PLANNING BOARD MEETING MINUTES
FEBRUARY 13, 2014
As the Planning Board met at 6:30 PM local time Thursday, February 13, 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
- Terry Tydings
- Bob Kanauer

**ABSENT:**
- Roseann Denoncourt
- Doug McCord

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

II. **APPROVAL OF MINUTES:** The January minutes will be reviewed at the next meeting.

III. **PUBLIC MEETING:**

1. Edwin A Summerhayes, L.S., 2059 Browncroft Boulevard, Suite 209, Rochester, NY 14606/ You Jia, requests an informal discussion with the Board regarding the construction of a 2,872 +/- square foot dental office located at 2100 Penfield Road on 0.46 +/- acres. The property is now or formerly owned by Bernard and Anita Marvin and is zoned BN-R. Appl# 14P-0003 SBL# 139.08-1-61.

   Edwin A. Summerhayes, L.S. addressed the Board and gave a presentation on the details of Dr. You Jia’s Dental office.

   - Mr. Summerhayes explained that the Town Board previously rezoned these parcels from an existing residential area to Business Non-Retail, which would allow for a Dental office.
   - Applicants did have a topographic survey completed at the time of the sketch plan hearing.
   - The overall site drainage is from the North West to South East. The proposed method of handling the stormwater run-off that they currently evaluating is to maintain the same drainage pattern out to Penfield Rd.
- To treat the extra storm water, as shown on the Preliminary Sketch, they are proposing to implement a rain garden. They will have roof runoff that will go directly to the rain garden for treatment.
- The parking lot in the rear will be treated by an infiltration trench that will be installed along the eastern property line, which will ultimately connect to the existing Penfield Road drainage system.
- Building and parking area are large enough to accommodate the needs of the applicant, but they exceed the setback limitations and therefore, they have applied for zoning variances for front and side setbacks.
- A part of the Town Board resolution that rezoned the area to a Business district also required a rear access drive along the back of the rezoned parcels to help eliminate curb cuts off of Penfield Road. They will be constructing a private drive in the back yard as required by the Town Board resolution and may exceed the allowable lot coverage of 65%. That variance will go away once the rear access driveway is complete all the way to Harris Whalen Park Drive and the Penfield Road access is eliminated.
- They have received comments from planning committee and there were no objections to the comments. They only thing he cannot answer is the building lighting. We would need to speak to Architect, Scott Powell.

**Board Comments:**

- Board member Hetzke asked how many spaces will be provided for parking, he counted 13. Mr. Summerhays responded that there will be 14 spaces with a handicap parking space in the front of the building.
- Board member Hetzke also asked how many examination rooms are proposed and the estimated total of employees. You Jia, the owner, responded there will be six rooms to perform service with a potential of six employees. There will only be two dentists and three hygienists as of now.
- Board member Hetzke asked about the variances. Mr. Summerhays responded the size of the building is wider and longer than the existing structure. By moving the building forward it would allow more parking in the rear of the building. The overhang in front of the building is 36 feet from the right of way line and the main building will be additional 4 feet back, which will make it 40 feet off of the right of way. The west side of the building is proposed to be 17 feet off property line and that will allow for the proper width of driveway going into the rear and would also give more room for landscaping and infiltration.
- Board member Burton asked about existing curb cut once the new service road is installed. Mr. Summerhays responded that the handicapped parking will remain there and the existing curb cut will be removed at the entrance onto Penfield Road. The drainage will then go to the catch basin in the front on the west side of the driveway and will take care of any overflow and surface drainage from the
property. The major catch basin will be collecting everything and transferring it to the town infrastructure

- Board member Burton asked if there will be a T turnaround. Mr. Summerhays acknowledged there will be a T turnaround once the service road goes in. They will be providing a sketch plan to show these details as well as the landscaping details.
- Scott Powell, Architect explained the design of building as shown in rendering provided to the Board. The client wants a classy building but one that blends into the residential area as well. The materials that will be used are cultured stone, synthetic stucco and the top will have a pitched roof.

Public Comments:

- Abas Nadir of 2104 Penfield Road asked about how you will access the parking in the rear of the building. He also inquired about the applicant keeping any dogs. (He experienced previous noise with past neighbors at early hours).
- Board member Hetzke explained people will access parking from Penfield Rd and 441 will be cutoff at that point.
- Mr. Summerhays shared that they will not have any dogs, it is intended to be a dentist’s office.

