PLANNING BOARD MEETING MINUTES
NOVEMBER 8, 2012
The Planning Board met at 6:30 PM local time Thursday, November 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
Jim Burton
Allyn Hetzke, Jr.
Sue Kreiser
Doug McCord
Terry Tydings

ABSENT: Bill Bastian

ALSO PRESENT: Linda Cummings, Secretary
Katie Evans, Planning Board Clerk
Zach Nersinger, Planning Technician
Mark Valentine, Planning Department Head
Pete Weishaar, Legal Counsel

II. APPROVAL OF MINUTES: September 27, 2012

The Board approved the minutes of September 27, 2012

Vote: Moved by: Hetzke Seconded by: Kreiser

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

Motion was carried.

III. PUBLIC MEETING:

1. Mark Grovanz, Fisher Associates, 135 Calkins Road, Rochester, NY 14623/Tim Hortons USA, Inc. requests under Articles III-3-15, IX-9-2, and X-10-2 an informal discussion with the Board regarding a Site Plan approval, Conditional Use approval and EPOD permits to build a 1,950 +/- sq ft restaurant on 1.03 +/- acres located at 2230 Penfield Road. The property is now or formerly owned by LEM Associates, LLC and is zoned LB and TF. Appl# 12P-0023. SBL# 140.01-1-8.1.

Applicant, Mark Grovanz, Fisher Associates, addressed the board and introduced Dan Blamowski, of Tim Hortons USA, Inc. who reviewed to the scope of the project.

- The proposed building will be 1950 sq. ft. with a drive thru
• No variance required, however, a conditional use permit is required
• There will be seating for 32 people in the restaurant and 24 parking spaces
• Will follow the town of Penfield stormwater regulations and not be subject to the DEC
• The drive thru will have a 14 card stacking lane around the west side of the building
• The dumpster will be located in the back of the property and will be completely enclosed
• There will be pedestrian access in front of the building with a cross walk
• There will be an outdoor patio with a deck and a railing
• There will be minimal light spillage to surrounding properties, all lighting will be directed inward and down
• They are working around numerous utility easements. There are sewer, sanitary, stormsewer, and electrical easements.
• Willing to work with different options for cross access easement, but it is not necessary
• There will be a three lane driveway: one lane to make a right turn out, one lane to make a left turn out, and a single inbound lane
• Drawings and samples of existing Tim Horton’s buildings (2190 East Henrietta Road) were presented.

Board Member Comments:
• Chairperson Markarian asked what the difference is in square footage between the existing Tim Horton’s building (located in Henrietta) and the proposed building. The applicant replied the existing building is approximately 350 sq. ft. larger (2 to 3 ft. wider and longer).
• Board Member Tydings asked what the square footage of the proposed building is compared to the existing Tim Horton’s on Empire Boulevard and Fairport location. The applicant replied that he was not sure. They are the older models.
• Board Member Hetzke asked about the size of the existing Tim Horton’s on Lyell Avenue. The applicant replied that he was not sure, but it is consistent with all the other existing Tim Horton’s buildings.
• Board Member Kreiser asked what determines the amount of seating provided. The applicant replied that it is determined by the site selection, building size and the terms of the purchase or lease.
• Board Member McCord asked if the roof will be a full, pitched roof. The applicant replied that a full pitched roof was not feasible for storage of mechanical equipment.
• Board Member McCord asked if the equipment could be stored elsewhere. The applicant replied that it could not.
• Board Member Kreiser asked if the side elevations will match the dormer heights. The applicant replied that he believes they will, however, he will confirm with the designer.
• Chairperson Markarian asked what the hours of operation will be. The applicant replied that it will be operating 24 hours, 7 days a week. Peak hours are typically
between 6:30 am – 8:00 am and 4pm – 5 pm. The weekend traffic is sporadic. They will rely heavily on pass-by traffic. There will a minimal impact on existing traffic flow. The average drive-through wait time for a standard order is approximately 30 seconds.

- Board Member McCord asked where the dumpster will be. The applicant replied that it will be located at the back of the property. Prefer to keep the dumpster away from the current residents.
- Row of trees on east property line will not be affected.
- Board Member Kreiser asked how often the garbage will be picked up. The applicant replied it will be picked up “as needed”, during off peak hours (mid-morning or mid-afternoon).
- Board Member Tydings asked if there will be any variances required. The applicant replied that there will not, however, a Conditional Use permit will be needed.
- Board Member McCord asked if there will be an “escape route” for the drive-thru. The applicant replied that it will depend on the neighboring cross access.

Public Comments:

Dr. Hermozdyaran, 2226 Penfield Road (Eastside Urgent Care) addressed the Board with the following concerns:

- They see between 100-120 patients a day, and the traffic flow will be chaotic.
- The access between Urgent Care and Tim Horton’s is not possible.
- Ambulance access will be hindered.
- The change from an office building to a restaurant will be too extreme and make it difficult to cope with extra traffic.
  - Chairperson Markarian commented that Urgent Care patrons can use the restaurant access for convenience. The area requires a cross access.
- Many patients come in and leave with crutches, etc.

