PLANNING BOARD MEETING MINUTES
MARCH 13, 2014
Penfield Planning Board
March 13, 2014

As the Planning Board met at 6:30 PM local time Thursday, March 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
                         Jim Burton
                         Roseann Denoncourt
                         Doug McCord
                         Terry Tydings

ABSENT:                Bill Bastian
                         Bob Kanauer

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 March 25, 2014 meetings minutes will be considered at a future meeting.

III. PUBLIC MEETING:

1. Steven Lingard, Network Building & Consulting, LLC, 266 Crossgates Road, Rochester, NY 14606, requests an informal discussion with the Board regarding the construction of a telecommunication facility with a 120 ft. monopole tower within a 75’x75’ fenced area and associated site improvements located at 125 Panorama Creek Drive on 11.62 +/- acres. The property is now or formerly owned by Handicapped Children’s Camp of Monroe County and is zoned LI. Appl# 14P-0009 SBL# 138.08-1-65

Mr. Patrick Fitzgerald address the Board and described the proposed project:

- There will be a 120 ft. monopole that is a self-collapsible tower built along with an 11 foot X 20 foot equipment shelter. There is a gap in the existing coverage and this identified site is surrounded by mostly trees and no residential housing nearby. It is located behind a manufacturer in a Limited Industrial Zoning District which would be the best sight for the needs of the tower.

Board Comments:
- Board member Hetzke asked where the exact location would be and explained what self-collapsible is: Steve Linguard said it would be built
on an abandoned baseball field, on the former Camp Haccamo site. The location is identified on the RF propagation map. A collapsible tower is one that collapses in half, so it collapses on itself. It reduces the fall zone so it doesn't fall on anything around it.

- Board member Tydings asked if the tower was the standard size and if this is the only style. Patrick Fitzgerald replied that there is the monopole style or guide towers. The monopole is what we are currently planning and guide towers are mostly used in rural areas. They do a site analysis which is a RF Propagation map which allows them to figure out the best location. They would be happy to submit this to the board to view the results of how the location was chosen.

- Board member Tydings asked if there were other carriers associated with the tower. Patrick Fitzgerald replied yes, the purpose of the 120 ft. is to allow for three additional carriers in the future.

- Board member Hetzke asked if the applicant has contacted any other business to see if perhaps a tower could be mounted on top of their business. Patrick Fitzgerald did inquire with the Tops Plaza as well as five other locations and those locations did not meet Engineers purpose.

- Board member Hetzke asked if applicant could explain how you figure out the needs of the service. Patrick Fitzgerald stated that AT&T is trying to build out their network and provide sufficient in building and Wi-Fi service as well as all other services that a cell phones provide. They try and build on existing places, but they must be able to provide the needs of the carriers. The more users there are the greater the number of towers are needed.

- Board member McCord asked who the neighbor was to the South of where the tower will be and would the applicant be willing to provide area shots. Also, will AT&T be purchasing the land as well? Patrick Fitzgerald responded that Fisher Scientific was there South neighbor and that they will not be purchasing the land. There is a lease agreement.

- Board member Denoncourt asked applicant to define gap in service. Patrick Fitzgerald explained the existing coverage limitations and how they varied in the plazas because they are located within a valley it is hard to get coverage from existing towers.

- Board member Burton asked if there was any additional equipment, guide wires or anything extra needing to be built besides the tower. Patrick Fitzgerald responded that there will be no other guide lines added and would be glad to provide structural analysis.

Public Comments:

- Larry Hellick, resident of condos near where the tower will be being built. Mr. Hellick indicated that the condos face the camp and it will be a clear view for homeowners. He also asked if there will be lights. Mr. Fitzgerald replied responded there would be no lights and the closest residence is over 500 ft. away. The applicant offered to take photo simulations.
• Tom Desario, 65 Waterview Circle, resident across the from creek condos. Mr. Desario asked if the applicant had contacted the home owners association were involved and if not, would it be possible for AT&T to meet with them and give them some sort of presentation. Applicant was more than willing to present and/or meet with the home owners association.

