PLANNING BOARD
MEETING MINUTES
APRIL 11, 2019
The Planning Board held a meeting at 6:30 PM local time Thursday, April 11, 2019 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 March 28, 2019.

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. Marques and Associates, PC, 930 East Avenue, Suite 1000, Rochester, NY 14607, on behalf of Richard Smith, requests under Chapter 250 Articles XI-11.2, XII-12.2, and VI-6.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision, Site Plan, and EPOD Permit approval for a four (4) lot single family residential subdivision with associated site improvements on 4.3 ± acres located at 280 Panorama Trail. The property is now or formerly owned by Richard Smith and zoned R-1-20. Application #19P-0008, SBL #123.16-1-22.

Laurence Heininger, Marques and Associates, presented the application to the Board. Also present were Chris Nadler, Esq., Jim Liebel of Jim Liebel Design & Construction, and Richard Smith.

• Mr. Nadler introduced the application to the board.
• Mr. Heininger presented the application to the board.
• The project proposed a terraced retaining wall for the private drive and stormwater management pond to service four (4) new single family residential home lots.
• Mr. Heininger explained the owner, Richard Smith, was an arborist and had identified trees to be preserved on the project site.
• The proposed turning radius of the cul-de-sac was compliant with the Town’s requirements for private drives.
• Public utilities were available to service the site. Private grinder pumps to direct sanitary sewer to the public main were proposed for each property.
• The proposed project was described as having minimal impact to traffic on Panorama Trail.

Board Questions:
• Board member Bastian asked how the applicant planned to address possible road safety and maintenance concerns for the proposed private drive as well as Panorama Trail during construction and after completion of this project. Mr. Heininger suggested guardrails as an option along the steeper portion of the private drive, maintenance of this road would be funded by the owners of the proposed lots.
• Board member Bastian asked how the construction of the driveway would impact the use of Panorama Trail. Mr. Heininger answered the owner had contacts in the construction industry to obtain fill for the proposed road, which would require gradual compaction and the construction of the retaining walls.
• Board member Bastian asked how long the construction of the proposed road would take. Mr. Heininger anticipated it would take six (6) weeks. Mr. Nadler added there would be adequate space in the shoulder of the road for a truck to deliver fill, avoiding the blockage of traffic on Panorama Trail.
• Board member Bastian asked if lighting was proposed for the private drive. Mr. Heininger suggested 18 foot tall post lighting placed 75 feet apart on the proposed drive for safety.
• Board member Bastian asked how much fill was proposed to build the road. Mr. Heininger answered approximately 15,000 to 20,000 cubic yards of fill material was required.
• Board member Bastian asked how many cubic yards of fill each proposed dump truck could hold. Mr. Heininger answered the capacity was 9 to 10 yards per truck.
• Board member Bastian asked how much usable lawn space was available for each proposed property. Mr. Heininger answered the proposed house pads were generous in size and included patios in the site plans.
• Board member Bastian asked how the steep slopes were proposed to be protected during construction. Mr. Heininger explained the proposed filling reduced the steepness of the slopes. He added this proposal could improve access to an existing storm sewer grate that was affected by erosion.
• Board member Bastian asked if emergency response vehicle access was reviewed by the appropriate agencies. Mr. Heininger had not received comments from the Fire Marshal at that time. Mr. Nersinger stated the Fire Marshal was concerned with the proposed landscaped island in the cul-de-sac as the area was lower than the proposed
road. Mr. Heininger replied a possible solution was the use of geo-grid to stabilize the lawn for vehicles to drive over.

