PLANNING BOARD
MEETING MINUTES

JANUARY 14, 2016
Penfield Planning Board  
January 14, 2016 

The Planning Board held a public meeting at 7:00 PM local time Thursday, January 14, 2016 in the Town Hall Auditorium. The board met in work session at 6:30 PM 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  
Doug McCord  
Terry Tydings  
Roseann Denoncourt  
Bob Kanauer

ABSENT: Allyn Hetzke, Jr

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

II. APPROVAL OF MINUTES:

1. Meeting minutes from September 10, 2015 were APPROVED.

   Vote: Moved by:   Tydings  Seconded by: Denoncourt
   Chairperson: Hetzke - Absent  Bastian - Aye  Denoncourt - Aye  Kanauer - Aye
   McCord - Aye  Tydings - Aye
   Motion was carried.

2. Meeting minutes from November 12, 2015 were APPROVED.

   Vote: Moved by:   Tydings  Seconded by: Denoncourt
   Chairperson: Hetzke - Absent  Bastian - Aye  Denoncourt - Aye  Kanauer - Aye
   McCord - Aye  Tydings - Aye
   Motion was carried.

3. Meeting minutes from December 10, 2015 were APPROVED.

   Vote: Moved by:   McCord  Seconded by: Tydings
   Chairperson: Hetzke - Absent  Bastian - Aye  Denoncourt - Aye  Kanauer - Aye
   McCord - Aye  Tydings - Aye
   Motion was carried.
III. PUBLIC HEARING:

1. J. Lincoln Swedrock P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Oak & Apple LLC, requested an informal discussion before the board with plans for a 2,546 +/- square foot farm cider mill with associated site improvements on a total of 26.97 +/- acres located at 1381 Sweets Corners Road, Town of Penfield, NY 14526, to be known as Oak and Apple Ciderhouse. The property is now or formerly owned by Oak and Apple, LLC and zoned RA-2. Application #16P-0001, SBL # 125.01-1-10.4

J. Lincoln Swedrock P.E. of BME Associates presented the proposed project to the board. Also present was Christian Krapf of Oak & Apple LLC.

- Mr. Swedrock explained the proposed cider mill will press apples into juice and use juice to make hard cider and the cider will be marketed and sold in six-hundred (600) square foot tasting area.
- The proposed parking which will allow for thirteen (13) vehicles with a possible expansion for thirty-four (34) parking spots with land banked parking.
- Proposed is a tie-in to connect to an existing sanitary sewer behind property at 1869 Dublin Road.
- The plans include planting five-hundred thirty (530) dwarf apple trees, an irrigation pond, barn, and deer fencing to protect the crop. Additional apple trees may be planted in the future depending on the growth of the business.
- Mr. Swedrock felt the proposal met the intent of the conservation easement placed on the property by the Town that limited development to a ten-thousand (10,000) square foot winery and their proposal was only at two-thousand five hundred forty-six (2,546) square feet, which is only thirty (30) percent of what is allowed. The parking was also under the threshold of fifty-four (54). The proposed site setbacks for all structures are greater than the required setbacks of one-hundred fifty (150) feet from all property lines.
- Mr. Swedrock explained that production of the cider from fruit grown on the property is compliant with farm operation under NYS Agriculture and Markets Section 301 (11), which states a ‘farm operation’ includes production, preparation, processing, marketing, and sales of products grown on the farm. ‘Cidery’ and ‘winery’ are defined as the same use under the Ag and Markets law. At least fifty-one (51) percent of the crops need to be produced/grown on that property. There is a five (5) year moratorium period to get the trees established and be able to meet the requirements of the Ag and Market laws. Mr. Swedrock stated the owner felt he could produce approximately four-thousand (4000) gallons of cider per year in five years’ time with mature trees.
- Mr. Swedrock stated he did provide responses to all PRC comments and has made preparations to be able to address all the comments.

Board Comments

- Board member Bastian asked how many employees will be working at the cidery. Mr. Krapf replied that he and his fiancé would be working on the property and is uncertain if employees would be hired in the future as this depends on the growth of the business.
Board member Bastian asked if the building would be expanded in the future. Mr. Krapf answered he has no plans to expand the building as he desires to keep the business small enough for him to handle on his own. He outlined the yield of the proposed trees over the next five years to explain that the crop is limited.