• Charles Lewis, 56 Waterview Circle, resident asked what will be happening to the balance of the land not being built on and what assurance is there that all the trees will not be removed. Mr. Fitzgerald indicated that no trees will be removed, but when creating the access road, there may be one dead tree removed and not planning to remove any others.

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. A future application for preliminary and final site plan review should include the following:
   • View shed photos and simulations from the following locations
     • Home Depot’s Parking Lot
     • Glazer Drive
     • Allens Creek Valley (35 or 36 Sky Ridge Drive and 14 or 15 Circle Wood Drive)
     • From the 441 overpass near the intersection of Panorama Trail
   • A lighting plan accompanied by cut sheets for any proposed lighting fixtures
   • A map showing the location of the tower in relationship to the adjoining parcels with the owners of the parcels listed
   • RF propagation maps
   • A Special Use Permit application

2. Any future submission should comply with the recommendations found in the PRC memo dated March 7, 2014 and should provide itemized responses to any issued comments.

3. The Board is also sensitive to the concerns of the adjacent Homeowners Association for Allens Creek Valley and would suggest meeting with them to share the proposed project prior to any future public hearing.

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

Vote: Moved by: Hetzke    Seconded by: Burton

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

Motion was carried.
2. Joseph Ardieta, P.E., Vanguard Engineering PC, 241 Castlebar Road, Rochester, NY 14610/AutoZone Inc., requests under Article IX-9-2 of the code for Preliminary and Final Site Plan approval for the construction of a 6,446 +/- sq. ft. building and associated site improvements on the 1.38 +/- acres located at 1635 Penfield Road. The property is now or formerly owned by DDR Panorama Plaza, LLC, and is zoned GB. Appl# 14P-0006 SBL# 138.08-1-2.3

Mr. Joseph Ardieta presented the Board and provided an overview of the proposed project:

- The current location was previously a Roadhouse Grill, which will be redeveloped. The existing traffic access points will remain the same, the existing site doesn’t have any storm sewers, so they will be adding 2 bio-retention facilities.
- The proposed site plan will have a revised sewer in the back of the building.
- They will be increasing the green space on-site by eliminating some of the parking.
- The bio-filter treatment area is designed to accommodate the 10 year storm event.
- Increasing the landscaping by planting 4 more trees on the property
- The building elevation will be sited at elevation 273 with flood proofing 2 ft. above that to meet the FEMA and town flood regulations.
- The appearance of building, they will be inserting split face block, segmented rooflines, adding cornices and changing the color to NE color scheme.

**Board Comments:**

- Board member Burton asked if they were proposing to raise the building pad to 273. Ardieta’s response was that we would have to ask site planner.
- Board member McCord asked if there were other buildings with the same flood proofing and how will they design. Ardieta’s response: Yes many. The new build requires flood proofing and will provide the details from the architect.
- Board member Tydings asked if AutoZone accepts old oil and if so, where is the storage. Ardieta’s response, yes they do accept used oil and there is a third party who comes by and disposes of it.
- Board member Tydings also asked where the sidewalk locations will be and the type of lighting to be used. Mr. Ardieta stated that there will be sidewalks in the front, East and West side. The sidewalks in front will have new curbs. The application proposed LED lights and there will be about six poles. Hours of operation are standard.
- Board member Denoncourt asked if the same entrance and exits will be used. Mr. Ardieta replied Yes
• Board member Burton asked about where the deliveries will be. Mr. Ardita indicated that there will be a delivery bay available and a concrete pad, south of overhead door.
• Board member McCord asked about the gaps being in the trees and if they can be filled. Mr. Ardita replied that they will inquire with DOT to see if that is a possibility.

