The Planning Board held a meeting at 6:30 PM local time Thursday, August 15, 2017 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
Jim Burton
Terry Tydings

ALSO PRESENT: Zachary Nersinger, Town Planner
Mike O’Connor, Town 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 July 13, 2017.

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. T.Y. Lin International, 255 East Avenue, Rochester, NY, 14058, one behalf of Sam Kaiser, requests under Chapter 250 Articles VI-6.2 and XIII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan and EPOD Permit approval for a parking lot expansion with associated site improvements on 7.82 +/- acres located at 2328 Old Browncroft Boulevard. The property is now or formerly owned by WDFA LLC and zoned R-1-20. Application # 17P-0019, SBL # 108.18-1-1.

Board member Burton recused himself from this application.

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

- Mr. Keiffer explained the environmental challenges within the property as it featured a steep slope and it was adjacent to Irondequoit Creek.
Mr. Keiffer referenced the letter of support submitted by the Zoning Board of Appeals to the Planning Board for this application.

The application proposed the removal of a significant portion of the slope to accommodate a parking expansion.

Due to the shortage of available parking, patrons are forced to park on both sides of Old Browncroft Boulevard. This created an access issue for emergency response vehicles.

The market for banquet facilities was competitive and the expansion was necessary to facilitate the growth of the business.

No changes were proposed for the existing facilities or utilities.

Mr. Keiffer stated they were prepared to submit a Stormwater Management Pollution Prevention Plan.

Mr. Keiffer provided a copy of comments received on August 15, 2017 from the New York State Department of Environmental Conservation (NYS DEC) for the record and provided explanations to some of the comments regarding the wetland delineations. The DEC’s letter confirmed the boundaries of the wetlands that were delineated. The only form of disturbance to the adjacent wetlands would be the discharge of stormwater runoff; however, no site work will physically take place with the boundaries of the State wetlands. A stormwater permit was submitted to the NYS DEC.

Mr. Keiffer stated that a Cultural Resource Study was conducted and was waiting for confirmation from the State of New York.

Mr. Keiffer stated that there would be no disturbance to the floodplain area as it shared a similar elevation to the adjacent wetlands.

Mr. Keiffer explained that by combining the excavation with the site plan as one application the project would not require a mining permit from the NYS DEC.

The applicant had no concerns with complying with comments from the Conservation Board and were happy to install dark-sky compliant lighting only to be lit when the banquet facility was in operation for business.

Mr. Keiffer compared the resulting excavated slope as having the appearance of an amphitheater with young trees and shrubs that will eventually mature. The 2-on-1 slope will be vegetated and young trees will mature over time to replace those that would be cut down for the parking expansion.

Board Questions:

Board member Tydings asked how many parking spaces were to be added and how many required for the occupancy of the facility. Mr. Keiffer explained there were 45 existing parking spaces and the plan proposed to add 37 spaces, however that was still not enough to meet the required minimum number of spaces according to the occupancy of the building.

Board member Tydings asked if the tent on the site was used seasonally and if that would be relocated to paved area once the project was completed. Mr. Keiffer answered the tent was seasonally used and would only be installed on the lawn.

Board member Tydings asked how many employees worked on the site. Mr. Keiffer believed there were approximately three (3) to four (4) employees at the facility for catering services and there were a greater number of employees for events hosted on the site.
• Board member Tydings asked how many variances from the Zoning Board of Appeals for the proposed project. Mr. Keiffer answered they were seeking an expansion to a pre-existing non-conforming use but no area variances were required.

• Board member Tydings asked how much fill was proposed to be removed from the site. Mr. Keiffer stated between 30,000 to 35,000 cubic yards of material would be removed. This was equivalent to 3,000 to 3,500 truck loads.

• Board member Tydings asked if the applicant found a contractor to perform the excavation. Mr. Keiffer explained discussions with Affronti Excavating and Trucking were ongoing to do the excavation work. He added Affronti was interested in having exclusive rights to the site, which would be mutually beneficial for both parties as the contractor could then be responsible for maintaining erosion control and security to the work site.

• Board member Tydings asked if there were other possible site plan configurations to add parking that would avoid the cutting into the slope. Mr. Keiffer explained the proposed plan was the best option for maximizing the number of parking spaces with the least amount of disturbance to the Town’s Environmental Protection Overlay District and to preserve natural amenities and scenic vistas that were essential to marketing the facility as a special events venue.

