The Planning Board held a meeting at 6:30 PM local time Thursday, August 8, 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.
Jim Burton
Bob Kanauer
Terry Tydings

ABSENT Bill Bastian

ALSO PRESENT: Zach Nersinger, Town Planner
Doug Sangster, Junior Planner
Alison Sublett, Board Secretary

II. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for July 11, 2019.

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

III. PUBLIC HEARING APPLICATIONS:

1. DiMarco BayTowne Associates, 1950 Brighton-Henrietta Town Line Road, Rochester, NY 14623, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan and Conditional Use Permit approval to construct a new Starbucks restaurant with drive-thru service and associated site improvements on a ±34.12 are property located at 1900 Empire Boulevard. The property is now or formerly owned by DiMarco BayTowne Associates LLC and zoned GB. Application #19P-0018, SBL #093.02-1-23.111.

Paul Colucci, DiMarco BayTowne Associates, presented the application to the Board.

- Mr. Colucci explained the proposed building was a minor modification from the previous Overall Site Plan approval granted by the Board in 2008 for the expansion of BayTowne Plaza that allowed for two (2) buildings in. The proposed project was for a
single building, approximately 2,000 square feet in size, to be used for a Starbucks restaurant.

- All utilities would be accessed within the plaza.
- The submitted elevations have been approved by Starbucks and BayTowne Associates. Elements of the building utilized similar finishes that were installed for the plaza.
- The proposed drive-thru lane was designed to be isolated from the rest of the plaza to avoid conflicts, and the queueing lane exceeded the Town’s requirements for the minimum number of vehicles.
- The parking was proposed to be shared with the existing parking areas in the plaza, and the previously approved parking ratios have been maintained for this application.
- The proposed project was within the previously approved limitations for maximum building square footage allowed in the plaza.

**Board Questions:**

- Chairman Hetzke asked if the queueing for the drive-thru would get backed up past the defined area on a regular basis. Mr. Colucci explained Starbucks’ national standard for drive-thru queueing was to provide space for a minimum of seven (7) vehicles but preferably nine (9) vehicles, which was on the proposed plan. He added the site plan was designed to isolate the drive-thru route from the rest of the vehicle circulation for the plaza, and to allow customers the option to park and safely walk to the entrance door if the drive-thru line was backed up.
- Chairman Hetzke asked if the proposed plan included measures to prevent conflicts for the drive-up ATM on the adjacent property. Mr. Colucci explained the updated plans showed turning radiuses for vehicles. The expected trip generation from the use of the building was accounted for in the original SEQRA approvals for the expansion of the plaza and the traffic impact study. They have corresponded with ESL Federal Credit Union to ensure access to the ATM machines was maintained during the construction process.
- Chairman Hetzke asked if any lighting changes were proposed other than building-mounted lights. Mr. Colucci answered one (1) existing light pole was proposed to be relocated in order to accommodate the outdoor patio for the project. The proposed building-mounted lights were ambient sconce fixtures and bollard lights were proposed for the drive-thru. The overall lighting within the plaza would remain the same.
- Mr. Nersinger asked how the proposed landscaping would avoid sight distance issues for drivers. Mr. Colucci explained the patio was reduced and landscaping modified with shorter plantings in response to the Town’s Project Review Committee (PRC) memo, dated July 30, 2019.
- Board member Burton asked to view the sample building materials and asked if the limestone base course matched the applications within the plaza. Mr. Colucci confirmed the proposed limestone was the same material used on existing buildings within the plaza and would be used on the west and east elevations of the proposed structure. In addition, EIFs and a treated wood siding in two colors was proposed to be used as part of the Starbucks’ standard materials. The dumpster enclosure will incorporate similar materials as the proposed structure.
Public Comments:
There were no public comments for this application.

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:
• The Board directed staff to prepare a draft approval resolution for its review and consideration at the September 12, 2019 meeting.

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

Motion was carried.

