Planning Board Meeting Minutes
May 8, 2014
As the Planning Board met at 6:30 PM local time Thursday, May 8, 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  
Bob Kanauer  
Doug McCord

ABSENT:  Roseann Denoncourt  
Terry Tydings

ALSO PRESENT:  Katherine Kolich-Munson, Planning Board Secretary  
Zach Nersinger, Town Planner  
Mark Valentine, Department Head  
Peter Weishaar, Planning Board Attorney

II. APPROVAL OF MINUTES:  April 24, 2014

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

Motion was carried.

III. PUBLIC HEARING:

1. Edwin A. Summerhays, L.S., 2059 Browncroft Boulevard, Suite 209, Rochester, NY 14625/ You Jia requests under Article IX-9-2 of the code for Preliminary and Final Site Plan approval to construct a 2,872 +/- sq. ft. 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-0012 SBL# 139.08-1-61.

Mr. Edwin Summerhays addressed the Board:

- Mr. Summerhays briefly explained the project and what the applicant is requesting from the Board.
- The applicant would like to demolish the current residential house to construct a new dental office on the property. The current lot is
approximately 100 by 200 feet with the existing home. The proposed dental office would have a footprint of 2,872 +/- sq. ft.

- The dental office will be serviced by existing public water utilities and the sanitary lateral goes to the rear of the property. During the demolition of the house, they will protect the sanitary lateral and water service to re-use them.

- Key aspects of the project have focused on the drainage study, and a proposed 66% lot coverage that includes the pavement, a private drive at the rear, parking, sidewalks and the building itself. The applicant has received a variance from the Zoning Board of Appeals for the requested variances. Also, at the rear of parcel, the area 30 feet from the rear property line will be dedicated to a common shared access drive that will cover the width of the property.

- Drainage from the parking area and driveway will be directed into an infiltration trench and a tri-ton storage system. This is a combination storage and infiltration system. It utilizes a large dome where the void space is used for storage, and is constructed with gravel so that water will infiltrate out into the ground.

- Mr. Summerhay's mentioned that he had received comments from the Conservation Board, PRC, and Monroe County Planning, and he acknowledged that they agree with most of the comments received. They have provided responses to all comments in writing for the Board’s review. There were a few comments that were questioned, one being the issue of installing a privacy fence.

- Mr. Summerhay's' opinion was that the installation of an additional privacy fence was not necessary since there is already a fence installed there that is owned by the adjacent property owner, and with the number of trees located there, they would have to remove them to complete the install. He feels this may be an inappropriate comment for this site.

- Mr. Summerhay's recently received comments from the Conservation Board and sent a letter with responses. A comment in the Conservation Board’s report requested that all current trees be shown on the plans. He feels this is not a reasonable request. The intent on the original plans was to show the current conditions of the site landscaping but if all the trees were actually plotted on the plans it would appear as if they were all bunched together. It would be much too crowded on the drawing to accurately show the row of trees that have been discussed, which are about 25-35 in number and they range from 4 inches to 10 inches in caliber. Many of the tree species are Oriental Maples. He indicated that he could show this on the drawings at the request of the Board. He stated that there is already one located there and the trees would have to be removed.

- Mr. Summerhay's explained that another handicapped ramp was asked to be installed in the rear sidewalk of the property. His initial thoughts were they would only need the one handicapped ramp
since all are entering via the front area. He does not feel it is necessary for a project of this size, and they are already at 66% lot coverage. If the Planning Board felt that an additional ramp was necessary, (Mr. Summerhayes shows audience, pointing to the layout on the map) they could possibly add one near the west side of the rear sidewalk, though it may impact the lot coverage.

Board Comments:

- Board member Kanauer asked if another handicapped patient should show up at the office while the one space is occupied in the parking lot, would there be enough room to accommodate them, and would there be enough room to at least drop off a customer at the main entrance still. Applicant responded that there is adequate space for drop offs and vehicle movements up to the main entrance if necessary.

- Board member Kanauer also asked about the lighting that will be provided on site. Applicant has not picked exterior lighting yet, but there are suggested ideas. It may have to come in as a supplemental for the Building department.