- Chairman Hetzke asked how wide the proposed road was around the cul-de-sac. Mr. Heininger answered it was twenty (20) feet wide and the radius was compliant with the Town requirements.
- Chairman Hetzke asked if the proposed access road, being sixteen (16) feet, was wide enough for two large vehicles, such as dual wheeled pick-up trucks to pass each other. Mr. Heininger acknowledged this scenario would be a problem but was not likely to happen with the proposed density.
- Chairman Hetzke asked for a description of the slope of the private drive. Mr. Heininger explained the slope of the driveway (proposed at ±9.7%) would be similar to existing drives such as Burrows Hills Drive and Lost Mountain Trail.
- Chairman Hetzke asked for clarification regarding the 10-Year storm event flow and how it would be reduced offsite. Mr. Heininger answered the reduction of runoff in the 10-Year flood event was approximately 44%.
- Chairman Hetzke asked for a description of the proposed daily construction activity as it related to the installation of the road. Mr. Heininger explained dump trucks would pull off to the shoulder of the road to drop the fill as quickly as possible and an on-site dozer would move the earth to follow the proposed grading. He added the trucks could be directed to access Panorama from the south to avoid crossing a lane of traffic to pull over.
- Chairman Hetzke pointed out the approximate number of fill deliveries was 2,000 truckloads and asked how long this process could take. Mr. Heininger explained some of the fill may come from the proposed pond and approximated six (6) weeks to two (2) months for the delivery of fill.

Public Comments:
- Lidia Slusarek, 270 Panorama Trail, was concerned with erosion and falling trees as well as flooding along the section of Panorama Trail in front of the project site. She was also concerned with line of sight for vehicles accessing Panorama Trail from the proposed road.
- Ted Nixon, 326 Panorama Trail, was concerned with the environmental impacts to existing wildlife as well as accessibility for emergency response vehicles. He also expressed concerns regarding traffic safety as automobiles regularly exceeded the speed limit along Panorama Trail and flooding within the project site.
- Sam Lembo, 7 Hickory Lane, was not supportive of the proposed project and expressed concerns regarding erosion and water issues he has observed on the property as well as impacts to existing wildlife.
- Ron Stacy, 1 Hickory Lane, was concerned with impacts to traffic on Panorama Trail and was not supportive of the proposed location of the project.
- Kathy Heinig, 15 Hickory Lane, was not supportive of the project and stated the property was not suitable for building houses.
- Helga Strasser, 31 Hickory Lane, explained she had observed a great deal of erosion on her own property over the years and was not supportive of the proposed project.
- Kathy Nixon, 326 Panorama Trail, was concerned with negative impacts to the environment as she explained the soil was not stable and many trees had fallen.
• Nancy D’Ricci, 1 Hickory Lane, was concerned with erosion as the ground was soft. She stated guard rails would be a necessity and removal of any trees may cause erosion to neighboring properties.
• Ed Miller, 23 Hickory Lane, was not supportive of the project as he was concerned the cost of development as well as maintenance of the infrastructure may result in the project not being completed or maintained.
• Marty Turberg, 124 Farm Brook Drive, was concerned with safety of Panorama Trail during the development of the project. He explained speeding was an issue along Panorama Trail.

Applicant Responses:
• Mr. Heininger explained the project did not propose to disturb the existing slopes and acknowledged the soil (sandy loam) was soft and gave examples of other areas of the Town with the similar soils, such as Heather Drive and Burrows Hills Drive. He explained the proposed building sites were not proposed to be at the lowest grades and did not believe flooding would be an issue for the proposed residences.
• Mr. Heininger suggested a permanent speed indicator as a solution to excessive speeds along Panorama Trail.
• Mr. Heininger stated the proposed residences would be $375,000 to $400,000 were intended for empty nesters who could afford the maintenance cost of the private drive.

Board Deliberation:
Following the presentation of this application in the public hearing the Planning Board continued its review of during the subsequent work session that evening.

