The Planning Board held a meeting at 6:30 PM local time Thursday, November 10, 2016 in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it. The board then held a public hearing meeting at 7:00 PM to hear new applications.

I. CALL TO ORDER:

PRESENT:  
Allyn Hetzke, Jr.  
Bill Bastian  
Jim Burton  
Bob Kanauer  
Terry Tydings

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

II. APPROVAL OF MINUTES:

The board voted and APPROVED the draft meeting minutes for September 22, 2016.

Vote:  
Moved by: Burton  
Seconded by: Bastian

Chairperson: Hetzke - Aye  
Bastian - Aye  
Burton - Aye  
Kanauer - Aye  
Tydings - Aye

Motion was carried.

The board voted and APPROVED the draft meeting minutes for October 13, 2016.

Vote:  
Moved by: Kanauer  
Seconded by: Tydings

Chairperson: Hetzke - Aye  
Bastian - Aye  
Burton - Aye  
Kanauer - Aye  
Tydings - Aye

Motion was carried.

The board voted and APPROVED the draft meeting minutes for October 27, 2016.

Vote:  
Moved by: Bastian  
Seconded by: Kanauer

Chairperson: Hetzke - Abstain  
Bastian - Aye  
Burton - Aye  
Kanauer - Aye  
Tydings - Aye

Motion was carried.
III. PUBLIC HEARING APPLICATIONS:

1. Sara Gilbert, P.E., Pinwoods Engineering, 42 Aston Villa, North Chili, NY 14514, on behalf of Mike Tascione, requests an informal discussion before the board with plans to construct a 6,569 +/- square foot warehouse building with associated site improvements on a total of 0.77 +/- acres located at 85 Sovran Drive. The property is nor or formerly owned by Retlaw Rekeed Inc. and zoned GB. Application #16P-0015, SBL#093.15-1-2.116.

Sara Gilbert, Pinwoods Engineering, presented the application to the board. Also present was Mike Tascione, 469 Heathland Circle, Webster.

- The property is the last remaining vacant lot on Sovran Drive for commercial development.
- The proposed project is for a warehouse building with a parking lot with twelve (12) stalls and two curb cuts onto Sovran Drive.
- The building is proposed to be used as a storage facility for the applicant’s restaurant businesses for seasonal items and other related products.
- The applicant proposed to have a small commissary kitchen to be used for food preparation for his restaurants.
- The proposed warehouse is intended for employee use only and not intended to be open to the general public.
- The building is proposed to have an overhead door for box truck access.
- The owner intends to have approximately five (5) or six (6) employees.
- Regarding traffic generation, employees and delivery vehicles are expected to access the property. There is no intention to have customers make trip to and from the site.
- The building design is proposed to be metal-sided with a cultured stone veneer on the sides facing Sovran Drive. The roof was proposed to be standard asphalt shingles.
- The proposed project would require area variances for setbacks as property is unique for it small shape.

Board Comments:

- Chairman Hetzke asked if the overhead door was proposed to be at-grade or higher to serve as a loading dock. Ms. Gilbert responded the proposed door would not be a loading dock and would be installed at-grade door.
- Chairman Hetzke asked if the applicant planned to have employees on site regularly or intermittently. Ms. Gilbert explained staff would be there intermittently, most likely in the morning hours for food preparation.
- Board member Burton asked what type of lighting was proposed for the site. Ms. Gilbert answered the lighting would be building-mounted wall packs with no pole-mounted lights in the parking lot.
- Board member Kanauer asked how large the proposed kitchen would be. Ms. Gilbert answered it would be approximately 1,000 square feet.
- Board member Tydings asked how the office space would be used. Mike Tascione replied the office was for accepting deliveries and for employees to sign in and sign out.
Board member Tydings asked if any landscaping was planned for the site. Ms. Gilbert stated the applicant intended to provide landscaping as required by the board.

Chairman Hetzke asked what the proposed lot coverage of impervious space for the project was. Ms. Gilbert explained the proposed project covered 40 percent of the lot, leaving 60 percent of greenspace (excluding the existing Sovran Drive roadway area). The stormwater management swale would likely be placed to the rear of the building. The areas along Sovran Drive were proposed to stay green.

Board member Bastian asked Ms. Gilbert to elaborate on the proposed metal siding. Ms. Gilbert explained the warehouse would be a standard fabricated structure in earth tones. She was unsure as to all the details as that was yet to be determined.

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

The Board reviewed the submitted application materials and was supportive of the proposed warehouse storage use for this property in the General Business District.

The Board requests information be provided within a future application for preliminary and final site plan approval regarding the items listed below:

- Provide a complete set of engineered site plans per the requirements of the Town for a preliminary/final site plan application.
- Provide a lighting and photometric plan with cut sheets of the proposed fixtures.
- Provide details for any proposed landscaping on the property. A planting schedule will be required on the site plans.
- The Board was supportive of the conceptual building designs. The applicant shall provide four sided colored building elevations and an updated 3D rendering of the proposed architecture, with building materials and color samples.
- Specify if any signage will be proposed for the property. See Chapter 250, Article X: signs, found in the Code of the Town of Penfield.
- Specify the number of staff anticipated to be working at the site.
- Specify hours of operation for employees and deliveries.
- Provide details about the layout and the use of the Floor space.
- A cross access easement over the private drive will be required.
- Any future submission should comply with the recommendations found in the PRC memo dated October 28, 2016. The applicant may contact the Town Engineer to review the memo.

