PLANNING BOARD
MEETING MINUTES
MAY 9, 2019
The Planning Board held a meeting at 6:30 PM local time Thursday, May 9, 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 April 11, 2019.

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

Motion was carried.

The board voted and APPROVED the draft meeting minutes for April 25, 2019.

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

Motion was carried.
III. **PUBLIC HEARING APPLICATION:**

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 located at 2730 Atlantic Avenue. The property is now or formerly owned by Heritage Christian Services Inc. and zoned R-1-20. Application #19P-0012, SBL #124.01-1-2.

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

   - Mr. Schaaf explained this was the second sketch plan application for the proposed project and explained the changes included the demolition of the existing residence on the property. The facility was proposed to be 11,500 +/- square feet, a reduction from the originally proposed 15,000 +/- total square foot facility that was previously proposed.
   - The property was abutted by a public school and a church.
   - The location was selected based on necessary criteria to operate a daycare facility that included public utilities and a main thoroughfare to allow easy accessibility for parents within their commuter routes. Cost of the property and for the development of the project were also key considerations for the location selection.
   - Mr. Schaaf explained the Town Code required daycare facilities not exceed 8,000 square feet and service no more than 135 children per facility, resulting in 59.3 square feet per child. This criteria was less square footage per child than Heritage Christian Services had established as their standard. This project proposed 95.8 +/- square feet per child, for a total of 120 children.
   - The proposed outdoor play areas occupied over 23,000 +/- square feet, which was greater than the Town Code requirements. The children would go outside in staggered groups to designated areas with age-appropriate equipment.
   - The facility was proposed to service primarily younger (pre-school) aged children. Based on their other daycare facilities, Heritage Christian Services anticipated less than 20 school-aged children in this facility.
   - There were three elementary schools in Penfield, therefore a maximum of three (3) school buses were anticipated to stop at the site in the morning and afternoon. The buses would likely visit the site at different times with little to no chance of queuing in the parking lot. An employee of the facility would meet each bus so children could enter or exit as quickly as with any typical residential school bus stop.
   - A Traffic Impact Study was conducted with the previous application and an updated statement was included confirming the results applied to the conditions of this application. The study indicated the impacts were minor and the gaps during peak times were adequate to accommodate ingress and egress for the site.
   - A tree survey was conducted by a landscape architect who reported the site would benefit from the removal of the majority of the trees as they were in a mature state and lacked maintenance.
The proposed plan included curb cuts on Scribner Road and Atlantic Avenue. The applicant had communicated with the New York State Department of Transportation (NYSDOT) who confirmed there was little to no impact caused by relocating the curb cut on Atlantic Avenue further east.

Area variances would be required for minimum lot size of the project, maximum building size, and the setbacks of the proposed garage and storage shed. The reason the shed was proposed to be located next to the fence on the property line was to prevent children from hiding behind this structure, which has been known to occur. The northern property line, where the setback variances were proposed, abutted the public school’s stormwater management facility and buffer area adjacent to their parking lot.

The applicant operated similar facilities on 1680 Stone Road in Greece, which was 9,930 +/- square feet and served 120 children, and 875 Commons Way in Henrietta, which was 10,100 +/- square feet and served 112 children.

In response to the PRC comment recommending a sidewalk from the facility to connect to the public sidewalk on Scribner Avenue, Mr. Schaaf explained the school-aged children would take the bus to Scribner Road Elementary School and would not utilize the sidewalk. He added security and limited access were priorities for a daycare facility and encouraging uninvited guests to the property went against these priorities.

The applicant had scheduled a meeting with the Rochester Christian Reform Church, at 2750 Atlantic Avenue, to discuss a shared parking agreement that was anticipated to be utilized during daycare graduation ceremonies that occurred approximately four (4) times a year. If they could come to an agreement, the applicant proposed to extend the internal sidewalk to the neighboring parking lot.

Dan Stewart presented the operational information for the proposed project.

