The Planning Board met at 6:30 PM local time Thursday, March 27, 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, Chairperson  
                  William Bastian  
                  Roseann Denoncourt  
                  Doug McCord  
                  Bob Kanauer  
                  Terry Tydings

ABSENT:           Jim Burton

ALSO PRESENT:     Jim Costello, Development Services  
                  Katherine Kolich-Munson, Secretary  
                  Zach Nersinger, Planning Technician  
                  Joe Platania, Legal Counsel  
                  Mark Valentine, Planning Department Head

II. APPROVAL OF MINUTES: February 13, 2014

Vote: Moved by: Denoncourt  Seconded by: Kanauer

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

Motion was carried.

APPROVAL OF MINUTES: February 25, 2014

Vote: Moved by: Hetzke  Seconded by: Tydings

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

Motion was carried.

III. 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.

The Board discussed the application and reviewed the Wellness Center concerns.

- Mark Valentine discussed what the YMCA/UR Medicine had presented at an earlier AM presentation. UR Medicine discussed what services they were going to provide for the Wellness Center at the Y. Mr. Valentine briefly went over each description of the presentation provided by the applicant.
- Joe Platania provided some background on the history of the code which was written in the 1980’s.
- Board member Bastian asked if the NYSDOT supported the light and the pedestrian walk.
- A major concern for the Board is the Conditional Use permit as it relates to the Wellness Partner. The Board discussed the expansion of the existing Conditional Use and the additional facilities i.e. spin center, gym space.
- Staff reviewed the existing residential Zoning District that the Y is located within. It is located in two different districts; RA-2 Rural Agriculture and RR-1 Rural Residential.
- Joe Platania spoke of the past litigation for the initial Y’s construction.
- Board member Kanauer shared that he thought that the Wellness Partner does not fit under the current list of Conditionally Permitted Uses.
- Jim Costello spoke of the 1981 zoning ordinance in the past and how it was a little more open. The question is that certain community members/residents may seek to ask for tax relief if you allow a medical service facility into a residential area. It may also capture the attention of other doctors who are leasing space in commercial areas and paying high costs for that area. Whereas, the Y/UR are operating those same services in a residential area and not having to absorb the same costs. Mr. Costello suggested not allowing this type of service at this time (medical use) and to be aware of a precedent setting decision.
- Joe Platania explained that a medical use within this district is not allowed, unless it is a hospital and to get around this issue, you could get the area rezoned for commercial use.
- Jim Costello mentioned that in the 1970’s proprietary healthcare use was understood to be for nursing homes and hospitals.
- Board member Denoncourt asked if the Y was previously approved as a daycare.
- Board member Bastian said under the condition use the wellness center idea could be expanded to include the medical component.
- Board member McCord asked how the medical is integrated with the Y and are they currently approved for the wellness center.
- Jim Costello expressed a concern with primary care physicians coming in to a residential area to serve people, while other doctors are paying for their commercial property. Also the residents may also question and ask for a reduction in taxes if the Y is going to have the commercial use.
- Jim Costello believes the best solution would to change the zoning for the Y.
• Board member Tydings also agreed that the Y’s needs do not fit the criteria for the current zoning.
• Board member Denoncourt asked about how many residents were in Penfield and how many of those residents were members of the Y. Denoncourt feels this Wellness Center would be beneficial to the community.
• Board member McCord feels the Y should be allowed to have the Wellness Center under current conditions/regulations.
• Mark Valentine asked the Board for direction on the resolution and also asked if the legal issues should be addressed individually. Board members agreed that they would like to view all points of interest separately, so they could at least vote individually without having to hold up the application as a whole.
• Chairman Hetzke explained that we could come up with a resolution for approval to be secure without complications and fair to all residents as well.
• Board member Denoncourt asked if the services i.e. physical therapy, etc...be broken up.
• The Board wanted staff to prepare a resolution for their review that separates the SEQRA portion, the Site Plan, the expansion of the existing Conditional Use and the addition of the Wellness Partner.
• Jim Costello asked the board to consider having the Y live out for six months for internal use while the Town is dealing with the creation of the mixed use district.
• Joe Platania agreed, that if the first three concerns are addressed, then the Board could vote on them and the last subject could be “tabled” and heard at a later time so that all could write their opinion/suggestions down to vote.

The application was TABLED pending draft of resolution for the Board’s consideration.

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

Motion was carried.

TABLED:

2. Joseph Ardietta, 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

The application was CONTINUED TABLED pending the submittal of requested materials.

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

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Motion was carried.

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

Board members Bastian and Kanauer stated that they had viewed the Public Hearing Video and all of the submitted materials.

Board members McCord and Burton have recused themselves from this application.

