PLANNING BOARD MEETING
MINUTES
MAY 25, 2017
The Planning Board held a meeting at 6:30 PM local time Thursday, May 25, 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:**
Allyn Hetzke, Jr.
Bill Bastian
Jim Burton
Terry Tydings

**ABSENT:**
Bob Kanauer

**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 May 11, 2017.

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

Motion was carried.

III. **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 the applicant’s discussion with the Town Board regarding the possible development of the LLD Zoned portion of the property was
ongoing. The applicant planned to submit updated materials once that discussion was settled.

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

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

Motion was carried.

2. 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 of Panorama Trial South, a roadway owned by Monroe County. Application # 17P-0008.

- Mr. Nersinger listed the updated materials provided by the applicant that included responses to the Board’s tabling resolution and site plans with elevations. The elevations reflected the equipment updates, omitting outlets, generator plug-in, ladder brackets, and a reduced size for the main equipment cabinet.
- Board member Burton asked what the status of the Zoning Board of Appeals (ZBA) application for this project was. Mr. Nersinger stated the ZBA tabled the application pending the Planning Board’s SEQR decision. Mr. Weishaar explained the ZBA was awaiting a determination of lead agency for SEQR from the Planning Board.
- Mr. Nersinger listed materials provided by staff including a draft approval resolution, as requested by the board and an EAF, per the Board’s direction from the May 11th meeting.
- Mr. Nersinger added the applicant had provided responses to the board regarding the site selection process, which explained why the Linden Avenue macro site had reached its maximum capacity for utilities. In addition, lease agreements could not be reached with owners in nearby areas to install antennas on existing buildings. Also, Verizon provided their co-location policy for the Board’s review.
- The Board discussed and agreed the proposed action met the criteria for an Unlisted Action pursuant to SEQR. Staff would relay the Board’s determination to the ZBA.
- The Board had no additional concerns regarding this application.

The Board voted and APPROVED the Part II EAF.

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

Motion was carried.
The Board voted and APPROVED the application with conditions.

Vote: Moved by: Bastian Seconded by: Tydings
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye
Kanauer - Absent 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 of formerly owned by Springs Land Company, LLC and zoned GB. Application # 17P-0011, SBL # 123.20-2-47.

Board member Burton recused himself from this application.

- Mr. Nersinger informed the board the applicant had provided responses to PRC and County comments. Updated site plans were also submitted to reflect those responses. Updated building elevations, with proposed exterior colors defined, were submitted as requested by the Board.
- Mr. Nersinger stated the applicant had submitted an area variance application to the Zoning Board of Appeals for less parking. He added the layout of the site was limited by the pre-existing environmental conditions causing the parking area to be limited.
- The Board discussed and found the defined exterior color finishes to be acceptable for the proposed building.
- The Board had no additional concerns regarding the application.

The Board voted and APPROVED the Part II EAF.

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.
4. ADP 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 of formerly owned by Aldi Inc. and zoned GB. Application # 17P-0012, SBL # 140.01-1-6.1.

- Mr. Nersinger informed the board the Landscaping Consultant had reviewed the proposed plan and recommended the applicant replace the landscaping rather than relocate the existing plants as these plants were not likely to survive transplanting under the proposed conditions. The applicant submitted responses to those comments with an updated plan that complied with the consultant’s recommendations.
- Mr. Nersinger explained the applicant had received approval from the Zoning Board of Appeals of May 18, 2017 for an area variance for less parking and approval for additional signage with conditions. However, upon speaking with the applicant Mr. Nersinger had been informed they had decided leave the signage unchanged.
- The Board had no additional concerns regarding this application.

The Board voted and APPROVED the Part II EAF.

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<th>Burton</th>
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<tr>
<td>Chairperson:</td>
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Motion was carried.

The Board voted and APPROVED the application with conditions.

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Motion was carried.

IV. ACTION ITEM:

1. 2142 Penfield Road, Eyesite
- Mr. Nersinger reviewed for the board the history of this application, which was originally approved by the board for site plan approval in 2014 and resubmitted in 2015 for modifications to the site plan to make the proposed building larger. Since that time the building had been constructed and the board asked the applicant to attend the Board’s work session meeting to discuss the appearance of the exterior in relation to submitted
elevations that were previously approved by the board as part of both above mentioned site plan approvals.

- The board reviewed the enhanced landscape plan, dated May 16, 2017, submitted by the contractor, Kevin Feor, and the building rendering, dated May 25, 2017, which was submitted by the architect, Steve Kruger. The board directed staff to submit the proposed rendering to its Landscape Consultant for his review in comparison to the landscape plan.
- The board found the constructed building to be significantly different from the originally approved designs represented within the building elevations and rendering that were submitted May 2, 2014. The board found the design elements such as the color of the metal siding, installation of the windows with decorative suspended sun shades on the front face of the building, the treatment of the wood siding, the construction of the signage structure, the absent stone wall along the front patio, and other features were installed or removed from the designs that were originally represented to the board during its site plan review process.
- The board asked Steve Kruger, current project architect, to explain the changes from the constructed building compared to the approved renderings. Mr. Kruger stated a different architect designed the previously approved renderings, who was no longer under contract by the building owners. Mr. Kruger designed the building plans based on the approved elevations; however, as he explained, changes were made to the plans to accommodate constructability issues. The sunscreens were eliminated as the installed windows could not support the cantilevered structures. The natural color of the installed cedar siding would age to a more gray color to match the approved elevations in time.
- The board invited Kevin Feor, contractor for the project, who asked to address the board. Mr. Feor explained the dimensions in the approved renderings and the constructed building matched. Mr. Feor believed the glass entry door and sidewalk on the front of the building were added to conform to the Fire Code as a secondary means of egress. Mr. Feor added the owners had increased the amount of landscaping considerably in an effort to enhance the appearance of the property in response to the Board’s initial concerns.
- Dr. Verrone, co-owner of 2142 Penfield Road, was invited to address the board. Dr. Verrone explained the boxwood hedge was planted with the intent that the board would find it preferable to the proposed stone wall shown in the previously approved elevations. He desired to work with the board to address the issues but was concerned about the costs.

The Board voted and TABLED the discussion pending the submission of the following:

- The Applicant shall work with their architect(s) to submit one or more design solutions that may bring the constructed building into compliance with the Board’s original approvals.
- The applicant shall provide the board with a written statement clearly identifying in detail the changes that were made to the building designs following the Board’s original approval of the project on September 24, 2015.

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

Motion was carried.
There being no further business to come before the Board, this meeting was adjourned at 7:29 PM.

These minutes were adopted by the Planning Board on June 8, 2017.