The Planning Board held a meeting at 6:30 PM local time Thursday, October 12, 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:   Douglas Sangster, Planning/Environmental Technician
Mike O’Connor, Town Engineer
Pete Weishaar, Planning Board Attorney
Alison Sublett, Board Secretary

II. APPROVAL OF MINUTES:

The board voted and APPROVED the draft meeting minutes for September 26, 2017.

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. LandTech Surveying & Planning PLLC, 710 Latta Road, Rochester, NY 14612, on behalf of Mascot, Inc., requests an informal discussion before the board with plans for a 17 lot single family residential subdivision with associated site improvements on a total of 16.63 +/- acres located at 1698 Creek Street. The property is now or formerly owned by Penfield Creek Street, LLC and zoned R-1-20. Application #17P-0023, SBL # 108.19-1-50.1.

John Sciarabba, L.S., LandTech Surveying & Planning, PLLC, presented the application to the Board. Also present was Lou Masci of Mascot, Inc.

- Mr. Sciarabba explained the parcel was located north of Bunker Hill Drive and has access to public sanitary sewers and water at Creek Street. The parcel was also included in the Town’s Woodlot Environmental Protection Overlay District (EPOD), as it is heavily treed, and had approximately 45 +/- feet of grade change from the front to rear of the property.
The proposal for this property is for a 17 lot subdivision where the existing residence was proposed to be subdivided to a one (1) acre lot, leaving the remainder to be subdivided for 16 new residential lots.

All proposed lots exceed the 20,000 square foot minimum lot size required for the R-1-20 zoning district, which allow Mascot to build larger homes with a footprint beginning at 2,200 +/- square feet and increasing from there on.

The layout is a design featuring a single street with a cul-de-sac turn-around.

The applicant was concerned with buffering to existing neighbors so the proposed residences were located closer to the new road to allow for the preservation of existing trees and ensuring no new houses were closer than 100 feet +/- from existing properties.

As previously mentioned, the property slopes from east to west, therefore a stormwater management facility was proposed near the right-of-way of Creek Street; however the designs are not complete as the project is still in concept phase.

Topographic surveying and soil testing were planned for the Preliminary/Final application.

Mr. Sciarabba explained that preliminary plans were submitted to the Monroe County DOT (Department of Public Works) as Creek Street is a county-owned road. He added that the DOT had no immediate concerns with the location of the proposed driveway. The location of the adjacent house across the street would be added to future plans to review any potential for light spillage.

A preliminary traffic study was performed and the result was a trip generation letter that identified no significant negative impacts from the proposed project to existing traffic on the county road.

Mascot Inc. proposed to offer new homes at a starting prices of $320,000 and believed this project would be a benefit to the neighborhood. Any comments from the Board and the public would be welcomed.

Board Questions:

Chairman Hetzke asked for a response to staff comments regarding the divided entry of the road from Creek Street and the center of the cul de sac that were proposed to be landscaped. Mr. Sciarabba explained the divided entry was proposed to offer a similar layout to Bunker Hill Drive. Also, on September 26, he and his client hosted an information meeting to inform the public of the project. At said meeting, neighbors expressed concerns for AM (morning) traffic. A divided entry could allow the street to have a single-lane entrance and dual-lane exit from the subdivision. The County DOT did not have an issue with the proposed entrance configuration. As for the cul-de-sac, Mr. Sciarabba explained the landscaping was intended to reduce road maintenance, increase green space for stormwater management as well as add aesthetic appeal.

Chairman Hetzke asked if the proposed pond was intended for retention or detention of storm water. Mr. Sciarabba informed the Board a retention pond was proposed that would be compliant with the State Department of Environmental Conservation (DEC) for stormwater systems. It had not been designed yet, therefore the pond shown on the plan was to acknowledge that a pond would be necessary. Soils testing is planned within the next couple of weeks.