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 tabling resolution:

1. The applicant will need to demonstrate to the satisfaction of the Town Engineer that there is no impact to the flood storage volume, and that the proposed plans conform to the Town’s flood plain ordinances.
2. The Board would like to see revised architectural plans and have directed staff to request a review of the submitted materials from their architectural consultant.
3. Additional details and design elements need to be submitted to the satisfaction of the town’s building department and the Flood plain Administrator on exactly how the structure will be flood-proofed to meet the intent of the law requiring 2 feet above the 100 year storm event.
4. The Board would like to know the following:
   • What are the anticipated hours of operation?
   • When are deliveries made?
   • How will oil storage be handled within the building to make sure it is protected from a flood event?
   • What are the average sales per hour for both take out and eat in?
   • What are the proposed hours of operation?

The Board TABLED the application pending the submission and review of the items identified above.

Vote: Moved by: Bastian Seconded by: Burton

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

Motion was carried.

Chairman Hetzke made the announcement that two board members, Mr. Jim Burton and Mr. Doug McCord will be recusing themselves from the Bay Towne application.

3. Ashley E. Champion, Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604/DiMarco BayTowne Associates, LLC and DiMarco Brandt Point, LLC requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the code for Preliminary and Final Subdivision and Site Plan and EPOD permit approval for the expansion and
redevelopment of the existing Bay Towne Plaza to include 186,000 +/- sq. ft. Walmart Supercenter and out parcels shown on submitted drawings prepared by Bergmann Associates with associated improvements on 64.39 +/- acres at 1900, 1970, 1994-B, and 1994-C Empire Boulevard. The property is now or formerly owned by DiMarco BayTowne Associates, LLC and DiMarco Brandt Point, LLC, and is zoned GB and R-1-12. Appl# 14P-0010 SBL#'s 093.02-1-13, 093.02-1-23.11, 093.02-1-24.997, and 093.02-1-25.1

Mr. Paul Colucci, Demarco Group provided an overview of the project for the Board

- Mr. Colucci presented a power point on the project and provided the Board with details.
- Mr. Colucci reviewed some of the background of the project including the Findings Statement that was adopted on May 15, 2012 based on plan CP-02, and the Town Board Resolution dated December 19, 2012 based on plan CP4-00.
- He reviewed the rezoning application, including the findings statement the CP-02 plan, the CP-400 plan and noted how the latter will have additional buffering.
- Overview of plan metrics was provided
- The applicant is pursuing some variances from the ZBA: Parking ratio, parking stall size, and lot coverage.
- They will also need a Special permit for outside storage display from the Zoning Board.
- Mr. Colucci provided a review of the existing plaza renovations, including site architecture, standard with plaza sign and plaza facades, sidewalk extensions and street shops.
- The outdoor display area is out of the way and will not block view.
- Parking spaces will be smaller for the areas that are not utilized as often, but the higher volume will be larger.
- Berm-appearances
- Renovation architecture and developed facades with raised canopy for more light which will be more inviting for customers. On the South side, some of the columns will be removed for visual. There will be a cut through from Tops.
- Site amenities will include bike racks, benches, awnings, stamped pavement with textured crosswalks.
- Elevations, focusing on Walmart site looking for ecstatic’s, the Super Wal-Mart will be built first and they will come back for final approval of the architecture for the 4 outbuildings at a later date.
- They are proposing a traffic connect to Sovran Drive and which will eliminate left turns out of the existing Creek Street entrance. Brandt Pointe Drive, easements to store owners for access through plaza to use traffic lights.
- A Sovran drive-conceptual plan was submitted, connection with easement.
• The main entrance will be receiving a turn lane and will be widened on the Northside.
• Mr. Colucci also provided a review of the offsite improvements including the connection to Sovran Drive and the proposed traffic light. He informed the Board about the improvements to Empire Boulevard, and the rear cross access connections for the businesses along Empire Boulevard.
• The applicants met with the Sovran Drive owners to discuss the proposed connection.
• Mr. Colucci also provided the Board with information about the improvements to Brant Pointe Drive as well.

Mr. Gary McKanie, Bergmann Associates, Architectural Designer of the Walmart

• Provided a review of the architectural elements for the proposed building.
• They will be providing enclosed loading docks as required by the Rezoning Approval.
• They have tried to break up the buildings mass through their design by providing elements that are pedestrian scale.
• Walmart will be 185,000 sq. ft. they tried to “meld” the design using earth tones and changes in materials, elements. Very sustainable, they will be utilizing high efficiency HVAC units, LED lighting and sky lighting.

