PLANNING BOARD MEETING
MINUTES
MAY 11, 2017
The Planning Board held a meeting at 6:30 PM local time Thursday, May 11, 2017 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  
Bob Kanauer  
Terry Tydings (acting chairperson)

ABSENT: 
Allyn Hetzke, Jr.  
Jim Burton

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 April 27, 2017.

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

Motion was carried.

II. PUBLIC HEARING APPLICATIONS:

1. Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604, on behalf of Verizon Wireless, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan and Conditional Use permit approval to construct a wireless telecommunications facility with a 34.2 foot +/- utility pole in the right-of-way near 715 Panorama Trail South within the GB zoning district. The site is located in the right-of-way of Panorama Trail South, a roadway owned by Monroe County. Application # 17P-0008.

Nate Vander Wal, Nixon Peabody LLP, presented the application to the board. Also present were Kelley Spear and Mark Kulik of Tilson Engineering and Martin Willix of Erdman Anthony.

• Mr. Vander Wal explained that Verizon was a licensed public utility in the state of New York and licensed by the FCC.
He stated FCC providers were charged with providing adequate and substantial telecommunication services within their licensed areas, which is why Verizon conducted regular evaluations of its network to determine deficiencies as well as areas of growth in demand.

The Linden Avenue macro site was the location being evaluated for the purposes of this application: “macro” being traditional telecommunications towers; and “micro” being small sites targeting hot spots of usage.

The propagation study for the Linden Avenue site found it to be nearing capacity, which resulted in interruptions in service along the fringes of the coverage area, thus not meeting the FCC requirements for service coverage.

Of the over 200 macro sites in the greater Rochester area the Linden Avenue site was the third highest priority on the Verizon network in need of capacity relief.

The proposed micro site would relieve the excess demand to the Linden Avenue macro site.

The proposed structure was a 29.5 +/- foot utility pole with a three (3) by one (1) foot antenna attached to the top of the pole. The pole would be installed in the right-of-way of Panorama Trail South, near the parcel having an address of 715 Panorama Trail South.

The antenna would offer approximately a quarter-mile coverage area.

All equipment was proposed to be mounted to the pole with no utilities on the ground.

The 34.2 +/- foot micro tower was at or below the height of the existing utility poles in the right-of-way area.

The submitted photo-simulation showed minimal visual impact to the proposed location.

The proposed application was categorized as a telecommunications tower under the Town Code thus requiring site plan approval and variances from the Zoning Board of Appeals, which had been made by the applicant.

The proposed location was ideal for providing coverage into Panorama Plaza and the other surrounding parking lots, where the greatest demand was being generated, as well as the surrounding retail businesses.

**Board Comments:**

- Board member Tydings asked Mr. Vander Wal to define the proposed location. Mr. Vander Wal elaborated that the proposed micro site would be located in the County DOT right-of-way in front of the Citizen’s Bank in the plaza.

- Board member Tydings asked if the tower would provide sufficient service if it were located behind the plaza, rather than the right-of-way. Mr. Vander Wal explained that placing the structure behind the plaza was ideal for the service demand area.

- Board member Tydings asked if the topography affected the need to place the structure in front of the plaza. Mr. Vander Wal answered the location was determined by the users. He explained the applicant’s research showed that demand was highest in retail establishments.

- Board member Tydings asked if Verizon had any similar towers in the Penfield area at that time. Mr. Vander Wal was not aware of any other micro sites in the Penfield area.
He explained the technology was becoming prevalent in the industry to bring wireless services closer to the users in more densely populated areas.

- Board member Tydings asked Mr. Vander Wal to confirm that photos of the proposed structure were included with the application. Mr. Vander Wal confirmed that a photo-simulation was submitted.
- Board member Kanauer asked if the Linden Oaks macro tower was considered for an upgrade in order to compensate for the demand in coverage. Mr. Vander Wal could not answer that question but could provide additional information to the board following the meeting.
- Board member Kanauer asked if there was back-up power planned for the proposed structure as the plan showed a receptacle for the generator. Mr. Martin Willix answered that the technology for Verizon was constantly changing and the submitted plans that included a generator receptacle and a standard convenience receptacle had changed since submission. The receptacles would no longer be included in the plans as well as the ladder bracket. The antenna would run on back-up batteries that would suffice for short-term power outages.
- Board member Kanauer asked if a portable generator would be attached if there were a long term power outage. Mr. Willix explained since the generator receptacle was proposed to be removed the micro tower would only have the short term battery power, for long term power outages the macro site would have to suffice for the coverage area.
- Board member Bastian asked if the manual transfer switch for the generator was also proposed to be removed. Mr. Willix confirmed the switch would no longer be included, which would also allow the panel box size to be reduced and further minimize the visual impact of the structure.
- Board member Tydings asked when the applicant was scheduled to appear before the Zoning Board of Appeals. Mr. Vander Wal answered they were meeting with the Zoning Board on May 18, 2017.