The Board voted and TABLED the application pending the review and/or submission of the following items:
• A completed part 1 section of the NYSDEC Full Environmental Assessment Form (EAF) shall be provided for the Board’s review.
• Submission of revised site plans with written responses to the comments issued in the PRC’s memo dated April 11, 2019.
• Review the width of the proposed driveway. Currently the plans show a 16 foot wide private drive on a 9.7% downward slope from Panorama Trail to the internal cul-de-sac. The Board expressed concerns for the driveway being too narrow to safely accommodate two vehicles. Provide information for adjustments to the amount of fill and potential impacts to the existing slopes if the proposed driveway is widened to 18 feet.
• The use of a guide rail system, or equivalent measures, along the sloped driveway shall be added to the site plans. Engineered details and specification shall be provided for the review of the Town Engineer.
• Provide a lighting plan for the project demonstrating the sloped driveway could be safely illuminated without creating any excessive glare to adjacent properties. The typical street light poles and fixtures are not encouraged as there are several alternatives of providing adequate lighting with LED fixtures that are low in height.
• The protection of Panorama Trail and the infrastructure of the town owned road, the neighboring residents, and the commuters that travel this road are among the top concerns for the Board. Detailed information about how the project will facilitate a safe construction site for heavy equipment and delivery of truckloads of fill material to construct the proposed private driveway shall be provided for the review of the Town Engineer and the Director of Public Works.

• Provide additional calculations and information about the number of truckloads of fill material needed for the proposed project. The calculations shall account for both the temporary haul road and private driveway. Provide figures for the number of truckloads that would be needed for the project as well as the rate of fill material deliveries on an hourly basis. The schedule shall demonstrate compliance with the permitted hours for construction set forth in the Town of Penfield Design and Construction Specifications.

• Provide clarification if the proposed subdivision will be managed by a formal home owners association (HOA).

• Staff was directed to obtain comments from the Penfield Fire Chief regarding accessibility to the project site.

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

Motion was carried.

2. Meagher Engineering, P.O. Box 76, Victor, NY 14564, on behalf of Jeannine Manuse, requests under Chapter 250 Articles XI-11.2 and XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision and Site Plan approval for a two (2) lot subdivision to construct a new single family residence with associated site improvements on 4.3 ± acres located at 280 Panorama Trail. The property is now or formerly owned by Richard Smith and zoned R-1-20. Application #19P-0008, SBL #123.16-1-22.

Justin Kellogg, Meagher Engineering, presented the application to the board. Also present was Jeannine Manuse.

• Mr. Kellogg explained the proposed property fronted Baird Road and would therefore obtain a street address at that road.

• The application had initially been made the previous year, however, the moratorium over the golf course did not allow the subdivision at that time. While the moratorium was renewed, it was amended such that the proposed subdivision could be submitted for the Planning Board’s review. The same plans from the previous application were again submitted for the Board’s review and consideration.

• Mr. Kellogg reviewed comments from the Town’s Project Review Committee (PRC) which had been received and addressed. Other County agencies had no significant concerns regarding the proposed project.
Board Questions:
- Board member Tydings asked if any variances were necessary for the project. Mr. Kellogg stated no variances were needed.
- Board member Tydings asked if the issue with the neighboring property’s driveway encroaching onto the property had been resolved. Ms. Manuse explained she had spoken with the neighbor at 1839 Baird Road and a written agreement was planned to be drafted to temporarily allow the driveway to remain with the understanding that it would be rerouted to the appropriate property at the time it was replaced.

Public Comments:
- Mary Ann Begland, 1839 Baird Road, explained the property lines were not in dispute. The gravel had been unintentionally relocated over the course of time during snow maintenance and the growth of the existing trees. She explained the trees were planned to be trimmed and the gravel relocated in the future. She requested the property be graded to avoid directing water over her driveway area. Ms. Begland was supportive of the project.

Applicant Responses:
- Mr. Kellogg explained the water flowed to the west, away from 1839 Baird Road and would avoid damaging the driveway on that property.

Board Deliberation:
Following the presentation of this application in the public hearing the Planning Board continued its review of during the subsequent work session that evening.

- Mr. Nersinger informed the board the moratorium was still in place on Shadow Lake Golf Course restricting any development, however, the two sections of land, including the proposed project site, were excluded from the moratorium when it was renewed by the Town Board in March of 2019.
- Revised plans addressing PRC comments were submitted by the applicant on April 9, 2019, staff was reviewing those plans.
- The board reviewed the encroachment of the neighbor’s gravel drive and required a condition of approval that a written agreement be obtained prior to construction being approved for the site.
- The board had no further concerns for the application.