The Board discussed the application after the public meeting and directed staff to include the following in the sketch plan review letter:

1. The Board is supportive of the proposed use on the site and finds the proposed building architecturally attractive.

2. The Board would like clarification on the proposed number of physicians, support staff, administrative employees and patients for the site to quantify the parking demand. Any details that can be provided regarding expected occupant load turn over will be helpful in analyzing the parking needs for the site.

3. The Board requests the following information be included within a future application:
   - Provide a photometric plan to demonstrate any proposed exterior lighting including but not limited to any new parking lot fixtures. The Board suggests considering using LED light fixtures;
   - Demonstrate where snow storage areas will be located or details as to how snow will be removed if necessary;
   - Provide a drawing(s) within the site plan set to demonstrate the project site once the curb cut is eliminated along Penfield Road;
   - Provide a four sided colored rendering of the proposed building which include any proposed foundation plantings;
   - Provide a full landscape plan with planting schedule;
   - Provide details and demonstrate how refuse will be handled;
• Add a note providing details of any variances granted on the property; and
• Provide detailed stormwater management design and details to the satisfaction of the Town Engineer.

4. A formal cross-access easement will be expected over the proposed rear access drive to allow future connections along this common drive to properties to the both the east and the west.

The Board directed staff to prepare and issue the sketch plan review response letter.

Vote: Moved by: Bastian Seconded by: Kanauer

Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye Denoncourt - Absent
Kanauer - Aye McCord - Absent Tydings - Aye

Motion was carried.

IV. PUBLIC MEETING:

2. Robert Wolfe of Wolfe Architecture, 3 North Main, Honeoye Falls, NY 14472/ Dr. Benjamin Peters, O.D. and Dr. Justin Verrone, O.D., requests an informal discussion with the Board regarding the construction of a 5,634 +/- square foot optometry medical office located at 2142 Penfield Road on 0.46 +/- acres. The property is now or formerly owned by Lillian Detweiler and is zoned BN-R. Appl# 14P-0004 SBL# 139.08-1-73.

Robert Wolfe addressed the Board and is seeking the input of the Planning Board on how to recommend this project to the Zoning department. They have not yet engaged a site engineer and have not yet closed on the property. Before they do close, the applicant would like some indication/input on how they might proceed.

• The applicant would like to remain in Penfield and is moving only to expand their business. Their current location is 3400 sq. ft. and they would like to expand to 5500 sq. ft.
• The will be requesting a parking variance, as the Town code requires 31 spaces and they are proposing 20 spaces.
• They are also proposing to reduce the setbacks on the eastside of the building from 20 to 10 feet, this would be appropriate because of the drive-thru on the Summit parcel to the east. They would also like to reduce the front setback from 80 feet to 35 feet due to the required rear access drive that is pushing the building closer to the street.
• They provided a building elevation showing how they will accommodate an entry on front and have larger windows for light and they are hoping it will help to engage the community.
• The main entry will be in the front but you can enter from either the front or rear into a common vestibule.
• They would also like relief from the lot coverage code requirements. The allowable limit per code is 65% impervious versus 35% green
space and they are looking at something closer to 80% impervious to 20% green space.

- In regards to some of the PRC comments regarding the proximity to the property lines, they are proposing a 3 foot buffer on the west side of the parking, which will reduce the impervious ratio to 72%-28%.
- They are requesting that the parking lot space sizes will be reduced from 10 feet by 20 feet to 9 feet by 18 feet to be most efficient.
- The applicant also mentioned that they have two letters of support received from the Summit Federal Credit Union on the east and one from 2140 Penfield Rd on the west side of their property.
- Landscaping and grading will be worked on by Mr. Ed Summerhays.

Dr. Justin Verrone, Co-Owner of Eyesight addressed the Board and mentioned the following:

- Has been at the current location, 2160 Penfield Rd for 20 years and is really needing to expand. We are only about 200 yards from the new location.
- We currently have two physicians, obstetricians, and administrative support at our location.
- Currently they use 10 to 15 parking spaces and can get up to 17 to 20 during busy times. That is why they are requesting the 9 foot by 18 foot parking spaces.
- The current location is 3400 sq. ft. and is a rented area. The two story layout is much needed otherwise they would just be duplicating what they currently have today. In order to increase their capacity they could move things to the second floor while using the first floor to care for the patients who are wheelchair bound, along with accommodating their large elderly client base.
- The parking variances will allow for growth.
- Landscaping will be great, however, they have not yet gotten that far into it yet, but will have nice frontage and it will be inviting. The front and rear entrances are important as well.
- He feels that the expansion will also allow for growth for create job opportunity.

Dr. Benjamin Peters, Co-owner of Eyesight addressed the Board:

- He wants a building that is welcoming and modern with a good curb appeal.

