PLANNING BOARD
MEETING MINUTES

OCTOBER 27, 2016
The Planning Board held a meeting at 6:30 PM local time Thursday, October 27, 2016 in the Town Hall Auditorium 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  
Jim Burton  
Bob Kanauer  
Terry Tydings

ABSENT:  
AJ Hetzke

ALSO PRESENT:  
Zachary Nersinger, Town Planner  
Mark Valentine, Town Engineer  
Michael O’Connor, Assistant Engineer  
Douglas Sangster, Planning/Environmental Technician  
Alison Sublett, Board Secretary

II. TABLED APPLICATIONS:

1. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614 / Midlakes Management, LLC, requests under Chapter 250 Articles VI-6.1, XI-12.2 and XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan, Subdivision, and EPOD Permit approval under Town Law 278 for the construction of 33 townhomes with associated site improvements on 32.67 +/- acres. The parcels are located at 1185 Empire Boulevard, 1211 Empire Boulevard, and 41 Woodhaven Drive. The properties are now or formerly owned by Howitt-Bayview, LLC and are zoned LLD and R-1-20. Application #16P-0004. SBL #108.05-2-8.5., 108.05-2-8.33, and 108.10-1-1.111.

- Mr. Nersinger informed the board that no new items have been submitted for the board’s review.

The board voted and CONTINUED TABLED the application pending the submission of updated project materials from the applicant.

Vote: Moved by: Kanauer Seconded by: Tydings
Chairperson: Hetzke - Absent Bastian - Aye Burton - Aye Kanauer - Aye
   Tydings - Aye Motion was carried.
2. J. Lincoln Swedrock P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Oak & Apple LLC, requests under Chapter 250 Article XII-12.2 of the Code of the Town Penfield for Preliminary and Final Site Plan approval for the construction of a 2,674 +/- square foot farm cider mill with associated site improvements on a total of 26.97 +/- acres located at 1381 Sweets Corners Road, to be known as Oak and Apple Cidery. The property is now or formerly owned by Oak and Apple, LLC and zoned RA-2. Application #16P-0003, SBL # 125.01-1-10.4.

- Mr. Nersinger informed board the applicant had responded to all of the Board’s comments in the October 13, 2016 Tabling Resolution including responses to the Town Architecture Consultant’s comments. In those responses the applicant complied with the majority of the recommendations made by the consultant.
- Board member Burton supported the applicant’s responses to the Architecture Consultant comments and recommended the applicant submit the final building elevation designs reflecting those changes for the Board’s review.
- Board member Burton also commented on the responses to the recommendation to relocate the parking lot to the rear of the building and acknowledged the applicant gave justifications as to why he preferred to retain the proposed parking lot location. The applicant preferred to locate customer parking in the front of the proposed cidery where it could be easily located and away from operational areas.
- Staff discussed the photos included in the applicant’s response letter demonstrating the roadside view of the property while a vehicle was parked at the top of the hill confirming vehicles could not be easily seen from Dublin Road.
- Mr. Valentine asked if the board wanted to request new renderings to reflect the proposed changes. The board agreed new renderings were not necessary.
- Mr. Valentine asked for the Board’s feedback regarding the revised farmstead area plan submitted on October 21, 2016 that limited the farmstead area to include the structures and customer parking.
- Board member Burton stated the applicant was too literal in delineating the farmstead area. Mr. Burton suggested the applicant create a simple rectangle that encompassed the structures and parking area that would be simpler to describe in an abstract. The board agreed with Mr. Burton’s suggestion.
- Mr. Nersinger reviewed for the board the applicant’s responses to the Board’s requests for clarification regarding times of day exterior lighting was proposed to be utilized. The applicant stated that during motion sensor lights would be used during non-business hours. The board was satisfied with the applicant’s proposed lighting plan.
- Mr. Nersinger reviewed for the board the applicant’s responses to whether music would be played outdoors. The applicant stated no outdoor speakers on the patio and no live music will be performed on site, and all sources of music would be limited to the interior of the tasting room. Mr. Nersinger further explained that the Town had a noise ordinance that was enforced. The board was satisfied with the applicant’s responses.
- Mr. Valentine reviewed SEQR information for the board. The applicant had submitted documentation suggesting that the application could be considered as a Type II action under SEQR. Opposing counsel argued the proposed action was a Type I under SEQR. Mr. Valentine noted the applicant submitted a Long EAF Part 1 for the Board’s review.
and consideration. Per the opinion of the Town’s Planning Consultant in his memo dated October 20, 2016, the Board agrees that the proposed action meets the criteria for an Unlisted action pursuant to the State Environmental Quality Review Law and will continue its review process.

