The Planning Board held a public hearing 6:30 PM local time Thursday, September 10, 2015 in the Town Hall Auditorium, in a meeting open to the public, to discuss new applications, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Allyn Hetzke, Jr
Doug McCord
Roseann Denoncourt
Terry Tydings

ABSENT: Bill Bastian
Bob Kanauer

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

II. APPROVAL OF MINUTES:

Meeting minutes from August 13, 2015 were APPROVED

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

Motion was carried.

III. PUBLIC HEARING:

1. Costich Engineering, D.P.C., 217 Lake Avenue, Rochester, NY 14608/ Hanlon Architects requests an informal discussion before the board with plans to construct a 4,200 +/- square foot medical office building with associated site improvements on a total of 0.83 +/- acres located at 2128 Penfield Road and 2132 Penfield Road, Penfield, NY 14526. The properties are now or formerly owned by Otis and Geneva Killing, and Ralph Sollie Jr., and are zoned BN-R. Appl# 15P-0020 SBL#'s 139.08-1-69 and 139.08-1-70.

Mark Costich of Costich Engineering presented the proposed project to the board. Also present on behalf of the project is Nate Rozzi of Hanlon Architects.

- The proposed use meets the requirements of the BN-R Zoning District and the 250 Overlay District.
- The site is located at the corner of Harris Whalen Park Road and Penfield Road,
Currently two single homes exist on property and would be demolished for the construction of the new 4,200 +/- sq. ft. office building and associated parking.

The proposed parking layout provides sufficient parking spaces for the building with 31 shown on the plan where only 23 are required by code.

The site plans have been designed for the drainage, lighting, or landscaping at this time but would be included in a future application submission for final approvals.

Mr. Costich noted that they have received the PRC memo from town staff and reviewed the following items:
- The installation of sidewalks along Harris Whalen Park Road would likely result in the relocation of the sidewalk access out to Penfield Road from the building.
- Per the comments, the sidewalks will be 7 feet wide in all applicable locations.
- If the proposed building location is moved forward, per the comment in the memo, the building would require tow (2) fronts (for architecture). The proposed use would be an urgent care type of medical office use and it would be important to keep the parking as close as possible to the main entrance.

Traffic was reviewed and the traffic generation numbers are roughly on the order of 15 to 16 cars per hour peak for a “clinic” use of the Institute of Traffic Engineers. Often the DOT requires a full traffic study when order is closer to that of 100.

Nate Rozzi described the proposed building designs.
- The proposed building is approximately 4,200 sq. ft., square shape, and is single story.
- The front facing side of the building towards Penfield Road has masonry elements and planter in nature on the front and sides of the building that are separated by window features.
- The building would have a stone entry element with a curved metal entry feature at the roofline.
- In support of previous comments made about the building location, Mr. Rozzi stated that having easy access to the parking is beneficial. Moving the building forward would create a false front along Penfield Road. Relocating would also require a variance approval.

Mr. Costich added that the plan will comply with the overall access plan and a rear access road is shown on the plan that would enter the site from the east properties.

Board Comments:

Chairman Hetzke informed the applicant that previously approved project along this portion of Penfield Road have been approved with less front setbacks for bringing the buildings closer to the road. The goal is to locate the parking and main access at the rear of the property. Mr. Costich replied that if the current site plan were flipped to bring the building forward and locate the parking in the rear, the building would then be too close to Penfield Road. That would create a significant variance.

Mr. Costich displayed an alternative site plan layout the featured less parking and allowed for more greenspace for rain gardens and stormwater management.

Chairman Hetzke asked if the proposed use was an urgent care or an office building. Mr. Costich replied that it would be an urgent care office.

Chairman Hetzke asked how emergency vehicles would access the site and what the traffic flow would be like. Mr. Costich replied that an ambulance would have separate
parking access at the northeast corner of the building to which it could back into for patients. Flipping the building would place that parking closer to Penfield Road, further from the main entrance at Harris Whalen Park Road.

- Board member McCord asked if the ambulance would park in the building. Mr. Costich replied no, the ambulance would park in a space outside the building.

- Board member Tydings asked if the main entrance, as proposed, is located at the front of the building. Mr. Costich replied yes it is.

- Chairman Hetzke asked the applicant to describe what disadvantages of flipping the orientation of the building. Mr. Costich explained that flipping the building and the parking would increase the walking distance for patients since the main entrance would have to be facing a different direction. He also noted that the nearby property where the Summit Federal Credit Union is located has a similar layout.

- Board member Tydings asked if any variances would be needed for the proposed site plan. Mr. Rozzi replied that variances are required for the proposed design.

- Board member Tydings asked if the office would be proposed for 24 hour service, if not, what would the normal hours of operation would then be. Mr. Rozzi replied that the hours would be set for early morning to late evenings Monday through Friday, and on Saturdays.

- Chairman Hetzke asked if they could be more specific about the “early morning” hours. Mr. Rozzi replied that the office would like to open from 8:00 AM to 8:00 PM.