2. Penn Fair Plaza, LLC, 2465 Ridge Road West, Rochester, NY 14626, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary Site Plan approval for a future commercial building and Final Site Plan approval for a building addition, parking modifications and associated site improvements on a ±8.89 acre property located at 2200 Penfield Road, known as Penn Fair Plaza. The property is now or formerly owned by Penn Fair Plaza LLC and zoned GB. Application #19P-0017, SBL #140.01-1-3.1.

Matt Tomlinson, Marathon Engineering, presented the application to the Board. Also present was Michelle Trott of Clark Patterson Lee and Robert Bishop of Penn Fair Plaza LLC.

• Rochester Regional Health proposed to lease ±30,000 square feet of space in Penn Fair Plaza. A ±1,750 square foot addition was proposed on the northwest portion of the existing building to provide the overall space for this tenant.
• In addition, the overall parking layout for plaza was proposed to be reconfigured to better define parking areas for the tenant spaces and to provide improvements for vehicular circulation with formalized vehicle access points, landscaped islands and restriping.
• The project proposed to add ±3,000 square feet of green space to the overall plaza, bringing the property closer to compliance with that requirement.
• The required cross access easement and physical driveway access connection to the adjacent northeastern commercial property would be completed as part of this project.
• The existing façade was proposed to be updated in conjunction with the proposed building addition.
• The proposed parking modifications met Code requirements and no variances were needed.
• The owner of the plaza requested preliminary approval for a new commercial building as the existing building used by Subway would be removed to allow that to be constructed at a later date.

Michelle Trott presented the architectural design features to the Board.
• The proposed exterior and interior modifications would allow the Rochester Regional Health patients to access all facilities from a main exterior entrance to a centralized interior location in the building. The existing entrances were proposed to be eliminated or modified to allow a single entrance for the healthcare patients.
• Ms. Trott presented the proposed façade materials that included limestone accents, rainscreen panels in two colors, adding brick facing to the addition, and painting the existing brick columns to a complimentary color.

Board Questions:
• Board member Tydings asked if the proposed addition would have an interior connection to the existing building. Mr. Trott explained the existing exterior wall would be demolished to allow the addition to connect to the existing building and the existing Rochester Regional Healthcare facilities would be reconfigured as part of the proposed renovations, allowing for the elimination of some of the exterior doors.
• Board member Tydings asked if the proposed façade updates matched existing Rochester Regional Healthcare facilities. Mr. Trott confirmed the proposed elevations were similar to the Riedman Health Center at 1455 East Ridge Road in Rochester.
• Board member Tydings asked if any variances would be required for the proposed project. Mr. Tomlinson answered they did not.
• Board member Tydings asked if they had received staff comments regarding a landscaping plan. Mr. Tomlinson answered they had not provided landscaping details and planned to submit those plans for review.
• Board member Tydings asked if the hours of operation would exceed normal business hours. Ms. Trott answered the proposed medical offices would operate during typical hours for that type of use.
• Board member Burton asked if an urgent care facility was proposed as part of this project and if so what those hours would be. Ms. Trott confirmed there would be an urgent care facility and did not know the specific hours of operation for that service but it would be isolated on the west side of the building.
• Board member Burton asked if column wrap was considered rather than painting the existing brick. Ms. Trott explained cost was a consideration as the rainscreen was costly but other options could be considered for the columns.
• Chairman Hetzke asked where the main entrances were proposed for the healthcare facility. Ms. Trott answered they would be on either side of the southwest corner of the building and employee access was on the rear (north) side and the interior corner near the center of the plaza building.
• Chairman Hetzke asked if visitors parking in the middle parking lot would have to walk across the depicted landscaped curbed area to access the sidewalk. Mr. Tomlinson answered crosswalks were planned for both ends of the parking lot.
Chairman Hetzke asked how the north parking area with the wide drive aisle would be utilized. Mr. Tomlinson explained this was planned for employee parking, a fire lane, and delivery vehicle access with sufficient turning radius to avoid directing large vehicles to neighboring properties.

Chairman Hetzke asked when the proposed future building would be constructed. Mr. Tomlinson answered a tenant would have to be secured prior to construction and the owner would make a Final Site Plan application to the Board with more details and elevations.

