011, the Conservation Board report dated October 4, 2011, and should provide itemized responses to said documents.

11. Any future submission shall include an analysis of sanitary sewer capacity of downstream facilities. The Penfield Sewer Department will assist in tabulating existing sewer units connected to the section of the system servicing this site.

There being no further business to come before the Board, this meeting was adjourned at 10:10pm, Thursday, October 13th, 2011.

These minutes were adopted by the Planning Board on November 10, 2011.