Public Comments:
- No public comments were submitted.

Board Deliberations:

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

- Written responses to staff and agency comments from the Applicant, including, but not limited to, this tabling resolution.
- Revised site plans with updated elevations of the proposed micro cell site reflecting the changes to the equipment mounted to the pole.
- Information about whether colocation on nearby towers was investigated by the Verizon Wireless.
- Information about whether nearby towers, such as the Linden Ave macro site, were reviewed for possible upgrades to the equipment that would achieve the desired coverage for Verizon Wireless.
• A decision from the Zoning Board of Appeals following its review of the Applicant’s request for an area variance at its May 18, 2017 meeting.

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<th>Vote</th>
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<td>Bastian</td>
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<td>Chairperson: Hetzke - Absent</td>
<td>Bastian - Aye</td>
<td>Burton - Absent</td>
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<td>Kanauer - Aye</td>
<td>Tydings - Aye</td>
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Motion was carried.

2. Ray Trotta, 227 Alexander Street, Suite 210, Rochester, NY 14607, on behalf of Bay Road Properties, LLC, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval and expansion to a conditionally permitted use for a parking lot expansion and an outdoor dining area with associated site improvements on 0.503 +/- acres located at 1205 Bay Road. The property is now or formerly owned by Bay Road Partners, LLC and zoned LB. Application # 17P-0010, SBL # 093.11-1-41.

Ray Trotta, on behalf of Bay Road Properties, LLC, presented the application to the board.

• Bay Vista Taqueria had a parking issue as there were only eight (8) parking spots in the front of the restaurant and some patrons were forced to park off-site.
• The proposed parking lot addition to the rear of the building would add twelve (12) parking spaces to total twenty (20) spaces for the restaurant.
• The applicant was not able to come to an agreement with Baywinde Nursing Home to access their private road, Kidd Castle Way, from the proposed rear parking lot. However an easement for future access was proposed to the adjacent commercial property to the north of the site.
• The necessary variances were approved by the Zoning Board of Appeals on April 20, 2017.
• Trees were proposed along the border of the property along Kidd Castle Way.
• The addition on the south side of the building was proposed to be removed to allow for the construction of a new access drive to exit the rear parking area.
• The plan included a dumpster enclosure area off to the side of the proposed access drive. The waste removal vehicle would then follow the new access drive around the building to exit the site, just as customer and employee vehicles would do.
• An ADA compliant parking spot was proposed in the existing parking lot, which would be re-striped to be compliant with Town Code as part of the project.
• A rain garden was proposed for the rear of the property for water quality treatment.
• A raised deck for outdoor dining was proposed to be built over the existing concrete patio on the rear of the building.

Board Comments:
• Board member Tydings asked if the applicant had received approval for the necessary variances from the Zoning Board of Appeals, Mr. Trotta confirmed they had. Mr. Trotta added they had received County comments for the application and there were no concerns.
• Board member Tydings asked if the applicant proposed any directional signage for the rear parking lot. Mr. Trotta explained access to the proposed parking lot was self-explanatory and stated they may want a small sign on the building stating Parking in the Rear on the entrance side. They do plan to install Do Not Enter wayfinding sign on the exit side of the directional access drive. He added the proposed drive aisles were standard twelve (12’) foot wide lanes so there would be no issues with access for vehicles. No delivery trucks would enter the rear parking lot.

• Board member Tydings asked the applicant to elaborate on the proposed landscaping plan. Mr. Trotta explained street trees were proposed on the south border of the property along Kidd Castle Way and more detailed landscaping was proposed for the rain garden at the rear of the property.

• Board member Kanauer asked if lighting was proposed to be added to the rear of the parking addition. Mr. Trotta answered there were no plans to add lighting to that area as there were only approximately twelve (12) parking spots and the outdoor dining area would have ambient lighting.

• Board member Kanauer asked if there were street lights along Kidd Castle Way that may add illumination to the proposed parking lot. Mr. Trotta was unable to answer that question and Mr. Nersinger informed the board that staff would investigate on their behalf.

• Board member Kanauer expressed concerns regarding the lack of lighting to the rear of the parking area for the restaurant patrons. Mr. Trotta explained the proposed plan was the least impacting to neighboring properties in terms of lighting. Patrons would be able to see the building and the parking from other sources of light from adjacent properties.

• Board member Kanauer asked if there was only one ADA compliant parking spot in the plan. Mr. Trotta confirmed they were only required to provide one ADA parking spot but had space to add a second ADA spot adjacent to it.

Board Deliberations:
• Board member Kanauer explained he was concerned about the lack of lighting in the rear of the proposed parking lot where customers may not be able to see their path and slip on ice.