Board member Kanauer asked if the project is in compliance with zoning requirements and if any variances would be required. Mr. Sciarabba replied the proposed lot
configurations meet all zoning requirements and did not foresee the need for any variances for the project. Large 3,600 building footprints were shown on the plan for zoning compliance.

- Board member Kanauer asked if Lot 16, just south of the proposed entrance on the submitted plan, was compliant with the front setbacks as the residence appeared close to the new road. Mr. Sciarabba explained that house was proposed to face Creek Street and have access from the new road with a side-load garage.

- Board member Tydings asked if landscaping was planned for the rear property lines of the proposed residential lots. Mr. Sciarabba explained that landscaping was not proposed but the applicant planned to preserve as many of the existing trees as possible and perhaps establish a conservation easement around the perimeter of the site. He added that at the public information meeting the neighbors on Bunker Hill Drive expressed concerns with future buffering and that there were numerous dead trees in the wooded area and the applicant planned to clean up those areas.

- Board member Burton asked how many neighbors attended the meeting hosted by the applicant on September 26, 2017. Mr. Sciarabba answered only approximately ten (10) neighbors attended the meeting as there was an error with the mailing list that was provided to them and the notifications did not reach most of the neighbors in time.

- Board member Burton asked if the neighbors who attended the meeting asked for the split entrance to the proposed subdivision. Mr. Sciarabba answered the neighbors expressed concerns regarding morning rush-hour traffic, specifically to travel south on Creek Street. He explained Mascot had successfully remediated traffic issues utilizing the dual exit lanes at other projects along with a landscaped median.

- Board member Burton asked what other comments had been made by neighbors at the information meeting. Mr. Sciarabba explained that among those in attendance there were general questions about the project as well as concerns with drainage, traffic, and screening that he believed were satisfactorily addressed at that meeting. The project will treat all drainage on site on prevent any discharge onto adjacent properties. They will attempt to screen/buffer the neighbors from the project as best as possible; as mentioned before, the nearest home would be located 100 +/- feet from the rear property line. Other questions were typical and nature and could be addressed.

- Board member Burton asked if the applicant was proposing to remove dead trees. Mr. Sciarabba confirmed this was included in the project.

Public Comments:

- Albert Bradley, 26 Bunker Hill Drive, expressed concerns regarding the project. Mr. Bradley was supportive of the proposed buffering but had concerns with increased traffic to Creek Street as well as Bunker Hill Drive as a result of the proposed project.

- Walter Mauldin, 1667 Creek Street, was supportive of the overall project and expressed concerns regarding the impacts of the proposed project to the existing woodlot and wildlife in the area. Mr. Mauldin was also concerned with the proposed location of the retention pond as it appeared to be close to existing road and asked if a barrier to the pond could be considered for safety. He was also concerned with added traffic and was supportive of the proposed divided entry and asked it be properly illuminated for safety. He was also concerned with stormwater runoff along the slope of the proposed road.
• Tracy Ammerman, 175 City View, expressed concerns regarding the location of the property line and requested additional buffering be added to the portion of the property abutting her rear property.
• Bill Wendland, 2181 Monroe Wayne County Line Road, expressed concerns regarding the proposed retention pond with regards to safety.
• Sharon Law, 497 Harrogate Drive, expressed concerns regarding the proposed project with regards to traffic impacts.
• Kathleen Richardson, 35 Bunker Hill Drive, expressed concerns with the proposed project as it would impact existing wildlife in the area as well as noise, lighting, and traffic impacts.
• Joseph Moynihan, 481 Harrogate Drive, expressed concerns regarding traffic and was disappointed with State and County DOT offices not recognizing the need for an improved intersection at Browncroft Boulevard, Creek Street and Blossom Road.

Applicant Responses:
• Mr. Sciarabba addressed public comments by explaining Mascot was a well-established family-owned and operated builder with a well-established history in the area. He clarified the public information meeting that was held at the Town Recreation Center on September 26, 2017, was set up and paid for by the applicant, independent of the Town in order to solicit comments from concerned neighbors. He stated he made detailed notes of the public comments stated at this hearing and would consider them in the future application.