Herman Hermanson, 2240 Penfield Road addressed the Board with the following concerns:

- Concerned about garbage blowing onto his property due to the west winds.
- Offered a recommendation to raise the back end of the dumpster, on the west side up approximately 3 ft and/or raise the ground in front of the dumpster up for easier access.
- Inquired about the rules and regulations regarding the garbage being picked up.
- Concerned about the drainage and how the snow removal will be handled.
  - The applicant replied that excess snow will be trucked off the property.
- Offered a recommendation to use removable shrubbery to make snow removal easier.
- Can a fence be added if trash does become a problem?
- Will there be handicapped ramps?
  - Applicant replied that handicapped ramps will be provided.
• Recommended to put low bushes/shrubbery and landscaping near the entrance and exits of the building as to not obstruct the view of drivers.

**Steve Cerrone, 2233 Penfield Road (owner of 2221 Penfield Road)** addressed the Board with the following concerns:
• Likes the current plan and believes it is well thought out.
• Believes it will compliment the existing Urgent Care facility and he is supportive of the project.

**Om Popli, 555 Penbrooke Drive** addressed the Board with the following concerns:
• Concerned about traffic and change from office use to restaurant use
• Proposed building does not fit into the characteristic of the neighborhood
• Traffic will be too busy during peak hours
• There are already many accidents around the Penbrooke Drive area
• Is there a possibility of a traffic light on Penbrooke Drive
• He has an access easement to the property, and wants to make sure it is maintained.

The Board further discussed the application following the public hearing. The Board directed staff to include the following in a sketch plan review response letter:
1. The Board would like to see building architecture that meets the following intents:
   • Residential looking in nature with a hipped roofline similar to others within the neighborhood.
   • A roofline that fully hides any rooftop mounted equipment and is the same height on all four sides
The Board suggests you review the attached is the photo of Cams Pizzeria located at 2110 Fairport Nine Mile Point Road. The Board recently approved this project and it includes residential elements the Board would like to see incorporated into the proposed Tim Hortons.

2. A future submission should accommodate the existing “access, utility, and signage” easement granted to 555 Penbrooke Drive filed as liber 6724, page 48. A map of the easement as provided by the 555 Penbrooke Drive property owner is attached for your reference.

3. The Board briefly discussed cross access with the adjacent parcels. At this time the Board is not prepared to provide direction on this issue, but encourages the applicant to continue to work with the Project Review Committee on reaching consensus with the adjacent property owners.

4. Any future submission should include a landscape and lighting plan. Cut sheets should be provided for lighting and any patio furniture.
5. Any future submission should comply with the recommendations found in the PRC memo dated June 8, 2012 and should provide itemized responses to the issued comments.

The Board directed staff to issue the sketch plan review response letter as directed above

Vote: Moved by: Hetzke Seconded by: Tydings

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

Motion was carried.

IV. TABLED:

2. Doug Eldred of BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450/Ellison Heights, LLC requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the Code and Town Law 278 a modification/amendment to a previously approved preliminary and final Cluster Subdivision and Site Plan approval as well as Environmental Protection Overlay District permit granted on October 14, 1999 to allow the construction of Phase 2 of the project which now is proposed to consist of 180 unit apartment complex in five, four story buildings, including a 3,000+/- sq. ft. clubhouse with a pool on 18.6 +/- acres, located at 1200-A Penfield Road. The property is now or formerly owned by Ellison Heights, LLC and is zoned MR. Appl# 12P-0005. SBL# 123.19-1-26.11.

The Board discussed the project and reviewed the draft approval resolution.

The application was APPROVED with conditions

Vote: Moved by: Hetzke Seconded by: McCord

Chairperson Markarian – Aye Bastian –Absent Burton –Aye Hetzke - Aye
Kreiser –Nay McCord -Aye Tydings - Aye

Motion was carried.

V. MISCELLANOUS:

1. The Planning Board 2013 Meeting Dates were approved

Vote: Moved by: Tydings Seconded by: Burton

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

Motion was carried.

2. The Board Authorized Chairman Markarian to sign the Jomanda Way Subdivision Map
   Vote: Moved by: Tydings  Seconded by: Hetzke
   Chairperson Markarian - Aye  Bastian - Absent  Burton - Aye  Hetzke - Aye
   Kreiser - Aye  McCord - Aye  Tydings - Aye

Motion was carried.

3. The Board Authorized Chairman Markarian to sign the Failing Subdivision Map – 90 Day Extension
   Vote: Moved by: Tydings  Seconded by: Kreiser
   Chairperson Markarian - Aye  Bastian - Absent  Burton - Abstain  Hetzke - Aye
   Kreiser - Aye  McCord - Aye  Tydings - Aye

Motion was carried.

4. The Planning Board/Planning Department holiday party will be in January. The date will be finalized in the upcoming weeks.

There being no further business to come before the Board, this meeting was adjourned at 8:35 p.m., Thursday, November 8th, 2012.

These minutes were adopted by the Planning Board on December 13, 2012.