PLANNING BOARD
MEETING MINUTES
DECEMBER 12, 2019
The Planning Board held a meeting at 6:30 PM local time Thursday, December 12, 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
                                           Terry Tydings
                                           Bill Bastian

ALSO PRESENT:                          Zach Nersinger, Town Planner
                                           Mike O’Connor, Assistant Town Engineer
                                           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 November 7, 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 APPLICATIONS:

1. Thomas Forgione, 1085 State Road, Webster, New York, 14580 requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision approval for a two (2) lot subdivision of the ±20.0 acre property located at 1085 State Road. The property is now or formerly owned by Thomas and Patricia Forgione, and zoned RR-1. Application #19P-0027, SBL #094.04-01-16.2.

Thomas Forgione presented the application.

- Mr. Forgione explained he desired to divide the ±20.0 acre property into two parcels: a one (1) acre lot at the northeast corner, and the remaining acreage on a separate parcel.
- Mr. Forgione explained that he has no intention of developing the one (1) acre lot at this time. He intends to keep the lot for himself if he desires to develop it at a later date.
Board Comments:

- Board member Bastian asked if there were variances required. Mr. Forgione responded that no variances were required.
- Board member Bastian also asked if the proposed lot would meet all setbacks. Mr. Forgione responded yes the setback comply.

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.

- Board member Burton requested that the applicant show us the “buildable area” of the one acre lot with the appropriate setbacks.

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 - Aye
Motion was carried.

The Board voted and APPROVED the application with conditions for the subdivision of 1085 State Road.

Vote: Moved by: Burton Seconded by: Bastian
Chairperson: Hetzke - Aye Bastian - Aye Burton - Aye
Kanauer - Aye Tydings - Aye
Motion was carried.
2. Warren R. McGrail, Land Surveyor, 1945 East Ridge Road, Suite 8A, Rochester, NY 14622, on behalf of George Karrat, Karrat Homes, 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 four (4) lot residential subdivision of a ±3.29 acre parcel located at 1751 Baird Road. The property is now or formerly owned by Robert Salmon and Catherine Fuller, and zoned R-1-20. Application #19P-0028, SBL #124.01-2-17.21.

George Karrat of Karrat Homes presented the application.

- Mr. Karrat informed the board of his intentions to create four (4) building lots on a ±3.29 acre parcel at the corner of Baird Road and Legacy Circle. Two of the lots would frontage on Baird Road and the other two would be accessed from Legacy Circle.
- Mr. Karrat explained that he met with Town Staff prior to the meeting and they discussed the decorative landscaping mound formation on Legacy circle as it may have to be disturbed to install driveways and utilities. Any disturbances to the landscaping would be repaired after the necessary work is completed.
- Mr. Karrat explained that he would be working with engineer to make some revisions to the layout of the utilities to minimize the disturbance to the existing landscaping along Legacy Circle.

Board Comments:

- Board member Burton asked if the proposed changes to utilities would shift the homes on Lots R2C and R2D. Mr. Karrat replied that the house pads might shift but did not know at the time.
- Board member Burton asked if the utilities for the flag lot (Lot 4) would be under easements. Mr. Karrat explained that easements may be necessary to serve Lot R2D but the goal was to install them in the flag portion of the property.
- Chairman Hetzke asked if the two lots on Legacy Circle would be have a shared driveway. Mr. Karrat explained that originally those lots were shown with a shared drive for a short distance off of Legacy Circle, but he would like to have two separate driveways.
- Mr. Karrat told the board that he had received the PRC comments and will be providing revised plans and responses.
- Board member Bastian asked if the homes would have basements. Mr. Karrat replied that the homes would have basements, and will ho-ram any bedrock that may be present when excavating of the basements.
- Board member Burton stated that there had been water intrusion into basements in that area of town because of the depth to rock. Mr. Karrat explained his plans to revise the plans to provide better drainage for the area by extending storm sewers with inlets from the existing storm sewer easement at the rear of the property. This would also allow them to tie the sump pumps from Lots R2C and R2D to the rear storm sewers.
- Mr. Nersinger explained that downspouts were allowed go to splash block per the NYS DEC stormwater regulations, but the sump pumps were required to be tied in if storm sewers are available.
- Board member Bastian asked if any variances were needed. Mr. Karrat responded the plans meet the setback requirements.
• Board member Tydings asked if Mr. Karrat was planning to build homes similar to his other projects in the town (i.e. the Jewelberry Subdivision). Mr. Karrat responded the homes proposed for Baird Road on Lots R2A and R2B would be priced around $350,000 to $400,000 and the homes on Lots R2C and R2D would be comparable to the homes on Legacy Circle, in the $500,000 price range.

