PLANNING BOARD MEETING MINUTES

August 13, 2015
As the Planning Board met at 6:30 PM local time Thursday, August 13, 2015 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:  Bill Bastian  
Bob Kanauer  
Doug McCord  
Terry Tydings  

ABSENT:  Allyn Hetzke, Jr; Roseann Denoncourt  

ALSO PRESENT:  Mark Valentine, Planning/Engineering Department Head  
Michael O’Connor, Assistant Engineering  
Zachary Nersinger, Town Planner  
Douglas Sangster, Planning Technician  
Mr. Pete Weishaar, Planning Board Attorney  
Katherine Kolich-Munson, Secretary  

II. APPROVAL OF MINUTES:

1. Draft meeting minutes for July 9, 2015 were APPROVED

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

Motion was carried.

III. PUBLIC HEARING:

2. Robert Wolfe of Wolfe Architecture, 3 North Main, Honeoye Falls, NY 14472/ Dr. Benjamin Peters and Dr. Justin Verrone, requests under Article IX-9-2 of the code for Preliminary and Final Site Plan modification approval for the construction of a 6,220 +/- square foot two-story optometry medical office on 0.46 +/- acres located at 2142 Penfield Road, Penfield, NY 14526. The property is now or formerly owned by 441 Realty Group LLC and is zoned BN-R. Appl# 15P-0017 SBL# 139.08-1-73.

Dr. Benjamin Peters, an owner of the Eyesite medical office, presented to the board:
• Dr. Peters stated to the board that their business is currently located at 2160 Penfield Road still plans to begin construction for the new office building in the spring of 2016 at the 2142 Penfield Road property, which they have received prior approvals from the Town in 2014.
• They have resubmitted this application to the board to request an increase to the building size and overall square footage.
Dr. Peters explained that since receiving the original approvals from the town, they have reviewed the plans for the interior layouts for office space, patients' exam rooms, and the waiting area. One specific concern was the limited size of the patient waiting area. The review of these plans resulted in the desire for more interior space to improve the flow of the layout and provide a more comfortable setting for customers, patients and employees.

- The revised plans show a 4 foot increase to the depth of the building.
- The increase to the square footage will require 1 additional parking space per the Town Code; however, the proposed number of parking spaces will not increase from the original approvals as the expected patient numbers remain the same. A total of 20 parking spaces were approved from the original application. A variance from the Zoning Board of Appeals was granted for the 20 parking spaces.
- The front setback distance has not changed on the site plan.
- The overall hardscape of the development remains the same.
- Greenspace figures remain the same. (Lot coverage meets the requirements of the Code)

Board Comments:

- Board member Bastian asked if there will be any changes to the previously approved architecture and if the applicant could review the need for the increased building size. Dr. Peters replied that there will no changes to the architectural designs; the building would be 4 feet deeper than the originally approved building for the site. The increase in building size allows for better interior hallway space, a more comfortable waiting area, more room for office furniture and larger patient exam rooms. The appearance from the road will not be noticeable; it will remain the same visually.
- Board member Bastian asked if the parking lot will be smaller. Dr. Peters replied that the parking area will have the same configuration.
- Board member Bastian asked if the lighting and signage will remain the same. Dr. Peters replied that those features will remain the same. He added that they have approached Summit Federal Credit Union ("Summit") (adjacent property to the east) and their management has agreed to lend 3 of their parking spaces for extra parking if necessary. Dr. Peters also explained that they had discussed a similar parking agreement with Mr. Bellanca (2140 Penfield Road).
- Board member Tydings asked if there will be any new variances with changes. Dr. Peters stated that he was not aware of any additional variances.
- Board member McCord asked if the concrete pad in the parking area is for handicapped use. Dr. Peters confirmed that the concrete pad is for handicapped customers.

The Board discussed this application after the public meeting:

- Board member Bastian asked staff to review the status of variances for the project.
- Mr. Valentine stated that there was some confusion during the applicant's presentation. The application currently before the board will require two variances from the Zoning Board of Appeals: (1) parking variance for less spaces and (2) a variance for less setback form the building to the property line. The applicant was originally approved to have 20 spaces where the Code required 26. The proposed
modification to the building size increased the number of spaces required by code to 27. The applicant is still proposing to have 20 spaces with the modifications. The setback variance is required since the building footprint is increasing in depth. To achieve the larger footprint with the additional 4 feet of depth to the building the drive aisle in the parking area was narrowed by 2 feet, and the sidewalk that abuts the parking near the northern building entrance was reduced from 7 feet to 5 feet. The revised site plan now shows parking bumpers to offset the altered width of the sidewalk. This would prevent vehicle from overhanging onto the sidewalk area.

