PLANNING BOARD
MEETING MINUTES
NOVEMBER 09, 2017
The Planning Board held a meeting at 6:30 PM local time Thursday, November 9, 2017 in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Allyn Hetzke, Jr.
Bill Bastian
Terry Tydings
Bob Kanauer
Jim Burton

ALSO PRESENT: Zachary Nersinger, Town Planner
Michael O’Connor, Town Engineer
Alison Sublett, Board Secretary

II. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for October 26, 2017.

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

Motion was carried.

III. TABLED APPLICATIONS:

1. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614 / Midlakes Management, LLC, requests under Chapter 250 Articles VI-6.1, XI-12.2 and XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan, Subdivision, and EPOD Permit approval under Town Law 278 for the construction of 33 townhomes with associated site improvements on 32.67 +/- acres. The parcels are located at 1185 Empire Boulevard, 1211 Empire Boulevard, and 41 Woodhaven Drive. The properties are now or formerly owned by Howitt-Bayview, LLC and are zoned LLD and R-1-20. Application #16P-0004. SBL # 108.05-2-8.5., 108.05-2-8.33, and 108.10-1-1.111.

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, 14604, 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 from this application.

- Mr. Nersinger reviewed with the Board the submitted landscape plan, which included a row of trees on the proposed berm along Old Browncroft Boulevard to provide screening to the parking lot. The Town landscape consultant commented on the proposed species of trees. The Board had no concerns with the landscape plan as modified with the consultant’s recommendations.
- Mr. Nersinger informed the Board the applicant had provided responses and revised plans per the Project Review Committee’s (PRC’s) comments and also provided responses to other interested agencies.
- Mr. Nersinger explained the application before the Zoning Board of Appeals was tabled pending the SEQR determination by this board. Chairman Hetzke asked what items were left to address with SEQR.
- Robert Keiffer of T.Y. Lin International addressed the Board regarding the application. He explained an archaeological survey had not been submitted nor had a survey of existing plant species been conducted but were scheduled to commence shortly. Mr. Keiffer asked if the board was in a position to begin drafting its approval resolution while these surveys were completed.

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

- Applicant’s responses to the remaining environmental comments issued by the NYS DEC regarding the presence of any cultural resources on the site.
- The Board directed staff to prepare a draft approval resolution and a completed Full Environmental Assessment Form (EAF) for its review and consideration at the next meeting.

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

Motion was carried.
3. 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-13.3 of the Code of the Town of Penfield for an Expansion to a Conditional Use Permit for the summer camp program. 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.

Board member Burton recused himself from this application.

- Mr. Nersinger stated the applicant had provided responses to the Board’s tabling resolution.
- Mr. Nersinger informed the Board the applicant had met with their neighbor at 2175 Monroe Wayne County Line Road regarding his concerns with outdoor lighting. The applicant had submitted photographs and cut sheets of the proposed changes to the outdoor lighting by disabling three (3) of the existing building mounted lights on the east side of the building and installing dark-sky compliant pole-mounted light fixtures that face the building.
- Board member Bastian asked staff to review the proposed changes to the building-mounted lights in reference to regulations for entry lights over the doorway for public assembly space. Staff agreed to review this with the Town’s Building Inspectors.
- Mr. Nersinger informed the Board that the Town attorney had reviewed the draft approval resolution and proceeded to review the conditions of approval for the expansion to the Conditional Use Permit.
- Mr. Nersinger reviewed the applicant’s request for the approval of 150 occupants at the summer camp. The requested number of campers was determined to be compliant with the State laws, and the County Health Department. The Town Fire Marshal agreed this number was permissible according to the State’s Uniform Building Code.
- Mr. Nersinger explained the applicant requested to extend the time for outdoor activities to 11:00 PM to allow staff more time to clean up and also make the permit consistent with the Town Code for noise restrictions.
- Mr. Nersinger reviewed with the Board the applicant’s request to extend the use of the camp facilities to outside organizations; part of this included a request to extend the use of the camp to begin on June 1 and end on August 31.
- Board member Tydings asked if the camp could be rented to any group. Staff clarified the India Community Center (ICC) operated the Hindu Heritage Camp sessions and any other available times during the June to August window may be open to other non-ICC groups.
- Chairman Hetzke asked that a condition be included to explain the Board reserved the right to review the Conditional Use permit in the future if problems should arise with the permitted activities.
- Board member Kanauer asked if the concern stated at the public hearing regarding the light at the freestanding sign had been addressed. Mr. Nersinger explained that concern was not addressed in the applicant’s responses but staff would follow up with the applicant to confirm the light had been adjusted to redirect the light back to the sign.
- The Board had no further concerns with the application.
The Board voted and APPROVED the authorization for the Chairman to sign the Part II Short EAF.

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

IV. ACTION ITEMS:

1. 1661 Empire Boulevard, modified site plan
   • Mr. Nersinger informed the Board that since their approval of this project on August 15, 2017 the applicant had commenced construction on the site. During the construction of the parking area the owner installed asphalt to the front of the property along Empire Boulevard where grass was supposed to be installed. The parking areas had been striped and a vinyl fence was added along the rear of the property that was not compliant to The Code. Construction had ceased pending review by the Town as the site was not in compliance with the Board’s approved site plans.
   • Board member Burton asked if the proposed residence had been abandoned. Mr. Nersinger stated it had not, but the ingress and egress to the property from Rossman Drive was proposed to be modified from the approved plan.
   • Mr. Nersinger explained there was also a discrepancy in the lot coverage as calculated by Town staff and the applicant’s engineer. The applicant excluded the sidewalk along Empire Boulevard in their calculations, which should have been included. According to staff’s calculations, with the sidewalk included, the plan exceeded the allowable lot coverage. The applicant had an application for a Special Permit for Signage before the Zoning Board of Appeals on November 16, 2017 and was also requesting an interpretation of The Code regarding the matter of lot coverage.
   • Mr. Nersinger asked if the Board was supportive of the modifications.
   • Chairman Hetzke stated the green space (lot coverage) requirement was important as it prevented commercial property owners from over-developing their lots. Board member Burton added the purpose of green space was not just aesthetic but also to absorb stormwater.
   • Board member Burton recommended the applicant submit an existing conditions plan, showing the modifications, overlaid on the approved plan for the purpose of comparing the two.
The Board discussed the changes and agreed the matter required further review before making a decision and requested the applicant submit the existing conditions plan no later than November 29, 2017 to allow time for the Board to review the plans.

The board voted and TABLED the matter pending the submission and review of a new existing conditions plan.

Vote: Moved by: Burton Seconded by: Tydings

Motion was carried.

2. 1429 Shoecraft Road, resubdivision

- Mr. Nersinger informed the Board that since their 2016 approval for a three (3) lot subdivision the developer had sold the properties and the new owners wished to restore the parcels to their original single lot.
- The Board had no concerns with the proposal.

The Board voted and APPROVED the chairman signing the proposed resubdivision plat map.

Vote: Moved by: Bastian Seconded by: Kanauer

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:08 PM.

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