Board Comments:

• Board member Tydings asked about the size of Walmart, is it smaller or larger and is it similar to others in Monroe County. Mr. McKanie stated that inch per inch is slightly different, it’s about 185,000ish. The closest on to size is the Henrietta location and Greece would be similar.
• Board member Denoncourt asked what the current plan for the existing building. Mr. Colucci responded that it will be broken up into junior tenants.
• Board member Denoncourt asked what the outside storage and display area was for. Mr. Colucci explained that it will be for seasonal items such as flowers and plants.
• Board member Hetzke asked what the timeline was. Mr. Colucci stated that the scheduled site work is planned for the end of 3rd quarter, the pad to begin in the 4th quarter and open in October of 2015.
• Board member Hetzke also asked for applicant to go over buffering proposed and looks. Mr. Colucci reviewed the East side, rear to residents the buffering begins at 200 ft. of undisturbed area, then starts berm and the wall which will be higher than any feature on the site. They will be adding the wall along the whole eastern boundary line. West side is the landscaping along with all the trees. The proposed berm also goes along the north side of the project adding buffering where there was nothing before.
• Board member Hetzke asked if the 200 ft. of buffering will be undisturbed. Mr. Colucci replied yes.
• Board member Hetzke asked about the impact of the parking lot and building lights. Mr. Colucci informed the Board that the lighting will be LED and cut-off with flat panels and 30 ft. high.

• Board member Hetzke asked what the visual impact of berm will be for the neighbors from Jewelberry. Mr. Colucci responded that the neighbors would see wildflowers on the berm and a decorative wall if they can see through the 200 ft. vegetation that will remain.

• Board member Tydings asked about the Ukrainian Home on Brandt Pointe Drive and what the time line is to clean that area up. Applicant response: The former parking lot of Ukrainian Home will eventually be paved, but they will install a split rail fence around the areas that are to remain undeveloped in the short term.

• Board member Hetzke asked about the rear cross access easements for the abutting businesses along Empire Boulevard? Mr. Colucci stated that the will be working with individuals on the cross access issue, and they will be providing an easement for those connections.

• Board member Hetzke asked in what direction the deliveries of trucks will be coming from. Mr. Colucci stated they will be inbound from Brandt Pointe Drive and could circle the Super Wal-Mart building from either direction.

• Board member Hetzke asked if the parking on the NE side be an issue with the deliveries coming in. Applicant response: There will not be any interference and no curbing in that section of parking that will inhibit their movements.

• Board member Hetzke asked where the compressor unit location will be. Mr. McKanie informed the board that the HVAC units will be self-contained on top of the roof in a trailer like box.

• Board member Denoncour asked what the store operation hours were going to be. Applicant response: They will be a 24/7 operation.

• Board member Hetzke asked how often deliveries will be made at the store. Applicant response: It is on an as needed basis.

• Board member Hetzke asked what the ideal parking ratio is for Super Walmart. Applicant response: Their ideal ratio is 4.0 per 1,000 but they will meet whatever standard the town requires.

• Board member Hetzke asked who is responsible for the maintenance of the property. Applicant response: It will be a reciprocal easement agreement and operation agreement amongst all owners of interest on who will plow, landscape. They will make sure that all meets the standards of the town requirements.

Public Comments:

• Jennifer Dougherty, Attorney for Uncle Bob's Mini Storage
Ms. Doughtery gave an overview of the NY State easement rules/regulations. Sovran is in opposition to the project and to any connection to Sovran Drive is any way. They understand that two easements exist, one is 30' wide and the second is 24' wide, but they don't agree that they allow access to Bay Towne Plaza. Bay Towne's holdings
have expanded and the 24’ wide easement was to the immediate Bay Towne parcel only. They are in opposition to the offsite improvement on property that is not Bay Towne’s. Improving on neighboring parties, opposes to all and have many safety concern issues. There is a lot of traffic for 24ft wide road and not enough room to handle the high volume and does not see how that would meet town requirements. Also, there is very little understanding of the plans.