- Board member Bastian asked if staff had any concerns with the parking layout. Mr. Valentine replied that PRC recommends the installation of “Compact Vehicle Parking” signs at the parking spaces that require parking bumpers.
- The board was supportive of the parking bumpers in spaces that shall be signed for compact vehicle parking.
- Mr. Nersinger asked the board members if they would be in favor of having a sidewalk path added to the plan that would allow for pedestrian travel between Eyesite and Summit due to the agreed overflow parking agreement the applicant mentioned in the presentation.
- Mr. Valentine added that the board could recommend that the applicant engage in discussions with Summit regarding the possible construction of a sidewalk connecting the two properties. The applicant would be responsible for this matter since this application cannot require improvements to an adjacent property.
- Mr. Valentine stated that the rezoning resolution of the BN-R properties requires continuous vehicular cross access and shared parking agreements. When this section of properties is fully redeveloped for BN-R uses and the shared access drive is installed (per the rezoning resolution as well) parking will be more available between properties.
- The board was in favor of adding a sidewalk connection on Eyesite property that leads to the Summit from the southern entrance to help facilitate the shared parking requirements.
- Board member Bastian asked the applicant (present in the audience) to state the offices typical operating hours. Dr. Peters replied that the office is open from 9:00 AM to 6:00 PM or 7:00PM Monday through Friday, with limited hours on Saturday depending on the number of appointments and customers.
- Board member McCord asked about the gravel pad in the location of the refuse totes and recommended that this be modified to show a concrete pad on the site plan.
- Mr. Valentine confirmed that the addition of the concrete pad and sidewalk would not exceed the 70% lot coverage that is permitted for this site.
- Board member Bastian spoke of the 35 % greenspace, it will be from 35 to 30 percent and the applicant will still be in compliance.
- Mr. Valentine said the applicant is at 70 % and encouraged applicant to have conversation of a walkway from Summit. We are currently awaiting the Zoning board for approval.

The board agreed to send a letter of support to the Zoning Board of Appeals.
NOW, THEREFORE BE IT RESOLVED that the application is hereby TABLED pending the submission of the following:

- The decision of the Zoning Board of Appeals regarding the variances that have been applied for by the applicant.
- The board is supportive of the requested variances for this modification to the previously approved site plan and will submit a letter to the Zoning Board of Appeals indicating its support.
- The site plan shall be revised to show the addition of post mounted signage indicating "compact vehicle parking only" for the four (4) spaces at the southern limit of the parking lot and closest to the rear entrance door.
- The site plan shall be revised to show the addition of a concrete pad in the location of where the refuse toters will be stored on the property. The plans were previously approved for gravel in this area. Lot coverage figures shall be updated on the site plan to reflect any addition of impervious surfaces.
- Submission of written responses to all reviewing agency comments, including but not limited to this tabling resolution.
- Staff is directed to prepare a draft approval resolution and a Part II EAF for the Board’s review and consideration.
- During the public hearing the applicant made reference to a parking agreement between 441 Realty Group LLC and Summit Federal Credit Union, located to the east of the project site, that would allow for overflow parking in three (3) of the parking stalls on Summit’s property. The board was supportive of this agreement between the two properties and their owners. To maintain a safe path of travel for pedestrians between the two properties, the board requests that the applicant add a 5 foot wide concrete sidewalk path to the site plan between the eastern property limit and the patio located at the front of the building.
- The applicants are also encouraged to have discussions with Summit Federal Credit Union about plans to continue the sidewalk path on Summit’s property, ending at the pavement’s edge. A striped pedestrian crossing on the pavement is encouraged to continue the pathway to the overflow parking area on Summit’s property. The installation of a pedestrian crossing sign to alert vehicles leaving the drive thru service area would be a welcomed feature. The applicant indicated that the overflow parking would be used for employees only. The board was supportive of this plan as it would create minimum levels of pedestrian travel between the two properties during the normal hours of operation.

AND BE IT FURTHER RESOLVED that the Board is unable to make a determination of environmental significance until it has completed its review.
IV. TABLED APPLICATIONS:

3. Peter Romeo, 309 Canterbury Road, Rochester, New York 14607/ Jasmin Heganovic request under Article IX-9-2 of the code for Preliminary and Final site plan review to construct a single family residence with a detached storage shed and associated site improvements on 0.46 +/- acres located at 2775 Penfield Road. The land is currently or formerly owned by Jasmin Heganovic, and is zoned RA-2. Appl# 15P-0001 S3L# 141.01-1-15.