The board directed staff to send the sketch plan response letter.

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Motion was carried.
2. Bohler Engineering, 17 Computer Drive West, Albany, NY, 12205, on behalf of Brinker International, requests under Chapter 250, Articles XI-11.2, XII-12.2, and XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision, Site Plan and Conditional Use Permit for a 4,500 +/- square foot restaurant with associated site improvements on a total of 1.05 +/- acres located at 1960 Empire Boulevard and 1968 Empire Boulevard. The properties are now or formerly owned by 1968 Empire Associates LLC and zoned GB. Application #16P-0016, SBL#s 093.02-1-15 and 093.02-1-14.

Joshua O'Connor, Bohler Engineering, presented the application to the board. Also present were Chris Butler of Brinker International and Paul Colucci of the DiMarco Group.

- Mr. O'Connor recalled their previous meeting with the board to review the sketch plan application and stated the current application had only minor with regards to accessibility and much of the proposed site improvements are still shown on the plans.
- Regarding pedestrian connectivity, the site plan proposes a sidewalk connection to the existing sidewalk on Empire Boulevard that would run through the site to the rear portion of the property where the sidewalk would provide a connection to the [BayTowne] plaza.
- The proposed storm sewer system had been revised in responses to the sketch plan review letter and the design meets the Town’s standards.
- The proposed parking lot featured ADA compliant parking at all public access points. The rear parking stalls were proposed for employee use.
- The access to the proposed dumpster was confirmed to comply with required turning radius of a waste service vehicle.
- The existing two lots had a total of three curb cuts onto Empire Boulevard. The proposed project would eliminate two of those curb cut leaving a single point of access to Empire Boulevard with a right-in right-out ingress egress driveway encouraging patrons to utilize the traffic signal at the intersection with Brandt Point Drive to access the property from its rear entrance point.
- The proposed lighting on the north side of the parking lot was proposed to illuminate a portion of Brandt Point Drive utilizing two-headed pole lighting to provide increased visibility along the road.
- An access easement was shown on the site plans providing a future connection to the neighboring lot at 1956 Empire Boulevard.
- Shared parking is to be provided from BayTowne Plaza. The owners of the plaza also own the project site and will provide a shared parking agreement.
- The number of parking stalls required by code for this project was calculated at 145, which was more than the applicant felt was necessary for the operation of the Chili’s restaurant. Overflow parking can be provided by the University of Rochester medical center in the plaza, which had non-competing peak hours of operation.
- The proposed sidewalks were planned to connect to the plaza, encouraging the use of shared parking.

Board Comments:
- Board member Kanauer asked if the applicant had received comments from the town landscape consultant. Mr. O’Connor had not received those comments yet, however the applicant was receptive to feedback regarding the landscape plan.
Board member Kanauer asked if the applicant reviewed the PRC’s comments. Mr. O’Connor explained the comments pertained to pedestrian connectivity and sidewalks in general. Other comments were made regarding easements for shared parking and an inspection easement for the stormwater retention system. The applicant had no issues with the PRC comments and planned to address all of them.

Board member Kanauer asked whether the foot-candle intensities on the proposed lighting plan were a result of the fixtures in the parking lot fixtures only, and did not include the building mounted fixtures. Mr. O’Connor confirmed they did not model the lighting on the building itself but could add that calculation for the overhangs and canopies.

Board member Kanauer commented the access points to the building were not adequately illuminated according the current lighting plan. Mr. O’Connor explained building lighting was standard for Chili’s at access points as well as canopies and roof overhangs. Mr. O’Connor added that off-site lighting was modeled on the plan.

Board member Tydings asked what hours of operation were proposed. Mr. O’Connor stated the proposed hours were 11:00 AM to 10:00 PM.

Chairman Hetzke asked if the hours were the same on weekends. Chris Butler explained that depending on the location some Chili’s restaurants remained open until 11:00 PM on Fridays and Saturdays.

Board member Tydings asked if the building would have roof mounted mechanical equipment. Mr. O’Connor confirmed the building would have roof mounted equipment.

Chairman Hetzke asked if rooftop mechanicals would be screened. Mr. O’Connor referred to a submitted 3D rendering of the building as viewed from the corner of Empire Boulevard and Brandt Point Drive. He explained the parapets were taller than the mechanicals, which would be mounted to the rear of the building, for screening.

Board member Bastian asked if other variances would be required besides the parking spaces. Mr. O’Connor replied an area variance for lot coverage would be required, but explained that prior to recent demolition the site was at 73 percent lot coverage and the proposed project increased lot coverage to about 85 percent. The increase in the proposed lot coverage was the result of merging the two properties for one use, which would remove the portion of green space that was located between the two parcels.

