PLANNING BOARD MEETING MINUTES SEPTEMBER 14, 2017
The Planning Board held a meeting at 6:30 PM local time Thursday, September 14, 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 August 15, 2017.

Vote: Moved by: Burton Seconded by: Bastian

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. Daniel Pope Architecture, PLLC, 59 Summit Street, Fairport, NY 14450, one behalf of Timothy and Kristin Pellittiere, requests an informal discussion before the board with plans to construct a new office building with associated site improvements on a total of 0.75 +/- acres located at 2316 Fairport Nine Mile Point Road. The property is now or formerly owned by 2316 Nine Mile Point LLC and zoned BN-R. Application # 17P-0021, SBL # 140.01-2-62.

Daniel Pope, Daniel Pope Architecture, PLLC, presented the application to the board. Also present was Timothy Pellittiere of 2316 Nine Mile Point LLC.

- Mr. Pope explained the existing residence on the property would be demolished prior to the construction of the proposed building.
- The proposed office building was a two-story structure with a basement walk-out in the rear.
- The parking lot was proposed to be located in the rear of the property.
- The new building was proposed to have a 4,900 +/- square feet footprint and the building design, featuring a hipped roof, was in kind with the surrounding area.
- The proposed parking lot had 32 spaces; the Town Code required 48 for the size of the building.
- Area variances were required for the proposed setbacks to the front and sides of the property as well as for the number of parking spaces.

Board Questions:
- Board member Burton asked what the occupant load for the proposed use of the building was. Mr. Pope answered this was yet to be determined.
- Board member Burton requested the applicant to provide the expected occupant load and traffic counts for clients.
- Mr. Pellittiere addressed Board member Burton’s concerns. He explained he had nine (9) employees currently and proposed four (4) conference rooms in the new building. The number of parking spaces used by his staff would be less than half the number provided. It was expected that two to three of the four rooms would be used at the same time. Meetings with clients typically lasted one (1) hour on average. He added the conference rooms, break room and copy/storage rooms would not be utilized at all times. Traffic to and from the site throughout the day would be minimal. Occasionally meetings with clients would take place off-site as well. He expected to take advantage of the Town’s shared parking policy when properties to the north and south converted to BN-R uses.
- Board member Burton asked what type of law Mr. Pellittiere practiced. Mr. Pellittiere answered he practiced estate and elder law.
- Board member Burton asked why Mr. Pellittiere needed 10,000 +/- square feet with only nine (9) employees and few customers visiting. Mr. Pellittiere explained he was anticipating growth for the business over the next five years and wanted to design the building appropriately. Mr. Pellittiere added his business planned to occupy the top floor of the building, leaving the first floor unoccupied for a later use. He did not know if he would lease the first floor or retain it for his own business as it grew.
- Board member Burton asked if the first floor would be leased during the transitional phase to ease the cost of the build. Mr. Pellittiere stated it would eventually be leased but did not know when he would do that but did not anticipate leasing of that space immediately.
- Chairman Hetzke asked for clarification on the proposed use of the basement level of the proposed building. Mr. Pellittiere explained the walk-out basement was proposed to accommodate the existing grade of the property and housed the entryway, elevator, mechanicals, and storage. There are no plans to occupy all three (3) stories.
- Board member Bastian asked what the hours of operation for the business would be. Mr. Pellittiere answered the proposed hours were 8:30 AM to 5:30 PM.
- Board member Bastian asked about any plans for lighting of the rear parking lot. Mr. Pellittiere had no definite plans for the lighting but desired to use lighting that would minimize any adverse impacts to the residential neighboring properties.
Chairman Hetzke asked if Mr. Pellittiere planned to rely on the future development of the properties to the north and south to take advantage of the shared parking policy. Mr. Pellittiere replied the shared parking may be necessary if ever there were a need for overflow parking but did not anticipate this for his business. He clarified that the number of parking spaces would be adequate for the use of the building and only anticipated overflow parking if the building was unexpectedly full beyond normal capacity.