• Board member Tydings asked for details regarding the storm water runoff prevention plan. Mr. Keiffer explained that a berm was proposed to be created to contain the runoff. Once the grading was completed the berm would be removed and the proposed drainage structures would be installed that would manage the stormwater runoff. He added the restoration of vegetation to the slope would also take place at that time.

• Board member Tydings asked how long the project would take to complete. Mr. Keiffer answered it would likely take two (2) construction seasons. He explained the timing was determined by the demand for soil material. The quality of the native sandy soils would make it conducive for sales.

• Board member Tydings asked if the Town’s bridge on Old Browncroft Boulevard was able to endure the weight of the anticipated trucks traffic. Mr. Keiffer believed Old Browncroft Boulevard was once a State highway and the bridge was constructed to those standards and believed it would be able to handle the loads.

• Board member Tydings asked about the hiking trails on the east side of the site. Mr. Keiffer explained that County-owned land abutted the property and the trail was located there. He added it was the applicant’s intention to meet with the Penfield Trails Committee, who had expressed interest in obtaining extra parking spaces by the trailhead as part of the proposed development. He suggested the Board consider allowing parking in the right-of-way adjacent to the trailhead.

• Chairman Hetzke asked how many parking spaces were required per code. Mr. Keiffer answered 195 parking spaces are required for a maximum occupancy of 250 patrons and 10 employees.

• Chairman Hetzke asked if further expansion was considered by cutting the slope steeper. Mr. Keiffer explained the 2 ½-on-1 slopes proposed would be stable enough to place topsoil and stabilize with landscaping.

• Chairman Hetzke asked if a retaining wall was considered. Mr. Keiffer answered the cost of installing a retaining wall outweighed the benefits from the few spaces that could be added.
Chairman Hetzke asked if the approximation of two (2) construction seasons needed for excavation was based on the assumption that the contractor needed time to locate suitable buyers for the soil. Mr. Keiffer confirmed this was the case and it was possible the excavation could be expedited if the demand dictated. The contractor did not plan to remove soil until buyers were located, thus minimizing labor cost and time.

Board member Bastian asked how the excavation process would impact the existing parking lot. Mr. Keiffer explained the existing tree line and berm would be maintained until the new parking area was ready to be installed. He added the area would be secured and inaccessible to cars while it was being developed. The existing parking would still be available.

Board member Tydings asked for details regarding the lighting for the project. Mr. Keiffer explained they proposed new light poles and would comply with the Conservation Board’s comments and utilize dark-sky compliant lighting.

Public Comments:
- Ed Lindskoog, 40 Willow Pond Way, spoke on behalf of the Penfield Trails Committee. The committee was happy to work with the applicant as this would be a mutually beneficial plan that could provide better accessibility to hikers. The Trails Committee hoped to connect the Ellison Park trails to others that would lead to Lucien Morin Park trails.

Applicant Responses:
- Mr. Keiffer stated it was a symbiotic relationship with the community that the applicant hoped to achieve as events at the park or trailhead could be hosted at his facility.

Board Discussion:
Following the conclusion of the public hearing for this application the Board discussed the matter in the subsequent work session.

The Board voted and TABLED the application pending the submission of the following items:
- A revised set of site plans with written responses to comments issued by the PRC in its memo dated August 4, 2017. Lighting shall be revised per the recommendation of the Conservation Board in its report dated July 15, 2017. Light fixture details and cut sheets shall be provided for the Board’s review.
- Provide written responses to all comments issued by reviewing agencies. This shall include, but is not limited to, the NYS DEC, Monroe County Parks, and Army Corps of Engineers.
- Specify the maximum number of staff that is on site for events.
- The Board was supportive of the Applicant’s willingness to work with the Town’s Trails Committee for future access to trail head locations and providing parking where possible.
- The applicant will be required to work with the Town Engineer to perform an evaluation of the existing conditions of the bridge along Old Browncroft Boulevard prior to the commencement of any site work.
A decision from the Zoning Board of Appeals for the requested area variances. The Board was supportive of the proposed parking expansion as represented on the site plans. The Board agreed that the site is lacking in the number of parking spaces for its current use a banquet facility. Additional parking would help alleviate the need for parking along the street, which can often create issues for visitors or emergency response vehicles. The Board will continue to review the site plans regarding the proposed excavating, erosion control measures, final grading and stabilization of the slopes.

