PLANNING BOARD
MEETING MINUTES

November 12, 2015
The Planning Board held a public hearing meeting at 7:00 PM local time Thursday, November 12, 2015 in the Town Hall Auditorium. The board met in work session at 6:50PM 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
              Doug McCord
              Terry Tydings

ABSENT:       Roseann Denoncourt
              Bob Kanauer

ALSO PRESENT: Mark Valentine, Town Engineer
               Zach Nersinger, Town Planner
               Douglas Sangster, Planning/Environmental Technician
               Pete Weishaar, Planning Board Attorney

II.  APPROVAL OF MINUTES:

The board APPROVED the meeting minutes for September 24, 2015.

Vote: Moved by: Bastian Seconded by: Tydings

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

Motion was carried.

The board APPROVED the meeting minutes for October 22, 2015.

Vote: Moved by: Tydings Seconded by: Bastian

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. Schultz Associates, PC P.O. Box 89, Spencerport, NY 14459/ Joseph DiPrima and DiPrima Family Partners LP requests an informal discussion before the board with plans for a ten (10) lot single family residential subdivision to construct nine (9) new homes on a private drive with associated site improvements on a total of 48.59 +/- acres located at 2735 and 2745 Penfield Road, Town of Penfield, NY 14450, to be known as Hillsboro Heights. The
properties are now or formerly owned by DiPrima Family Partners LP and Joseph DiPrima and are zoned RA-2. Appl# 15P-0024 SBL#’s 141.01-1-18.21 and 141.01-1-18.22.

Chris Schultz spoke on behalf of the project and presented to the board.

- Currently the existing home (at 2735 Penfield Road) has access to Penfield Road from a long private drive.
- Nine (9) new lots are proposed on the adjacent property at 2745 Penfield Road. Access would be provided from the existing private drive. Portions of the drive would be rebuilt to the Town’s standard for a private drive.
- New homes would be served by public water.
- Initial perc tests were performed with the Monroe County Department of Health for the proposed septic systems that would service each home. The test results showed new issues with the soils.
- A topographic and boundary survey was completed for the sketch plans that were submitted.
- The applicant is currently working with the Monroe County Water Authority regarding access to water service. Preliminary discussions have proposed providing an easement over the new service that would be located in the
- The applicant is in receipt of the PRC memo from the town and response with revised plans have been submitted. The applicant will comply with all comments from the memo. With regards to the water service, the applicant summarized for the Board the initial conversations that have taken place with the Water Authority. Due to the length of the road, the Water Authority will allow them to install a water main in parallel to the proposed private drive under a single easement 60 feet in width, similar to that of a right of way area for dedicated roads.

Board Comments:

- Chairman Hetzke asked if there will be a home owner association. Mr. Schultz replied that yes, a home owners association would be created for this development. The size of the proposed development with a private drive will require relief from the Town’s Design Criteria by the Town Board.
- Chairman Hetzke asked if the septic has been reviewed. Mr. Schultz replied that perc and soils testing have been done and the site plans have designed based on the results. The data is within the acceptable limits for the Monroe County Health Department’s standards.
- Chairman Hetzke asked what is happening with the ponds that current exist on the owner’s property. Mr. Schultz replied that there are two ponds on the property. One is located northwest of the house and which is a pre-existing pond. The other pond is located behind the house and was recently under construction. When the property was surveyed the Schultz discovered that parts of both ponds had been constructed on the neighboring property to the west. northwest pond. The owner, Mr. Joseph DiPrima, was made aware of the issue. It has been explained to Mr. DiPrima that he has the options to make a purchase offer for the lands that were disturbed, get an easement over the lands, or fill in the disturbed areas of the neighbors’ property.
- Chairman Hetzke asked if the site plan would be phased. Mr. Schultz replied that it would be one phase, and all site work would be done at once.
• Board member McCord was unclear about the ownership of the ponds and why they may have to be controlled by one party and any reason why they cannot be split by a property line. Mr. Schultz replied that both ponds were constructed privately by Mr. DiPrima as aesthetic features and not for storm water detention facilities. Portions of the ponds were mistakenly constructed on the neighbors’ property.

