The Planning Board met at 6:30 PM local time Thursday, March 8, 2012 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
Bill Bastian
Jim Burton
Allyn Hetzke, Jr.
Doug McCord
Terry Tydings

ABSENT: Sue Kreiser

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

II. APPROVAL OF MINUTES: February 23, 2012

The Board approved the minutes of February 23, 2012.

Vote: Moved by: Hetzke Seconded by: Tydings

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

Kreiser – Absent  McCord -Aye  Tydings - Aye

Motion was carried.

III. PUBLIC HEARING:

1. Robert Winans/LaDieu Associates P.C., 40 Cedarfield Commons, Rochester, NY 14615/Masi Enterprises, Inc. requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the Code Preliminary and Final Subdivision and Site Plan approval and EPOD Permits to allow the construction of a 23 lot single family subdivision on 13.6 +/- acres, located at 1813 and 1817 Baird Road. The property is now or formerly owned by Masi Enterprises Inc., James Pschirrer, and Daria Reitknecht and is zoned R-1-20. Appl# 12P-0003. SBL# 124.01-2-28.1 and 124.01-2-29.1.

Appearances By: Bob Winans/LaDieu Associates, P.C.
I
Ian Cohen, 1831 Baird Road
Robert Salmon, Legacy Circle
John Sarkis – Dolomite
Ioannis Tegas, 1824 Baird Road
Applicant, Bob Winans of LaDieu Associates, P.C., addressed the board regarding the proposed application and reviewed the scope of the project.

Board Member Comments:

- Board Member Markarian asked the applicant if the pond could be moved to another location. Applicant replied that putting it in the rear of the property would disturb a large amount of trees and there is no connection point for storm sewer.
- Board Member Markarian asked who will maintain the acreage in the rear of the proposed subdivision and pond area. Applicant replied that there are three options: The Town takes dedication of the land, it becomes a common area maintained by a homeowners association, or the acreage would become part of the rear lots with conservation easements and drainage easements.
- Board Member Markarian asked if the entrance road could be put along the lot line of lot #23. The applicant replied that there could be a possibility of “flip flopping” the pond and the entrance. The reason they did not move it farther north was because they did not want headlights from traffic to effect the existing home across the street.
- Board Member Markarian asked if the entrance road could be put along the lot line of lot #23. The applicant replied that there could be a possibility of “flip flopping” the pond and the entrance. The reason they did not move it farther north was because they did not want headlights from traffic to effect the existing home across the street.
- Board Member Markarian asked if the entrance road could be put along the lot line of lot #23. The applicant replied that there could be a possibility of “flip flopping” the pond and the entrance. The reason they did not move it farther north was because they did not want headlights from traffic to effect the existing home across the street.
- Board Member Burton asked how the residents would have access to the rear area. The applicant replied that they would put a six foot wide sidewalk between two houses with a dedicated right of way or an easement.
- Board Member Hetzke asked if the recreation area will be open to residents only. The applicant replied that it would depend on who owns the property.
- Board Member Burton asked what the proximity of the pond is to the right of way in light of the church and children nearby. The applicant replied that they may be able to move the pond back and create a natural buffer or fence. It will be 20 ft off the sidewalk.
- Board Member Bastian asked what the benefit will be to the Town in terms of Town Law 278. The applicant replied that they will be leaving a 3 acre parcel open, creating a better habitat for vegetation and wildlife, and reducing the amount of roadway by 400 to 500 ft, saving the town money on roadway maintenance expense. With the houses being closer together, there are fewer driveways and less impervious areas producing less runoff. The applicant commented that the recreation area in the back and landscaping in the front of the development are attractive assets.
- Board Member Hetzke asked what type of houses and what the target market will be for the neighborhood. The applicant responded that the homes will be approximately 50 ft. X 40 ft. (approximately 2000 sq. ft.) for around $260,000. The neighborhood may lend itself to empty nesters or seniors who prefer smaller lots to maintain.
- Board Member Markarian asked about the pie shaped lots 20 and 21. The applicant replied that they will maintain 80ft lot width at the rear building line of the homes.

Public Comments:

Ian Cohen of 1831 Baird Road addressed the board with the following concerns:

- Not much has changed from the original sketch plan
- Some of the changes are worse
- Land use and density
- Traffic
- Drainage
- Sewers
• Preservation of woodlands
• Displacement of wildlife
• Noise pollution
• Issues with building and construction
• Changing the characteristics of the existing neighborhood
• Majority of EPOD will be disturbed
• What effort has been put forth to save woodlands
• Parking for residents using common area
• Who will maintain common area and pond
• Damage from sewer work on Baird Road