Board Discussion:
Following the discussion at the public meeting and subsequent discussion in a work session, the Penfield Planning Board offered the following comments.

The Board directed staff to issue a sketch plan review letter with the following concerns noted.

The Board reviewed the submitted sketch plan application materials and was supportive of the proposed development of a 17 lot single family residential subdivision with associated site improvements on the property located at 1698 Creek Street.

• The Applicant shall provide final engineered site plans with the submission of a future application for preliminary/final site plan and subdivision application. Site plans shall delineate the proposed traffic lanes with proper road striping if the proposed exit retains the separated left and right turn lanes.
• While the landscaped islands are not favorable for snow plowing efforts, they are aesthetically pleasing when properly planted and maintained. The Applicant should investigate this feature in greater detail prior to submission of a future application. Any amenities in the Town’s right-of-way will require the formation of Special Improvement District for future maintenance. Any proposed plantings in a road island shall be salt tolerant.
• A future application for development will require the review of the Penfield Conservation Board due to the existing stand of trees on the property.
The Board discussed the matter of sidewalks for the proposed development and was supportive of installing sidewalks on only the south side of the proposed road within the subdivision. Sidewalks are available on the west side of Creek Street and were not recommended for the frontage of this development. A sidewalk waiver will be required for relief from installing any portions of sidewalks for the development, which will be subject to the review of the Town Board.

A landscape plan shall be provided showing the area to be preserved and proposed plantings to comply with the Town’s Street Tree Policy.

The proposed retention pond should be located as far from Creek Street as possible. Clarify if the pond will be dedicated to the town as part of a Special Improvement District for the subdivision. The Board was not supportive of a fence around the pond at this time. Natural plantings and landscaping techniques should be considered.

The proposed layout of Lot 16, as represented by the applicant, is acceptable to the Board.

The Applicant should consider staggering front setbacks for lots on the north side of the subdivision.

Vote: Moved by: Burton Seconded by: Bastian

Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye

Kanauer - Aye Tydings - Aye

Motion was carried.

2. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Anthony Arena Jr., requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision approval for a two (2) lot subdivision of a 31.3 +/- acre property located at 1830 Sweets Corners Road. The property is now or formerly owned by Anthony Arena Jr. and zoned RA-2. Application #17P-0024, SBL # 126.01-1-19.11.

Ray Raimondi, Marathon Engineering, presented the application to the Board. Also present was Mike Crooks of Arena Products.

Mr. Raimondi informed the board the applicant wished to subdivide the property into two lots, creating a two (2) acre parcel for the previously existing residence and a 29.3 +/- acre lot for the newly constructed residence and horse stable.

Both proposed lots would be compliant to the RA-2 zoning district and no additional changes to the lots were proposed.

Board Questions:

Board member Bastian asked what the intended use was for the residence on the newly proposed lot. Mr. Crooks answered the owned planned to continue to use that residence for the horse operation business offices. Mr. Crooks explained there was a barn in close proximity to the residence that prevented the subdivision of that lot into its own parcel without requiring variances for the barn. The barn in question had been removed and the owner preferred to keep the residence used for offices on its own parcel.
• Board member Kanauer asked if the existing accessory structure would be housing livestock. Mr. Crooks explained the structure was small and only used for storage.

Public Comments:
(None)

Board Discussion:
• Mr. Sangster informed the Board the residence on the property was original subdivided in 2014. After, the owner was granted an administrative site plan approval to construct the new residential home and horse barn. At that time it was acknowledged in the approval that the existing residence only be used as an office since two residential structures were not permitted on one property in the RA-2 zoning district. This application brings the property into compliance with the Code by separating the residential structures to two parcels.
• The Board discussed the proposed subdivision and had no concerns with the project.

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

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

Motion was carried.