Chairman Hetzke asked why 5,000 +/- square feet was necessary for nine (9) employees. Mr. Pellitiere explained this space accommodated the future addition of four (4) employees. When he started his own practice in 2010 he had no employees in a 1,200 square foot office. He currently had a partner and six (6) employees in a 2,400 square foot space, which was no longer adequate. He desired a larger space to accommodate his needs for the future of the business.

Board member Kanauer asked for responses to the PRC comment regarding the front setback and the actual size of the building. Mr. Pellittiere answered it was his understanding the Town desired to have the buildings closer to the road to allow parking the rear so the plan placed the building 25 feet from the front property line in order to accommodate the parking lot and rear buffer area to the residential neighbor.

Public Comments:

- Susan Hollis, 7 New Wickham Drive, expressed her concerns to the board regarding the chosen location of the proposed office and environmental impacts to the neighbors.
- Paul Monachino Jr., on behalf of his mother at 2324 Fairport Nine Mile Point Road, addressed the board. He expressed concerns for any potential impacts to surrounding properties, to the creek along the rear of the property that was known to consistently overflow, and for the proposed front setback as it may not allow future expansion for the road to accommodate the traffic increases. He stated the proposed side setback was closer to the family’s property than desired.
- Charles Sparnecht, 107 New Wickham Drive, asked for clarification regarding the review process for the application. Chairman Hetzke explained the steps in the Board’s site plan review process. Mr. Sparnecht was concerned with advertisement of projects under review by the Town. Chairman Hetzke explained a legal notice was advertised in the Penfield Post prior to the hearing. Mr. Nersinger listed the Town’s policies for neighborhood notification. Mr. Sparnecht was also concerned that the owner had taken steps to obtain a demolition permit for the existing residence, giving the appearance the project was a guaranteed approval. The board and staff explained residential demolition was permitted and outside of the board’s jurisdiction. Mr. Sparnecht was also concerned with the limited parking spaces for the office building, as well as the use of the basement level.
- Debra Young, 136 Camberely Place, expressed concerns that the proposed building may remain vacant similar to other new offices in the area. She also expressed concerns regarding traffic and disagreed with the proposed hours and stated it was likely the office would be open later than proposed.
- Andrew Stauber, 16 Cherrymede Crescent, expressed concerns regarding increased traffic problems due to the topography of the road inhibiting line of sight. He was also
concerned with the impacts to the existing creek, wildlife, light pollution, and his property values.

- Pietro Furgiuele, 1045 Whalen Road, asked if the proposed use of the property was in compliance with the zoning and what the future possible development of that area would be. Chairman Hetzke confirmed the property and several of the adjacent properties were zoned BN-R (Business Non-Retail) and the proposed use was compliant. Mr. Nersinger explained the Town Board had rezoned that area previously and as a transitional land use from the properties to the north that are zoned General Business (GB). Other sections of the town were rezoned in a similar fashion along Penfield Road and have begun redeveloping to commercial uses. Mr. Furgiuele asked if there was a specific aesthetic in mind for this BN-R zoned area. Chairman Hetzke explained there was no specific design policy other than the Planning Board's Design Guidelines and applications were considered by the board on an individual basis.

- Frederick Young, 136 Camberely Place, expressed concerns regarding the impacts to traffic as related to the project.

Applicant Responses:

- Mr. Pellitiere responded to public concerns regarding the asbestos survey and demolition of the existing residence. He explained he was unsuccessful in an attempt to renovate the property and had decided to move forward with the demolition plans to prepare for either future development or sale of the property if a plan could not be approved that met his requirements.

- Mr. Pope stated he expected site plan modifications based on the Sketch Plan hearing and letter issued by the board and was willing to work with The Town to develop a plan that could be approved.

Board Discussion:

- Board member Burton pointed out the initial proposal that was presented to PRC prior to making the application was for an 8,000 +/- square foot building. Staff confirmed the applicant met the Town’s Project Review Committee (PRC) prior to submitting a sketch plan application for the Board’s review. The initial plans displayed a building with a 40’ front setback for a smaller building. The application, as submitted, proposed a larger building with a 25’ front setback.

- Chairman Hetzke asked if the proposed 10,000 +/- square foot building included the basement level. Mr. Nersinger stated it was the gross floor area for the proposed building.

