PLANNING BOARD
MEETING MINUTES
MAY 28, 2020
The Planning Board held a meeting at 6:30 PM local time Thursday, May 28, 2020 in the Town Hall Auditorium to discuss, in a meeting available to the public, tabled matters and other business that was before it.

Due to the Covid-19 Virus and the closing of town operations consistent with Governor’s Executive Orders, including Executive Order 202.1, which suspended certain provisions of the Open Meetings Law, and Executive Order 202.15, which postponed public hearings unless they can be held remotely through the use of telephone conference, video conference, and/or other similar service, the May 28, 2020 Planning Board meeting was held remotely beginning at 6:30 PM. In-person public access to the Town Hall facility was not permitted. This meeting was video recorded and broadcast LIVE via the town's website www.penfield.org, on the Town's Government Access Cable Channel 1303. The meeting will be later transcribed. For questions regarding video coverage please contact Penfield TV at (585) 340-8661.

I. CALL TO ORDER:

PRESENT:
- Allyn Hetzke, Jr. On site
- Terry Tydings On site
- Zach Nersinger, Town Planner On site
- Jim Burton Remote
- Bill Bastian Remote
- Bob Kanauer Remote
- Michael O’Connor, Assistant Town Engineer Remote
- Doug Sangster, Junior Planner Remote
- Lori Gray, Board Secretary Remote
- Peter Weishaar, Planning Board Attorney Remote

ABSENT: None

II. TABLED APPLICATIONS

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Conifer Penfield Associates, 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 ±1.20 acre portion of the property located at 2071 Fairport Nine Mile Point Road, known as Parkside Commons Plaza. The property is now or formerly owned by Conifer Penfield Associates and zoned General Business (GB). Application #20P-0003, SBL #140.05-1-1.2/2160.

   James Cretekos, BME Associates, and Fred Rainaldi, Conifer Penfield Associates, were present via remote access to present the application.
• Mr. Nersinger presented the applicant’s internal vehicular circulation map exhibit of Parkside Commons Plaza. This was one of the primary concerns of the board at the May 14, 2020 public hearing meeting. The map showed how the vehicles would move through the plaza based on the layout for the Starbucks and its drive through configuration, new parking area, and new access lane to the north of Valvoline.

• Mr. Nersinger explained that today, May 28, 2020, the applicant provided an analysis from Bergman Associates which provided findings for the drive-thru designs of Starbucks, and the internal layout for vehicles and on the last page. The summary stated the site plan layout should be able to provide acceptable stacking of vehicles in the drive-thru lane under normal conditions. It did speak to unique situations where drive-thru is relied upon more heavily with references to impacts from COVID-19. Typically the minimum stacking capacity for Starbucks was 8-10 vehicles, and this site was designed with stacking for up to twelve (12) vehicles.

• Mr. Nersinger continued, stating that the analysis also reviewed internal vehicular circulation. The applicant’s consultant stated that by transforming the north/south access drive along the frontage of the property from a pass through drive to a parking area, there would be visual deterrents to slow driving speed. The proposed landscaping would be installed in such a way that a visual “pinch” effect would be created making drivers more aware of their surroundings.

• Mr. Nersinger stated that one of the recommendations that came from the Bergman Associates analysis was the use of “SLOW” markings on the pavement as another visual cue. Originally the applicant was considering the use of speed humps in this on the in the parking area, but town staff advised them to remove the speed humps from the plans to avoid maintenance issues. The applicant is proposing yield to pedestrian crossing signs at both ends of the parking area, but the board may want to consider the “SLOW” markings on the site plan as well.

Board Questions:

• Board member Bastian stated that while he has concerns for the access road that it’s going to take some time for people to adjust to the short term changes due to construction and the completed parking lot area. He stated that he read the traffic analysis and agreed with its findings, but questioned if on temporary basis, when the Starbucks first opens, if flashing lights or something else could be used to educate people the access road has been converted to parking lot aisle. His major concern was when drivers enter the plaza from Route 250, turn the corner into the site, and there being a lack of space until they reach the first parking space; plus there the handicap spaces on the left hand side.