- Chairman Hetzke asked if the office would be open seven (7) days a week. Mr. Rozzi replied that the office would like to be at least six (6) days, possibly seven (7). Mr. Costich made reference to the zoning notes on the site plan that stated business hours are limited to 7:00 AM – 9:00 PM in the zoning district.

- Betty Dudman of the University of Rochester spoke and confirmed that the proposed hours of operation are 8:00 AM to 8:00 PM Monday through Friday, Saturday possibly 10:00 AM to 9:00 PM, and Sundays would be the same hours [as Saturday’s]. She added that they later hours on the weekends have been shown to be better for patients.

- Chairman Hetzke asked if the market study supports the use in this area of town. Ms. Dudman replied that there is not a strong demand for that feature.

- Board member Tydings asked if there were any other locations like this. Ms. Dudman replied that this would be the first location in Monroe County.

- Board member McCord suggested maybe rotating the building 90 degrees to face Harris Whalen Park Road could bring the main entrance closer to the parking.

- Chairman Hetzke asked specifically where the main entrance is currently shown on the site plan. Mr. Costich referenced the bump out along the building frontage that faces Penfield Road.
Public Comments:
- Chris Charleton, 2136 Penfield Road, spoke in opposition to the project and was concerned about excessive noise disturbances that could have an impact on his patients that visit is psychiatric practice. The property is located adjacent to the project site to the east.
  - Chairman Hetzke asked if the patients use indoor and outdoor space.
  - Mr. Charleton replied that both indoor and outdoor space is used.
  - Mr. Charleton stated that noise can be heard from the park and school currently.
  - Mr. Charleton explained that he was aware of improvements he is to be responsible for the shared rear access drive and asked that those requirements be removed for his property.
  - Chairman Hetzke if a fence could be added to provide some screening from the project site.
  - Mr. Charleton replied that fencing was not previously needed.
- Dr. Tahmto Hormodzyaran, 2226 Penfield Road, of Eastside Medical Urgent Care stated that his business has been providing services in the town for over 12 years. He was in opposition to the proposed project questioning the benefits it could provide being located near his business. He added that primary care offices are needed more than an urgent care center.

The board discussed the application following the public hearing and offered comments for the applicant’s consideration as follows:

The Board is supportive of the proposed use on the site and finds the proposed building architecturally attractive.

Prior to the submission of an application for preliminary and final review the board has requested that the applicant submit a feasible alternative site plan layout that relocates the medical office building along the frontage of Penfield Road, with parking available at the rear and side of the building via the entrance from the rear access drive off of Harris Whalen Park Road. The board will review the alternative layout as it compares to the proposed layout in a work session meeting. The applicant is encouraged to submit a written summary that compares the alternative layout to the original site layout that was submitted with the building located to the rear of the property. Include details for changes in parking figures and any variances that would be required.

Previously approved applications for development by the Planning Board along this portion of Penfield Road in the BN-R Zoning District have featured a similar design favoring a building footprint closer to the roadway. The town and its reviewing boards of jurisdiction are aware that setback variances will be necessary to accommodate these types of site plans in this specific location. The town is also aware of the irregular NYSDOT right of way limits that affect these properties.

The Planning Department has provided copies of the approved plans from the previous projects to the applicant for references to alternative layouts.

Following the review of the alternative site plan layout, the board will provide the applicant with direction to make application for preliminary and final review based the site layout it prefers for this development proposal.
Upon receiving direction from the board to proceed to a preliminary and final application, the following information has been request to be included, in writing and/or on the site plans, within a future submission:

- Provide confirmation on the anticipated number of physicians, support staff, administrative employees and patients that will visit the site to quantify the parking demand. Any details that can be provided regarding expected occupant load turn over will be helpful in analyzing the parking needs for the site.
- Provide, in writing, a description of the anticipated business hours for a typical work week.
- Indicate if a patient drop-off area is needed at the main entrance of the building and if said area will feature a structure to cover the area from elements of weather.
- Provide a photometric plan and cut sheets to demonstrate the proposed exterior lighting. The Board suggests the use of LED light fixtures. All fixtures are required to be dark sky compliant.
- Demonstrate where snow storage areas will be located or details as to how snow will be removed if necessary.
- Provide a full landscape plan with planting schedule with the set of plans.
- Show the number of parking spaces required by code in the site details on the site plan. If land banked parking is required then provide those details on site plans. Site data should include statistics for both constructed and land banked parking figures. A variance from the Zoning Board of Appeals will be necessary if the number of proposed parking stalls is lower than that which is required by Code.
- Provide details for the dumpster enclosure area. Refuse containers and totes shall not be visible from traffic and pedestrians on both road frontages.
- Provide a sidewalk connection from the building to Penfield Road.
- Provide a sidewalk along Harris Whalen Park Road beginning from Penfield Road.
- Provided crosswalk details that will span across the required private rear access drive entrance to allow for safe pedestrian travel to Harris Hill Elementary School and the park. The Board is supportive of alternative materials to asphalt that may help accentuate the walkway to commuters entering and existing the site by automobile.
- Provide copies of grading release letters from adjacent property owner(s).
- Provide details for proposed signage on the building and on the ground, if proposed.
- Provide stormwater management design and details to the satisfaction of the Town Engineer.
- A formal cross-access easement and shared parking agreement will be required over the rear access drive to allow future connections to and from properties along this shared roadway.
- A 7 foot wide sidewalk easement will be required over any sidewalks outside of the right of way.
2. 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 associated site improvements on 0.46 +/- acres located at 2775 Penfield Road. The property is now or formerly owned by Jasmin Heganovic, and is zoned RA-2. Appl# 15P-0021 SBL# 141.01-1-15.