Chairman Hetzke asked for more details regarding the depicted green space adjacent to the northern parking lot on the rear of the plaza. Mr. Tomlinson explained they planned to create a small greenspace with benches and possibly a bike rack.

Chairman Hetzke asked if the vertical line on the site plan depicted the tenant space allotted for Rochester Regional Health. Mr. Bishop answered a couple of tenants had vacated spaces within the plaza that the owner was reserving for the new build-out. He explained the space east of the vertical line was occupied by tenants that were expected to remain for the foreseeable future.

Board member Burton asked if the tenant signage on the building was proposed to change. Mr. Bishop explained the existing signage was designed to be easily removed and re-installed after the façade updates were completed.

Board member Kanauer asked if existing Rochester Regional Healthcare facilities would be relocating to the proposed site. Ms. Trott explained the existing primary care and laboratory services would remain on site and pediatrics and immediate [urgent] care would relocate into the building and radiology services would be added.

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

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:
- A landscape plan with a planting schedule for the proposed site improvements to the plaza. The final landscape plan shall be subject to the review of the Board’s Landscape Consultant.
- The review of the Board’s Architectural Consultant in the form of a memo for the proposed building façade renovations. The board was generally supportive of the proposed designs, but strongly supportive of the use of a column wrap around the existing brick faced pillars.
- The Board directed staff to prepare a draft approval resolution for its review and consideration at the September 12, 2019 meeting.

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

Kanauer - Aye  Tydings - Aye

3. Heritage Christian Services, 275 Kenneth Drive, Suite 100, Rochester, NY 14623, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the code of the Town of Penfield for Preliminary/Final Site Plan and Conditional Use Permit approval for a new child-care facility with associated site improvements on a ±2.7 acre property located at 2730 Atlantic Avenue, to be known as Expressive Beginnings Child Care. The property is now or formerly owned by Heritage Christian Services Inc. and zoned R-1-20. Application #19P-0016, SBL #124.01-1-2.

Matt Tomlinson, Marathon Engineering, presented the application to the Board. Also present was Dan Stewart of Heritage Christian Services, Amy Dake of SRF Associates, and Steve Takatch of Architectura.

- Mr. Tomlinson explained the plans for the proposed child-care facility had been updated in response to Board, PRC, and State DOT with a modified stormwater management plan that included a berm along the frontage of Scribner Road and additional landscaping.
- Mr. Tomlinson presented playground plans that included equipment details for each play area.
- Area variances were required for the size of the building, lot size, and the required setbacks under the Town Code. An application had been submitted to the Zoning Board of Appeals (ZBA) for its hearing scheduled for August 15, 2019.
- Responses to PRC comments could be accommodated and included bollards along the fence adjacent to the parking lot to protect the playground area.

Dan Stewart presented the operational details of the application to the Board.

- Heritage Christian Services operated three (3) daycare facilities in the Rochester area.
- Ages of children ranged from six (6) weeks old to twelve (12) years old.
- Hours of operation were proposed to be 6:00 AM to 6:00 PM, Monday through Friday.
- Evening and weekend use of the facility was limited.
- Typically 31 staff members would be employed for the proposed site.
- Attendance maximum of 135 students was proposed for the facility.
- A ±11,500 square foot proposed space met the size requirements for the student to teacher ratios for the various possible ages of students in the proposed classrooms as well as the ancillary spaces.
- The proposed kitchen would be used for warming food that was prepared and delivered from an offsite location.
- Administrative offices, nursing mothers’ room, restrooms, and other ancillary areas were included in the proposed building.
- The proposed location was determined based on need for the service in the local area, as well as access utilities and proximity to a commuter path.
- The site plan was designed to be accessible for school buses and emergency response vehicles. A turning template was provide in the application materials.
New York State DOT reviewed the proposed curb cut location on Atlantic Avenue and was supportive of the proposed plan.

Steve Takatch presented the architectural design elements to the Board.

- The proposed building was designed with a farmhouse style using design elements from the surrounding residential neighborhood.
- The proposed colors utilized a palette of warm gray tones with stone base courses on the entrance columns, vinyl siding and soffits.

