The Planning Board held a meeting at 6:30 PM local time Thursday, May 10, 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.
Jim Burton
Bob Kanauer
Terry Tydings

ABSENT: Bill Bastian

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 April 12, 2018.

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

Motion was carried.

The board voted and APPROVED the draft meeting minutes for April 26, 2018.

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

Motion was carried.
III. PUBLIC HEARING APPLICATIONS:

1. Marques and Associates, P.C., 930 East Avenue, Suite 1000, Rochester, NY 14607, on behalf of Richard Smith, requests an informal discussion before the board with plans for a four (4) lot subdivision to develop four (4) single family residences with associated site improvements on a total of 4.3 +/- acres at 280 Panorama Trail. The property is now or formerly owned by Richard Smith and zoned R-1-20. Application #18P-0019, SBL #123.16-1-22.

Laurence Heininger presented the application to the Board.

- Mr. Heininger explained the owner of the property had purchased it with the intention of building a single residence for himself; however, the development of the access drive was costly so the owner wished to subdivide the property for four (4) lots – three (3) for sale and one (1) for Mr. Smith (owner) – to subsidize the cost.
- Mr. Heininger informed the board he had met with the Town Project Review Committee (PRC) with a proposal for a five (5) lot subdivision and had reduced the number of lots to four (4) based on staff comments.
- The smallest proposed lot was 41,383 square feet in size.
- The private drive was proposed to be sixteen (16) feet wide with two (2) foot wide stone shoulders for a 20 foot wide road. Town Code allowed for a 10% maximum slope for private drives, which had been provided on the plan.
- Public utilities were available for the property, sanitary sewers would have to be directed to public sewers from properties using E1 pumps and a dedicated force main sewer.
- A draft Stormwater Pollution Prevention Plan was submitted to town staff.
- Traffic counts were calculated at 0.75 vehicles per hour for travel to and from the private drive, which is consistent with single family residential use.
- The owner proposed to market the developable lots to empty nesters who desired smaller homes.
- Mr. Heininger stated he had received the PRC’s memo and had provided responses.

Board Questions:
- Board member Burton asked how the applicant planned to maintain the stone shoulders given the typical weather conditions and whether emergency response vehicles could be supported on the road. Mr. Heininger confirmed he would work with Town staff to design a road that would comply with their requirements. An alternative to the stone shoulders would be an 18 foot wide paved road to grass.
- Board member Burton asked if the applicant read the Town Fire Marshal’s comment regarding paving the center of the cul-de-sac for ease of access to emergency response vehicles. Mr. Heininger acknowledged the comment and explained the landscaped island contained a rain garden designed for the State DEC’s stormwater regulation, but stated the island could be removed if required by the Town.
- Board member Burton asked Mr. Heininger to respond to the PRC’s recommendation regarding the subdivision be limited to three (3) lots. Mr. Heininger gave Mr. Burton
a copy of his responses to the PRC Comments, which was submitted to Town staff only earlier that day. Board member Burton continued to review the responses.

- Chairman Hetzke, meanwhile, asked for a description of how the road would be constructed. Mr. Heininger explained a portion of the fill for road would come from the excavation work for the proposed stormwater management area. He added the owner was allocating additional fill material for the embankment of the road.

- Chairman Hetzke asked if construction vehicles would be parked along Panorama Trail. Mr. Heininger answered construction vehicles would be parked along Panorama Trail during the initial development phase to establish the construction entrance for the site.

- Mr. Heininger addressed Board member Burton’s question regarding the justification of Lot #4 by explaining there was adequate space for the proposed single family residence, which was proposed to be located between two (2) existing drainage swales and could utilize retaining walls to construct a home on Lot 4.

- Board member Burton asked if the applicant was willing to limit the proposed pad sizes to include the garages with those footprints. Mr. Heininger agreed the site plans could be modified to limit the footprints of the proposed residences with garages.

- Board member Kanauer asked for a description of the fills and cuts on the parcel. Mr. Heininger explained the fills and cuts had not been calculated and will be conducted prior to a Preliminary/Final application being submitted.

Public Comments:

- Ted Nixon, 326 Panorama Trail, expressed concerns regarding the environmental impacts of the proposed project as there was an abundance of wildlife and steep slopes on the property.

- Lidia Slusarek, 270 Panorama Trail, lived adjacent to the property and was concerned with the proposed project as the area was prone to erosion and trees falling. She explained she had to address erosion issues on her property regularly.

- Kathy Heinig, 15 Hickory Lane, expressed concerns regarding impacts to traffic and road safety.

- Richard Horwitz, 300 Panorama Trail, expressed concerns regarding safety of vehicular travelers as Panorama Trail was a busy arterial road. The access to the private drive was proposed to be located in an unstable area where a stormwater catch basin recently collapsed.

