The Planning Board held a meeting at 6:30 PM local time Thursday, February 8, 2018 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
Terry Tydings

ABSENT: Jim Burton

ALSO PRESENT: Zach Nersinger, Town Planner
Mike O’Connor, Assistant Town Engineer
Doug Sangster, Junior Planner
Pete Weishaar, Planning Board Attorney
Alison Sublett, Board Secretary

II. APPROVAL OF MINUTES:

The board voted and APPROVED the draft meeting minutes for January 25, 2018.

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Heritage Christian Services, requests an informal discussion before the board with plans for a new child-care facility with associated site improvements on a 2.7 +/- acre property at 2730 Atlantic Avenue. The property is now or formerly owned by Jane Gray and zoned R-1-20. Application # 18P-0004, SBL # 124.01-1-2.

Dan Stewart, Heritage Christian Services, presented the application to the board. Also present was Eric Schaaf, Marathon Engineering.

- Mr. Stewart gave a brief history of Heritage Christian Services and the services they provide in the area.
The organization has three (3) child care facilities in the area: in the towns of Henrietta, Webster, and Greece.

Proposed facility would serve children from six (6) months to twelve years of age.

Hours of operation were proposed to be 6:00 AM to 6:00 PM, Monday through Friday, with limited use on nights and weekends.

The operation would require approximately 31 employees to serve 135 children.

Mr. Stewart explained the reason for the proposed large size of the new building is related to the ratio of teachers per child. For example: a class of zero (0) to eighteen (18) month-old children would require two (2) teachers for every eight (8) children, and 65 square feet is required for each child; this dictates the size of each classroom. A typical classroom was 560 +/- square feet plus support space.

The building was proposed to have administrative and support spaces to include a kitchen for storing and warming catered food and snacks, a staff lounge, nursing mothers’ room, therapy room, family room, visitors’ restrooms, staff offices, storage, and hallways.

The proposed playground would have three areas for the appropriate age groups.

The typical student drop-off duration averaged six (6) minutes at the Greece childcare facility.

Mr. Schaaf presented the concept site plan to the Board. He explained the existing residence was proposed to remain, and the ground floor would be used for the older children and the second floor for storage.

The new playground area was proposed to be similar to the existing Greece facility and divided into age appropriate sections with interior fencing. The exterior of the entire play area was proposed to be fenced as well.

48 parking spaces were proposed, which exceeded the required 45 spaces per Town Code.

There were two (2) existing curb cuts on the site. The entrance on Scribner Road was proposed to remain and the curb cut on Atlantic Avenue was proposed to be shifted further east. Mr. Schaaf explained both curb cuts were proposed to allow for two-way traffic.

Additional landscaping was planned for the site.

A stormwater management pond was proposed on the west side of the property.

Lighting was planned to be compliant with all Town requirements.

The applicant had no concerns with the Town Project Review Committee (PRC) memo and planned to address all items for a Preliminary/Final application.

Mr. Schaaf stated variances would be required from the Zoning Board of Appeals (ZBA) for the minimum 5 acre lot size, building size and buffering to residential properties for the child-care facility. Mr. Schaaf stated the maximum 8,000 square foot building size was inadequate for the number of students permitted for a daycare facility. He discussed the buffering was not a great concern as the neighboring properties were occupied by a school and a church that were each set more than 100 feet away from their property lines. The town code did allow for a maximum of 135 students.
The new daycare building was proposed to be single story and look similar to the recently completed Greece facility but complement the existing residence on the property.