Peter Romeo presented the proposed project to the board.
- Mr. Romeo reviewed his responses to the PRC Memo that was issued for this project. A physical copy of the document will be submitted for the record. A revised site plan was provided to the board for the record.
- Mr. Romeo stated that the proposed use is for a single family residential and with three personal vehicles. No commercial vehicle will be stored on site.
- The applicant plans to use home for his home office of his private masonry business known as “Old World Masonry.”
- The existing barn structure on the property will be repaired and used for storage of materials to be used in the construction of the home. Materials and for the business will be stored off site.
- A proposed sidewalk easement has been shown on the plan that addresses the presence of the existing barn. A sidewalk waiver will be requested for from the Town Board.

Board Comments:
- Chairman Hetzke asked what the lower level in garage will be used for. Mr. Romeo replied that it will be used for storage since a shed was removed from the original plans to allow for the required space for a septic system.
- Chairman Hetzke asked if the driveway will be asphalt or gravel. Mr. Romeo replied that a stabilized base would be used for the majority of the driveway area.
- Board member McCord asked if any grass seed would be installed along the property edge that is currently gravel. Mr. Romeo replied that some of the gravel would be removed and replace with grass.
- Mr. Romeo stated that he has met with the NYS DOT on September 9, 2015 requesting to leave some the gravel are in place for a pull off area from Penfield Road.

Public Comments:
- June Vegh, 2780 Penfield Road, stated that her home is located directly across from the project and is listed as historic landmark. She expressed concerns for the variances that the applicant will need and how her property would be impacted in the future if Penfield Road was ever widened.
  - Mr. Romeo claimed that the property was listed as “historic” because of who previously lived there. Also, the future improvements to Penfield Road can’t be predicted.
- Bertalan Vegh, 2780 Penfield Road, was opposed to the development of the property as he had concerns about ground contamination that may have occurred from a previous owners storage of old cars on the land. He also had concerns for traffic along Penfield Road, specifically in bad weather.
- Mr. Romeo read a letter to the board from the previous owner’s attorney that stated the owner had used the site to store cars and car parts. The letter was submitted for the record.

  • Jenny Jewett, 2771 Penfield Road, located directly behind the site was opposed to the proposed development citing concerns with traffic and sight distance along Penfield Road. Claims vehicles were parked in the shoulder on several occasions that would make it difficult to observe westbound traffic.

Board Comments:

  • Board member McCord asked if the property would be used to store business vehicles. Jasmin Heganovic, owner and applicant of the project site, stated that his business was located in the City of Rochester, at 521 Cedar Lane. It has the garage for the vehicles and materials. This is a part time business for him. Mr. Heganovic stated he has invested over $5,000.00 (+/ -) in cleaning up the property since he purchased it. He also claimed that other neighbors in the immediate have been seen with tractors on their property.

  • Mr. Romeo stated that he has contacted the NYS DEC Avon office to review the property for any known environmental issues.

The board discussed the application following the public hearing.

The applicant will be required to review and submit the following items:

  • Responses to lead agency status for this Type I action as this project occurs substantially contiguous to a historic site that is listed on the National Register of Historic Places.

  • Approval from the Zoning Board of Appeals for front and rear setback variances at its September 17, 2015 meeting.

  • Written responses from the applicant for any and all outstanding agency review comments shall be submitted for review and consideration including, but not limited to, the PRC Memo dated September 4, 2015 and this tabling resolution.

  • Submission of revised engineered site plans per the comments of reviewing agencies, including but not limited to the PRC Memo dated September 4, 2015, and this tabling resolution.

  • Any correspondence between the applicant and the Monroe County Department of Health shall be forwarded to the Planning Department regarding the approval status of the proposed raised-fill septic system.

The board voted and the application was TABLED.

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

Motion was carried.
3. James Bammel, Bammel Architects, 6459 West Quaker Street, Orchard Park, NY 14127/Heathwood Assisted Living Facility, requests under Articles III-3-10, VIII-8-3 and IX-9-3 of the code for Preliminary and Final Site Plan, Subdivision and EPDM permit approval to construct a two-story 44 unit building addition of 28,175 +/- sq. ft. and resub division of properties with associated site improvements on 12.10 +/- acres located at 100 Elderwood Court and 2030 Fairport Nine Mile Point Road, Penfield, NY 14526. The properties are now or formerly owned by Limestone Development Co. LLC and Elderwood Rochester ALF, and are zoned MR. Appl# 15P-0019 SBL#s 125.03-2-55 and 140.01-1-1.3.

