

# TOWN OF HENRIETTA PLANNING BOARD

February 27, 2018

## AGENDA

Peter Minotti, Chairman  
James Grunert, Vice-Chairman  
Lawrence Neill  
Stephen R. MacIntyre  
Patricia Brill  
Matthew Borkowski  
Douglas Rivers  
Daniel Mastrella, Esquire

### MAIN MEETING ROOM

**ROLL CALL:** 7:00 PM

**MINUTES:** February 13, 2018

### PUBLIC HEARING:

**Application No. PB-316** **East River Professional Park** – For preliminary subdivision approval of a 6 lot re-subdivision of an office park on 8 acres located at 250 Lucius Gordon Drive in an Industrial Zoned District. Tax Account No. 174.02-1-37.12.

### APPLICATIONS:

**Application No. PB-316** **East River Professional Park** – For preliminary subdivision approval of a 6 lot re-subdivision of an office park on 8 acres located at 250 Lucius Gordon Drive in an Industrial Zoned District. Tax Account No. 174.02-1-37.12. **(SEQR)**

**Application No. 283.2** **Southern View Estates – Section 2** – For preliminary subdivision approval of an 8 lot residential re-subdivision on 25.829 acres located on Rush-Henrietta Town Line Road in a RR-2 Zoned District. Tax Account Nos. 202.01-2-28.001, 202.01-2-28.002, 202.01-2-28.003 and 202.01-2-28.004.

**Application No. 18-001** **Market Commons – 16,738 S.F. Retail Building** – For final site plan approval of a 16,738 S.F. retail building on 12.16 acres located at 100 Market Place Drive in a Commercial B-1 Zoned District. Tax Account No. 162.09-1-1.11. **(SEQR)**

### DISCUSSION ITEM:

**Empire Fabricators** - Planning Board to consider granting a 6 month extension of time for Application No. 16-017 – Empire Fabricators located at 105 Saginaw Drive, in an Industrial Zoned District. Planning Board approval was granted previously at the January 24, 2017 Planning Board Meeting.

**Note:** Applicants must have a representative available at the time the application is called. If the meeting should run past 12:00 a.m. (midnight), the Chairman may temporarily adjourn the meeting. The meeting will reconvene on **March 6, 2018 at 7:00 p.m. in Main Meeting Room**

**TOWN OF HENRIETTA  
PLANNING BOARD MINUTES  
February 27, 2018**

A regularly scheduled meeting of the Henrietta Planning Board was held on Tuesday, February 27, 2018 at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14467. The meeting was called to order at 7:00 p.m. by the Planning Board Chairman, Peter Minotti.

**MEMBERS PRESENT:** Peter Minotti, Chairman  
James Grunert, Vice-Chairman  
Lawrence Neill  
Stephen R. MacIntyre  
Patricia Brill  
Matthew Borkowski  
Douglas Rivers  
Daniel Mastrella, Esquire

**ALSO PRESENT:** Christopher Martin, P.E., Director of Engineering & Planning  
Rebecca B. Wiesner, Town Clerk and Receiver of Taxes  
7 Applicants/Guests

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PETER MINOTTI, CHAIRMAN

A public hearing is being held before the Henrietta Planning Board today, Tuesday, February 27, 2018, at 7:00 p.m. in the Main Meeting Room, 475 Calkins Road, Henrietta, NY 14467 to hear all persons with regard to the following application:

**Application No. PB-316 East River Professional Park** – For preliminary subdivision approval of a 6 lot re-subdivision of an office park on 8 acres located at 250 Lucius Gordon Drive in an Industrial Zoned District. Tax Account No. 174.02-1-37.12.

This public hearing is being held so that you, the general public, can present your opinions to the Henrietta Planning Board regarding subdivision concerns, specifically limited to trees, the lots themselves, open space, the infrastructure, utilities, sidewalks and flood prone areas. Who do we have present representing Application No. PB-316 this evening? Yes, sir. Come on up, would you please? You can use the podium or you can use the microphone and Mrs. Brill may have to help you with that.

PATRICIA BRILL, PLANNING BOARD MEMBER  
No, I have it all ready.

PETER MINOTTI, CHAIRMAN  
Have you got it? Okay, thank you.

RANDY MAUGER, GENERAL MANAGER, NORTH FOREST OFFICE SPACE  
Thank you, Patty.

PATRICIA BRILL, PLANNING BOARD MEMBER

Yes.

