PLANNING BOARD
MEETING MINUTES
APRIL 12, 2018
The Planning Board held a meeting at 6:30 PM local time Thursday, April 12, 2018 in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it. The Board then held a public hearing meeting at 7:00 PM to hear new applications.

I. **CALL TO ORDER:**

   PRESENT:          Allyn Hetzke, Jr.
                     Bill Bastian
                     Jim Burton
                     Terry Tydings

   ABSENT:           Bob Kanauer

   ALSO PRESENT:     Zach Nersinger, Town Planner
                     Mike O’Connor, Assistant Town Engineer
                     Doug Sangster, Junior Planner
                     Pete Weishaar, Planning Board Attorney
                     Alison Sublett, Board Secretary

II. **APPROVAL OF MINUTES:**

   The board voted and APPROVED the draft meeting minutes for March 8, 2018.

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

   Motion was carried.

   The board voted and APPROVED the draft meeting minutes for March 22, 2018.

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

   Motion was carried.
III. PUBLIC HEARING APPLICATIONS:

1. Costich Engineering, 217 Lake Avenue, Rochester, NY 14608, on behalf of Atlantic 250 LLC, requests an informal discussion before the board with plans for a mixed use development project with associated site improvements on a total of 97 +/- acres at 1255 Penfield Center Road, 1600, 1611, 1615, 1643, 1657 Fairport Nine Mile Point Road, and 3278 Atlantic Avenue. The properties are now or formerly owned by Atlantic 250 LLC and Gary and Stephanie Craft and zoned MUD. Application #18P-0014, SBL #'s 110.03-1.4.206, 110.03-1-4.215, 110.03-1-4.212, 110.03-1-4.205, 110.03-1-25.2, 110.03-1-25.1, 110.03-1-24.

Ralph DiTucci presented the application to the Board. Also present were Mark Costich of Costich Engineering, Bill Price of SWBR, David Hanlon of Hanlon Architects, and Jerry Goldman of Woods, Oviatt, and Gilman.

- Mr. DiTucci explained he is working with Morgan Management to develop this project.
- Mr. DiTucci gave a brief history of the rezoning of the project site to MUD, which dated back to the adoption of the Town of Penfield 2010 Comprehensive Plan, as mixed use development was a recommendation of the committee that created the plan.
- The proposed plan had evolved from previous versions to accommodate the most recent market projections for demands in housing and commercial uses.
- The submitted plan followed the design criteria outlined in the Mixed Use Development Manual. This included complete streets to connect residences to market needs and amenities.
- The residential areas were designed to be pocket neighborhoods with the most densely populated units, being apartment buildings, in the center of each pocket and surrounded by single family and townhouse units. The pocket neighborhoods had connecting streets and pathways that accessed the greater development area. A shuttle service for the residents was planned to be offered to take them to off-site as well.
- The fronts of the residences were proposed to face the streets and sidewalks.
- The centralized community area was proposed with amenities for the residences as well as mixed use buildings and a large, park-like, open space area that were accessible to the general public.
- Approximately 37% of the total development area on the west side of Fairport Nine Mile Point Road was green space and included linear parks along the main roads.
- The development near Penfield Center Road was limited to residential uses and incorporated a stormwater management area as well as the required 100 foot buffer to the adjacent residential zoning district.
- The project exceeded the minimum requirements for green space and the building heights were proposed to be below the thresholds.
- The Zone A commercial area was proposed to have a single-story medical office building with multiple exterior access points. The remaining commercial buildings were anticipated to be a combination of office space, service oriented retail, and similar commercial uses.
- The 25 acre site to the east of Fairport Nine Mile Point Road was proposed to have a similar design for residential units surrounding a community center. The required
public green spaces and buffer areas for neighboring residential zoned areas were also provided.

- The taller buildings were proposed to be placed on the existing lower grades on the project sites to minimize impacts to viewsheds from neighboring properties surrounding the site.
- Residential units range from single family residences to four-unit townhomes that would be a combination of single or two-story residences with architecture to match or complement the area. They proposed to use a variety of building materials to give the buildings individual character.

- The apartment buildings were proposed to have single-story garages on one side of the building and three stories of residential units. Some detached garage units were proposed in order to meet the Town Code requirement for enclosed garages for each residents.
- The developers had been working on the property for eight (8) years and had conducted much of the geotechnical and environmental testing required for the Preliminary/Final application.
- A market feasibility study was underway that showed an increase in the demand for rental dwellings. Mr. DiTucci explained providing for the market demands allowed more residents to remain in Penfield rather than search elsewhere for their changing needs in living arrangements as well as attract new residents to the area.

Mark Costich, Costich Engineering, presented the technical aspects of the application to the Board.

