The Planning Board held a meeting at 6:30 PM local time Thursday, November 7, 2019 in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. **CALL TO ORDER:**

Present: Allyn Hetzke, Jr.
Jim Burton
Bob Kanauer
Terry Tydings
Bill Bastian

Also present: Zach Nersinger, Town Planner
Mike O’Connor, Assistant Town Engineer
Doug Sangster, Junior Planner
Pete Weishaar, Planning Board Attorney
Lori Gray, Board Secretary

II. **APPROVAL OF MINUTES:**

The Board voted and APPROVED the draft meeting minutes for October 24, 2019.

Vote: Moved by: Burton Seconded by: Bastian

Motion was carried.

III. **PUBLIC HEARING APPLICATIONS:**

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of 777 Panorama Properties LLC, requests under Chapter 250 Articles XI-11.2 and XII-12.2 of the Code of the Town of Penfield for Final Subdivision and Site Plan approval for the construction of a two (2) story building with associated site improvements on a new ±2.8 acre lot to be known as “Lot 2” for “Building B”, as part of the overall development known as Panorama Park, consisting of ±55.3 acres of land at 125 Panorama Creek Drive. The property is now or formerly owned by 777 Panorama Properties LLC, and zoned LI. Application #19P-0025, SBL #138.12-1-1.1.

Mike Bogojevski, BME Associates presented the application. Also in attendance and available for comment were Rich & John LeFrois of 777 Panorama Properties LLC, Ken and Katie Lally, Owners of SimuTech and Todd Eckles, SimuTech Chief Engineer.
Mr. Bogojevski described the project as being a two-story building totaling approximately 14,000 square feet of office space for SimuTech. The building is to be located on a ±2.8 acre lot at the lower portion of the Panorama Park site. The project will have two (2) entrance access points to Parker Hill Drive, the main drive for the business park.

Mr. Bogojevski reviewed the previous approvals for the overall Project known as Panorama Park, which completed SEQRA with the adoption of a Negative Declaration, and established a threshold of 350,000 square feet of gross floor area of building space allowed for the entire business park.

Mr. Bogojevski explained that the town staff’s concerns for the parking noted in the PRC review were addressed with the revised site plan submitted earlier in the day (November 7, 2019). The Town Code requires a total of 84 parking spaces for the building. The revised plans show 42 parking spaces to be installed and 42 landbanked spaces to be added at a later date if necessary to the east and west of the parking area. SimuTech has less employees than the number of spaces required by code and therefore would only need the proposed 42 for its staff and customers. Expanding the parking in these areas would require less disturbances to the slopes.

Mr. Bogojevski stated the landscape comments from the Town Landscape Consultant will be addressed in the revised set of plans.

Board Comments:

Chairman Hetzke asked if there would be pavement all the way around the building. Mr. Bogojevski replied that the Fire Marshall deemed that it was not necessary for four sides of pavement for access because the building is equipped with sprinklers. Mr. LeFrois had been in contact with the Fire Marshall to confirm the presence of the sprinkler system.

Chairman Hetzke asked if the ±14,000 SF was the total of the building space or that for each floor. Mr. Bogojevski answered that ±14,000 SF is the total. The first floor is office space and the second floor is mezzanine and shop space.

Chairman Hetzke asked if they could detail the parking space changes. Mr. Bogojevski used the revised plans to show the decreased encroachment into the sloped areas with the relocation of the landbanked spaces. The landbanked spaces will still be located within the original approved clearing limits.

Board member Burton asked if the color renderings for Lots 1 and 2 were intentionally not visually compatible. Mr. LeFrois responded that his design team were proposing the use of similar products to create a theme, but did not plan for the buildings to be identical.

Board member Burton suggested that the Town Architectural Consultant get involved to help establish a precedent given there will likely be other projects coming.

Board member Burton asked about the signage. Mr. LeFrois explained that generally speaking the signage is used for building identification, therefore a monument would be appropriate, or possibly company names on the doors and building numbers on the buildings. Signage would not be used for advertising. Mr. Nersinger stated that they would need to submit a sign package to the Zoning Board of Appeals.
• Chairman Hetzke asked if the loading dock was located on the southeast side of the building. Mr. LeFrois described it as a covered area with an overhead garage door for deliveries, rather than a loading dock.

• Chairman Hetzke asked for clarification on the types and frequency of deliveries that were expected (i.e. tractor trailers). Mr. LeFrois said that aside from UPS and FedEx there may be one delivery per month with a tractor trailer.

• Board member Tydings asked if SimuTech purchased the building, what type of company they were, and the number of employees expected. Mr. LeFrois responded that yes SimuTech will be the owners, they are a software engineering company with approximately 24 employees.

