PLANNING BOARD MEETING MINUTES

SEPTEMBER 11, 2014
As the Planning Board met at 6:30 PM local time Thursday, September 11, 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
Roseann Denoncourt
Doug McCord
Terry Tydings

ABSENT: Bill Bastian
Bob Kanauer

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

II. APPROVAL OF MINUTES:

1. The Board APPROVED the August 26, 2014 draft meeting minutes as written.

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

   Motion was carried.

III. PUBLIC HEARING:

Mr. Hetzke begun with Pledge of Allegiance and a moment of silence in memory of 911 and to honor Police Officer, Daryl Pierson.

Mr. Mark Valentine announced that application 14P-0023, Mobil Station at 2175 Penfield Road, has withdrawn their application from this meeting agenda and may resubmit at a later date.

1. LandTech Surveying & Planning, PLLC, 3708 Saint Paul Boulevard, Rochester, NY 14617/Louis Sirianni requests under Article III-3-10, VIII-8-2, and IX-9-2 of the Code for Preliminary and Final Subdivision, Site Plan and EPOD Permit approval for a three (3) lot subdivision of the existing lands at 1318 Hatch Road on
6.09 +/- acres, and to construct two (2) new single family residential homes. The property is now or formerly owned by Louis Sirianni and is zoned R-1-20. Appl# 14P-0022 SBL# 094.03-1-20.

Applicant Presentation:
- Mr. Adam Freeman, LandTech Surveying & Planning, PLLC, spoke on behalf of Mr. Louis Sirianni. The applicant is proposing to build two new single family homes, in addition to the existing single family structure, on a 6.3 +/- acre property that is proposed to be subdivided into three separate. The two new structure would be on either side of the existing home.
- There are federal wetlands located at the rear of the property that were delineated earlier this year and public utilities along the frontage along with sanitary sewer and water main.
- Run-off from the site will drain to wetlands and the roof downspouts will tie into the storm sewer within the right of way along Hatch Road.
- Mr. Freeman has provided responses to the PRC comments that were issued for this project.

Board Comments:
- Chairman Hetzke asked if there was ample sight distance for the new driveways. The applicant responded that there is a 1,000 +/- feet or more in each direction for sight distance. They do not anticipate any issues.
- Chairman Hetzke asked if the lots were already sold or if they have plans to construct homes prior to selling? The applicant responded that they will be building the two new single family homes and then the homes will be made for sale.
- Board member McCord asked about the proposed sidewalk shown to be installed on the plans and where it will connect, if connections are possible. The applicant responded that there are no sidewalks on either side of the property currently, but the property immediately to the North of the site was recently approved for a single family home with a sidewalk. There is also a sidewalk across the street at Triple Diamond Way, but there is nothing installed to the south of the property.
- Chairman Hetzke asked applicant if they had planned to construct the sidewalks or ask the Town Board for a waiver. The applicant responded plans to install the sidewalk, unless there was another preference.

Public Comments:
- Mr. Bruce Cantie, 15 Brookmere Circle spoke in regards to his drainage concerns noting the wet conditions of the lands. His property is backs to the site under review at its northern boundary. He noticed on the revised drawings, issued on 8/12/14, down spouts were not shown on the plans to control run-off. Also, that the exterior sump pump drainage should connect to the existing storm sewers but it does not identify on the drawing. Due the wet conditions of this area, Mr. Cantie previously installed a French Drain system in the rear of his property to better manage the surface water.
He was also concerned with the elevation. Chairman Hetzke explained that the State and Town have semi-conflicting recommendations. The Town requires the downspouts to be connected to the storm sewers, and that the Board will require that to be shown on the plans. Mr. Valentine confirmed that connecting the downspouts and the sump pump line are requirement of the town’s Design Criteria and added that discharging to splash blocks would require a variance from the Town Board.