James Bammel of Bammel Architects presented the proposed project to the board.
- Previously met with the ZBA on August 20, 2015 to review a setback variance for the proposed building addition to the new property line.
- A “no build” easement is proposed for a portion of the land that has frontage along Route 250 (Fairport Nine Mile Point Road) in order to comply with previous approvals from the town.
- The need for the project at this time is being driven by HUD financing.
- The first floor of the addition would feature 20 memory care units and the second floor would have 22 assisted living units.
- Fire and emergency access is provided around the entire facility.
- Utilities will be relocated around the building addition.
- Minimal parking will be added and currently most of it is used by the staff.
- Dark sky compliant is proposed for all new light fixtures and will match the existing fixtures that have been installed on the property.
- Buffering will be added to the plans for the adjacent property owner to the north.

Board Comments:
- Board member Tydings asked if any landscaping will be added for the buffer area. Mr. Bammel replied that landscaping will be added as a revision to site plans.
- Board member Tydings asked how internal traffic and lighting will be buffered from the neighbors. Mr. Bammel replied that evergreens will be planted to provide the buffer.
- Chairman Hetzke asked if the northwest corner would also have buffering for the adjacent home owner. Mr. Bammel replied that the north edge of the site will have buffering in place.
- Board member Tydings asked if traffic access will be changed. Mr. Bammel replied that the current layout, with access from Penbrooke Drive is sufficient.
- Board member Tydings asked for additional information about the dumpster enclosure location. Mr. Bammel replied that the dumpster will be relocated for the new site layout and the area will be landscaped.
- Board member Tydings asked for details about the proposed HVAC system and if noise protection would be necessary. Mr. Bammel replied that the new addition would use the same units as those that are on the existing building. No additional measures will be necessary for the HVAC units.
- Chairman Hetzke asked for a lighting plan to be submitted. Mr. Bammel replied that a lighting plan will be provided.
Chairman Hetzke asked for clarification about the reasoning for the location of the proposed subdivision line that will split the parcel into two separate properties. Mr. Bammel said that the businesses financing requires any future expansion of services with new structures, similar to the scope the original site plan approvals from the town in 2008, need to have separate ownership. He referenced a letter to the ZBA with regards to HUD and the DOH (Department of Health). He explained the property line would act a boundary limit for the proposed “no build” easement.

Chairman Hetzke noted the proposed location of the new addition is very close to the property line and asked if the building could be shifted south. Mr. Bammel replied that walls of the existing building and the new addition must be 30 feet apart per the requirements of the DOH.

Chairman Hetzke asked if the sanitary sewer is to be relocated to the north of the new addition. Mr. Bammel replied yes, the sewer line will be relocated to go around the new building.

Chairman Hetzke asked for details about the proximity of the proposed driveway to the wetlands that are identified on the plans. Mr. Bammel replied, that the wetlands have since been re-delineated and the disturbance from the driveway is not within the limits of the wetlands.

Board member McCord asked if the setback variance was approved. Mr. Bammel replied that the ZBA approved it with conditions.

Public Comments:

Arsen Markarian, 7 Mapleview Circle, had no opposition to the proposed development but inquired about the conditions of previous approval and if Heathwood was responsible for the maintenance of the drainage swale that runs along the rear of his property and discharges out to the pond on Heathwood’s property. The swale is overgrown now and is in need of cleaning. Mr. Bammel replied that he would follow up with the staff at Heathwood if they have any knowledge of this from the original approvals.

The board discussed the application following the public hearing.

The applicant will be required to review and submit the following items:

- The review of the proposed conservation easement boundary limits by the Zoning Board of Appeals per its conditions of approval at the August 20, 2015 meeting.
- The board is supportive of conservation easement over the lands that are adjacent to the property located at 2012 Fairport Nine Mile Point Road that would not include the area proposed to be disturbed for the installation of a driveway.
- Submission of written responses to all reviewing agency comments, including but not limited to the PRC Memo dated September 4, 2015, and this tabling resolution.
- Submission of revised site plans per the comments of reviewing agencies, including but not limited to the PRC Memo dated September 4, 2015, and this tabling resolution
- Submission of updated certified delineation map of the federal wetlands present on the property, as well as a mitigation plan and any correspondence with the Army Corps of Engineers, as the board continues to review potential impacts to the wetland area.
Submission of a lighting/photometric plan with details and cut sheets of proposed fixtures.
Submission of stormwater drainage calculations for the existing pond area with considerations for the proposed building addition.
The board is supportive of the proposed architecture as shown on the rendering and building elevation plans that were submitted with this application.

The board voted the application was TABLED.

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

Motion was carried.

