PLANNING BOARD
MEETING MINUTES
SEPTEMBER 26, 2017
The Planning Board held a meeting at 6:30 PM local time Thursday, September 26, 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
Jim Burton*
Terry Tydings

ABSENT: Allyn Hetzke, Jr.

ALSO PRESENT: Zachary Nersinger, Town Planner
Doug Sangster, Planning/Environmental Technician
Pete Weishaar, Planning Board Attorney
Alison Sublett, Board Secretary

*Board member Burton arrived at 6:42 PM

II. 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. 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 the Zoning Board of Appeals had approved the area variance for less setback to the rear property line required for the proposed development on September 19, 2017.
Mr. Nersinger informed the Board the applicant had previously provided the board with revised plans that met the requirements of the board and staff.

Staff prepared a Part 2 EAF and draft approval resolution for the Board’s review and consideration.

The Board had no further concerns regarding this application.

The Board voted and APPROVED the authorization for the Chairman to sign the completed Part 2 Short EAF.

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

Mr. Nersinger explained the Town Board previously met to discuss the proposed application as part of the site work would be located in the right-of-way of Old Browncroft Boulevard. The Town Board had requested the a cross section plan of the proposed grading and site work within the right-of-way which the applicant had submitted on September 26, 2017 for the Town Board work session meeting scheduled to take place on September 27, 2017.

The Project Review Committee had submitted a memo to the Town Board with recommendations for the proposed site work in the right-of-way. This included, but was not limited to, additional parking for the trail head that is located to the east of the site.

Mr. Nersinger explained the applicant was awaiting the Town Board’s decision prior to submitting updated plans for the application. Until revised site plans are submitted by the applicant with written responses to the agency comments, there was little information for the Planning Board to weigh in on at this time.
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 area variance for an expansion to a pre-existing non-conforming use.

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

4. Peter P. 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.

- Mr. Nersinger reviewed with the Board the history of the application. This included the Board’s recent adoption of a negative declaration, pursuant to SEQRA, which had been sent to the NYS DEC Environmental Notice Board (ENB) for publication.
- Staff informed the Board the applicant’s request for area variances for less front and rear setbacks had been approved by the Zoning Board of Appeals (ZBA) at its September 19, 2017 meeting.
- The applicant was working on an updated engineered site plan that will include drainage designs per the comments of the Town Engineer.
- Board member Kanauer asked if the barn could be replaced at a later date. Mr. Nersinger explained the ZBA approval included a condition for the removal of the barn prior to the issuance of a C of O (certificate of occupancy) for the proposed single family home.

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.
5. 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.

- Mr. Nersinger reviewed for the Board its decision to table this matter following the applicant’s presentation and public input that was heard at the September 14 public hearing meeting. The board tabled the matter so that it may review the information presented by the applicant and the concerns that were noted by the board and the public regarding the proposed development. Staff had since prepared draft meeting minutes and draft sketch plan review letter for the Board’s review and consideration.
- The Board discussed content of the draft sketch plan letter and agreed that it captured the concerns noted by the board at the September 14 meeting. This included, but was not limited to, the Board’s concerns for the proposed size of the building, the low number of parking spaces, the proposed setbacks, sight distance for traffic on NYS 250, stormwater management designs, and an appropriate buffer to the residential properties on Cherrymede Crescent.
- Staff also reviewed the Town Board’s 2011 rezoning resolution and the requirements set forth by the Town Board for the properties in this portion of the BN-R district upon the time at which they are redeveloped. A copy of the rezoning resolution would be provided to the applicant.

The Board voted and directed staff to issue its sketch plan review letter with concerns noted as follows.

The Board reviewed the submitted sketch plan application materials and was generally supportive of the proposed redevelopment of the property for the construction of a new professional office building. The proposed use of a law office is a permitted use in the BN-R District.

However, among other comments listed below, the Board expressed several concerns for the proposed plan due to the large size of the building, which was represented as a two-story structure with a walk out basement for the ground level entrance at the rear and a 5,070 square foot building footprint, totaling in excess of 10,000 square feet in gross floor area on the 0.75 acre parcel. The Board finds that the proposed front and side setback variances would be too significant for the site – specifically the front setback distance to NYS 250, the low number of parking spaces that is well below the requirement of 1.5
spaces per 200 square feet of net office area per the town code, and stormwater management designs have yet to be designed for the site. The limited space that remains due to the watercourse EPOD buffer area, which extends approximately 75 feet into the parcel from the rear property line, will make it difficult to provide adequate parking and may create challenges in designing a stormwater management system. A conversation with the Town Engineer would be beneficial to review limitations of the EPOD.

