PLANNING BOARD
MEETING MINUTES
FEBRUARY 13, 2020
The Planning Board held a meeting at 6:30 PM local time Thursday, February 13, 2020 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.
Bob Kanauer
Terry Tydings
Bill Bastian

ALSO PRESENT:  Zach Nersinger, Town Planner
Michael O’Connor, Assistant Town Engineer
Doug Sangster, Junior Planner
Lori Gray, Board Secretary

II. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for January 9, 2020.

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

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Insite Land Development Inc., requests an informal discussion before the board with plans for a 20 lot residential subdivision under Town Law §278 with associated site improvements on a ±13.26 acre lot, located at 1918 Jackson Road. The property is now or formerly owned by Benoit and Sylvia Dumais, and zoned Single Family Residential R-1-20. Application #20P-0002, SBL #124.16-1-39.3.

Eric Olivas of Insite Land Development, Inc. and Fred Shelley of BME Associates presented the Sketch Plan to the Board.

- Mr. Olivas presented the cluster subdivision plan for a 20 home subdivision on the ±13.26 acre lot.
- Mr. Olivas explained Mr. and Mrs. Dumais contacted them with the proposal to sell the property in order to fund the care needed for their later years. He also explained that they were seeking the “right” developer who would be sensitive to their requests for developing the property.
• Mr. Olivas explained their intention with the cluster plan is to incorporate the storm water management designs into the facility on the adjacent Town owned property. This would require making improvements to the existing pond there that comply with the current NYSDEC standards. He explained they also intend to extend a storm sewer connection up to Jackson Road to help remedy some of the current drainage issues experienced by the neighbors across the street.

• Mr. Olivas explained that their intention is to be sensitive in the clearing of the land in order to maintain as much buffer as possible and to relocate some of the existing trees to a more suitable area, all in an effort to benefit neighboring properties.

Board Questions:
• Chairman Hetzke asked for more detail on the proposed stormwater facility. Mr. Shelley explained the stormwater would be directed to the east towards the existing dry pond on town land. The dry pond would have to be expanded and reconstructed in compliance with the current NYSDEC standards. New bio-retention areas would be provided for stormwater quality designs. A new wet pond would be required to control runoff quantity from the project the surrounding drainage area.

• Chairman Hetzke asked what the difference was between the conventional and cluster plans. Mr. Shelley described the lot sizes and dimensional requirements of the conventional plan versus the proposed lot sizes and modified setbacks shown on the cluster plan. He noted the benefits of the cluster plan would provide flexibility in the lot arrangement along the proposed roadway to eliminate flag lots, position house pads closer to the road to reduce driveway length and the overall amount of impervious surface, and, in turn, allow for a larger buffer at the rear of the lots.

• Chairman Hetzke explained to the audience that a conventional plan sets the number of lots for a proposed subdivision based on the zoning ordinance. Town Law §278 allows for the same number of lots, on the same acreage, but with a different configuration which provides community benefits (i.e. green space, better buffering).

• Board member Kanauer asked what considerations and actions are proposed to protect the wetland at the northern part of the property. Mr. Shelley replied the wetland area was recently delineated and the mapping would be sent to the U.S. Army Corps of Engineers to confirm the small wetland area is isolated and non-jurisdictional. This would allow for minor improvements, such as driveway, as proposed on the plans.

• Board member Tydings asked about the community meeting held on February 10, 2020. Mr. Shelley responded that Rudy Neufeld, of Crosstown Construction, handled that meeting.

• Board member Tydings asked about any plans for sidewalks. Mr. Shelley responded they would propose sidewalks on one side of the road and would submit a sidewalk waiver request to the Town Board.

• Board member Tydings asked about any plans for street lighting. Mr. Shelley replied lighting would only be decorative on the homes or posts lamps.

• Board member Bastian asked what style of homes were anticipated to be built. Mr. Olivas responded that the style would be market driven, but anticipated colonial style and a few ranch style single family homes.