Board Questions:
- Chairman Hetzke asked for details regarding the typical six (6) minute drop-off time for children. Mr. Stewart explained the information was gathered from the recorded swipes of key cards when parents enter and leave the building, he explained this information was presented to the board to demonstrate the minimal need for more parking. He added the data that included the times of drop-off visits that demonstrated the visits were spread out, most arrivals being between 8:00 AM to 9:00 AM. The data could be provided to the board.
- Chairman Hetzke asked for a comparison to another location operated by the applicant that was similarly situated near a busy intersection. Mr. Stewart stated their Greece facility was at 1680 Stone Road. The traffic at this location was similar and the site had two curb cuts, and there were no issues with traffic flow.
- Chairman Hetzke asked the applicant to explain their organization. Mr. Stewart explained Heritage Christian Services was a voluntary not-for-profit organization that operated 75 group homes in the area as well as other facilities, including three childcare centers.
- Chairman Hetzke asked if the proposed daycare would serve clients with specific needs or have open enrollment. Mr. Stewart answered the facility was open to everyone and fees would be market rate with subsidies through governmental agencies for qualifying families.
- Chairman Hetzke asked for a description of the proposed stormwater pond. Mr. Schaaf explained no soil testing or calculations had been conducted so the final design, location and size had not been determined.
- Chairman Hetzke asked if the applicant would be willing to land-bank some of the parking spaces if not all would be utilized. Mr. Schaaf confirmed they would be willing to consider this and added the applicant was in preliminary discussions with The Rochester Christian Reform Church about an access agreement or an interior sidewalk connecting the two parking lots.
- Board member Kanauer asked if students were proposed to be dropped off at both buildings within the property. Mr. Schaaf explained it depended on the age groups where the children would go so it was possible a parent may stop at both locations.
- Board member Kanauer asked where school buses were proposed to stop within the parking lot. Mr. Schaaf explained the School District would determine how to enter and exit the site according to their routes. In any case, a bus would not be stopped for long on the property as staff would meet them to expedite loading and unloading the vehicles.
- Board member Kanauer asked if the applicant had their own buses serving the site. Mr. Stewart answered they would not offer transportation for their clients to this proposed facility but may occasionally use a bus for special excursions.
- Board member Tydings asked if the proposed size of the building was similar to existing facilities in the area. Mr. Stewart replied the Greece facility was 10,500
square feet and the Webster facility, which was previously an industrial building, was approximately 20,000 square feet.

- Board member Tydings asked what the expected afternoon drop-off times for school buses would be. Mr. Stewart replied the school dismissal times were between 2:40 PM to 3:35 PM.
- Board member Tydings asked how the applicant determined the proposed location was appropriate for the application. Mr. Stewart answered his organization worked with the Child Care Council and considered other lots available in the Town and had concluded that based on area needs this location was best suited for their proposal.
- Board member Tydings asked why the house was proposed to be included in the application. Mr. Stewart explained the existing residence was constructed in the 1880’s and in need of some structural repairs to make it functional for the school-aged children’s program. School-aged children prefer to be separated from small children so a separate building is ideal for the applicant.
- Board member Tydings asked if the existing residence were removed if the site plan options be changed dramatically. Mr. Stewart agreed the plans could possibly be different and added it was the hope of the current owner of the property to preserve the residence.
- Board member Tydings asked if the existing trees were planned to be removed. Mr. Stewart explained most of the trees were not in good condition and possibly a few could be preserved along the perimeter of the property.
- Board member Tydings asked how many variances would be required for the proposed plan. Mr. Schaaf answered three (3) variances were required for the proposed plan.
- Board member Bastian asked the applicant to explain the limited use on weekends he mentioned in the presentation. Mr. Stewart explained the facility was limited by the proposed use and would likely not be leased to other organizations on weekends or non-business hours.

Public Comments:
- Gary Fame, 1751 Scribner Road, had concerns regarding traffic during rush hour times and stated the access drive to Scribner Road was too close the intersection at Atlantic Avenue. He was also concerned with the removal of the existing trees.

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 voted and APPROVED staff to issue a sketch plan review letter with the following concerns noted.

The Board reviewed the submitted sketch plan application materials and expressed concerns for the size of the development and for potential traffic issues at this location due to the presence of Bay Trail Middle School and Scribner Road Elementary School and the traffic associated with the school campus. The school campus is located immediately to the north of the proposed project site on Scribner Road.
Based on the information presented, the Board offers the following feedback based on the information presented and would invite the applicant to a future work session meeting to discuss the proposed project.

- As proposed, the project would include a new 12,000 +/- SF building, a large playground area, and the renovation of the existing 3,500 +/- SF residential home for additional program space for older-aged students and for general storage on the 2.7 +/- acre parcel. The total anticipated square footage of the facility is well in excess of the maximum 8,000 SF allowed by the Code under Chapter 250-12.10 for a child-care facility. The board felt this layout would be too congested for the site and requested that modifications be done to the concept site plan to reduce the overall square footage of the project.