- The plan proposed to make minimal changes to the natural features, including grade changes and undulation of the site as well as several watershed.
- No Federal wetlands were present on the project site and any possible State wetlands would be on the easternmost portion of the smaller site where no development was proposed.
- Test pits were conducted to develop conceptual plans.
- Approximately 85% of the site was former croplands or abandoned orchards, which minimized the clearing of the site.
- The designated EPODs were proposed to remain undisturbed.
- Environmental studies were underway, the area was not archaeologically sensitive.
- SRF Associates had been in contact with the town and the State Department of Transportation to obtain scoping for a traffic study. The study would investigate six (6) area intersections and investigate proposed intersections for turning lanes and possible signalization.
- SRF Associates would also conduct a parking needs study as the developers goal was to encourage shared parking and reduce the number of parking areas.
- Complete street policies were being incorporated into the roadway designs to encourage multi-modal travel.
- The sanitary sewer would be directed to a drainage basin area off-site that required correcting to allow proper flow. The developer has agreed to correct the insufficiencies to the existing sewer lines to be accessed for their site.
• The stormwater management areas on the plan reflected existing drainage patterns. Flow reduction and water quality enhancements were planned to control stormwater on site.
• The lighting plan would be dark-sky compliant and complement the architecture.

Bill Price, of SWBR, presented the landscape plan to the Board.
• Mr. Price explained the landscape plans were still conceptual and the plan would conform to the Mixed Use Development Manual.
• A portion of the orchard was proposed to remain in the buffer area along the border of Penfield Center Road.
• The large open space in the center of the main development area was proposed to have recreational courts and other outdoor activities. A possible amphitheater configuration was proposed with a pavilion along one side of the area. The proposed community center was located adjacent to this area as well.
• The development on the east side of Fairport Nine Mile Point Road was also proposed to have a community center but could access the main parcel with the larger parks and community center.
• The proposed linear parks along the perimeter of the properties were proposed to have trails that connected to sidewalks.
• The fronts of the residences were proposed to face the public roads and walkways with alley systems on the rear of the buildings for garage and parking access. The sidewalks along the proposed fronts of the residences would connect to the trail systems.
• The single family residences and townhomes were proposed to have private outdoor spaces with individual landscape plans.
• The outdoor parking areas were limited as the majority of the residential parking was proposed to be located in garages.
• The formal landscape plan was still in the development phase and would include planting schedules for year-round interest as well as lighting and directional signage.

David Hanlon, Hanlon Architects, presented the concepts for the proposed building designs.
• Mr. Hanlon focused his presentation on the proposed community center and adjacent mixed use buildings. These buildings were proposed to be closer to the street with small footprints and multiple stories. Commercial uses were proposed for the ground floors and residential use on the upper floors.
• Parking for the community area was proposed to be located behind the structures, away from the road. Sidewalks converged at the community center to facilitate access from other areas of the development.
• The architectural plans were still in the development phase and were planned to complement the existing rural and residential structures in the area.

Jerry Goldman, Woods, Oviatt, Gilman, addressed the Board regarding the proposed uses of the properties.
• Mr. Goldman explained the proposed plan was compliant with the zoning and the Town’s Mixed Use Development Manual.
• The applicant was prepared to address all Project Review Committee (PRC) comments as well as comments from the Board and public in their next application.

Board Questions:
• Board member Burton asked what the intention for development phasing was for the project. Mr. DiTucci explained they anticipated a five (5) to six (6) year time frame for development of the property on the west side of Fairport Nine Mile Point Road and one (1) to two (2) years for the property on the east side of the road.
• Board member Burton asked how crucial for the development was the plan to incorporate the property on the east side of the road into the development. Mr. DiTucci explained it was a priority to create enough residential activity to support the commercial portions of the project. He added that market conditions may change and the future phases may be adjusted accordingly.
• Board member Burton asked if the arterial roads were proposed to be dedicated to The Town. Mr. Costich answered the main spine that traveled north and south and the entrance road from Fairport Nine Mile Point Road were proposed to be dedicated along with utilities on those roads. The residential neighborhood streets were not proposed to be dedicated to The Town.
• Board member Burton asked if the proposed community building was a clubhouse or was it open to the general public. Mr. DiTucci explained the community building was intended to be an amenity for the on-site residences but areas could be available for outside groups to rent. The open spaces and mixed use buildings were proposed to be accessible to the general public.
• Chairman Hetzke asked for an explanation of the proposed project and how it was a mixed use plan. Mr. Goldman explained the diversity in housing options and possible commercial uses. Mr. DiTucci added the proposed plan complied with the Mixed Use Development Manual and the ten (10) principles of Mixed Use as defined by that manual were addressed in their Letter of Intent that was submitted with this application.
• Chairman Hetzke asked for a description of uses in the Zone A portion of the project. Mr. DiTucci explained the largest proposed commercial building was planned to house medical offices with multiple tenants. Other commercial uses would include personal services retail such as dry cleaners, salon services, bike repair shops, and coffee shops, which utilized smaller tenant spaces. Mr. DiTucci stated they could add residential apartments to the commercial buildings as requested in the PRC’s memo.
• Chairman Hetzke asked what percentage of residents on the site would likely work there versus those travelling off-site for employment. Mr. DiTucci explained it was not possible to give an answer, however, the intended designs of the dwelling units allowed for home offices and the commercial tenants would be businesses that residents could be employed at so they could walk or bicycle to their jobs. Mr. Goldman informed the board more people were working from home and telecommuting.
• Board member Bastian asked if all of the proposed open spaces were available to the general public. Mr. DiTucci answered all of the open space was available to the general public except private residential yards.
• Board member Bastian asked for clarification of the 37% green space for the project. Mr. DiTucci explained that was mainly in Zone B, where the large park was proposed to be located adjacent to the community center, there was 78% of open space in Zone
C, and 28% in Zone A, all of which exceed the minimum requirement for green space in those zones.