Board Questions:

- Board member Burton asked if the sidewalk was curbed past the playground area. Mr. Tomlinson confirmed the entirety of the sidewalk along the front of the building was proposed to be curbed and the ADA parking signs were curbed with the flush areas.
- Board member Burton requested a summary of the Traffic Impact Study provided by SRF. Ms. Dake provided a detailed summary of the study and how the data was obtained.
  - The study determined the commuter peak hours to be 7:15 AM to 8:15 AM and 4:30 PM to 5:30 PM.
  - The traffic counts for the study were conducted when the schools were in session.
  - The evening peak time had the highest counts and did not coincide with the afternoon school peak time.
  - Background traffic took into account any developments to be constructed in the next year to include approved projects. This study included projected numbers for the Windsor Ridge neighborhood that was under construction at that time.
  - SRF used data from other area child care facilities owned and operated by the applicant to project traffic impacts created by the proposed project.
- Board member Burton asked if the other facility was the same size and capacity as the proposed project. Ms. Dake answered the facility in Greece was very similar and serviced 120 children, she explained the information from that facility was used to project out for the anticipated traffic and took into account the number of children proposed for this project.
- Board member Burton asked if the large mixed use development project being developed on properties east of this area. Ms. Dake explained the standard procedure for a traffic study included projects that were approved or under construction as well as the projected growth rate for developments such as the Mixed Use District.
- Ms. Dake continued the review of the study:
  - The study accounted for the possibility of three (3) school buses that may enter and exit the site.
  - A capacity analysis was conducted for the intersection at Atlantic Avenue and Scribner Road and Whalen Road. The analysis studied delays and queueing under existing conditions as well as background conditions (future growth in the area) and with the impacts of the proposed development and compared the three. The results showed no change in the level of service for the intersection.
  - Two additional studies were conducted for the gaps in traffic at the proposed driveway location on Atlantic Avenue, and the existing queueing conditions in the
southbound lane on Scribner Road. The results showed the gaps on Atlantic Avenue to be sufficient for vehicles exiting the project site.

- The queues on Scribner Road were highest during the morning peak time and the study showed a twenty (20) minute period when the driveway on Scribner was blocked intermittently by southbound traffic, which cleared each time the traffic signal changed. The evening peak did not show the Scribner Road driveway access to be blocked at this time of the day did not coincide with the school peak times.

- The submitted traffic study had been reviewed and approved by the New York State DOT as well as the Town’s traffic engineering consultant.

- Board member Tydings asked for a description of the area variances required for the submitted plan. Mr. Tomlinson replied, variances were required for the proposed size of the building, 8,000 square feet was allowed and 11,500 square feet was proposed; a five (5) acre minimum lot size was required, the proposed lot was ±2.7 acres; buffer to adjacent residential zoned properties (although the neighboring properties were being used for a public school and a church); and the setback of the proposed garage and storage shed. He added it was necessary to place the storage shed closed to the fence in order to prevent children using this space as a hiding spot. A setback variance was also being requested for the garage as the shape of the lot made it difficult to meet the required setbacks for this structure.

- Chairman Hetzke asked if the applicant had considered adding space onto the proposed garage instead of having a separate shed. Mr. Stewart explained the shed was planned to be utilized to store playground equipment and its location was proposed for accessibility.

- Board member Burton asked what type of equipment was to be stored in the shed. Mr. Stewart explained items such as bicycles, yard games, and balls that would be picked up and put away at the end of each day.

- Board member Tydings asked what other locations were considered for the childcare facility. Mr. Stewart explained a number of properties to include on Fairport Nine Mile Point Road was considered as well as one on Salt Road, but some did not have enough space for the use or sanitary sewers was not available. Lots that were a minimum of five (5) acres were typically located away from the commuter routes.

- Board member Tydings asked if the applicant’s other locations were located in commercial areas. Mr. Stewart answered their Greece location on Stone Road abutted residential properties to the rear of the lot.

- Board member Tydings asked if the applicant’s location in Webster was considered commercial. Mr. Stewart answered parts of it was commercial, but there were residential properties abutting that site.

