PLANNING BOARD
MEETING MINUTES
JUNE 13, 2019
The Planning Board held a meeting at 6:30 PM local time Thursday, June 13, 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
Jim Burton
Bob Kanauer
Terry Tydings

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 May 23, 2019.

Vote: Moved by: Burton Seconded by: Bastian
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye
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 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 and a single family residential home with associated site improvements on a ±7.1 acre property at 1881 Jackson Road. The property is now or formerly owned by The Penfield Presbyterian Church and zoned R-1-20. Application #19P-0014, SBL #124.11-2-52.

Lucas Bushen, Marathon Engineering, presented the application to the Board. Also present was Dan Stewart of Heritage Christian Services.
• Mr. Bushen explained the new subdivision was for an approximately 1.5 acre lot to construct a single family residence to be used as a group home by Heritage Christian Services.
• All public utilities were available for the site.
• A shared access easement was proposed so the new property could share the existing access point on Jackson Road and the parking lot of the existing church.
• A private fire hydrant would be provided on the front of the property in response to County Water Authority and Town Fire Marshal comments.
• The residence was proposed to have a sprinkler system for fire suppression.
• The existing shed, which was used by the Boy Scouts of America, was proposed to be relocated in order to comply with setback requirements.
• Two (2) air conditioning units were proposed to be pad-mounted on the rear of the proposed building. A stand-by generator was being considered for the residence in the same location.
• Fencing was planned for the backyard area.
• In response to staff and resident comments regarding grading and drainage concerns, the applicant proposed to install inlets in the front yard of the new development that would capture stormwater runoff from the existing northern parking lot and direct it to public storm sewers.

Dan Stewart presented the operational aspects of the proposed group home.
• Mr. Stewart gave a brief history of Heritage Christian Services (HCS) to the board. HCS operated 85 group homes in the area.
• This residence was proposed to be ± 4,000 square feet with six (6) bedrooms and 2.5 bathrooms to house residents with developmental disabilities.
• The facility was proposed to be built compliant under the Life Safety Code board and care facility requirements.
• Staffing could range from two (2) to four (4) members at varying times of the day; the highest number present during morning and evening hours. Staffing may change based on the needs of the residence.
• All required procedures were followed for site selection, neighbors were notified by via mailed letters, and three (3) informational meetings were hosted at Penfield Presbyterian Church.
• Transportation vehicles would likely visit the site on weekdays to transport residents to occupations and other activities. Larger vehicles would park in the main drive aisle of the existing parking lot to avoid back-up alerts sounding.
• Overflow parking was proposed in the existing parking lot of the church.

Board Questions:
• Board member Kanauer asked if the proposed new parking area in front of the residence was adequate for employees. Mr. Stewart explained it was likely not adequate and the parking needs varied based on residents’ needs for staffing. He added there would be vehicles assigned to the group home that were parked on-site. Employees and visiting family members could utilize the northern row of existing parking spaces on the church property.
Board member Kanauer asked if the generator would be natural gas and requested the applicant consider the noise output of the unit selected as it may impact neighboring properties. Mr. Stewart explained it was undecided whether one would be installed and the unit would be natural gas fueled and noise output would be considered.

Board member Kanauer asked what type of trash receptacles were proposed. Mr. Stewart answered residential trash totes would be utilized and the pick-up service would coincide with the company’s local schedule for the neighborhood.

Board member Kanauer asked for details regarding deliveries to the site. Mr. Stewart explained the deliveries would be limited as HCS encouraged their residents to shop at local businesses as much as possible.

Board member Kanauer asked if a HCS owned vehicle would remain on the site. Mr. Stewart answered there would likely be two (2) vehicles for the residence: a wheelchair accessible vehicle and a smaller vehicle to be used to transport residents.

Board member Burton asked the ages of the proposed residents would be. Mr. Stewart answered they would be eighteen (18) years of age or older.

Board member Burton asked if any residents may have behavioral issues. Mr. Stewart explained it was unknown as no residents for the site had yet been identified by the State regulating agency. He added the residents would most likely be medically frail and therefore unable to cause problems that would be a concern to others.