- Board member Bastian asked how the open spaces were proposed to be maintained. Mr. DiTucci answered they would be maintained by a private management company.
- Board member Tydings asked if any of the participants of this project were involved in similar mixed use projects in the area. Mr. DiTucci was not aware of any similar projects being planned by members of this proposal.

Public Comments:

- Jeff Burns, 39 Scarborough Park, expressed concerns with traffic and possible impacts to Webster public schools. He was also concerned the availability of public utilities would allow denser development on the east side of the Town.
- Jim Laudani, 1161 Fairport Nine Mile Point Road, was supportive of the project but was concerned with the possible commercial tenants and how they would impact the surrounding area. He submitted further comments in writing to the Board.
- Salvatore Centanni, 1256 Penfield Center Road, expressed concerns regarding the proposed access road on Penfield Center Road and impacts to traffic.
- Dolores Federation, 3147 Atlantic Avenue, expressed concerns regarding traffic and possible site distance issues due to the grade of Atlantic Avenue in that area. She also expressed concerns regarding new residents putting a strain on public resources such as sports fields.
- Bryan Jones, 4 Jomanda Way, expressed concerns regarding the density of the project and market demand of rental units.
- George Corbett, 1 Renwick Run, expressed concerns regarding the proposed access road at Penfield Center Road and future impacts to traffic. He was also concerned with the proposed height of the buildings and impacts of rental properties to his neighborhood.
- Barbara Konish-Corbett, 1 Renwick Run, expressed concerns with possible changes to later phases of the proposed development and how that could impact her property values as well as impacts to wildlife in the area. She was concerned the rental units and potential commercial uses could increase the local crime rate.
- Lindsey Jansen, 1580 Fairport Nine Mile Point Road, was not supportive of the project and expressed concerns regarding dense residential development and how it would impact traffic and public schools.
- Mel Callan, 1410 Harris Road, had concerns with the density of the residential and commercial development as well as possible impacts to Environmental Protection Overlay Districts (EPODs). She requested the applicant eliminate the proposed access to Penfield Center Road.
- Mike Falvo, 1215 Penfield Center Road, expressed concerns regarding the proposed access to Penfield Center Road and possible impacts of rental units to the area.

This concluded the public testimony.
The Board voted to TABLE its discussion of this matter until the April 26, 2018 work session meeting.

Vote: Moved by: Hetzke Seconded by: Burton

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

Motion was carried.

2. William Wickham, 1787 Fairport Nine Mile Point Road, Penfield, NY 14526 requests an informal discussion before the board with plans for a farm market operation with associated site improvements on a total of 53.8 +/- acres at 1303 and 1315 Sweets Corners Road and 1689 Dublin Road. The properties are now or formerly owned by William and Debbie Wickham and zoned MUD, RR-1, and RA-2. Application #18P-0017, SBL #’s 125.01-1-24, 125.01-1-22.1, and 125.01-1-21.

William Wickham presented the application to the Board, also present were Debbie and Kevin Wickham and Brendan Marks of Marks Engineering.

- Mr. Wickham explained their current farm was operated from two separate sites which they were proposing to consolidate as the property at 1821 Fairport Nine Mile Point Road was under contract for purchase with Home Leasing for mixed use development.
- The consolidation of their operation would allow for better management of the farm market as well as to offer a transition from the Mixed Use District to an agricultural use and the residential zoning.
- There were two (2) residential units, a single house, and an apartment, at 1303 Sweets Corners Road which was zoned MUD. Other elements of the farm market would be relocated to 1315 Sweets Corners Road (the adjacent property in the RA-2 zoning district).
- The project proposed to relocate a portion of the operations at 1821 Fairport Nine Mile Point Road to this site and proposed limited construction.
- The proposed farm market building and events barn were proposed to be similar to what existed at 1821 Fairport Nine Mile Point Road and additionally a food preparation and restroom building was proposed.
- The farm market building was intended to house the retail space as well as offices and the CSA pick-up area. The CSA would be in operation from June through October.
- Mr. Wickham explained the proposed activities areas and added features for the proposed project from their current operation.
- The campfire sites were intended as “home bases” for special groups visiting the site and not available for general use.
- Activities such as the apple cannon were temporary structures erected during the fall harvest season and allowed the business to make use of fallen apples not suitable for sale.
- The proposed hayride loop avoided the neighboring residential properties.
• Mr. Wickham explained the exterior of the buildings would be similar to their operation on Fairport Nine Mile Point Road with improved architectural features.
• The 175 parking spaced in a gravel lot were necessary for the CSA members and the U-Pick events. Overflow parking was available across the street and proposed to be located on a hay field so no development was proposed to that area.
• The lighting would be limited to the structures and as the business did not operate after dark.
• Mr. Wickham explained they had communicated with owners of neighboring properties directly or by offering informational sessions at their property to residents who received notification cards for the hearing. As a result, some evergreen trees may be planted along one property line abutting the neighbors at Edenfield Road and corn was likely to be grown along the remainder of the abutting area.