- Chairman Hetzke asked if lighting attached to building would reach to the back lot. Would there be any pole lighting in the parking area? Applicant said that they may mount two lights on back of building for the rear lighting. He showed two options of mounted lights on the building directed toward the rear parking area without interrupting neighbors or school area.

- Board member Kanauer asked what the applicant’s time frame for construction was. Applicant stated that they are hoping to be operational in the fall of 2014.

- Chairman Hetzke indicated that the Board will need to see more details for the proposed lighting portion of the project. Applicant said that they will concentrate on the lighting to get something to the Board to review.

- Board member McCord asked if there were any more trees are proposed to be taken down. There are 5 or 6 coming down as part of the project. Applicant responded that Sheet (2) of the submitted plans shows this information. There are significant trees 3 in the backyard. They are taking 5 trees out and 2 more were requested to be removed by the Town’s landscape consultant. Two trees are proposed to be planted out by the street. They do want to remove some of the trees on the west side of the property because they are not interested in keeping the oriental maple trees.

- Board member McCord would like to see more trees on the west side and in the rear of the property.

Public Comments:

- There were no comments from the public for this application.
The Board discussed the application following the public hearing. Additionally, the Board directed the following to be included within a tabling resolution:

1. The Board requests the submission of a lighting plan with photometrics. The Board is not supportive of any floodlight design, they would prefer to see downward lighting on the building and poles in the parking lot to light up the parking spaces and future access road. The Board also encourages the applicant to consider using LED style lights.

2. The Board would like 3 new trees planted along the west property to help re-vegetate the existing hedgerow that is to be removed as part of this application. The Board will leave the choice of the type of tree up to the applicant.

3. The Board pointed out that the Kousa Dogwood tree should be revised to note a 2” balled and burlaped size.

4. Details for the proposed solid fence along the western property line. The height and proposed material type should be added to the plans.

5. A legal cross access agreement is required over the rear access road. This executed agreement and associated filing fees will be required prior to obtaining signatures on the final mylars.

6. Submission of written responses to all reviewing agency comments, including but not limited to this tabling resolution.

7. Staff is directed to prepare a draft approval resolution and a Part II EAF for the Board’s review and consideration.

This application was TABLED pending receipt of the items listed above.

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

Motion was carried.

2. Carmine Torchia, Torchia Structural Engineering and Design, P.C., 625 Panorama Trail, Suite 2210, Rochester, NY 14625/ Genesee Conservation League requests under Articles III-3-10, and IX-9-2 of the code for Preliminary and Final Site Plan and EPOD permit approval for the construction of a 1,685 +/- sq. ft. enclosed shooting range with associated site improvements, on 33.79 +/- acres at 1570 Old Penfield Road. The property is now of
Mr. Carmine Torchia and Mr. John Fitzpatrick addressed the Board:

- Mr. Torchia explained that the GCL (Genesee Conservation League) property was zoned at R-1-20 and that the property has 33.2 +/- acres. The amount of space needed for the project was 0.15 +/- acres. The proposed addition is for an indoor shooting range approximately 1,700 sq. ft. in size. The addition would be located between the current indoor range and the meeting room.
- There will be no membership increases as a result of the proposed addition, and it will not require any more parking spaces. The site work will be minimal as some soil will need to be regraded to accommodate the exit door from proposed addition.
- Mr. Torchia received comments from Monroe County, the Town Engineer and the Planning Department. The comments, as he explained, were all minor and he has no issues with them and is capable of complying. He has also spoken to Frank Ricotta of New York State DEC who had a few comments that were captured in emails that were exchanged between him and Mr. Torchia. There were no significant concerns from the DEC regarding the proposed addition.

Board Comments:

- Chairman Hetzke asked for an explanation on the architecture. How the addition will fit in with the current building, and what is proposed to help control the noise levels. Mr. Torchia explained that the architecture to the Board and how they plan to build it in relation to the current building, and he went on to explained the exhaust fan details that were factored into the construction. Mr. John Fitzpatrick, representing the GCL, said there would be no significant noise generated from the exhaust fan either. The design is a double diversion, in terms of air flow, so the exhaust fan will be contained in a small portion of the building and then takes two 90 degree turns leading to the louver system.
- Board member McCord asked what would happen in the new addition; is it more shooting? And is there sound proofing for the proposed addition? Applicant responded that the intent for proposed addition is to offer more indoor shooting opportunities to members, and to be able to monitor them as well. This is in consideration to feedback that has been gathered over several years hoping to help reduce the amount of sound in the area. Sound proofing will be installed.
• Board member Bastian asked if applicant could satisfy comments from the Engineering Department regarding the water storage and compensation for the excavation needed. Applicant responded that the proposed addition will be above the flood plain and that compensatory flood storage will be accounted for.