Board member Bastian inquired about the proposed hours of operation for the tasting room. Mr. Krapf responded he the hours for the tasting room would be approximately 12:00 P.M. to 8:00 P.M. and perhaps 12:00 P.M. to 9:00 P.M. on the weekends.

Board member Kanauer asked what type of waste would be generated and how the applicant planned to dispose of this waste. Mr. Krapf answered the waste would be dry mash that would be stored in half-ton crates and given to farms for feed or disposed off-site.

Board member Kanauer asked what type of odors would be generated and the plan for venting these odors. Mr. Krapf responded he is unaware of any odors generated by the proposed by this type of distilling and does not foresee a need for a special ventilation system.

Board member Denoncourt asked if food would be prepared and/or served in the tasting room. Mr. Krapf responded that he desires to possibly serve tapas and possibly grill outdoors on occasion.

Board member Denoncourt asked about the means of access to the main structure. Mr. Swedrock explained the proposed access drive from Dublin Road would be tree lined and the farm access drive would be used for agricultural equipment. Mr. Krapf added that he was willing to move the farm access to a different location. Mr. Krapf also explained the rear portion of the property is being leased to Wickham Farms.

Public Comments

Jeffrey Cady, 1728 Dublin Road, spoke in opposition to the proposed project and was concerned about the use of the second floor of the proposed cidery as it shows a bath and kitchen as well as possible living space, and he believed that the square footage of this area is not represented in the application.
- Mr. Cady expressed concerns over the limited potential yield of the apple crop and the possibility of having additional apples delivered to the site that may increase traffic to Dublin Road.
- Mr. Cady inquired as to the objectives of the owner for the proposed business and expresses concerns over the success of the proposed business.
- Mr. Cady requested the town include him in neighborhood notification mailings regarding this project.

Kevin Gallagher, 1973 Dublin Road, spoke in opposition to the proposed project and stated that he distributed flyers to neighboring properties concerning this meeting.
- Mr. Gallagher expressed concerns regarding the Town’s processing of project applications and residents’ opportunities to be present and/or involved in the proceedings.
- Mr. Gallagher supported growing of crops on this property and the occasional temporary gathering event, but he believed the best use of this property is strictly agricultural.
- Mr. Gallagher explained the benefit of preserving the view of the hilltop of this property.
- Mr. Gallagher was a participant in the 2010 Comprehensive Plan and was under the impression that this parcel was protected from any development.

- Board member Bastian explained for the audience the Town’s procedures for a sketch plan application and that this proposal would require further review before a decision was made by the board.

- David Williams, 2017 Dublin Road, concurred with Mr. Gallagher’s statements regarding the application.
  - Mr. Williams expressed concerns regarding neighboring property values if this project is approved.
  - Mr. Williams explained current traffic problems in regards to speed of drivers on Dublin Road, line of sight for drivers at the intersection of Dublin Road and Sweets Corners Road, and concerns for the safety of pedestrians who utilize this road.
  - Mr. Williams described issues with littering along Dublin Road.
  - Mr. Williams questioned whether a liquor license would be required for the operation of the tasting room, and that future development of the business could be a gathering place for consumers.

- Aimee Riniere, 58 Edenfield Road, expressed concerns with the development of this proposed project.
  - Ms. Riniere sat on the Mixed Use Committee and made references to the Open-Space project that was completed in the past.
  - Ms. Riniere expressed concerns for the legitimacy of the application since the property was previously proposed for a vineyard and winery, not an orchard with cider tasting room.
  - Ms. Riniere expressed concerns with possible future events and gatherings that may create traffic problems and impaired drivers as there have already been instances of people gathering on the hilltop and consuming alcohol in the past.

- Arthur Harris, 1869 Dublin Road, spoke about his concerns regarding this application
  - Mr. Harris inquired as to how the applicant would tie in to the existing sewer located near his property.
  - Mr. Harris asked if the applicant would be required to apply for a liquor license.
  - Mr. Harris inquired as to the depth of the proposed pond and if a sidewalk would be installed at the front of the property.
  - Mr. Harris inquired whether the address would be changing to a Dublin Road mailing address.
  - Mr. Harris asked how much lighting is proposed on the property.

- Dillon Dayton, 1692 Dublin Road, informed the board his only request is the proposed location of the farm access road be moved as his bedroom window is approximately twenty-five (25) feet from this location.
• Sue Garrow, 1411 Whalen Road, inquired if the applicants had plans to reside on the property.