Brendan Marks, Marks Engineering, presented the engineering aspects of the project.
• Public utilities would include water service and sanitary sewers which were available and were planned to be connected to for the proposed buildings.
• A new stormwater management facility was proposed with a rain garden for the parking lot.
• The existing Federal wetlands on 1303 Sweet Corners Rd. were to remain undisturbed.

Board Questions:
• Chairman Hetzke asked if lighting was proposed for the parking lot and whether the lights would be automatically engaged by a sensor. Mr. Wickham explained the lights would be turned on when needed, which was usually during closing for staff safety.
• Chairman Hetzke asked for information regarding the Conservation Easement on the project site. Mr. Wickham explained he had spoken with the Town Board at their work sessions on December 15, 2017 and January 10, 2018. The Conservation Easement allowed for agricultural activities and associated development with regards to structures. The proposed “fringe” recreational uses were proposed to be located in the MUD zoned property and avoided the easement area. The recreational uses proposed in the easement area were also permitted under State Ag & Markets Law 301. He was confident proposed uses were in compliance with the Easement.
• Chairman Hetzke asked if any variances were required for the project. Mr. Wickham answered no variances were required.

Public Comments:
• Kevin Gallagher, 1973 Dublin Road, was not supportive of the project and expressed concerns regarding traffic, noise and odor impacts. He also stated he felt it was not in compliance with the Conservation Easement.
• Dave Woodward, 1530 Harris Road, was supportive of the proposed project and the Wickham family.
• Rick Johnson, 1945 Dublin Road, asked if rezoning was required for the proposed project and how the proposed uses were in compliance with the current zoning. He was concerned about Town Board approval for the proposed use with regard to the conservation easement. Mr. Nersinger explained the review process for the Town Board and the Planning Board regarding the Conservation Easement. He added that
the Town Board, at its January 10th meeting, made a determination that the proposed uses did not violate the terms of the Easement.

- Sebastian Curatolo, 1810 Fairport Nine Point Road, was supportive of the project as it was consistent with the agricultural uses in the area and preserved agricultural.

This concluded the public testimony.

The Board voted to TABLE its discussion of this matter until the April 26, 2018 work session meeting.

Vote: Moved by: Hetzke Seconded by: Burton

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

Motion was carried.

3. T.Y. Lin International, 255 East Avenue, Rochester, NY 14604, on behalf of Ronald A. Wilbert, requests under Chapter 250, Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval to allow for the expansion of the vehicle storage area with associated site improvements on a 17.94 +/- acre property located at 1272 Salt Road and a portion of the 44.8 +/- acre property located at 1251 Salt Road. The properties are now or formerly owned by Wilbert’s Automotive LLC and Ronald A. Wilbert and zoned RA-2. Application #18P-0015, SBL #095.04-2-2.1 and 095.02-2-5.

*Board member Burton recused himself from this application.*

Robert Kieffer, T.Y. Lin International, presented the application to the Board.

- The project proposed to expand the vehicle storage area that included modifications to the drainage plan.
- The applicant planned to conduct a stormwater management plan that was consistent with the Department of Environmental Conservation’s standards. Existing drainage patterns direct water north and south along the property line in the proposed development area.
- The storage area was proposed to be crushed stone to match the existing vehicle storage area.
- An expansion to the paved customer parking lot with a separate access point for a tractor trailer vehicle and new lighting was included in the plan. Approximately 24 parking spaces along Salt Road were proposed to be removed and landscaping was to be installed in that area.
- Monroe County and PRC comments were received, the applicant had no concerns and planned to address these comments.
- No building improvements were proposed to the existing facility.
- The existing ten (10) foot high fence was proposed to be expanded to enclose the proposed storage area.
Board Questions:

- Board member Bastian asked if an application had been made to the Zoning Board of Appeals (ZBA) for the Expansion to a Non-Conforming Use as one of their factors for consideration was the benefit for the community by the proposed action. Mr. Kieffer explained they had not made their application to the ZBA as of yet but felt a benefit for the community was the high demand for recycled automobile parts, as well as the enhancement to Salt Road by removing the parking spaces and creating a place for the tractor-trailer vehicle to move within the site as it was currently obstructing a portion of Salt Road when on-site.