Public Comments:
• Mr. James Degennaro, 46 Lost Mountain Trail. Resident was concerned if the indoor range would bring more noise to the area, and wanted to know if the addition would lessen the outside noise more. Further, he asked how the sound proofing would work. Mr. Fitzpatrick said that the intent of the indoor range is to offer members the option of coming indoors and the noise will be lessened outdoors. The range is designed with solid block walls and filled with concrete, with a lining on inside of the wall. It will be compliant with the noise conditions. It is expected the sound proofing will be as good as, or better, than current indoor range. Mr. Fitzpatrick explained that the addition will accommodate pistols and small caliber rifles inside for shooting. The addition will provide six additional positions inside.

• Mr. Terry Rickard, 110 Huntington Meadow. Resident is a retired Rochester police officer of 23 years and is concerned about the increased levels of noise for all caliber firearms. He asked if the indoor range will reduce the number of outdoor shooters and was interested in the GCL's efforts to reduce noise levels. He supports the project and the GCL, but would like to see less shooters (and less noise) outside, with more options to shoot inside the facilities. Mr. Fitzpatrick explained that it has been and will continue to be the GCL’s goal to reduce the level noise that directly impacts the neighbors.

Board Comments:
• Board member McCord asked if there was any way to encourage members to shoot in the indoor range. Mr. Fitzpatrick said that he would certainly encourage others and he could include that information in their newsletters. He is aware of what the neighbors are requesting and understands the quality of life issues from the noise generation.

• Mr. Mark Valentine asked the applicant if the excavated soils for the addition will remain on site. Mr. Torchia replied that no soil will leave the site for the proposed building addition. Any excavated soil for the building foundations will be reused in areas of the addition’s footprint.

The Board discussed the application following the public hearing. Additionally, the Board directed the following to be included within a tabling resolution:
1. The Board is unable to make a determination of environmental significance until it has completed its review.

2. Staff is directed to prepare a draft approval resolution and a Part II EAF for the Board’s review and consideration.

This application was TABLED pending receipt of the items listed above

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

Motion was carried.

3. Ed Martin, P.E., LandTech Surveying & Planning, P.L.L.C, 3708 St. Paul Boulevard, Rochester, NY 14617/ Dr. Lawrence Giangreco requests an informal discussion with the Board regarding the construction of a 3,000 +/- sq. ft. dental office with associated improvements located at 1285 and 1289 Creek Street on 1.00 +/- acres. The property is now or formerly owned by Creek Street LLC and is zoned GB. Appl# 14P-0014 SBL#'s 093.15-1-55 and 093.15-1-50

Mr. Ed Martin addressed the Board:

- Mr. Martin presented the sketch plans to the Board. The properties are a combined 1.0 +/- acre. 1285 Creek Street is just under one half acre and 1289 Creek Street is just over one half acre. There is an existing building on 1289 Creek Street that Dr. Giangreco is interested in retaining and he would like to construct a 3,000 sq. ft. dental practice on the vacant property at 1285. His current practice operates on Empire Boulevard.
- For the proposed new office building, Dr. Giangreco would like to have room to accommodate 10 patients and 12 employees at any given time of the business day.
- It is proposed that 55 parking spots will be located across both properties with 19 landbanked spaces to the south on 1289 Creek Street, and 4 spaces in front of the current building. A comment received from Town Engineer, Geoff Benway, suggested that they eliminate those spaces.
- There has been conversation in regard proposing cross access to Tim Hortons located to the north of 1285 Creek Street.
- Storm water management practices are proposed with a rain garden at the northwest corner of 1285 Creek Street outside the parking area.
The applicant is seeking preliminary comments from the Board regarding the proposed development at these two properties.