Robert Salmon of Legacy Circle addressed the board with the following concerns:
• No public support for the development
• No benefit to the Town of Penfield
• Retention ponds are an eye sore, trash magnet, drowning risk
• Town does not properly maintain current retention ponds
• Deer and coyote problem will become worse with less woodlands
• $3,400 dollars lost on landscaping and shrubs
• Concerned for pets safety
• There are no benefits to the Town of Penfield
• Traffic on Route 441 in the morning is already bad and will be much worse if project is approved
• Character of Penfield is compromised due to cookie cutter developments
• Construction so close to the daycare poses a danger to children
• Urges Planning Board to listen to concerns of residents/tax payers

John Swarkis of Dolomite addressed the board with the following concerns:
• Security of the nearby quarry and golf course
• Noise of construction will negatively effect golfers and customers
• Trespassing issues
• Recommends to reduce the number of homes and make the lot sizes bigger
• Build a berm with large evergreens to define the property border
• Recommends to split the pond and have one on either side of the entrance

Ioannis Tegas of 1824 Baird Road addressed the board with the following concerns:
• Pond causes a danger for his children
• Entrance to the church is too close to the proposed subdivision entrance and poses a danger to children and traffic going in and out
• Too much bedrock in the area
• Blasting will cause damage to his home and pool

Amy Peet of Willowbend Drive addressed the board and read a letter that was written by her daughter, Molly:
• Letter expressed Molly’s concern about the negative effect on wildlife

Dave Castellani of 1832 Baird Road addressed the board with the following concerns:
• Serious issue with standing water during heavy rainfall
• Sewer is not equipped to handle additional runoff
• Fertilizer, salt, and gas will run off onto his property
• Retention pond will be a danger to children
• Raising proposed subdivision another 5ft will cause more water problems
• Project would take a long time to complete
• Construction will be a nuisance
• New plan has not changed from previously plan
Stated that ten to twelve homes would be more suitable for the area

**Jenine Fogarty of 1816 Baird Road** addressed the board with the following concerns:
- Ms. Fogarty asked if sewer capacity analysis is complete
- Town Planner, Katie Evans, responded it is complete and has been accepted by the sewer superintendent and is available to the public to view
- Ms. Fogarty asked if there has been a state environmental quality review and when it will be complete
- Town Planner, Katie Evans replied that it is the Planning Board’s responsibility and it cannot be completed until they receive all information, such as public testimony, and completion of EAF Part II which will be completed after receiving all agency comments.

**Don Appleton of 1909 Baird Road** addressed the board with the following concerns:
- Area is full of bedrock
- Developer’s lack of knowledge of the area is concerning
- Filling, blasting and drainage are a major concern

**Kathryn Dyer of 1831 Baird Road** addressed the board with the following concerns:
- Blasting has already damaged her home and is concerned about further damage
- Questioning developers comments (“maybe”, “I think”, “don’t know”, etc)
- Sewers cannot handle water runoff
- Water drainage…where will it go?
- Who will pay HOA fees if there are only a few homes in the development
- Retention pond poses a serious danger with the daycare being so close
- Wildlife (deer) could drown in the pond
- Visibility will be poor regarding traffic, causing danger to children in the area
- Concerned that the house currently on the property will disappear and be replaced by a road
- Afraid to make any improvements or landscaping to her home because blasting will cause further damage and destroy trees
- Damage to new sidewalks during construction
- Trucks parking in front of her house during construction causing a safety issue
- Validity of sewer study

**Robert Salmon of Legacy Circle** returned to the podium and addressed the board with the following concerns:
- Who will be liable for damage to home caused by blasting
- Area is full of bedrock
- Still three lots left in Legacy Circle subdivision after seven years
- Displaced deer may cause serious accidents
- Coyotes attacking homeowner’s pets

**Ian Cohen of 1831 Baird Road** returned to the podium and addressed the board with the following concerns:
- Asked the Planning Board if this project is already a foregone conclusion
- Town Planner, Katie Evans, replied that sanitary sewer report, not the storm sewer report, was accepted. The storm sewer report is still under review.
- Town Planner, Katie Evans, extended an invitation to all residents to set up a meeting with planning staff to review point by point what regulations the board is working with regarding this application.
- Who will be responsible for damage caused by blasting
- No road reduction
- How does blasting effect Radon
- Characteristics of the neighborhood will be negatively effected
- No financial benefit for the Town of Penfield
• Updated plan and Town Engineers response did not address the majority of resident concerns

The application was TABLED upon further review and consideration

Vote: Moved by: Markarian Seconded by: Bastian

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<thead>
<tr>
<th>Chairperson Markarian – Aye</th>
<th>Bastian – Aye</th>
<th>Burton – Aye</th>
<th>Hetzke - Aye</th>
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<tr>
<td>Kreiser –Absent</td>
<td>McCord - Aye</td>
<td>Tydings - Aye</td>
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Motion was carried.

