The Planning Board held a meeting at 6:30 PM local time Thursday, December 8, 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  
Bob Kanauer  
Terry Tydings

ABSENT: Jim Burton

ALSO PRESENT: Zachary Nersinger, Town Planner  
Mark Valentine, Town Engineer  
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 November 10, 2016.

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. T.Y. Lin International, 255 East Avenue, Rochester, NY, 14604, on behalf of Sam Kaiser, requests an informal discussion before the board with plans for a parking lot expansion with associated site improvements at 2328 Old Browncroft Boulevard. The property is now or formerly owned by WDFA, LLC, and zoned R-1-20. Application #16P-0019, SBL #108.18-1-1.

Nathan Buczek, T.Y. Lin International, presented the application to the board.
- The property is used as a restaurant and banquet facility with 38 parking spaces, which was not adequate for their needs.
- The application proposes to expand the parking on the east side of the property.
- The proposed site plan would increase the total parking spaces to 85.
The proposal would require a substantial amount of excavation work to remove portions of steep sloped hill on the property.

The first phase of the proposed project may require multiple construction seasons to remove the material from the slope. The owner of the property hoped to partner with a local company in need of fill to remove the excess soil from the site.

Once the excess material is removed, it would take approximately three (3) months to regrade the site, provide the storm drainage required, and pave the new parking area.

The proposed grading plan shows the parking lot constructed on a three (3) percent slope with a swale between the parking lot and remaining hillside to collect runoff.

Around the parking lot the final grading of the slope would be 1 on 2 or 1 on 3. When a geotechnical report is completed those numbers may change.

A tree survey and landscape plan would be provided for the next phase of the application review.

The amount of excavated material from the site would be approximately 35,000 to 40,000 cubic yards.

Mr. Buczek emphasized the owner’s request for additional parking as he currently has to direct patrons to use the shoulder of the Old Browncroft Boulevard for street parking.

Board Comments:

Chairman Hetzke asked if the modified hillside would be left natural or have a retaining wall. Mr. Buczek answered the owner preferred to have the slope remain natural with vegetation to stabilize the soil.

Chairman Hetzke asked if the owner found a recipient willing to remove the excess soil from the site immediately, would that prompt the owner to complete the project in one season? Mr. Buczek explained that was possible but considering the large amount of material it may take at least one construction season to complete the excavation. He added the grading and other site improvements for the proposed parking addition may require another construction season as well.

Chairman Hetzke asked if the facility was used as a restaurant and banquet hall or just a banquet hall. Mr. Buczek did not know for certain if the facility was used as restaurant daily but believed it was mainly a banquet hall.

Chairman Hetzke asked if the applicant had received the PRC comments regarding the slope and suggestions for raising the grade of the parking lot. Mr. Buczek did receive the PRC Comments and stated the suggestion would be considered.

Board member Tydings said there was at times a tent set up near the building and asked if the tent would be relocated if the parking was expanded. Mr. Buczek was not certain as he had not seen the tent but could review the matter.

Board member Tydings asked how close Irondequoit Creek was the proposed site. Mr. Buczek explained the creek was on the west side of the property. The proposed site work would encroach into a 100 foot wetland buffer on the north side of the property. He explained the outlet for stormwater drainage was proposed to go through the wetland buffer and planned to limit the disturbances to the wetland area. Mr. Buczek stated a DEC permit would be required in order to conduct the proposed work.

Board member Tydings asked if the proposed additional parking would be adequate to address parking issues for the banquet events. Mr. Buczek explained that proposal was designed to serve the posted occupancy limit of 200 patrons for the facility.
• Board member Bastian asked how erosion and runoff were planned to be controlled with the project if it takes multiple construction seasons to complete. Mr. Buczek explained that the stormwater pollution prevention plan would be prepared and adjusted depending on schedule for the removal of the excess material. Mr. Buczek explained silt fence would be installed on the site and plans to stabilize the hillside as the final grading is completed.
• Board member Kanauer stated he had some concerns regarding water quality. Mr. Buczek replied the proposed area of disturbance was more than an acre and therefore a stormwater pollution prevention plan would be required.

Public Comments:
Ed Lindskog, 40 Willow Pond Way, stated his comments regarding the project.
• Mr. Lindskog was vice president of the Penfield Trails Committee.
• A trail head located to the east of the proposed project site with public access and he requested the board consider granting public access for future parking.
• The trail at that location was visited by pedestrians frequently and connected to Lucien Morin Park on Empire Boulevard.