The Board voted and APPROVED the completed Short EAF.

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. Paul Habeck, 9 Sweets View Drive, Fairport, NY 14450, requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision approval for a two (2) lot subdivision with associated site improvement on 10.0 ± acres located at 1740 Salt Road. The property is now or formerly owned by Paul and Diane Habeck and zoned RA-2. Application #19P-0009, SBL #124.01-2-45.1.

Paul Habeck presented the application to the Board.

• Mr. Habeck explained the property was originally configured as two (2) ±5 acre lots. The previous owner of the lands had merged them into one (1) contiguous ±10 acre lot. He wished to return the lands back to their original two (2) lot layout.
• The northern ±5 acre lot with the existing home would be listed for sale, and he would retain the southern ±5 acre lot to construct a new home on the land.

Board Questions:

• Board member Kanauer asked if a house existed on the proposed south lot. Mr. Habeck answered the existing house was built when the property was a five (5) acre lot. The previous owners purchased the adjacent lot and merged it into that property. A home did not exist on the proposed southern lot. He added all the neighboring lots were five (5) acres in the same proposed configuration.
• Board member Kanauer asked about the viability of a septic system. Mr. Habeck answered the system was yet to be designed and had no concerns as the proposed lot was ample in size.

Public Comments:

• Dave Young, 1722 Salt Road, was supportive of the proposed subdivision and suggested a deed restriction be placed over the lots to prevent further subdivision of the proposed lots.

Board Deliberation:

Following the presentation of this application during the public hearing and subsequent discussion in a work session, the Penfield Planning Board offered the following comments.

• Mr. Nersinger explained the northern half of the site had a residential home on it. The southern half, which was proposed to be the new parcel, was where the applicant proposed to build a new single family residence.
• The applicant was recently issued a Grade and Fill Permit by the Town Board to raise the grade of the area near Salt Road as it was low.
• The applicant planned to seek administrative site plan approval for the new residence once perc testing was conducted for the septic system designs.
• The board had no further concerns for the application.

The board voted and APPROVED the completed Short EAF.

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

4. T. Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of McDonald’s USA, LLC, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Final Site Plan approval for a building addition with associated site improvements on 0.9 ± acres located at 2191 Penfield Road. The property is now or formerly owned by Carmella Spinosa and zoned GB. Application #19P-0011, SBL #140.01-2-1.1.

Randy Bebout, T.Y. Lin International, presented the application to the Board. Also present was Mary Ellen Guon, operator of the restaurant.

• Mr. Bebout explained adding the side by side drive-thru operation would increase the efficiency of the operation.
• A small building addition was proposed to allow the correct spacing between the cash and pick-up windows for the drive-thru service, this allowed three vehicles to queue between the windows.
• The length of approximately 95 feet from the ordering stations to the pick-up window allowed adequate time to prepare an average order once it was submitted.
• Ten (10) parking spaces would be removed in order to add the second drive-thru lane. The Zoning Board of Appeals (ZBA) had granted a variance for the required number of spaces at their March 21, 2019 public hearing.
• A variance was not required for the overall lot coverage as the percentage remained the same as the existing figure.
• The ADA compliant parking spaces were relocated away from the drive-thru area and closer to an entrance.
• It was possible to stack 19 vehicles between the entrance on Penfield Road and exit of the drive-through.
• Ms. Guon conducted parking counts at peak days in the morning, lunchtime and evening that were submitted to the ZBA with the parking variance application. The highest number of vehicles stacked in the exit of the drive-thru was observed at 17, and 10 parking spaces were empty during peak hours of operation.
• The dumpster enclosure was proposed to be rotated so the gated opening faced east and allowed the disposal vehicle to pick up the refuse and exit the site travelling around the back of the building and avoid the west drive aisle.
• The route for delivery trucks was not proposed to change as they delivered at 4:00 AM, prior to the restaurant opening.
• Responses to the comments in the PRC’s memo had been provided.
• The landscaping was proposed to be enhanced, the owner was working on selecting a landscape design.
• The existing drainage for stormwater runoff would be improved with a new drywell structure.
• A light pole was proposed to be proposed to be relocated as part of the dumpster reconfiguration. If further lighting was necessary in that area the applicant was willing to add a new light pole in an appropriate location.