• Chairman Hetzke wondered if a temporary speed hump could work. Mr. Nersinger offered that perhaps some additional signage would help and asked for Mr. O’Connor’s input. Mr. O’Connor, Assistant Town Engineer, agreed the “SLOW” markings and visual cues on the pavement would help to slow traffic. He was not sure about the speed bumps because the applicant originally had them only on one side of the lane which may only lead drivers to drive around them, so town staff felt that would cause another issue.

• Board member Bastian stated that he has seen examples when a speed limit changed or new signage is installed along roadways, a temporary flashing light is set up that says maybe 5 mph or 10 mph to adjust those speeds. He explained the proposed for a flashing
light would not have to be for a long period of time, but just to let people know they can’t drive quickly through there.

- Mr. Nersinger stated the suggestions of signage with flashing lights could be submitted by the applicant for the town engineer’s review and final sign off.
- Mr. Nersinger, referencing the site plans, asked if the board wanted to make the “SLOW” pavement markings a condition as part of a revision to this plan. He added that as one drives into the site, the first thing you see is a pedestrian cross walk, so that would be one cue, but as was stated, a temporary solution may be necessary. Chairman Hetzke added the idea of rumble strips being added near the crosswalk as another cue.
- Board member Kanauer stated he agreed with the “SLOW” markings on the pavement.
- Board member Tydings agreed with letting the engineers determine what the best solution is to slow the traffic.
- Board member Burton agreed as well, stating he would prefers tactile markings in the pavement and not more signage that could possibly obscure visibility.
- Mr. Cretekos replied to the Board’s suggestions and stated they would be happy to install a solar powered flashing crosswalk sign as a permanent feature. This way there would always be the option for an indication light. Traffic and pedestrian safety is of the utmost importance for this project.
- Mr. Rainaldi stated that he would be very excited to be able to use the solar-powered, illuminated traffic mitigating signs with the narrative in combination with some treatment through the crosswalks. The traffic pattern they are going to watch most intently as it relates to anything speed generating, is going to be that south bound traffic. In addition, Mr. Rainaldi explained that they have phasing plans for traffic mitigating and pedestrian safety which he will pass on to town staff.
- Board member Bastian stated he liked the rumble strip idea. He also agreed with board member Burton about not blocking views with more signage. He explained, he wants to make sure the chosen method for pedestrian safety and traffic control is not too distracting to the drivers but gets their attention and slows them down.
- Board member Burton suggested we have the applicant submit cut sheets and a revised pavement marking plan so the board can incorporate the favorable ideas into a draft approval resolution. Chairman Hetzke agreed.
- Mr. Rainaldi further explained the features of the flashing signs, including the constant and manual options. To his knowledge, the most recent installation of these signs was in Canandaigua.
- Board member Kanauer replied a similar illuminated sign was installed near Harris Hill School.
- Chairman Hetzke requested the applicant submit revised plans with cut sheets for review at the next Planning Board meeting.
- Mr. Nersinger reviewed the presentation for the last meeting, including the video fly through that went around the building, and the board was supportive building designs, and the materials choices and colors.
- Mr. Nersinger stated lighting cut sheets were received for the patio bollards, building mounted fixtures and light poles fixtures. The landscaping plan was reviewed by the board’s Landscape Consultant and was satisfied with the plans so long as the patio was protected from vehicles, which the applicant has addressed on the plans.
Mr. Nersinger informed the board that on May 21, 2020, the Zoning Board of Appeals approved the applicant’s request for less setback to the NYSDOT right of way on Route 250. They may have to return to the Zoning Board for their signage proposal after they submit their signage package to the Building Department.

