PLANNING BOARD
MEETING MINUTES
JANUARY 24, 2019

TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

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The Planning Board held a meeting at 6:30 PM local time Thursday, January 24, 2019 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
Terry Tydings

ALSO PRESENT: Zach Nersinger, Town Planner
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 January 10, 2019.

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

Motion was carried.

III. PUBLIC HEARING APPLICATION:

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of 777 Panorama Properties LLC, requests an informal discussion before the board with plans for an office park with associated site improvements on a total of 55.3 +/- acres at 125 Panorama Creek Drive. The property is now or formerly owned by 777 Panorama Properties LLC and zoned LI. Application # 19P-0001, SBL #138.12-1-1.1.

Peter Vars of BME Associates presented the application to the Board.

- Mr. Vars explained the owner had acquired four (4) separate parcels and received authorization from the Planning Board in a work session on June 24, 2018 for the Chairman to sign a plat map to consolidate them into a single tax parcel. This new tax parcel is the site of the project area.
- The Town Board previously approved a Grade and Fill Permit and an EPOD (Environmental Protection Overlay District) Permit to allow vehicle access to the project site, which was issued September 11, 2017.
• The applicant proposed to develop the property with a road and utilities to service individual properties that would feature Class-A office buildings, similar to Linden Oaks office park.

• The property contained Woodlot, Steep Slope, Watercourse, and Floodplain EPODs (Environmental Protection Overlay Districts) that limit the areas of development and offer natural buffering to the neighboring residential properties.

• The elevation difference from the southwest corner of the property to the north east corner, near Panorama Trail South, drops approximately 140 feet.

• The proposed application was for the road and utilities only, with limited grading to the proposed building pad sites. The owner planned to design and subdivide lots on a per-user basis for the development.

• Probable locations of the buildings were identified on a concept site plan the applicant submitted on January 24, 2019. These locations were based on existing topography and EPOD boundaries. The plan showed approximately 235,000 square feet of total building space.

• The buildings would be two (2) to three (3) stories tall, conforming to the 50-foot height limit in the Limited Industrial zoning district. Some buildings may be split level by making use of the existing grades.

• The portion of the property along Panorama Trail South, which was approximately 3.5 acres and showed only a stormwater management area, was planned to be developed for a mix of office and retail/restaurant uses based on tenant demand. This would bring the total area of development to around 350,000 square feet.

• The project proposed a dedicated road to the Town.

• The stormwater management plan proposed two facilities. The facility along Panorama Trail, which was previously developed for a hotel project that was not completed, would be enhanced. The second pond, on the northeast side of the property, was proposed to be located adjacent to the former Camp Haccamo pond and avoided the floodplain. This pond would also offer provide buffering for the residential properties.

• A traffic study was being conducted in coordination with the State and County Departments of Transportation (DOT).

• The access point along Panorama Creek Drive allowed travelers to access the site from a signalized intersection at Panorama Trail South. The secondary access point on Panorama Trail South was proposed to be configured to allow right and left turns into the site but only right turns exiting the office park.

• The applicant acknowledged all studies, permits and responses to Town comments that would have to be submitted as part of a formal application.

Board Questions:

• Chairman Hetzke asked how the applicant planned to maintain buffering to the surrounding residential neighborhoods. Mr. Vars replied that a 100 foot minimum vegetated buffer for development was planned for the project. The existing topography and wetland delineations prevented development along the northwestern borders of the property.

• Chairman Hetzke asked if the stubbed portion where Road “A” intersected Road “B” was planned for the future development of the northeast portion of the property. Mr.
Vars confirmed this stub would provide future access to the former Hilton hotel project site.