• Don Miglioratti, 1410 Sweets Corners Road, has a thirty acre (+/-) property that is approximately four to five hundred (400-500) feet from the applicant’s property and spoke opposition to the application.
  - Mr. Miglioratti inquired if the proposed business would be a venue to host gatherings such as parties and weddings and whether the applicant would obtain a license to serve other alcoholic beverages not produced on site.
  - Mr. Miglioratti expressed concerns for the serving of food as this may lead to visitors delaying and consuming more alcohol.
  - Mr. Miglioratti asked if buses would be bringing visitors to the tasting room and the possible noise pollution associated with these type of activities.
  - Mr. Miglioratti outlined concerns regarding speeding drivers and pedestrians on Dublin Road and Sweets Corners Road and did not desire to see an increase in commercial vehicles in the area.
  - Mr. Miglioratti was concerned with possible flooding that could be caused by the proposed irrigation pond.

• Jessica Beavers, 1949 Dublin Road, spoke in support of the application. Ms. Beavers grew up in the neighborhood enjoying the views and open landscape that existed on the property and hoped the developers were sensitive to the desires of the community.

• Erica Dayton, 1692 Dublin Road, stated that she has met with Mr. Krapf and his fiancé and spoke in support of the application.
  - Ms. Dayton pointed out that her property is directly affected by the proposed project as she lives and home located directly south of the site.
  - Ms. Dayton’s home had been in her husband’s family since 1954, when it was constructed.
  - Ms. Dayton outlined the current state of the project site and that it is often used by the general public as a pedestrian area during the daylight hours. Ms. Dayton explained that at night there have been people sleeping in their cars on the hill and she has found drug paraphernalia in her front yard and was concerned for the safety of her child.
  - Ms. Dayton stated that the property is not a park.

Applicant responses to public comments

• Mr. Swedrock responded to concerns regarding increase in traffic caused by the proposed project and explained the owner and his fiancé planned initially to operate the business without additional employees and only the two of them in private vehicles would be on the property with a limited number of delivery vehicles as they would be transporting most of the goods to and from the property themselves.

• Mr. Swedrock informed the board that one of the submitted maps was not a true representation of the property lines as it was a cropped view of the entire property and the proposed location of the irrigation pond would be set further away from the
neighboring property than it appeared on the map. The pond would be approximately six to eight (6-8) feet deep.

- Mr. Swedrock explained the submitted plan only included building-mounted lighting similar to the exteriors of most residential properties.
- Mr. Swedrock mentioned the applicant was willing to move the farm access road.
- Mr. Swedrock explained the existing sewer stub was located in an easement from the manhole up to Dublin road for this type of future access.

Following the public meeting the board discussed the following:

- The board reviewed the submitted materials for the proposed site plan and was supportive of the proposed cider house. However, the board chose to discuss the items that will be included in the sketch plan response letter and prepare a draft of the letter for its review at the next meeting.
- The board discussed the items below for consideration in the sketch plan response letter as follows:
  - Explain the intentions of the second floor space shown on the building plans for the cider house structure.
  - Indicate for the board if there are any plans for any event planning, live music, or other outdoor activities for public gatherings.
  - Specify the number of staff anticipated to be working at the site.
  - Indicate for the board if there are any plans for future growth and building expansions. It was noted on the plans that land banked parking will be provided for additional parking spaces.
  - Provide details of the proposed deer fence.
  - Provide color samples of the building materials and a 3D rendering of the proposed architecture for the overall site.
  - Indicate for the board if a liquor license will be required and the requirements for the sale of hard cider.
  - Provide a landscape plan for the Board’s review with an application for final approvals.
  - Provide a lighting and photometric plan for the Board’s review with an application for final approvals.
  - Demonstrate that the proposed location of the main entrance drive has sufficient sight distance for traffic along Dublin Road.
  - Relocate the proposed equipment access drive to a location that does not impact the adjacent property owner(s) at 1692 Dublin Road.
  - A sanitary sewer out of district agreement will need to be reviewed by the Town Board. The Town Engineer will work with the applicant to determine the needs for the proposed sanitary sewer system.
- The Board gave direction to the staff to have the proposed use reviewed by Fox Planning Services and Dr. Robert King, NYS Agriculture and Markets, as it relates to the Conservation Easement and Development Rights that were purchased for this property.