- Mr. Nersinger reviewed the Town Sidewalk Policy in regards to this application and asked if the board would like to submit a letter to the Town Board regarding the applicant’s request for a Sidewalk Waiver.
- Board member Burton stated the board should consider requiring sidewalks for the project along Dublin Road based on public comments regarding safety for the pedestrians in the area. He suggested a partial Sidewalk Waiver could be supported the frontage along Sweets Corners Road as the topography did not encourage pedestrian traffic.
- Board member Bastian felt that sidewalks were unnecessary as there were no connections to existing sidewalks and other areas of the town had a greater need for sidewalks. Board members Kanauer and Tydings agreed.
- Staff reviewed the existing sidewalk map for the board
- The board discussed the site plans with regards to the Sidewalk Policy and was in favor a sending a letter of support to the Town Board for the applicant’s request of a full waiver for relief from the policy in lieu of a installing sidewalks on both frontages of the property. The waiver fee can be used to address higher priority areas in the town for future sidewalk connections.

The Board voted and APPROVED the town staff to send a letter of support on behalf of the board to the Town Board for its support to grant a full sidewalk waiver.

**Vote:**

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<td>Tydings</td>
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**Chairperson:** Hetzke - Absent

**Bastian** - Aye  
**Burton** - Aye  
**Kanauer** - Aye  
**Tydings** - Aye

Motion was carried.

The Board voted and CONTINUED TABLED pending the review and/or submission of the following items:

- The board was satisfied with the applicant’s written responses, dated October 21, 2016 to the memo from the Town’s Architecture consultant, dated October 10, 2016. Per responses of the Consultant, dated October 26, 2016, and Board’s review of the proposed modifications to the building elevations, the applicant shall revise and finalize the building elevation drawings to be consistent with their written responses.
- The board’s final review of the proposed site plans, regarding layout, utilities, and technical details.
- The board directed staff to begin drafting a letter for the Town Board regarding the location of the farmstead as it relates to the site plan designs and the developable area without disturbing the steep slope and watercourse EPODs.
3. Marathon Engineering, 39 Cascade Drive, Rochester, NY, 14614, on behalf of Hometown Antiques & Properties, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval for a parking lot expansion with associated site improvements on the 0.41 +/- acres located at 2221 Penfield Road. The property is now or formerly owned by Hometown Antiques & Properties and zoned BN-R. Application #16P-0011, SBL #140.01-2-10.

- Mr. Nersinger reviewed for the board the Town Landscape Consultant’s recommendations regarding rear buffering and favored a six (6) foot privacy fence with the installation of new landscaping.
- Mr. Nersinger stated on October 20, 2016 the Zoning Board of Appeals approved the applicant’s request for an area variance for the required 50 foot setback for the buffer area with no conditions regarding buffering. The applicant submitted an updated site plan dated October 26, 2016 with a planting schedule for the proposed landscaping and rain gardens.
- Board member Tydings was not in favor of installing a fence for purposes of buffering and asked if any neighbors had requested fencing. Staff explained one neighbor on Braunston Drive had spoken to the Town building department and to the Zoning Board of Appeals with concerns about adequate buffering. The applicant had expressed to staff he preferred landscaping and did not want to install fencing.
- The Board discussed the site plan and agreed that a landscaped berm was more appropriate and could adequately shield headlights from rear neighbors. Staff pointed out that headlight concerns would mainly be an issue for snowplowing services and employee arrivals on darker mornings.
- Board member Burton explained that the neighboring properties to the east and west would all eventually convert to BN-R uses and have rear access drives connecting the properties. He had concerns that requiring fencing would set a precedence and result in various types and conditions for fencing along the rear access drive. Board member Kanauer agreed and stated buffering should be consistent for all the properties as they convert in the future.
- Mr. Nersinger asked if the board would be in favor of granting a conditional approval pending the approval from the Town Landscape Consultant regarding the buffering. The Board agreed to the condition and directed staff to coordinate the review of the proposed landscaping between the applicant and the Consultant.
The board voted and APPROVED the Short EAF Part 2.