• Chairman Hetzke asked what the size of the homes would be. Mr. Olivas responded approximately 2,500 square feet.
• Mr. Nersinger asked if the proposed cluster plan would be able to accommodate the stormwater pond if it cannot be located on town land. Mr. Shelley explained that the conventional plan shows the pond area on it, but the cluster plan would require encroachment into the buffer area. Mr. Shelley explained a benefit of the cluster plan is that one accessible and centrally located stormwater management facility could be constructed rather that two separate facilities.

Public Comments:
• Ben Candeloro, 1896 Jackson Road, inquired about any previous decisions from the town for proposals to develop the property. He also expressed concerns for drainage impacts, traffic and any effects to taxes on existing homes.
• Maren Eggert, 74 Thorntree Circle, expressed concerns for the greenspace and the disturbance of the wildlife in the area.
• Melissa Quinn, 90 Foxborn Road, whose mother lives at 27 Squire Circle, expressed concerns regarding “Old” Jackson Road claiming the traffic lanes had not been widened over the years. She requested that there be a traffic study done emphasizing the existing road width.
• Jen Decker, 75 Thorntree Circle, expressed concerns for the traffic on Jackson Road and the lack of sidewalks. She requested that a traffic study be done in the area during “normal commuting hours.”
• Wade Braman, 1064 Whalen Road, explained he’s not against the proposed plan, but expressed concerns for the size of the project and for the wildlife in the area.
• Ann Barnes, 17 Pondview Lane, expressed concerns for drainage issues. She submitted a video of the standing water in her back field after a rain storm in May 2014.
• Lynn Leinenbach, 1891 Jackson Road, expressed her concerns for drainage issues and for traffic in the area given the lack of sidewalks.
• Tina Doughty-Ebmeyer, 78 Throntree Circle, expressed her concerns for the loss of the green space. She stated she was the organizer of the neighbors, gathering 713 petition signatures in opposition to the project, which she submitted for the record.
• Christina Emerine, 79 Thorntree Circle, expressed her concerns with traffic and road conditions on Jackson Road.
• David Meng, 20 Autumn Oak Circle, expressed his concerns for drainage issues and how it could be impacted. He was concerned there would be standing water near the Town owned pond on the adjoining property, which could attract geese. He also suggested that the board visit the area to observe the drainage conditions.
• Thomas Gauger, 11 Squire Circle, expressed concerns for drainage, wildlife and traffic. He requested that traffic and pedestrian studies be completed on that section of “Old” Jackson Road.
• Barry Goldstein, 1900 Jackson Road, expressed concern for wildlife displacement during construction.
• Barry Lydick, 1894 Jackson Road, expressed concerns for drainage, claiming that the area, including his lot, was always wet.
• Deborah Lydick, 1894 Jackson Road, expressed concern for increases in traffic on Jackson Road, and how privacy would be addressed for existing residents. She requested buffers be installed to protect the privacy from their back yard.
• Amy Albro, 1926 Jackson Road, expressed her concerns for lighting and traffic along Jackson Road. She also asked for clarification on the “conveyed” portion of land and whether more homes could ever be built there. Mr. Nersinger clarified that the portion of land would either become part of the Dumais’ property and deed restricted, or it would be dedicated as open space. In both scenarios, no future construction for additional lots would be allowed.

• Jim Villone, 66 Jackson Extension, expressed his concern for drainage issues, traffic and wildlife. He requested that traffic studies be completed.

• Zach Wojciechowski, 1893 Jackson Road, expressed concerns for the deteriorating road conditions on Jackson Road.

• Tim Nickson, 1907 Jackson Road, expressed concerns for the proposed road entrance, which is directly across from his driveway, as well as traffic on Jackson Road and drainage in the area. He claimed his front lawn floods water that accumulates following a rain event.

• Tom Boedicker, 70 and 70B Thorntree Circle, expressed concern for drainage. He claimed that improvements are needed to address the drainage problem in the area. He also asked about the environmental impact and traffic studies that would be completed. Chairman Hetzke explained those details would be required for a Preliminary/Final Site Plan review process, should the applicant move forward with the project.