**Board Comments:**
- Board member Kanauer asked if there are issues that were mentioned in the PRC memo. Mr. Martin said that they are scheduled to appear before the Zoning Board of Appeals to request variances for front and side setbacks, lot coverage, parking stall size, and less buffer to the residential zoning to the south of 1289 Creek Street.
- Board member Hetzke asked for confirmation that the applicant does not intend to subdivide the parcels to create one combined lot. If so what is the reason for leaving them as town parcels. Mr. Martin replied that the two lots will remain as separate tax accounts as Dr. Giangreco may have plans for the developed lot at 1289 Creek Street.
- Board member Kanauer asked the applicant if they considered rotating the building footprint. Mr. Martin said yes they had considered it, but most of Dr. Giangreco’s customers are elderly and he believes the proposed orientation of the building is safer for passenger drop offs and traffic flow on site.
- Chairman Hetzke asked what the anticipated time frame for construction was. Applicant responded that April of 2015 would be preferred.

**Public Comments:**
- There were no comments from the public for this application.

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

1. The Board recognizes that this is a challenging site to redevelop due to required setbacks. Therefore, the Board is supportive of the variances that are being requested for these properties.

2. The Board requests the following information be included within a future application for preliminary and final site plan approval:
   - Revisions to the parking lot layout to allow cars to back out of the spaces at the north end of the property, with going into the grass or storm treatment facility;
   - A cross access easement and connection to the Tim Horton’s property to the north;
   - Verification of the green space proposed for each individual lot;
   - Verification of the soils ability to accommodate infiltration methods;
• Provide cut sheets and photometrics for all outdoor lighting;
• Updates to the drop off canopy to insure that it doesn’t conflict with vehicular turning movements;
• Sign package;

3. The Board was very supportive of the proposed architecture for the building. They encourage the applicant to make sure the exterior of the garage continues this same look.

4. Due to the visibility of the site, landscaping will be a key element of site design and subsequent review.

The Board directed staff to send a letter of support to the Zoning Board of Appeals for the requested variances.

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

Motion was carried.

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

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

Motion was carried.

5. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604/ Nicholas D’Angelo requests an informal discussion with the Board regarding the construction of an 11 lot single family residential cluster subdivision, on 13.31 +/- acres located at 1469 Jackson Road. The property is now or formerly owned by Nicholas D’Angelo and is zoned RR-1. Appl# 14P-0015 SBL# 109.02-1-12.1

Mr. Rick Ayling and Mr. Nicholas D’Angelo addressed the Board:

• Mr. Ayling presented the proposed cluster subdivision concept and conventional subdivision plans to the Board. They would like to subdivide 1469 Jackson Road to construct 11 new single family residential homes, and the southern lot would be dedicated to the town with a drainage retention pond. The property is approximately 14 acres in size. The sizes of the new lots will range from a minimum of approximately ¾ of an acre up to 1.2 +/- acres for larger properties.
• The proposed dedicated retention pond lands were formerly the used for a single family home, horse barn and grazing field. This same area is adjacent NYS DEC wetland and the buffer area falls on a portion of the 1469 Jackson Road property.

• Mr. Ayling informed the Board that a wetland delineation has been completed and that the DEC’s opinion is that a retention pond would be acceptable in the proposed location.

• The project will be serviced by public utilities and they are proposing a low pressure force main sanitary sewer connection to Jackson Road that will require a 1,300 +/- foot extension to the existing sanitary sewers located to the south on Jackson.

• Applicant received comments from PRC and Conservation Board and they are prepared to discuss all with board.

Board Comments:

• Chairman Hetzke asked the applicant to review the rational for 278 (cluster subdivision) versus the conventional plan? Applicant replied that the site is encumbered by NYS wetlands located to the South, which shows the single family home in the adjacent area as well. The alternative layout to the conventional plan will minimize the impact to the wetlands and requires less road maintenance for the Town. The conventional plan would only allow for one home to be built on “Lot 1” shown the plans where the wetland buffer is located. By going with the layout proposed, the impacts to the adjacent home and the wetlands will be minimized.

• Board member Bastian asked if any variances would be requested based on the conventional plan, and how far the last home is from the Jackson Road. Applicant replied that no variances would be needed. The farthest lot off the road is about 900 feet and the private drive is another 400-500 feet approximately.