4. Marathon Engineering, 39 Cascade Drive, Rochester, New York 14614/ Mike D’Amico, Combat Construction requests under Articles VIII-8-3 and IX-9-3 of the code for Preliminary Overall Subdivision and Final Site Plan approval for Section 1 under Town Law 278 to construct an 86 lot single family residential cluster subdivision with associated site improvements on 42.95 +/- acres located at 2826 Atlantic Avenue, Penfield, NY 14526. The property is now or formerly owned by Dolomite Products Co. Inc., and is zoned R-1-15. Appl# 15P-0018 SBL# 124.01-2-1.1.

Richard Tiede, Marathon Engineering, presented the proposed project to the board.
- The project site is located at the northeast corner of the Atlantic Avenue and Five Mile Line Road intersection.
- Seeking approval for a subdivision of 86 lots
- The site plans have been designed with two (2) entrances from Five Mile Line Road per the comments of the town for reasons of safety and emergency access during the sketch plan review.
- Monroe County Planning and Monroe County DOT have review the plans and their comments stated that only one entrance on Five Mile Line Road is required for a subdivision of the size being proposed. A meeting is set for the applicant and town staff to discuss the site plans with the MC DOT.
- Sidewalks have been incorporated along the two outer roadways (of Atlantic Avenue and Five Mile Line Road) as well as along the interior loop road of the subdivision.
- Sanitary sewers will be serviced by the existing town sewer at the southwest corner of the site by gravity.
- A SWPPP report was provided for stormwater and erosion control. Stormwater management has been designed meet the requirements of the NYS DEC and the town. The stormwater system incorporates a wet pond at the southwest corner and at the southern edge there was good infiltration rates to allow for a green infrastructure infiltration basin. Both systems are tied together allow heavier flows to balance out.
- The flow of stormwater runoff onsite has been reduced, per the DEC regulations, with a significant decrease from the previous points.
- Disconnected rooftops downspouts with vegetated swales are shown on the plans for additional green infrastructure.
- Sump pumps and a few of the downspouts will connected to the storm sewer system, which will be directed to the pond.
- The pond is proposed to be dedicated to the town in a special improvement district for future maintenance. This was discussed at a previous PRC meeting with town staff as well. The applicant is open to reviewing this with the town to define the areas to be maintained.
- Landscaping is shown with street trees for each lot. Landscaped berms with plantings have been shown to help provide a buffer. The applicant is aware that additional landscaping will be necessary and will continue to work with town to review that matter.
- A traffic study was completed since traffic is understood to be one of the larger concerns for the project.
  - Amy Dake, SRF Associates, presented the findings of the traffic study to the board.
    - An initial traffic study was prepared in December of 2014 in response to comments that were received from the town and the DOTs. This study was updated in May of 2015.
    - Data was collected at weekday AM and PM hours for the residential setting during commuter traffic periods. Those periods are defined as 7:00 – 9:00 AM and 4:00 – 6:00 PM. A single peak hour is then identified during those two hour windows of time to determine the impacts of the proposed development.
    - The single hour periods were identified as 7:45 AM to 8:45 AM and 5:00 to 6:00 PM.
    - The counts were originally done on December 4, 2014 while schools were in session in the location of the proposed subdivision access points.
    - Traffic counts were also collected at the intersection of Atlantic Avenue and Five Mile Line Road and at the residential road across the street from the site (Terrace Hill Drive).
    - Accidents were reviewed at the intersection in a 3 year history, and in that period there were 25 accidents that were reported. Of them, 14 were rear end collisions, four (4) were left turn collisions, four (4) were right angle collisions, one (1) was an overtaking, one (1) was with a fixed object, and one (1) was an animal.
    - Traffic queueing was reviewed due to concerns of the southbound traffic on Five Mile Line Road. The study, which was done on Tuesday April 7, 2015, showed during the morning peak hour the average queue was about six (6) or seven (7) vehicles. The maximum queue noted was 18 vehicles and it did not block Terrace Hill Drive. The 18 vehicle queue only occurred once and the next highest observed queue was 13 vehicles.
    - Background traffic included the growth and developments in the area such as Sparrow Pointe, and the proposed development for 86 homes, which was added in the calculations.
    - The 86 units can be expected to generate about 18 entering vehicles and 52 exiting vehicles in the morning (AM) peak hour and 58 entering and 34 exiting in the evening (PM) peak hour.
The signalized intersection at Five Mile Line Road and Atlantic Avenue was reviewed for a capacity study, to determine on average how long it takes traffic to get through the intersection. An “A” through “F” scale is used to rate the level of service of the intersection, with “F” being the most amount of time delay.

During the morning and evening peak hours C5 and D3 were noted, which indicate delays on the order of 30 to 45 seconds. It was noted that on the southbound, eastbound and northbound approaches that drivers tend to use the shoulder to go around drivers waiting to make a left turn, or to make their right turns. The levels of service would be worse if it were not for drivers using the shoulder to make these passes.

With full development conditions and traffic included a C and D is still maintained, with the southbound, left, and through traffic going to an E.

Both the NYS DOT and the MC DOT reviewed the traffic study and approved it. They are both aware of the issues at the intersection regarding the accidents and the capacity. They are aware the accident rate exceeds the state-wide average. It is possible that the intersection could be improved in the next five (5) years but it is hard to predict the actions of the DOT.