Mr. Nersinger explained the proposed project would have to come back before the Planning Board as a new application for Preliminary/Final Site Approval. He stated the Town of Penfield was legally required to advertise public hearing for new Planning Board applications in a local newspaper. It has been the Town’s policy to also mail out postcards and post a sign on the property as a courtesy to the neighbors.

• Dan Scalia, 1895 Jackson Road, was opposed to more development in Penfield.

• Mike Amico, 1046 Whalen Road, and on behalf of his father Sam Amico, 1042 Whalen Road, explained how their lands shared a 400 to 500 foot border with the Dumais property and requested that a buffer be required to protect their property. He also expressed he would like to see a few less houses in the proposed project.

• Jen Decker, 75 Thorntree Circle, spoke on behalf of friend, who wished to remind the board that there are houses on Jackson Road that are still on septic. Mr. Nersinger responded that the Town is aware of the existing septic systems in the area.

• Dennis Manning, 1924 Jackson Road, expressed his opposition to the project.

• Barry Lydick, 1894 Jackson Road, inquired as to the selling price of the parcels. The Board responded they did not know as that would be a private matter between a seller and a buyer.

Applicant Response:

• Mr. Shelley elaborated more on the proposed stormwater drainage designs. He explained that the current dry pond was designed to be dry until there is rain when it then fills and collects the rainwater. The proposed project would provide an update to the existing pond to the current design standards of the NYSDEC and the Town of Penfield. He also stated the storm discharge rate would be maintained through the redesign of the existing pond facility.

• Mr. Shelley discussed a mapping exhibit that displayed the average acres per lot of the surrounding residential subdivision developments that were previously constructed.
in the R-1-20 zoning district. Based on their calculations, the proposed subdivision would provide ±0.65 acres per lot, compared to the ±0.56 acres per lot of the surrounding residential subdivision developments.

Public Comments:

- Dennis Manning, 1924 Jackson Road, disputed the acreage values. Mr. Nersinger clarified the difference between the conventional and cluster plans based on the current size of the property.
- Amy Albro, 1926 Jackson Road, requested clarification for the portion of land proposed to be conveyed, and would it be deed restricted from further development if returned to the Dumais family. Mr. Nersinger responded the portion of land referenced on the cluster plan could be conveyed to the Dumais family with a deed restriction.

Following the public hearing the board discussed the application in its subsequent work session. The Board voted and APPROVED staff to issue a sketch plan review letter with the following concerns noted:

1. The Planning Board was generally supportive of the project and the use of Town Law §278 for the proposed 20 lot residential subdivision. The Planning Board first discussed the layout and unit density of the concept conventional plan based on the Single Family Residential R-1-20 Zoning District requirements for lot area and lot dimensions. The conventional plan, prepared by BME Associates, last revised on February 5, 2020, provided a layout for the 20 lots that met the requirements of the existing underlying zoning for the ±13.26 acre property. The Planning Board agreed the conventional was acceptable in its design and layout for the 20 lots.

   The Planning Board then discussed the proposed concept cluster plan for the 20 lots utilizing Town Law §278. It determined that by clustering the layout of the proposed subdivision the following benefits could be achieved.

   a. Preservation of approximately 1.2 acres of land to be deed restricted from any future developed and provide a buffer between the proposed homes and Jackson Road.

   b. Preservation of existing vegetation to provide a buffer around the perimeter of the project site where possible.

   c. Preservation of remaining trees that were previously planted as part of the former Christmas tree farm operation, which, as represented by the applicant, could be preserved and transplanted on site to provide mature landscaping for the new homes or to enhance the perimeter buffer.

   d. Reduction of impervious surfaces by shifting homes closer to the road and shortening the driveway lengths to allow for the fore mentioned vegetated buffer.

   e. Elimination of flag lots shown on the conventional plan.