Also, it should be noted that the size of the building and the amount of impervious surfaces on site will require stormwater management facility, which may result in the need to shift the parking to the east, and to reduce the size of the new building and the playground area.

In addition, a bus pick-up/drop-off area was not identified on the concept site plan. This area should not interfere with the flow of traffic through the site. Please identify on revised plans.

- This particular section of Atlantic Avenue, at the intersection of Scribner Road, while controlled by a traffic signal, featuring left turn lanes, is very busy during the peak AM and PM travel times, largely due to Bay Trail Middle School and Scribner Road Elementary School and partially due to congestion at the intersection of Five Mile Line Road and Atlantic Avenue. A traffic analysis will be required for a preliminary/final site plan application. A preliminary conversation with the Penfield Central School District (PCSD) about the bus needs for this project is recommended. Correspondence with PCSD shall be provided for the Board’s review.

In preparation for a future work session meeting, please provide the anticipated traffic figures for this site based data collected for similar sites that have been established in the Rochester area. Vehicle stacking exiting the facility is a concern based on the number of proposed students for this site. Be prepared to discuss traffic flow for ingress and egress to the project site.

- Currently, there is a stand of mature trees on the western half of the site. The proposed development will likely result in the removal of many, if not all, trees. A tree survey should be performed to analyze the existing species and overall health of the trees. A landscape plan designed by a professional landscape architect would be required for a preliminary/final application.

- During the public hearing meeting, several site owned or managed by HCS were mentioned. Specifically, the new child-care facility in the Town of Greece at 1680 Stone Road was referenced. Please provide data from that project with regards to the size of the facility, number of students, age range of students, and any traffic analysis that was performed.
• Provide the Board with a list of the sites in the Town/School District that were evaluated before choosing this site.
• Provide written responses to the PRC memo, issued January 29, 2018, for the Board’s review and consideration.
• A complete set of stamped engineered site plans that meet the requirements of the Town for a preliminary/final site plan application. The site plans must address the comments issued in the PRC’s memo dated January 29, 2018. An emphasis will be placed on the required stormwater management facility and new landscaping.
• Provide correspondence from the NYS DOT regarding the proposed curb cut on Atlantic Avenue (NY 286).
• Provide a lighting and photometrics plan with cut sheets of the proposed fixtures. Lighting fixtures shall be dark sky compliant and unobtrusive to the adjacent residential properties.
• Provide a landscape plan with planting schedule and details. The plan shall also demonstrate compliance with the Town’s Street Tree Policy and the Conservation Board’s Tree Preservation Guidelines.
• Show an overall layout for the playground area. If a splash pad is proposed for the outdoor play area it shall be shown on the site plans. Documentation from the Department of Health shall be provided if it is available.
• Provide a copy of the owner’s license application to the New York State Office of Children and Family Services regarding the proposal for the new child-care facility.
• Four-sided building elevations and colored renderings of the proposed building will be required.
• Any future submission for a preliminary and final site plan application shall comply with the recommendations found in the PRC’s memo dated January 29, 2018. Written responses to the PRC’s memo and this sketch plan review letter are required with a future site plan application.
• 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 and Conditional Use Permit found in Chapter 250, Articles XII-12.3 and XIII-13.4 of the Code of the Town of Penfield shall be submitted. A template will be provided for the reference.

Vote: Moved by: Bastian Seconded by: Tydings

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

Motion was carried.
2. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614, on behalf of the Browncroft Community Church, requests under Chapter 250 Articles XII-12.2 and XII-13.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval and an expansion to a Conditional Use Permit for a 2,300 +/- square foot addition with associated sit improvements on a 31.93 +/- acre property located at 2530 Browncroft Boulevard. The property is now or formerly owned by Browncroft Community Church and zoned R-1-20. Application # 18P-0002, SBL # 123.07-2-12.1.

Matt Newcomb, Passero Associates, presented the application to the Board. Also present were Dustin Welsh and Josh Saxton of Passero Associates.

- The portion of the 2,300 +/- square foot project was for a renovation to an existing space, which included a 1,800 +/- square foot building addition. The addition is for an existing classroom space.
- Eight (8) parking spaces were proposed to be removed to accommodate the addition. Thus, no impervious surface was being added.
- The proposed addition would improve safety for vehicles driving around the corner of the building by directing vehicles away from the building and creating a 45 degree turn angle with new striping.
- A sidewalk for the emergency exit was included in the site plan.
- The proposed addition would match the existing exterior of the building.