The board voted and TABLED the application.
Vote: Moved by: Bastian Seconded by: Kanauer
Chairperson: Hetzke - Absent Bastian - Aye Denoncourt - Aye Kanauer - Aye
McCord - Aye Tydings - Aye

Motion was carried.

2. Mark DiFrancesco, 33 Cristine Circle, Penfield, NY 14526, on behalf of Combat Construction, LLC, requested an informal discussion before the board with plans for a four (4) lot subdivision to construct three (3) new single family residential homes on a total of 1.9 +/- acres located at 1429 Shoecraft Road. The property is now or formerly owned by John and Nancy Williamson and zoned R-1-20. Application #16P-0002, SBL #109.07-1-12.

Mark DiFrancesco on behalf of Combat Construction presented the proposed project to the board.

- Mr. DiFrancesco explained the property is currently in the estate of Nancy Williamson and contained the original farm house built circa 1820 and had a detached garage and coop-type structure.
- The existing residence encroached on the front property line setback and was pre-existing non-conforming in regards to the current Zoning Code.
- Public sewers existed on Shoecraft Road and Garden Hill Lane, public water, gas, and electric were also accessible for the proposed project.
- Approximately seventy-five (75) percent of the property sloped to the Northwest, the remaining twenty-five (25) percent gently sloped out to each of the two frontage streets.
- The existing neighborhood was comprised of predominantly residential uses and some agricultural uses.
- The current Zoning Code requires lot sizes be increased by twenty-five (25) percent over the minimum for corner lots and flag lots and although lots number one (1) and number three (3) were greater than twenty-thousand (20,000) square feet they did fall short of the twenty-five percent increase that was required for these lots.
- Mr. DiFrancesco will submit an application seeking area variances on behalf of the applicant for these lots and is scheduled to be heard by the Zoning Board of Appeals on February 18, 2016.
- The proposed home sizes in the application are approximately two-thousand four-hundred (2,400) square feet with garages. This would be than most ranch-style homes in the neighborhood.
- Mr. DiFrancesco felt this was a conservative representation of lot utilization and was in kind with the surrounding homes.

Board comments

- Board member Kanauer inquired as to the types of area variances the applicant would seek. Mr. DiFrancesco confirmed that only the variances would be for the minimum
size requirements on Lots 1 and 3. The proposed plan was compliant with all other required setbacks for the new lots.

- Mr. Nersinger asked if the applicant considered proposing a subdivision plan with three (3) lots instead of four in order to be compliant with the Zoning Code and asked Mr. DiFrancesco to explain the request for four (4) lots.
- Mr. DiFrancesco explained there were two executrixes to the estate of Nancy Williamson who had a certain expectation to the value of the property. There was consideration to the geometrics of the property in the four-lot subdivision, and he believed that the submitted proposal balanced the square-footage more equally compared that of what a three-lot subdivision would yield.

Public Comments

- Dale Merz, resides at 1399 Shoecraft Road and also owns 1419 Shoecraft Road, addressed the board regarding the application.
  - Mr. Merz desired to have the proposed driveway on the flag lot moved to the South as a water main is located in the proposed location of the driveway.
  - The proposed location of the residence for Lot 3 there are two large boulders that emerge from the ground and Mr. Merz was concerned with possible impacts to the area regarding the removal of these boulders.
  - Mr. Merz was not in support of the application for three additional single family lots and preferred a plan to limit the subdivision to two new lots as he felt the proposed layout would cause further traffic issues in the neighborhood.
  - Mr. Merz expressed concerns regarding water runoff as his property already had issues with drainage and he desired to avoid additional accumulation of water.
  - Mr. Merz inquired as to whether the applicant would be required to connect to storm sewers. Mr. Nersinger replied that the current Town Code required that downspouts be tied in to storm drains but the applicant could apply for a waiver if they wanted to use splash blocks. Mr. Merz stated he hoped the applicant would decide to not use splash blocks as it may create a problem for his property.

- Mary Merz, 1399 Shoecraft Road, has resided in her home since 1953 and has seen many changes to the neighborhood and stated she reluctantly accepted the subdivision as inevitable but would prefer a three (3) lot subdivision, not four (4). Ms. Merz stated the proposal was too congested and did not match the character of the neighborhood.