Board member Burton asked if there was a potential for negative interactions between the residents and children who may be in the immediate area. Mr. Stewart explained while this was possible, the plans and staff oversight adopted by HCS were set in order to monitor the activities of the residents and ensure the safety of everyone interacting with them.

Chairman Hetzke asked how many group home sites HCS owned. Mr. Stewart answered they operated 75 sites that were similar to the proposed residence as well as a number of other facilities and operations in the community.

Chairman Hetzke asked how many group homes HCS operated in Penfield. Mr. Stewart answered they operated approximately ten (10) to twelve (12) homes in Penfield.

Chairman Hetzke asked if these existing facilities could easily be identified in residential neighborhoods. Mr. Stewart explained the residences were designed to look like typical single family homes in the area with residential-height garage doors in order to blend in with the surrounding homes.

Chairman Hetzke asked if the proposed plans for stormwater management would improve drainage for the entire property, including the lands remaining with the church. Mr. Bushen explained the existing conditions directed stormwater runoff to the northwest corner of the property, which was part of the proposed new parcel for HCS. The stormwater runoff from the north parking lot would be captured by proposed pipes to be installed with the project. Mr. Bushen explained a Stormwater Pollution Prevention Plan (SWPPP) was not required as the project area was less than one (1) acre.

Chairman Hetzke asked if the proposed HVAC units were residential models. Mr. Stewart confirmed the units were residential models.

Board member Tydings asked if any of the group homes within the Town were situated adjacent to properties similar to the proposed site. Mr. Stewart answered a group home was located on Whalen Road adjacent to the Incarnation Episcopal Church.
• Board member Tydings asked if written authorization regarding shared parking was obtained from the Presbyterian Church. Mr. Stewart explained they were working on a mutual shared access agreement as the subdivision proposed a flag lot layout.

• Board member Tydings asked if landscaping was proposed to be added to buffer the new lot. Mr. Stewart explained the tree removal was proposed to be minimal for the installation of the new residence and they hoped to obtain permission from neighbors to the north of the property line to clean brush and debris along the border where necessary.

• Board member Tydings asked if the neighborhood meeting attendance was adequate. Mr. Stewart answered there were approximately three (3) to five (5) families represented at each of the meetings, the most impacted neighbors being in attendance.

• Board member Tydings asked if the feedback from neighbors was favorable at the informational meetings. Mr. Stewart explained some were surprised to learn development was possible in the proposed location; however, neighbors were understanding and efforts were made to preserve as many trees for buffering. Mr. Stewart added the proposed drainage improvements to capture and direct stormwater to existing the Town storm sewer system would positively impact neighboring properties.

• Board member Tydings asked if additional lighting was proposed for the project. Mr. Stewart explained the existing parking lot had lighting and they would most likely add one residential-style light pole to the new parking area.

• Board member Tydings asked if any area variances were necessary. Mr. Stewart explained no variances were necessary as the existing shed was proposed to be relocated to a location where electric service was available for that unit.

• Mr. Nersinger asked for information regarding the proposed outdoor recreational area for the project. Mr. Stewart explained the front yard was proposed to be graded in order to be utilized for outdoor recreation to be shared with the church. A small portion of the rear yard was proposed to be enclosed with a four (4) foot high fence for the use of the residents.

• Chairman Hetzke asked if the house plan included a walk-out basement. Mr. Stewart answered it would not be a walk-out basement and added a basement was mainly proposed to obtain the fill necessary for the proposed grading for the site.

Public Comments:
• Danielle Mettler, 55 Wishing Well Circle, expressed concerns regarding the application. She requested the applicant preserve as many trees as possible to preserve the buffering between neighboring properties and was supportive of the proposed fence. She requested the applicant consider motion sensing exterior lighting that would be less impacting to neighboring properties. Ms. Mettler was also concerned with impacts to her property as well as Thousand Acre Creek and noise generation caused by the proposed development.