3. Marathon Engineering, 39 cascade Drive, Rochester, NY 14614, on behalf of Eric Graff, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval to construct a new child-care facility with associated site improvements on a total of 3.31 +/- acres located at 1280 Creek Street and 85 Sovran Drive to be known as Kidtopia Daycare. The properties are now or formerly owned by Retlaw Rekced and zoned LB and GB. Application # 17P-0025, SBL #s 093.15-1-2.115 and 093.15-1-2.116.

Matt Tomlinson, CPESC, Marathon Engineering, presented the application to the board. Also present were Allen Rossignol of Edge Architecture and Erik Graff of Kidtopia.
• Mr. Tomlinson explained the development was proposed to take place on 1280 Creek Street, no development was proposed for Sovran Drive, however, it was included in the project as it was part of the purchase agreement.
• The project was located at the intersection of Creek Street, a (Monroe) County road, and Pen-Web Park, which serviced a residential cul-de-sac development behind the project site.
• Mr. Tomlinson explained they were seeking preliminary and final site plan approval for the project. Due to the tight configuration of the property, four (4) area variances would be necessary for this project, including front setback; size of the building as the Code limits the size of the building; buffer to residential; less parking as 34 spaces are proposed where 36 are required. The proposed parking met the needs of the service and reduces the amount impervious surfaces.
• A previous application was reviewed as a sketch plan application, and the current plan has been referred to the Penfield and the PRC Monroe County Development and Planning for comments.
• A number of site plan issues brought up by staff such as traffic, parking, drainage had been addressed for the project. Upgrades to the stormwater management facility were also required by town staff to bring it into compliance with current standards.
• A stormwater management facility was proposed on the rear of the lot, which serviced other parcels along Sovran Drive.
• An application had been presented to the Zoning Board of Appeals on August 10, 2017 for the variances required for the proposed project. The Zoning Board had tabled the application pending review and feedback from the Planning Board.
• The facility typically closes early in the day once all the children have been picked up by families and was not used for extracurricular activities after hours. Therefore, the lights could be dimmed or turned off after hours to minimize any potential impacts to the neighborhood.
• Other site improvements include four (4) 18 foot tall light poles with LED lights were proposed to illuminate entry points. New landscaping included several street trees. A new monument sign is proposed for the facility. All utility services are available at the site.
• Written responses to the Town’s comments had been provided previously.

Allen Rossignol, Edge Architecture, addressed the board regarding the proposed building designs.
• The design considered the surrounding neighborhood and was in scale and proportion with the commercial and residential buildings.
• The building was oriented on east-west axis, allowing sustainable opportunities to capture natural light for the facility.
• The scale of the building along Pen-Web Park was designed for a residential setting so that it would not appear to be a large, mammoth-sized, building.
• The elevations were broken up, with scalable entities on the side facing Creek Street and graduating to lower elevations on the residential side of Pen-Web Park.
• The design of the building was that of a contemporary transitional type architecture was marketed to parents of young children.
• The Building materials include a Hardy board siding in cedar wood tones, grays, and blacks around the building with non-mirrored transparent glass for the entry area of which Mr. Rossignol displayed material samples to the Board.

• Mr. Tomlinson informed the board that a trip generation letter was prepared by SRF Associates and submitted to County DOT as part of the referral process and no comments were received regarding it.

• Mr. Tomlinson explained the multiple entrances from Pen-Web Park and Sovran Drive to the parking lot for school bus access and parents entering and exiting the facility.

• Mr. Tomlinson also explained that a playground equipment layout was included that handout he provided the Board at the start of the presentation.

Board Questions:
• Board member Burton asked if the renderings, submitted on October 12, 2017, depicting the playground were an accurate representation of what was to be installed. Mr. Tomlinson answered the renderings represented what was planned for the playground pending approval from the State Department of Child and Family Services. He added the application to NYS Office of Child and Family Services (OCFS) would be submitted 3 months prior to the planned completion of the facility.