- Board member Bastian asked if lighting was proposed to be added. Mr. Kieffer informed the Board lighting was proposed to be added to the paved parking lot, the existing lights were proposed to be removed and dark-sky compliant lighting on shorter poles would be installed. The lights would be turned off following employee departure.

- Board member Bastian asked if the fence was solid. Mr. Kieffer answered the fence was solid and aided in preventing trespassers.

- Board member Bastian asked what security measures were in place for the site. Mr. Kieffer answered the existing fencing was for security but did not know with certainty if there was a guard, but there were building-mounted security lights.

- Board member Tydings asked how many variances were necessary from the ZBA for the project. Mr. Kieffer explained an Expansion to the Pre-Existing, Non-Conforming Use was required.

- Board member Tydings asked if landscaping was planned to be added along Salt Road. Mr. Kieffer answered landscaping was proposed to replace the parking spot along Salt Road and the entrances to the site were also proposed to be defined. He added only a few parking spaces along Salt Road were proposed to remain as they were conveniently located adjacent to the entrance of the existing building for ADA compliant parking.

Public Comments:

- Jim Rolph, 1250 Salt Road, had questions regarding the site plan in relation to his property.

Applicant Responses:

- Mr. Kieffer explained for Mr. Rolph the property to the north (1251 Salt Road) was proposed to be developed for the stormwater management area.

This concluded the public testimony.

The Board voted to TABLE its discussion of this matter until the April 26, 2018 work session meeting.

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

Motion was carried.

*Following this action Board member Bastian left the hearing.*
4. LandTech Surveying and Planning, PLLC, 710 Latta Road, Rochester, NY 14612, on behalf of Pitero and Kristie Furgiuele, 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 to allow for a three (3) lot subdivision for the development of a customary agricultural operation with associated site improvements on a 28.85 +/- acre property located at 1921 Harris Road. The property is now or formerly owned by Filipo and Maria Pino and zoned RA-2. Application #18P-0010, SBL #125.04-4-1.102.

Pietro Furgiuele presented the application to the Board.

- The property had a row of spruce trees along the north side of where the gravel access drive was proposed to be located and forested along the north and east property borders.
- Past the proposed driveway the remainder of the property sloped down and directed drainage toward Commission Ditch.
- Mr. Furgiuele and his family planned to build a residence on the proposed two (2) +/- acre property and a pole barn was proposed to be constructed on the seven (7) +/- acre parcel for a customary agricultural use. The driveway was proposed to be shared by both parcels.
- Due to the existing topography of the area, the proposed barn and residence would not be very visible from Harris Road.
- No trees were proposed to be removed for the development of the site, rather more trees were planned to be planted.
- Responses to PRC and Monroe County comments were addressed.

Board Questions:
- Board member Tydings asked about the applicant’s meeting with the Town Fire Marshal regarding the possible requirement for a fire hydrant. Mr. Furgiuele had met with the Fire Marshal and addressed his comments to make the plan in compliance with those requirements.
- Board member Tydings asked if the pole barn or the house was planned to be constructed first. Mr. Furgiuele explained he was seeking site plan approval for the seven (7) acre parcel with the pole barn and would apply for Administrative Review for the single family residence at a later date.

Public Comments:
*No comments from the public.*

Board Deliberations:
- Mr. Nersinger reviewed with the Board the details of the site plan and subdivision. The applicant could not provide a site plan for the proposed residence on the smaller lot as the weather had not allowed a perc test be conducted, and approval of an administrative site plan would be required at a later date.
- The Board had no concerns with the proposed project and concluded its review.
The Board voted and APPROVED the Short EAF.

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

Motion was carried.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

5. Marathon Engineering, 239 Cascade Drive, Rochester, NY 14614, on behalf of Pellittiere & Jonsson, PLLC, requests under Chapter 250 Articles VI-6.1 and XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan and EPOD Permit approval to allow for the construction of a professional office building with associated site improvements on a 0.75 +/- acre property located at 2316 Fairport Nine Mile Point Road. The property is now or formerly owned by 2316 Nine Mile Point LLC and zoned BN-R. Application #18P-0012, SBL #140.01-2-62.

Eric Schaaf, Marathon Engineering, presented the application to the Board. Also present was Gabe Antenucci, LaBella Associates, and Timothy Pellittiere of 2316 Nine Mile Point LLC.