Board Questions:
• Chairman Hetzke asked if traffic increased seasonally or was it consistent year-round. Mr. Bebout answered the traffic counts were conducted on Friday and Saturday in March. Ms. Guon explained the peak days were Friday and Saturday and typically steady year-round.
• Chairman Hetzke asked for a description of the proposed traffic pattern as shown on the site plan. Mr. Bebout explained an island with bollards and a one-way sign was proposed for the entrance from Fairport Nine Mile Point Road. The circulation was proposed to be one-way around the building with appropriate signage.
• Board member Tydings asked what the hours of operation were for the business. Ms. Guon answered they were open 5:00 AM to midnight.
• Board member Tydings asked if employees were on site when the 4:00 AM deliveries arrived. Ms. Guon answered the pallet deliveries were unattended, however, she recently negotiated to have the deliveries dropped off using a smaller truck so product could be carted to the service entrance without pallets in the future.
• Board member Tydings asked how many employees were present during operating hours. Ms. Guon answered four (4) employees were present who parked on the north side of the parking lot.
• Board member Tydings asked when the façade changes had been approved by this board. Mr. Bebout answered they were approved last year and a building permit was obtained for that work as well as interior remodeling. That permit did not include the addition that was part of this application along with the site plan modifications. The applicant was eager to commence work on all proposed changes but understood the limits of the issued permit and would need a separate building permit for the addition.
• Board member Tydings asked if the applicant was amenable to working with Town staff to finalize the landscape plan. Ms. Guon explained the existing landscaping would not all be changed but improved to coincide with the new façade and site.

Public Comments:
There were no public comments for this application.

Board Deliberation:
Following the presentation of this application during the public hearing and subsequent discussion in a work session, the Penfield Planning Board offered the following comments.

• Mr. Nersinger informed the board the designs for the proposed façade updates, which were approved January 11, 2018, had been maintained for this application which included a small building addition.
• The Penfield ZBA granted a variance for less parking, allowing the total number of parking to be reduced by 10. The 10 spaces at the east end of the site would be removed as shown on the site plan to provide the necessary drive isle space for the second drive thru lane.
• The board was supportive of the Town’s landscaping consultant reviewing the final landscape plans for approval.
• Board member Bastian asked if there was a setback requirement for dumpsters. Mr. Nersinger answered there was none, the proposed location for the dumpster enclosure was compliant.
• Chairman Hetzke requested the town Engineer review the final lighting plan to ensure proposed lighting modification was adequate for the entry to the site.

The board voted and APPROVED the Short EAF.

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<td>Chairperson: Hetzke - Aye</td>
<td>Bastian - Aye</td>
<td>Burton - Absent</td>
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<td>Kanauer - Aye</td>
<td>Tydings - Aye</td>
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Motion was carried.

The board voted and APPROVED the application with conditions.

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Motion was carried.
IV. TABLED APPLICATIONS:

1. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of Ronald A. Wilbert, requests under Chapter 250 Articles XII-12.2 and VI-6.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval and an EPOD Permit 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 9.97 +/- acre property located at 1301 Salt Road. The properties are now or formerly owned by Wilbert’s Automotive LLC and Wilbert’s Tree Farm LLC and zoned RA-2. Application #19P-0002, SBL #s 095.04-2.1 and 095.04-2.4.

Board member Kanauer recused from this application.