PETER MINOTTI, CHAIRMAN

It's good to see you again, if you want to give us brief opening remarks, tell the Board a little bit about your project, Mr. Martin and I have seen it a number of times, so if you'd just go ahead and do that for us, and then we'll take it from there.

RANDY MAUGER, GENERAL MANAGER, NORTH FOREST OFFICE SPACE

Alright. So we purchased the piece of property from the R.I.T. Association quite a few years ago and we were able to develop one building and we have leased it out, but our lease rates and rental rates out there are not performing where they need to be with our other properties. So we put it out there for purchase of the pre-approved building lots plus we're actually going to sell the building that we already have presently that we constructed and leased out. So we do have a full asking price for that building contingent upon us getting some approval for the subdivision.

PETER MINOTTI, CHAIRMAN

Anything technical in nature you'd like to mention or at this time I'd open it up to the public if you'd like?

RANDY MAUGER, GENERAL MANAGER, NORTH FOREST OFFICE SPACE

I believe everything we have is covered.

PETER MINOTTI, CHAIRMAN

Very good, thank you. Is there anyone here this evening that wishes to speak on this application? *(Pause, no response.)* Seeing none, members of the Board, let me recognize you for questions and comments specific to the public hearing issues and with that I would like to recognize Mr. Borkowski? I'm going to start down here.

MATTHEW BORKOWSKI, PLANNING BOARD MEMBER

I have no questions for the public hearing.

PETER MINOTTI, CHAIRMAN

Mr. Borkowski, thank you. Mr. Grunert?

JAMES GRUNERT, PLANNING BOARD MEMBER

Thank you, Mr. Chairman. I have nothing at this time.

PETER MINOTTI, CHAIRMAN

Thank you. Mrs. Brill?

PATRICIA BRILL, PLANNING BOARD MEMBER

Nothing at this time.

PETER MINOTTI, CHAIRMAN

Thank you. Mr. Neill?

LAWRENCE NEILL, PLANNING BOARD MEMBER  
I'm all set, Mr. Chairman.

PETER MINOTTI, CHAIRMAN  
All set? Thank you. Mr. MacIntyre?

STEPHEN MACINTYRE, PLANNING BOARD MEMBER  
Nothing at this time, Mr. Chairman.

PETER MINOTTI, CHAIRMAN  
Thank you, Mr. MacIntyre. Mr. Rivers?

DOUGLAS RIVERS, PLANNING BOARD MEMBER  
Nothing at this time, Mr. Chairman.

PETER MINOTTI, CHAIRMAN  
Mr. Rivers, thank you. If there are no more comments regarding this application, I therefore close the public hearing. The Planning Board will adjourn and move from the public hearing to the workshop, so if you'll stand by for a moment, thank you so much.

*(The Henrietta Planning Board closed the public hearing at 7:05 p.m. and adjourned briefly before commencing the workshop portion of the meeting.)*

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The first item on the agenda is the approval of the Regular Meeting Minutes of February 13, 2018 as presented.

**On motion of**  
Lawrence Neill

**Seconded by**  
Patricia Brill

Duly put to a vote:

|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

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**Application No. PB-316 East River Professional Park** – For preliminary subdivision approval of a 6 lot re-subdivision of an office park on 8 acres located at 250 Lucius Gordon Drive in an Industrial Zoned District. Tax Account No. 174.02-1-37.12. **(SEQR)**

**Representing Applicant:** Randy Mauger, North Forest Office Space

In regards to the above referenced application, the applicant stated that all staff comments can be addressed. The project consists of a re-subdivision of an eight (8) acre parcel into six (6) parcels. The existing building and parking area will be Lot 1, with the remaining five (5) parcels to be developed in the future. Due to the unique spacing of the lots, several variances will need to be obtained from the Henrietta Zoning Board of Appeals for the building setback issues. Several easements will be created for the subdivision; an access easement for the shared driveway of the subdivision, the sanitary sewer that will be dedicated to the Town, an overall drainage easement to cover all the parcels and an overall miscellaneous utility easement that will cover electric, gas and telephone services for the entire eight (8) acres. If the proposed buildings are constructed per the approved site plans then the applicant will need to submit architectural renderings and building plans to the Board as a discussion item; however, if there are significant changes to the original site plan then a formal submission will be required. It was also noted that that the stormwater "Notice of Intent" is still open for the project, therefore a new Stormwater Pollution Prevention Plan will not be required.