- Board member Burton had concerns for basement level uses in relation to the State building code.

- Board member Burton stated the proposed commercial driveway was four (4) feet narrower than allowed by the Town’s requirement and the parking lot did not have adequate space for emergency response vehicles to turn around.

- Board member Burton expressed concerns regarding the lack of stormwater management plans as the area was known to have drainage issues. Staff agreed the applicant would need to address drainage issues as there was a stream at the rear property line that falls within the Town’s Environmental Protection Overlay District (EPOD) for watercourses.
- Board member Burton was concerned with the proposed front setback as it was only shown at 25 feet from the right-of-way of a state road. The propose side setbacks were also significant. The board members agreed.
- The board had concerns with the proposed size of the building in proportion to the size of the property as it limited the parking area and the necessary stormwater management plans.
- The board discussed the submitted architectural renderings and agreed the Town’s Architecture consultant should review any future application for this project.
- Board member Burton suggested the matter be tabled to allow more time to consider public comments and the applicant’s presentation. He also suggested that staff prepare a draft Sketch Plan letter for the Board’s review at the next scheduled meeting.
- The board agreed with Board member Burton’s recommendation.

The Board voted and TABLED the application pending further discussion.

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

Motion was carried.

2. TJL Realty LLC, 231 Shore Drive, Rochester, NY 14622, requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Subdivision approval of a 0.23 +/- acre property located at 2049 Five Mile Line Road. The property is now or formerly owned by TJL Realty LLC and zoned R-1-25. Application #17P-0022, SBL # 139.06-1-4.

Thomas LaDuca of TJL Realty LLC presented the application to the board.
- Mr. LaDuca explained a variance was granted by the Zoning Board of Appeals on May 26, 1992 when the property was purchased by TJL Realty LLC. Since then the owners decided to exercise the variance by applying for the subdivision of the properties. However, the surveyor discovered an error in the originally submitted measurements for the variances and a new application had been made to the Zoning Board of Appeals to amend that.
- The proposed subdivision would allow separate parcels for each of the residences and no changes were proposed to the existing structures.
- The portion of the parcel known as 8 Gebhardt Road was proposed to be sold pending the approval of the subdivision.

Board Questions:
- Board member Burton asked if the fence along the rear of the properties would be relocated as it was approximately six (6’) feet over the proposed subdivision line. Mr. LaDuca was unconcerned with the location of the fence.

Board Discussion:
The Board had no concerns regarding the application and voted to approve sending a letter of support to the Penfield Zoning Board of Appeals.

Vote: Moved by: Burton Seconded by: Bastian

Motion was carried.

The Board voted and APPROVED the authorization for the Chairman to sign the Part II Short EAF.

Vote: Moved by: Burton Seconded by: Bastian

Motion was carried.

The Board voted and APPROVED the application with conditions.

Vote: Moved by: Burton Seconded by: Bastian

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 the Town Board held a public information meeting on September 6, 2017 to obtain feedback from neighbors regarding the proposal to develop the LLD zoned area and a portion of the R-1-20 property for future apartment buildings. A portion of the R-1-20 lands would have to be rezoned to LLD in order for
the proposed apartments. The Town Board tabled the discussion pending the opportunity to view the site when the leaves were off the trees at a later date.

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

2. 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 informed the board there were no updates as the applicant was awaiting the October 19, 2017 hearing of the Zoning Board of Appeals for the variance required for this application.

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

- A public hearing before the Zoning Board of Appeals (ZBA) for the requested area variances at its meeting on September 19, 2017.
- On July 13, 2017 the Board voted and agreed to provide a letter to the ZBA stating its support for the setbacks represented on the proposed site plans, last revised August 7, 2017.
- Staff was directed to prepare a draft approval resolution for its review and consideration at the September 26, 2017 work session meeting.

Vote: Moved by: Kanauer Seconded by: Bastian
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye
Kanauer - Aye Tydings - Aye
Motion was carried.