The applicant will be responsible for providing the town with a plan outlining a logistics and contractor agreements pertaining to the removal of the excess soil material from the site. This shall include, but not be limited to, anticipated timeline and project sequencing, final locations of delivery locations for the excess material, contractors insurance, erosion control measures and slope stabilization on site, SWPPP inspections and street sweeping. All plans for said logistics will be subject to the review and approval of the Town Engineer, Director of Public Works, and the Town Supervisor.

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

Motion was carried.

2. Peter Romeo, R.A., 35 Paramount Lane, Rochester, NY 14610, on behalf of Jasmin Heganovic, 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 single family residence with associated site improvements on 0.46 +/- acres located at 2775 Penfield Road. The property is now or formerly owned by Jasmin Heganovic and zoned RA-2. Application # 17P-0020, SBL # 141.01-1-15.

Peter Romeo presented the application to the board. Also present was Jasmin Heganovic.

- Mr. Romeo explained this application had been revised from the previous application to reduce the variance required for the front setback.
- The proposed single family residence had been reduced in size to a two (2) bedroom two (2) story structure with a rear walk-out as the property was sloped to the rear.
- The Monroe County Department of Health had approved the septic plan, which required a 50 percent future expansion area for the leach field. In the event the expansion field is needed then the existing barn would be removed.
- The existing barn had been on the property since the mid 1920’s.
- The applicant had communicated with the New York State Department of Transportation regarding the requirements for a curb cut on Penfield Road.
- The applicant had communicated with the Monroe County Water Authority regarding the water service requirements.
• The applicant planned to request approval for an aerial tap from Rochester Gas & Electric as the nearest utility pole was far away and would require an easement from a neighboring property.
• The proposed landscaping plan was limited by the orientation of the lot as well as the leach field area, which could not contain trees or shrubs.
• The applicant had submitted a preliminary site plan to the Zoning Board of Appeals and had not received any negative feedback.

Board Questions:
• Board member Bastian stated the application proposed the existing barn as well as the lower level of the residence were proposed to be used for storage. He referenced a letter received that day from Matt Jewett [2771 Penfield Road] that expressed concerns that the property was being used for a business and asked Mr. Romeo to comment on this. Mr. Romeo was aware that Mr. Heganovic had a large private collection of chainsaws that required storage and asked for him to explain for the board.
• Mr. Heganovic stated the equipment being referenced by Mr. Jewett were being used on the property for removal of debris and general maintenance. He had experienced difficulties developing or utilizing his property due to its limitations in size and zoning. He explained the proposed storage with rear exits under the house made sense to utilize as it would have to be filled otherwise. He intended to use the space for his personal hobbies and collection. Mr. Romeo added that the storage under the garage was also intended for recreational vehicles.
• Board member Kanauer asked for details regarding the proposed electrical service tie-in and the possibility of requiring easements from neighbors. Mr. Heganovic explained he had obtained service to the barn structure and planned to extend that service to the proposed residence in order to avoid the need for an easement for an aerial tie-in.

Public Comments:
• Burt Vegh, 2780 Penfield Road, expressed concerns regarding possible soil contamination as the previous owners used the property to repair automobiles. He stated he did not think it was an appropriate place for a residence.
• Jennifer Haney, 2779 Penfield Road, expressed concerns regarding the location of the proposed residence from the road as she was concerned with automobile accidents and the line-of-sight when exiting the property.
• June Vegh, 2780 Penfield Road, expressed concerns regarding the proposed plan. She explained there used to be two (2) smaller barns on the property, which had been used for automotive repairs that have since been removed. She also expressed concerns regarding traffic accidents.

Applicant Responses:
• Mr. Heganovic explained the property was littered with construction debris and engine oil filters and he had been working to removal the debris. He added his neighbors had contacted the Town Code Enforcer to complain when he began cleaning the property as they were concerned he was running a commercial operation on the site.
• Board member Tydings asked how recently he had met with a law enforcement official regarding the property. Mr. Heganovic answered he was currently adjourned from the
town court case regarding the code violation matter until his site plan and area variance applications had been decided by the appropriate boards.

- Mr. Romeo responded to Mr. Vegh’s concerns regarding soil contamination by explaining perk tests were conducted and approved by the County Department of Health. In addition, a well existed on the property that was used to water some trees purchased by the owner with no ill effects.

- Mr. Heganovic responded to Ms. Haney’s concerns regarding traffic accidents by pointing out the barn had existed in the right-of-way of Penfield Road for a long time. He had approached the local office of the County Sheriff’s office and was told they did not recall a large number of accidents being reported in the area of his property.