The Board is concerned the proposed setback variances are too significant for the proposed structure. A reduction in the size of the proposed structure would lessen the magnitude of the relief sought by the applicant for setbacks. Similar projects in the BN-R District have received area variances for less front setback from the right-of-way. The proposed front setback of 25 feet from NYS 250 would be insufficient. If the NYS Department of Transportation were to widen the road in the future, traffic and sight distance may become an issue. Please review Town Board resolution #1IT-279, dated December 21, 2011, attached hereto, which describes the Board’s findings for the rezoning of this property from R-1-15 to BN-R. This includes the recommended setbacks, as well as preferred buffering techniques to the residential properties on Cherrymede Crescent and shared parking designs for cross access.

While shared parking is a requirement for these parcels in the BN-R District, the proposed 32 parking spaces is significantly less than the required 48 by code. During the presentation to the Board, it was stated that the business has continued to experience growth, which has influenced size of the proposed building. But with little to no details about timeframe for the growth of the business and the unknown possibility of a second tenant, the Board is concerned about the potential for a lack in sufficient parking to adequately service the site. It should be noted that shared parking will only be available once the adjacent properties are redeveloped and therefore the site has to be designed to best meet the code requirements at this time. Under Chapter 250, Article 7.7-(6) of the Code, the board having jurisdiction may authorize a reduction of up to 20% of the total number of spaces which would have been required. A cross access with shared parking agreement will be required in order to receive the fore mentioned parking reduction.

The Board would be more supportive of the proposed development if consideration were given to revising the plan with one or more of the following changes:

1. Reduce the building area footprint
2. Reduce floor area of the building by eliminating the second story of the structure
3. Increase the front and side setbacks
4. Consider alternative stormwater management designs for the site

In addition, the Board requests information be provided within a future application for preliminary and final site plan approval regarding the items listed below.

1. Provide the Board with a complete set of engineered site plans that meet the requirements of the Town for a preliminary/final site plan application and addresses the Board’s comments and concerns and the Project Review Committee’s (PRC) memo dated September 7, 2017.
2. Provide a lighting and photometries plan with cut sheets of the proposed fixtures. Lighting fixtures shall be dark sky compliant and unobtrusive to the adjacent residential properties.
3. Provide a landscape plan with planting schedule and details that shall provide an enhanced buffer for the adjacent residential properties. Per the Town Board findings in the attached rezoning resolution, the vegetation within the 50 foot buffer area is maintained and embellished where necessary as a condition of redevelopment for the purpose of effectively buffering the residents of Cherrymede Crescent.

4. The Board was generally supportive of the proposed building designs per the concept renderings. Building elevations and renderings shall be updated to match any modifications made to the site plans. Four-sided building elevations of the proposed structure shall be provided with physical examples of building colors and materials.

5. Review the proposed setbacks and other area variances that would be required for the proposed development. Currently, area variances would be needed for front and side setbacks, less parking, and buffer to residential zoning district. These variances should be minimized as possibly feasible.

6. Provide the Board with floorplans of all levels to delineate the use of the interior space and determine its occupancy.

7. Provide the Board with details for any proposed signage. Review Chapter 250, Article X: Signs of the Code of the Town of Penfield, to determine if an application will need to be submitted for the Zoning Board of Appeals.

8. Provide the Board with the proposed hours of operations in a future letter of intent.

9. Provide the Board with data for the number of staff and visitors expected to visit the site during business hours in a future letter of intent.

10. Any future submission for a preliminary and final site plan application shall include written responses to this sketch plan review letter and the PRC’s memo dated September 7, 2017.

Upon submission of an application for preliminary/final site plan approval, the applicant must provide written responses to the above comments and any additional comments received to date. Additionally, written responses to the Factors for Consideration for Site Plan approval found in Chapter 250, Article XII-12.3 of the Code of the Town of Penfield shall be submitted.

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

Motion was carried.
III. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for September 14, 2017.

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

Staff informed the Board of applications scheduled to be heard at the October 12, 2017 public hearing.

There being no further business to come before the Board, this meeting was adjourned at 6:57 PM.

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