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

- Provide cutsheets and specifications for the proposed solar powered illuminated pedestrian crossing signs as a traffic calming mechanism to be place in locations acceptable to the Planning Board and Town Engineer. The use of a constant blinking light pattern during the early weeks of the business operations or when activated by a push-button operated by a pedestrian will be reviewed by town staff for compliance with the Town Code.
- Update site plans with “SLOW” pavement markings in locations acceptable to the Town Engineer.
- Update site plans to document the Zoning Board of Appeals approval of application 20Z-0007 on May 21, 2020 regarding the area variance granted for less setback of the parking area to the New York State DOT right of way.
- A sign permit application package shall be submitted to the Building & Zoning Department for its review to determine if a Zoning Board of Appeals application is necessary for the number and/or size of the signs shown on the building elevation drawings. This includes the review of both building mounted signs and wayfinding signs. The business identification signage represented on the Detail Sheets of the site plans is also subject to review of the authorized official of the Town of Penfield or the Zoning Board of Appeals and shall only be used as a reference item for the Planning Board’s review process.
- Staff was directed to begin the preparation of a draft approval resolution and a completed Short EAF pursuant to the NYSDEC SEQRA.

Vote: Moved by: Bastian Seconded by: Kanauer

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

Motion was carried.

2. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Combat Construction, requests under Chapter 250 Articles VI-6.1, XI-11.2 and XII-12.2 of the Code of the Town of Penfield for Final Subdivision and Preliminary/Final Site Plan and EPOD Permit approval to construct a 72-lot single-family subdivision under Town Law §278, on ±90.5 acres located at 1394 Jackson Road and 1440 Jackson Road. 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 Single Family Rural Residential, RR-1. Application #20P-0004, SBL #095.03-1-39, 110.01-1-14.
Matt Tomlinson, Marathon Engineering, was present via remote access to present the application.

- Mr. Nersinger reviewed the details of the application and stated revised plans had been received today, May 28, 2020, and the Engineering Department would begin reviewing the plans. The revised plans were submitted in response to the PRC’s memo that was issued. The applicant had previously submitted written responses stating they could accommodate the comments in the memo, with only some technical issues remaining.
- Mr. Nersinger explained there were a few public comments that were submitted after the last meeting and those were responded to by staff.
- Mr. Nersinger continued by showing the overall plan showing the proposed conservation easement areas and dedication of lands to the town for stormwater management facilities. He stated that the applicant did an excellent job during the public hearing of reviewing how stormwater drainage improvements were designed for this project, including where it will flow during certain rainfall events.
- Mr. Nersinger confirmed traffic has not been an issue with Monroe County DOT for the subdivision. The County DOT controlled Plank Road and Jackson Road, and the approval process for the location of the subdivision entrances.
- Mr. Nersinger explained the applicant had requested a sidewalk waiver from the Penfield Town Board. They currently plan to install sidewalks on one side internally along the south and east side of the roads. They are requesting a waiver from installing sidewalks on the north and west sides as well as the frontages of the property.
- Chairman Hetzke explained he was not opposed to the request. Sidewalks on one side would be good idea for the subdivision, with the remaining funds to go towards the town sidewalk fund.
- Board member Burton stated there seemed to be a theme with neighbors in the area who desire sidewalks along Jackson Road. Mr. Nersinger explained that neighbors on Jackson Road and Waybridge Court have contacted the town about future sidewalks. He stated town staff envisions a future sidewalk connection on Jackson Road leading to Veterans Memorial Park. However, the timing could not be estimated as the process would require sidewalk petition from the neighbors, and reviewing the infrastructure in the area.
- Board member Burton asked if the applicant still had a few hurdles to overcome before the project can be approved.
- Mr. Nersinger responded the town staff only has to review the revised plans that were submitted for compliance with the PRC Memo. He reminded the board that part of the applicant’s presentation was that they had reviewed the PRC memo and did not have any major concerns with the comments. Most of the revised designs were to adjust drainage swales and storm inlets.
- Mr. Nersinger indicated that town staff is generally comfortable stormwater management designs for all three of the facilities shown on the plans to control and treat the stormwater runoff from the site.
- Board member Burton expressed he would be supportive of including a finding in a draft approval resolution that says that town staff has reviewed all of the improvements and revised plans and they are consistent with best engineering practice for stormwater
management. Mr. Nersinger responded that findings would certainly be included in the resolution with reference to the latest set of plans.