Board Questions:

- Board member Tydings asked for clarification on the use of the addition. Mr. Newcomb explained the application, submitted on December 29, 2017, stated the addition was for a theater room was made in error. The addition was in fact for an existing classroom.
- Board member Tydings asked if any operational changes were planned in association with the application. Mr. Newcomb confirmed there were no operational changes proposed.
- Board member Tydings asked if exterior lighting was proposed. Mr. Newcomb stated no exterior lighting was proposed with the application.
- Board member Tydings asked if the addition would affect traffic patterns. Mr. Newcomb stated the action would not affect traffic and added the number of parking spaces for the site was more than adequate and there were no variances required for the application.
- Board member Tydings asked if landscaping was proposed. Mr. Newcomb confirmed some foundation plantings, a tree, and shrubbery were included in the site plan.
- Chairman Hetzke asked how this application fit in with the master plan for future growth of the church’s facilities. Mr. Welch explained this application was not part of the larger future addition planned for the facility and there were no plans to execute that larger addition in the near future.

Public Comments:
(None)
The Board had no concerns with the application.

The Board voted and APPROVED the Part 2 Short EAF for the application as an Unlisted action.

Vote: Moved by: Tydings Seconded by: Bastian

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

Vote: Moved by: Tydings Seconded by: Bastian

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

Motion was carried.

3. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of the India Community Center of Rochester, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval and an expansion to a Conditional Use Permit to construct a 3,342 +/- square foot activities building with associated site improvements on a 20.41 +/- acre property located at 2171 Monroe-Wayne County Line Road. The property is now or formerly owned by the India Community Center of Rochester, Inc. and zoned RA-2. Application # 18P-0003, SBL # 141.02-1-5.1.

Robert Kieffer, T.Y. Lin International, presented the application to the Board.
- Mr. Kieffer gave a brief history of the property to include the development of the summer camp program.
- The new two-story activities building was proposed to be 3,342 +/- square feet, 2,100 +/- square feet was proposed to be classrooms with moveable partition walls to create individual classrooms with exit doors along the east side of the building. The north end of the building was proposed to be the foyer, storage, a kitchen serving area and restrooms.
- The India Community Center (ICC) was previously granted an expansion to an existing Conditional Use Permit on November 9, 2017, to allow an increase in the number of participants at their summer camp program from 100 to 150 participants.
- As a result of the increase in campers the camp program required additional classrooms and areas for indoor activities.
• The building was intended mainly for the summer camp and other activities hosted by the India Community Center and would be not available for use by outside organizations.
• In response to Project Review Committee (PRC) comments the building was relocated closer to the parking lot. This change eliminated the need for deeper excavation and a retaining wall, and it reduced the area of disturbance from the previously submitted plan.
• The existing septic system was well maintained and designed for high capacity use to meet the needs of the summer camp activities. The applicant was prepared to consult the County Department of Public Health to inspect the system.
• Mr. Kieffer presented samples of the proposed exterior finishes that matched the exteriors of the existing buildings.
• The structure was proposed to be a split-level, with the east elevation appearing as a single story with doors to each classroom.