Mr. O’Connor added the application would be heard by the Zoning Board of Appeals for the area variances on November 17, 2016. He explained the corporate sign package for Chili’s exceeded the allowed signage under the Town Code in number and size of the signs and will work with the Zoning Board to determine the appropriate signage for the building.

Following a discussion at the public meeting and the Board discussed the application. The board voted and TABLED the application pending the review and/or submission of the following items:

- The applicant’s submission of a written responses and revised site plans per the comments of the PRC’s memo, dated October 28, 2016, and the Town Landscape Consultant’s comments, dated October 3, 2016.
- Update the lighting plan, dated October 15, 2016 to include foot candle contour calculations for all fixtures, including the building mounted and soffit fixtures.
- Provide details for the proposed materials of the dumpster enclosure gate doors.
• Roof mounted mechanical units for HVAC systems and kitchen equipment shall be identified on the building elevation plans and shall be shielded from view.
• The board requested the applicant to obtain a letter from the owner of BayTowne Plaza stating their agreement to allow for shared parking in the plaza for the proposed use.
• The board directed staff to begin drafting an approval resolution document for its review and consideration at the December 8th meeting.

Vote: Moved by: Kanauer Seconded by: Tydings
Tydings - Aye

Motion was carried.

Mr. Nersinger informed the board the owner of the properties, 1968 Empire Associates, LLC, requested the Board’s approval for the resubdivision of the two properties known as 1960 Empire Boulevard and 1968 Empire Boulevard to merge them as one property. The owner requested if this could be completed prior to the board decision on the site plan decision.
• The board discussed the matter had no concerns with the owner’s request.

Regarding this matter, under Chapter 250, Article XI-11.2 of the Code, the request for resubdivision of the properties located at 1960 Empire Boulevard and 1968 Empire Boulevard, SBL#s 093.02-1-15 and 093.02-1-14, the board voted and APPROVED the request for resubdivision of the properties.

Vote: Moved by: Bastian Seconded by: Kanauer
Tydings - Aye

Motion was carried.

IV. 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 had 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: Bastian
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 that the applicant had submitted updated building elevations reflecting changes approved by the board. Also submitted by the applicant was the revised farmstead area plan with the requested delineation showing a rectangle around the structures.
- Board member Burton stated he reviewed the updated farmstead area plan and it appeared to be consistent with what the board had requested.
- Mr. Nersinger asked if the board had comments regarding the submitted elevations for the cidery. Board member Burton felt this item should be tabled until the board had an opportunity to review the submitted plans. Mr. Burton requested staff to seek the opinion of the Fire Marshal regarding an exit door on the rear face of the cidery structure that was proposed to be sided to match the façade, concerned this would make the access point difficult for first responders to locate.
- Mr. Nersinger asked the board if they would like staff to begin drafting an approval resolution. Chairman Hetzke stated that since the document would be substantial he did not foresee a problem with beginning the draft document for review and feedback, the board agreed.
- Mr. Nersinger showed the board siding and roof samples provided by the applicant for the board’s consideration. Chairman Hetzke asked if the metal roof would be a standing seam style roof. The submitted elevations appeared to show a standing seam style roof. The board agreed the submitted samples were appropriate for a barn-style building.

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

- The Board’s and staff’s final review of the proposed site plans regarding utilities and technical details.
- The board directed staff to begin the preparation of a draft approval resolution document for its review and consideration at the December 8th meeting.
3. 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.

The board discussed updated materials during the work session portion of the meeting and voted and CONTINUED TABLED the application pending the review and/or submission of the following items:

- The board is in receipt of the applicant’s submittal of revised site plans, dated November 7, 2016, which placed the proposed tower 280 +/- feet to the east of the originally proposed location. The applicant stated in their written responses that the tower was shifted 30 feet to the east from the alternate location, discussed at the October 27th meeting, in order to provide adequate buffering to the south. The board reviewed the site plans and was supportive of the alternate location at 280 +/- feet from the originally proposed location on the property.

- The board reviewed the applicant’s submittal of cell tower camouflage techniques and requested the applicant to provide a site plan and elevations for a monopine tower design for this site. The camouflage shall be applied to the tower’s design so that it will provide cover below the tree line of the existing vegetation and blend into the surroundings. Upon submission of the monopine designs the board will review the plans in comparison to the applicant’s original proposal for a monopole tower. The applicant shall provide any documentation with information about the monopine tower design requirements that may be different from the originally proposed monopole.

- The board is in receipt of the applicant’s tree survey plan dated November 10, 2016. Based on the proposed limits of disturbance and tree removal, the landscape plan shall be revised to include supplemental plantings as follows: the cleared area to the south of the tower pad shall be replanted; and the area to the north of the pad will feature additional plantings to enhance the buffer for the residents to the northeast of the site. The final landscape plan will require the approval of the Board’s Landscape Consultant.
There being no further business to come before the Board, this meeting was adjourned at 8:00 PM.

These minutes were adopted by the Planning Board on December 8, 2016.