Applicant Responses:

- Mr. Heininger responded the applicant was aware there were steep slopes and wildlife in the area. The proposed private drive was located to the south of the property to avoid the steeper areas and would conform to the State Department of Transportation guidelines. He explained a tree survey would be conducted and he was aware of the type of soils in the area.
**Board Deliberation:**
Following the informal discussion of this application during the public hearing the board continued its discussion in its subsequent work session.

- Board member Burton pointed out that having just received the responses to PRC comments it was premature for the board to draft comments on the proposed plan. The board agreed they required sufficient time to review the applicant’s responses to staff comments.

- Board member Burton stated the staff comment regarding justification for density of development was not sufficiently addressed in the submitted responses. Mr. Nersinger clarified the submitted sketch plan only showed existing grading around the lots, and the location of Lot #4 had steep slopes, and the proposed residence was located between two drainage areas. He stated staff’s comment in the PRC’s memo suggested modifying the plan for a three (3) lot subdivision in order to lessen disturbances of steep slopes and the existing environmental features of the site.

- The Board asked Mike O’Connor to comment on the potential impacts regarding the development in the existing slopes. Mr. O’Connor explained there were too many variables to predict how the course of construction could affect the area as this was only a sketch plan, however, the potential for erosion existed due to the existing grading and proposed tree removal along the slopes.

- Board member Tydings asked if the Town staff had the opportunity to review the materials submitted by the applicant earlier that day. Mr. O’Connor answered he had briefly looked over the materials but had not had the opportunity to thoroughly review the submitted items but believed the proposed location of the private road to be compliant with State DOT requirements for sight distance.

- The Board discussed the public’s concerns regarding traffic on Panorama Trail during the development phase of the proposed project and possible conditions regarding traffic controls.

- Chairman Hetzke asked how the grading of the entrance to the proposed road would be connected to Panorama Trail. Staff confirmed it was required to be designed to have a three percent (3%) slope at the entrance to enable drivers exiting the site to have adequate sight distance to Panorama Trail.

The Board voted and TABLED the application to the Board May 24, 2018 work session for its continued discussion of the proposed subdivision and conceptual site plan, as well as the Applicant’s responses to comments, and the submission of any additional information requested by Town staff.

**Vote:**
- Moved by: Burton
- Seconded by: Kanauer

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<th>Chairperson:</th>
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<tr>
<td>Hetzke - Aye</td>
<td>Bastian - Absent</td>
<td>Burton - Aye</td>
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<td>Kanauer - Aye</td>
<td>Tydings - Aye</td>
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Motion was carried.
2. O’Neill-Rodak Land Surveying Associates, P.C., 5 South Fitzhugh Street, Rochester, NY 14614, on behalf of James Catone, requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision approval to allow a two (2) lot subdivision with associated site improvements on a 1.4 +/- acre property at 1761 Qualtrough Road. The property is now or formerly owned by the Mansell W. Gale Living Trust and Mansell Gale and zoned R-1-20. Application 18P-0020, SBL #123.08-1-5.

John Antetomaso presented the application to the Board.

- Mr. Catone recently purchased the property and was the current owner.
- The proposed subdivision would create two (2) lots.
- Lot #1 was proposed to contain the existing house and garage and would be 20,097 +/- square feet.
- Lot #2 was planned to 40,454 +/- square feet to be developed in the future with a single family residence.
- The proposed subdivision was in character with the surrounding area, zoned R-1-20.
- No drainage improvements were proposed as no development was proposed with this application.
- A sidewalk existed across the front of the property and the owner was amenable to granting a Sidewalk Easement to the Town.

Board Questions:
- Board member Kanauer asked what the plan to remove or relocate the exit door to the porch where steps were removed in order to create the proper setback from the structure to the property line. Mr. Antetomaso explained the exit door was boarded up for safety and the owner anticipated removing or relocating the door.
- Board member Tydings asked if there were plans for the existing structures. Mr. Antetomaso explained the owner had not determined the course of action for the existing residence.
- Board member Burton asked if a new single family residence was proposed to be developed on the newly created lot. Mr. Antetomaso answered they anticipated developing the new lot for a custom home as it was nearly an acre in size with a deeper setback from the road than the existing residence.
- Board member Tydings asked why the proposed subdivision did not create two equally-sized lots. Mr. Antetomaso explained the larger lot was intended to be marketed as a premium lot for the development of a custom home.