- Mr. Schaaf explained the existing conditions of the property that was sloped to the east and had a sanitary sewer easement running north and south, and a Watercourse EPOD buffer area at the rear of the property.
- Mr. Pellittiere explained he and his wife operate a law office in the Pen-Fair office park and rent space to another attorney and employ six (6) part-time employees. They purchased the property to expand their practice in the same area for their clients.
- Mr. Pellittiere explained the proposed building footprint had been reduced from 5,000 square feet to 3,600 square feet in response to the Sketch Letter issued by the Board on September 27, 2017.
- Mr. Pellittiere stated approximately 55% percent of the property was proposed to be green space and the setback of the building was proposed to be 40 feet from the front property line.
- Mr. Pellittiere explained that due to the topography and existing neighboring buildings it was not possible to increase the proposed side setback on the south side more than ten (10) feet.
- A variance for parking was required for the number of parking spaces.
The proposed use of the property was not a high traffic generating business and all employees were part-time. No more than nine (9) cars occupied their current parking lot during business hours.

Mr. Pellittiere planned to lease the first (middle) floor of the building to a similar type of business, such as an insurance office, with a low parking demand.

Mr. Antenucci explained the proposed building design which was proposed to be wood framed with a full sprinkler system. The exterior was proposed to be a combination of standard vinyl siding and vinyl cedar shingle-style siding with cultured stone. Proposed colors were not finalized, however, the style would fit with the surrounding mix of commercial and residential structures.

The building footprint was proposed to be 60’x 60’, each floor 2,600 square feet in size.

Mr. Antenucci explained the entrance was on the east side of the building at the basement (lower) level, which was adjacent to the parking lot. A small lobby leading to the elevator and stairs was proposed for this area.

The first (middle) floor was proposed to be leased to a tenant, the second (upper) floor was proposed to contain a conference rooms and multiple offices as well as a break room, restroom and reception area for the applicant’s business.

Mr. Antenucci explained the height of the building was 36 feet tall at the peak from the front of the site, and 47 feet tall from the rear parking lot. He added they may be able to lower the roof slope if required. Mr. Nersinger explained the town would determine the height of the building based on the State Building Code.

Mr. Antenucci displayed a sample of the proposed cultured stone for the exterior and explained other samples could be brought in for the Board’s consideration at a later meeting.

Mr. Schaaf explained the technical aspects of the project to include stormwater runoff, which would be collected into a detention basin at the rear of the property.

Building-mounted lights were proposed, as required by the Building Code and one light pole was proposed for the parking lot which would all be dark-sky compliant.

Mr. Schaaf explained hours of operation were approximately 8:00 AM to 5:00 PM, as typical for this type of business.

A new sidewalk was proposed along the front of the property for future connection to existing sidewalks.

An EPOD Permit was requested as the stormwater detention area and a portion of the parking lot were proposed to be located in a 75 buffer area to a watercourse. The Stormwater Management Plan would ensure there be no deleterious effect to the creek.

Board Questions:

Board member Burton asked if the applicant was amenable to designating the basement (lower) level floor as not to be occupied as the space was quite large and additional tenants would affect the parking demand. Mr. Pellitiere explained the space was largely underground and he planned to utilize it for mechanical and office storage and agreed he would not lease the space without future approval from the Town.

Board member Tydings asked how many variances were required for the project. Mr. Schaaf explained they had applied with the ZBA for four variances to include the number of parking spaces. He added the front setback was proposed to be 32 feet and required an eighteen (18) foot variance, the foundation wall was actually 40 feet from
the front property line. A variance for the side setback of ten (10) feet was required as well as a variance for building height. Mr. Nersinger informed the Board that staff had determined the required variances as follows: 1.9 feet for building height and two (2) parking spaces as well as the setback variances detailed by Mr. Schaaf.

Public Comments:
- Michael Montemaro, 54 South Village Trail, was concerned with the public notification process for this application as he did not receive a mailed notification. He also had concerns with how the proposed building would affect his viewshed and asked that a landscape buffer be added to the rear property line.
- Paula Mencucci on behalf of her grandmother, Frances Monachino, 2324 Fairport Nine Mile Point Road, expressed concerns with increased traffic and the proposed ten (10) foot side setback along the property line adjacent to her family’s property and how this could affect their ability to redevelop their property. She also had concerns with drainage with the creation of the parking lot.

This concluded the public testimony.

The Board voted to TABLE its discussion of this matter until the April 26, 2018 work session meeting.

Vote: Moved by: Hetzke Seconded by: Burton
Chairperson: Hetzke - Aye Bastian - Absent Burton - Aye
Kanauer - Absent Tydings - Aye
Motion was carried.

6. Meagher Engineering, P.O. Box 76, Victor, NY 14564, on behalf of Terence and Lindsay Williams 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 to allow for a two (2) lot subdivision and to construct a single family residence with detached garage on a 2.2 +/- acre property located at 2035 Five Mile Line Road. The property is now or formerly owned by Heritage Christian Services and zoned R-1-15. Application #18P-0013, SBL #124.18-1-84.2.

Terry Williams presented the application to the Board.

- The lot was proposed to be subdivided and sold to the Williams as Heritage Christian Services did not have a use for the undeveloped portion of the property.
- Both the proposed single family residence and detached garage were proposed to be approximately 2,000 square feet.
- No variances were required for the proposed project.
- The driveway was accessed from Five Mile Line Road.
Board Questions:
- Board member Tydings asked which direction the front of the structures would face. Mr. Williams answered both the garage and house would face Five Mile Line Road.
- Board member Tydings asked when construction was planned to take place. Mr. and Mrs. Williams proposed to purchase the subdivided land and build their home in approximately two (2) years.