• Staff confirmed there was no street lighting along Kidd Castle Way. Staff confirmed the Town Engineer would review the parking lot lighting.

• Board member Kanauer asked if a second ADA parking space could be required in the approval. The board agreed this was appropriate for the application.

• Board member Bastian asked if the proposed outdoor dining area required any further review. Board member Kanauer asked if the applicant planned to have outdoor music. Mr. Trotta answered the proposed deck was only intended for outdoor dining and there would be no amplified sources of music.

• Board member Bastian pointed out that snow a storage location was not dedicated on the plans. The board agreed the applicant shall designate a snow storage area on the site plans to in a location acceptable to the Town Engineer.

• Mr. Nersinger explained in previous applications the board required applicants to install underground utilities or conduit during site work for future lighting in parking lots should the need arise. The board agreed this was appropriate for the application.
The board had no further concerns regarding the proposed site plan.

The Board voted and APPROVED the Part II EAF.

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

Motion was carried.

3. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of Springs Land Company, LLC, requests under Chapter 250 Articles VI-6.1 and XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan and EPOD permit approval to construct a new 4,600 +/- square foot commercial office building with associated site improvements on 0.68 +/- acres located at 1600 Penfield Road. The property is now or formerly owned by Springs Land Company, LLC and zoned GB. Application # 17P-0011, SBL # 123.20-2-47.

Robert Kieffer, T.Y. Lin International, presented the application to the board.

- The property had formerly been used as a dry cleaning service and the site was contaminated in association with that former business.
- The property owners had worked with the New York State DEC to remediate the contamination in order to redevelop the site.
- The submitted plan proposed to use the existing foundation to construct a new office building. Using the concrete pad on site of the building foundation was a required of the NYS DEC in order to contain the contaminated materials and avoid soil disturbance and excavation, thus limiting the size and location of the building.
- The property was located in a 100-year floodplain thus further encumbering the development of the site by not allowing the decrease in volume of stormwater on the site.
- The plan proposed to reconstruct the parking areas to the existing elevations in order to avoid impacting the floodplain.
- The building was proposed to be flood-proofed to the required two (2') feet above the base floodplain elevation. The entry doors were proposed to be fitted with a dyke, similar to those in Panorama Plaza, which would be used during storm events and flooding conditions.
• The ramps proposed for the entry would be installed over posts to allow floodwaters to pass under them.
• A limited amount of pavement was proposed to be removed from the south end of the property by removing the remaining asphalt from the former curb cut on Penfield Road, and balance the additional fill created by adding the sidewalks, curbs, and ramps, thus resulting in the grading of about seventeen (17) cubic yards of material.
• Existing utility services were proposed to be reconnected.
• The proposed trip generation was 84 trips per day, thus negating the need for traffic mitigation.
• A curb was proposed for the east side of the property to delineate the private drive, with reveals on both sides of the curb to allow water to flow on either side.
• Building-mounted lights were proposed, light poles being unnecessary as the area was sufficiently illuminated by surrounding sources of light in the area.
• The exterior was proposed to be a combination of masonry, vinyl siding and a standing seam metal roof.
• A new private maintenance agreement for the shared access drive with Eastman Savings and Loan (ESL) would be negotiated and submitted for filing. A copy the agreement could be provided to the town as well.
• The applicant could comply with the majority of the PRC comments; however, the suggestions to install a catch basin to relieve the drainage issues on the entrance drive would require too much soil disturbance. Mr. Kieffer suggested a concrete gutter be installed to direct the water.
• In response to PRC comments regarding landscaping, the applicant was only able to install contained landscaping and seed plantings but was not able to excavate for larger plantings such as trees.

Board Comments:
• Board member Tydings asked about plans for the existing debris on the property at that time. Mr. Kieffer answered all of the debris was planned to be removed prior to redevelopment of the site.
• Mr. Tydings asked what the intended use of the proposed building was. Mr. Kieffer explained the building was designed for two tenants with a single entry foyer dividing the areas; however, it was possible for a single tenant to occupy the space. No tenants were not under contract at that time.
• Board member Kanauer asked what material was proposed to be used for the dumpster enclosure. Mr. Kieffer answered the plan proposed pressure-treated boards with vinyl-clad siding to match what was used for the building.

Public Comments:
• Frank Stolt of Stolt Realty, owner of the plaza to the east of this site, expressed concerns regarding the application. Mr. Stolt was concerned with the maintenance agreement for the private access road as uses of the properties evolved over time. He stated that the plaza has an egress easement to allowing access over the entrance drive. There is a gate on his property preventing access currently but wanted to make sure his easement agreement would remain in place. He had no other concerns regarding the application.
Applicant Responses:
- Mr. Kieffer addressed Mr. Stolt's concerns regarding the maintenance of the access drive by explaining the previous maintenance agreement with the applicant and ESL was never filed from previous approvals so a new agreement was being drafted with ESL.