2. Leonard Preston, PE/Costich Engineering, 217 Lake Avenue, Rochester, NY 14608/Penfield Road and Harris Whalen Park Road Development, LLC requests under Articles VIII-8-2, IX-9-2, and X-10-2 of the Code Preliminary and Final Resubdivision, Site Plan, and Conditional Use Permit approval to allow the construction of a 3,900 sq. ft. +/- bank with three drive thrus, and other associated site improvements on 0.95 +/- acres located at 2120 and 2124 Penfield Road to be known as Key Bank. The properties are now or formerly owned by William and Mary Buonomo (2120 Penfield Road) and Gordon Griffin (2124 Penfield Road) and are zoned BN-R and TF. Appl# 12P-0002. SBL# 139.08-01-66 and 139.08-01-67.

Appearances By: Scott Wallenhorst, Key Bank
Mark Costich, Costich Engineering
Sherry Andrews (on behalf of William and Mary Buonomo)
Bridgette Graves, 2108 Penfield Road

Applicant, Scott Wallenhorst of Vocon, addressed the board regarding the proposed application and reviewed the scope of the project and distributed samples of building materials.

Mark Costich of Costich Engineering, addressed the board regarding rezoning and cross access.

Board Member Comments:

• Planning Board Member, Doug McCord, asked if there has been any communication with the school district regarding the fence/buffering. The applicant replied that there was a discussion between the school board and the developer regarding the fence.
• Board Member McCord, asked if there will be any vegetation along the fence. The applicant replied that there will be some low lying shrubs and possibly some taller trees to block the view of the shopping center from the school.
• Board Member McCord inquired about the easement on the north side of the property. The applicant replied that there will be a 24 ft wide easement. Board Member McCord asked if there will be access from the west side. The applicant replied that yes, the neighboring property will have access.
• Board Member McCord asked if the entrance on Route 441 would possibly be removed. The applicant replied that they may move it further to the west.
• Board Member McCord asked if there will be any shrubs or trees on the west property line. The applicant replied that that there will be some Norway Spruce trees.
• Board Member McCord asked if the trees along the frontage of Route 441 will be saved. The applicant replied that it will be part of the DOT review and the demolition plan shows removal of some trees, however, some of the smaller trees could be saved.
• Board Member McCord asked about stormwater management. The applicant replied that they will be picking up stormwater via catch basins and storm sewers throughout the parking lot and conveying it to a series of 30” pipes that are perforated to allow for infiltration. Soils are B’s and C’s, which are good. They will incorporate an oil and water separator upstream to allow removal of any pollutants.
• Board Member McCord asked if the sidewalks on Harris Whalen Road will be removed. The applicant replied that they would not be removed.
• Board Member Markarian inquired about the monument sign on the eastern corner. The applicant replied that it will be made from brick to match the Key Bank building.
Board Member Markarian asked if the four parking spaces by the drive through could be eliminated. The applicant replied that the parking spaces are needed and would be used for employee parking only and would not conflict with the drive through. There is also an existing setback that would require a variance if the area was pushed back to accommodate parking.

Board Member Tydings asked if exiting traffic can take a left onto Route 441. The applicant replied it will be a “left in”, “right in”, “right out” only.

Board Member Burton asked if the entire rezoned site were being developed, would anything be done differently as far as stormwater management or topography. The applicant replied that yes, if there were more acreage available, some things may have been done differently.

Public Comments:

Sherry Andrews (on behalf of William and Bill Buonomo) of 2120 Penfield Road addressed the board with the following concerns:

- A family member has cancer and wishes to visit family in Florida and would like a time frame of approval/completion of project.
- Town Planner, Katie Evans, replied and explained the application process and that she couldn’t give a definite time frame. However, if all the necessary information and input requested by the board is received by March 22nd, Board may have a decision on that day or possibly by the next meeting on April 12th.

Bridgette Graves of 2108 Penfield Road addressed the board with the following concerns:

- Never received notice from the Town that her property was rezoned B-NR
- Entrance on Route 441 is very dangerous. Why is it needed when there is already an entrance on Harris Whalen Road?
- What kind of fence is going up?
- Chairman of the Board, Arsen Markarian, replied that they will work with the developer on what kind of fence will be permitted. Ms. Graves asked what the purpose of the fence was. Chairman of the Board, Arsen Markarian, replied it will be for the protection of the children attending the school and screening.

Board Member Comments (continued):

- Board Member, McCord mentioned the fence currently proposed is a 6ft. vinyl fence.
- Board Member, McCord asked the developer if sewer extension will connect directly to route 441. The applicant replied that they are using the existing water service going to the current home on the property as well as sanitary sewer. The current project will also use the existing services.
- Scott Wallenhorst mentioned that the extra entrance was requested by Key Bank to cut down on extra traffic going through the area.

The application was TABLED

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

Motion was carried.

IV 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.

**NO ACTION TAKEN**

There being no further business to come before the Board, this meeting was adjourned at 10:20 p.m., Thursday, March 8, 2012.

These minutes were adopted by the Planning Board on April 12, 2012.