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

Motion was carried.

The board voted and APPROVED the application subject to the following conditions:

- Compliance with or agreements reached on the recommendations of the Penfield Project Review Committee’s memo dated August 25, 2016, except as otherwise provided herein. Obtaining the signature of the Town Engineer indicates compliance with this requirement.
- Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised March 16, 2013.
- The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas, construction sequence, and other applicable measures deemed appropriate by the Town Engineer.
- Compliance with or agreements reached on the recommendation of the Town Landscape Consultant, except as otherwise provided herein. Obtaining the signature of the Landscape Consultant and Town Engineer shall indicate compliance with this requirement.
- The addition of any exterior lighting fixtures in the future will be subject to the approval of the Town Engineer. The submission of a lighting plan with cut sheets for the proposed fixtures must show lighting designed to be localized and unobtrusive. No wall pac fixtures shall be permitted. Shields may be required to deflect illumination spillage away from neighboring residential properties at the discretion of the Town Engineer.
- Furnishing the Town with a letter of credit, in an amount to be approved by the Town Engineer. Said letter of credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.
- Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.
- Compliance with the Town’s Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; specifically the sole access to this property shall remain in place from Penfield Road.
- The applicant shall submit appropriate fees for the LUAMP study and betterments subject to approval of the Town Engineer. The fees shall be paid prior to obtaining the first building permit.
- All site work is to be in compliance with the standards of Chapter 250 – Article VIII of the Code.
- Compliance with all requirements of any Federal, State, Country, or local agency.
- Construction is to begin within one (1) year from the date of this resolution.
• The approved Site Plan must be properly filed in the Town Clerk’s Office Prior to the issuance of a building permit.
• A note on the final plans shall indicate any approvals granted by the Zoning Board of Appeals.
• Compliance with all of the requirements of the Town Planner regarding this matter. Furthermore, the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Town Planner.

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

Motion was carried.

4. Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604, on behalf of Verizon Wireless, requests under Chapter 250 Articles VI-6.1, XII-12.2, and XIII-13.11 of the Code of the Town of Penfield for Preliminary and Final Site Plan, Conditional Use Permit, and EPOD Permit approval to construct a wireless telecommunications facility with a 138 foot +/- monopole tower with associated site improvements on an 11.13 +/- acre parcel located at 1192 Shoecraft Road. The property is now or formerly owned by Thomas and Diane Gibson and zoned RR-1. Application #16P-0014, SBL #094.02-1-1.6.

• Mr. Nersinger informed the board that the applicant submitted an aerial overlay map showing an alternative location 250 +/- feet further east from the originally proposed location that offered a natural buffering of trees on three sides, however some of the existing trees would have to be removed in this location.
• Board member Burton concluded the alternative location was an improvement compared to the original location.
• Board member Kanauer agreed the alternate location was a good compromise for both neighbors to the north and south of the site.
• The board was supportive of the alternate location.

The Board voted and TABLED the application pending the review and/or submission of the following items:

• The board was supportive of the alternate location for the tower shown at 250 +/- feet to the east of the originally proposed location. The applicant shall provide revised site plans to reflect the change in the tower’s location on the site. Plans shall include a tree survey identifying mature trees that would need to be removed and those that would be preserved and protected during construction. The revised plans should also incorporate buffering, as needed, to provide a visual landscaped barrier for the residents located to the northeast of the tower location.
• Provide the board with a copy of the referenced study (or studies) regarding impacts to property values pre and post construction of a new telecommunication towers.

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• Provide the board with a minimum of six (6) successful examples of similar telecommunication towers that were designed with a camouflaged exterior.
• Provide additional information regarding the time duration of scheduled exercising tests of the backup generator. The Board also requested the applicant to submit specifications for a single backup generator sized to service multiple carriers on the tower.
• Pending the decision by the Penfield Zoning Board of Appeals for the applicant’s request for Area Variances from Chapter 250 Article XIII-13.11-B-6(e)-1 of the Code to allow the construction of a telecommunication tower and accessory appurtenances with less setback.

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

Motion was carried.

MISCELLANEOUS:

Staff updated the board regarding the upcoming applications scheduled for the November 10, 2016 public hearing.

There being no further business to come before the Board, this meeting was adjourned at 7:18 PM.

These minutes were adopted by the Planning Board on November 10, 2016.