• Chairman Hetzke asked if it was possible for a fire truck and emergency vehicles to have access along the private drive. Applicant replied that the private drive is shown as being 16 feet wide and there are two T-turns proposed near the end of it. They will have to review the requirements for the fire truck if that is something that is needed. Currently they are proposing a hydrant at the end of the cul-de-sac. The fire trucks could have full access to the cul-de-sac and pull hoses from the hydrant down the private drive.

• Board member Kanauer asked if the applicant has been in communication with the nature conservancy. Applicant replied that there is currently an access easement along the south property line to the conservancy. They are proposing a dedicated right away to extend all along the roadway to the cul-de-sac to preserve access.

• Board member Kanauer commented that he was thinking of some sort of trail connection because there is proposed trails data that
could be reviewed for this location. Applicant mentioned the land adjacent to their property and indicated that there could be an opportunity there.

**Public Comments:**

- Mr. Gary Northrup, 1490 Jackson Road, asked about the sewer system and what if power is lost. Mr. Ayling responded that each home will have its own injector pump and will operate on standard 110 volts of power. Therefore a generator would be able to provide power if necessary.
- Ms. Linda Schriever, 1420 Jackson Road, expressed her concern for Jackson Road and some difficulties with traffic and speeding. As the area becomes more developed and it may bring increased traffic.
- Ms. Elizabeth Chrzanowski, 1434 Jackson Road, asked what types of homes will be built and will the character stay the same as the other homes in the area. Mr. D’Angelo responded that they will be about 3,000 sq. ft. homes and will not build “chicken coops” size houses as he explained. He has been developed a number of other subdivisions with a similar style of homes.
- Ms. Barbara Pokalsky, 1491 Jackson Road, asked if the sewer extension going to the south will affect their property or the wetlands. Mr. Ayling responded that currently the sewer pipe connection is in the right of way along Jackson Road and the proposed extension will also be underground in the right of way of road, away from private property and the wetlands.

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

1. The Board reviewed the submitted materials for the conventional plan and was supportive of the 11 lot layout that was shown. The Board was also supportive of the usage of Town Law 278 to avoid future impacts to the wetlands and the buffer, while also minimizing the amount of road that is dedicated to the Town.

2. The Board requests the following information be included within a future application for preliminary and final site plan approval:
   - The Board would encourage the applicant to talk with the Nature Conservancy to see if a new trailhead connection would be desired;
   - The private drive portion of the road should be checked to insure that an emergency vehicle would be able to turnaround;
   - Investigate the need for an emergency generator for each lot as a backup system for the sanitary sewer pumps;
• A Special Improvement District will need to be formed to cover the pond maintenance, subdivision sign and the increased cost for maintenance of the low pressure sewer system;

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 Denoncourt- Absent Kanauer - Aye
McCord - Aye Tydings - Absent

Motion was carried.

IV. TABLED:

1. 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 Board continued discussions on the application:
• Mr. Mark Valentine updated the Board with status of the materials that were requested to be submitted at previous meetings. The applicant was still waiting to receive new flood proofing details.
• The Board will be provided with new information once the revised plans and flood proofing details, and other remaining items have been submitted for review.

The application was TABLED pending the submission and review of the remaining items requested at the March 13, 2014 meeting and the previous tabling resolutions dated April 10, 2014 and April 24, 2014.

This application was TABLED pending receipt of items listed above.

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

Motion was carried.

2. 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 SitePlan 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

The Board took no action on this application.

V. MISCELLANEOUS:

1. The Hardwood Outlet, located at 1670 Penfield Road, is requesting to update the building façade that faces the road. Mr. Engin provided pictures of current appearance and also provided pictures of how he would like to implement the changes.
   - Mr. Mark Valentine explained that Mr. Engin would like to replace existing stone with something more modern on the front of the building. He currently has two garage doors, but would like to remove one of them. He would also like to remove the last window to the left of the entrance doorway. Both sections will be replaced with similar construction and architecture to the rest of the building as it is proposed.
   - The Board agreed with the modifications to current business, but would like to see samples of the stone materials, color samples, and any proposed signage that would be used to complete the modifications.
   - Staff will communicate the Board’s requests to Mr. Engin and will provide updates when they are available for the Board’s review.

There being no further business to come before the Board, this meeting was adjourned at 9:40 PM, Thursday, May 8, 2014.

These minutes where adopted by the Planning Board on June 24, 2014.