• Board member Burton pointed out the Board would not be given an opportunity to review the plans for the playground area until the project was nearing completion due to the State’s review process and asked if the applicant could draft a preliminary application to be submitted to Child and Family Services so the Board could compare that information to what had been represented in the application under review for site plan approval and apply that same information to its ultimate decision and any conditions that would be considered. Mr. Tomlinson replied that at the time of submitting a building permit to the town could have the opportunity to once more review the plans for consistency with the Board’s conditions. Mr. Tomlinson added that a sample of the application could be provided for the Board’s review at a later time as a condition for approval. Mr. Graff explained that applicants to the OCFS have 90 days to complete the application, after the OCFS will arrange to review the site. He offered to provide a sample the application for the Board’s review with information that is currently available for the project.

• Chairman Hetzke asked what material was proposed for the eastern portion of the building as the rendering gave the appearance of stone. Mr. Rossignol explained it was proposed to be a solid siding material with variating colors that would appear as a stone façade.

Public Comments:
(None)

Board Discussion:

Following the public hearing the Board discussed the application in its work session.

The Board voted and directed staff to send a letter supporting the area variances to the Zoning Board of Appeals.
The Board voted and TABLED the application pending the review and/or submission of the following items:

- The Board requested the applicant provide a NYS Department of Child and Family Services application form filled in to the best of their ability with project details representative of the site plans and facility services that are proposed at this stage of the project.
- The Board will require a revised site plan to include a sidewalk along the property frontage in the right-of-way of Pen-Web Park, with a stub back to the edge of the road, to demonstrate compliance with the Town’s Sidewalk Policy.
- The Board directed staff to provide a letter of support to the Zoning Board of Appeals for the requested area variances.
- The Board directed staff to begin the preparation of a draft approval resolution for its review and consideration.

Vote: Moved by: Burton Seconded by: Bastian

Motion was carried.

4. Passero Associates, 242 West Main Street Suite 100, Rochester, NY 14614, on behalf of Antetomaso Homes, requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Final Site Plan approval for the construction of 20 single family residential lots with associated site improvements on a total of 16 +/- acres at 1200 Five Mile Line Road know as Water Song Phase 5. The property is now or formerly owned by Antetomaso Micca Group LLC and zoned R-1-20. Application #17P-0026, SBL # 091.01.1-37.001

Jess Sudol, Passero Associates, presented the application to the Board. Also present was Ralph Antetomaso of Antetomaso Homes.

- Mr. Sudol explained that Phase V of the subdivision included the final 21 lots of the project.
- The project site was also being considered for the 2018 Home-a-Rama event and was awaiting for confirmation of the decision.
- The section under review was part of an overall cluster subdivision that received preliminary overall approval. Over the years, about every five (5) years or so the
developer has come back to the town for final approval of a phase within the subdivision.

- Existing utilities, stubbed connections, and roads are in place for connections to this phase and will be constructed in the same manner as all previous phases.
- The proposed project would connect Mayer’s Garden to Watersong Trail and eliminate one of the dead-end sections of road.
- The proposed project included the construction of a sidewalk along Five Mile Line Road.
- Mr. Sudol stated that comments were received from the Town Engineering department and they have provided responses to those comments along with updated site plans.
- Street lights, sidewalks, gutters will be installed consistent with the previous phases.

Board Questions:

- Board member Kanauer asked what percentage the previous phases were completed. Mr. Sudol replied Phases 1, 2, and 3A were completed; phases 4A and 4B were nearly completed, and Phase 3B was not yet opened.
- Board member Kanauer asked what the impact to the rest of the site if Home-a-Rama was hosted as proposed. Mr. Sudol replied the developer planned to work closely with the County DOT to provide a temporary access road on Five Mile Line Road to allow visitors to the site without impacting existing residents in the neighborhood; however, if a temporary access road was not approved the visitors would enter at the main entrance to Watersong Trail and make an immediate right turn onto the site and avoiding existing homes.
- Board member Kanauer asked if there was proposed temporary parking allocated for the event. Mr. Sudol replied temporary parking was to be located in the future Phase 3B area that had not been developed yet.
- Chairman Hetzke asked if the proposed project included the completion of Watersong Trail through the entire neighborhood. Mr. Sudol explained the portion of Watersong Trail that was located in Phase 3B was not proposed to be paved until that section was opened.