With regard to Application No. PB-316, SEQR review indicates the Action under consideration is an Unlisted Action as per Section 617.7(c)(1)(viii). The Henrietta Planning Board, as Lead Agency, has determined that the proposed Action described below will not have a significant effect on the environment and that a draft Environmental Impact Statement will not be required.

The Action under consideration is a subdivision plan application by North Forest Office Space. It is an Unlisted Action and will not require a conditioned negative declaration. The purpose of this Application is for preliminary subdivision approval of a 6 lot re-subdivision of an office park located at 250 Lucius Gordon Drive in an Industrial Zoned District. Tax Account No. 174.02-1-37.12.

All relevant areas of environmental concern were identified. Evaluation and examination were carefully made in relation of the existing conditions versus the proposed site improvements. It has been determined that there will be no adverse environmental effect as a result of the proposed Action.

Peter Minotti therefore made the motion that the Henrietta Planning Board make a Negative Declaration and authorize the Planning Board Chairman to sign the Statement of Environmental Significance. Lawrence Neill seconded the motion.

Duly put to a vote:

|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

A motion for preliminary subdivision approval was made and is subject to the Applicant addressing all comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning, and more specifically:

**PLANNING BOARD CONDITIONS:**

1. The applicant must obtain from the Henrietta Zoning Board of Appeals variances for the setback issues prior to getting final subdivision approval.

**On the Motion of**  
Patricia Brill

**Seconded by**  
Matthew Borkowski

Duly put to a vote:

|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

**Application No. 283.2**      **Southern View Estates – Section 2** – For preliminary subdivision approval of an 8 lot residential re-subdivision on 25.829 acres located on Rush-Henrietta Town Line Road in a RR-2 Zoned District. Tax Account Nos. 202.01-2-28.001, 202.01-2-28.002, 202.01-2-28.003 and 202.01-2-28.004.

**Representing Applicant:** David Matt, Schultz Associates

In regards to the above referenced application, the applicant stated that all staff comments can be addressed. The application was previously approved back in 2007 but then was resubmitted and reviewed by the Planning Board on December 12, 2017 and tabled due to an issue with the Home Owner’s Association (HOA). The applicant has now agreed to have an HOA, therefore the application can move forward with the Planning Board. Chairman Minotti noted that the Open Space Calculations were reviewed by himself and the Director of Engineering and Planning, Christopher Martin, and were found to be accurate therefore qualifying the application for a density bonus per the RR-2 Rural Residential zoning without sewer. The subdivision will consist of eight lots with the ninth lot satisfying the open space requirement. A conservation easement on this lot will be required as well as an additional easement for the stone dust trail that will be included in this open space. This trail requires an easement as it will be available for use by people other than those living in the development and will connect to future trails located within Martin Road Park. The trail easement will be dedicated to and maintained by the Town of Henrietta. The vegetation within the open space will be a meadow grass which will need to be cut once or twice a year; some areas located near the cul-de-sac will be seeded with grass and will be cut more often. The private drive will require a maintenance agreement between the three future lot owners. It was also noted that a stormwater pollution prevention plan will be required for the project.

A motion for preliminary subdivision approval was made and is subject to the Applicant addressing all comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning, and more specifically:

**PLANNING BOARD CONDITIONS:**

1. The Planning Board approved the preliminary subdivision pending the successful outcome of a Home Owner’s Association (HOA) agreement.
2. An easement will be required for the stone access trail as it will be available for use by people other than those living in the development and will connect to the future trails located within Martin Road Park.

**On the Motion of**  
Stephen MacIntyre

**Seconded by**  
James Grunert

Duly put to a vote:

|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

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**Application No. 18-001    Market Commons – 16,738 S.F. Retail Building –** For final site plan approval of a 16,738 S.F. retail building on 12.16 acres located at 100 Market Place Drive in a Commercial B-1 Zoned District. Tax Account No. 162.09-1-1.11. **(SEQR)**

**Representing Applicant:** Matthew Oates, P.E., Benderson Development

In regards to the above referenced application, the applicant stated that all staff comments can be addressed. The project consists of the construction of a 16,738 S.F. retail building adjacent to LA Fitness in the Market Commons Plaza. There will be one to three tenants occupying the new space. It was noted that a variance was previously obtained from the Zoning Board of Appeals to reduce the number of required parking spaces for the overall plaza to be 647 spaces. A shared parking study was completed by the Applicant; however the Town of Henrietta also hired a consultant to review the parking space analysis. *(Town Clerk’s Note: Please see the attached addendum for comments from Terrence J. Rice, P.E., of Barton & Loguidice, D.P.C., the consultant hired by the Town of Henrietta for the review of the parking space analysis.)* The applicant also noted that the building itself would be designed to be similar to the existing buildings in the plaza.