Board Comments:

- Board member McCord asked for more details of the proposed conservation easement area how the town would maintain those areas. Mr. Tiede replied that the details of special improvement district will be discussed with town staff. In general, with a 278 cluster plan, these lands are open space that gets dedicated to the local municipality. Another option would be to place the lands under a conservation easement, which would have its own definitions. The intent of the easement is to preserve the lands and keep them in a natural state.

- Board member McCord asked how the town would be allowed access to maintain the proposed conservation easement are in the middle of the looped road. Mr. Tiede replied that access can be added if needed. This area will included a landscape buffer as well for the residents.

- Chairman Hetzke asked how it would be proposed for the conservation easement area to be enforced so that homebuyers are aware that they cannot go beyond the limits of the easement area for such things as sheds and fences. Mr. Tiede replied that wood placards sign postings can be installed to indicate the protected lands beyond that point. Placing boulders at corners is another method that can be used.

- Chairman Hetzke asked how far off the norther and eastern property line does the conservation easement areas extend into the lots. Mr. Tiede replied that the boundary lines were set off the existing natural vegetation and to keep similar lot depths. The lot line were extended for this through the 278 cluster provision. The conservation easement can overlay the property lines.

- Chairman Hetzke asked if the same logic was used for the “island” of land in the middle of the looped roadway. Mr. Tiede replied that yes, the same practice was used for that area.
Chairman Hetzke asked if the applicant had reviewed the PRC comments about the north entrance and the angle of the roadway entering the subdivision. Mr. Tiede replied that yes, they have reviewed the comment with PRC at a follow up meeting and they may need to adjust the path of the roadway and shift it south to have a minimal impact on the lot configurations.

Chairman Hetzke asked how far is the entrance to Terrace Hill Drive from the northern entrance of the subdivision. Mr. Tiede replied that there would be approximately 165 feet between the two entrances, centerline to centerline.

Board member Denoncourt asked if the homeowners will get to choose the style of home that gets built on the lots or if the homes will be prebuilt before they are sold. Mr. Tiede replied that Ryan Homes would be the primary builder and the homes would be built to the specifications of the homeowners from the selection of home styles that will be offered from the builder.

Board member Denoncourt asked, with regards to the phased development, if the first 15 lots in phase 1 would have to be sold and/or built before the next phase is started. Mr. Tiede replied that no, they would not necessarily have to wait for the previous phase to be built out. Typically once 10 of the 15 are sold the builder will continue to the next phase.

Board member McCord asked what the appearance of the homes would be with regards to the size and location of the garage. Mike D’Amico, of Combat Construction, replied that he not sure of the specific style of homes that will be offered to homebuyers, but it could be similar to Camden Park, which has cottage front styled homes. More information can be provided.

Board member Tydings asked for confirmations if the landscaping buffer along Atlantic Avenue would be on the berm area. Mr. Tiede replied that the berm is the results of the stormwater management facilities. The grading for will create a consistent berm along Atlantic Avenue. Plantings will be installed to mask the stormwater pond.

Board member Tydings made reference to the landscaping that has been installed across the street, at the Terrace Hill Subdivision, where the developer had issues keeping the plantings on the berm in good health, and recommended that the applicant keep that in mind when designing the landscaping for the berm.

Board member Tydings asked if there was any plan to install white [vinyl] fencing on the berm. Mr. Tiede replied that no such fencing is proposed.

Chairman Hetzke asked for confirmation the berm will located at the southeast corner near the pond and will continue to the east. Mr. Tiede replied that he was correct and the proposed sidewalk will along Atlantic Avenue will be located on top of the berm. He added that a PRC comment was made with regards to the location of the sidewalk and possibly modifying that detail. Chairman Hetzke suggested that the sidewalk could be relocate off the berm to the outside of it. Mr. Tiede agreed that the sidewalk could be relocated there.

Board member McCord asked if there will be a project or monument sign as an entrance feature to the subdivision. Mr. Tiede replied that two signs, one at each entrance, were included on the plans and the on the detail sheet.
Public Comments:

- Kare & John Zacharek, 2881 Atlantic Avenue, were opposed to the project and stated their concerns for increases to traffic, increases of accidents, the loss of farmland, and impacts to the wildlife. Mrs. Zacharek added that amount of cars from the development and the existing school traffic, the major roadway intersection gets very backed up, and it makes it very difficult for them to get out of their driveway. Mrs. Zacharek would like to see the land remain as greenspace. Lastly, she stated for the Board that the most recent traffic accident that occurred at their property was a car that hit their house. Mr. Zacharek stated that there have 17 accidents at their property in the 17 years they have lived there.