The Board discussed the concerns of the following:

- Concerns from the Sovran Drive in regards to the cross access.
- The Town Staff, Doug Fox and attorneys will be meeting with applicant and the Sovran Drive owners regarding the easements. (30 ft. access easement with Uncle Bobs)
- The Board reviewed the requests from RGRTA and suggested that perhaps installing speed bumps should traffic become an issue and the bus stop on the corner having a cart corral.
- The board would like to see cross-sectional views of the berm, proposed wall and the new buildings from the existing residences on the north, east and south.
- The board viewed a short video of SimTek fencing/material and what the material is capable of holding up to. This is a proposed material change from the concrete wall that was approved by the Town Board during the rezoning process.
- Board member Bastian asked if once the fence/berm is up, what will it look like in five years’ time and how will it hold up to the elements of the weather.
- Board member Kanauer requested an engineer drawing of cross section views of fence, berm, etc. He would like to see a view of all angles. Mr. Kanauer also believes the residents should be able to view from all angles to see what they will also be viewing when looking out a second floor window from different directions.
- Mark Valentine mentioned that perhaps they should have a pedestrian connection between the apartment complex and the shopping plaza.
- Board member Denoncourt asked who the cost of the sidewalk would be on and if the applicant would have to be responsible for that.
- Mark Valentine asked board for their input on the rear access on Empire Blvd and allowance for the cross access for the existing businesses.
• The Board reviewed the lighting scheme that they would be using. The Board suggest LED’s, but wondered if they could they use step lighting to allow for lower lighting levels late at night for the periphery parking. The Board would like to look at plan and consider at that time.
• The Board would also like to understand how the phasing of construction will follow as far as utilities, roadways, and rear access. The Board would also like to see offsite information from DOT (state and county)
• Chairman Hetzke asked how the Simtek material would hold up to deflecting sound and is it better than concrete.

The Board directed staff to send a letter itemizing the additional items they would like submitted for their review.

Vote: Moved by: Kanauer Seconded by: Tydings
Chairperson: Hetzke - Aye Bastian - Aye Burton - Absent Denoncourt - Aye
Kanauer - Aye McCord - Abstain Tydings - Aye
Motion was carried.

IV. MISCELLANEOUS:

4. Kip Finley, Indus Companies, One Corporate Place, 1170 Pittsford Victor Road, Pittsford, NY 14534 requests under Articles III-3-10 and IX-9-2 of the Code Preliminary and Final Site Plan and EPOD Permit approval to allow the construction of a 70-75 room, 6 story hotel and associated improvements on 3.2 +/- acres located at 950 Panorama Trail South. The property is now or formerly owned by RDG Incorporated and is zoned LI. Appl# 13P-0020. SBL# 139.09-1-60.1.

• As per the Board’s previous approval resolution dated 10.10.13, the final design of the building needed to come back to the Board for its approval. Staff provided an overview of the submitted materials and the elevation that was provided for the front of the building.
• Board member Hetzke asked if there was a rendering of rear for the hotel and the applicant did not have one.
• Mark Valentine suggested we review the materials of use on the architecture.
• Board member McCord would like a review of what we are doing.
• Mark Valentine mentioned that we previously approved and this plan was brought back to review the architecture.
• Board member McCord asked if we received any landscaping. Board viewed picture of hotel (paper copy and viewed on screen). Chairman Hetzke had no problems with the look. Board member McCord was not in favor of the white on the building.
• Overall the Board was in favor of the final design of the Hampton Inn brand hotel presented.

The action is APPROVED.

Vote: Moved by: Tydings Seconded by: Bastian
5. 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.

- As recommended in the Board’s sketch letter, the applicant revised their site layout and provided new drawings for the Board’s review
- Mark Valentine asked the Board if they were comfortable with the new snow storage areas and green space for 2142 Penfield Road. He also shared that the board did receive letters from neighbors of applicant which strongly support the project.
- Board member McCord is not in favor of the parking area backing out into the future access drive and feels it is a high traffic area.
- Staff does not see a problem with high traffic and suggested if it becomes a problem that speed bumps could be installed if a concern came about later.
- Board was pleased to see the increased green space, the applicant is at about 65% lot coverage while the code allows for 70% coverage.
- Board member McCord asked where the drainage would be going. The drainage will be near the parking area.
- The Board was supportive of the applicant proceeding to a preliminary/final application.

6. 10 Legacy Circle re-subdivision – This action involves the adjustment of a lot line between two parcels located at 10 Legacy Circle and 1751 Baird Road. Both properties are owned by Catherine Fuller and Robert Salmon. The homeowners are looking to transfer 4' of property from 1751 Baird Road to 10 Legacy Circle. This is based on a re-subdivision map of Lot 120 Cobblers Square Liber 321 of maps Page 31 and Lot 2 of the Flaherty Subdivision Liber 332 of Maps page 68 as prepared by Costich Engineering dated March 24, 2014.

- Mark Valentine explained the need for the re-subdivision of lot 120 of Legacy Court. The applicant would like to have a 4 ft. lot line switch to accommodate a rear set back issue for a new addition on the rear of their house at 10 Legacy Circle

The Board AUTHORIZED Chairperson Hetzke to sign the plat map

Vote: Moved by: Bastian Seconded by: Kanauer

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

Motion was carried.
Penfield Planning Board
March 27, 2014

There being no further business to come before the Board, this meeting was adjourned at 8:40 PM, Thursday, March 27, 2014.

These minutes were adopted by the Planning Board on April 24th.