- The daycare hours were proposed to be 6:00 AM to 6:00 PM, Monday through Friday, with limited use on nights and weekends.
- Approximately 31 staff members were proposed.
- The proposed size of the building was based on the ratio of students to teachers per age group and minimum criteria of square footage per child. As the ages the children varied based on demand, the plan provided flexibility to use the classrooms for different age groups.
- The kitchen was proposed to be utilized to store and prepare catered food.
- Besides classrooms, the building was proposed to have a staff lounge, a nursing mothers’ room, a therapy room, studio family rooms off of each suite, common areas, administrative offices, restrooms, and mechanical rooms.
- The outdoor play area was proposed to be divided with fences into different playgrounds with age-appropriate fixtures.
- It was necessary to place the shed against the fence line to avoid allowing children a place to hide.
- The proposed parking lot met all Town Code requirements.
- Security logs, obtained from electronic key swipes, were obtained from their other daycare facilities to provide the information regarding peak drop off and pick up times for this application.
Board Questions:

- Chairman Hetzke asked what the average number of children per household was that attended their existing facilities. Mr. Stewart did not know the answer but could obtain an answer for the board.

- Chairman Hetzke asked for clarification regarding the sidewalk connectivity to Scribner Road. Mr. Schaaf answered it was presumed the sidewalk suggested by PRC would allow the children attending the daycare to walk to Scribner Road Elementary School. Mr. Schaaf explained there was no need for this as the children would not be walking to the school and the connection could pose a security concern for the facility.

- Board member Kanauer asked if parents typically parked to bring children to the facility or if they were dropped off curbside. Mr. Stewart answered the parents were required to bring their children into the building and had access using electronic key cards. He explained the key card swipes were used to calculate the approximate average for parent drop off time of six (6) minutes.

- Board member Kanauer asked if parents had to park their cars, did they then have the option to exit the property using either access point. Mr. Stewart confirmed this was correct.

- Board member Kanauer asked if the buses were proposed to enter using one access point and exit from the other to avoid turning on the site. Mr. Schaaf explained the applicant had informal discussions with the Penfield Central School District (PCSD) to confirm they would provide bus service to the site and most likely enter from one point and exit from the other.

- Board member Kanauer asked if the applicant planned to have a back-up generator service the site. Mr. Stewart answered there were no plans to install a generator at that time.

- Board member Kanauer asked if there was an attempt made to sell the existing residence for relocation. Mr. Stewart answered that option was not explored, he did plan to salvage any fixtures that could be repurposed.

- Board member Tydings asked for confirmation regarding the number of school buses servicing the site. Mr. Stewart explained PCSD had confirmed that no more than three school buses would service the site.

- Board member Tydings asked if the curb cut on Scribner Road would allow left turns for drivers exiting the site. Mr. Schaaf explained both curb cuts were proposed to allow drivers to enter and exit the site as they chose, the design was based on the information provided by their traffic consultant.

- Board member Tydings asked how many parking spots were proposed. Mr. Schaaf prefaced by stating not all 31 employees would be on site at the same time as the hours of operation spanned twelve (12) hours. He confirmed there were 45 parking spaces required by Town Code and 53 were proposed on the site plan.

- Board member Tydings asked how the parents dropping off children and school buses picking up children would navigate the site at the same time. Mr. Schaaf explained duration of the buses stopping was typical of any neighborhood stop where vehicles had to yield to the flashing lights equipped on the school buses allowing children to enter and exit safely.
• Board member Tydings asked if there was a possibility of vehicles queueing out to the road due to buses stopping on the site. Mr. Schaaf explained the length of the drive aisle with parking immediately adjacent allowed parents to park while a school bus was stopped at the building entrance.

• Chairman Hetzke asked if the peak drop off and pick up times matched the school bus stop times. Mr. Schaaf answered they did not, in the morning the school bus arrived after the peak drop off time. He added in the afternoon the school bus dropped off children prior to the majority of parents arriving to pick up their children.

• Board member Tydings asked how many variances were required for the project. Mr. Schaaf answered variances would be required for setbacks on the north side of the property for the proposed shed and garage. Variances would also be required for the size of the lot and the size of the building.

• Board member Tydings asked if an 8,000 square foot building was acceptable for the applicant’s proposed use. Mr. Schaaf explained a smaller building would not provide the same level of service at the standards of the applicant’s other facilities.

• Board member Tydings asked what the criteria was for selecting a location for their business. Mr. Stewart explained other properties were considered that met the minimum five (5) acre lot size, but these properties were not economically feasible as the residential density was sparse, they did not have public utilities available, or were not located on commuter routes to offer the convenience for parents to utilize en route to work.

• Board member Tydings asked if the applicants would be willing to correspond with the Town landscaping consultant regarding the proposed removal of the existing trees. Mr. Schaaf answered they were amenable to meeting with the consultant and added they planned to add new landscaping as part of the project.