Board Comments:

- Board member Burton asked how committed they are to this type of front façade? Dr. Verrone responded that they are not sure if the town is looking for something traditional or not, but they would like to modernize a little. They do not want all the buildings to look alike, but
would like some diversity. They would like to work with the Town on what is appropriate but yet create a little diversity.

Public Comments:

• No comments were made.

The Board discussed the application after the public meeting and directed staff to include the following in the sketch plan review letter:

1. Although the Board believes the proposed use is appropriate for the proposed project site, the Board has concerns regarding the size of the building footprint and the subsequent lot coverage variances that will be required as a result. The Board recognizes the redevelopment of the BN-R lots in this area are restrictive and will likely need variances to some degree, however, the Board feels the project as proposed is intense. That taken into consideration, the Board prefers to see the site parking to the rear of the proposed building and would support a proposed variance for a reduced front setback.

2. Prior to submitting an application for Preliminary/ Final Site Plan, the Board would like to extend an invitation to the applicants to attend a future work-session as a miscellaneous item on the agenda. The purpose would not be to repeat the sketch plan process, but for an opportunity for the Board to discuss a revised sketch plan that takes into consideration the comments within this letter prior to making a preliminary and final site plan submission.

3. The Board would like clarification on the expected number of physicians, support staff, administrative employees and patients proposed for the site. The Board wishes to better understand the occupant load in relation to site circulation and parking demand.

4. In relation to site circulation, the Board would like additional details relating to where the entrance to the building will be located. The concept plan showed a sidewalk to the front of the building, but all parking is proposed behind the building. Is it anticipated that customers and staff will use the same entrance? Are deliveries made to the site? If so, what type of vehicle is used and what is the frequency?

5. Should the application progress to a preliminary and final site plan review any future plans should include the following:
   • designated snow storage locations;
   • stormwater treatment areas;
   • additional greenspace in the rear of the building;
   • lighting plans accompanied by cut sheets for any proposed lighting fixtures;
   • a landscape plan;
• dumpster enclosure details;
• proposed sign package; and
• A four sided colored rendering of the proposed building that
demonstrate any proposed foundation landscaping.

6. The Board also had some concerns regarding the compatibility of the
architectural design with the surrounding neighborhood. It would like
to see something more complimentary to the adjacent area. In advance
of a submission for preliminary and final, you may wish to speak with
the Board’s Design Consultant, Christopher Lopez (585)454-4230 or
clopez@planpc.com.

The Board directed staff to prepare and issue the sketch plan review response letter.

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

Motion was carried.

3. Edwin A Summerhayes, L.S., 2059 Browncroft Boulevard, Suite 209, Rochester,
NY 14606/ Michael Amico, requests under Article VIII-8-2 and IX-9-2 of the
code for Preliminary and Final Subdivision and Site Plan approval to create two
lots, lot #1 of 6.7 +/- acres will retain the existing residence and lot #2 of 1.13 +/-
 acres proposes to construct a single family residence at 1042 Whalen Road. The
property is now or formerly owned by Sam and Nellie Amico and is zoned R-1-
20. Appl# 14P-0002 SBL# 124.16-1-40.

Mr. Edwin Summerhayes addressed the Board and described the project as
follows:

• It is an 8 acre parcel on the north side of Whalen Rd., on which Mr. &
Mrs. Amico would like to build a home for their son to live next to
them.
• They have completed perc tests along with a topographic survey and
prepared the site plan and are now looking for site and subdivision
approval.
• Since application has been made they have received comments from
the Conservation Board and do not see any concerns to adhering to
those comments.
• The Conservation Board had some concern with the removal of two
spruce trees to make room for the improvements, but they will be
planting two street trees as the Street Tree Policy calls for. They are
replacing trees for everyone that is removed, which goes beyond what
the normal standards. The applicant is investigating the possibility of
transplanting the trees that are being removed.
• Comments were also received from Monroe Planning Council and
they don’t have any objections or comments that they will not be able
to accommodate.
• Mr. Mike Amico of 156 Hickerymanor Drive in Webster. The house will be ranch style with hip roof.

Board Comments:

• Board member Hetzke asked if there were any plans for the remaining acres to be built on at a later time. Mike Amico, applicant, responded: No future plans at this time.
• Board member Tydings asked if they will be keeping the same drive way. Mike Amico responded that yes, they will all be using the same drive way.
• Board member Hetzke asked about the cross access and utility easments. Mr. Amico responded that they will be provided.

