Planning Board Meeting Minutes
May 22, 2014
As the Planning Board met at 6:30 PM local time Thursday, May 22, 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
Roseann Denoncourt
Bob Kanauer
Doug McCord
Terry Tydings

ABSENT:

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

II. APPROVAL OF MINUTES: Draft meeting minutes from the May 8, 2014 public hearing meeting are currently being prepared by staff.

III. TABLED

1. 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. Valentine informed the Board that he has reviewed the proposed flood proofing details with Harold Morehouse in Building and Zoning Department as well as the revised flood storage figures with Geoff Benway, Town Engineer, and both staff members were comfortable with the information received from the applicant.
   • The Board then reviewed the flood proofing details by applicant.
   • Staff provided photos from a recent flooding event in the immediate area for the Board’s reference. Mr. Valentine informed the Board the Fire Marshal performs annual inspections that included reviewing the flood
proofing measures and procedures that businesses in these areas rely on in the event of flood event similar to the one depicted in the photos.

- Board member Kanauer asked if applicant was required to submit a written action plan for flood events. Mr. Valentine responded that that would be reviewed by the Fire Marshal.

The Board AUTHORIZED the Planning Board Chair to sign the Part II Short EAF.

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

Motion was carried.

The Board discussed the application and APPROVED the draft approval resolution with conditions.

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

Motion was carried.

2. Edwin A. Summerhayes, 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. Valentine reviewed the lighting plans and cut sheets along with the landscaping plan that was requested by the board.
- Chairman Hetzke was in agreement with the light fixtures that were chosen by the applicant. The Board reviewed the details of lighting and fixtures along with the landscaping for the west side of building where there will be trees planted. The applicant has chosen Autumn Cherry trees.
- The Board also reviewed the details of the fencing that will be used. The applicant has proposed to install a six foot wooden fence. The Board members had some concern with the material (wood) being used for the fencing and to it upholding to certain weather conditions as well as a noise barrier.
- Board member McCord asked if it had been specified or requested for certain types of trees to be planted. The board does not specify the species of trees to plant typically; however, it can discourage the use certain species.
• Board member Kanauer asked if the lighting would be adequate and if it was meeting the minimum needed under Penfield codes. The plans meet all of the lighting requirements.

• Board member Bastian asked how high the proposed pole lights will be at the front and the rear of the building. The rear will use 20 feet high poles and the front will be 14 feet. All pole lights and building mounted light fixtures will be LED lighting.

The Board AUTHORIZED the Planning Board Chair to sign the Part II Short EAF.

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

Motion was carried.

The Board discussed the application and APPROVED draft approval resolution.

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

Motion was carried.

3. 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 formerly owned by Genesee Conservation League Inc and is zoned R-1-20. Appl# 14P-0013 SBL#123.20-1.1

• Mr. Valentine reviewed updates to the application with the Board, including the revised drawings that were received from applicant and a letter from the NYS DEC.

• A letter was received from Gordon Howe, a neighbor to the Genesee Conservation League (GCL) property, and it indicated that he would like to see the hours of operations to be limited. Staff will review the hours as the Board is only reviewing the proposed site plan with this application.

• Board member Tydings asked what the hours of operation were and if we were able to change them. Mr. Weishaar explained that the GCL application was strictly for the site plan review of the building addition only.

• Staff informed the Board that the Zoning Board approved the applicant’s request for an expansion to the preexisting non-confirming use.
The Board AUTHORIZED the Planning Board Chair to sign the Part II Short EAF.

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

Motion was carried.

The Board APPROVED the Draft Resolution.

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

Motion was carried.

4. 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

- Mr. Valentine reviewed the additional materials that were submitted for the Boards review and consideration. One of those items included building material samples for the proposed Walmart Supercenter. Gary McKinnie, an architect for Bergmann Associates, showed the revised building elevations and building material samples. He also provided feedback to the memo provided by Chris Lopez, the Town’s design consultant.
- Mr. McKinnie presented to the Board that the front of the building will utilize a combination of earth tones mixed with brick and other materials for the façade. The oversized brand wall is made of trespam tone and is dark brown in color. The product is made of a recycled product that is very durable.
- Board member Kanauer asked if the roof over the entrances would be metal. He also asked if the mechanical roof top units would be visible to the surrounding neighbors. Mr. McKinnie replied that if the units are visible,
they will try and raise the parapet elevation to block them from sightlines, and all the units will be screened in.