Public Comments:

Stacy Spoto, 43 Legacy Circle
• Ms. Spoto expressed her support for the project.
• Chairman Hetzke asked if she knew of any water issues in the basements of the homes on Legacy Circle. Ms. Spoto replied that she lived in the cul-de-sac and has not experienced any water issued and has had a dry basement.

Tim Kelly, 1766 Baird Road
• Mr. Kelly stated he was opposed to the project due to the potential loss of a wooded area across from his home.
• Mr. Kelly asked to see the “comments” that were mentioned earlier.
• Mr. Nersinger informed Mr. Kelly that the PRC (Project Review Committee) comments were technical in nature as part of the Engineering Department’s review process. Mr. Nersinger also explained that one the comments from town staff was to identify the limits of disturbance on the site plan, to better represent the wooded area that would not have to be disturbed during construction. Mr. Nersinger explained that Mr. Kelly could submit a FOIL Request to the Town Clerk’s office to obtain a copy of the PRC comments that were issued to the applicant.

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.

• Collectively, the board expressed concern for the drainage. Staff reviewed the improvements that were recommended by the PRC.
• Board member Burton asked if the first floor elevations were shown on the plan. Staff noted that was a piece of data requested by the PRC and would be added to the plan.
• Board member Tydings asked about the sidewalks, and gaps in the sidewalks. Mr. Nersinger explained the Town’s Sidewalk Policy and the existing sidewalks in the area, such as those along the west side of Baird Road, along the frontage of the project site. No sidewalks currently exist in Legacy Circle, so it was expected that the applicant would request a sidewalk waiver from the Town Board to not install a section of sidewalk along that road frontage.
The Board voted and TABLED the application for pending the review and/or submission of the following:

- Revised site plans and written responses to the comments issued in the Project Review Committee’s (PRC) memo, dated November 22, 2019.
- The Board directed staff to begin preparing a draft approval resolution for its review and consideration at the January 9, 2020 meeting.

**Vote:**

**Moved by:** Bastian  
**Seconded by:** Kanauer

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

Motion was carried.

IV. **TABLED APPLICATIONS:**

1. 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 the construction of a two (2) story building with associated site improvements on a new ±2.8 acre lot to be known as “Lot 2” for “Building B”, as part of the overall development known as Panorama Park, consisting of ±55.3 acres of land at 125 Panorama Creek Drive. The property is now or formerly owned by 777 Panorama Properties LLC, and zoned LI. Application #19P-0025, SBL #138.12-1-1.1.

- Mr. Nersinger informed the board that staff had received responses from the applicant concerning the memo from the Architectural Consultant.
- Mr. Nersinger stated that the applicant was agreeable to all of the recommendations except for the window trim which they want to keep as originally proposed. This was represented in the revised building elevation drawing that was submitted in advance of the meeting.
- Rich LaFrois displayed for the board a revised color rendering of the SimuTech building that also reflected the changes to the building based on the input from the Board’s Consultant.
- Board member Burton asked about the uniformity of the buildings, their design elements and the signage and how they set the tone for future tenants.
- Mr. Nersinger explained that the consultant felt the design elements were harmonious. He also stated that the tenants will likely rely on doors for identification with numbers on the buildings only. The Board agreed to include a condition of approval to reserve the right to review the applicant’s wayfinding signage plans at a later date when the applicant has completed the designs.
- The board had no additional concerns for the proposed application.
The Board voted and APPROVED the final site plan application with conditions.

Vote: Moved by: Hetzke Seconded by: Bastian

Motion was carried.