Public Comments:

- Robert Goodwin, 7 Watersong Trail, supported the overall project as the undeveloped property attracted off-road vehicles. Mr. Goodwin had concerns with drainage as his rear property borders the proposed development and was at a lower grade, creating a water problem on his property. He requested Lot 144 of the proposed project be designed to drain away from his property.

Applicant Responses:

- Mr. Sudol addressed the concern regarding drainage and confirmed a drainage plan was submitted and explained the proposed development site was sloped and sheet drains south to north. The proposed project included catch basins and storm drains that would redirect stormwater away from the previously developed areas to the retention pond.

Board Discussion:
• Chairman Hetzke suggested the applicant be required to complete the installation of roads for Watersong Trail, which included all of Phase V and the remaining portions of Phase 3B as a condition of their approval.

• Board member Burton asked staff if previously completed sections were in compliance with Town requirements. Staff informed the board that there were no major issues with the existing infrastructure. There was one drainage issue with an existing catch basin in Phase 2.

• The board discussed the question of completing the road and agreed the completion of Watersong Trail would allow for better access to public services, such as plowing and emergency response vehicles.

• The board agreed the applicant should be required to correct all deficiencies in previously completed phases as part of the approval for this project.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

5. Woods Oviatt Gilman LLP, 700 Crossroads Building, 2 State Street, Rochester, NY 14614, on behalf of India Community Center of Rochester, Inc., requests under Chapter 250, Article XIII-13.2 of the Code of the Town of Penfield for an Expansion to a Conditional Use Permit for the summer camp program. The property is located at 2171 Monroe Wayne County Line Road on a total of 20.41 +/- acres. The property is now or formerly owned by India Community Center of Rochester, Inc. and zoned RA-2. Application # 17P-0027, SBL # 141.02-1-5.1.

*Betsy Brugg, Woods Oviatt Gilman, presented the application to the board. Also present was Dr. C. Padmanabh Kamath of the India Community Center.

• Ms. Brugg informed the Board the India Community Center (ICC) purchased the property in 1984 and made many improvements since then.

• On March 28, 2002 the ICC was granted a Conditional Use Permit from the Planning Board for the use and operation of the camp that included six (6) sleeping cabins and a bath house for a maximum of 100 people.

• In 2004 the ICC obtained approval for an expansion to the Conditional Use Permit to allow the camp facility to be rented to outside non-profit organizations; however, the ICC never initiated that use and the permit lapsed.

• The camp that operated on the facility was known as The Hindu Heritage Summer Camp had grown and become successful; and was featured in the New York Times.
• The camp ran two (2) two-week sessions during the month of July as well as a week of staff training prior to the sessions. An adult spiritual retreat, with approximately 30 participants, was run at the facility as well.
• Based on the type of beds utilized when the camp was built, it was determined that 100 campers would be housed at the facilities. At the time this number was selected the ICC did not anticipate the success of the camp and need for expansion.
• The camp was regulated by the State Department of Public Health and was regularly inspected by local agents.
• The ICC discovered by changing the beds to bunk beds they could accommodate more campers and be within the requirements of the State Public Health Law. A permit from the Monroe County Department of Public Health, issued July 2, 2017 and included in the application submitted to the Board on September 1, 2017, stated the camp was granted a capacity for 120. Ms. Brugg explained 120 referred to the number of campers and did not include staff for the camp. The total number of occupants allowed in the cabins was 144, including staff and campers.
• Ms. Brugg informed the board the concerns raised by the Town Fire Marshal regarding the allowed occupancy according to the State Fire Code were addressed as the State Public Health Laws superseded the Fire Code.
• The ICC was requesting 150 occupants to include daytime staffing and planned to limit the occupants to 144 for overnight use.
• The ICC requested the Conditional Use Permit be extended from the originally conditioned 10:00 PM to 11:00 PM, which mirrors the Town Noise Ordinance for residential zoning districts. Ms. Brugg clarified the time restriction prevented camp staff from being able to clean up or be outdoors past the time campers were directed to cabins.
• The camp operated the majority of its activities inside the main building, however, since it is a summer camp there were outdoor activities during the day and bonfires at night.
• Younger campers were required to be in their cabins between 9:00 PM to 9:30 PM and older participants by 10:00 PM.
• The camp did not contain outdoor sports courts, swimming pool or sports fields, thus limiting opportunities for outdoor activities.
• The ICC requested the Board allow them to rent their camp facilities to other not-for-profit organizations. Ms. Brugg explained the current Conditional Use Permit limited the camp to use by the ICC and its members. The general use of these facilities conformed to churches and other religious organizations in the Town, which were permitted in residential areas and not constrained by membership requirements; therefore, the applicant requested equal treatment be permitted to them by the Board.
• No physical changes were proposed for the property.

