PLANNING BOARD
MEETING MINUTES
JUNE 11, 2020
The Planning Board held a meeting at 6:30 PM local time Thursday, June 11, 2020 in the Town Hall Auditorium to discuss, in a meeting available to the public, tabled matters and other business that was before it.

Due to the Covid-19 Virus and the closing of town operations consistent with Governor’s Executive Orders, including Executive Order 202.1, which suspended certain provisions of the Open Meetings Law, and Executive Order 202.15, which postponed public hearings unless they can be held remotely through the use of telephone conference, video conference, and/or other similar service, the June 11, 2020 Planning Board meeting was held remotely beginning at 6:30 PM. In-person public access to the Town Hall facility was not permitted. This meeting was video recorded and broadcast LIVE via the town's website www.penfield.org, on the Town's Government Access Cable Channel 1303. The meeting will be later transcribed. For questions regarding video coverage please contact Penfield TV at (585) 340-8661.

I. CALL TO ORDER:

PRESENT:  Allyn Hetzke, Jr.     On site
Terry Tydings      On site
Zach Nersinger, Town Planner   On site
Jim Burton      Remote
Bill Bastian      On Site
Bob Kanauer      On Site
Michael O’Connor, Assistant Town Engineer Remote
Doug Sangster, Junior Planner   Remote
Lori Gray, Board Secretary    Remote
Peter Weishaar, Planning Board Attorney Remote

ABSENT:  None

II. APPROVAL OF MINUTES:

The Board voted and APPROVED the draft meeting minutes for the May 14, 2020 public hearing meeting.

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

Motion was carried.
The Board voted and APPROVED the draft meeting minutes for the May 28, 2020 work session meeting.

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

III. PUBLIC HEARING APPLICATIONS:

1. Crown Castle, 3 Corporate Park Drive, Suite 101, Clifton Park, NY 12065, on behalf of Vapor IO, requests under Chapter 250 Articles XII-12.2 and XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval and expansion to a Conditional Use Permit for the construction of an equipment shelter at an existing telecommunications facility with associated site improvements on a ±1.38 acre property located at 1415-B Five Mile Line Road. The property is now or formerly owned by Dawn Bird-Belmonte and zoned Single Family Residential, R-1-20. Application #20P-0007, SBL #094.18-1-7./TWR.

Board member Burton recused himself from this application.

Anne Marie Zsamba, Crown Castle, attended the hearing remotely to present the application.

- Ms. Zsamba stated that the applicant is seeking to install a ±16 ft. by 5 ft. concrete slab at grade for a new data center equipment shelter, at the base of an existing telecommunications tower located at 1415-B Five Mile Line Road.
- Ms. Zsamba presented a map detailing the phases of the data center installation, which would expand the fenced in compound by roughly 760 square feet to accommodate the equipment. The proposed location for the pad is on a previously disturbed area that is currently all stone. There would be no work done to the tower itself, and no antennas will be hung. Currently wireless carriers on-site include T-Mobile and Verizon Wireless.
- Ms. Zsamba explained Vapor IO is not a wireless carrier. The proposed improvement would increase its Edge Computing services at this location. Essentially, this the next generation of the internet as we know it using a fiber network.
- Ms. Zsamba stated that the plan does not include altering the existing tree line. There will also be no change to the traffic onsite and no noise issues are expected for neighboring residents. This is the ideal location to house the data center as it is already an unmanned telecommunications facility. The proposed data center would not require any workers to be onsite regularly, only occasional maintenance would be required.

Board Questions:
- Board member Kanauer asked if there were any plans for an external generator, or would back up power be provided internally. Ms. Zsamba replied there is no external generator.
She could provide staff with the specifications for the phases of the installation, including the HVAC and the battery packs.

