PLANNING BOARD MEETING MINUTES
OCTOBER 10, 2019
The Planning Board held a meeting at 6:30 PM local time Thursday, October 10, 2019 in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Allyn Hetzke, Jr.
Jim Burton
Bob Kanauer
Bill Bastian

ABSENT: Terry Tydings

ALSO PRESENT: Zach Nersinger, Town Planner
Doug Sangster, Junior Planner
Pete Weishaar, Planning Board Attorney
Lori Gray, Board Secretary

II. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for September 26, 2019.

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

Motion was carried.

III. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for September 12, 2019.

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

Motion was carried.
IV. PUBLIC HEARING APPLICATIONS:

1. McMahon Larue Associates PC, 822 Holt Road, Webster, NY 14580, on behalf of Geoca Homes LLC, 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 five (5) lot subdivision to construct five (5) new single family residential homes with associated site improvements on ±47.99 acres located at 3 Apollonia Lane and 35 Apollonia Lane, as part of the Bramble Ridge Subdivision. The properties are now or formerly owned by Arnold DiPietro and zoned RA-2. Application #19P-0023, SBL #111.03-1-34 and #126-01-1-17.998.

Al LaRue of McMahon LaRue Associates, presented the application. Eric Geoca of Geoca Homes LLC and Arnold DiPietro were also in attendance.

- Mr. LaRue reviewed the application for the 5 lot subdivision on 11.155 acres on Apollonia Lane. He addressed the “Advisory” from the DEC concerning the Emergent Wetland which is within the conservation restricted area, and that it doesn’t affect their current proposal as they have no intent to develop there.
- Mr. LaRue mentioned that they had addressed the PRC Comments with Town Staff.
- Board member Kanauer asked if the homes would have conventional basements. Mr. LaRue responded yes, and that the basement floors & foundations would be above the bedrock.
- Board member Kanauer asked if the material would be redistributed on the site? Mr. LaRue responded yes it would be.
- Board member Kanauer asked if there would be conventional septic systems. Mr. LaRue responded that the six lots were on septic.
- Chairman Hetzke asked them to address the road surface. Mr. LaRue responded that the road is town dedicated and had never been topped. He said that after the homes were built, they would work with the Engineer to complete the road.
- Board member Burton asked about whether the cul-de-sac meets the fire code. Mr. LaRue stated that he had the information, but not with him. Mr. Nersinger explained that since the road was town dedicated, that it meets the requirements.

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 during the subsequent work session that evening.

- Mr. Nersinger clarified that the application was to add four lots to the two existing for a total of 6 (six).
- Mr. Nersinger also reviewed the PRC Comments that had been addressed, including the addition of street trees, showing wetlands and setback dimensions on the plans, and whether splashblock or downspouts would be used.
• Mr. Nersinger went on to explain that road repairs are being addressed by the Town Engineer and Director of Public Works as they review and work with the Applicant to address the issues.
• The Board had no additional concerns and completed its review of the proposed project.

The Board voted and APPROVED the adoption of completed Short EAF pursuant to SEQRA.

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

Motion was carried.

The Board voted and APPROVED the application for subdivision and site plan approval with conditions.

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

Motion was carried.

2. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of Simply Crepes, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the Code of the Town of Penfield for Final Site Plan and Conditional Use Permit approval for a parking expansion, outdoor dining, and associated site improvements to service a new restaurant on the property in the existing building, to be known as Simply Crepes, on the ±0.65 acre property located at 1229 Bay Road. The property is now or formerly owned by Cianciana Property Management LLC, and zoned LB. Application #19P-0024, SBL #093.11-1-39.

Board member Burton recused from this application.

Randy Bebout of T.Y. Lin International presented the application to the Board. Also present were Pierre Heroux, of Simply Crepes, and Soo Kim, of RE/MAX Real Estate.

• Mr. Bebout reviewed the details of the application, which proposed to repurpose the former West & Co. Diamond jewelry store for a new Simply Crepes restaurant by renovating the interior space and making minor modifications to the exterior.
• Mr. Bebout explained that they were granted three (3) variances by the Zoning Board on September 19, 2019. These variances were for lot coverage of ±65.5%, a buffer setback to a residential property of ±7 feet, and for a reduced number of parking spaces from 64 (required by code) to 32 spaces, with cross access to Steinmiller Insurance (1223 Bay Road) for an additional 10 shared parking spaces.
• Mr. Bebout explained that Mr. Heroux had an agreement with the owners of the plaza (1217 Bay Road) to allow employees of the restaurant to park there. Therefore, all parking on the project site would be reserved for patrons.

• The proposed site work included new landscaping and a parking expansion. Access to the site would remain unchanged from Bay Road.

• Mr. Bebout explained that they will be going before the Zoning Board of Appeals at the October 17, 2019 meeting with a request for an area variance for less front setback that would be necessary for the proposed outdoor seating patio and pergola overhang.

• Mr. Bebout described the dumpster location and enclosure, which will be located out of view behind the restaurant with a 6 foot tall wood fence enclosure, matching the fence proposed for the property border.