The Board continued discussions on this application:

- Mr. Nersinger informed the board that revised site plans had been submitted that now include a proposed septic system. The perc tests for the site were completed in the spring and the applicant has since been working with an engineer to design the septic system as shown on the revised plan. The site also shows that the proposed shed has been removed from the plan, but the existing barn structure will remain and be repaired, and the orientation of the residential home has flipped from the west to the east. The applicant currently has an active permit from the Building Department to perform work on the existing barn structure. If the board determines that the revised changes are significant enough to hold another public hearing then it may do so. Staff has been in contact with the applicant and they have agreed to withdraw the application if the board makes such a determination. The Zoning Board of Appeals is facing a similar decision for the variances that are required for this pre-existing non-conforming lot.
- Staff also mentioned that the septic system is currently under review the Monroe County Department of Health. If it is not approved then the proposed system will need to be redesigned and resubmitted to the DOH for review.
- Board member McCord would like to see verification on the septic system to see how it will operate and to see if there are significant revisions.
- Board member McCord asked if the leach field had to be a certain distance from the property line.
- Mr. Valentine replied that the area of the septic system must remain inside the 10 foot setbacks.
- Mr. Valentine added that the neighbors have expressed concerns with drainage. Staff will continue to review this matter on the revised site plans.
- Board member Kanauer added that the plans show a raised fill system.
- Board member McCord asked what variances have been applied for.
- Mr. Valentine replied the applicant has applied for front and rear setback variances. Based on the lot size, which is 115 X 71 (under half of an acre), there is not a lot of room on the property, and this is a two acre zoning district.
The board accepted that this application shall be WITHDRAWN pending a written statement from the applicant and took NO ACTION. A public hearing will be set to review the revised plans as a new application for Preliminary/Final approval.

V. MISCELLANEOUS:

4. Regarding the application of Steven Ketch, Popli Engineering, 555 Penbrooke Drive, Penfield, NY 14526/Gurudwara of Rochester requests under Articles III-3-10, IX-9-2, and X-10-4 of the Code Preliminary and Final Site Plan approval, EPOD Permit, and an expansion to the existing Conditional Use Permit to allow the construction of a 1,900 sq ft. expansion to the existing building with 32 additional parking spaces on 7.9 +/- acres located at 2041 Dublin Road to be known as Gurudwara of Rochester Expansion. The property is now or formerly owned by Gurudwara of Rochester and is zoned R-1-20. Appl# 08P-0011. SBL# 125.03-2-11.1.

- Mr. Nersinger discussed with the board that the applicants for this project have requested another site plan approval extension. There has been an ongoing court case and litigation between two groups with the Gurudwara of Rochester church. The case is in the appeal process at this time and is expected to be concluded this year.
- Previously the board has approved one (1) year extensions for this approved application dating back to 2009. The board may approve another one (1) year extension at this time or approve a 90-day approval extension.
- Board member Bastian was in favor of approving another one (1) year extension.
- Board member Kanauer asked if when the extension is given, is that until the start of construction?
- Mr. Valentine replied that once the applicant starts construction on the site in accordance with the site plan, the approved plans are preserved and would no longer require extensions from the board.
- Mr. Weishaar, legal counsel, suggested that a one year extension would be appropriate for this application because the appeal process may take longer than 90 days. If construction doesn’t begin with the 90 day period than the applicant would have to request another approval extension.
- Board members agreed that a one year extension would best meet the needs for the applicant to conclude the lawsuit and begin construction on the property.

The board APPROVED a one year site plan approval extension.

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

• The Zoning Board of Appeals has asked for the Planning Boards input regarding the proposed sign package that requires a special permit for the number of signs on the building. Staff discussed with the board that six (6) signs have been proposed for the building but are under the maximum limit for the allowed square footage of the total signage. The maximum square footage based on the building frontage has been calculated at 1,200 SF and the applicant is requesting 548 SF.

• The Zoning board will be hearing this on August 20th and the applicant is well within the number of square feet aloud, they are just asking for more signs.

• Board member Bastian and Kanauer both agreed, that more signs would be more beneficial for the frontage of the building to guide customers to the appropriate entrance. The building signage would also help manage the parking.

• Board member McCord indicated that the building looks good and the sign does not detract from anything.

The board agreed to send a letter to Zoning Board of Appeals in support of the sign package.

Vote: Moved by: Tydings Seconded by: Kanauer

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

6. Mr. Nersinger updated board with information for the September 10th meeting agenda regarding the application that will be heard in the public hearing.

There being no further business to come before the Board, this meeting was adjourned at 7:25 PM, Thursday, August 13, 2015.

These minutes were adopted by the Planning Board on September 10, 2015.