**Board Questions:**
• Chairman Hetzke asked what the intensity of use for the building would be. Mr. Kieffer explained the building would be intensely used during the two (2) summer camp sessions. There were no plans for other specific activities to take place in the proposed building but the ICC would like to be able to use it during other times of the year as needed.
• Chairman Hetzke asked how many classrooms were proposed. Mr. Kieffer answered the main floor had three (3) folding partitions that enabled the space to be divided into four (4) classrooms.
• Chairman Hetzke asked where the activities had previously taken place that were being proposed for the new building. Mr. Kieffer answered the activities had been conducted in the upper level of the main building, the open pavilion, and occasionally in cabins.
• Chairman Hetzke asked for more information regarding the relocation of the building further east from the originally submitted plans. Mr. Kieffer explained by shifting the building twelve feet closer to the parking lot it avoided the steeper slopes, thus allowing less disturbance to the site for foundation work.
• Board member Tydings asked what the proposed occupancy of the building would be. Mr. Kieffer answered the maximum occupancy was approximately 130 people. He added the building was intended for smaller groups and not intended for all campers to be assembled at one time.
• Board member Tydings asked what the potential uses of the building would be by other groups. Mr. Kieffer answered it could be used for functions such as receptions, meetings, or other gatherings.
• Board member Tydings asked for details regarding the kitchen area. Mr. Kieffer explained the kitchen was designed to be a serving area and would not be equipped with cooking appliances.
• Board member Tydings asked where the campers were served meals. Mr. Kieffer informed the board a full kitchen and serving area were located in the main building. He added the intention of the activities building was to be multi-purpose and have the capability to serve refreshments.
• Board member Tydings asked if any operational changes were proposed to the summer camp. Mr. Kieffer answered no changes were proposed to hours of operation from what the Board had approved for the existing Conditional Use Permit. He added the exterior lighting was wall-mounted and directed down.
• Board member Tydings asked if the building would house campers overnight. Mr. Kieffer answered no campers would be sleeping in the cabin building.
• Board member Tydings asked if a sprinkler system were required for the proposed building. Mr. Kieffer explained the size of the building did not require it to have a sprinkler system.
• Board member Tydings asked for information regarding the landscaping. Mr. Kieffer explained there were a limited number of trees proposed to be removed for the construction of the building and there would be small plantings along the east foundation facing the parking lot.
• Board member Bastian asked for more details regarding future potential religious gatherings at the building and the intensity of that use. Mr. Kieffer explained he did not want to limit the potential uses of the building in the future and added the main building was not used as a regular place of worship even though this was a permitted use for the property.
• Board member Bastian asked if the proposed building would be visible from the road. Mr. Kieffer answered that due to the location, topography, and the many trees around the property it would not be completely visible from the road.
• Board member Kanauer asked if waste containers would be on site for the proposed building. Mr. Kieffer explained residential totes would be placed at the rear of the building during the camp sessions. These totes would be transported and emptied into the dumpster within the existing enclosure.

Public Comments:
• Howard Beaudrie, 2859 Penfield Road, spoke in support of the application and stated the ICC were good neighbors.
• Leonard Gingello, 249 Monroe-Wayne County Line Road, was opposed to the application and submitted his statements in writing to the Board. He was concerned the review of the previous application was not transparent and asked what the procedure for work sessions was regarding public participation. He listed concerns regarding the Town’s procedure for residents to file Code complaints.

Following Mr. Gingello’s questions Chairman Hetzke briefly explained the Board’s procedures regarding transparency and how work session meetings were conducted.

• Robert Gingello, 2201 Monroe-Wayne County Line Road, spoke in opposition of the application. He was concerned with potential increase in the level of noise. He explained the level of noise during the summer camp sessions was already excessive and claimed the ICC had violated their previous Conditional Use Permit that required they end outdoor activities by 10:00 PM. He requested a barrier be installed to prevent sounds from leaving the property.
Bobby Metcalfe, 3266 Monroe-Wayne County Line Road, expressed concerns regarding the application as she had been disturbed by noise that occurred late into the evening during the camp session.

Dolores Donner, 3348 Monroe Wayne County Line Road, expressed concerns with the application as she has heard noise from camp activities as late as 2:00 AM. She explained it was difficult for her to contact the appropriate authorities as her property is in Wayne County and the ICC is in Monroe County.

Mike Hermann, 3380 Monroe-Wayne County Line Road, addressed his concerns to the board. He was not disturbed by the noise and was pleased the proposed building was not going to be visible from the road. He reviewed the mapping to get a clear understanding of where it would be placed in relation to the overall site. He was also concerned with the septic system being able to support 150 people during the camp sessions.

Bobby Stroyer, 2161 Monroe-Wayne County Line Road, addressed her concerns regarding the application. She was disturbed late at night by music and automobiles.

Bill Wendland, 2181 Monroe-Wayne County Line Road, expressed concerns regarding the septic system affecting drainage on his property as the system is at a higher elevation and near his property. He also expressed concerns with runoff and the wetlands in the area. He was supportive of the activities of the ICC and had positive experiences communicating with them. He asked the ICC redirect their lighting at the freestanding sign and building mounted signage to be directed to a downward angle and not toward neighboring properties. He also asked the ICC consider allowing their facility to be used as a public shelter in the event of natural disasters.