- Board member Tydings asked about the applicant’s Webster childcare facility and why the rear driveway was blocked off with traffic cones and children were playing on the paved surface. Mr. Stewart explained they purchased that property with the existing structures and the rear driveway ended in a loop, there was no through traffic in that area. He added they had confirmed with the Webster Fire Marshal that the area was not needed for emergency access, therefore they could use it for a play space and planned to enclose the area. Mr. Tomlinson added the proposed play areas for this application was more than adequate for the facility.
• Board member Tydings asked why a parking variance was not required considering the proposed 135 students, 31 staff members, and only 53 parking spots. Mr. Tomlinson explained 45 parking spaces were required in the Town Code so no variance was needed for the parking lot. He explained parent drop off and pick times were staggered. Mr. Stewart added the staff would not all be on site at the same time as shifts were staggered.

• Board member Tydings asked if the facility would have its own bus on site. Mr. Stewart answered they may have a ten (10) passenger van on site but not a bus.

• Board member Tydings expressed concerns regarding possible queueing in the drive aisle of the proposed parking lot as parents try to exit onto Scribner Road during peak hours and asked how many vehicles the area could accommodate. Mr. Tomlinson answered at least six (6) vehicles could stack in the driveway leading from the parking lot to Scribner Road. He added the drive aisle facing Atlantic Avenue accommodated two-way traffic and did not obstruct parked vehicles.

• Board member Tydings was concerned the morning peak delay of twenty (20) minutes southbound at Scribner Road and asked if the drive aisle could accommodate those delays. Ms. Dake explained they did not anticipate delays that would result in a large amount of queueing in the parking lot as drop off times were staggered and only 33 vehicles were projected to exit the site during the peak morning hour. She explained drivers had the option utilize the exit at Atlantic Avenue and avoid the delays at Scribner Road.

• Board member Tydings asked if emergency vehicles could access the site during peak traffic hours. Ms. Dake did not foresee an issue with emergency vehicles as drivers would be directed to yield and move over for emergency response vehicles.

• Board member Tydings asked about an incident a resident had commented on during the Sketch Plan hearing on May 9, 2019, where the resident had directed a technician of SRF to leave the site while he was conducting the traffic counts for the submitted study. Ms. Dake answered the technician had just completed his data collections when the incident occurred and the data was not affected by the incident.

• Board member Tydings asked why the number of school buses was not annotated on the study. Ms. Dake explained the types of vehicles were not identified in the queueing analysis at the intersection but their numbers were included in the counts. Mr. Tomlinson added the twenty minute morning delay going southbound on Scribner Road was likely the time the school buses were leaving the school.

• Board member Tydings referenced the memo from the Town’s traffic engineering consultant, Barton and Loguidice, which explained the schools’ morning drop off activity combined with the school busses leaving Bay Trail Middle School resulted in heavy southbound flow which would queue past the proposed Scribner Road driveway for a twenty (20) minute period. Ms. Dake acknowledged it would be difficult for a driver to make a left turn onto Scribner Road during that twenty (20) minute period and pointed out a daycare facility would have the same people visiting the site and these drivers would adjust their routes to use the Atlantic Avenue access point or their commute times to avoid traffic conflicts.

• Board member Kanauer asked for a summary of the stormwater management plan. Mr. Tomlinson stated the plan proposed a micro-pool extended detention pond and two (2) landscaped bio-retention areas. The site would be re-graded to direct the water to the
detention pond before discharging to the existing storm sewer system. Applications had been submitted to the State DOT for the stormwater utility access, as well as the curb cut, and the stormwater management plan would be reviewed by the State as part of their review for the permit. The pond would function similarly to the pond on the adjacent property belonging to the school district that collected water during rain events and discharged slowly over a 24 hour period to its static level.

- Chairman Hetzke asked how deep the water would be in the pond on a daily basis. Mr. Tomlinson explained there was an aquatic shelf for safety and the deep pool was expected to be approximately four (4) feet deep.
- Board member Kanauer asked what the pitch of the slope was for the deep pool of the pond. Mr. Tomlinson answered it was typically one (1) on three (3), and the aquatic shelf was approximately twelve (12) feet wide with about one (1) foot of water.
- Board member Tydings asked how many trees were proposed to be removed for the development of the project. Mr. Tomlinson answered all the existing trees would be removed and new trees would be planted.