Public Comments:

• Pietro Furgiuele of 1045 Whalen Road supported the building of the house and mentioned how much the Amico’s kept their property “pristine” and well kept. It would be a great asset to the Town of Penfield as well. (Neighbor of 15 years)
• Andy Moore of 1928 Jackson Road. (Neighbor of the Amicos) fully supports the project and spoke of how well the area is maintained.

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: Tydings Seconded by: Burton
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye Denoncourt - Absent
Kanauer - Aye Mccord - Absent Tydings - Aye

Motion was carried.

The application was APPROVED with conditions.

Vote: Moved by: Bastian Seconded by: Kanauer
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye Denoncourt - Absent
Kanauer - Aye Mccord - Absent Tydings - Aye

Motion was carried.

4. Christopher Marks, 444 East Main Street, Rochester, NY 14604/ Eastside Family YMCA, requests under Articles IX-9-2 and X-10-2 of the code for Preliminary and Final Site Plan and an expansion to an existing Conditional Use Permit, approval to construct a 20,650 +/- square foot addition to the existing building with associated site improvements, and also requests under Articles III-3-36 and X-10-2 of the code for Conditional Use Permit, approval for a Wellness Partner to
operate within the proposed expansion. All located at 1835 and 1835-B Fairport Nine Mile Point Road on 50.83 +/- acres. The property is now or formerly owned by the YMCA of Greater Rochester and is zoned RA-2. Appl# 14P-0005 SBL# 125.01-1-34.13 and 125.01-1-34.12.

Kevin Fitzpatrick of 12 Chatworth Circle North, Penfield. Mr. Fitzpatrick is the Executive Director of the YMCA for the past 7 years. Mr. Fitzpatrick provided an overview of the project:

For the past seven years, it has been my privilege to serve as the Executive Director of the Eastside YMCA in its evolution from a farmer’s field, to its present status as a successful community facility, not only as the largest single branch of the YMCA of Greater Rochester with nearly 20,000 members, but also rated as the #1 YMCA in the entire country for membership satisfaction. We are proud to have achieved this unique status right here in the Town of Penfield where I reside with my family. I know that this success has occurred only because of the encouragement, support and generosity of a broad spectrum of community leaders, staff and dedicated members.

Throughout this exciting journey, my constant highest personal commitment, and that of Eastside’s 397 staff members here in Penfield has been to enhance the quality of life for adults, families and children and the 14 other communities that we serve.

The YMCA’s mission is to promote a healthy mind, a healthy body and a healthy community by fostering youth development, healthy living and social responsibility.

In order to give added scope and depth to these commitments, Eastside is now proposing an expansion of its physical plant, while enhancing and following a National trend with YMCA’s diversifying and increasing the wellness services that are provided.

Our proposal provides for a 21,000 square foot total expansion of footprint to add 171 parking spots. The YMCA looks to add a family gym, sports performance center, senior programming, and enlarged studio, cardio space, and chronic disease prevention programs, all aimed at improving the wellness experience for our members and the community.

Additionally, a portion of this proposed expansion, 6,000 sq. feet to 9,000 sq. feet will accommodate a variety of services provided by UR Medicine, including primary care physicians, physical therapy, occupational therapy and orthopedic rehab.

This exciting new partnership with UR Medicine is indispensable to the financial feasibility of our proposed expansion. It is true that we are blessed with a growing and substantial membership. But at Eastside we also have a commitment not to turn away any family or child because of genuine financial hardship and their ability to pay. Since our opening in October of 2006, we have been able to honor this commitment. By raw numbers alone, we could divert a portion of the nearly third of a million dollars we annually devote to scholarship assistance in order to finance our own expansion. But it would be a betrayal of our fundamental values
to undertake any project that would compel us to shut the door on families and children in need. Faced with that stark choice, we would rather be congested than exclusionary.

The Town of Penfield has determined that, under its existing zoning laws, the inclusion of the facilities by UR Medicine may not be permissible; hence Eastside’s application and our appearance at this meeting.

I would be remiss if at this point I didn’t refer to the Town’s 2010 Comprehensive plan, which I am sure you are all familiar with. The Introduction of the plan states: “The purpose of this plan is to provide an overall framework for future public and private investment in our community.”

It goes on to say “This Plan articulates the vision of the Town and establishes the community’s policies and strategies in order to achieve that vision. It will serve as the foundation upon which future planning and decisions may be based.”

