The Planning Board held a meeting at 7:00 PM local time February 22, 2018 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
                       Douglas 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 February 8, 2018.

    Vote: Moved by:  Tydings  Seconded by:  Bastian
           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 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.

Board member Burton recused himself from this application.

- Mr. Nersinger informed the board the applicant had submitted responses to the tabling resolution with regards to noise disturbances brought up during the public hearing on February 8, 2018.
- Chairman Hetzke stated the offer made by the applicant to pay for a private security company that was hired by the Town could be considered and requested staff consult with the Supervisor regarding the matter.
- Chairman Hetzke expressed regret in not asking the residents, who offered comments at the public hearing regarding the noise disturbances from the ICC, when those disturbances took place. The board requested staff draft a letter to be mailed to the surrounding neighbors requesting they provide any dates and times of noise disturbances that they could recall to the board. Staff would use the same mailing list used for mailing notice post cards and add those neighbors who spoke at the public hearing.
- Board member Kanauer asked when the striping of the parking lot took place that was referenced by the applicant in their response letter. The board discussed one of the neighbor’s comments at the public hearing that loud machinery was heard late at night. In their response letter, the ICC stated a maintenance company they had hired had performed the work late at night. The ICC had not authorized the work to be conducted at that hour and had taken steps to ensure it would not be repeated.
- Robert Keiffer, T.Y. Lin International, was invited to address the board regarding the parking lot striping. Mr. Keiffer did not know the exact date the work was conducted but stated it occurred in September of 2017, outside of the summer camp sessions.
- The Board discussed the site plans of the proposed activities building and had no concerns with it.
- Mr. Keiffer stated the ICC was receptive to any suggestions from the Town to document or track incidents of noise violations as he felt this would exonerate the ICC of the suspected violations.
- Mr. Nersinger asked if the applicant had submitted a Freedom of Information Law (FOIL) request for any calls made to the County Sherriff’s office to respond to noise complaints. Mr. Keiffer informed the Board the applicant had submitted a FOIL request in the past to clarify a noise complaint regarding their activities. The response to a complaint documented by the Sherriff’s Department was related to the renting of the main hall by a non-ICC member for a private party. Since then, the ICC had set a policy to only rent that facility to its members and have a paid employee on site to ensure all activities are conducted indoors.
The Board voted and CONTINUED TABLED the application pending the review and/or submission of the following items:

- A discussion with staff and the Town Supervisor regarding the Applicant’s response letter to the Board’s February 8 2018 Tabling resolution document, which stated:

  To provide the Town with accurate information regarding late night noise during the summer camp, the ICC proposed that the Town of Penfield retain an independent qualified security firm to monitor the complex (much like it is currently monitored from 11:00 PM to 3:00 AM) and report directly back to the Town any all noise issues. The cost of this service to be borne by the ICC. In the event that the ICC is found to be in non-compliance with the noise ordinance the Town can take the appropriate action.

- The board directed staff to prepare and mail a letter to the adjacent property owners and those that provided input at the February 8, 2018 public hearing meeting to seek out additional information regarding the complaints about excessive noise generated from the ICC in the past. The board would then review any written responses to the letter at the next scheduled meeting in its work session.

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

3. 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.

- Mr. Nersinger informed the board the applicant had provided a subdivision plan showing a location of a single family residence on proposed lot R2D. He clarified the house pad was shown only to illustrate a residence could be constructed on the site to meet all setback requirements. It does not reflect any intention for an approved site plan for the lot.
- Mr. Nersinger informed the board the Zoning Board of Appeals (ZBA) had granted all the variances at its February 15th meeting to include the variances for less lot sizes and lot widths for lots R2A and R2B.
- Board member Burton was supportive of the proposed subdivision. The Board agreed.
- Board member Kanauer asked if a notation was required in the deeds of the properties within the Historic Preservation District in order to convey this information to new owners of the property. Mr. Weishaar explained the subdivision map should state the properties were in Historic Preservation District. Staff would include this information
• The Board, having no additional comments, concluded its review of the application.

The Board voted and AUTHORIZED the Chairman to sign the completed Full EAF.

Vote: Moved by: Burton Seconded by: Kanauer

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

Vote: Moved by: Burton Seconded by: Kanauer

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

Motion was carried.

IV. ACTION ITEM:

1. 1700 Penfield Road, Penfield Place Site Plan re-approval request.

• Mr. Nersinger informed the Board the applicant submitted a letter requesting re-approval of the site plan for the expansion of the nursing home facility, which was originally approved by the Board February 26, 2015. The Board had approved multiple extensions, the most recent of which had just expired.

• Board member Bastian asked why they were requesting a re-approval rather than an extension. Mr. Nersinger explained the previous approval extension expired a number of weeks ago and a re-approval was needed at this time. He added the applicant was planning to begin site work this year.

• The Board had no concerns with the re-approval request.

The Board voted and RE-APPROVED the site plan approval dated February 27, 2015.

Vote: Moved by: Tydings Seconded by: Bastian

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

Motion was carried.
V. NEW BUSINESS:

1. 1280 Creek Street, Kidtopia Site Plan modification.
   
   • Mr. Nersinger informed the Board the applicant re-submitted modified site plans to the Zoning Board of Appeals (ZBA) that included three (3) land-banked parking spaces, an increased front setback of 40.1 +/- feet, and a reduced building footprint of 400 +/- square feet. The ZBA approved the requested area variances on February 15, 2018.
   
   • The Board had no concerns with modified site plan.

   The Board voted and APPROVED the modification site plan for the project.

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

   Motion was carried.

2. Staff informed the board of upcoming applications for the March 8, 2018 public hearing.

There being no further business to come before the Board, this meeting was adjourned at 7:37 PM.

These minutes were adopted by the Planning Board on March 8, 2018.