• Board member McCord asked how the existing driveway connects to the proposed private drive and what, if any modifications would be have to be done to the existing driveway. Mr. Schultz replied that the private drive would branch off of the existing driveway. The existing driveway would have to be improved to meet the design standards. There is a wooded area located just beyond the location at which the existing driveway would split and the new private drive would begin.

• Board member Tydings asked if the new lots would be sold to private builders. Mr. Schultz replied that yes, the lots would be sold individually to builders for the construction of custom single family homes.

• Board member Tydings asked if any variances would be required. Mr. Schultz replied that they would need relief for the number of lots on a private drive and the length of the proposed private drive. These actions would require Town Board approvals.

• Board member McCord asked about Lot 1 being 8.5 +/- acres and it includes a large portion of land that connects up to 441 (Penfield Road). Will that be subdivided any further? Mr. Schultz replied that no it would not be subdivided any further. There are access and drainage easements to the Town over that property to inspect and maintain a drainage ditch. Lot 1 will feature the proposed stormwater management facility.

• Chairman Hetzke asked if there were any issues with sight distance along Penfield Road with regards to the existing trees. Mr. Schultz replied that there are no sight distance issues. The project currently proposes a gated entrance to the private drive. Before the gated entrance, however, they will attempt to design an entrance that is wide enough for traffic in and out of the subdivision as well as the postal and delivery services. This way those service vehicles could safely pull off of Penfield Road to drop off mail and packages to a decorative mailbox structure.

Public Comments:

• Henry and Sarah Couch, 2701 Penfield Road, spoke to the board with regards to the existing conditions of the property. Their property is located directly adjacent to the west side of Mr. DiPrima’s property. With regards to the construction of the ponds, they stated that they were never notified about the ponds and only recently learned that portions of the ponds were located on their property. They had concerns about the wetlands located at the southeast corner of their property and some possible disturbance to the area. Mrs. Couch claimed that trails had been cut through the trees after past instance of trespassing, but could not identify those responsible for the acts. She also claimed that that water was deliberately pumped out of their pond to the Mr. DiPrima’s property to fill his ponds. Mrs. Couch acknowledged that Mr. DiPrima has assisted them in remediating their lands by removing dead trees and an illegal tree stand. The Couch’s have concerns with the amount
of homes proposed to be built and do not feel that there is enough acreage for nine new homes. Mrs. Couch believes that the zoning is restricted to five (5) acres.

- Mr. Nersinger replied to Mrs. Couch’s comment about the current zoning. He informed her that the current zoning requires a minimum of two (2) acre lot sizes for residential properties. The zoning was changed in 1981 from five (5) acres to two (2) acres.

- Mr. McCord addressed Mr. Schultz about the roads/trails that were present on the neighbor’s property? Mr. Schultz replied that they were not aware of anything like that and will be reviewing it.

Following the public hearing the board discussed the application in a work session and offered the following comments and concerns for the sketch plan review.

- The Board reviewed your submitted materials for the proposed site plan and was supportive of the ten (10) lot subdivision and private drive that was shown. However, there are existing conditions on site that must be addressed by the owner before any future application to the Town can be accepted.

- These items must be addressed by the owner regarding the existing conditions of the site before a future application for preliminary and final site plan approval is submitted as follows:
  
  - Two (2) aesthetic ponds have been excavated on the property having an address of 2735 Penfield Road without permission nor permit approval from the Town. The owner must apply for the necessary permits available through the Engineering Department.
  - In addition, the limits of both of these ponds have invaded the lands of the adjacent property owners at 2701 Penfield Road. There are now three options to resolve this infraction:
    i. Owner may fill in the areas of the ponds that are located on the neighbor’s property. This action will be subject to the review of the Town Engineer.
    ii. Owner may propose a purchase offer to the neighbors for the portions of land that the ponds are located on and then have the land resubdivided into the owner’s property.
    iii. Owner and neighbors could agree to a private easement to allow access to the pond areas that have been located on the neighbor’s property. Any agreement or correspondence between the owner and the neighbor regarding this item should be provided to town staff. Any proposed disturbance to the land must be reviewed by the Town Engineer.