- Mr. Cantie acknowledged that he would not support a variance for that splash blocks if the applicant were to pursue that option. He also asked the style of the proposed homes has been submitted to the Town; if they were going to one or two story structures. Mr. Valentine replied that the style of the home is the applicant’s choice and the Board has no involvement on the design of these homes are as long as the setbacks and site design requirements are met. The Board has no jurisdiction regarding style, type, or color.

- Mr. Alan Zimmer, residing at 1320 Hatch Road, spoke in regards to proposed development. His north property line meets the southern boundary of the applicant’s site. He has lived at 1320 for 38 years and has owned the property for 40 years. He has a number issues to address regarding the proposed plans:
  - First, his iron pin was not shown on map and he would like it to be shown.
  - In regards to the proposed sidewalk installation, he suggested that if it is installed, it stubbed back to the road edge once it reaches his property so that is not come to a dead end at his fence. That would be a waste of resources to have the walk end at nothing with no connection to the roadway. He noted that this has been done in other places in town. Further, he noted that sidewalk waivers can be requested by the applicant to the Town where they would be required to provide a determined amount of money to the Town rather than installing the sidewalks.
  - In addition, Mr. Zimmer stated that he is not ready to give a sidewalk easement at this point. He is aware of the sidewalk across the street and in speaking with the Town Engineer he suggested an idea of installing the proposed sidewalk up to the range line of Triple Diamond Way so that there could be a cross walk to access to the sub-division and the church. Mr. Zimmer felt that was reasonable.
  - He noted that the existing house number is 1318 and that will not work with current number pattern already in the neighborhood. A new home between the existing home and his property would create a conflict for the post office and emergency services. He asked that the number be changed to an appropriate value. Mr. Valentine indicated that the process would need to go through the Building Department and the Assessor’s Office to coordinate the house numbering. Typically, Mr. Harold Morehouse assigns the numbers and Mr. Valentine said he would speak with him on this matter.
Mr. Zimmer said he had spoken with Mr. Sirianni on a couple of occasions regarding the location of the proposed home between his property and the existing structure. Mr. Zimmer offered to purchase 9.06 +/- feet of land along his northern property line to widen his lot and create a larger buffer area between his structures. Mr. Sirianni’s property has 309 +/- of frontage along Hatch Road, and the minimum lot width is required to only be 100 feet according to the Town Code. The additional land would also help bring his shed into compliance with current setback requirements under the Town Code. Mr. Sirianni was not interested selling any of the land from his property.

Mr. Zimmer had some concerns and suggestions for the setback of the proposed structures. His home is currently set 100 +/- feet off the front property line. The existing home on Mr. Sirianni’s property is set 64 +/- feet off the right of way. He asked for some consideration that the proposed home nearest to his property be shifted back to a distance of 75 +/- feet off the right of way, rather than the proposed 72 feet that is shown on the plans. At a distance of 75 feet the homes would take away less of the view shed from Mr. Zimmer’s home looking to north from inside his home.

Mr. Zimmer asked what the expected build time will be for the new homes and how long the approval lasts. Mr. Valentine replied that subdivision of property is final once filed with Monroe County. The start of construction would preserve the site plan approval, but if no site work takes place after one year since the time of approval the applicant would have to request an extension from the Board to prevent the approval from expiring.

Mr. James Bauman, owner of 1340 Five Mile Line Road, which features the farm land directly behind the property proposed to be built on. Mr. Bauman explained that, a long time ago before he even owned the property, a tributary to Ship Builders Creek was actively draining water from the area. Slowly the drainage way began filling in with sediment and the woods became more grown up. Mr. Bauman’s main concern is that the current drainage will not be negatively impacted by the construction of the new homes.

Mr. Adam Freeman responded to all comments.