- James Edell, 26 Terrace Hill Drive, was opposed to the project and stated his concerns for the realignment of the northern entrance to the subdivision that would bring it closer to Terrace Hill Drive. He stated that traffic study was done the week before Easter of this year, when people are on vacation and traffic conditions lessen. He suggested that this would make the traffic study invalid. He requested that a traffic study be done during peak times. Mr. Edell is pleased with the berm and the landscaping that was installed by Larry Fallone (developer of the Terrace Hill Subdivision) as it blocks the sight and sounds of traffic along the roads. He stated that the berm for this project will not be as substantial. Mr. Edell questioned the maintenance plans for the berm and how it would be paid for. He added that the vegetation along the northern property is scrub and not worth saving. He is opposed to the potential for more Ryan Homes constructed houses. Mr. Edell asked the board if they have witnessed the traffic delays from the intersection and Chairman Hetzke replied that he has been through the intersection during the morning traffic.

- Jim Niederst, 22 Terrace Hill Drive, was not opposed to the project but stated his concerns for size of the proposed development and would like the density and the number of lots to be reduced. He asked of the board if a density study was done for this site. Chairman Hetzke replied and explained the procedure for a 278 clustered subdivision. He added that the board is in the process of reviewing the conventional plan to determine if the project meets the requirements of the zoning district for layout of the lots. Mr. Niederst stated that less lots could help balance the density.

- Susan Sears, 31 Lone Oak Circle, ask for any information about the property boundary that separates her property and the northern limits of the project site, as she was under the impression that she owned portions of the greenspace show on the plans. Chairman Hetzke and Mr. Nersinger explained the details of the instrumental survey as a project requirement and the details of the conservation easement that would preserve the trees between her property and the new lots. Mr. Nersinger invited Ms. Sears to the Planning Department at her convenience to discuss the matter further. Mr. Sears asked if would be possible for her to purchase the future lot behind her property. Mr. Nersinger replied that she would have to speak with the developer about purchasing property as that is a private transaction matter that does not involve the board. Ms. Sears expressed she is opposed to the development due to concerns for traffic on Atlantic Avenue from recent experiences of traffic congestion, and impacts to wildlife.

- Robert Detrie, 2898 Atlantic Avenue, spoke with regards to the traffic study that was submitted as he had read through the document. He stated that there was no PM traffic queueing for Atlantic Avenue eastbound. He had concerns about additional traffic
congesting on Five Mile Line Road. He stated the study had no expected queue length calculation for the proposed development. He stated the study identified the shoulder of Five Mile Line Road as a 100 foot access lane, which he disagreed with. He requested that the town hire an external consultant to perform a traffic study for the area. Mr. Detrie was opposed to the requested setbacks between the houses. He added that he has concerns about the proposed finish height of the homes that would back to his property. Mr. Detrie had concerns about stormwater drainage that may impact his property. Chairman Hetzke replied that the stormwater drainage will be addressed and that certain aspects of the designs full under the standards set by the NYS DEC. Mr. Valentine explained the current stormwater regulations set by the DEC that emphasizes green infrastructure practices and how that relates to the site plan design and the Town’s Code.

- Donovan Shilling, 1765 Five Mile Line Road, a resident of the town since 1962, spoke about his concerns for the duration of traffic congestion on Atlantic Avenue and of the potential traffic entering Five Mile Line Road from the southern access point to the proposed subdivision. Mr. Shilling had concerns for the density and number of homes that are proposed. He also had concerns about the finished height of the new homes due to the presence of bedrock. Mr. Shilling was not in favor of the proposed appearance of the homes with the cottage style that was previously described by the applicant. He added that snow removal on driveways could be difficult due to density. Mr. Shilling requested the board to consider a lower number of lots for the project.

- Jim Bauman, 1340 Five Mile Line Road, first gave thanks to the community and residents for their support and continued business. Mr. Bauman stated that he has farmed the property for the past 14 years under a lease from Dolomite and the Odenbach family, and from Mike D’Amico most recently. Mr. Bauman went on to explain that this is very expensive property to own and that no farmer could afford to buy the property and farm it to make enough money on it, therefore, due to the value, the land is slated for development and someone is going to build on it. Mr. Bauman recalled a Planning Board application from about 20 years that proposed condos, about 160 units, but after the application was closed the Dolomite purchased the property. With regards to the project, Mr. Bauman had no issues with Ryan Homes being constructed as he expects these to be priced in the more expensive market.

- Candice Leonard, 54 Lone Oak Circle, spoke of her concerns for traffic congestion due to the intersection lacking left turn lanes and the loss of greenspace. She also stated that she was opposed to the development at the scale it is being proposed, and that she was concerned about the wildlife.

- Wendy Webster, 54 Lone Oak Circle, spoke of her concerns for traffic congestion, loss of farmland, impacts to wildlife, and the scale of the project. She expressed her concerns for the future enforcement of a conservation easement as she has witnessed her own neighbors disturb portions of property that were also once protected by an easement. Ms. Webster stated that she was opposed to any development but if this project received more consideration then it should be considerably smaller.

- Peter Post, 21 Pennicott Circle, had concerns for traffic congestion on Atlantic Avenue and he added that the State [DOT] should address the conditions of the intersection at Five Mile Line Road before anything new gets built.
Chairman Hetzke explained for the audience members the next steps for board as it reviews the comments that have been generated up to and including the public hearing discussions. The board will evaluate the comments that have been presented and pass them on to the applicant to address.