• John Bacon, congregant of Penfield Presbyterian Church, spoke in support of the project. Mr. Bacon explained the membership of the church had reduced in recent years and the proposed project would aid the church in reducing their expenses, as well as provide opportunities for community outreach. Mr. Bacon added the HCS was known
to be good neighbors and their group home adjacent to the church on Whalen Road was well-maintained.

**Applicant Responses:**

- Mr. Bushen responded to Ms. Mettler’s concerns regarding construction impacts by explaining the location of existing utilities and where the services were proposed to be connected.
- Mr. Stewart explained the exterior lighting would be shielded and would not remain lit throughout the night. He added the proposed construction was expected to last approximately five (5) months.

**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 reviewed with the board the drainage and grading plan that included two (2) new catch basins that would collect water to be directed to the Town’s drainage system. Staff would continue to work with the applicant to ensure drainage was improved for the site.
- The applicant had responded to Project Review Committee (PRC) comments and staff had no concerns with the proposed plan.
- Mr. O’Connor confirmed a SWPPP was not required as the area of disturbance was less than one (1) acre. However, erosion control measures were still required and staff would inspect the construction site to ensure compliance.
- Board member Bastian asked for details regarding the limits of disturbance as related to tree removal. Mr. Nersinger explained the area of disturbance was limited to the immediate area around the proposed group home and the area between the home and the church.
- Board member Kanauer asked if the Town Code defined a decibel level to not be exceeded beyond the property boundary. Mr. Nersinger answered a specific level was not defined in the Code. The board discussed the proposed generator and agreed that since it would be residential in nature and testing was typically conducted during weekday daylight hours there was not a significant concern for noise generation.
- The board had no further concerns with project.

The Board voted and APPROVED the Parts 2 and 3 of the Short EAF.

**Vote:**

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

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 095.04-2-2.1 and 095.04-2-2.4.

Board members Burton and Kanauer recused from this application.

- Mr. Nersinger reviewed the items previously discussed for this application and informed the board the updated site plans addressed all comments to date.
- Following this board’s SEQRA determination, the Zoning Board of Appeals (ZBA) could make a determination on the application for an Expansion to a Pre-Existing, Non-Conforming Use at their meeting on June 20, 2019.

The Board voted and ADOPTED the Negative Declaration with a determination of environmental non-significance. Accordingly, the submission of a Draft Environmental Impact Statement will not be required.

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

Motion was carried.

The Board voted and CONTINUED TABLED the application pending the preparation of a draft approval resolution for the proposed project.

Vote: Moved by: Tydings Seconded by: Bastian
Chairperson: Hetzke - Aye Bastian - Aye Burton - Recused
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 reviewed the items that were previously discussed for this application, SEQRA review was completed and the Negative Declaration was posted.
- Mr. Nersinger informed the board of comments received from the Allens Creek Valley Homeowners Associated requesting the board restrict hours of construction to begin at a later hour and also to restrict hours of operation for future tenants of the office park. The board agreed the permitted hours of work delineated in the Town Code were appropriate and agreed to review hours of operation for uses at a later time when Final Site Plan applications were made for the proposed properties.
- Mr. Nersinger reviewed with the board the conditions listed in the draft approval resolution template that was provided to the board in advance of the meeting.
- The Board had no additional concerns with this application.

The Board voted and APPROVED the approval resolution with conditions.

Vote: Moved by: Hetzke Seconded by: Bastian

Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye
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.

The Board took NO ACTION on this application as there were no new items to review.
V. ACTION ITEMS:

1. 1990 Brandt Point Drive, Walmart, online customer parking area modifications.
   - Mr. Nersinger informed the board the retail business proposed to expand their recently added customer pick-up service by utilizing six (6) existing spaces to be re-striped for four (4) pick-up service spaces. Currently, six (6) pick-up spaces were installed with a canopy. The canopy was not proposed to be extended for the four (4) additional spaces.
   - The Board had no concerns with this request.

The Board voted and APPROVED the site plan modification.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:59 PM.

These minutes were adopted by the Planning Board on June 27, 2019.