**Public Comments:**
- Ashley Schultz, 1755 Scribner Road, asked how many acres were the parcels that the applicants other child-care facilities, with a comparable number of students, were located.

**Applicant Responses:**
- Mr. Tomlinson answered the property at Stone Road was ±1.8 acres and the property in Henrietta was ±1.47 acres.

**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:
- A revised landscape plan with additional plantings along the frontage of Atlantic Avenue and in other acceptable locations of the site, such as shade trees in the play areas. Plantings proposed for the frontage of Atlantic Avenue and Scribner Road shall not create sight distance conflicts for vehicles exiting the site. The final landscape plan shall be subject to the review of the Board Landscape Consultant.
- Written responses to the Board’s request for additional clarification about the limited evening and weekend activities and events that could be held at the proposed child-care facility.
- Provide written responses to the Board’s request for additional clarification about the traffic counts and queueing on Scribner Road as to if it is possible to distinguish the presence of a standard passenger vehicle versus a school bus during the recorded peak travel times in the Traffic Impact Study.
- A decision from the Zoning Board of Appeals for the request of Area Variances for less than five (5) acres in area as required by Section 250-13.10-A (2) of the Code; building area larger than 8,000 square feet as required by Section 250-13.10-A (3) of
the Code; less buffer than required by Section 250-13.10A (6) of the Code; a garage with less rear setback than required by Section 250-5.1-F (1) of the Code; and an accessory structure with less rear setback than required by Section 250-5.1-F (12) of the Code. A public hearing before the Zoning Board of Appeals was scheduled for August 15, 2019 under application #19Z-0032.

Vote:

Moved by: Burton
Seconded by: Kanauer

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

Motion was carried.

4. Combat Construction, Inc., 40 Lake Road, Webster, NY 14580, requests under Chapter 250 Articles XI-11.2 and XII-12.2 of the Code of the Town of Penfield for Preliminary Overall Subdivision and Site Plan approval under Town Law §278 for a 72 lot single family residential cluster subdivision with associated site improvements on ±90.5 acres located at 1394 and 1440 Jackson Road, to be known as the Forest Ridge Estates Subdivision. The property is now or formerly owned by Lupo Brothers Family Trust, Pridonoff Family Trust, Kasunich Family Trust, Peter Rubino, G. DiPisa, and Santa Puccio and zoned RR-1. Application 19P-0019, SBL #s 095.03-1-39 and 110.01-1-4.

Matt Tomlinson, Marathon Engineering, presented the application to the Board. Also present was Mike D’Amico of Combat Construction.

- The proposed residential cluster subdivision plan reduced the number of total lots from the originally proposed 78 lots to 72 single family residential lots.
- The sanitary sewer plan proposed a low-pressure forcemain with individual pumps for each residence.
- Basements were proposed for all the houses.
- Tree buffers were maintained to existing neighbors with a conservation easement.
- The applicant planned to request sidewalk waiver for one side of the proposed road as well as the perimeter of the site along Jackson Road and Plank Road as there were no sidewalks to connect to in that area.
- Monroe County and Town PRC comments were received and the applicant was working on the required responses.
- Concerns with drainage and bedrock were expressed during the Sketch Plan application and test pits were conducted along the proposed development area and no groundwater issues were detected in the areas where residences were proposed.
- Phasing was being determined so this application was for preliminary overall review and the applicant would submit for final approval of the determined phases of the project.
- Mr. Tomlinson reviewed with the board the profiles, submitted July 2, 2019, that depict bedrock, existing grade, and proposed grading for the roadway. He explained in order to limit the amount of fill proposed some of the residences will have daylighted foundations in the rear, similar to the homes constructed at Windsor Ridge. The
proposed grading plan would maintain a minimum of eight (8) feet of soil above the existing bedrock.