Board Questions:
• Chairman Hetzke asked for clarification on the number of people proposed to be at the camp. Ms. Brugg answered 30 counselors and 114 campers were proposed to be housed in the cabins.
• Board member Tydings asked if the Town Fire Marshal was satisfied with the proposed occupancy of the cabins. Ms. Brugg explained the Fire Marshal met with Dr. Khamat earlier that day and she believed he was satisfied with the proposed use.

• Chairman Hetzke asked if the ICC had any specific groups interested in renting the camp facilities. Ms. Brugg explained they did not have interested parties at that time but desired to have the restriction removed from the Conditional Use Permit in order to allow the camp to be rented in the future.

• Board member Tydings asked if other activities besides the summer camp occurred at the facility. Ms. Brugg explained the ICC used their facilities year-round; the camp was restricted to the Conditional Use Permit granted in 2002.

• Board member Tydings asked what activities were planned past 10:00 PM. Ms. Brugg answered the ICC was requesting their permitted uses mirror the Town Code for residential zoning districts which permitted outdoor activity until 11:00 PM. She explained no camper activities were proposed past 10:00 PM.

• Board member Tydings asked if there were any issues with noise complaints. Ms. Brugg explained on neighbor had filed a complaint with The Town regarding noise from camp activities. She added that while his residence was not immediately adjacent to the camp site, the topography was perhaps an issue in carrying sound.

Public Comments:

• Robert Gingello, 2201 Monroe Wayne County Line Road, expressed concerns with the application. He submitted to the Board an aerial photograph showing the distance of his residence from the cabins as well as a camp schedule published by the Hindu Heritage Camp. He explained his chose the site for his home for its seclusion. He has contacted Town Code Enforcement as well as County law enforcement on numerous occasions regarding noise associated with the camp as well as other events hosted at the ICC facilities. He explained he and his spouse have difficulty sleeping and enjoying the use of their home during the summer camp sessions. He did not believe the campers were in bed by 10:00 PM. He can hear the bugle call early in the mornings during camp sessions. He stated the camp cabins were 536 feet from his residence and he can hear people talking. Mr. Gingello pointed out the published camp schedule shows Night Patrol scheduled from 10:00 PM to midnight, and at midnight the schedule reads Lights Out (Counselors); he stated the schedule conflicted with the applicant’s claims.

• Leonard Gingello, 249 Monroe Wayne County Line Road, expressed concerns with the application as he stated the use was not appropriate for the neighborhood. He had found teenagers on his property during the summer that he believed were attending the camp. His property was approximately 2,000 feet from the ICC facilities and he hears the noise from activities but not to the degree as his brother, Robert, who resides at 2201 Monroe Wayne County Line Road. He stated the Town noise ordinance prohibits sound travelling beyond 50 feet from the property lines.