Some of the key benchmarks that are included in the plan are as follows:

- Support changes to the Town’s existing land use pattern that are consistent with the future land use map. (250 reference)
- Allow for goods and services needed to support local residents in close proximity to residential areas
- Continue to provide quality community resources

- Reviewing Boards should be sensitive to and encourage compatibility with the developed densities and character of surrounding areas
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Now I’ll refer to the Final Environmental Impact Study that was issued when the YMCA was approved in 2005.

It states: “Furthermore based on the Planning Boards approval of the initial application, considering that the Board has determined that the proposed YMCA, with amenities it provides, is the most appropriate buffer or transitional type use of this location, providing programs and activities residents of most communities desire, and which are becoming a matter of course in many planned communities across the country.”

This clearly points out that the YMCA’s property is no longer residential but considered transitional and a buffer, creating a very unique piece of property. This in turn has prompted the Town to now look at this very area for Mixed Use.

Back to Town’s Comprehensive Plan, which I know was approved by The Town Board, not sure by the Planning Board? Under community resources it says: “The health, safety, and welfare of a community continue to change over time for a variety of reasons. The Town and its
partners will have to monitor the communities’ requirements and respond accordingly. Here is your chance to respond accordingly.

I would like to focus my remaining remarks on two key issues: compatibility and precedents.

- First - compatibility. The inclusion of space for UR Medicine services in our proposed expansion is not some marriage of convenience. Rather, this new and exciting partnership is rooted in a shared foundational commitment of our two institutions to the health and wellness of the children and families of our community. Exactly what our approval was based on in 2005. The missions of the Eastside YMCA, the YMCA of Greater Rochester and UR Medicine are not conflicting, but mutually reinforcing. Aside from any financial considerations, the YMCA would be thrilled to be able to provide space to co-locate the services proposed for this site by UR Medicine, including a new primary care practice at the very time when other communities are alarmed by the prospect of a growing shortage of such services.

- The second dimension of compatibility concerns our Penfield community. There has never been even a hint that the expansion we propose would in any way damage or threaten the interests of any other Penfield resident. Every one of East side’s adjacent property owners - some of whom are here tonight - has endorsed our application. This enthusiasm has been echoed in the response of the broad spectrum of community leaders we have consulted in our nearly two years of planning this project.

The bottom line is that the additional services that this proposed expansion would permit would only enhance, not threaten or impair the quality of life of the community or the Town of Penfield. Now to my second issue - precedent.

In our discussion with town and community leaders, the only real objection we have encountered to our proposed expansion has not been to its merits which have been universally recognized. Rather it has been that approval of our application would set a precedent that would somehow obligate the Board in the future to give more favorable consideration to less beneficial proposals.

This argument, I think, is not consistent with the foundational principles of our zoning law. This law lays out general provisions that its authors believed would promote and protect the quality of life in the Town of Penfield. Additionally, the law includes a clearly defined process for deserving exceptions and for one or more boards composed of a cross section of independent citizen representatives to evaluate those proposals.

If the zoning law did not foresee the possibility that the Town’s interests might best be served by allowing occasional meritorious exceptions, the Town would only need zoning enforcement officers, not independent citizen Boards empowered to authorize exceptions and variances.
I strongly believe that our proposed project is one of those anticipated exceptions to the general limitations imposed by the zoning law. There is nothing in our plan that is intrinsically damaging. Nor has anyone identified a single hardship, cost or penalty this expansion would inflict on any Penfield resident. Our sole purpose is to enhance the wellness and quality of life of our town and the communities Eastside serves. Equally important, favorable consideration of our application in no way impairs the legal authority or shades the moral standing of this Board to reject proposals that do not meet such a high standard.

If the Board concludes that it cannot approve our application because it finds that what we propose is intrinsically damaging or would in any way detract from - not enhance - the quality of life of our town, we would respectfully defer to that judgment.

In this process, the zoning law makes this Board a guardian of the community’s best interests. It would be a huge disappointment if our application were to fail despite the projects acknowledged merits solely because of reluctance to exercise - cautiously but wisely - the discretionary authority which is vested in this Board. As guardians of our town, your openness to a beneficial exception should be just as strong as your resistance to less worthy ones. The zoning laws entrust you to make that distinction!

On behalf of the Eastside YMCA and its nearly 20,000 members, I implore this Board - help us to help Penfield to become an ever healthier and better place to live.

Leon Sawyko, Attorney at office 99 Garnsey Road presented to the Board:

- Mr. Sawyko spoke of the application that was submitted back in 2004 that was approved and as it exists today.

- The property to be constructed is in an RA-2 zone, the balance of property is RR-1 under Penfield zoning. Under those zones at that time and today, the current use was not permitted under Penfield’s code. In 2004 it was strictly residential single one family residential homes and customary farming at that time. At that time they applied for a conditional use permit, which was granted.