- Mr. Romeo added the site plans that were submitted included line-of-site distances and were well within the State DOT requirements.

Board Discussion:

Following the conclusion of the public hearing for this application the Board discussed the matter in the subsequent work session.

The Board, acting as Lead Agency pursuant to the State Environmental Quality Review Law classified this application as a Type I action as it occurs substantially contiguous to a historic site that is listed on the National Register of Historic Places. The Board voted and accepted the role of Lead Agency pursuant to SEQR for the proposed in accordance with the New York State Environmental Quality Review Act (SEQRA).

Vote: Moved by: Bastian Seconded by: Kanauer

Motion was carried.

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

- Preparation of a negative declaration notice of determination of non-significance pursuant to the State Environmental Quality Review Law for the above referenced Type I Action.
- Revised site plans and written responses per the comments issued by the PRC in its memo dated August 4, 2017.
- Correspondence from the Monroe County Department of Health (DOH) regarding its review of the proposed septic system designs. Staff informed the Board, during its work session, that previous conversations with the DOH indicated the proposed on-site waste disposal designs could be approved if the boards having jurisdiction were in a position to grant approvals for the application.
- Any available correspondence with the NYS DOT regarding the proposed site plans.
Test results from deep hole and test pits that were conducted to determine the soil hydraulics for the proposed septic system.

A decision from the Zoning Board of Appeals for the requested area variances. The Board was supportive of the proposed setbacks represented on the site plans for the location of the residence. The Board agreed that the unusual dimensions of the parcel allows for a limited number of configurations for a single family home. Further, if the Monroe County DOH is in a position to approve the septic system designs for the proposed 2-bedroom, 2-story residence then this concern of the site plan designs would be alleviated.

Vote: Moved by: Bastian Seconded by: Kanauer

Chairperson: Hetzke - Aye
          Bastian - Aye
          Kanauer - Aye

Burton - 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.

The Board took NO ACTION on this application as there were no new items to review.

2. McMahon LaRue Associates, P.C., 822 Holt Road, Webster, NY 14580, on behalf of Fantauzzo Family Brands, requests under Chapter 250 Articles XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan and Conditional Use Permit approval for a new business office and to construct a new residential structure with associated site improvements on a total of 0.29 +/- acres located at 1661 Empire Boulevard. The property is now or formerly owned by Fantauzzo Family Brands Inc. and zoned LB. Application #17P-0015, SBL # 093.19-1-23.

- Mr. Nersinger informed the board that revised plans were submitted in response to neighbor concerns regarding landscape buffering along Rossman Drive to block light pollution from Empire Boulevard.
- Staff reviewed the submitted vector demonstrating viewsheds from 4 Rossman Drive through 1661 Empire Boulevard.
• Staff informed the board that their Landscape Consultant had made recommendations regarding the added landscaping along Rossman Drive and the applicant had submitted updates complying with those comments.
• The Zoning Board of Appeals had issued an approval for the requested setback variances conditioned upon site plan approval from the Planning Board.
• Chairman Hetzke asked how tall the proposed maple would grow to be. Staff informed the board the proposed Armstrong Red Maple would grow to approximately 50 to 60 feet and was fast growing.
• Chairman Hetzke asked if an additional maple could be considered, the board agreed that additional tree plantings were not necessary.
• The board had no additional concerns regarding this application.

The Board voted and APPROVED the Part II Short EAF for the Chairperson’s signature.

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

3. Nixon Peabody, 1300 Clinton Square, Rochester, NY 14604, on behalf of Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless, requests under Chapter 250 Articles XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval and expansion to a Conditional Use Permit for the construction of an equipment shelter at an existing telecommunications facility with associated site improvements on a total of 2.29 +/- acres located at 1843 Empire Boulevard. The property is now or formerly owned by Jeffrey Riedel and zoned GB. Application # 17P-0017, SBL # 093.15-1-63.

• Mr. Nersinger reviewed responses submitted by the applicant including a cross section depicting the equipment shelter and fencing to better showing the proposed grading.
• Board member Kanauer observed that a small cavity would exist under the proposed shelter where the grading dropped. The board agreed this was not a concern as the fence would secure that area.
• Mr. Nersinger informed the board this application would be going before the Zoning Board of Appeals on September 21, 2017 to seek a variance for the rear setback.
The Board voted and CONTINUED TABLING the application.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:46 PM.

These minutes were adopted by the Planning Board on September 14, 2017.