- Barbara Zenkel, 1435 Shoecraft Road, asked if there were plans to change the current single family residence on the property and if the proposed homes would be ranch-style.

- Erwin Allman, 17 Cristine Cirle, stated he preferred to have the subdivision limited to three (3) lots, not four (4) and requested the board require some green space to limit this subdivision.

Applicant responses
• Mr. DiFrancesco clarified that the area variances needed were in regards to the proposed flag lot and corner lot for minimum square footage area requirements and that the lots in question exceed the minimum requirement of twenty thousand (20,000) square feet for the R-1-20 Zoning District. Mr. DiFrancesco stated the owners have not planned any changes to the existing home and his client would plan to sell it once the subdivision has been completed. Mr. DiFrancesco stated the style of homes for this project has not been fully decided yet but a barrier free home could be featured on Lot 3, and split level homes could be built for the other new homes to match the character of the neighborhood.

Following a discussion at the public meeting and subsequent discussion in a work session, the Penfield Planning Board offered the following comments:

• Before a future application can be submitted the applicant must make submit an application to the Zoning Board of Appeals to request variances for the proposed Lots 1 and 3 as substandard lots. Lot 1 is proposed to remain as a corner lot with the existing single family home and requires a 25% increase to the standard minimum lot size of 20,000 square feet in the R-1-20 District. Lot 3 is proposed as a flag lot and requires a 25% increase to the standard minimum lot size of 20,000 square feet in the R-1-20 District. Both Lots are proposed with a lot size over 20,000 square feet but are less than the 25,000 square feet required by the Code for corner lots and flag lots.

• The board requests the following information be provided within a future application for preliminary and final site plan approval, pending the decision of the Zoning Board of Appeals in its review of the needed variances.
  - Provide deep-hole test data due to the presence of multiple large boulders.
  - Provide perc test data for stormwater drainage.
  - Site plans must comply with the Town’s Sidewalk Policy.
  - Site plans must comply with the Town’s Street Tree Policy.
  - Provide sight distance data on the site plans for Shoecraft Road.
  - Site plans must show details for mitigating increases to stormwater runoff to adjacent properties.
  - The proposed use of splash blocks for downspout discharges requires a waiver to the Town’s Design Criteria from the Town Board.
  - Provide details for storm sewer connections where applicable.
  - Provide correspondence with the MCWA to the Town Engineer regarding the location of the driveway for the proposed Lot 3.
  - Provide details for sanitary sewer connections.
  - Indicate for the plans for the existing single family home.
  - Provide any additional information about the style of homes that would be proposed for Lots 2, 3 and 4.

The board directed staff to send the sketch plan response letter.
IV. TABLED APPLICATIONS:

1. 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.

Staff informed the board that there were no updates to this project.

The board voted and CONTINUED TABLED the application.

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

Motion was carried.

V. MISCELLANEOUS:

1. Bergmann Associates on behalf of Walmart requests a modification to the building elevations and signage for the Baytowne Plaza Super Walmart at 1990 Brandt Point Drive, Webster, NY 14580.

The board reviewed the request to modify the previously approved building elevations for the architecture of the Super Walmart at Baytowne Plaza. The building is currently under construction. The board reviewed the request for the following:

(1) Allow for an EIFS painted “Medium Walmart Blue” wall surface, with a new square roofline and trim molding, in the area of the Walmart logo. This would replace the curved roofline with a Trespa Meteon material with a “Metallics Center” color that was previously approved.

(2) Allow for an EIFS painted “Knockout Orange” surface on the corner of the building and the canopy over the pharmacy drive thru window. This would replace the EIFS painted “Oak Creek” color that was previously approved.
(3) Allow for modified building signage listed below:
   a) Replace the “Market” signage with “Grocery”
   b) Relocate “Pharmacy Drive Thru” to the building surface if the “Knockout Orange”
      color was accepted.

The board was not opposed to the signage requests but will have to defer that review process
the Zoning Board of Appeals as an application for a signage variance.

The board has was not in favor of the request for the proposed color changes detailed in items
(1) and (2) above. The board was in favor of the maintaining the building elevations of the
Super Walmart structure that meet the conditions of the Board’s approval resolution dated
June 12, 2014.

The board voted and DENIED the proposed building elevation changes.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:46 PM,
Thursday, January 14, 2016.

These minutes were adopted by the Planning Board on February 23, 2016.