PLANNING BOARD
MEETING MINUTES
SEPTEMBER 06, 2018
The Planning Board held a meeting at 6:30 PM local time Thursday, September 6, 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  
Bob Kanauer

ABSENT: Terry Tydings

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

II. APPROVAL OF MINUTES:

The board voted and APPROVED the draft meeting minutes for August 9, 2018.

Vote: Moved by: Bastian  Seconded by: Burton

Chairperson: Hetzke – Aye  Bastian - Aye  Burton - Aye

Kanauer - Aye  Tydings - Absent

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. Passero Associates, 242 West Main Street, Rochester, NY 14614, on behalf of Penfield Veterinary Hospital, requests under Chapter 250, Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval to allow a building addition with associated site improvements on a 0.81 +/- acre property located at 1672 Penfield Road. The property is now or formerly owned by New Monroe Real Estate LLC and zoned LB. Application #18P-0028, SBL #139.05-1-57.

Dan Cox, Passero Associates., presented the application to the Board. Also present was Terry Wihlen of Penfield Veterinary Hospital.

- Penfield Veterinary Hospital proposed the building addition in order to improve the existing operation.
- Five (5) additional parking spaces were proposed as part of the project.
• The dumpster enclosure was proposed to be relocated to a more appropriate location.
• The proposed eight (8) foot fence was revised to be six (6) feet tall to comply with the Town Code.
• The site plan was modified in response to the Town Project Review Committee’s (PRC) request that the eastern entrance width be reduced to 24 feet.
• A drainage easement was delineated over the drainage ditch on the western portion of the property in response to PRC comments.
• All remaining PRC comments were addressed on the updated site plan.

Board Questions:
• Board member Kanauer asked if the hours of operation were proposed to change. Mr. Cox answered the hours were not proposed to change.
• Chairman Hetzke asked if the design and materials on the addition would match the existing building. Mr. Cox confirmed the same materials and design on the existing building were proposed for the addition.
• Board member Kanauer asked if planters were proposed around the generator that was proposed to be relocated in order to shield the unit from view. Mr. Cox answered they could remove some of the pavement in order to plant some shrubs around the unit. Mr. Nersinger explained planters could be an acceptable landscaping alternative as they have been used in other locations of the town where hardscapes existed in front of structures.
• Chairman Hetzke asked if additional exterior lighting was proposed. Mr. Cox answered the existing lighting was sufficient for the site.
• Chairman Hetzke asked if any variances were going to be requested. Mr. Cox explained a setback variance was required for the proposed dumpster location. (*This was later reviewed by town staff and was determined that an area variance was not needed*).
• Board member Burton asked if there would be a growth in the number of patients that would increase outdoor noise. Mr. Wihlen explained the business offered boarding services, however, the number of outdoor kennels was proposed to be reduced from eight (8) to five (5) units and the number of indoor kennels for overnight boarding was proposed to be reduced by twelve (12) units.
• Board member Burton asked if there were any noise complaints from surrounding neighbors regarding the operation of the business. Mr. Wihlen explained the animals were placed indoors overnight so there were no noise complaints. Town staff was not aware of any noise complaints associated with the business.

Public Comments:
No public comments were received for this application.

Board Deliberation:
Following the presentation of this application during the public hearing the board continued its discussion in its subsequent work session.
• Board member Bastian asked if the fence around the dumpster enclosure was proposed to be revised from eight (8) feet tall to six (6) feet tall to match the other proposed fencing. Mr. O’Connor confirmed the fencing around the dumpster enclosure had been revised to be in compliance with the Code.
The Board voted and TABLED the application pending the review and/or submission of the following items:

- The board directed staff to prepare a draft approval resolution and parts 2 and 3 of the Short EAF for the project.
- The board also had no opposition to the applicant’s need for an area variance for less setback for the new location of the dumpster enclosure. (*This was later reviewed by town staff and was determined that an area variance was not needed*).

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

Motion was carried.

2. Atlantic 250, LLC, 349 W. Commercial Street, Suite 2945, East Rochester, NY 14445, 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-0029, SBL #'s 110.03-1-4.206, 110.03-1-4.215, 110.03-1-4.205, 110.03-1-25.2, 110.03-1-25.1, 110.03-1-24.