- Board member Kanauer asked how the sidewalk waiver is handled in the cul-de-sac. Mr. O’Connor replied that typically town staff picks a point for it to end that is consistent with the designs of the cul-de-sac.

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

- The Town Engineer’s final review of revised site plans, submitted on May 28, 2020, that shall demonstrate compliance with the recommendations of the PRC’s memo dated March 31, 2020, and the applicant’s written response to the PRC’s memo submitted on May 7, 2020.
- The Planning Board was supportive of the proposed sidewalk layout represented on the site plans with sidewalks shown to be installed on only one side of the dedicated roads. A sidewalk waiver request shall be submitted to the Town Engineer for the Town Board’s review and consideration at a future work session meeting requesting relief from installing sidewalks on the opposite side of the dedicated roads of the subdivision and along the frontages of Jackson Road and Plank Road. The total length of linear footage of sidewalks requesting to be waived shall be provided.
- Staff was directed to begin the preparation of a draft approval resolution and a completed Short EAF pursuant to the NYSDEC SEQRA.

**Vote:**

Moved by: Burton  
Seconded by: Bastian

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

Motion was carried.

3. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Insite Land Development Inc., requests under Chapter 250 Articles VI-6.1, XI-11.2, XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision, Site Plan, and EPOD Permit approval to construct a 20-lot single-family subdivision under Town Law §278 with associated site improvements on a ±13.26 acre lot, located at 1918 Jackson Road, and to be known as the “Stafford Park” subdivision. The property is now or formerly owned by Benoit and Sylvia Dumais, and zoned Single Family Residential R-1-20. Application #20P-0005, SBL #124.16-1-39.3.

Rudy Neufeld and Amy Wallace, Insite Land Development Inc. / Crosstown Custom Homes, and Fred Shelley and Martin Janda, BME Associates, were present via remote access to present the application.

- Mr. Nersinger reviewed the application, public comments, and the revised site plans that captured revisions based on the PRC memo and the board’s input following the May 14, 2020 public hearing meeting.
• Mr. Nersinger explained that one of the main topics was tree preservation. The applicant is proposing a ±20 foot buffer around the site using the existing vegetation. Anything trees or scrub brush that is dead or at risk of coming down will be removed. The plans are proposing new buffer plantings at the frontage of the site that will also help with blocking headlights as vehicles approach the intersection.

• Mr. Nersinger reviewed the consolidated stormwater management facilities on the town owned property adjacent to the site, which was approved by the Town Board to be there subject to the Town Engineer’s approval of the final designs. The improvements would bring the existing dry pond into compliance with current regulations with upgrades to the facility.

• Mr. Nersinger explained the plans are showing street trees throughout and attempting to preserve some of the trees that were out there as part of the former Christmas tree farm.

• Mr. Nersinger explained the applicant did provide ITE (Institute of Transportation Engineers) calculation for trip generation estimates for traffic on Jackson Road based on the size of the subdivision development. The calculations for the peak hours in the AM and PM were well within compliance for new subdivisions.

• Mr. Nersinger showed the applicant’s ITE calculations for the 20 lot subdivision were 15 trips per hour during the AM peak hour, and 20 trips per hour during the PM peak hour. The ITE standards are what the town uses for its calculations as well.

• Chairman Hetzke asked about data form any past traffic counts. Mr. Nersinger responded that for that part of Jackson Road it wouldn’t do any good to perform them right now because of COVID-19 and irregular traffic patterns, but the engineering department will likely do a count once the patterns return to normal. Mr. Nersinger was not aware of any traffic counts that had been collected in the past.

• Mr. Nersinger explained there are a couple of items the Engineering Department is reviewing for the stormwater drainage designs.

• Chairman Hetzke commented about the number of public comments previously received pertaining to sidewalks on Jackson Road. He and Mr. Nersinger agreed that given the area, new sidewalks on Jackson Road should be evaluated as a priority in the near future, and encourage residents to work with town staff to begin a sidewalk waiver petition.