   f. The reconstruction of the existing dry pond facility located on the adjacent Town owned lands, at 46 Autumn Oak Circle. Due to its age, that facility no longer meets the current standards of the NYSDEC. As part of the
reconstruction, the pond facility could be expanded to a regional stormwater management detention pond facility. Per the current requirements of the NYSDEC and the Town of Penfield Design and Construction Specifications, the regional pond facility would be designed to handle and treat the stormwater runoff generated from the existing surroundings and the runoff from the proposed project area. While the applicant demonstrated that a stormwater management facility could be constructed on their site, it would require the removal a significant amount of the vegetated area and would also add another pond facility to the Town’s existing inventory. The Planning Board was supportive of the proposal to construct a regional detention pond facility at the expense of the applicant as a benefit to the surrounding area and to minimize future infrastructure costs to the Town of Penfield and its residents.

2. The applicant shall coordinate with town staff to arrange a time to meet with the Town Board at a future work session meeting to discuss a proposal for regional stormwater management detention pond facility on town owned lands at 46 Autumn Oak Circle. The proposed improvements would require the approval of the Town Board. If the Town Board does not accept the applicant’s request, the proposed cluster plan layout shall be revised to show a stormwater treatment facility exclusively within the project site with legal access rights for the Town to inspect and/or maintain the pond facility.

3. The submission of a full drainage report documenting compliance with the Phase 2 Stormwater Regulations for water quality and quantity shall be required for a preliminary and final application.

4. Final site plans shall provide current delineations of the federal wetlands, which may be isolated and non-jurisdictional, and details for any proposed disturbance or mitigation areas.

5. The applicant shall review the existing traffic conditions of the area, evaluate the sight distance from the proposed subdivision entrance based on the road class and speed limit, and provide a vehicular trip generation analysis for the proposed subdivision for the review of the Town Engineer.

6. The submission of an Engineer’s report for the proposed subdivision shall be required with documents of boring logs and test pit location results for the depth to the bedrock. The report shall provide recommendations for structural foundations and underground utility installations for the proposed project. Prior to the submittal of any final plans the applicant shall determine the depth to bedrock and meet with the Town Engineer to discuss if any blasting would be needed to install the associated utility services, such as sanitary and storm sewers. It shall be noted that the Town Code does not allow blasting or the excavation of home foundations.

7. The submission of a landscape plan with a planting schedule shall be required that demonstrates compliance with the Town’s Street Tree Policy and delineates the limits of proposed preserved vegetated buffer areas with the required tree protection measures. The plans shall also provide details and specifications for the proposed
transplanting of the remaining trees that were once part of the former Christmas tree farm.

8. Provide updated site plans that comply with the Town’s Sidewalk Policy for new developments proposing a dedicated road.

9. Provide details for any proposed entrance signage for the subdivision.

10. Provide details about any plans for street lighting. The Town Code requires at a minimum that a new overhead light be installed at the proposed intersection with Jackson Road.

Given the comments stated above, the Board would accept a new application for preliminary/final subdivision, site plan, and EPOD permit review.

Upon submission of a new application, provide written responses to the comments above and to the factors of consideration for preliminary/final subdivision, site plan, and EPOD permit approvals found in Chapter 250, Articles VI-6.1, XI-11.3 and XII-12.3 of the Code of the Town of Penfield.

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

Motion was carried.

IV. TABLED APPLICATIONS:

1. Marathon Engineers, 39 Cascade Drive, Rochester, NY 14614, on behalf of Bernmar LLC, requests under Chapter 250 Articles XII-12.2 of the Code of the Town of Penfield for Final Site Plan approval for the construction of a new storage building on the ±7.18 acre property, located at 80 Sovran Drive, known as Nolan’s Rentals Inc. The property is now or formerly owned by Bernmar LLC, and zoned General Business (GB). Application #20P-0001, SBL #093.15-1-2.114.