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

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

• Due to the amount of material that is proposed to be removed from the site to allow for the construction of the parking lot, the applicant will be required to provide, in writing, an acceptable strategy to remove the excess material off site. This shall include details for a projected timeline to complete the removal of excess material from the site along with copies of any agreements made by the applicant and the recipient(s) of the material. If the project takes multiple construction seasons to complete, then a phased development plan shall be provided by the applicant for the Town Engineer’s review.
• Due to the numerous trips of heavy construction vehicles that would be required to transport the excess material off site on a Town dedicated road - Old Browncroft Blvd. - a pre-assessment of the roadway and the bridge shall be conducted, per the comment of the Project Review Committee (PRC), to the satisfaction of the Town Engineer.
• A detailed letter of intent shall include, but not be limited to, descriptions for the scope of the project, proposed site improvements, existing site conditions, sensitive environmental areas, anticipated timeline for the removal of excess material and stabilizing the site during construction, and a listing of the necessary permits from all agencies.
• A complete set of engineered site plans shall be provided per the requirements of the Town for a preliminary/final site plan application.
• A landscape plan shall be provided with details for revegetating the property with the appropriate plantings following the completion of final grading. The landscape plan may be provided to the Town’s Landscape Consultant for his review.
• A lighting and photometrics plan with cut sheets will be required if any new fixtures will be added to the site for the parking area.

• A Geotechnical Report shall be provided with the application upon submission.

• A SWPPP Report will need to be prepared for the proposed site development.

• A NYSDEC permit will be required for any work within the wetland buffer area.

• Monroe County permits and approvals may be necessary for the proposed site work on the adjacent property at 2230 Old Browncroft Blvd.

• Any work within the right of way of Old Browncroft Blvd. will require approvals from the Penfield Town Board.

• A future submission must provide written responses to the comments found in the PRC’s memo, dated December 2, 2016.

• A future submission shall comply with the recommendations found in the Monroe County DRC comments, dated December 7, 2016; referral #PN-16-29Z.

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

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

Motion was carried.

2. Louise Cleary, 1252 Jackson Road, Webster, NY 14580, requests under Chapter 250, Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision approval for a two (2) lot resubdivision of a 27.71 +/- acre property located at 1250 Jackson Road. The property is now or formerly owned by Louise Cleary and zoned RR-1. Application #16P-0018, SBL #095.03-1-1.1.

Dennis Gauger, 7212 Northacres Lane, Ontario, presented the application to the board.
• Mr. Gauger explained to the board that the proposal was to section off the farmhouse with five (5) acres from the main parcel that was about 27 acres in size.

Board Comments:
• Chairman Hetzke asked if the parcel in between the proposed new lots (1252 Jackson Road) belonged to someone else. Mr. Gauger explained that was the owner’s residence.

• Chairman Hetzke asked if the existing house at 1250 Jackson road would be part of the subdivided parcel of five (5) acres. Mr. Gauger confirmed this.

• Board member Tydings asked what other buildings were located on the proposed lot. Mr. Gauger explained these buildings were noted on the submitted subdivision map and were various barns and coops.
Board member Tydings asked if the owner had plans to further subdivide the proposed properties. Mr. Gauger stated the owner did not have plans to further subdivide or sell the lands.

Board member Tydings asked if the applicant had received the PRC memo and County comments. Mr. Gauger did receive the comments and responses were provided electronically earlier that day [December 8, 2016].

Board member Tydings asked if the applicant had any issues with granting the easements for sidewalks and drainage. Mr. Gauger stated the owner had no issues.

Board member Kanauer asked what the southernmost structure of the proposed subdivision was used for. Mr. Gauger stated this was used as a workshop.

Board member Kanauer asked if any of the structures were used for housing livestock. Mr. Gauger believed the main barn on the north side was used for livestock in the past. No livestock was being kept on the property.

Following a discussion at the public meeting and the Board discussed the application.

Regarding the Board's questions about the comments for easements on the property, Mr. Valentine explained the Engineering Department desired to obtain a drainage easement in order for The Town to have access to clean drainage-ways that are part of a larger drainage network in that area.

Mr. Nersinger explained the agricultural exemption requirements and that the proposed lot would not be eligible as it was less than seven (7) acres.

The board had no additional concerns for applicant's proposal.

The board voted and APPROVED the completed Part 2 of the Short EAF.

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

Motion was carried.

The Board voted and APPROVED the subdivision application with conditions.

Vote: Moved by: Tydings Secended by: Bastian
Chairperson: Hetzke - Aye Bastian - Aye Burton - Absent Kanauer - Aye
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. Staff would reach out to the applicant and request updated submissions.
- Mr. Valentine elaborated that the application had been heard nearly a year ago and the applicant was still working out some of the financing issues regarding proposed site improvements. He informed the board that it could deny the application without prejudice if the applicant did not have plans to move forward in the near future.
- The Board requested staff communicate with the applicant and find out whether they were planning to move forward with the application review process and would be providing updated materials for the board.