• Board member Bastian asked when were the peak hours for traffic according to the Traffic Impact Study that was submitted. Mr. Schaaf explained the peak hours for the daycare facilities were not necessarily the same as the area traffic peak hours; their traffic study determined the general area peak traffic hours for the project area were 7:15 to 8:15 AM and 4:30 to 5:30 PM.

• Board member Bastian asked how many children were dropped off during the peak hours. Mr. Stewart explained the numbers for their other facilities were provided in the traffic report and the projections were expected to be similar.

• Board member Kanauer asked how many outdoor play areas were proposed. Mr. Stewart answered five (5) playgrounds were proposed.

• Board member Kanauer asked if the proposed stormwater facility would be a retention or detention pond. Mr. Schaaf explained the engineering work to make that determination had not been conducted, initial observations indicated the pond would be fairly dry, similar to the adjacent neighbor’s at Bay Trail Middle School.

Public Comments:

• Kim Fulton, 1759 Scribner Road, had concerns with the proposed plan in relation to how it would affect traffic. She explained she had difficulty backing out of her driveway during peak times and she did not support a curb cut that would allow drivers to make a left turn onto Scribner Road from the property. She also did not support the area variances that were required for the project.
• Mark Northrup, 1777 Scribner Road, expressed concerns with the project. He did not support the proposed size of the pond and the removal of the existing trees and was concerned with impacts to drainage. He also stated he may have affected the results of the traffic study as he recalled making someone who was counting vehicles leave the property on threat of calling the authorities. He was also concerned with impacts to the area during construction.

Applicant Responses:
• Mr. Schaaf explained the aerial overlay colored site plan that was presented to the board that included a large blue-colored pond was a misrepresentation of what would likely be installed, which would appear similar to the stormwater detention facility immediately north of the proposed area on the PCSD property.
• Mr. Schaaf explained Heritage Christian Services worked with an experienced construction firm and site safety was not a concern for their previous projects as they followed all regulations.
• Mr. Schaaf explained the applicant requested the board be forthcoming in stating whether they were in support of the application as the owners did not wish to invest further in a project that would not be approved.

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.

• Chairman Hetzke asked for input from the board members regarding the application. Mr. Hetzke was supportive of the project but preferred to see more trees preserved.
• Board member Kanauer was concerned with the pond and if the facility was determined to retain water he would be supportive of underground storage tanks.
• Board member Tydings was not supportive of the proposed project, he was concerned with the number of variances required as well as impacts to traffic.
• Board member Bastian was undecided and asked for clarification regarding peak traffic conditions for the area and how the proposed child-care facility could impact existing conditions.
• The board discussed with staff the history behind the Town Code requirements for daycare facilities that were established several years ago. Since then, many facilities that had been developed had obtained variances in order to be developed.
• The board discussed the traffic concerns that were raised during the public hearing and requested the Town’s traffic consultant review the submitted Traffic Impact Statement.
• The board requested clarification regarding peak hours for the proposed daycare compared to the peak area traffic times.
• The board agreed to table the discussion in order to allow time to obtain the requested information.
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 095.04-2-2.1 and 095.04-2-2.4.

Board member Kanauer recused from this application.

- Chairman Hetzke informed the members of the board who were unable to attend the site visit held May 7, 2019 to both the facility at 1272 Salt Road and 6333 Lakeside Road (Ontario) of the details of the tour.
- Mr. Nersinger reviewed the updated lighting and landscaping plan that was submitted May 8, 2019. The proposed plan included salt-tolerant plants, as recommended by the Town landscaping consultant.
- The NYSDEC’s review of the drainage improvement plans was nearing completion for the required 60 day review process.
- Responses to the board’s previous tabling resolution were submitted. The applicant explained the intercom system on the site was only proposed to be used for emergency situations as employees were utilizing two-way radios to communicate on the site.
- The board requested staff begin drafting a Negative Declaration for the application.

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

- The Board directed staff to begin the preparation of a draft negative declaration document in accordance with the New York Staff Environmental Quality Review Act (SEQRAO for its review and consideration.