- Mr. Vars added the area to the west, abutting the current Thermo Fisher trailer storage area, was graded with a berm as part of the preliminary construction for the former hotel site and that the owner wished to retain this as a buffer.
- Chairman Hetzke asked how many trees would be removed as part of the proposed application. Mr. Vars did not have the specific number available but explained the formal application would identify the specific acreage to be cleared as part of the EPOD permit and on the EAF (Environmental Assessment Form). He identified the areas where trees were proposed to remain were steep slopes.
- Chairman Hetzke asked for details regarding the proposed curb cut (featuring a left and right turn in, a right turn out, and no left turn out) along Panorama Trail South. Mr. Vars explained they had met with the County DOT multiple times and concluded that the majority of the users of the office park quickly adjust to utilize signalized intersection at Panorama Creek Drive to access the site. The purpose of the curb cut was to provide a second means of access to the site and safer access to Panorama Trail South.
- Chairman Hetzke asked who the target market for occupants of the office park would be. Mr. Vars answered the owners desired Class-A offices but acknowledged there was a possibility for limited industrial uses, which were permitted uses of the zoning district. One of the co-owners, Rich LeFrois, developed properties on Calkins Road that included light assembly operations and similar uses mixed in amongst the office buildings. Mr. Vars pointed out each property would be subject to site plan review by the board to include uses and designs of the buildings.
- Board member Kanauer asked what the visual impacts of the proposed heights of the buildings would be for residents west of the property. Mr. Vars explained it was difficult to answer the question without proposed tenants for each pad site as the topography may allow some buildings to be split-level and therefore appear differently from various vantage points.
- Board member Kanauer asked what was the proposed grade of the road. Mr. Vars answered the maximum slope would be 8%, as allowed in the Town’s Design and Construction Specifications.
- Board member Kanauer asked if electric utilities were proposed to be provided as part of the proposed project. Mr. Vars confirmed gas and electric utilities would be included with the project.
- Board member Tydings asked if the traffic would build up at the exit and entrance along Panorama Trail South. He referred to the layout at Linden Oaks which had two (2) exit lanes. Mr. Vars answered they did not anticipate a problem at the exit as this project was much smaller in scale compared to Linden Oaks and added the traffic study would better explain the numbers.
- Board member Bastian asked what the time frame was for the completion of the project. Mr. Vars answered the applicants desired to obtain approval for the project and construct the road and utilities in time to market the developable building pads before the end of the year.
- Board member Bastian asked what security measures would be in place to discourage trespassers. Mr. Vars agreed to have an answer available for the formal application.
• Chairman Hetzke asked if the proposed subdivided properties would be leased or sold to occupants of the site. Mr. Vars explained the formal application would include suggested lot lines so the owners had the flexibility either sell or lease each property to the potential occupants.

• Board member Burton asked if a staging area was planned for the construction of the road. Mr. Vars believed the same area that used during the grading of the site along Panorama Trail South would be used as it was flat and open.

• Board member Burton asked if the buildings would be pre-fabricated metal structures. Mr. Vars answered they were not planned to be these types of structures.

Public Comments:
• Marlene Shaddock, 59 Winding Creek Lane, expressed concerns regarding the development of the project. She explained the recent activity associated with the grade and fill permit involved heavy equipment that created noise that could be heard at her residence. She added there had been an incident of work occurring on a Sunday.

• Henry Simon, 58 Winding Creek Lane, shared Ms. Shaddock’s concerns and asked for clarification on the location of their properties in relation to the proposed plan. Using the aerial overlay site plan, submitted January 24, 2019, Mr. Nersinger indicated the location of Mr. Simon’s property. Mr. Simon asked what the proposed setback distance was for the buildings.

• Bob Sandholzer, 57 Water View Circle, was representing the Allen’s Creek Valley Home Owners’ Association and shared the concerns of its residents with the board. Noise and light pollution and impacts to property values were primary concerns and the residents requested as much buffering as possible. He explained they had met with the developers regarding the hours of operation and scope of the project and they were supportive of the overall project and asked the board to consider impacts due to lighting, permitted hours of operation for waste disposal pick up and visual impacts of the buildings.

• Alan Feltsein, 33 Hill Creek Road, asked the board for clarification on the LI zoning district and the possible uses of the property as these uses could impact the hours of operation and noise and light pollution. Chairman Hetzke explained this board was obligated to entertain proposed uses that conformed to the current zoning of the property. Mr. Nersinger read the list of permitted uses in the Limited Industrial (LI) Zoning District.

Applicant Responses:
• Mr. Vars explained the proposed building setbacks were proposed to be 150 feet and the applicant proposed to maintain a minimum of 100 feet of natural buffer around the developed areas.

• Mr. Vars explained the proposed uses would comply with the permitted uses in the zoning district and pointed out the park was proposed to be owner-occupied or lease spaces so the current owners had a vested interest in the design and uses of the proposed office park.

• All lighting was proposed to LED and dark-sky compliant.
• The applicant would comply with the Town ordinance for permitted hours of construction work. The owners met with the Allen’s Creek Valley HOA following the work during unpermitted hours and the developers had since rectified the issue.