- The Board requests information be provided within a future application for preliminary and final site plan approval is submitted as follows:
  - Applicant must confirm with the Monroe County Water Authority (MCWA) if the water utilities can be installed in the right of way with an easement to the agency for future maintenance. Any correspondence and subsequent decisions from the MCWA shall be provided to the Town Engineer.
  - Access for emergency vehicles should be shown on the site plans.
  - Demonstrate that the entrance drive has sufficient site distance along Penfield Road.
- Provide the Town with any correspondence with the NYS DOT regarding the proposed modifications to the existing curb cut on Penfield Road.
- The proposed development triggers a NYS SEQR Type 1 Action from the presence of a listed historic home at the adjacent property having an address of 2701 Penfield Road. A completed Part 1 SEQR Long Form will be required with a future application for preliminary and final approvals.
- The applicant will have to appear before the Town Board to request relief from the Town’s Design Criteria for the length of the private drive and number units on a private drive.
- A Special Improvement District will need to be formed to cover the maintenance cost of stormwater management facility.

The board directed staff to issue a sketch plan review letter with the concerns noted.

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

Motion was carried.

2. Costich Engineering, D.P.C., 217 Lake Avenue, Rochester, NY 14608/ Hanlon Architects request under Articles VIII-8-2 and IX-9-2 of the code for Preliminary and Final site plan and subdivision approval 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, Town of 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-0025 SBL#’s 139.08-1-69 and 139.08-1-70.

Mark Costich spoke on behalf of the project at 2128 & 2132 Penfield Rd for an Urgent Care. Also present to speak on behalf of the proposed development are Alex Amering, Costich Engineering, and Nate Rozzi, Hanlon Architects.

- The development proposes for the two existing homes on the site to be demolished for the construction of a new urgent care facility.
- The plan originally submitted at sketch plan to have the building located at the rear of the property with parking in the front. Per the comments of the board following the sketch plan review meeting, the plans were revised to located the building at the front of the property with parking available on the west and north sides. The revised site layout will require setback variances from the Zoning Board of Appeals.
- The front setback is required by Code to be 80 feet. The proposed front setback is shown at 30 +/- feet from the right of way of Penfield Road.
- The site is located in the Irondequoit Creek watershed.
- The project features green infrastructure practices for stormwater management facilities.
- Permits will be applied for through the NYS DOT for tree clearing within the right of way, curb cut removal, and sidewalk installation.
- A new sidewalk will be installed along the frontage of Harris Whalen Park Road.
• Extra handicap spaces have been provided.
• All the necessary utilities for the new building are present on site and will be relocated as necessary.
• Grading is shown with positive drainage away from the building.
• A dumpster pad with a gated enclosure are shown on the site plan.
• The facility will be handicapped accessible, as well as all the appropriate utilities.
• The landscaping has been enhanced from that which was proposed on the sketch plan drawings with a combination of trees, shrubs, grass, and perennials to provide appropriate landscape requirements.
• The site lighting will be use 20 foot poles with a 2 foot mounting, totaling 22 feet in height, with a single fixture using LED lighting complete with full cut off and dark sky compliant illumination.
• The applicant receive the PRC comments from town staff. Responses and revised plans have been submitted for the Board’s review. One item of concern was the recommendation of a fence along the eastern property line. The applicant would rather offer enhanced landscaping to provide a natural buffer for the neighboring property.
• Alex Amering presented the proposed signage and architectural aspects. Mr. Amering reviewed the signage variance that would be required for the proposed building mounted signage. Previous plans called for signage on the south side of the structure, but since the building footprint was relocated to the front of the property, the building is now proposed with two sets of signage to give the appearance of two facades: one facing Penfield Road, and the second facing Harris Whalen Park Road to the west and directed towards traffic traveling eastbound on Penfield Road (441). The entrance to the building will be located on the west side as well.