- Mr. Valentine shared with the Board that he and other town staff members had a meeting with MC DOT regarding the entrance to the plaza at Creek Street and they were in agreement that right-in only egress would be a good modification for traffic flow to and from the site.

- Mr. Valentine shared with the Board that staff has sent a letter to the representative of Sovran Acquisitions regarding their compliance with original approvals. The Town will continue to pursue a connection to BayTowne Plaza through Sovran Drive.

- The following items were discussed amongst the board members and staff to address and review all the materials, correspondence, and input that have been requested, examined, and subsequently received from the applicant thus far in regards to this application:
  - Architecture (as listed above)
  - Traffic: Brandt Point Drive traffic signal; Empire Boulevard improvements; traffic signal timing for Bay Road, Creek Street and Empire Boulevard; Sovran Drive connection to BayTowne Plaza; Creek Street right-in only modification; NYS DOT & MC DOT comments and concerns; cross access to businesses with frontage on to Empire Boulevard and potential connection to the expansion area of BayTowne Plaza.
  - Pedestrian: Internal pedestrian flow; connection to Daniel’s Creek Apartments.
  - Storm Water: underground storage facility and bio-filter.
  - Lighting plan for parking lot and Walmart.
  - Landscaping along the berm facing Brandt Point residences.
  - Noise: Berm and barrier wall; loading docks enclosure.
  - Cross sections of the view shed from north, south, east and west.
  - Security
  - PRC Memos
  - Planning Board tabling resolution requirements.
  - Town Board Rezoning Resolution.
  - Conservation Easement.
  - Sovran Drive connection and road installation.
  - Zoning Board of Appeals approvals: Parking stall size, parking ratio, outside storage and display, and lot coverage.
  - Property Maintenance Agreement
  - SEQR: FEIS & Findings Statement.

- Chairperson Hetzke stated that he is comfortable with requested materials from the applicant and satisfied with the Board’s review of the project thus far.

The Board discussed the application and motioned to TABLED pending the preparation of draft approval resolution.
IV MISCELLANEOUS:

1. 1670 Penfield Road – Harwood Outlet Hardwood Flooring Superstore, request to update building façade

- Mr. Valentine reviewed the Board and updated concept plan with updated façade details for the current building that the owner has provided. The board was in favor of the updates and requested modifications for the business.

The Board APPROVED the façade upgrades and modifications.

Vote: Moved by: Hetzke Seconded by: Bastian
McCord - Aye Tydings - Aye
Motion was carried.

2. 1969 Harris Road – requests for relief from condition #10 of approval resolution

- Currently the home is accessed by shared driveway from Harris Road per the conditions of the original approval resolution. The owners have requested relief from condition #10 of the resolution in order to extend the driveway and create a second curb cut onto Harris road.
- Board member Bastian asked if there were any issues with line of sight, if so this matter should be reviewed by the Town Engineer.
- Staff noted that a MC DOT permit would be required for the additional curb cut.

The Board APPROVED the relief from condition #10 of the approval resolution.

Vote: Moved by: Denoncourt Seconded by: Bastian
McCord - Aye Tydings - Aye
Motion was carried.

3. Staff reviewed the following application that the Board will hear at the June public hearing meeting:
• 1270 Plank Road – RG&E Cell Tower expansion
  ○ Pete Weishaar explained some the legal background and what the Board will be reviewing as part of the request to extend the height of the communication tower.

• 2142 Penfield Road – Eyesite
  ○ Staff shared that the applicant would like to present a video demonstration at the public hearing. The Board was in favor of this and directed staff to inform the applicant to prepare the video for the upcoming meeting.

4. The Board discussed dates for the Planning Board picnic. Dates suggested were July 17-24, July 31 or August 7.

There being no further business to come before the Board, this meeting was adjourned at 8:30 PM, Thursday, May 22, 2014.

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