- The front setbacks which are currently at 72 feet, and the applicant doesn’t believe that the 3 feet is a concern and it will not be noticeable.
- The sidewalk will be installed in a location acceptable to the Town Engineer.
- As for the drainage, the site will be graded so that they do not change any of the drainage patterns, especially in the back where the wetland is. The roof downspouts will be connected to the storm sewer, and the applicant will not be asking for a waiver.
- Mr. Valentine asked if the applicant for their thoughts on the location of the proposed home located to the north of Mr. Zimmer. Mr. Freeman replied that they would keep the proposed structure as far north as possible.
- Board member McCord asked if the middle lot, which is the largest of the 3 lots, could be narrowed by 9 feet so that the lot adjacent to Mr. Zimmer could be widened and thereby allow the proposed home to be shifted further north. The applicant responded that the idea had not been discussed, but is open to exploring the suggestion.
- Chairman Hetzke agreed with Mr. McCord.
- Mr. Zimmer approached the Board and said he would appreciate any consideration in doing so.
- In addition, Mr. Zimmer added that the Monroe County Water Authority was requesting a 15 foot easement and suggested that clean outs be installed at the easement boundary.

The Board discussed this application after the public hearing:

- Chairman Hetzke reviewed the approval resolution template with the Board.
- Chairman Hetzke informed the Board that if the developers agreed to move lot line to the North to make the lot a little larger and help Mr. Zimmer, that would lessen many of the concerns that were heard in the public hearing.
- Board member Denoncourt asked about the proposed stormwater drainage for the site. Mr. Valentine replied that the downspouts would be connected directly to the storm sewers with underground piping. In addition, the proposed sump pump being connected to the storm sewer system would relieve the drainage on the site.
- Mr. Valentine added that the iron pins would have to be shown on the plans. Also, the sidewalk layout can be coordinated to be stubbed back to the shoulder of the road rather than ending at Mr. Zimmer’s property line.
- Chairman Hetzke asked if the applicant would seek sidewalk waiver from the Town. Mr. Valentine replied that they have not indicated that they will be asking for a waiver at this time. However, Town policy requires that sidewalks be installed for all developments. A waiver also would not cover the entire cost of any future installation. A condition could be added to the approval resolution with a recommendation that a stubbed section be installed to connect to the shoulder of Hatch Road.
- Board member McCord suggested that maybe Geoff Benway, Town Engineer could look over the plans again regarding the sidewalk installation.
- Mr. Valentine asked the Board if they were supportive of suggesting that 9 feet of the middle lot of this subdivision be allocated the lot between the existing home and Mr. Zimmer’s property to provide more space between the homes and reduce the impact of setbacks from the right of way. The Board was supportive of this change and the developer agreed to do this.
The Board asked what could be done regarding the concern of drainage in the wetlands that Mr. Bauman had mentioned in the public hearing. Mr. Valentine stated that the drainage area would be maintained.

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

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

Motion was carried.

The Board discussed the application and it was APPROVED with conditions.

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

Motion was carried.

IV. MISCELLANEOUS:

1. Mr. Nersinger briefly reviewed items for October public hearing meeting. There is one sketch plan application for a parking lot expansion at Vision Dodge, 920 Panorama Trail South.

2. Mr. Nersinger confirmed Board member attendance for the upcoming meeting for, October 9th, and October 21st. Staff will follow up with the members that are absent at this meeting.

3. Mr. Valentine reviewed a resubdivision map for the Planning Board Chair to sign. The resubdivision map involved the property of 35 Pond Valley Circle. A re-subdivision of land was approved by the Board in 2000, however, the mylar was never filed with Monroe County and the parcels were never merged. The home owner has some setback issues and would like that portion of land to be merged into Lot R16 as shown on the submitted plan.

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

Motion was carried.
4. Mr. Pete Weishaar reviewed some updates with the Board regarding the Article 78 lawsuit with Sovran Acquisitions in the matter of the recently approved BayTowne Plaza Expansion project. A new hearing date was set for October 8, 2014 for counsel to present to the judge. He will contact staff following the hearing.

5. September 25, 2014 Work Session Cancellation – no applications tabled for further review or approval.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:30 PM, Thursday, September 11, 2014.

These minutes were adopted by the Planning Board on October 9, 2014.