**Applicant Responses:**

Mr. Kieffer responded to Mr. Leonard Gingello’s question regarding the previous application to expand Hindu Heritage Summer Camp attendees and sessions by explaining the camp was allowed two (2) sessions, in two (2) week durations. The camp was permitted a total of 150 occupants at the camp site, this number included counselors and staff.

Mr. Kieffer explained a new building may positively impact the noise issues by moving some of the activities indoors.

Mr. Kieffer added the ICC summer camp session in 2017 hosted 144 campers without issues regarding the septic system.

Mr. Kieffer agreed any issues with lighting would be addressed appropriately.

Regarding the issues with noise, Mr. Kieffer did not believe installing barriers would be effective considering the topography of the property.

Board member Tydings asked if the campers were under adult supervision at all times. Mr. Kieffer believed there were adults present at all times.

**Board Deliberations:**

Chairman Hetzke suggested that based on public comments the applicant demonstrate how they plan to be good neighbors by limiting the noise on site. He suggested the applicant could withdraw the application for a season and re-apply after the 2018 summer camp sessions in order to demonstrate compliance.
• Board member Bastian asked if the applicant could provide a written policy regarding camp activities.
• Mr. Nersinger agreed staff would discuss the Board’s concerns with the Board’s Attorney regarding the Conditional Use Permit.
• Chairman Hetzke asked if there were concerns regarding the proposed building or site plan. The board had no concerns with the proposed building or site plan.

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

• Revised site plans reflecting the shift of the proposed building to the east as represented during the public hearing presentation. The Board was accepting of the reduction in the total number of parking spaces in the upper parking area, which is adjacent to the proposed building. In general the board has no issues with the proposed site plan improvements or physical design of the building. However, the use of the building, as presented, is to be used in conjunction with the Summer Camp program, and to that end the Board expressed concerns noted in the item below.

• With regards to the testimony of the public, which consisted of several adjacent and nearby neighbors on Monroe-Wayne County Line Road, the Board expressed concerns for the claims of excessive noise generated by the Summer Camp program during the overnight hours on a regular basis over the course of multiple years. The camp is a Conditionally Permitted activity that currently takes place during two (2), two-week periods in the summer time. In response to the testimony of the neighbors, the Board required the applicant to provide a written response as to how the India Community Center (ICC) plans to control the noise generated from the campers and how it plans to go forward to be a good neighbor to the surrounding residents. The response shall discuss topics of camp programming, counselor training and responsibilities, campground security, during the overnight hours, and how the camp program, as well as non-ICC members’ use of the campgrounds, will be held accountable to comply with the Town of Penfield’s Noise Ordinance, Chapter 250-7.6 of the Town Code.

As recent as November 9, 2017, the Board granted an expansion to an existing Conditional Use Permit for the Summer Camp program and the use of the campgrounds at the ICC facility (application #17P-0027). During the review process of that application the Board expressed that it would take note of any issues that may occur during the 2018 camp season and revisit the conditions of the approval as needed. Since the first camp season under this expanded Conditional Use Permit has not yet occurred the board has reservations at this time surrounding the request for additional facilities for the Summer Camp.

Vote: Moved by: Hetzke Seconded by: Bastian

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

Motion was carried.
4. Magde Land Surveying, P.C., 4460 Culver Road, Rochester, NY 14622, on behalf of Wonderland Properties, LLC, requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision approval for a four (4) lot subdivision of a 7.0 +/- acre property located at 1872-1876 Blossom Road. The property is now or formerly owned by Wonderland Properties LLC and zoned R-1-20. Application # 18P-0005, SBL # 123.10-2-2.2.

Doug Magde, Magde Land Surveying, presented the application to the board.

- There were three single family residences on the parcel currently.
- The owner wished to subdivide the property to allow each residence to be on single lots for future appropriation.
- The proposed fourth lot was proposed to be sold as a developable lot.
- Two (2) area variances would be required from the Zoning Board of Appeals for two of the proposed lots (R2A and R2B on the submitted map) as they do not meet the required minimum width of 100 feet as well as the minimum 20,000 square foot lot size requirement. Mr. Magde added the residences were pre-existing and it was not possible to meet the minimum width requirement.
- Another reason the proposed lots were smaller was due to the existing driveway bisecting the property and creating a natural boundary. The residents that leased the properties were not interested in purchasing the land across the driveway if they purchased the residences.
- For a fourth lot (R2D), the area of land closest to Blossom Road was outside of the FEMA 100-Year Floodplain and was the only easily developable area. The remaining portion of the land lowers in elevation and Irondequoit Creek flows through the south and east ends of the property.