Public Comments:
- Jay Woychick, 12 Chantilly Lane, had concerns with the use of the proposed garage as it was substantial in size. He also requested no construction access be created along Chantilly Lane as it was a private road.

Applicant Responses:
- Mr. Williams addressed Mr. Woychick’s questions by explaining he owned a number of antique vehicles that he wished to store in the garage and assured the Board the site was proposed to be accessed from Five Mile Line Road by construction vehicles.

Board Deliberations:
- Mr. Nersinger reviewed the site plan with the board. No access was allowed to Chantilly Lane and no construction vehicles were permitted on the private road during construction.
- Board member Tydings asked if the PRC comments had been addressed by the applicant. Mr. Nersinger informed the Board the applicant was working on addressing PRC comments, which were all technical in nature and could be resolved by staff during the pre-mylar phase.
- The Board had no concerns with the proposed project and concluded its review.

The Board voted and APPROVED the Short EAF

Vote: Moved by:  Tydings  Seconded by:  Burton
Chairperson: Hetzke - Aye  Bastian - Absent  Burton - Aye  Kanauer - Absent  Tydings - Aye
Motion was carried.

The Board voted and APPROVED the application with conditions.

Vote: Moved by:  Tydings  Seconded by:  Burton
Chairperson: Hetzke - Aye  Bastian - Absent  Burton - Aye  Kanauer - Absent  Tydings - Aye
Motion was carried.
7. Pinewoods Engineering, P.C., 42 Aston Villa, North Chili, NY 14514, on behalf of Mary Wynne, requests under Chapter 250, Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval to allow for the construction of twelve (12) garage units with associated site improvements on a 1.02 +/- acre property located at 2567 Browncroft Boulevard. The property is now or formerly owned by Mary and Robert Wynne and the Wynne Family Wealth Trust and zoned R-1-20. Application #18P-0016, SBL #123.08-1-30.

Sara Gilbert, Pinewoods Engineering, presented the application to the Board. Also present were Mary and Robert Wynne.

- The existing 5,000 square foot historic home built in approximately 1830 and was most recently used as a two-family residence with a gravel driveway.
- The owners proposed to remodel the interior to create twelve (12) apartments. Two (2) apartments were planned to have separate bedrooms and the remaining would be studio apartments. Designed for high-end, short-term residential use.
- The Wynne family operate similar types of rental businesses in other areas of the country.
- The tenants would typically be graduate students and professionals on contract jobs that require temporary housing.
- Several of the units were planned to have washers and dryers and shared facilities would be provided for the remaining residents.
- The house had multiple exterior entrances. Currently, five (5) units would have private entrances and the remaining units would be accessed by a central foyer.
- The project proposed a nine (9) bay garage and a three (3) bay garage (which was proposed to replace the existing carport). Six (6) paved parking spaces were also proposed on the site. The entire driveway and parking areas were proposed to be paved.
- Sidewalks were proposed to allow access from the parking area to the entrances.
- An infiltration basin was proposed on the northeast side of the property.
- A berm was proposed on the rear property line with arbor vitae to screen the movement of vehicles from residential neighbors.
- The Town Historic Board approved the proposal to restore the exterior and improved exterior doors and windows.
- The proposed project required a Special Use Permit from the Town Board for a multi-tenant residential use. The Town Board met with the applicants at a work session and was supportive of the proposed use.
- Upon meeting with Town staff, a paved emergency vehicle turning area was added to the site plan.
- The applicant had no concerns with responding to PRC and County comments.

Board Questions:
- Chairman Hetzke asked what outdoor lighting was proposed for the site. Ms. Gilbert answered motion detecting lights were proposed for the garages and would be residential in nature.
Chairman Hetzke asked about the design for the proposed garages. Ms. Wynne explained they had met with Town and State officials regarding the architecture and were seeking National and State Landmark status for the residence. The exterior of the residence was proposed to be restored but not altered and the interior required no structural changes for the proposed use. The proposed garages would be similar in style to the existing architecture on the property.

Board member Tydings asked what the prior use of the property was. Ms. Wynne explained the property was a three-family apartment which was converted to a two-family residence prior to them purchasing it.

Board member Burton asked if a planting schedule would be provided for the proposed berm plantings. Ms. Wynne explained they considered purchasing 30 arbor vitaes that were approximately eight (8) feet tall and would confirm they would be suitable for the environment.

Public Comments:
- Bill Heagney, 92 Ross Brook Drive, was supportive of the restoration of the structures but was concerned with the proposed density of the proposed use and its impacts to traffic and the existing zoning.
- Eric Leinenbach, 76 Ross Brook Drive, expressed concerns regarding the proposed site plan and use. He was concerned with impacts to the drainage and his views of the rear of the proposed garage structures as well as impacts to the character of the neighborhood.