With regard to Application No. 18-001, SEQR review indicates the Action under consideration is an Unlisted Action as per Section 617.7(c)(1)(viii). The Henrietta Planning Board, as Lead Agency, has determined that the proposed Action described below will not have a significant effect on the environment and that a draft Environmental Impact Statement will not be required.

The Action under consideration is a site plan application by Benderson Development. It is an Unlisted Action and will not require a conditioned negative declaration. The purpose of this Application is for final site plan approval of a 16,738 S.F. retail building located at 100 Market Place Drive in a Commercial B-1 Zoned District. Tax Account No. 162.09-1-1.11.

All relevant areas of environmental concern were identified. Evaluation and examination were carefully made in relation of the existing conditions versus the proposed site improvements. It has been determined that there will be no adverse environmental effect as a result of the proposed Action.

Peter Minotti therefore made the motion that the Henrietta Planning Board make a Negative Declaration and authorize the Planning Board Chairman to sign the Statement of Environmental Significance. Lawrence Neill seconded the motion.

Duly put to a vote:

|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

A motion for final site plan approval was made and is subject to the Applicant addressing all comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning, and more specifically:

**PLANNING BOARD CONDITIONS:**

1. There are no conditions from the Henrietta Planning Board at this time.

**On the Motion of**  
James Grunert

**Seconded by**  
Stephen MacIntyre

Duly put to a vote:

|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

**DISCUSSION ITEM:** **Empire Fabricators** - Planning Board to consider granting a 6 month extension of time for Application No. 16-017 – Empire Fabricators located at 105 Saginaw Drive, in an Industrial Zoned District. Planning Board approval was granted previously at the January 24, 2017 Planning Board Meeting.

**Representing Applicant:** Michael Cusimano, Empire Fabricators

In regards to the above referenced application, the Henrietta Planning Board considered a 6 month extension of time for a 40,000 S.F. office/fabrication facility that had been previously approved on January 24, 2017. This extension will expire on July 25, 2018.

**On the Motion of**  
Lawrence Neill

**Seconded by**  
Patricia Brill

Duly put to a vote:

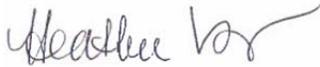
|                         |        |     |
|-------------------------|--------|-----|
| Douglas Rivers          | voting | Aye |
| Matthew Borkowski       | voting | Aye |
| Patricia Brill          | voting | Aye |
| James Grunert           | voting | Aye |
| Stephen R. MacIntyre    | voting | Aye |
| Lawrence Neill          | voting | Aye |
| Peter Minotti, Chairman | voting | Aye |

**Motion Carried**

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A motion to adjourn was made by James Grunert and passed unanimously at 8:30 p.m.

Respectfully submitted,



Heather Voss  
Deputy Town Clerk

February 22, 2018

Mr. Christopher Martin, P.E., Town Engineer  
Town of Henrietta  
475 Calkins Road  
Henrietta, New York 14467

Subj: Market Commons Plaza – Parking Study  
File: 1743.002.001

Dear Mr. Martin: *Chris*

As requested, Barton & Loguidice, D.P.C. (B&L) reviewed the *Shared Parking Study – Market Commons Plaza*, which was submitted to the Town by Benderson Development in a report dated August 29, 2017. Based on our review and field observations we offer the following:

- We conducted observations at various times and days during the month of February 2018 to review traffic operations in the parking lot and the parking lot usage. We did not observe any parking or traffic issues during the periods observed, but did observe the parking demand to be heavy in the center portion of the site (restaurants and retail).
- There are discrepancies in the report as to the current number of actual parking spaces. The report indicates the number of actual spaces as 639, 647, and 649, depending on which number is used impacts the percentages they used in the report for spaces utilized
- Based on the parking occupancy survey conducted at different times of the year, we would concur that the existing number of parking spaces in this multi-use development's parking lots are greater than the peak parking demand. However, it should be noted that there were a few times during the occupancy survey when the demand in either lot 1 (northerly lot) or lot 2 (southerly – LA Fitness lot) was over 70% occupied, however the peaks in the lots did not coincide with each other and combined Market Commons maximum peak parking was 61% of the code required parking and 63% of the actual parking spaces.
- For full development (i.e., existing development including built but vacant restaurants plus the proposed 16,783 sf retail addition), the report utilized the maximum peak parking demand (405 spaces) + a 10% contingency + code required parking for vacant and proposed development. This resulted in a need for 647 spaces, which is slightly less than Benderson is saying exists now, therefore indicating that the existing number of spaces would be adequate for full development. A few issues to be mindful of:



Mr. Christopher Martin, P.E., Town Engineer  
Town of Henrietta  
February 22, 2018  
Page 2



- 1) The overall site is quite large and where the parking is available may not always be convenient to the building needing parking;
  - 2) During the winter some spaces are lost due to snow storage; and
  - 3) Since restaurant use demands more parking than retail, it is important that the building use not be allowed to change without a review of the impacts such may have on the parking needs.
- Based on utilizing the code required parking for the new development (for a multi-use site such as exists here, the code parking may be higher than needed) we concur that based on their analysis that the proposed number of parking spaces will be adequate for the full development.
  - We did not observe any pedestrian issues involving patrons parking south of the center restaurants and walking to Smashburger's, etc. However, we understand some Town officials have witnessed such and based on the high demand for parking near these restaurants we could see that being an issue. Based on such, we recommend that a condition be placed on the developer that if internal traffic problems develop, they will review and recommend mitigating measures that they would implement to address the issues. Possible improvements could include: modifying the driving lane / parking lot south of Smashburger, Core Salad to create some pedestrian space, crosswalks, etc. for pedestrians using the LA Fitness lot to frequent the restaurants, or modify the lot to add parking adjacent to the south side of the building for the restaurants.

Thank you for the opportunity to provide our services to the Town. If you have any questions on our findings or want to meet to discuss, please call me at (585)-325-7190 ext. 2219.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in black ink, appearing to read 'Terrance J Rice', is written over the typed name.

Terrance J Rice, P.E.  
Sr. Managing Engineer

TJR/jjb

cc: Matthew Schooley, Principal – B&L  
Jonathan Walczak, Sr. Project Engineer – B&L



**TOWN OF HENRIETTA**

County of Monroe • State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 • www.henrietta.org

STEPHEN L. SCHULTZ  
Supervisor

PETER C. MINOTTI  
Deputy Town Supervisor

M. RICK PAGE  
SCOTT M. ADAIR  
ROBERT BARLEY JR.  
MICHAEL J. STAFFORD  
Council Members

**PUBLIC HEARING**

A Public Hearing will be held before the Henrietta Planning Board on Tuesday, February 27, 2018 at 7:00 P.M., at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, NY 14467 for the purpose of hearing any comments with regard to the following Applications:

**Application No. PB-316 East River Professional Park** – For preliminary subdivision approval of a 6 lot re-subdivision of an office park on 8 acres located at 250 Lucius Gordon Drive in an Industrial Zoned District. Tax Account No. 174.02-1-37.12.

The public is cordially invited to attend and be heard.

PLEASE PUBLISH:  
Monroe County Post  
ISSUE: 02/15/2018

AFFIDAVIT OF POSTING

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss:

Heather Voss, being duly sworn, deposes and says that:

1. I am employed by the Town of Henrietta as Deputy Town Clerk.

2. On February 15, 2018, I duly posted notice relating to

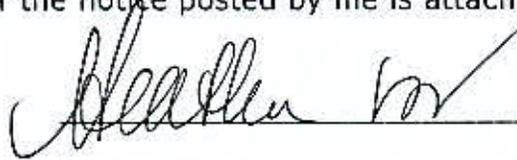
Planning Board Public Hearing for East River Prof. Park  
at the following location(s):

a. Town Clerk's Bulletin Board

b. \_\_\_\_\_

c. \_\_\_\_\_

3. A true and accurate copy of the notice posted by me is attached hereto.

  
\_\_\_\_\_

Sworn to before me this  
15<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Notary Public

JENNIFER L. MIRANDA  
NOTARY PUBLIC, State of New York  
Monroe County, No. 01MI6329884  
Commission Expires 08/31/2019