- A part of the proposed use of the expansion is for the Wellness Center which includes an agreement with UR Medicine which seems to be in question/problem. Mr. Sawyko asked how we can do this under Penfield’s code. Mr. Sawyko shared the following three options:
  - 1. Zoning Change which is time consuming and he was not sure how long this would take and does not feel this is feasible because of the time frame. Mr. Sawyko suggested that this may not be the best option.
  - 2. Zoning Variances would need a use variance and feels this is an impossible burden to meet.
  - 3. A Conditional Use Permit, which in 2004 the Board approved and felt it met all the requirements under their code. The Y’s position in 2004 contemplated what they are trying to do currently with the Wellness Center and gave detailed
information for the Conditional Use. A letter was sent from Chris Marks, dated October 24, 2004 that stated/outlined some of the uses as follows: a daycare; two swimming pools; senior activity center; athletic fields; running track; teen center and gymnasium. The resolution went onto find that the swimming pool, nursery school and running track were all specifically or identical to uses specifically identified within the conditionally permitted within the code.

- In the 2004 Approval Resolution, the Board found some of the items not specifically listed as Conditional uses, such as the wellness center, senior activity center and the family adventure center were allowable in that the uses of the Eastside YMCA not specified by the Applicant are similar in nature to the enumerated items of Section 3-36. as they provide recreational athletic, and social outlets for members of the Eastside YMCA.

- Current plan as part of the building expansion is to partner with UR Medicine for use of space for medical/related services, therapeutic services, and/or laboratory.

- Agreement is to share all the common spaces, including parking, hallways, etc. In addition to cooperating with UR Medicine the Y will allow them to use exercise space, gymnasium and office space that would not interrupt the daily routine/regular activity at the Y.

- The idea is to partner with UR Medicine as they become an intricate part of the Y services. When approved in 2004 the idea of a wellness center had certain meaning, but over time that idea of wellness has continue to expand. Today it has the meaning of the Wellness Center they have been discussing, which is to provide full service to the members of the Y. If the board sees a problem with interpreting the 2004 decision to include what is needed today, they propose that the use proposed today would qualify on its own merits under the conditional use allowed under our code today. The list under conditional use includes hospitals and proprietary healthcare facilities. The definition of proprietary healthcare is not clear in the code, but it does provide for hospital, which is more intense than what we are proposing.

- Under Section 3.36 of the Code for Conditional Uses, it lists 10 different uses and then one “catch all” phrase. This was important last time in their application process and it goes on to say: “Other Uses” not specific but deemed by the board, having jurisdiction to be similar in nature and compatible with district for which they are proposed.

- The uses for the Y that are being proposed are compatible with the “other uses” allowed under that section of the code. In order to qualify, there are many tests needed under section 10-4. Mr. Sawyko went on to read that standards of Conditional Uses as listed under that section of the code.

- A letter was written and sent on December 17, 2013 to the Board and addressed to Mrs. Evans, detailed compliance with each of these 10 standards.
Marc Kenward, Engineer with Erdman Anthony, 145 Culver Road

- Provided an overview of the site plan and siting of the proposing building expansion and the proposed parking lot areas. Currently 428 spaces exist with an additional 171 being proposed. In 2005 it was approved for 116 additional land bank parking. In total, asking for an additional 55 new spaces as the difference between the proposed and the previously land banked spaces.
- The Y will be adding water and sewer coming from the outside and landscaping they will add island. Berm will be used to screen headlights. They will be using two different types of pine trees.
- Pointed out where the new aquatics center will be and stated that they just started addressing PRC comments.

Steve Ferranti, Principal Engineer with SRF Associates

- Stated a traffic impact study was conducted last August 2013 and worked with town staff and NYSDOT as far as what tasks and items were needed in order to do so.
- They recently completed and also supplemented the previous study. NYSDOT asked if they could look at the coordination of the traffic signals 250 from Whalen north to Atlantic and including a potential new signal for the Y driveway. The original plan was to include Atlantic, Y traffic light, and Sweets Corner, but they also included the Whalen intersection as well.
- They updated traffic counts for this project and studied those intersection peaks. Peak hours 7:45-8:45 am and 5-6:00 pm with the highest volumes. Looked at accidents near the Y drive way and the total trip generation.
- From 2010-2012 there were no accidents reported, there “may” have been fender benders, but none that were reported. The next step in the process was to evaluate the traffic generation of the new expansion. This was determined from membership information, trip ratios along with information from Institute of Transportation Engineers.
- The additional traffic that will result from this expansion is 38 new trips in the AM and 61 new trips in the PM. This is based on one hour volumes. A signal is needed at the driveway once it is fully operational with a pedestrian walk. It will be a four way intersection and delays will be cut in half and much safer. There will be no left turn arrow at this time, but perhaps a possibility later.