Board Questions:

- Chairman Hetzke asked where a residential structure would be located on the proposed fourth lot. Mr. Magde answered a residence would have to be located in the area outside of the floodplain near Blossom Road. The area was sizeable enough to meet all setback requirements. He added utility easements were included in the submitted plat map to facilitate access for a new residential structure.
- Chairman Hetzke asked if a modified plan could be created to show a house location. Mr. Magde agreed this was possible.
- Board member Bastian pointed the PRC memo asked the applicant to point out a hardship that justified the request for variances and felt Mr. Magde’s discussion of the wetland/floodplain delineation was an appropriate.
- Chairman Hetzke asked for clarification regarding the requirement for variances in order to create a fourth lot for sale. Mr. Magde explained the majority of the wetland areas were not desirable to the current occupants of the existing residences. A potential buyer of the fourth lot would ideally be looking for a larger property to purchase.

Public Comments:
• Mark Leader, 1866 Blossom Road, expressed concerns regarding future development on the proposed lot as he enjoyed the trees that existed near his property.
• Ryan Steubing, Gatherings at Daisy Flour Mill LLC, was in support of the application as it did not propose changes to the current uses or development of the site in a way that would be detrimental to his business.

Board Deliberations:
• Mr. Nersinger informed the board the property was previously subdivided from the Daisy Flour Mill parcel years ago and rear setback variances were granted by the Town for the existing structures.
• Chairman Hetzke reviewed the mapping and discussed if Lot R2D was removed and the area across the driveway from lots R2A and R2B was included in the their proposed parcels, the variances for relief from minimum lot size would be needed, and the remaining land could be included in proposed Lot R2C.
• Board member Bastian stated another option for a fourth lot was to create a flag lot with access to Blossom Road. Staff agreed that, however challenging, a residence could be constructed near or in a floodplain (this would require a higher level of engineering review).
• The Board discussed the merits of alternative subdivision plans and the possible need for access easements to prevent the interior parcels from being land-locked.
• The Board requested the applicant submit a three (3) lot subdivision plan for the Board’s consideration in addition to the requested revised four (4) lot plan as discussed in the public hearing.
• Staff informed the Board the application for area variances was being presented to the ZBA the following week, February 15, 2018.
• Board member Kanauer asked what the future possible uses of these lots would be as the majority of the parcel was in a Historic District as this limited future potential uses of those proposed lots.
• The Board reviewed the memo from the Historic Board which requested each board reviewing the project make note in their final resolutions that all future owners of the subject properties will be required to obtain Certificates of Appropriateness for any exterior improvements to the subject residences...

The Board voted and declared lead agency pursuant to SEQRA for this application as a Type 1 action.

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

Motion was carried.

The Board prepared, voted and ADOPTED the Negative Declaration for environmental non-significance.
The Board voted and APPROVED staff issuing a letter to the Zoning Board of Appeals.

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

- Revised subdivision plan and written responses per the comments issued by the PRC in its memo dated January 24, 2018. The revised plan, as proposed, shall also include the location of a house pad that can demonstrate conformance with the required setbacks to the property lines and the 100 year floodplain if lot R2D were to be developed in the future for a single family residence.
- In addition to the revised site plan, the applicant shall submit a 3 lot subdivision layout for the Board’s review and consideration as this would likely reduce the number of area variances required for the application.
- Staff was directed to issue a letter to the Zoning Board of Appeals in advance of its February 15, 2018 meeting regarding this application with its comments about the proposed layout. The board acknowledged that subdivision of the property will bring the parcel into greater compliance with R-1-20 District and that the location of the existing homes has caused the need for area variances for Lots R2A and R2B for regarding the minimum requirement for a 100 foot wide lot. However, the Board will review a potential 3 lot layout at the February 22 work session meeting.

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.

There being no further business to come before the Board, this meeting was adjourned at 10:20 PM.

These minutes were adopted by the Planning Board on February 22, 2018.