**Vote:**

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<th>Moved by:</th>
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<td>Bastian</td>
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**Chairperson:** Hetzke - Aye  Bastian - Aye  Burton - Absent

Kanauer - Recused  Tydings - Aye

Motion was carried.
2. 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 informed the board staff was preparing a Negative Declaration, as directed by the board at their April 25, 2019 meeting.
• The Conservation Board updated their memo with regards to the revised grading plan, submitted May 3, 2019, which included the preservation of specific large caliper trees on the south side of the property during the initial phase of development that was proposed.
• The Project Review Committee (PRC) recommended a pedestrian/sidewalk easement be obtained to allow future connectivity to the western neighboring properties.
• The board invited Peter Vars, BME Associates, to respond to pedestrian easement suggestion. Mr. Vars explained pedestrians were already walking through the woods from the neighboring property and suggested the applicant locate the easement in the area that was being utilized as a pathway. The board was supportive of this suggestion.
• Mr. Nersinger informed the board the applicant’s traffic engineer provided responses to comments from the board and asked if these responses should be reviewed by the Town’s traffic consultant. The board was supportive of having the Town’s consultant review the traffic responses.

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

• A revised grading plan showing tree protection measures in acceptable locations to the Town Engineer.
• The addition a formal pedestrian access easement on the plans in the area described by the applicant as an existing footpath on the property that could be utilized for future pathway for residents at the adjacent properties to safely access Panorama Trail South.
• The Board’s review of a draft negative declaration for environmental significance in accordance with the New York State Environmental Quality Review Act (SEQRA)

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

Motion was carried.
3. 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.

- Mr. Nersinger informed the board that staff was still in the process of reviewing the updated plans to confirm all previous PRC and Board comments had been addressed.
- A Full Environmental Assessment Form (EAF) and detailed construction sequence plan had not been submitted.
- The updated plans, submitted May 2, 2019, included a grading plan for the haul road that was later proposed to be developed into the proposed private road.
- Board member Bastian asked if the plan included lighting for the proposed road. Mr. Nersinger explained in lieu of a guide rail the plan proposed dolomite rocks parallel to the south side of the proposed road with light bollards interspersed along that side. The board requested a cut sheet for the bollards be provided.
- Mr. O’Connor explained the updated plan proposed to relocate the rain garden closer to the pond, staff was still reviewing the stormwater management plan for the project.
- Staff was concerned with the proposed construction sequence that was outlined in the applicant’s response letter, dated May 2, 2019, and determined more detail was necessary to anticipate the proposed grading plan. The board agreed and requested information regarding the logistics as related to the timing of fill delivery.
- The board invited Larry Heininger, Marques Engineering, to respond to the construction logistics question. Mr. Heininger explained the owner was coordinating to obtain fill from nearby sources. Mr. Heininger also explained some of the details of the proposed drainage plan.

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

- A completed part 1 section of the NYS DEC Full Environmental Assessment Form (EAF) shall be provided for the Board’s review. The Board reserves the right to determine the classification type of the proposed project pursuant to SEQRA.
- Review of the applicant’s revised site plans written responses to comments submitted on May 2, 2019.
- Submission of SWPPP Report for the proposed project for the review of the Town Engineer.
- 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. A Maintenance and Protection of Traffic Plan shall be provided for the review of the Town Engineer and the Director of Public Works. The plan shall provide all the necessary detailed information as to how the proposed project will
maintain a safe construction site for the operation of heavy equipment in the right of way of Panorama Trail and for the delivery of over 400 truckloads of fill material to construct the proposed private driveway.

- Per the applicant’s written responses dated May 2, 2019, the submission of lighting plan and cut sheets for the proposed KIM Pavilion Bollards with type III distribution, 22 W, 3000K, or a similar fixture, intended to provided adequate lighting along the private drive for safety and visibility.
- Staff was directed to obtain comments from the Penfield Fire Chief regarding accessibility to the project site.
- Staff was directed to obtain comments from the Town of Penfield Director of Public Works regarding the proposed project.

Vote: Moved by: Bastian Seconded by: Kanauer

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

Motion was carried.

V. ACTION ITEMS:

1. 1821 Fairport Nine Mile Point Road, Penfield Square occupancy modification.

- Mr. Nersinger informed the board the applicant was seeking to add one (1) additional living unit to the independent living building and requested an amendment to the Board’s Approval Resolution, dated January 24, 2019, to change the number of dwelling units from 113 to 114.
- Mr. Nersinger explained the site plans and exterior designs of the building were not proposed to change.
- The board had no concerns with this request.

The board voted and APPROVED the amendment to the original approval resolution.

Vote: Moved by: Bastian Seconded by: Kanauer

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:46 PM.

These minutes were adopted by the Planning Board on May 23, 2019.