• Mr. Nersinger asked what the distance was from Mr. Simon’s townhouse at Allen’s Creek Valley to the proposed parking lot. Mr. Vars answered the distance was approximately 300 feet. He added the existing 75-foot Watercourse EPOD buffer on either side of Allen’s Creek as well as the Federal wetlands created a natural buffer that could not be developed.

Board Deliberation:
Following the presentation of this application during the public hearing and subsequent discussion in a work session, the Penfield Planning Board offered the following comments.

The Board voted and APPROVED staff to issue a sketch plan review letter with the following concerns noted.

• The Board was supportive of the overall layout for the project. Provide engineered site plans that meet the Town of Penfield Design and Construction Specifications and address the comments from the Project Review Committee’s (PRC) memo dated January 22, 2019, as well as any site plan comments in this letter.

• Provide a plat map for the proposed subdivision for the development lots.

• Provide a map that shows the proposed locations of the buildings and the parking within the proposed boundary of the development areas, as shown on Sheet 01S, entitled sketch plan, that comply with dimensional requirements of the LI Zoning District.

• Pursuant to SEQRA, provide the final figure for the total square footage for the maximum build-out plan for all buildings that are proposed to be constructed on the development lots.

• Pursuant to SEQRA and the board’s review of visual impacts, provide a building height cross section map as it related to the topography and the tree lines of the site.

• Provide a completed Part 1 section of a Full Environmental Assessment Form (EAF) as required upon submission of site plan application.

• Provide an Engineer’s Report with drainage calculations for stormwater management designs for the proposed project, and geotechnical data from soil test pit logs.

• Provide a full SWPPP meeting all NYS DEC standards.

• Provide a Traffic Impact Study per the comments of the MC DOT and NYS DOT.

• The following Environmental Protection Overlay Districts (EPODs) have been identified on the project site: Woodland, Steep Slope, Watercourse, Floodplain, and Wetland. For the Woodland EPOD, provide a tree inventory and preservation plan in accordance with Chapter 250, Article VI-6.1, (5) (a) through (c). Floodplain, Wetland, and Watercourse EPOD areas shall be delineated on the site plans. Provide written responses in the Factors for Consideration template explaining how disturbance to all EPODs will be avoided or mitigated.

• If a market study was completed to indicate the proposed project would be marketed for Class-A office space or other permitted uses in the LI District, then please provide a copy of that document for the Board’s review.
• The board discussed the potential for approximately 100,000 SF of space for a mix of uses, including retail, office, restaurant, etc., in the lower area near Panorama Trail South, also referred to as Parcel A on Sheet 01S. Please be prepared to display this on the site plans with the next application. The total square footage figure for the entire project will include the building(s) on the development lot.
• The board was supportive of providing sidewalks on both sides of the proposed road. This shall be included on the future site plans.
• Provide a lighting/photometric plan with a focus on dark sky compliant fixtures for the road and entrances to development lots. Provide cut sheets for all proposed lighting fixtures.
• The board expressed concerns for the proposed location of the staging area and its proximity to the Panorama Trail S. The board requests that the staging area be located as far away from the road as possible and/or be shielded from view with a seeded berm.
• Provide a letter of intent with a summary of updates identifying any changes to the project.

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

Motion was carried.

IV. TABLED APPLICATIONS:

1. 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 1787 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 that after they had completed the SEQR process at their January 10, 2019 work session, the Negative Declaration was issued.
• Mr. Nersinger asked if the board had comments regarding the Draft Approval Resolution that was submitted by staff for their review. Chairman Hetzke informed staff he found some minor technical errors that would follow up with staff to correct. The board had no further concerns with the document.
• Mr. Nersinger informed the board that staff had verified with the applicant that the proposed dumpster enclosure’s materials and colors were consistent with the rest of the project. Landscape was proposed to be added around the proposed pump station and back-up generator, which would also be surrounded by a black-coated chain-link fence.
Mr. Nersinger added HVAC units for the assisted living and memory care units were proposed to be buffered with landscaping.

The board had no further concerns with this application.

The Board voted and APPROVED the application with conditions.

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

Motion was carried.

V. ACTION ITEMS:

1. 951 Panorama Trl, #17P-0031, approval extension request

Mr. Nersinger explained to the board the owners requested more time to allow for the completion of the deed transfer following an estate settlement. Board member Burton suggested the applicant be granted a one (1) year extension to allow sufficient time to settle matters.

The board had no further concerns with this matter.

The board voted and APPROVED a twelve (12) month approval extension.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:16 PM.

These minutes were adopted by the Planning Board on February 7, 2019.