Public Comments (Continued):
- Eileen Detrie, 2898 Atlantic Avenue, asked the board when applications are submitted for review, does anyone visit the site the check the land and observe the property. Board member McCord responded that he has visited the site as recent as the summer time. Ms. Detrie stated that there is wildlife, such as deer, are consistently there during that time.
- Mrs. Gauronski, 20 Terrace Hill Drive, spoke of her concerns for traffic congestion and asked for the board to consider if there has been any planning for the land that will be needed to widen the roads to create left turn lanes, and does the proposed development hinder future opportunities for improving the intersection.
- James Edell, 26 Terrace Hill Drive, addressed the board and apologized for his comment previously made when speaking to the board. He also asked if the traffic study only accounted for accidents at the intersection of Atlantic Avenue and Five Mile Line Road.
- Wendy Webster, 54 Lone Oak Circle, asked how residents could be informed of the progress on the project. Mr. Nersinger explained the processes in which residents can stay informed about the project.
- Maryann Mitchell, 67 Finch Wood Lane, asked if a petition could be submit from the public in opposition to the proposed project. Chairman Hetzke explained that petitions are often used by the town or by the public in difference circumstances, but one could be submitted for this project. The degree to which it will impact the review process is uncertain. Mrs. Mitchell added that she hopes that the town can avoid creating issues that will add more stress to infrastructure or impact the wildlife.

Board Comments (Continued):
- Board member McCord asked the applicant and their engineers to stake out property line to the north and the proposed conservation easement area to allow residents to see boundaries. Mr. Tiede replied that boundary survey map was submitted to the town but they can place stakes on the property for that request.

The board discussed the application following the public hearing.

The applicant will be required to review and submit the following items:
- Submission of written responses and revised site plans per the comments of reviewing agencies, including but not limited to the following items:
  - Monroe County DRC Comments dated September 3, 2015
  - Penfield PRC Memo dated September 4, 2015
  - This tabling resolution
- The board has concerns about the proposed layout with two points of access onto Five Mile Line Road. The board will discuss the matter further at its next work session
meeting. Staff will provide updates to the board following a separate meeting that will take place on September 16, 2015 at Monroe County DOT office regarding this matter.

- The board recommends the dedication of lands to the town for the proposed stormwater management infrastructure and any other amenities that will require future maintenance.
- The board is supportive of dedicating a 20 foot strip of land parallel to Atlantic Avenue for future road improvements by NYS DOT. The plans should be updated to show lands to be dedicated to the town rather than a highway reservation area.
- Submission of a survey map of the property shall be provided.
- The board requests that the applicant place wooden stakes along the northern property line and along the limits of the proposed conservation easement area. This will help the neighbors on Lone Oak identify the limits of their property that backs to this project site. The applicant shall notify the town when the stakes have been installed on the site.
- The board is supportive of enhancing the landscaping on the proposed berm along Atlantic Avenue with plantings similar to that featured at the Terrace Hill subdivision located to the east of this site across Five Mile Line Road. The board reserves the right to submit the plans to the Town’s Landscape Consultant for review and recommendations.
- The board will continue to work with staff to review the conventional plan that was submitted for this application dated August 19, 2015.
- The board will continue to work with staff to review the traffic study that was submitted for this application dated July 31, 2015.
- The board is supportive of internal sidewalk layout. However, the applicant will have to apply for a sidewalk waiver from the Town Board for relief from the Town’s requirement for sidewalks to be installed on both side of the roadway within the subdivision.

The board voted and the application was TABLED:

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

Motion was carried.

III. TABLED APPLICATIONS:

1. 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.
• Mr. Nersinger informed that board that no updates have been provided from the applicant in response to the Board's August 13th tabling resolution.

The board voted and the application was CONTINUED TABLED.

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

Motion was carried.

IV. MISCELLANEOUS:

1. Regarding the previously approved application of 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 informed the board that the DiMarco Group has since reviewed the previously approved lighting and photometric plan that was approved on June 12, 2014 in the location of Brandt Point Drive. Following the review of the plans and discussions with the town, they have requested to reposition the light poles outside of the right of way area, and to add additional light poles and fixtures to improve the lighting for traffic on Brandt Point Drive that will be entering the plaza from Empire Boulevard as it will be used as a commercial vehicle entrance.

• By relocating the poles outside of the right of way area, they will be included with the boundaries of the property maintenance agreement.

• The light poles will be the same height and will feature the same be the dark sky compliant LED fixtures that were previously approved. The poles will also have two fixtures as opposed to the one that was originally shown. This will allow for better illumination of Brandt Point Drive.

• The board was supportive of the proposed modifications.

The board APPROVED modifications to the previously approved lighting plan.

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

Motion was carried.
Penfield Planning Board  
September 10, 2015

There being no further business to come before the Board, this meeting was adjourned at 11:05 PM, Thursday, September 10, 2015.

These minutes were adopted by the Planning Board on January 14, 2016.