**Board Questions:**
- Board member Kanauer asked when the deep hole tests were conducted. Mr. Tomlinson answered they were conducted mid-May, immediately after the sketch plan hearing.
- Board member Kanauer asked what the distance from poured basement floor to bedrock was proposed to be. Mr. Tomlinson answered the minimum would be directly on bedrock to approximately two (2) feet above it.
- Board member Kanauer asked how sump pumps for foundation drainage would be installed with bedrock in close proximity. Mr. Tomlinson answered the bedrock would be jack-hammered out as no blasting was permitted for foundation installations, but other than a footer drain to the sump pump no other foundation drainage measures were expected to be needed. He amended his statement to say top of footer would be no lower than existing bedrock for the foundations.
- Board member Kanauer asked what homeowners could expect regarding monitoring and maintenance of the private sewer forcemains. Mr. Tomlinson explained each private pump would be mounted outside the residence and have an alarm panel and horn with a light to alert the owner of a problem.
- Chairman Hetzke asked what the average lot size was for the proposed subdivision. Mr. Tomlinson answered the lots ranged from ±16,000 square feet to ±20,000 square feet, the smallest being 80’ x 200’ in dimension. There were some lots along the eastern side that were larger than 20,000 square feet.
- Chairman Hetzke asked how the Town would access the stormwater facility proposed in the central area of the project site. Mr. Tomlinson explained they planned to dedicate a flag access in the area where a water transmission line was already located between the existing properties.
- Board member Kanauer asked what the tank capacity was for the private pumps in the event of a power failure and how long the homeowners would have to use their systems before it overflowed. Mr. Tomlinson answered the typical tank was ±150 gallons, average residential water usage was 100 gallons a day per person, but he expected the tank could accommodate one day’s sewer production in a power outage as the usage would reduce significantly as hot water and appliance usage was not available.

**Public Comments:**
- John Shumacker, 25 D’Angelo Drive, asked if any variances were required for the proposed lot sizes and if there were any concerns about increased traffic on Plank Road or Jackson Road. Chairman Hetzke explained Town Law §278 and how a variance was not required for this application. Mr. Hetzke deferred to staff regarding the traffic question. Mr. Nersinger explained the Monroe County DOT, who governed the adjacent roads, had reviewed the plans and had no concerns regarding impacts to traffic.
- Linda Shriever, 1420 Jackson Road, was supportive of the cluster plan and expressed concerns about the proposed increased grading and how this would impact the streams adjacent to her property. She asked if the Town would allow hunting on the property that was proposed to be dedicated to them. She also asked what kind of street lighting
was proposed for the project. Chairman Hetzke explained the stormwater management plan should reduce or maintain the existing conditions and not negatively impact neighboring properties. Mr. Nersinger stated the Town did not allow hunting on town-owned lands. Chairman Hetzke explained the Town would require street lights where the proposed road intersected with the existing roads.

- Heidi Freemen, 1265 Plank Road, was not supportive of the project. She explained she had a motocross track on her property and was concerned for new neighbors. She was concerned with the blasting for utilities as she kept horses on her property. She was concerned with negative impacts to her property with the proposed grading changes. Mr. Nersinger deferred her concerns with her motocross track to the Town Code Enforcement Officer with regards to the Noise Ordinance. Regarding blasting, Mr. Nersinger explained blasting was permitted for utilities only and the noise created was minimal. He added the blasting company was required to notify surrounding neighbors of the blasting dates and offer foundation evaluations upon request for those neighbors.

- Martin Schutt, 1050 Plank Road, asked if sidewalks would be installed along Plank Road and Jackson Road as part of the project and asked why this project did not propose connecting to the existing sidewalk on Jackson Road near Northrup Road. Mr. Nersinger explained the Town’s sidewalk policy and how the applicant could request a waiver.

- Maha Atma Kaur Oesterly, 1426 Jackson Road, was concerned impacts to the public schools and asked if the applicant could be required to market their homes to empty nesters. Chairman Hetzke explained the Town could not restrict the market to which the applicant wished to sell their properties, but explained Penfield Central School District (PCSD) had reviewed the project and had no comments.