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

- Revised site plans per the comments of the PRC in its memo dated April 28, 2017 and from the board at the May 11th meeting. Site plans shall also reflect the Applicant's responses and/or revisions to the plans regarding drainage improvements proposed in the privately owned shared access road. The board is aware this road is under the ownership of the adjacent property at 1610 Penfield Road; however, access to the Applicant’s site is only available from the shared access road as no curb cut exists along Penfield Road. Both parties are encouraged to work together to repair the road.
- The Applicant stated to the board that the owners of the project site and the owners of 1610 Penfield Road are amenable to entering into a private maintenance agreement for the future maintenance of the shared access road. A copy of signed agreements shall be provided to the town for the project record.
- Updated building elevations identifying the specific colors the owners have selected for the building materials. This shall include color and material details for the proposed brick, vinyl siding, and metal roof surfaces.
- Identify on the plans the location of any ground or rooftop HVAC units. Proper screening of said units will be required.
- Submittal of an application to the Zoning Board of Appeals (ZBA) for an area variance for less parking and other approvals that may be needed from the ZBA.
- Board directed staff to prepare a draft approval resolution document for its review and consideration at the May 25, 2017 work session meeting.

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

Motion was carried.

4. APD Engineering and Architecture, 615 Fishers Run, Victor, NY 14564, on behalf of Aldi Inc., Tully Division, 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 3,236 +/- square foot addition to an existing grocery store with associated site improvements on 1.71 +/- acres located at 2208 Penfield Road. The property is now or formerly owned by Aldi Inc. and zoned GB. Application # 17P-0012, SBL # 140.01-1-6.1.

Chris Kambar, APD Engineering, presented the application to the board.
- The proposed addition would span the front of the store that faces the parking lot.
The front row of parking would be eliminated as part of the addition.

The existing landscaping along the front of the store was proposed to be replanted once the addition was built.

The parking lot was proposed to be re-striped to gain four (4) of the lost spaces, resulting in a net loss of five (5) parking spaces.

A shared parking agreement existed for the plaza businesses which allows for ingress and egress to the site.

An area variance application for less parking and building signage had been submitted to the Zoning Board of Appeals.

The existing light poles and freestanding sign were to remain unchanged.

The façade EIFS and columns would match the existing building, with one change to the corner marquee, which was proposed to have multiple building mounted signs.

The loading dock and dumpster enclosure were proposed to be replaced as the loading dock was in need of repair.

Board Comments:

Board member Tydings asked if additional landscaping was planned for the project. Mr. Kambar explained the existing landscaping along the front of the building was proposed to be replanted along the new addition and there was existing landscaping on the site with trees and shrubs.

Board member Tydings asked Mr. Kambar to describe the landscaping in reference to the building, parking lot, and Penfield Road. Mr. Kambar explained one side of the building faced Penfield Road with a stormwater retention area buffering the south of the building from Penfield Road as well as trees along the border of the parking lot adjacent to the road. He added there were trees and shrubs disbursed throughout the parking field and street trees along the access drive.

Board member Tydings expressed concerns that the existing landscaping may not survive the relocation process. Mr. Kambar stated a note could be added on the plans that dead or dying plants will be replaced.

Board member Tydings asked how many variances were required for the proposed project. Mr. Kambar answered two (2) were needed, for parking spaces and for the building mounted signage.

Board member Kanauer asked if the location of the proposed ADA parking spaces could be located in the southeast corner of the parking lot so disabled patrons didn’t have to cross the drive aisle to enter the store. Mr. Kambar explained the submitted plans were the most efficient configuration to maximize parking spaces and provide a safe path for disabled drivers. The proposed plan allowed for a dedicated crosswalk.

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

Comments from the Board’s Landscape Consultant. Plantings will be reviewed for overall health and if the conditions are suitable for relocating them from the existing frontage of the building during construction or if new plantings shall be installed by the Applicant.
A decision from the Zoning Board of Appeals following its review of the Applicant’s request for an area variance and special permit for signage at its May 18, 2017 meeting.

- Board directed staff to prepare a draft approval resolution document for its review and consideration at the May 25, 2017 work session meeting.

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

Motion was carried.

III. TABLED APPLICATIONS:

1. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614 / Mdiakes 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 EPORI 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., 108.05-2-8.3, and 108.10-1-1.111.

- Mr. Nersinger informed the board the applicant met with Town Board at its May 10, 2017 work session to discuss future development in the LaSalle’s Landing District of the property. As the applicant’s discussions were ongoing with the Town Board they requested the board continue tabling their application at that time. Staff will provide updates when information becomes available.

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
Chairperson: Hetzke - Absent 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 8:30 PM.

These minutes were adopted by the Planning Board on May 25 2017.