Jeff Roloson, Architect with LaBella Associates

- The physical form will flow to the West and it will be a two story structure and introduce a second entrance along with using the same language that the facility currently has. The Y will be using the same materials. (the materials used previously are only 7 years old)
materials are available and they are comfortable that they will match very well with the existing materials.

George M. Romell, President and CEO of YMCA

- Mr. Romell mentioned the long standing relationship the Y has with the Community
- This is not a new process as the original Y development plans began back in 2003. The board originally asked at that time for the “master plan” of the 58 acres and that all was laid out as requested. The concept of a hospital partnership may in fact be different to you, but a progressive YMCA and there are 100 other Y’s that have done this in the country
- There is one in Buffalo who has also partnered with a wellness program. It is a 90,000 sq. ft. facility with the same concept as they are proposing. Mr. Romell encouraged all to view the facility.
- Chronic disease prevention is a huge issue and feels we need to assist and this is the Y’s way of doing this. They believe it is tasteful and it will compliment not detract. This is not just a “rental” we are looking for a partner and UR Medicine is a fantastic organization. It has taken years to get this far and would like to go forward on.
- They are sensitive to the appearance of the outside and recalled all the questions/concerns the Board had previously, which included the traffic light on Rte. 250 in the beginning. They have answered all the questions and addressed all concerns and feels the team they have now will work with the Town to see that all concerns are properly addressed.
- Mr. Romell explained that there is some urgency and went on to explain how they were at the town in the fall and had the preliminary discussions and listed to all the comments that were made, regarding the overall plan of the expansion.
- Mr. Romell mentioned the small logo change the Y went through, as well as nationally and had some signage challenges and thanked the Board for their support.

Board Comments:

- Board member Burton asked if the relationship between the YMCA and UR Medicine was a partnership or lease agreement to collaborate. Is this a partnership with defined list of services? There is some concern about this morphing into something much bigger in the future. George Romell responded that there is a memorandum of understanding, they do not have a contract but there is a signed letter of commitment which lays out all the specifics. It is in regards to sharing resources, audiences, customer base and finding a compatible ways to work together. They do not see it “morphing” into anything more, other than what they are proposing. However, they are planning
a full second entrance to the building on the south side. There is a financial agreement and this project could not happen without it.

- Board member Burton asked how long the lease agreement was for. George Romell responded that they do not have a contractual agreement yet, but it is 10 years with two five year options.
- Board member Burton asked what would happen if UR Medicine which is a non-profit, happens to become a for-profit company? George Romell responded that they are not opposed to any tax levy.
- Board member Burton for more clarification, if the UR Medicine takes one if it’s many partners for profit providers and suggest that this may be a good satellite location. George Romell responded that they are looking to provide compatible uses.
- Board member Bastian asked what types of imaging, surgery or medical services will be provided? George Romell responded that this site will not provide full operating services, but they will provide the necessary information to the Board at a future date.
- Board member Bastian asked what the patient load will be. George Romell replied 36 necessary parking spaces.
- Board member Bastian asked if there was any plan for a sidewalk on eastside of Route 250 from the Y intersection to extend to the south. Kevin Fitzpatrick responded that they are not aware of any plan and they are not proposing it, but did talk to the Town about that and the understanding was they were working on that.
- Board member Kanauer asked what types of services, does the Buffalo location provide? George Romell responded that they are not sure exactly what services, but using the Buffalo location, which is partners with Independent Health, an HMO like Excellus or MVP, as an example and some of the services that they provide are: wellness, rehabilitation, doctor consults, cardiac rehab and therapy.
- Board member Hetzke asked what the zoning district is at the Buffalo Y? George Romell responded that he would guess it is probably more commercial. It is located on Transit Road near the Erie Community College.
- Board member Hetzke asked if the wellness center was critical to the project. George Romell that it is essential and they could not proceed without it.
- Board member Hetzke asked if the Y was financially dependent on the partnership to finance this expansion. Applicant response: they are not financially dependent on the UR Medicine, however, they are asking for funds from the community and from the University for their Part. This partnership will pull additional memberships and services through the Y’s facility as well as the services UR Medicine offers and (vice versa)

Public Comments:
- John Cogan, 9 Cintaro Drive, volunteer of Y for 7 years. Very supportive of the Y project and would like to see the Live Strong Program offered to help/assist cancer patients.
• Ray Hutch, 1935 File Mile Road and 38 year resident of Penfield and business owner of 43 years. He has had great experience in working & living in Penfield and believes the town has lived up to their slogan. Went on to discuss the 20,000 members of the Y, which are mostly Penfield residents. Mr. Hutch believes the Y offers a variety of services for all ages and feels in order to continue to meet those needs, he would love to have a rehab center and would really appreciate the support from the Board to allow this.