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

<table>
<thead>
<tr>
<th>Vote:</th>
<th>Moved by:</th>
<th>Kanauer</th>
<th>Seconded by:</th>
<th>Tydings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson: Hetzke - Aye</td>
<td>Bastian - Aye</td>
<td>Burton - Absent</td>
<td>Kanauer - Aye</td>
<td></td>
</tr>
<tr>
<td>Tydings - Aye</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 updated the board with the applicant’s responses to comments and revised site plans that showed site improvements including the fire hydrant location.
- Staff reviewed for the board items that were discussed by the board on its site plan review checklist, including, but not limited to, the proposed site plans, architecture, landscaping, lightings, noise, traffic, parking, EPODs (Environmental Protection Overlay Districts), and SEQR.
• Mr. Valentine reviewed with the board an anonymous public comment that included a sketch drawing that proposed an alternate location for the farmstead area closer to Dublin Road on the site. The applicant and the Project Review Committee (PRC) provided written responses for the board regarding the anonymous comment. The PRC, in its memo, stated concerns regarding site circulation and impacts to the EPODs on the site, which would be disturbed based on the drawing depicted on the anonymous comment. The Board agreed with PRC’s comments and determined the drawing depicted on the anonymous public comment was not an acceptable alternative location for the farmstead area.

• Mr. Nersinger reviewed SEQR information associated with this application. Per the Board’s direction at the November 10, 2016 work session, staff prepared and provided drafts of the Part 2 and Part 3 sections of the Full EAF for this application for the Board’s review. The board had no concerns regarding the draft EAF documents.

• Staff and the board reviewed the draft approval resolution for the application that was drafted by staff at the request of the board at the November 10, 2016 work session. The board was supportive of the draft approval resolution.

• Staff and the board reviewed the Farmstead Area Letter addressed to the Town Board. The Board had no concerns with the letter.

The Board voted and APPROVED the completed Part 2 and Part 3 of the Full EAF.

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

The Board voted and APPROVED the Farmstead Area Letter to the Town Board.

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

Motion was carried.

The board, having no additional comments and concerns concluded its review of this application.
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 EPD 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 reviewed the applicant’s submittal of cell tower camouflage techniques depicted on the drawings dated December 2, 2016, with a side-by-side comparison of an elevation view for the originally proposed monopole and a ‘monopine’ tower design for this site. The board discussed the two design types and concluded that the applicant’s original proposal for a monopole design was the appropriate choice for this site. The board will continue its review of the applicant’s site plan based on the original telecommunications facility with the monopole tower.

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

- The board directed staff to prepare a draft approval resolution for its next meeting on January 12, 2017.

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

   Motion was carried.

4. 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.

- Mr. Nersinger updated the board with the results of the Zoning Board of Appeals hearing. The applicant had received approvals for variances to lot coverage, parking and signage on three sides of the building.
- Mr. Nersinger explained the applicant had addressed the board’s concern regarding the proposed wooden doors for the dumpster enclosure. The proposed doors would be a composite material that appeared as a wood-like finish and would better withstand weathering. The board had no concerns regarding this proposed material.
• Mr. Nersinger informed the board the owner of the plaza, which was also the owner of the proposed project site, had submitted responses regarding the shared parking agreement and proposed to file an easement to formalize an agreement.
• The board had no additional concerns.

The Board voted and APPROVED the completed Part 2 of the Short EAF.

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

MISCELLANEOUS ITEMS:

1. 1734 Harris Rd., Derlehth Subdivision.
• Mr. Nersinger explained the owner wished to merge the two (2) existing lots into one (1) parcel, the main parcel had a single family residence and the flag lot was vacant. Submitted for the board’s review were the proposed re-subdivision plat and a previously approved subdivision (Grassadonia) dated November 13, 2002.

The Board voted and APPROVED the proposed re-subdivision and authorized the chairman to sign the plat map.

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

Motion was carried.

2. 2100 Penfield Rd., You Jia Dental.
• Mr. Nersinger explained the applicant had submitted updated site plans and building elevations as a modification to the Board’s original approvals to better accommodate for the eventual rear access drive connection. The applicant proposed to reverse the orientation of the building so the entrance would face the rear of the property. The
proposal also indicated a second building mounted sign, which would eventually require a special permit for signage from the Zoning Board of Appeals.

- Mr. Valentine explained the proposed modification would change the location of the entrance to the rear while the side of the building facing Penfield Road would still look residential in nature.
- Board member Bastian asked how this proposed change would compare to neighboring properties. Staff explained 2124 Penfield Road (Renjen Orthodontics) was three parcels east of the site and already had a rear-facing entrance and similar façade. The two parcels separating these properties had not yet been redeveloped; however, properties further east on Penfield Road were being developed for commercial use with the rear access drive layout.
- The board was supportive of the modification and had no additional concerns.

The Board voted and APPROVED the site plan modification.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:59 PM.

These minutes were adopted by the Planning Board on January 12, 2017.