3. T.Y. Lin International, 255 East Avenue, Rochester, NY, 14058, on behalf of Sam Kaiser, requests under Chapter 250 Articles VI-6.2 and XII-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 for this application

- Mr. Nersinger informed the board the applicant responded to the Board’s previous
tabling resolution from its September 14th meeting. Since then, the Town Board discussed the proposed site work in the Town’s right-of-way along Old Browncroft Blvd. The Town Board tabled the matter pending feedback from the Project Review Committee (PRC) regarding a remediation plan and a cross section view of the final grade of the hill once excavation is completed.

- Mr. Nersinger updated the board on the coordinated review of the unlisted action pursuant to SEQRA. Staff issued lead agency response letters to the interested agencies. Responses received from the agencies, which included the New York State DEC, Monroe County Parks Department, recommended the Planning Board would be the appropriate agency to act as the lead agency for the project.

The Board voted to announce its intent to serve the role of lead agency in the review of the proposed project as an Unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA).

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

Motion was carried.

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

- A revised set of site plans with written responses to comments issued by 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.
- A decision from the Zoning Board of Appeals for the requested expansion to a conditional use permit.

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

Motion was carried.

4. Peter P. Romeo, R.A., 35 Paramount Ln, 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.

- Mr. Nersinger informed the Board the applicant had submitted written responses to PRC’s comments and an updated landscape plan. An updated engineered site plan had not yet been submitted.
- Staff had received correspondence from the State DOT that a permit application for a curb cut on Penfield Road had been applied for by the applicant.
- Staff also received correspondence from the Monroe County Department of Public Health regarding the septic system stating they are able to approve the designs following site plan approval from the Town.
- The application for the necessary variances had been tabled by the Zoning Board of Appeals pending this board’s decision on SEQR.

The Board voted to APPROVED the authorization for the Chairman to sign the Part II and III Full EAF.

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

Motion was carried.

The Board, acting leaf agency pursuant to SEQRA, voted and ADOPTED the negative declaration for environmental non-significance.

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

Motion was carried.

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

- Revised engineered site plans per the comments issued by the PRC in its memo dated August 4, 2017, and the applicant’s responses dated September 14, 2017.
- A decision from the Zoning Board of Appeals for the requested area variances.

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

Motion was carried.
V. Action Items:

1. 777 Panorama Trail, Sumket Village plat map
   - Mr. Nersinger informed the board the owner proposed to develop the lands for a commercial/residential mixed use development and has purchased lands from Thermo Fisher Scientific. At its July 20, 2017 meeting, the Zoning Board of Appeals granted an area variance for less lot coverage on the Thermo Fisher Scientific property.
   - The board asked for clarification on the proposed changes to the property lines in comparison to the existing properties. Staff referred to the plat map that was submitted by Thermo Fisher Scientific for the resubdivision of lands and explained a property line would be shifted between two parcels to increase the developers overall land holdings for the future development.
   - The Board had no concerns regarding the resubdivision of lands.

The Board voted and APPROVED the authorization for the Chairman to sign the resubdivision plat map.

Vote: Moved by: Burton Seconded by: Tydings

Motion was carried.

2. 1724 Kennedy Road, Theravet plat map
   Mr. Nersinger informed the board this item was withdrawn by the owner.

VI. New Business:

- 2018 Planning Board meeting calendar
- Mr. Nersinger reviewed the proposed meeting dates for the 2018 Planning Board schedule.

The Board discussed and APPROVED to accept the 2018 meeting schedule as amended (see next page).

Vote: Moved by: Burton Seconded by: Bastian

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:24 PM. These minutes were adopted by the Planning Board on September 26, 2017.
2018 Penfield Planning Board Meeting Schedule

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<td>Public Hearing</td>
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<td>January 25, 2018</td>
<td>Work Session</td>
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<td>February 8, 2018</td>
<td>Public Hearing</td>
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<td>February 20, 2018</td>
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<td>March 8, 2018</td>
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<td>March 22, 2018</td>
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<td>November 8, 2018</td>
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<td>December 13, 2018</td>
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Penfield Planning Board meetings are scheduled to begin at 6:30 PM in the Town Hall Auditorium, located at 3100 Atlantic Avenue, Penfield, NY 14526, unless specified otherwise on the meeting dates listed above. Please contact the Planning Department at 585-340-8640 or planning@penfield.org with any questions.