Ralph DiTucci, Atlantic 250 LLC, presented the application to the Board. Also present were Garth Winterkorn of Costich Engineering, Bill Price of SWBR, David Kruse of SRF Associates, David Hanlon of Hanlon Architects, James Fahey of James Fahey Designs, Tim Poley of Blue Horizons Realty, and Jerry Goldman of Woods, Oviatt, Gilman.

- Mr. DiTucci explained this application took into consideration the comments from the Planning Board, Town staff, and the public for the previous sketch plan application that was heard April 12, 2018.
- Changes to the projects included:
  - Road access from the project site to Penfield Center Road had been eliminated.
  - The main access road onto Atlantic Avenue had been relocated to optimize site distance, the Development Zones were modified in accordance with this road relocation.
  - Second access points on Fairport Nine Mile Point Road were proposed on the north end of the main parcel and east parcel
  - The previously proposed 40,000 square foot commercial building as well as the three (3) 18,000 square foot commercial buildings near the corner of Atlantic Avenue and Fairport Nine Mile Point Road were eliminated in favor of buildings designed in a village square concept in that location.
  - The large apartment building was relocated further within Zone A of the project site to a lower existing grade to give a smaller appearance from Fairport Nine Mile Point Road.
• The proposed plan exceeded the required green space and was below the maximum population density in all included Development Zones for the project.
• The revised site plan included a looped road in development Zone C with eight (8) dwelling units. The existing apple trees in this area were proposed to be pruned and hopefully restored with additional landscaping where necessary to maintain a buffer to Penfield Center Road. A stormwater pond was proposed on the west portion of this area.
• Increases in the number of dwelling units were proposed for the project from the previous application.
• Seven (7) different types of buildings were proposed for the site, not including the pavilion and gazebo. Styles include single family units, both ranch and 2-story styles, duplexes, triplexes and quadplexes town houses in a variety of heights.
• The eight (8) apartment buildings were proposed to be no more than three 3-stories tall.
• All buildings were proposed to be at or below maximum height requirements for the zoning district.
• The vertical mixed use buildings in the “Village Center” were proposed to be a mix of 2 and three 3-story buildings.
• Mr. DiTucci explained the submitted Phasing Plan for the development of the project was based on market studies conducted by the applicant. Phase 1 of the project included 188 dwelling units, two (2) of the vertical mixed use buildings in the Village Center as well as the community center, tennis courts, large public space, and pavilion.
• Development Phase 2 was a 115 unit apartment building adjacent to the largest public open space.
• Development Phase 3 was the northern portion of the main property up to Penfield center Road and included 173 dwelling units.
• Phase 4 was the remainder of the “Village Center” with thirteen (13) buildings, footprints ranging from 1,600 to 4,000 square feet with commercial ground floor uses and residential upper floors. A maximum of three (3) dwelling units were proposed for each of these buildings.
• Two (2) development phases were proposed for the east project site, one being the apartment building and the other phase being the remainder of that property.
• The west project site was proposed to be developed in four (4) to five (5) years based on market studies.
• Mr. DiTucci reviewed the proposed trail and sidewalk systems for the project. A trail entrance was proposed to access the site from Penfield Center Road and travel the perimeter of the west project site to connect to existing roads at the proposed curb cuts. A similar trail system was proposed for the east property. Trails were proposed to be accessible to pedestrian and bicycle traffic.
• Front entrances of residences were proposed to face the sidewalks and trails to encourage pedestrian traffic.
• Mr. DiTucci presented 3D renderings of proposed building designs. The types, styles, and colors of residential structures would be alternated along the roads to avoid a standardized appearance. Exterior finishes of the buildings would also vary in the neighborhoods.
• Street lamps, street trees, eight (8) foot wide sidewalks, and other landscaping was proposed along the residential streets.
• Townhouses were proposed to be a combination of single and two (2) story units with distinctive exterior finishes for each unit.
• Every residential home would have a front porch and many would have rear porches as well.
• All the apartment buildings were proposed to be surrounded by smaller residences on the main roads to reduce the impact of the scale of the apartment buildings.
• The exterior finishes of the apartment buildings were proposed to be mixed to give the appearance of row houses.
• The apartment buildings were proposed to have garages within a portion of the ground floors that would be accessible from the rear, thus concealing garages from the main roads.
• Terrace roofs and indoor community spaces were proposed for the apartments as an amenity for those residents.
• Public bicycle racks were identified on the plan and areas for indoor bicycle storage were planned for the rental units.
• Mr. DiTucci explained the proposed plan balanced the number of residential rental units with the amount of site work that was necessary to make the properties developable. The off-site work to improve the sanitary sewer system and bring other utilities to the project site was costly and therefore necessitated the number of proposed rental units, which were still below the maximum allowable dwelling units for the site.