- Mr. Nersinger informed the board the site plans submitted April 11, 2019 included striping on the pavement in front of the overhead doors where delivery trucks were proposed to exit the Shipping, Receiving, and Dismantling Building.
- A five (5) foot crosswalk had been added from the employee parking area to the main building. Sidewalks were also added from the customer parking area to the main building.
- A turning template showing the pathway of a tractor trailer in order enter and exit the site was submitted to the board.
- The board discussed the merits of relocating the employee parking area and reviewed the tractor trailer turning plan. Chairman Hetzke asked when and how many deliveries occurred daily. Staff referenced applicant correspondence stating three (3) tractor trailer trucks and ten (10) standard box trucks to include UPS and FedEx on weekdays, and two (2) box trucks on Saturdays.
- Mr. Nersinger asked if the board was supportive of requesting an improved landscape plan that included permanent plantings in the proposed grass islands to secure these areas as green space. The board was supportive of this and requested an updated landscape plan.
- Mr. Nersinger explained a site visit for both the Planning Board and Zoning Board of Appeals would be scheduled following the ZBA’s April 18, 2019 hearing of the application.

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

- The board was in receipt of the latest site plans, dated April 5, 2019, and Town staff was in the process of reviewing them based on the memo from the Project Review Committee (PRC) date February 1, 2019. In general, the board was supportive of the revisions to the plan that included, but was not limited to, the following: (1) a new sidewalk connection for pedestrians from the northern parking area to the main building; (2) a completed tractor trailer turning template for entrance and exit movements; and (3) a “No Parking” striped pavement area adjacent to the east face of the proposed shipping/receiving/dismantling building to alert customers and employees of the restricted delivery area.
• The board discussed with staff the possibility of modifying the proposed parking layouts by relocation the 15 spaces at the south end of the site to the main parking area at the north end of the site. The board permitted staff to discuss this matter with the applicant.

• The board discussed the above referenced “No Parking” area and requested the applicant to include details on the site plans for the installation of “No Parking” signs on the proposed building as the striped pavement area may be difficult to see during time of heavy snowfall.

• The board required the submission of a formal landscape plan, complete with a planting schedule, for the proposed lawn areas to be established along the frontage of Salt Road.

• The board is awaiting the receipt of information about the timeline for the anticipated phased build-out of all proposed improvements associated with the project.

Vote: Moved by: Tydings Seconded by: Bastian

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

Motion was carried.

2. DSB Engineers, 2394 Ridgeway Avenue, Rochester, NY 14626, on behalf of Redstone Builders, Inc., requests under Chapter 250 Articles XI-11.2, XII-12.2, and VI-6.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision, Site Plan, and EPOD Permit approval for a thirteen (13) lot single family residential subdivision under Town Law §278 with associated site improvements on a 10.19 ± acres located at 1725 Scribner Road. The property is now or formerly owned by R.B. Land Company, LLC and zoned R-1-20. Application #19P-0004, SBL #124.05-1-1.

• Mr. Nersinger informed the board the revised site plans included sidewalks along one side of the proposed subdivision as well as the property that fronted Scribner Road, to include 120 feet along 1719 Scribner Road to connect to the existing sidewalk to the existing school crosswalk. The applicant would be required to obtain a sidewalk waiver from the Town Board for not installing sidewalks along one side of the internal road.

• The submitted landscape plan proposed enhanced buffer plantings along the north and east property lines, the Town’s landscape consultant was conducting his review of the submitted plan. The Board was supportive of allowing staff to approve the final landscaping plan in its pre-mylar review.

• The Penfield Trails Committee recommend a trail path easement be obtained to connect the sidewalk. The Board was supportive of locating a trail easement on the land proposed to be dedicated to the Town that would allow a path connecting Fallbrook Circle to the proposed new sidewalks in the project site and requested this be added as a condition of approval.
• The board discussed the proposed deed restriction on Lot 13 and was supportive of adding a Conservation Easement to the wooded area at the rear of the lot to prevent future development of this area.
• The Board had not further concerns with this application.

The Board voted and APPROVED the completed Short EAF.

Vote: Moved by: Kanauer 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: Bastian Seconded by: Kanauer

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

Motion was carried.