Board Comments:
• Chairman Hetzke asked if the building mounted signs would have lit channel letters and if a monument sign up front. Mr. Amering replied that the building would feature channel lit letters. If the variances are granted for the requested signage for both sides of the building, then U of R has indicated that they would not need a ground mounted sign.
• Chairman Hetzke asked if a monument sign is proposed for the front of the property. Mr. Amering replied that it is a not a requirement for this property with the proposed signage. But if the variance for additional signage was not approved, the U of R has discussed that being a possibility for this site.
• Board member McCord asked for confirmation the requested variance to the ZBA include all signage shown on the building rendering. Mr. Amering replied that the building architecture would include a false façade for the south building elevation that faces Penfield Road, that closely matches that of the west building evaluation elevation and would include full signage.
• Chairman Hetzke confirmed that the main entrance would be located on the west side of the building. Mr. Amering replied that he was correct and the main entrance would be on the west side of the building nearest to the handicapped parking.
• Chairman Hetzke asked for Nate Rozzi, Hamlin Architects to speak about the architecture of the proposed building. Mr. Rozzi clarified for the board that rendering as displayed was not specific to this project site with respect to the orientation of the building as it would be viewed from Penfield Road. The rendering is mirrored horizontally and the
signage has been updated to show the signage for the U of R. The sign package that was submitted does include the details for Urgent Care and the U of R signage. The rendering is equivalent in size to the proposed building for the property under review. The variances requested are for a greater number of signs than that which is allowed by the Town Code, since the building was shifted in its orientation to the front of property. The total square footage of the proposed signage is within the limits of the Code. The building is proposed as a one story building at approximately 4,200 square feet with a masonry flat front, curved elements, a curved canopy, and two cultured stone entry towers. The element that was the primary entrance in the original application was mimicked on the south and west sides of the building.

- Board member Bastian asked if there would be any signage off of Harris Whalen Park Road for the entrance way or would the proposed building signage be sufficient. Mr. Rozzi replied that the signage on the building was intended to be sufficient, but the code does allow for wayfinding signs and they would like to reserve that for future use if necessary.

- Chairman Hetzke asked if someone were to approach from the rear access drive on the East would signage be needed. Mr. Rozzi replied that signage may be requested at a later date once the rear access drive is complete and open for traffic. Mr. Amering added the typically you would see a ground mounted cluster signs with allocated spots for each business that can be reached via the rear access drive. This could be addressed once development is complete to the east and is allowed by the code.

- Board member McCord asked the applicants to show for the board the plan drawing with the proposed building architecture. Mr. Rozzi provided the building elevation plan with a four sided view drawing of the proposed building with signage included.

- Board member McCord asked for clarification of the building materials, noting that it would appear that the plans include some simulated stone. Mr. Rozzi replied there is cultured stone for the entrance tower feature, an Arriscraft veneer simulated limestone and silica based product on the south and west sides of the building, a hardie board type product on the horizontal siding.

- Chairman Hetzke asked if samples of the building materials were available for the board to see. Mr. Rozzi replied that those materials could be provided for the board.

- Board member Tydings asked for confirmation that variances being requested were for signage and setbacks. Mr. Rozzi replied that, yes, those are the variances that have been applied for.

- Chairman Hetzke asked if the site had enough parking. Mr. Rozzi replied that, yes, the site has adequate parking.

- Chairman Hetzke reviewed the path visitors would take to drive in and out of the site, beginning from Harris Whalen Park Road, off of Penfield Road at the existing traffic light, and enter from the access road to be constructed.

- Board member Tydings asked if there any other concerns with PRC comments that were issued, or the landscaping memo from Bruce Zaretsky, Landscape Consultant, both which had suggested fencing along the eastern property line. Mr. Costich replied that Bruce’s letter required minor substitutions and snow storage issues and they had no concerns with making the necessary changes. The only outstanding issue minimizing the impact to the adjacent neighbor. Traffic has been moved as far away from their property as possible since the previous application featured a roadway on the eastside of the site, which has
since been removed as a result of the sketch plan meeting with the board. He added that they are not in favor of adding small portions of fencing to be used as a buffer for the neighbor.

Following the public hearing the board discussed the application in a work session.