• Mr. Nersinger stated that the applicant had requested a full sidewalk waiver, with no sidewalks internally and no sidewalks on the short frontage section.

• Board member Tydings stated his opposition to a full waiver and would support a partial waiver so that the board could be consistent in recommending the installation of sidewalks in residential subdivisions. He stated he would like to see sidewalks on one side of the internal road, but it’s up to the Town Board.

• Board member Kanauer felt that even with only twenty (20) houses, he too would like to see a sidewalk on one side.

• Board member Bastian was not opposed to the request for a full waiver.

• Board Member Burton stated this community has a long standing policy of promoting sidewalks so he couldn’t see why the applicant can’t install sidewalks in on one side.

• Chairman Hetzke directed Mr. Nersinger to communicate to the Town Board that overall the Planning Board supports having a sidewalk on one side internally of the dedicated road.

• Mr. Nersinger asked the applicant to speak to about the landscaped island in the cul-de-sac. Mr. Neufeld responded they are requesting to the Town Board to have a landscaped
island in the cul-de-sac with a deed restriction for maintenance. He referenced a similar design to that which was featured in the Cranberry Cove subdivision (a prior development of his company).

- The Board was generally supportive of the landscaped island in the cul-de-sac and directed Mr. Nersinger to communicate that to the Town Board.

- Mr. Nersinger explained the applicant would like to install a monument sign at the entrance of the subdivision. It is currently not shown on the plans, so they need to make that revision. His conversations with the applicant indicated they wanted to include it on Lot 1. This monument sign would not need to go to Zoning Board as long as it complies with setbacks but it would be another deed restriction item on a lot. If the sign was to be located in part of the Town’s right of way, then they need approval from the Town Board.

- Board member Tydings asked when the applicant needs to go before the Zoning Board of Appeals for the existing accessory structure. Mr. Nersinger responded that the applicant is planning to submit an application for an area variance to the Zoning Board of Appeals for the accessory structure which is currently located on a portion of the land which is to be conveyed back to the Dumais family.

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

- The Town Engineer’s final review of revised site plans, submitted on May 22, 2020, that shall demonstrate compliance with the recommendations of the PRC’s memo dated April 21, 2020, and the applicant’s written response to the PRC’s memo submitted on May 22, 2020.

- The Planning Board discussed the proposed of a full sidewalk waiver request and three of the five members were supportive of a partial waiver only. Thus, the preference was to install sidewalks on only one side of the internal dedicated roads, rather than no sidewalks at all for the proposed development. However, as this matter falls under the jurisdiction of the Town Board, a sidewalk waiver request can be submitted to the Town Engineer with the applicant’s desired waiver request for the Town Board’s review and consideration at a future work session meeting.

- The applicant shall submit a waiver request for relief from the Town of Penfield Design and Construction Specifications for the proposed landscaped island in the cul-de-sac of the dedicated road. This matter shall be reviewed by the Town Board at a future work session meeting. The Planning Board discussed this amenity was unanimously supportive of the landscaped island in the cul-de-sac shown on the originally submitted site plans for the application and based on the information provided by the applicant during the May 28 work session. This included conditions that future maintenance of the landscaped island would be deed restricted to a single property owner in the cul-de-sac once the developer has closed out the subdivision after constructing all the homes; and, that the developer would provide a Letter of Credit (or other acceptable form of payment) to the Town of Penfield in an amount that would cover costs of the removing of the landscaped island and the necessary paving to fill in the area if maintenance was ignored and the area became a safety issue. At such time the Town could contact the developer to instruct them to begin performing the repair work. However, it shall be noted that all final conditions of such an agreement are subject to the approval of the Town Board.
• Per staff’s discussions with the applicant, if a monument sign at the entrance to the subdivision is still proposed on Lot 1 please review and updated the current site plans with the necessary details for a monument sign that is compliant with setbacks listed in the Town Code.

• Staff was directed to begin the preparation of a draft approval resolution and a completed Short EAF pursuant to the NYSDEC SEQRA.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:30 PM.

These minutes were adopted by the Planning Board on Thursday, June 11, 2020.