3. DSB Engineers, 2394 Ridgeway Avenue, Rochester, NY 14626, on behalf of Redstone Builders Inc., requests under Chapter 250 Articles XI-11.2, XII-12.2, and VI-6.2 of the Code of the Town of Penfield for Final Subdivision, Site Plan, and EPOD Permit approval for seven (7) single family residential homes with associated improvements on 11.12 ± acres located at 899 Plank Road, to be known as Crowne Pointe Subdivision, Section 4. The property is now or formerly owned by Plank Road Development LLC and zoned R-1-20. Application #19P-0005, SBL #094.18-1-6.001.

• Mr. Nersinger informed the board the applicant had provided revised site plans with responses to comments that included the relocation of the pond to the 100-year floodplain buffer area on its own lot. The applicant would be required to obtain a permit from the DEC for this proposed location. Staff was working with the applicant to pursue the possibility of dedicating this property to the Town for maintenance of the pond.
• The Board had no further concerns with this application.

The Board voted and APPROVED the application with conditions.

Vote: Moved by: Kanauer Seconded by: Tydings

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

Motion was carried.
4. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Combat Construction Inc., requests an informal discussion before the board with plans for a 75 lot residential subdivision under Town Law §278 with associated site improvements on a total of 90.5 ± acres located at 1394 and 1440 Jackson Road. The properties are now or formerly owned by Lupo Brothers Family Rusts, Pridonoff Family Trust, Kasunich Family Trust, Peter Rubino, G. DiPisa, and Santa Puccio, and zoned RR-1. Application #19P-0006, SBL #s 095.03-1-39 and 110.01-1-4.

- Mr. Nersinger reviewed the updated conventional plan, submitted April 3, 2019, in response to the Board’s comments. The stormwater management facility had been consolidated to a single location where a building lot was previously proposed.
- Lot #54 had been expanded with a greater wetland mitigation area to create more usable space within the property.
- The building pad for Lot #57 had been relocated with 150 feet of lot width and usable backyard area.
- Lot #27 was widened in order with show compliance with lot width.
- Lots #9 and #10 were widened and if the house pads were moved further to the rear they would be compliant with the lot width requirement of 150 feet. However, Lot #3 was 133 feet wide. The board was not supportive of these lot designs and requested a lot be removed to make the remaining lots compliant.
- The board discussed Lots #26 and #27 as Lot #27’s lot width was measured from an angle that was not parallel to the proposed residence. Lot #26 had a long drive with a ninety-degree turn that met with another flag lot (#25). The board was not supportive of this configuration and requested lot #27 be eliminated.
- The board was concerned with possible depth to bedrock being shallow and requested testing be conducted to determine if basements were appropriate.

The Board voted and APPROVED staff to issue a sketch plan review letter for the application with the following comments and concerns.

- The Board was generally supportive of the project and the use of Town Law §278 as the development would reduce the proposed total disturbance of the site by approximately 30 acres. However, due to the presence of federal wetlands and a natural drainage way, and the need for a regional stormwater management facility and wetland mitigation areas on the conventional plan, the Board reviewed in detail the layout of several lots. The Board determined that a conventional plan showing a reduction of in the number or proposed lots, from 75 to 72, was necessary to provide the appropriate density based on the dimensional requirements for lots in the RR-1 District.
- As represented in the application materials, the proposed subdivision would be serviced by privately owned grinder pumps and a low pressure force main system to handle sanitary waste. Additional discussions with the Town Engineer and Director of Public Works will be necessary prior the submittal of a formal site plan application to review the proposed design specifications for the sanitary sewer system.
• The submission of a full drainage report shall be required documenting compliance with the Phase 2 Stormwater Regulations for water quality and quantity will be required for a preliminary and final application submission.

• Updated plans shall provide current wetland delineations and details for any proposed mitigation areas.

• As represented in your presentation to the board, preliminary test pits were performed on the site to gather data on the depth to bed rock. Results of the test pits varied, but in general the observed depth to bed rock was shallow. The Board expressed concerns for how the subdivision would be designed to offer basements for the proposed single family homes. The submission of a geotechnical report on the property shall be required that documents boring logs and test pit location results for the various depths to the bedrock.

