PLANNING BOARD MEETING MINUTES
JANUARY 09, 2014
The Planning Board met at 6:35 PM local time Thursday, January 9, 2014 in the Auditorium conference room to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Allyn Hetzke, Jr
Bill Bastian
Jim Burton
Roseann Denoncourt
Doug McCord
Terry Tydings

ABSENT: Bob Kanauer
Mark Valentine

ALSO PRESENT: Katie Evans, Planning Board Clerk
Katherine Kolich-Munson, Secretary
Zach Nersinger, Planning Technician
Peter Weishaar, Planning Board Attorney

II. APPROVAL OF MINUTES:

The December 12, 2013 meetings minutes will be considered at a future meeting.

III. PUBLIC MEETING:

1. Walt Baker, DSB Engineers & Architects, PC, 2394 Ridgeway Avenue, #201, Rochester, NY 14626 /Daniel E. Edwards of the Vision Group, requests an informal discussion with the Board regarding the construction of a 5,000 +/- sq. ft off-road test tract for vehicle demonstrations located at 770 Panorama Trail South on 3.78 +/- acres. The property is now or formerly owned by Vision Two, LLC and is zoned GB. Appl# 13P-0034 SBL# 138.08-1-47.

Mr. Walt Baker addressed the Board and described the proposed application:

- Mr. Baker explained the dealership wants to relocate from Webster and would like to build a test track to help customers have a better understanding of what the vehicle has to offer and how it operates overall. The height of the track will be 6 feet off the ground and will offer various heights to allow customer to see how the vehicle handles with different slopes.
- As a result of reviewing agency comments received to date, Mr. Baker offered to relocate the test track out of the floodplain and move to the corner of the parking area which would be located along Panorama Trail South on the west side of building.

Board Member Comments:
- Board member Hetzke asked if the Webster location currently has a test track. Mr. Baker indicated that the Webster Planning Board denied the track in Webster due to adjacent zoning concerns.

- Board member Hetzke asked if the test track was relocated near Panorama Trail, is it anticipated that it would cause any distractions and how the area will be secured after hours. Mr. Baker replied, that it would be significantly setback from the road. Regarding the security, it will be blocked with a vehicle and/or a fence could be installed to secure area.

- Board member Bastian asked how many other test tracks are in New York. Mr. Baker listed the areas of Albany, Colony, Long Island, and Huntington. Mr. George Delaney, a representative of corporate Jaguar-Land Rover-Range Rover, stated nationally there are 70-80 test tracks and that most of the retailers use the test track as a closing tool. The earliest track built was in 1995.

- Board member Tydings asked what the purpose of the track was. The applicant responded that it is really used as a selling tool, but is used to close the sale.

Public Comments:

- No comments were made.

The Board discussed the application following the public hearing. The Board directed the following to be included within the sketch plan review response letter:

1. The Board is pleased you and your clients are willing to relocate the proposed test track outside the limits of the floodplain. You are invited to submit an application to the Planning Department for preliminary and final site plan and an expansion to the conditional use permit showing the proposed test track in the general location of the northwest corner of the existing parking lot.

2. Upon a future submission, the Board directs you to consider the following:
   - The future location of the track should not be within the Panorama Trail South right-of-way nor within the limits of the floodplain.
   - Due to the visibility of the proposed location the aesthetics of the test track will be extremely important. The applicant is encouraged to incorporate landscaping and lighting features in the site design.
   - The proposed application should comply with the requirements of the Zoning Ordinance, specifically compliance related to lot coverage.
   - Future layout should not negatively impact available parking for inventory or for customers.
   - Given that there are so few test tracks within the vicinity of Penfield, you are expected to describe what preventative measures will be taken to ensure the test track will not become an attractive nuisance.

3. Upon submission of an application for Preliminary and Final approval, you should provide written responses to the above comments and comments issued during the sketch plan review including but not limited to the PRC memo dated
January 3, 2014 and the Conservation Board report dated January 7, 2014. Additionally, written responses to the factors of consideration for site plan and conditional use found in Article IX-9-3 and X-10-4(A) of Chapter 29, Town of Penfield Zoning Ordinance should also be submitted.

The Board AUTHORIZED the sketch plan review response letter to be issued to the applicant.

Vote: Moved by: Bastian Seconded by: McCord
Kanauer - Absent McCord - Aye Tydings - Aye

Motion was carried.

IV. TABLED:

1. Costich Engineering, 217 Lake Avenue, Rochester, NY 14608 /Morgan Acquisitions LLC, requests under Article VIII-8-2, IX-9-2 and X-10-2 of the Code for Preliminary and Final Resubdivision and Site Plan and Conditional Use Permit approval to allow the renovation of a 2,400 +/- sq. ft. building with the construction of a 450 +/- sq. ft. addition and associated site improvements for a Qdoba Mexican Grill restaurant on 0.78 +/- acres located at 1867 Empire Boulevard. The property is now or formerly owned by Edward Kellett Jr. and Penfield-Kellett LLC, and is zoned GB. Appl# 13P-0033 SBL# 093.11-1-35.

The Board discussed the application and recently submitted materials. The Zoning Board granted the requested variances relating to setback and lot coverage at their meeting on January 7, 2014. The Board discussed the merits of moving the dumpster back a few feet so that when the doors are open, they will not obstruct the drive lane. Staff reported that PRC has reviewed the written responses provided and is satisfied.

The Board discussed the draft Part II Environmental Assessment Form (EAF) and draft approval resolution.

The Board AUTHORIZED the Chairman to sign the Part II EAF.

Vote: Moved by: Bastian Seconded by: Denoncourt
Kanauer - Absent McCord - Aye Tydings - Aye

Motion was carried.

The application was APPROVED with conditions.

Vote: Moved by: Denoncourt Seconded by: Bastian
Kanauer - Absent McCord - Aye Tydings - Aye

Motion was carried.
V. MISCELLANEOUS:

1. Frederick A. Shelley, Shelley Associates, P.E., L.S., P.C., 3730 Walworth-Ontario Road, Walworth, NY 14568/Ethan and Laura McKenney and Lee and Audrey Mikewicz requests under Articles VIII-8-2 of the Code Preliminary and Final Resubdivision to allow the resubdivision transferring 1,493 +/- sq. ft. to 6 Brass Castle from 66 Armetale Luster. The property is now or formerly owned by Ethan and Laura McKenney and Lee and Audrey Mikewicz and is zoned R-1-20. SBL#'s 094.01-5-32 and 094.01-5-30.

Staff introduced the requested resubdivision to the Board. The owner has submitted a petition to the Town Board to release the easement shown on the plat map. It was intended for utilities that were relocated as additional subdivision phases were built and therefore no longer needed. The Board discussed the application.

The Board AUTHORIZED the Chairman to sign the plat map.

   Vote: Moved by:        Seconded by:    
   Bastian                McCord

   Kanauer - Absent         McCord - Aye    Tydings - Aye

Motion was carried.

2. Peter Weishaar, Planning Board Attorney provided a brief update on the Ellison Heights litigation. The HOA failed to perfect their appeal, so the litigation action has concluded.

3. The Board discussed their scheduled January 23, 2014 worksession meeting. Since the agenda has been cleared of items, the Board directed staff to cancel the meeting.

4. Staff reminded the Board that the Holiday gathering will be at Signatures restaurant on January 16, 2014.

There being no further business to come before the Board, this meeting was adjourned at 7:30 PM, Thursday, January 9, 2014.

These minutes were adopted by the Planning Board on February 25, 2014.