- Beth Hildreth, 1192 Northrup Road, had concerns with impacts to traffic in the area and was concerned Northrup Road may be used as a cut through for drivers to access Fairport Nine Mile Point Road and asked if the access to Jackson Road could be eliminated.

- Mike Donatelli, 1387 Jackson Road, was concerned with the use of the proposed ±22 acre lot on the corner of Plank Road and Jackson Road, he also had questions regarding the ownership of the properties. Mr. Nersinger explained the larger lot could be developed under the approved uses under the residential zoning district.

**Applicant Responses:**

- Mr. Tomlinson addressed Ms. Freeman’s concerns by explaining the proposed lots immediately adjacent to her property would have conservation easements preventing future homeowners from clearing the proposed remaining trees in the rear yards.

- No interior street lights were proposed for the project.

- The State Building Code required two (2) egresses for developments greater than 30 units, so the entrance onto Jackson Road was required by law for the development.

**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:

- Revised site plans and written responses to the PRC’s memo dated July 31, 2019.
- The Board directed staff to prepare a draft approval resolution for preliminary overall subdivision approval of the proposed 72 lot residential cluster subdivision under Town Law 278 for its review and consideration at the September 12, 2019 meeting. The draft approval resolution shall include the Board’s concern for the depth to bedrock and the water table in relation to the construction of the basement foundations and the functionality of the sump pumps as represented on the proposed grading plan.
- The Board directed staff to work with the Town Engineer to determine if the Town’s Transportation Committee should review the need for any additional traffic calming measures on Northrup Road, such as “Children At Play” signage.

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. 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. GUEST ITEMS:

1. 1229 Bay Road, site plan modifications.

*Board member Burton recused from this discussion.*

- The Board invited Randy Bebout of T.Y. Lin International, Soo Kim of Re/Max and Pierre Heroux, owner of Simply Crepes to discuss the proposed project.
- Mr. Bebout explained to the Board that Mr. Heroux hoped to use the property at 1229 Bay Road for a *Simply Crepes* restaurant. Mr. Heroux owned and operated three (3) *Simply Crepes* in Canandaigua, Pittsford, and Raleigh, North Carolina and wished to expand his operations.
Mr. Bebout explained the plan included minor modifications to the exterior of the building and the addition of 23 parking spaces, including ADA compliant parking, and a new dumpster enclosure. No changes were proposed to the curb cut onto Bay Road or access drive to the adjacent Bay Centre Plaza.

Mr. Bebout requested a letter of support for the proposed plan to be sent to the Penfield Zoning Board of Appeals for their consideration for the application for a Conditional Use Permit and Area Variances for parking and setbacks.

Mr. Bebout explained the applicant had communicated with Steinmiller Insurance Company at 1223 Bay Road and the shopping plaza at Bay Centre Plaza, 1217 Bay Road, regarding a shared parking agreement. Steinmiller was amenable to signing an agreement and Bay Centre Plaza agreed to allow use of their parking lot, but did not want to enter into a written agreement that may restrict any future uses of their property.

The proposed restaurant planned to have fourteen (14) to sixteen (16) tables. The average bill at Mr. Heroux’s existing restaurants had 2.3 people per receipt and the applicant determined the proposed parking to be adequate for non-peak hours.

Chairman Hetzke asked how the applicant had concluded the proposed parking would be adequate for the site. Mr. Heroux explained the average of 2.3 people per meal check closely matched the number of vehicles being parked at their existing restaurants.

Board member Kanauer asked if the restaurants offered take-out services. Mr. Heroux answered they participated in Grub Hub but take-out was less than five to ten percent (5%-10%) of their business.

Mr. Bebout added the submitted concept plan showed outdoor seating with four (4) tables to be used seasonally and a minor variance for the required greenspace was anticipated for the proposed plan.

The Board discussed with Mr. Heroux the details of the shared parking plans with the shopping plaza. Mr. Heroux explained they planned to have the employees park in the plaza’s lot in order to offer more parking for their patrons.

The Board voted to send a letter to the Zoning Board of Appeals in support of the proposed project.

Vote: Moved by: Kanauer Seconded by: Tydings

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 9:51 PM.

These minutes were adopted by the Planning Board on September 12, 2019.