• In addition, the report shall provide recommendations for structural foundations and underground utility installations for the proposed project, including the potential need to conduct blasting for the installation of utilities underground. It shall be noted that blasting is not permitted for the excavation of structure foundations.

• The submission of a landscape plan (with a planting schedule) shall be required that demonstrates compliance with the Town’s Street Tree Policy and shows the limits of disturbance in relation to the Woodland EPOD area. Review the Woodland EPOD section of the Code for the identification, protection and potential replacement of any mature trees on the property.

• Provide revised site plans that minimizes the acreage of proposed land to the Town of Penfield. Lot lines should be extended to the property limits where possible.

• Provide revised site plans that provide at least two 20 foot wide owned strips of land between lots that provide clear and unobstructed paths to the proposed regional stormwater management facility that is proposed to be dedicated to the Town for future ownership and maintenance.

• Provide revised site plans that comply with the Town’s Sidewalk Policy for new developments proposing a dedicated roadway.

• Provide details for any proposed entrance signage for the subdivision. Please note street lights will be required on a utility plan at the intersections with Jackson Road and Plank Road.

Vote: Moved by: Bastian Seconded by: Kanauer

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

Motion was carried.
5. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 11450, on behalf of 777 Panorama Properties LLC, requests under Chapter 250 Articles XI-11.2, XII-12.2 and VI-6.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision, Site Plan, and EPOD Permit approval for the construction of a new roadway with utilities to service development lots for a new business park on 55.3 ± acres located at 125 Panorama Creek Drive. The property is now or formerly owned by 777 Panorama Properties LLC, and zoned LI. Application #19P-0007, SBL #138.12-1-1.1.

- Mr. Nersinger explained staff was still in the 30-day period for awaiting responses from agencies regarding the Board’s request to act as lead agent for SEQR review.
- Updated site plans to show a sidewalk on one side of the internal road and increased building setbacks from rear property lines that abutted neighboring properties not zoned LI.
- The updated grading plan showed no disturbance to the steep slope near the top of the hill to initially preserve the existing large trees in that location until building site plans were determined.

The Board voted and CONTINUED TABLED the application pending the review and/or submission of the following items.
- Clarification for the extent of the proposed grading shown on the grading plan concerning the proposed removal of a stand of large caliber trees located at the southern area of the site. The Board was supportive of avoiding any unnecessary disturbance to this area and any other mature trees on the site that could be preserved under the proposed site plans.
- Town staff’s review of the revised site plans submitted on April 5, 2019.
- Responses to comments provided by the Town’s traffic consultant’s memo dated March 27, 2019.

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

Motion was carried.
V. **ACTION ITEMS:**

1. **1600 Penfield Rd, site plan approval extension.**

   - Mr. Nersinger informed the board the applicant was seeking a one (1) year approval extension for the project as they were not prepared to commence construction.
   - The Board had no concerns with this request.

   The board voted and APPROVED the one year extension for application #17P-0011.

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<td>Chairperson:</td>
<td>Hetzke - Aye</td>
<td>Bastian - Aye</td>
<td>Burton - Absent</td>
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   Motion was carried.

2. **1821 Fairport Nine Mile Point Rd, Penfield Square, request for site plan modification to include an emergency generator for the approved independent living building on Lot 1 of the project.**

   - Mr. Nersinger informed the board the applicant provided a cross section of the generator with proposed landscaping and parking lot and road elevations.
   - Mr. Nersinger clarified the generator was intended to service emergency lighting and elevator services, not fully power the independent living facility. The unit was approximately 3.5 ft. wide x 8 ft. long x 5 ft. tall in size.
   - The board discussed the proposed size and sound enclosure details.
   - The board had no further concerns with proposed emergency generator.

   The board voted and APPROVED the requested site plan modification for the approved independent living building on Lot 1 of the project known as Penfield Square.

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<td>Kanauer - Aye</td>
<td>Kanauer - Aye</td>
<td>Tydings - Aye</td>
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   Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 10:00 PM.

These minutes were adopted by the Planning Board on May 9, 2019.