• Gino Masci owns 6 acres of land south of the YMCA and it is zoned residential. He would like higher density and would be in favor of rezoning his property for this project.

• Robert Lunn, former Judge in Penfield, resides at 44 Rockridge Lane and resident since 1976. Thanked the Board for the tremendous work they do and feels the project being proposed should be fully supported. Also mentioned that the Y in Penfield is rated #1 in the US for customer satisfaction.

• Sue Quackenbush, 5 Rockbridge Lane. (Member of the Y) She expressed there are pros and cons to this project.
  o The traffic can be sometime difficult now, but with the expansion it will increase traffic and make it even more difficult to getting out of the subdivision.
  o The concern of traffic issues because there is not a left turn signal.
  o Suggestions were to lower the speed limit from 50 to 40, need turning lanes along with left turn along with right turn lane from the north. There has been a lot of “near misses”.

• Board member Burton suggested a letter be submitted to the Transportation Committee with her concerns.

• Bill Wickham of Wickham Farms, Owner. He is in strong support, believes the Y are premier neighbors and currently share their parking to support one another.

• Rose Hanscom of 145 Anytrell Drive. Has been a member of the Y and works as a board member since 2010. Reminded and read our mixed use verbiage off our website and spoke how she would have loved to have been able to go to the Y for rehab/PT when she had broken her ankle. Most parents want their children to be active, especially in the winter months. The Y offers a variety of services and feels it unites families as well as a great support system within the community. Mrs. Hanscom very much supports the mixed use of this Y and soon members will have the capability to walk and bike to the Y. It’s a win-win for all!
• Mike Hanscom of 145 Anytrell Drive. He is a 30 year member of Y. His questions for the Y was the concern at the entrance of the Y and it being on a slope. Also, would UR provide any type of emergency service? The Y responded that they will look into the slope and as for the emergencies, they are not sure at the moment regarding the agreement they have with UR Medicine.

The Board discussed the application after the public hearing and directed staff to include the following in a tabling resolution:

1. The Board requests the applicant to consider providing information presented at the public hearing in writing, particularly the presentation made by Mr. Fitzpatrick.

2. In effort to further understand the wellness partner component of the proposed application, the Board would like to review additional information on the new YMCA located in Buffalo referenced during the public hearing. Specifically, the Board asks for the following if known by the Applicant:
   • Site address
   • Zoning of the district in which the site is located
   • How long as the “wellness partner” been in operation?
   • A detailed account of the “wellness partner” services provided at this site in comparison to those proposed for the Eastside location.
   • Are there any limitations to the services provided by the “wellness partner” at the Buffalo location?
   • Please provide any additional information you feel would further inform the Board as operations relate to the “wellness partner”.

3. Please provide the Board with any additional specific details to assist the Board in further defining the “wellness” component of the application, including any further details regarding the scope of expected service, and a redacted copy of the memorandum of agreement if you are able to share it with the Board.

4. Provide written responses to this resolution and any other comments issued to date that have not already been provided.

The application was TABLED pending receipt of requested items:

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<thead>
<tr>
<th>Vote: Moved by:</th>
<th>Seconded by: Tydings</th>
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<tbody>
<tr>
<td>Bastian</td>
<td>Bastian - Aye</td>
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<tr>
<td>Burton - Aye</td>
<td>McCord - Absent</td>
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<tr>
<td>Denoncourt- Absent</td>
<td>Tydings - Aye</td>
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<td>Kanauer - Absent</td>
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<td>Chairperson:</td>
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<td>Hetzke - Aye</td>
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Motion was carried.

IV. MISCELLANEOUS:

Merz Conveyance – Crowne Pointe re-subdivision – This involves the merging of two existing properties together. One was separated out as part of the Crowne Pointe
Phase II recent subdivision application and the other located at 1399 Shoecraft road. The developer has agreed to sell some land to a resident along Shoecraft Road.

The Board AUTHORIZED Chairperson Hetzke to sign the plat map

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 10:30 PM, Thursday, February 13, 2014.

These minutes were adopted by the Planning Board on March 27, 2014.