Garth Winterkorn, Costich Engineering, presented the engineering design elements to the Board.
• Extensive geo-tech test pits were conducted to determine an initial grading plan. The goal was to do minimal grading and follow the existing topography which directed the majority of the stormwater to the rear of both properties, where ponds were proposed.
• The project sites on either side of Fairport Nine Mile Point Road had their own stormwater plans that operated independently of each other.
• Mr. Winterkorn presented preliminary plans for directing stormwater runoff.
• To provide a water main service through the project, it was proposed to subdivide portions of project area, along a dedicated right of way, in order to dedicate water mains to the County Water Authority. The Monroe County Water Authority required a single water main service for individual parcels, and a main must be located along publicly dedicated roads.
• The sanitary sewer system was proposed to be mainly a gravity system with a pump stations at the lower grades. Sanitary sewer mains were proposed to be dedicated to the Town to allow connections to each of the future parcels.

Bill Price, SWBR, presented landscape plans to the Board.
• The large open spaces, such as areas adjacent to the “Village Center” and community center, were proposed to publicly accessible.
• Green spaces within residential neighborhoods would be considered private and accessible to residents in those areas.
• Mr. Price reviewed details of the proposed “Village Center” with amenities that facilitated outdoor activities.
• Extensive tree plantings were proposed for the mixed use areas.

David Kruse, SRF Associates, presented the traffic improvement plan to the Board.
• Mr. Kruse presented background information regarding traffic data obtained by the County and SRF over twenty years. The rate of growth in traffic activity was consistently less than projections for the area during this period.
• Based on the Traffic Impact Study a plan was submitted, *Figure 9 – Recommended Improvements by Phase*, to improve traffic flow as the proposed project developed.
• The phasing called for the addition of turn lanes to proposed and existing intersections, signal timing modifications, and widening and reinforcing shoulders on existing intersections at specific locations along Fairport Nine Mile Point Road and Atlantic Avenue.
• The proposed parking plan was found to be sufficient for the submitted plan.

**Board Questions:**
• Board member Burton asked if the presented 3D renderings of the buildings and landscaping were indicative of the finished design for the project. Mr. Price answered the renderings were the design choices and layout developed by the applicant that they hoped to have approved for construction.
• Board member Burton asked if the *Recommended Improvements by Phase* for traffic improvements took other developments into consideration, such as Penfield Square, being proposed at 1821 Fairport Nine Mile Point Road. Mr. Kruse explained the Traffic Impact Study included proposed plans and projects under development which was Penfield Square. Mr. DiTucci added that SRF Associates conducted the Traffic Impact Study for the Town of Penfield for the Mixed Use District rezoning project. He also stated he communicated with Regional Transit Service (RTS) to explore the possibility of future public transportation locations, which was to be determined based on future need; however, the applicant did plan to provide a shuttle service for the site residents.
• Board member Burton asked if the shuttle service would be contracted or provided by the owner. Mr. DiTucci answered they would provide the shuttle bus service, a parking spot for the bus was indicated on the site plan next to the community center.
• Board member Kanauer asked if provisions for electric vehicle charging were planned. Mr. DiTucci answered the need was anticipated and the number of charging stations was to be determined but was planned to be offered at the community building as a minimum.
• Chairman Hetzke asked if alternate modes of transportation were considered, such as scooter rentals. Mr. DiTucci explained that as the plan developed the program offerings for their residents and neighbors in the community would be considered if they were found to be feasible. He added a ride sharing program was planned for the site.
• Board member Bastian asked if all the residential units were proposed to have garages. Mr. DiTucci explained two (2) parking spaces would be provided for each unit, a garage space and an outdoor space for the units. The townhouses and single family units would have two (2) car garages and driveway parking. However, the 42 apartments in the village center would only have shared parking and no garage units.