- The board has received written responses and updated site plans dated November 10, 2015 that were provided in response to the PRC Memo issued on October 29, 2015.
- The decision of the Zoning Board of Appeals (ZBA) for the requested variances to allow less front setback of the office building, more than one (1) building mounted sign, and larger building mounted signage as shown on the proposed site plan and sign package. The board voted and agreed to issue a letter of support to the ZBA for the variances.
- Light poles and fixtures used for the parking area should match or be similar in design to those approved for the Eyesite project located at 2142 Penfield Road.
- Provide details on the lighting plan and cut sheets for any building mounted lighting. The contours shown on the current plan do not account for any building mounted light fixtures if proposed.
- A portion of the sidewalk located in the grass island between the access drive and the parking should be removed to decrease the lot coverage. Pedestrian travel to the east is not desired in this location as it is available at the sidewalks along Penfield Road. The remaining portion in this area should be designed to allow for safe and continuous pedestrian travel along the striped crosswalks leading to the main entrance from Harris Whalen Park Road.
- Review the location of crosswalk striping in the parking area. On the site plan it appears the striping is not in line with the ADA ramps.
- In lieu of a six (6) foot fence along the eastern property line, the board recommends providing a more enhanced buffer to the neighbor with landscaping with an appropriate amount of Green Giant Arborvitae plant species.
- An alternate species of a shade tree should be added to the landscape plan in addition to the proposed Frontier Elm tree. Two of the four shown on the plan should be replaced with another large shade tree to add variety to the site’s landscaping.
- The board is in favor of the proposed exterior design of the building as seen on the architectural rendering that was provided. The board requests that the applicant provide building material samples for the next meeting on December 10, 2015. The applicant is reminded that the dumpster enclosure is required to be of similar colors and materials as the building’s exterior.
- The board will continue to review the matter of installing curbing along the site’s frontage on Harris Whalen Park Road.
- Submission of written responses and revised site plans per the items listed in this resolution and any comments from reviewing agencies.

The Board is unable to make a determination of environmental significance until it has completed its review.

The board directed staff to issue a letter of support to the Zoning Board of Appeals.
The board voted and TABLED the application.

IV. TABLED APPLICATIONS:

3. 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.

The Planning Board continued its discussions and review of this application.

- The board has reviewed the revised conventional plan, dated October 15, 2015, and is accepting of the modifications that now show only one access onto Five Mile Line Road, and a private drive that can be access from within the subdivision. These changes show compliance with the comments of the Monroe County Department of Transportation and the Fire Marshal. On November 11, 2015 the applicant provided the requested data to show that Lot 85 on the revised conventional plan is a buildable lot for a single family residential home. The board reviewed the setbacks shown for this lot and is accepting of its layout.

- The applicant notified town staff that on October 9, 2015 the stakes have been installed on the site. The board was informed by staff that the applicant has placed wooden stakes along the northern property line and along the limits of the proposed conservation easement area. Staff visited the site on October 27, 2015 and reviewed photos of the staked area. The board reserves the right to continue its review of the proposed designs when the revised set of engineered site plans are resubmitted.

- The board reviewed the revised sketch layout of the proposed divided entrance way with access to Five Mile Line Road, dated November 10, 2015, and is accepting of the designs
that have modified to accommodate for 150 feet of separation between the this point and Terrace Hill Drive to the south, per the comments of the Monroe County Department of Transportation. Emergency vehicle turning templates should be shown on the revised plans. The board reserves the right to continue its review of the proposed designs when the revised set of engineered site plans are resubmitted.

- Submission of written responses and revised site plans per the comments of reviewing agencies, including but not limited to the following items:
  - Monroe County Department of Transportation correspondence
  - Monroe County DRC Comments dated September 3, 2015
  - Penfield PRC Memo dated September 4, 2015
  - Planning Board tabling resolutions

The Board is unable to make a determination of environmental significance until it has completed its review.

The board voted and CONTINUED TABLED the application.

Vote: Moved by: McCord Seconded by: Bastian

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

Motion was carried.

MISCELLANEOUS:

1. Regarding the application of Lalit and Surekha Shah, 2041 Penfield Road, Penfield, NY 14526 requests under Article IX-9-2 of the Code for preliminary and final site plan approval to construct a 528 +/- sq. ft. garage addition with associated site improvements on the 2.69 +/- acre property located at 2041 Penfield Road. The property is now or formerly owned by Lalit and Surekha Shah, and is zoned PD. Appl# 15P-0005 SBL#’s 139.08-2-1.111.

- The applicant submitted a request to the Engineering Department for a field change to relocate the approved front sidewalk that allows for pedestrian access to the site from Penfield Road. The proposed location would align the sidewalk perpendicular to the existing sidewalk on Penfield Road. It was previously approved to be parallel to the entrance driveway.
- As an FYI for the board staff reviewed the request and there were no concerns with the request. Town staff will follow up with the applicant following the meeting.

There being no further business to come before the Board, this meeting was adjourned at 8:00 PM.
Thursday, November 12, 2015.

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