- Mr. Nersinger reviewed the application for the request to construct a new storage building at the rear of the property located at Nolan’s Rentals located at 80 Sovran Dr.
- Mr. Nersinger explained that Town Staff and, the landscape consultant, Bruce Zaretsky, visited the site to review the existing stand of trees. Mr. Zaretsky issued a memo to express to the board he believed the plan could preserve the approximately 50 foot of an undisturbed area between the berm and southern property line. Mr. Nersinger explained the Zaretsky wished to defer his final comments until he can assess the property after clearing has been completed. The Board has no issues with the request and was supportive of the ±50 foot buffer area to be preserved during construction, which was a direct request of the adjacent property owner located at 28 Pen Web Park.
- The board discussed the revised lighting plan and Chairman Hetzke requested to review the use of the W2 LED fixtures with Town Engineer as a technical item. The Board agreed with the Chairman’s request.
• Mr. Nersinger reviewed the proposed grading and landscape plans to describe the elevations of the landscaped berm and the arrangement of the plantings produce the most effective buffer possible. The Board was satisfied with the buffer improvements.
• Mr. Nersinger mentioned that the Engineering Department was comfortable with the plans as there were only few technical details to address with the applicant.
• The Board had no additional concerns at this time.

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

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

Motion was carried.

The Board voted and APPROVED the proposed site plan application with conditions.

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

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 took NO ACTION on this application as there were no new items to review.

3. 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.

• Revised site plans were submitted detailing the proposed storm sewer extensions to provide additional drainage measures for the area, as well as the required connections
for sump pumps. However, Lot R2A would discharge to an existing structure in the right of way of legacy circle.

- Mr. Nersinger informed the Board that the applicant preformed the deep hole tests requested by the board, which are currently being reviewed by the Engineering Department for final grading comments.

- Board member Bastian asked if there were going to be walk out basements. Mr. Nersinger replied there would be no walk out basements.

- Mr. Nersinger explained that Lot R2D would be equipped with a sprinkler system due to the distance from a hydrant, but that the other homes were within range of the hydrant on Legacy Circle.

- Mr. Nersinger explained that lots R2C and R2D would have separate private driveways, and that the Applicant will be responsible for the restoration of the landscaping in the right of way of Legacy Circle following the installation of the associated improvements for those lots.
  - The Board had no additional concerns at this time.

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

Vote:

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

Motion was carried.

The Board voted and APPROVED the proposed site plan application with conditions.

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

Motion was carried.

V. ACTION ITEM:

1. **500 Parker Hill Drive, SimuTech at Panorama Park – Site Plan Modification Request Application #19P-0025**

   - Mr. Nersinger explained that the Applicant submitted modified Site, Utility and Grading Plans for the Board’s review and consideration. The modified plans show the proposed building shifting closer to the road and a reconfigured parking in order to minimize disturbance to the sloped areas beyond the retaining walls.

   - Mr. Nersinger explained the results of the change were less disturbance along the sloped areas. The number of parking spaces will remain the same with the use of land
banking, and the storm water management area will be relocated to the alternate area on the adjacent development lot under an easement.

- The board discussed the proposed modifications and had no concerns with the request.

The Board voted and APPROVED the applicant’s request for Site Plan Modification of Application 19P-00025.

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

Motion was carried.

VI. NEW BUSINESS:

1. 24 Canterbury Trail and 26 Canterbury Trail – Resubdivision request for a lot line adjustment.

- Mr. Nersinger reviewed the owners’ request to adjust the lot line between the two properties at 24 Canterbury Trail and 26 Canterbury Trail.
- Mr. Nersinger explained the request was to formalize the way the properties have been maintained for several years, with an approximate even exchange of land to maintain lot sizes and dimensions that comply with the code.
- The board had no concerns with the request.

The Board voted and APPROVED the proposed resubdivision request for a lot line adjustment at 24 Canterbury Trail and 26 Canterbury Trail.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 9:35 PM.

These minutes were adopted by the Planning Board on February 27, 2020.