- Board member Kanauer asked about a pending area variance for a setback. Ms. Zsamba replied she would be appearing before the Zoning Board of Appeals as well in June.
- Chairman Hetzke asked if the facility will generate any noise. Ms. Zsamba replied the module will make noise, and shared a decibel chart for reference, stating that standing next to the module, it could generate a ±90 decibel level, which is equivalent to playing a Walkman or iPod at a medium volume. The noise level would go down as you move away from the module.
- Chairman Hetzke asked how close the nearest resident was to the site and what the decibel level was expected at that distance. Ms. Zsamba replied the closest resident is the owner of the property, located in front of the site, and she believes the owner won’t be able to hear anything. No noise issues were anticipated.
- Chairman Hetzke asked if this application was solely for the “pad”. Ms. Zsamba replied it is for the pad as well as the stages of the enclosure to be located on the ±16 ft. by 5 ft. pad. This is a multi-permit process to build it out in phases as Vapor IO brings on customers and the demand increases for this center.
- Chairman Hetzke asked for details concerning Edge Computing. Ms. Zsamba explained this facility will ultimately be connected to two other similar facilities in the northeast region. The three centers are connected by dark fiber which is routed underground and stops the “latency”, or buffering as we know it.
- Mr. Nersinger asked about the phasing of the building (module) and the HVAC; and also how tall structure would be. Ms. Zsamba shared a photo of the pad and structure. First will be the electrical service and fiber. She explained that the lower half (in the photo) is where the computers will be stored as Vapor brings on more customers and the demand rises; the top half is where the HVAC is stored and once that is hooked up, the decibel levels go down dramatically.
- Board member Kanauer asked what the overall height was projected to be when the facility is totally built out. Ms. Zsamba responded that it would be ±20 feet high.
- Board member Kanauer asked what the height is comparable to the existing structures. Ms. Zsamba referenced a photo of a similar data center that was recently completed and stated that the tree line on this site would completely shield and buffer the facility.

Public Comments:

Public Participation via phone call through Penfield TV.

Chairman Hetzke introduced Meg Keefe, 18 Gregg Circle during the public participation portion of the hearing.

- Meg Keefe, 18 Greg Circle, stated she lives directly behind the proposed site and claimed she will be able to see the structure. She asked if the applicant will be willing to replace trees within the buffer that come down.
- Ms. Zsamba responded that the Applicant maintains the trees.

NOTE: Additional public comments will be accepted electronically through May 21, 2020.
Board Questions (continued):

- Board member Kanauer asked what are the proposed composition and color of the building walls. Ms. Zsamba responded by showing a color photo of the data center module from the Vapor IO website and described it as a beige color, and she would verify if it is the materials are metal.
- Board member Kanauer expressed his concern with the height and buffering of the facility and he asked for a rendering to be submitted to review any possible visual impact to neighbors.
- Board member Bastian asked if the 90 decibels is constant or cyclical once the facility is installed. Ms. Zsamba responded that once the facility is built out and the HVAC is installed the decibels will be significantly less. She offered to provide information on the decibel levels at each of the various phases.

Board’s Work Session Discussion:
Following the presentation of this application in the public hearing, the Planning Board continued its review during the subsequent work session that evening.

- Mr. Nersinger referenced the site plans that explaining there are parcel layout in around the project site, which included the house near Five Mile Line Road, the cell tower property behind the house, and the former water tower property located behind the project site. He also reviewed the proximity to the large radio tower located to the south of the site.
- Mr. Nersinger used Google Maps to show the proximity of the address of the caller who spoke during the public participation portion of the hearing, in relation to the site to display their line of sight.
- Board member Tydings asked if we have any similar structures and Mr. Nersinger responded this will be one of the first of this type of cabinet equipment established at a cell tower site in Penfield.
- Mr. Nersinger shared with the Board that staff visited the site prior to the meeting and took pictures of what was there. The pictures captured multiple angles, and showed the site was a densely wooded area.
- Chairman Hetzke asked where the caller would be in relation to the photo and suggested that maybe she was referring to the radio tower and its ground equipment.
- Board member Tydings asked if the applicant needs to go before the Zoning Board. Mr. Nersinger responded that yes, they will go before the Zoning Board of Appeals next week regarding the front setback and the use on a smaller lot size than required by the Code.
- Mr. Nersinger stated the PRC issued a memo and the applicant provided responses as required. Staff still a couple of follow up items (technical in nature) to clarify with them.
- Board member Bastian stated that the decibel level of 90 is pretty loud. He asked for more information concerning the noise levels.
- Board member Kanauer stated that the HVAC on the top is different the norm. Mr. Nersinger said they would get clarification of the proposed configuration: either HVAC on top, or ground level, similar to the example shown.