- John, 90 Beacon Drive is in favor of the project and looking forward to the new appearance of it all.
- Jim Mathers, Creek Hill Lane has a strong concern with traffic issues, off Empire Blvd and Creek Street. He would like to see the big picture of the project and is confused about the phases of it as well. He would like to see the “Phase gates” of the project. He wanted to know if the traffic documents where provided to the Monroe County and the New York State DOT’s. He also wanted to know when this information would be posted on the Town’s website.
- Katie Evans informed John of the steps involved and provided a summary of the extensive 5 years long SEQR and rezoning process to date. Mrs. Evans assured John that nothing was being done without the applicant taking the steps necessary and that everything is thoroughly evaluated by each department as well as viewing all research involve to ensure it meets the needs of all.
- Karl Essler, Attorney for Sovran Drive clients, Pamela Decker. (who is with Allstate on north side of creek street) The applicant was given only one week notice. They are concerned with the traffic liability issues.
- Anna Orsa, resident behind the development. Ms. Orsa was concerned with the delivery times and the noise that may take place at this time. She has past experience with the trucks beeping and making noise. She would like to see a specific time set in place for deliveries at least for the first year of operation.
- Craig Maddock, 119 Jewelberry Drive, resident has a concern with the visual, sound and traffic concerns. Visual being the berm may help but has concern for the top of building where refrigeration units, etc. will be. The 24/7 for deliveries might be too much, maybe a smaller timing. The proposed Empire Boulevard improvements are not enough. They should provide improvements into Webster. There are currently traffic issues all the way from Hatch.
- Peter Nowak, owner of Baytowne Liquor had indicated that he has been involved with the process all along and that the Planning board also needs to consider the local business owners. They need to hurry up and approve the project.
- Holly Fane, owner of Nail Salon within the plaza is excited about the change and looking forward to better economy, but asked the board to think about all the business owners. The existing business owners have suffered without the improvements to the plaza.
- Beverly Mitchum, 30 Penn Webb Park, was concerned with the traffic that already has high volume and is also concerned with the noise that may came from the large trucks making the deliveries.
Board Comments:
- Chairman Hetzke had explained to all board/guests that there are many comments from neighbors via email, etc. and all will be viewed and considered.

The Board took NO ACTION on this application.

IV. TABLED:

1. 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.

Board member Burton is recused from this application

The Board discussed the application and had the following comments:

- Board member McCord asked about the original gap analysis for Sweets Corner that could not be located. Check original TIS review.
- Katie Evans discussed the comments from Stantec in response to the reports provided by the applicant regarding the traffic analysis.
- Chairman Hetzke suggested more time be given, considering the absence of three board members and the amount of material that was submitted by the applicants for review.

The Board TABLED the application pending the review of submitted materials.

Vote: Moved by: Denoncourt Seconded by: McCord

Chairperson Hetzke- Aye Bastian –Absent Burton –Recused Denoncourt - Aye
Kanauer –Absent McCord - Aye Tydings - Aye

V. MISCELLANEOUS:

James Bammel, Bammel Architects, 6459 West Quaker Street, Orchard Park, NY 14127/Heathwood Assisted Living at Penfield, requests under Article VIII-8-2 of the Code Preliminary and Final Subdivision approval to allow the division of one 11.92
+/- acre lot into two lots located at 100 Elderwood Court to be known as 100 Elderwood Court. The property is now or formerly owned by Heathwood Assisted Living at Penfield and is zoned MR. Appl# 13P-0022 SBL# 125.03-2-55.

Heathwood-100 Elderwood Court has submitted a letter to the Planning Board requesting an extension to their subdivision approval. The applicant’s current approval expires on 3/12/2013. They are in the process of finalizing the cross access/utility easement prior to signing mylars.

The Board APPROVED a 90 day subdivision extension

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Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 10:37 PM, Thursday, March 13, 2014.

These minutes were adopted by the Planning Board on April 10, 2014.