



# **TOWN OF PENFIELD**

*3100 Atlantic Avenue, Penfield, NY 14526-9798*

## **PLANNING BOARD MEETING MINUTES SEPTEMBER 13, 2012**

The Planning Board met at 6:30 PM local time Thursday, September 13, 2012 in the Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Arsen Markarian  
Bill Bastian  
Allyn Hetzke, Jr.  
Sue Kreiser  
Doug McCord  
Terry Tydings

ABSENT: Jim Burton

ALSO PRESENT: Linda Cummings, Secretary  
Katie Evans, Planning Board Clerk  
Zach Nersinger, Planning Technician  
Mark Valentine, Planning Department Head  
Peter Weishaar, Legal Counsel

II. APPROVAL OF MINUTES: August 9, 2012

The Board approved the minutes of August 9, 2012

Vote: Moved by: Hetzke    Seconded by: Kreiser

Chairperson Markarian – Aye	Bastian– Abstain	Burton – Absent	Hetzke - Aye
	Kreiser– Aye	McCord -Abstain	Tydings - Aye

Motion was carried.

III. TABLED:

1. Doug Eldred of BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450/Ellison Heights, LLC requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the Code and Town Law 278 a modification/amendment to a previously approved preliminary and final Cluster Subdivision and Site Plan approval as well as Environmental Protection Overlay District permit granted on October 14, 1999 to allow the construction of Phase 2 of the project which now is proposed to consist of 180 unit apartment complex in five, four story buildings, including a 3,000+/- sq. ft. clubhouse with a pool on 18.6 +/- acres,

located at 1200-A Penfield Road. The property is now or formerly owned by Ellison Heights, LLC and is zoned MR. Appl# 12P-0005. SBL# 123.19-1-26.11.

- Legal Counsel, Pete Weishaar shared with the board that a decision was received from Judge Polito dismissing the Town of Penfield from the legal dispute. The HOA filed a motion to amend the complaint.
- Department Head, Mark Valentine, explained to the board that there is a portion of land (approximately 1.2 acres) that is currently owned by the town. The applicant has inquired about using this town owned land for stormwater treatment purposes. The Town Board directed staff to have two appraisals done of the property for the purpose of a possible sale. Staff will provide and update when the appraisal is complete.
- Department Head, Valentine lead a discussion regarding whether a supplemental EIS is needed or not. Some concerns noted by the board were:
  1. Contamination on the site was mitigated 12 years ago. Have the standards changed?
  2. Have potential visual impacts changed as a result of the change from the approved 7/8 story building to the current proposal?
  3. Will there be a recreation fee for the apartments? Staff will look into this.
  4. Will there be sidewalks on the new bridge providing access for pedestrians? Staff will provide plans to the board as soon as they are received.
  5. Has the noise level from HVAC units increased/decreased as a result of the amended site plan?
- The Planning Board was instructed to focus on the original FEIS and look for changes and/or insufficient data.
- Board members inquired if additional visual simulations of the proposed application could be provided.

The application was CONTINUED TABLED pending review of requested materials

Vote: Moved by: Hetzke Seconded by: Bastian

Chairperson Markarian – Aye	Bastian –Aye	Burton –Absent	Hetzke - Aye
	Kreiser –Aye	McCord -Aye	Tydings - Aye

Motion was carried.

#### IV. MISCELLANOUS:

1. Jerry Goldman, Esq./Penfield Road and Harris Whalen Park Road Development, LLC requests under Articles VIII-8-2, IX-9-2, and X-10-2 of the Code Preliminary and Final Resubdivision, Site Plan, and Conditional Use Permit approval to allow the construction of a 3,900 sq. ft. +/- bank with three drive thrus, and other associated site improvements on 0.95 +/- acres located at 2120 and 2124 Penfield Road to be known as Key Bank. The properties are now or formerly owned by William and Mary Buonomo (2120 Penfield

Road) and Gordon Griffin (2124 Penfield Road) and are zoned BN-R and TF. Appl# 12P-0002. SBL# 139.08-01-66 and 139.08-01-67.

- Applicant requests conditional use permit and site plan extension until March 22, 2014
- Applicant requests a 90-day extension for the subdivision approval
- Project will be completed in Spring of 2014

The Board approved the Applicant's Conditional Use, Site Plan, and 90-day Subdivision Extension Request

Vote:	Moved by:	Hetzke	Seconded by:	Tydings
Chairperson Markarian – Aye	Bastian –Aye	Burton –Absent	Hetzke - Aye	
	Kreiser –Aye	McCord -Aye	Tydings - Aye	

Motion was carried.

2. Michael Bogojevski, BME Associates, 10 Lift Bridge Lane East, Fairport NY 14545/Terry and Mary Lou Rothfuss requests under Articles IX-9-2 of the Code Preliminary and Final Re-Subdivision approval to allow revisions in lot lines for two parcels (R-1 = 2.195 +/- acres, and R-2 = 40.196 +/- acres) located at 1865 Salt Road to be known as the Rothfuss Resubdivision. The property is now or formerly owned by Terry and Mary Lou Rothfuss and is zoned RA-2. SBL# 125.02-1-7.11 and 125.02-1-8.

The Board Authorized Chairman Markarian to sign the Resubdivision Map

Vote:	Moved by:	Hetzke	Seconded by:	Bastian
Chairperson Markarian – Aye	Bastian –Aye	Burton –Absent	Hetzke - Aye	
	Kreiser –Aye	McCord -Aye	Tydings - Aye	

Motion was carried.

3. John Caruso, P.E., Passero Associates, 100 Liberty Pole Way, Rochester, NY 14604/Webster Montessori School requests under Articles III-3-10, IX-9-2, and X-10-2 of the Code Preliminary and Final Site Plan and EPOD Permit approval and Expansion to a Conditional Use Permit to allow the construction of building additions totaling 16,400 +/- sq ft and associated site improvements on 4 +/- acres, located at 1310 Five Mile Line Road, to be known as Webster Montessori School. The property is now or formerly owned by Webster Montessori School and is zoned R-1-20. Appl# 11P-0018. SBL# 094.03-1-35

- Revised building footprint and architectural drawings were presented.
- The building is slightly smaller than original building.
- The exterior will incorporate more stone on the building.

- Staff indicated PRC has reviewed the modified plan and is comfortable with the revisions.
- The Board discussed the request and found the revised site plan to be consistent with the findings of the plan originally approved on December 8, 2011.

This application was re-approved based on the conditions granted on December 8, 2011

Vote: Moved by: Hetzke Seconded by: Tydings

Chairperson Markarian – Aye	Bastian –Aye	Burton –Absent	Hetzke - Aye
	Kreiser –Aye	McCord -Aye	Tydings - Aye

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:15p.m., Thursday, September 13, 2012.

These minutes were adopted by the Planning Board on September 27, 2012.

FILED  
PENFIELD, N.Y.  
2012 SEP 28 PM 2:26  
AMY H. STEKLOF  
TOWN CLERK