• Board member Bastian asked for a description of the snow removal plan. Mr. DiTucci answered their maintenance crew would handle snow storage and removal, snow was proposed to be stored on green spaces located at various points within the property.

• Chairman Hetzke asked if the proposed lighting would be dusk to dawn. Mr. DiTucci explained the street lighting as well as other commercial lighting would likely be programmed for dusk to dawn; however, a formal plan was still under development.

• Mr. Nersinger recommended the applicant conduct a tree survey on the northern portion of the property, which had apple trees from an abandoned orchard. Mr. DiTucci explained they believed the trees could be restored with appropriate care in order to retain as much of the existing vegetation as possible and avoid disturbing the wildlife in that area.

• Mr. Nersinger asked if the applicant had considered alternate uses for the southeast corner that abuts a former gas station to complement future development on that parcel. Mr. DiTucci stated they lacked information regarding the intended development of that parcel. He explained the intent of their submitted plan was to place the smaller scale residential units in the forefront of the development, making them visible from the Atlantic Avenue and Fairport Nine Mile Point Road to create a hamlet appearance and feature their development to the community.

Public Comments:
• Barbara Konish-Corbett, 1 Renwick Run, stated this sketch plan was an improvement on the previous application but had concerns with the proposed project. She had questions regarding the scale and setbacks of the proposed buildings and how the mixed use development would fit with the surrounding residential uses. She was also concerned with stormwater runoff and the possibility of vehicles parking along Penfield Center Road to access the proposed trail.

• Greg Lowenguth, 1080 Fairport Nine Mile Point Road, was supportive of the changes proposed in the application and had questions regarding the details of the project. He was interested to know what the future of sanitary sewer availability would be for the surrounding area with the development of this project.

Board Deliberation:
Following the presentation of this application during the public hearing the board continued its discussion in its subsequent work session.

• The board decided that given the scope of the presentation and materials that need to be reviewed it was prudent to table the discussion to allow more time to review the presented materials before discussing the application.
The Board voted and TABLED the application pending the review and/or submission of the following items:

- The board’s review of application materials submitted by the applicant September 6, 2018.

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

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 EPDO 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.

2. Marathon Engineering, 239 Cascade Drive, Rochester, NY 14614, on behalf of Pellitiere & 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 EPDO 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.

   The Board took NO ACTION on this application.
3. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Home Leasing LLC, 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 mixed use development project with associated site improvements on 10.5 +/- acres located at 1821 Fairport Nine Mile Point Road and portions of 1835 and 1877 Fairport Nine Mile Point Road. The properties are now or formerly owned by William and Debbie Wickham and The Young Men’s Christian Association of Greater Rochester and zoned MUD. Application #18P-0022, SBL #s 125.01-1-25.3, 125.01-1-34.13, 125.01-1-3.111.

- Mr. Nersinger informed the board of updated materials that were received that day that included colored building elevations and a revised site plan.
- Mr. Nersinger explained the updated site plan reflected a change to the proposed project area. It no longer included the portion of land from 1787 Fairport Nine Mile Point Road that was originally proposed, resulting in some modifications to the site plan and location of the assisted living and memory care buildings as well as the pedestrian bridge. These elements were shifted south, closer and more visible to the public square greenspace.
- The proposed commercial building on the northeast end of the property was revised to be rural in design, as recommended by the Town Architectural Consultant.
- A revised color scheme and façade design element were proposed for the independent living building with more gray tone colors, and revisions to the white column pillars. Chairman Hetzke asked if the gray columns in the rendering were substantial in size and asked for a description from the applicant. Eric Reynolds, SWBR, was present and explained the previous rendering proposed less substantial columns in white. The submitted rendering depicted more pronounced columns to add depth and along with the gray color tones.
- Mr. Nersinger presented the other revisions to the plan which included the pedestrian bridge, which was revised to include large windows and earth tone materials. The commercial building adjacent to the assisted living facility was modified by flipping the bump out to the south face of the building, nearer to the roadway.
- Mr. Nersinger added the applicants and the YMCA expressed their desire to keep Roads A and B private for the immediate future as this would allow the YMCA to retain their current parking lot design. Currently, the dedication of the Road “A” would require the elimination of several curb cuts and the loss of parking spaces for the YMCA.
- Chairman Hetzke asked if Road “A” and Road “B” would still be built to Town standards for future dedication. Mr. Nersinger confirmed both roads would be built according to the Town’s standards for public roads as future neighboring development would eventually require the dedication of these roads once connections were available. Mr. Nersinger added the profile of Road “A” beginning from intersection at Route 250 would still be improved to reduce the steepness of the existing roadway.
- The Board discussed the benefits of allowing the applicants to keep the roads private; one example being that it allowed the owners to plow and maintain the roads more frequently than the Town.
• Mr. Nersinger informed the board that the 30 day response period for lead agency status had concluded. There were no objections from reviewing agencies for the Planning Board to act as the lead agency of the proposed project as a Type I action pursuant to SEQRA.