2. LaBella Associates DPC, 300 State St. Suite 201, Rochester, NY 14614, on behalf of Thomas Gangemi, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval for a parking expansion with associated site improvements on ±0.79 acres located at 1549 Empire Boulevard. The property is now or formerly owned by Thomas Gangemi and zoned LB. Application #19P-0026, SBL #093.19-01-004.

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

- The Board was in receipt of the applicant’s written responses to comments in the Project Review Committee’s (PRC) memo dated October 23, 2019. The responses will be reviewed by staff once revised site plans have been submitted. The revised plans shall demonstrate how the proposed project addresses the concerns noted in the PRC’s memo, the Monroe County Development Review Committee memo dated November 1, 2019, and all requirements of the New York State Department of Transportation (NYSDOT).

- At its work session on December 11, 2019, the Town Board granted a variance from the Town of Penfield Design and Construction Specifications to allow a 20 foot wide commercial driveway on the south side of the existing structure. The Town Board did not and cannot grant a waiver from the NYSDOT regulations which require a 24 foot wide entrance onto Empire Boulevard. The Town Board also made it clear that all requirements of the NYSDOT will need to be followed and that the approved 20 foot driveway width can start 20 feet back from the right of way. Revised site plans shall demonstrate compliance with the above mentioned conditions as the applicant evaluates the appropriate location for a commercial driveway entrance.

Vote: Moved by: Tydings Seconded by: Kanauer

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

1. 1677 Penfield Road, Penfield Storage. Request for site plan re-approval for Application #18P-0011.
   
   - Mr. Nersinger informed the board that the applicant was seeking re-approval of the site plan as represented in the previous approval from the Board.
   - Mr. Nersinger explained that they will be going to the Zoning Board of Appeals to correct some of the area variances that were previously granted in the 2018.
   - The board had no concerns with this request.

   The Board voted and **APPROVED** the applicant’s request for the re-approval of application 18P-0011, Penfield Storage.

   ![Vote Image]

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

   Motion was carried.

2. 2160 Penfield Road, Parkside Commons, proposal for a new Starbucks drive-thru and dine-in restaurant.

   James Cretkos, BME Associates, and Fred Rainaldi met with the Board in its work session to discuss conceptual plans with the Board.

   - Mr. Cretkos explained Starbucks would add a new location in the Town of Penfield at Parkside Commons Plaza by raising former First Niagara Bank building and constructing a ±2600 SF building with a revised drive-thru configuration.
   - Mr. Rainaldi described the prototype building as modern and unique with greater ability to accommodate mobile ordering.
   - Mr. Rainaldi indicated that they were considering moving the patio from the north side to the east side of the building.
   - Mr. Rainaldi explained that his goal for the entire plaza was to provide landscaping that would interface with Harris Whalen Park and promote accessibility to the current trail connections.
   - Mr. Nersinger requested that they perform a traffic analysis for the proposed use and confirm parking counts for the plaza based on the zoning requirements. Mr. Rainaldi replied they are currently working with Bergman Associates to complete these studies.
   - The Board discussed and agreed that the applicant could prepare and a Preliminary/Final application for its review and consideration at a future public hearing meeting.
VI. NEW BUSINESS:

1. Resubdivision Plat Map for 26 Parkview and 30 Parkview Dr.

   • Mr. Nersinger presented the proposed plat map to the board which depicted a lot line shift to transfer a portion of land from 30 Parkview Drive to 26 Parkview Drive based on the existing topography and useable backyard space.
   • The board had no concerns with this request.

   The Board voted and APPROVED the proposed resubdivision plat map.

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

   Motion was carried.

2. 2328 Old Browncroft Road, Glendoveers, site plan approval extension request, for Application #17P-0019.

   • Board member Burton recused himself.
   • Mr. Nersinger informed the board that the applicant was seeking a one (1) year site plan approval extension. They are currently preparing their Letter of Credit for the first phase of site work on the property for the approval parking expansion.
   • The board had no concerns with this request.

   The Board voted and APPROVED the applicants request for a one (1) year site plan approval extension.

   Vote: Moved by: Tydings Seconded by: Bastian
   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 7:40 PM.

These minutes were adopted by the Planning Board on January 9, 2020.