The Board voted and TABLED the application pending the review and/or submission of the following:
• Provide additional information for the anticipated decibel levels of the phased installation process for the proposed equipment cabinet. Decibel levels shall include those observed at the source and at incremental distances, including, but not limited to, the nearest residential home.

• Provide line of sight exhibit from the vantage point of Gregg Circle and any other nearby area that may be able to see the existing compound and the proposed improvements.

• Provide final renderings/structural designs of the proposed equipment shelter with its size dimensions.

• The completed review of the revised site plans and responses to comments submitted on June 5, 2020 following the Project Review Committee’s (PRC) memo that was issued on May 27, 2020.

• A decision from the Zoning Board of Appeals regarding the area variance application #20Z-0010 less lot area than required by Section 250-13.11-B (3) of the Code and with less setback from the property lines than required by Section 250-13.11-B (6) (e) of the Code, which is scheduled to be heard on June 22, 2020.

Vote: Moved by: Kanauer Seconded by: Bastian

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

Motion was carried.

IV. Tabled Applications

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Conifer Penfield Associates, 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 and Conditional Use Permit approval to construct a new Starbucks restaurant with drive-thru service and associated site improvements on a ±1.20 acre portion of the property located at 2071 Fairport Nine Mile Point Road, known as Parkside Commons Plaza. The property is now or formerly owned by Conifer Penfield Associates and zoned General Business (GB). Application #20P-0003, SBL #140.05-1-1.2/2160.

James Cretekos, BME Associates, and Fred Rainaldi, Conifer Penfield Associates, attended the meeting remotely.

• Mr. Nersinger shared recent updates with the board. He stated the revised plans addressed the board’s concerns on traffic control and pedestrian safety on the access drive that was proposed to be converted to a parking area. This was the primary concern of the Board throughout the review process and the applicant has addressed them, both with these plans and with submissions of their third party review of traffic circulation within the plaza and pedestrian circulation. Town staff has reviewed the documents and agrees with their findings.
• Mr. Nersinger presented the revised plans to show the installation of the “SLOW” pavement markings and pedestrian crosswalk signs.

• Mr. Nersinger then displayed the applicant’s proposed solar powered flashing illuminated pedestrian crossing sign. The device met the NYSDOT standards. However, the Town Engineer would still follow up with the DOT to be sure they are comfortable with this device given its proximity to Route 250. He stated the Town Engineer had concerns the device might be viewed as a distraction for drivers that are travelling on Route 250.

• Mr. Nersinger stressed that pedestrian safety and the education of letting people know that this is a new configuration. If the solar powered sign cannot be installed, the yield to pedestrian signs and pavement markings along with the proposed landscaping would create a “visual pinch point” to help make drivers approach the area with caution and lower speeds.

• The Board had no additional concerns.

The Board voted and APPROVED the adoption of completed Short EAF pursuant to SEQRA.

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

Motion was carried.

The Board voted and APPROVED the approval resolutions with conditions for the proposed Starbucks at Parkside Commons Plaza.

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

Motion was carried.

2. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Combat Construction, requests under Chapter 250 Articles VI-6.1, XI-11.2 and XII-12.2 of the Code of the Town of Penfield for Final Subdivision and Preliminary/Final Site Plan and EPOD Permit approval to construct a 72-lot single-family subdivision under Town Law §278, on ±90.5 acres located at 1394 Jackson Road and 1440 Jackson Road. The property is now or formerly owned by Lupo Brothers Family Trust, Pridonoff Family Trust, Kasunich Family Trust, Peter Rubino, G. DiPisa, and Santa Puccio and zoned Single Family Rural Residential, RR-1. Application #20P-0004, SBL #095.03-1-39, 110.01-1-14.

Matt Tomlinson, Marathon Engineering, attended the meeting remotely.
• Mr. Nersinger explained that the revised plans were submitted to Town staff on May 28, 2020 in response to the PRC Comments. Town staff had reviewed the plans in preparation for the Board’s meeting and was supportive of proceeding to the pre-mylar stage pending the Board’s decision.