The Board voted and ACCEPTED lead agency pursuant to SEQRA for this application as a Type I Action.

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

Motion was carried.

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

• The Board’s review of the revised building elevations and landscape plan submitted on September 5, 2018. Overall, the Board felt the applicant had made progress with the designs of the proposed building and addressing the comments issued by the Town’s Architectural Consultant.

• The Town Engineer’s ongoing review of the revised site plans and written responses to the PRC’s memo, dated June 29, 2018, received on August 3, 2018. A revised site plan was submitted on September 5, 2018 that illustrates the shifting of the assisted living (AL) building to the south and the realignment of the road on the north side of the project. The total project area had been revised to 9.90 acres as the project will no longer include the additional 0.6 acres of land from the Wickham property to the north, having an address at 1787 Fairport Nine Mile Point Road.

• The Town Engineer’s review of design alternatives for the proposed crosswalks along Road “A” that provide pedestrian connectivity from the project site to the Eastside Y. It was noted by the applicant that at this time, based on deliberations with the managers of the Eastside Y, Road “A” and “B” are no longer proposed to be dedicated roads to the Town of Penfield and would remain private. However, the roads would be constructed to the Town’s design standards for dedicated roads and provide a complete street cross section layout. The Board had no concerns with this new information.

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

Motion was carried.
4. Delta Sonic Car Wash Systems, Inc., 570 Delaware Avenue, Buffalo, NY 14202, 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 approval and an expansion to an expansion to an existing Conditional Use Permit for a new building and outdoor vacuums with associated site improvements on 4.88 +/- acres located at 1773 and 1841 Empire Boulevard. The properties are now or formerly owned by Delta Sonic Car Wash Systems, Inc. and zoned GB. Application #18P-0025, SBL #s 093.15-1-65 and 093.15-1-64.1.

The Board took NO ACTION on this application.

V. ACTION ITEMS:

1. 1850 Empire Boulevard, McDonald’s façade modifications.

   Board member Burton recused himself from this application.

   - Mr. Nersinger informed the Board the owner of BayTowne Plaza had responded to staff inquiries regarding the maintenance issues on the limestone treatments on the Plaza buildings. The Plaza owners explained the initial limestone applications were damaged by salt and moisture exposure, later applications were treated to be salt resistant along the base course and were no longer a maintenance issue.

   - The Board invited Randy Bebout of T.Y. Lin to address the board regarding the concerns of the owner of McDonald’s at 1850 Empire Boulevard. Mr. Bebout explained the owner was concerned with the cost of the application of limestone. He also pointed out the Plaza did not have a large amount of the limestone treatment as it was broken up with large windows and did not extend completely around the sides or rear of those buildings. The owner also had concerns with long-term maintenance of the limestone on the drive-through side of the building, which was prone to vehicular damage.

   - The board discussed the submitted elevations A2.0, dated August 9, 2018, and agreed the limestone application on renderings #1 Front Elevation and #3 None Drive-Thru elevation were appropriate and requested the owner extend the limestone treatment along elevation #3 along the side of the building up to, but not including, the dumpster enclosure. The #2 Rear Elevation and #4 Drive-Thru Elevation were accepted as submitted.

The board voted and APPROVED the façade renovations as indicated on the submitted renderings with modifications discussed by the board.

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

   Motion was carried.
There being no further business to come before the Board, this meeting was adjourned at 9:30 PM.

These minutes were adopted by the Planning Board on September 27, 2018.