• Bill Wendland, 2181 Wayne County Line Road, and supported the efforts of the ICC but had concerns with the proposed activities. He requested the outdoor building lights be reviewed by the board as it spills onto his property. He also requested the light on the sign be redirected as it spills onto his property. He stated the noise coming from the summer camp activity was irritating at times.
Applicant Responses:

- Dr. Kamath, who was the Director of Special Events, explained many of the noise complaints associated with outdoor activities that Mr. Robert Gingello was referring to were previously addressed and no longer taking place. He stated the counselors were instructed not to continue outdoor activity past 10:00 PM and no outdoor music was permitted by the Camp. Dr. Kamath stated their New Year’s Eve party was the only occasion he recalled an event taking place later than 10:00 PM.

- Dr. Kamath explained the *Group Sharing*, that was scheduled to take place until 10:30 PM, was held inside the main building for older campers and they were instructed to return to cabins quietly following this activity.

- Dr. Kamath explained *Night Patrol* was a time when camp directors walked around to make sure campers were safely in their cabins for the day. From 11:00 PM to 3:00 AM a paid security service was on site.

- Ms. Brugg submitted an aerial photograph of the property that included the neighboring properties and pointed out the areas used by the summer camp.

- Ms. Brugg stated the majority of the complaints listed occurred outside of the camp’s operation period, and the incidences that occurred during camp activities had been addressed by the ICC Board of Directors.

- Ms. Brugg pointed out the ICC facilities were under the jurisdiction of the Town Code Enforcement and Fire Marshal officials, and any legitimate violations could be addressed by those agents. The Hindu Heritage Camp had good reports from the County Department of Public Health. She added the ICC complied with all governing agencies and desired to maintain a good reputation as it was in their organization’s best interests.

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

- The Board requested clarification from the applicant the request to modify condition (b) of its March 28, 2002 approval resolution, which states: *The summer operation shall be limited to member and guests of the India Community Center (ICC) membership for the purposes of cultural and educational opportunities. Weekend retreats and similar uses of the facility are permitted, but are restricted to members and guests of the ICC. The intent of this [conditional use] permit is to provide a range of services for the membership of the ICC only.* The Board wishes to review what type of groups and activities, and their frequency of occurrence, are proposed for non-ICC groups at the facility as this could generate an undesirable level of noise or other disturbances to the surrounding area.

- Existing outdoor lighting conditions shall be provided for the Board’s review, which includes fixture types, pole heights, and cut sheets, if available. Pending the review of the existing conditions, the Board may require the applicant to improve the lighting conditions with dark sky compliant fixtures and cut-off shields to minimize any spillage or glare that may be occurring at this present time.

- The Board directed staff to prepare a draft approval resolution with conditions that shall include, but not be limited to, the Board retaining its right to revisit hours of operation, noise, and lighting issues that may occur due to the expansion of the Conditional Use
Permit. The draft document shall be reviewed by the Board’s attorney prior to any action taken by the Board.

Vote: Moved by: Bastian Seconded by: Kanauer
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. 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. Sangster informed the board The Town Engineer submitted a letter from the Town Board to the applicant approving the proposed work in the right-of-way in exchange for three (3) gravel parallel parking spaces be installed along the edge of the newly proposed berm for trail access.

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.

3. 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. Sangster informed the Board staff was awaiting the submission of an engineered site plan and there were no new items had been submitted for the Board’s review.

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 tes memo dated August 4, 2017, and the applicant’s responses dated September 14, 2017.

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

Motion was carried.

V. Action Items:

1. 43 Westfield Commons & 82 Merryhill Drive resubdivision

• Mr. Sangster informed the board the owners of these properties wished to convey a portion of land from 82 Merryhill Drive to be added to the parcel at 43 Westfield Commons. However, staff discovered the properties are in different school districts so communication with those districts would have to take place prior to the approval of a plat map.
There being no further business to come before the Board, this meeting was adjourned at 10:10 PM.

These minutes were adopted by the Planning Board on October 26, 2017.