• Mr. Nersinger explained the Town Board discussed this project at its work session meeting on June 10, 2020 for the applicant’s request for a sidewalk waiver in the subdivision, allowing them to only install sidewalks on one side of the road internally, which the Planning Board was supportive of following the May 14, 2020 public hearing. The Town Board was generally supportive of this request as well; however, they are reviewing one if any other sections of sidewalks could be considered in the waiver request. The Town Engineer was directed to speak directly with the developer before the Town Board’s next meeting to make a decision on their sidewalk waiver.

• Mr. Nersinger stated, at this point there were only minor technical items on staff’s end with plans and reports that need to be updated.

• The Board had no additional concerns.

The Board voted and APPROVED the adoption of completed Short EAF pursuant to SEQRA.

Vote: Moved by: Burton Seconded by: Tydings

Motion was carried.

The Board voted and APPROVED the approval resolution for the Forest Ridge Estates Subdivision.

Vote: Moved by: Burton Seconded by: Bastian

Motion was carried.

3. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Insite Land Development Inc., requests under Chapter 250 Articles VI-6.1, XI-11.2, XII-12.2 of the Code of the Town of Penfield for Preliminary/Final Subdivision, Site Plan, and EPOD Permit approval to construct a 20-lot single-family subdivision under Town Law §278 with associated site improvements on a ±13.26 acre lot, located at 1918 Jackson Road, and to be known as the “Stafford Park” subdivision. The property is now or formerly owned by Benoit and Sylvia Dumais, and zoned Single Family Residential R-1-20. Application #20P-0005, SBL #124.16-1-39.3.

Rudy Neufeld, Insite Land Development Inc. / Crosstown Custom Homes, and Fred Shelley and Martin Janda, BME Associates, attended the meeting remotely.
Mr. Nersinger explained the Town Board discussed this project at its work session June 10, 2020. The request for the landscaped island in the cul-de-sac was denied by the Town Board due to historical issues the Town has had with landscaped islands in the cul-de-sacs of dedicated roads. There have been several instances where the island has gone into disrepair from lack of maintenance and the Town has been forced to remove and pave over them. Therefore, the Town Board is not supportive of this landscaping feature in a public right of way.

In addition, the Town Board granted a full sidewalk waiver to this application. Those funds from the sidewalk waiver fee will be allocated to the sidewalk budget and the residents can begin the process to gathering a sidewalk petition for the Town Board to consider the future installation sidewalks in this section of Jackson Road. The revised site plan that was presented would need to be updated accordingly to reflect the Town Boards decisions in these matters.

This revised plan also includes the applicant’s proposed monument sign for the subdivision which would be located entirely on Lot #1 and will be required to have a deed restriction that states future maintenance shall be the sole responsibility of the current owner(s) once the developer has moved out of the subdivision and all of the lots have been sold.

The Board had no additional concerns.

The Board voted and APPROVED the adoption of completed Short EAF pursuant to SEQRA.

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Motion was carried.

The Board voted and APPROVED the approval resolution for the Stafford Park Subdivision.

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Motion was carried.

V. NEW BUSINESS:

1. 1821 Fairport Nine Mile Point Rd., Penfield Square (MUD), Application #18P-0022
Request for architectural modifications to previous approved building plans.

- Mr. Nersinger explained the applicant was requesting an architectural modifications in
the form of color changes to the exterior materials of the Home Leasing independent living building.

- Hard copies of what was originally approved were provided to the board with the proposed building elevations, which included call outs for each of the materials that would be changed in color type.

- As presented on the elevation drawing, the white vinyl siding that was originally approved would change to a “herringbone light gray” color. There would be a “natural clay” color at the bottom portion of the building. The tower elements (with outdoor patios for units) were proposed to be a warmer gray color (“tattletale gray”) and the stone would updated to complement these other changes.

- The Board discussed the proposed color changes and was supportive of the applicant’s designs and color choices.

The Board voted and APPROVED the applicant’s request for architectural modifications to the previously approved designs to allow for the revised building material colors presented on the proposed elevation drawing.

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

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 7:40 PM.

These minutes were adopted by the Planning Board on Thursday, June 25, 2020.