• Mr. Bebout detailed the plans for new landscaping and lighting. A row of evergreen trees would be installed along the rear property line. The lighting will be 4 (four) poles and dark sky compliant, LED fixtures.

• For the increase in pavement on the site, multiple bioretention area are proposed on the plans for stormwater quality treatment.

Board Questions:
• Board member Bastian asked what was proposed for snow storage and will it impact the parking. Mr. Bebout responded that snow would be plowed to the perimeter, and at the rear as well as the storm water areas and if it becomes an issue, Mr. Heroux will address it.

• Board member Bastian asked if the parking would need to be expanded for the proposed patio area. Mr. Bebout replied that the upper level dining section inside the restaurant would be roped off when the patio is in use, therefore no additional parking would be needed.

• Chairman Hetzke inquired about the needs for new air handling equipment given the repurposing of the building for a restaurant use. Mr. Bebout replied that the necessary improvements will be made. Mr. Heroux stated that contractors are currently evaluating the current equipment to determine if it is sufficient for the building and its use. Mr. Heroux confirmed for the Board that if any HVAC equipment placed on the roof it would be screened so as to not be visible by the public.

• Chairman Hetzke asked if the parking lot lights would be dimmed or off during the closed hours. Mr. Bebout said the hours of operation would be 7:00 AM to 10:00 PM, and Mr. Heroux said they would make arrangements for the light pole fixtures to be dimmed with the appropriate lighting controls.

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 during the subsequent work session that evening.

• The Board discussed with the applicant alternatives for the proposed fencing and dumpster enclosure screening. Staff explained the applicant would be required to file a
Property Maintenance Agreement with the Town such that all screening materials, including fencing and the dumpster enclosure, would have to be maintained continuously over time so as to avoid an unsightly and unwanted screening element. The Board agreed that any alternative materials to the proposed wooden dog-eared fence could be reviewed by the Town Engineer.

- The Board had no additional concerns completed its review of the proposed project.

The Board voted and APPROVED the adoption of completed Short EAF pursuant to SEQRA.

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

Motion was carried.

The Board voted and APPROVED the application for Final Site Plan and Conditional Use with conditions.

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

Motion was carried.

V. TABLED APPLICATIONS:

1. 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.

- The Board was in receipt of a letter from Woods Oviatt Gilman LLP received on October 3, 2019, on behalf of the applicant, that requested the current application be considered as a Held Item until the November meeting of the Planning Board, so as to allow them time to review the proceedings that have occurred since the initial sketch plan application in January of 2018.

The Board voted and CONTINUED TABLED the application and will be a Held Item on the Board’s meeting agenda until the November 7, 2019 meeting of the Planning Board.
The Board is unable to make a determination of environmental significance until it has completed its review.

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

Motion was carried.

2. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of 777 Panorama Properties LLC, requests under Chapter 250 Articles XI-11.2 and XII-12.2 of the Code of the Town of Penfield for final Subdivision and Site Plan approval for a two (2) lot subdivision to construct a new professional office building, to be known as “Building A”, on a ±55.32 acre property located at 125 Panorama Creek Drive, a part of the development known as Panorama Park. The property is now or formerly owned by 777 Panorama Properties LLC and zoned LI. Application #19P-0022, SBL #138.12-1-1.1.

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

- Recommendations from the Board’s Landscape Consultant for the proposed landscape plan shall be provided to the Town Engineer once the site has reached a better leaf-off. The final landscape plan shall be resubmitted for the review of the Board’s Landscape Consultant.

- A decision from the Zoning Board of Appeals for the request of Area Variances under application #19Z-0042. The Zoning Board of Appeals is scheduled to hold a public hearing on October 17, 2019.

- The Board directed staff to complete the preparation of a draft approval resolution template for its review and consideration.

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

Motion was carried.

### VI. **ACTION ITEMS:**

1. Application # 18P-0022 – Penfield Square – Parking Spaces

   - The Board continued its review of the proposed application in its work session.
• Staff presented the applicant’s revised Site Plan for the requested parking modifications to service Lot 3 with the relocated ADA parking spaces, new sidewalk connection, and an updated rendering of the streetscape.

The Board has hereby APPROVED the applicant’s request for site plan modifications for parking, subject to the following conditions:

• All conditions of the Board’s resolution dated January 24, 2019 (amended May 9, 2019) remain in effect.
• The submission of a final Lighting Plan for exterior lighting for approval by the Planning Board and Town Engineer, specifically that such plan shows the modifications for the shift in utilities to allow for the additional parking spaces. Obtaining the signature of the Planning Board Chairperson and the Town Engineer on the Lighting Plan indicates compliance with this requirement.
• The submission of a final Landscape Plan, specifically that such plan shows the modifications for the shift of the landscaping features to allow for the additional parking spaces. Obtaining the signature of the Planning Board Chairperson and the Landscape Consultant on the final Landscape Plan indicates compliance with this requirement.

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

Motion was carried.

2. Application # 18P-0025 – Delta Sonic – Site Plan Remodification

There were no concerns from Town Staff or the Board.

The Board voted and APPROVED the requested modifications.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:00 PM.

These minutes were adopted by the Planning Board on October 24, 2019.