Public Comments:
- Josie Cancilla-Spadafora, 1757 Qualtrough Road, had concerns with the planned future development of the property as it related to the removal of trees and construction of a driveway.
- Dave Uhazie, 26 Waterbury Lane, was concerned with future development of the property as the rear of the property collected stormwater that encroached onto his property.
• Jim Vercuysse, 1767 Qualtrough Road, expressed concerns with stormwater as the area was wet and any future development could displace more stormwater and affect his property.
• Lori Uhazie, 26 Waterbury Lane, expressed concerns with the future development of the property with regards to stormwater encroaching on her property.
• Sue Vercuysse, 1767 Qualtrough Road, asked what the plan was for directing stormwater for the future development.
• Kevin Drew, 1771 Qualtrough Road, and was concerned with the future possible development of the property as the bedrock in the area prevented him from planting trees along the rear of his property. He asked if the developer would be blasting in order to install a basement or if a significant amount of fill would have to be brought in.
• Mr. Nersinger explained to the audience that this application was for a subdivision of land and no site plans for a new home were submitted by the applicant, therefore the Board was not reviewing this application for site plan related issues. He added, blasting bedrock was only permitted for installing utilities and not for basements. He explained a site plan would have to be designed by a licensed professional engineer and submitted as a formal application to the Town before the new lot could be developed. The public would be notified when an application is received by the Town for a new single family home on the lot. He explained that staff would review the plans for stormwater concerns and the comments made at this meeting would be taken into consideration at that time.

Applicant Responses:
• Mr. Antetomaso explained the planned future development would likely include the preservation of many of the trees as home buyers preferred to have mature trees on residential properties.
• Mr. Antetomaso addressed public concerns regarding stormwater by explaining he was a developer in the area and was experienced in working with local and State officials to ensure any plans would conform to all requirements and not create water issues for residents.

Board Deliberations:
Following the presentation of this application during the public hearing the board continued its discussion in its subsequent work session.
• Board member Kanauer pointed out that proposed Lot #2 was a buildable lot, the question being the location of the proposed structure. Since the application was for a subdivision only there were no issues with approving the application.
• The Board agreed and had no further concerns with this application.

The Board voted and APPROVED the Short EAF

Vote: Moved by: Kanauer Seconded by: Tydings
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye
Kanauer - Absent Tydings - Aye
Motion was carried.
The Board voted and APPROVED the application with conditions.

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

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.

- Mr. Nersinger informed the Board the applicant was scheduled for a public hearing before the Town Board on May 16, 2018 at 7:00 PM to consider the rezoning of 5.8 +/- acres from R-1-20 to LaSalle’s Landing District (LLD) pursuant to Chapter 250-15.1 of the Code at 44, 50, and 56 Wilbur Tract Road and a portion of 41 Woodhaven Drive. The Board took NO ACTION on this application.

2. Marathon Engineering, 239 Cascade Drive, Rochester, NY 14614, on behalf of Pellittiere & Jonsson, PLLC, requests under Chapter 250 Articles VI-6.1 and XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan and EPOD Permit approval to allow for the construction of a professional office building with associated site improvements on a 0.75 +/- acre property located at 2316 Fairport Nine Mile Point Road. The property is now or formerly owned by 2316 Nine Mile Point LLC and zoned BN-R. Application #18P-0012, SBL #140.01-2-62.

- Mr. Nersinger informed the Board the applicant requested the Board table his application as revised plans were still being developed.

The Board voted and CONTINUED TABLED the application.

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

Motion was carried.
3. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of Ronald A. Wilbert, requests under Chapter 250, Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval to allow for the expansion of a vehicle storage area with associated site improvements on a 17.94 +/- acre property located at 1272 Salt Road and a portion of the 44.8 +/- acre property located at 1251 Salt Road. The properties are now or formerly owned by Wilbert’s Automotive LLC and Ronald A. Wilbert and zoned RA-2. Application #18P-0015 SBL #s 095.04-2-2.1 and 095.02-2-5.

*Board member Burton recused himself from this application.*

- Mr. Nersinger informed the Board the applicant requested they take no action on their application as the applicant and their agents were researching the history of the project regarding the expansion to a Conditional Use Permit.

The Board took NO ACTION on this item.

V. ACTION ITEMS:

1. 1677 Penfield Road, building modifications.

- Mr. Nersinger informed the Board the applicant modified the construction designs of the three (3) story storage building in order to accommodate the elevator shaft on the southeast end of the building. The modification increased the height of that portion of the building by 3 feet 7 ½ inches, bringing the total height of the building to 37 feet 7 ½ inches tall.
- Chairman Hetzke asked for clarification of where Home Depot was located with respect to the building renderings provided.
- The Board had no concerns with the proposed modification.

The Board voted and APPROVED the building modifications.

Vote: Moved by: Burton Seconded by: Tydings
Chairperson: Hetzke - Aye Bastian - Absent Burton - Aye
Kanauer - Aye Tydings - Aye
Motion was carried.
2. 1600 Penfield Road, approval extension request.

*Board member Burton recused himself from this item.*

- Mr. Nersinger informed the Board the applicant requested a one (1) year approval extension for the site plan, which was approved by this board May 25, 2017. The board previously granted similar extensions for this property under a different site plan application that had since been withdrawn.
- The Board had no concerns with this request.

The Board voted and APPROVED the one (1) year site plan approval extension.

Vote: Moved by: Tydings Seconded by: Kanauer

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:15 PM.

These minutes were adopted by the Planning Board on May 24, 2018.