• Board member Bastian asked for clarification on the ±2500 SF “testing lab” shown on the floor plan. Katie Lally, owner of SimuTech, and Todd Eckles, Chief Engineer, described the lab as a space for physical “non-destructive” testing on their components. These types of tests are typically inaudible.

• Board member Bastian noted that the landbanked parking goes to the property line and asked if a variance was necessary. Mr. Bogojevski responded that there was no internal setback therefore no variance was necessary.

Public Comments:

David Perlman, 62 Winding Creek Lane
• Mr. Perlman asked if there were noise level rules and would the development be in compliance. Chairman Hetzke responded that the Town has a noise ordinance and Mr. Nersinger explained the intention of the noise ordinance was to govern established uses under the conditions of normal operations.

• Mr. Perlman asked about the lighting in the parking lots. Chairman Hetzke explained that the fixtures are dark sky compliant, with dimming capabilities, and horizontal cut offs to minimize glare.

Marlene Shadduck, 59 Winding Creek Lane
• Ms. Shadduck asked about the normal hours of operation. Ms. Lally, of SimuTech, replied that they have a single shift from 8:00 AM to 5:00 PM.

• Ms. Shadduck asked if the lighting would be around the entire building. Chairman Hetzke responded that the proposed lighting plan showed three (3) pole lights in the front and two (2) building mounted lights in the back.

• Ms. Shadduck expressed concern for noise from tractor trailers. Chairman Hetzke explained that tractor trailers would visit the site on a regular occurrence. The applicant had stated that it is possible that one (1) tractor trailer per week may visit the site.

Bill Jones, 66 Waterview Circle
• Mr. Jones wanted to clarify that the building was a total of ±14,000 SF for office space. He also wanted to clarify that there were only 42 parking spaces.

• Mr. Jones asked if there were any variances needed. Mr. Nersinger responded that no area variances were required for the application.
Board Deliberation:

Following the presentation of this application in the public hearing, the Planning Board continued its review during the subsequent work session that evening.

- Chairman Hetzke was supportive of the complimentary nature of the architecture.
- Board member Burton stated that he is concerned for the projects to come in the future and felt input from the Board’s Architectural Consultant may give some overall boundaries. Board member Burton also asked if the applicant could provide more details about designs for the anticipated monument signs.
- Board member Bastian stated that the styles were similar but the colors were different between the buildings.
- Board members Tydings and Kanauer agreed that the consultant may give us more insight.
- Board member Kanauer added that the applicant’s plans for the building designs is similar to Linden Oaks in the variation of architecture. He added that building identification with only numbers could make the buildings too similar. He also commented that privately owned buildings could be permitted their own signage for branding.
- Mr. Nersinger commented that the applicant is working to revise the landscape plan for compliance with the Landscape Consultant’s memo.
- Board member Bastian asked for clarification of the proposed retaining wall and landbanked parking. Mr. Nersinger reviewed the revised plans with regards to both the changes in parking and the retaining wall.
- Board member Burton asked how much land the building owner would own. Mr. Nersinger said he believed that the prospective owner would the lot and the building, but would get clarification from the applicant.
- Mr. Nersinger asked the board if they were comfortable with the landbanked parking layout. The board responded yes.

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

- Provide details for signage plans for Lot 2 as to how it will be incorporated with overall signage for the business park. For more information see Chapter 250, Article X - Signs, of the Code (https://www.ecode360.com/15184630).
- Staff was directed by the Board to seek input and recommendations from its Architectural Consultant regarding the proposed building design.
- Staff was directed by the Board to begin preparing a draft approval resolution for the proposed application.

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

Motion was carried.
2. LaBella Associates DPC, 300 State St. Suite 201, Rochester, NY 14614, on behalf of Thomas Gangemi, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Site Plan approval for a parking expansion with associated site improvements on ±0.79 acres located at 1549 Empire Boulevard. The property is now or formerly owned by Thomas Gangemi and zoned LB. Application #19P-0026, SBL #093.19-01-004.

Marcus Uhmann, LaBella Associates presented the application.

- Mr. Uhmann reviewed the details of the proposed application for a parking expansion on the property which was being repurposed as a new location for the Dyslexia Center of Rochester.
- The change of use was review and approved by the Zoning Board of Appeals earlier in the year.
- The proposed parking expansion was to add 15 parking spaces in the rear of the property behind the existing building.
- The plans included a bio-retention facility at the west end of the parking lot for stormwater runoff treatment. No other utility improvements are proposed.