Applicant Responses:
- Ms. Wynne explained the property was poorly maintained prior to their purchase and it was purchased in order to protect the interests of the neighborhood as her family resided next door. She informed the Board that their policy was to lease the spaces to single tenants with no children or pets, the tenants don’t bring any furniture or a partner and overnight guests must get their approval. Most of their business was located in another state where they had been operating successfully under the same policies.

This concluded the public testimony.

The Board voted to TABLE its discussion of this matter until the April 26, 2018 work session meeting.

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

Motion was carried.
IV. **TABLED APPLICATIONS:**

1. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614 / Midlakes Management, LLC, requests under Chapter 250 Articles VI-6.1, XI-12.2 and XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan, Subdivision, and EPOD Permit approval under Town Law 278 for the construction of 33 townhomes with associated site improvements on 32.67 +/- acres. The parcels are located at 1185 Empire Boulevard, 1211 Empire Boulevard, and 41 Woodhaven Drive. The properties are now or formerly owned by Howitt-Bayview, LLC and are zoned LLD and R-1-20. Application #16P-0004. SBL # 108.05-2-8.5., 108.05-2-8.33, and 108.10-1-1.111.

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

2. LandTech Surveying and Planning, PLLC, 710 Latta Road, Rochester, NY 14612, on behalf of Penfield Creek Street LLC, requests under Chapter 250 Articles VI-6.1, XI-11.2, and XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision, site Plan, and EPOD Permit approval for a seventeen (17) lot residential subdivision for sixteen (16) new single family homes with associated site improvements on a 16.63 +/- acre property located at 1698 Creek Street to known as the Capstone subdivision. The property is now or formerly owned by Penfield Creek Street LLC and zoned R-1-20. Application #18P-0007, SBL #108.19-1-50.1.

   - Mr. Nersinger informed the Board the applicant had submitted updated site plans addressing the PRC memo. A tree survey was also submitted. The revised site plans and grading plans show improved grading to allow room for future accessory structures in the proposed backyards. An approximate 50 +/- foot buffer of trees was proposed to remain along the rear property lines on the south lots.
   - The Board had no further concerns with this project and concluded its review.

The Board voted and APPROVED the Short EAF on March 22, 2018.

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<tr>
<th>Vote:</th>
<th>Moved by:</th>
<th>Burton</th>
<th>Seconded by:</th>
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<tr>
<td>Chairperson: Hetzke - Aye</td>
<td>Bastian - Aye</td>
<td>Burton - Aye</td>
<td>Kanauer - Absent</td>
<td>Tydings - Aye</td>
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Motion was carried.

The Board voted and APPROVED the application with conditions

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<tr>
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<td>Bastian - Aye</td>
<td>Burton - Aye</td>
<td>Kanauer - Absent</td>
<td>Tydings - Aye</td>
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Motion was carried.

*This action took place during the 6:30 PM work session when member Bastian was present.*
V. **ACTION ITEM:**

1. 2055 Fairport Nine Mile Point Road, retail store façade changes.

   - Mr. Nersinger reviewed the previous discussion that occurred March 22, 2018 regarding the request for building façade changes to a site plan for a retail building that was approved in 2010. The land-banked parking was proposed to be installed so the number of parking spaces on the site would remain unchanged once the building was constructed.
   - The Board invited Jeff LaDue of The DDS Companies to present material samples for the proposed façade.
   - The Board was supportive of the proposed façade design and materials.

   The Board voted and APPROVED the façade changes

   **Vote:**
   - Moved by: Tydings
   - Seconded by: Bastian

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

   Motion was carried.

   *This action took place during the 6:30 PM work session when member Bastian was present.*

VI. **NEW BUSINESS ITEMS:**

1. 2161 Fairport Nine Mile Point Road, Target façade changes

   - Mr. Nersinger informed the Board that Target proposed minor revisions to their façade changes that were approved by the board December 14, 2017. The original elevations proposed a gray EIFS finish that was eliminated on the updated elevations, submitted April 11, 2018, where earth-toned paint was proposed in the existing surface.
   - The Board was supportive of the proposed changes.

   The Board voted and APPROVED the façade changes

   **Vote:**
   - Moved by: Burton
   - Seconded by: Tydings

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

   Motion was carried.

   *This action took place during the 6:30 PM work session when member Bastian was present.*
2. 1955 Empire Boulevard, Wegman’s parking lot
   - Mr. Nersinger informed the Board the Eastway Wegman’s proposed to resurface their parking lot and submitted drawings and correspondence regarding their plan. No major changes were proposed, however, they proposed to improve the sidewalk area on the south entrance to the building.
   - The Board took no action on this item as the modifications were minor.

There being no further business to come before the Board, this meeting was adjourned at 11:39 PM.

These minutes were adopted by the Planning Board on May 10, 2018.