**Board Comments:**

- Board member Tydings asked if the facility was open yet. Mr. Uhmann responded no, Mr. Gangemi, the owner, was working on the interior renovations.
- Board member Tydings asked how many students and teachers they were expecting to have that required the extra parking be necessary. Mr. Uhmann did not have that information available.
- Board member Tydings asked why extra parking would be necessary. Mr. Uhmann said they currently only have 6-7 spaces and need more to accommodate the students and staff, especially at the shift change to ensure no cueing on Empire Boulevard.
- Board member Tydings asked if any variances were needed. Mr. Uhmann responded no, not to his knowledge as the design stays away from the [residential] buffer area setback.
- Board member Tydings asked about hours of operation. Mr. Uhmann did not have that information available.
- Board member Tydings asked about the PRC and NYS DOT comments. Mr. Uhmann said that the responses were sent to town staff.
- Chairman Hetzke asked what the scope of operations were. Mr. Uhmann responded the business provided tutoring services to children with Dyslexia.
- Board member Kanauer asked if they are proposing any additional pole lighting. Mr. Uhmann responded only building mounted lighting was proposed.
- Mr. Nersinger reviewed the history of the project including the existing parking conditions, the NYS DOT concerns for multiple access points on Empire Boulevard for a commercial business, and the grade and fill permit previously granted from the town.
Board Deliberation:

Following the presentation of this application in the public hearing, the Planning Board continued its review during the subsequent work session that evening.

- PRC responses were received today and Town Staff requested time to review them.
- The three (3) existing curb cuts are the primary concern and designs will require input from New York State Department of Transportation (NYS DOT).
- The neighbor at 1543 Empire Boulevard has an easement to use the driveway, which is proposed to be widened in the revised plans.

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

- Provide details for business use and its daily operations such as the intended hours of operation, the maximum number of staff and students expected on site during normal business hours.
- Provide photos or the exiting parking conditions on site following the work that was completed under the conditions of the Grade and Fill Permit that was approved by the Engineering Department.
- The Board was in receipt of the applicant’s written responses to comments in the Project Review Committee’s (PRC) memo dated October 23, 2019. The responses will be reviewed by staff once revised site plans have been submitted. The revised plans shall demonstrate how the proposed project addresses the concerns noted in the PRC’s memo, as well as the Monroe County Development Review Committee memo dated November 1, 2019, and any comments and requirements of the New York State Department of Transportation.

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<td>Bastian - Aye</td>
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Motion was carried.

IV. TABLED APPLICATIONS:

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of 777 Panorama Properties LLC, requests under Chapter 250 Articles XI-11.2 and XII-12.2 of the Code of the Town of Penfield for final Subdivision and Site Plan approval for a two (2) lot subdivision to construct a new professional office building, to be known as “Building A”, on a ±55.32 acre property located at 125 Panorama Creek Drive, a part of the development known as Panorama Park. The property is now or formerly owned by 777 Panorama Properties LLC and zoned LI. Application #19P-0022, SBL #138.12-1-1.1.
Mr. Nersinger reviewed the proposed retaining wall plans that were recently submitted. He used the provided cut sheet and profile to show the proposed details.

Board member Burton asked about the PRC comments concerning drainage. Mr. Nersinger explained that town staff have reviewed the drainage designs and the town engineer was satisfied.

Mr. Nersinger asked if the Board wanted to revisit the landscape details. The board agreed to defer final landscape plan comments to the Landscape Consultant and the Town Engineer as a Pre-Mylar item.

Mr. Nersinger explained the applicant is going before the Zoning Board of Appeals on November 21, 2019 for its continued review of the area variances requested. The parking count now complies with the Town Code with the addition of landbanked parking, therefore the only variance needed is for the buffer setback. The board agreed the approval of the proposed application would be conditional pending the outcome of the Zoning Board of Appeals.

There were no additional concerns.

The Board voted and APPROVED with application with conditions.

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<td>Chairperson: Hetzke - Aye</td>
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Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:17 PM.

These minutes were adopted by the Planning Board on December 12, 2019.
• Mr. Nersinger reviewed the proposed retaining wall plans that were recently submitted. He used the provided cut sheet and profile to show the proposed details.
• Board member Burton asked about the PRC comments concerning drainage. Mr. Nersinger explained that town staff have reviewed the drainage designs and the town engineer was satisfied.
• Mr. Nersinger asked if the Board wanted to revisit the landscape details. The board agreed to defer final landscape plan comments to the Landscape Consultant and the Town Engineer as a Pre-Mylar item.
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• There were no additional concerns.

The Board voted and APPROVED with application with conditions.

Vote: Moved by: Burton Seconded by: Bastian
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 8:17 PM.

These minutes were adopted by the Planning Board on December 12, 2019.