

May 30, 2008

Planning Board
Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14526
Attn: Doug Fox

Re: Application for
Preliminary/Final Site Plan Approval
BayTowne Plaza Redevelopment Project
1900 Empire Boulevard

Dear Members of the Planning Board:

DiMarco BayTowne Associates, LLC ("DiMarco") is the owner of the property known as BayTowne Plaza located off Empire Boulevard in the Town of Penfield. On April 14, 2008, a Sketch Plan Review was submitted to the Planning Board for this project and the project was heard at the May 8, 2008 Planning Board meeting. The project involves the demolition of 26,189 square feet of the former Tops store, converting the remainder of the former store into specialty retail space and constructing two restaurants (about 8,380 square feet) within the existing plaza parking lot (the "Project"). Upon completion of the project, the overall square footage of BayTowne Plaza will be reduced from 284,509 to 266,689 square feet (a net reduction of 17,280 square feet).

BayTowne Plaza is located in the Town's General Business ("GB") zoning district. Prior to issuance of the necessary construction permits for the project, Preliminary and Final Site Plan approval from the Planning Board will be required. This letter of intent initiates both the Preliminary and Final Site Plan Approval. The construction schedule is not yet defined. There are no known existing or proposed easements, deed restrictions or covenants that will be impacted by this project. All other required permits are identified in the Town of Penfield Environmental Assessment Form. We have also noted that the Town of Penfield shows an EPOD for a watercourse on the property. Since no development will extend beyond the limits of existing pavement, we do not believe this is an issue. However, we would like a determination that the EPOD does not exist as it is our understanding that stormwater on site was enclosed in conduits with the construction of the Shipbuilders Creek Regional Detention Pond.

Accordingly, please accept thirteen (13) copies of this letter and the following exhibits and materials as DiMarco's application for Preliminary/Final Site Plan approval:

- Exhibit A: Planning Board Application Form and checks for \$150 application fee, \$419 preliminary engineering review fee, and \$838 final engineering review fee.
- Exhibit B: Town of Penfield Environmental Assessment Form, thirteen (13) copies.
- Exhibit C: Written response (contained herein) to the Planning Board Comments of the Sketch Plan Conference dated May 30, 2008.
- Exhibit D: Maps/Plans, twenty-two (22) folded copies, containing the applicable information required on the Preliminary/Final Site Plan Application Checklist (Schedule B).
- Exhibit E: Architectural images of the types of restaurants proposed for the project.

Previously, an Engineer's Report was submitted. The content has not changed and so we refer to that document as part of this application.

In response to the Town Comments from the Sketch Plan Review:

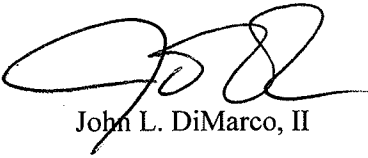
1. It is the intent to extend the proposed façade improvements and color scheme throughout the plaza. This application addresses the redevelopment of the front, sides and rear of the Tops store and the addition of the two restaurants. As additional applications are made and lease provisions allow, the remainder of the plaza will be upgraded. We will contact the Board's Planning Consultant to review the design plan.
2. On the plans submitted,
 - a. At this time, small adjustments (relocations and additions) in existing area lighting are proposed that accommodate this application. Light pole locations are shown on the plan. Pedestrian level and building mounted lighting are subject to final tenant selection.
 - b. A new dumpster enclosure is identified for the new restaurant pads. Dumpsters will remain behind the former Tops and adjacent plaza in the same areas as presently exist. Screening of HVAC will be accomplished through carefully locating equipment to maximize the use of the building and view angles for screening, using parapets in strategic areas and painting the units where color can be used to blend with the roof.
 - c. Deliveries to specialty shops in the redeveloped Tops space will occur along the north property line side. This area is presently used for truck delivery routes. Trucks can circulate around the side, rear and front of the store as they do today. Deliveries to new restaurants will be from parking lot areas adjacent to them. Deliveries will be brought into the buildings with hand trucks.
 - d. Signage for the existing plaza tenants is not anticipated to change as part of this application. Each new tenant would have their own sign on their façade. At some future point, a proposal will be made to upgrade the existing pylon sign at Empire Boulevard and discuss any other new directory type signs that may be desirable. Changes to the pylon sign are outside the scope of this application.
 - e. The pedestrian plan is as shown on the site plan. Pedestrian accommodations are provided in the areas where the greatest concentration will be, adjacent to and between stores. Pedestrians will funnel to sidewalks and crosswalks via the parking lots. The intent is to provide textured surfaces as crosswalks, most likely with textured concrete. As continued redevelopment of the plaza takes place, pedestrian connections to offsite pedestrian facilities can be discussed further.
 - f. Bicycle racks can be placed in areas mutually identified with property management, Town Staff and Planning Board input. Offsite bicycle routes and accommodations are something the Town should discuss with owners of public ROW as reconstruction opportunities occur.

- g. The enclosed plans illustrate the landscape arrangement.
 - h. The present application is a reduction in the size of the plaza and as such does not require more security measures. Existing security consists of occasional patrols by the Sheriff's department. Store owners, managers and employees are also watchful of any unusual circumstances. Emergency calls can be made to 911. Wal-Mart employs security cameras to monitor areas outside their store. Signage is conspicuously posted to alert persons to the presence of security cameras. Should further plans for expansion of the plaza be made, appropriate security measures will be determined.
 - i. The Planning Board design guidelines have been reviewed and applied to this project.
 - j. The plaza currently supports restaurant tenants. Adding new restaurants is in keeping with the purpose of the ordinance and the GB zoning district. The new restaurants are on a parcel that is adjacent to other restaurant parcels. But the new restaurants are in the middle of the existing plaza parking lot and will not have any impact to adjacent properties. Parking is better distributed and utilized. Pedestrian accommodations are more readily available and link areas of the plaza. Lighting is being adjusted to properly light the area. Traffic and drainage impacts decrease from existing conditions. Public utilities are available and adequate. Therefore, the project is not detrimental to the health, safety or welfare of the neighbors, workers or the Town in general.
3. With regard to the Main Street area:
- a. At present, we feel there is adequate area to turn around at the north end of the site, without a cul-de-sac, by circulating through the parking field. Entering the northern parking field also provides customers an opportunity to see and utilize this under-utilized parking lot. Suggesting that people should turn right around would defeat the purpose of distributing parking usage more uniformly. Final landscape plant selection will govern sight angles but it is the intent to provide aesthetic value without sacrificing traffic visibility.
- 4. As the redevelopment of the rest of the plaza proceeds, areas, like the drive by DiBella's, can be improved. We desire continuous improvement, just like the Board. Different options have been considered but they are outside the scope of this application.
 - 5. BayTowne Plaza management has done a good job of being responsive to neighborhood concerns. Any further concerns will be addressed as the need arises.
 - 6. Enclosed are additional renderings that highlight the proposed restaurants. At present, the parking requirements for Wal-Mart take precedence over the construction of more buildings on the east side of the north/south main street.
 - 7. This application is as submitted and we are asking for consideration on the merits of what is proposed. We too desire an open forum for discussion with stakeholders relative to any expansion plans. It is felt that a mutually agreeable and quality development opportunity is at hand that will be a further opportunity to upgrade the entire plaza. As pointed out, this application strictly addresses the

redevelopment of the vacant former Tops store and maintaining the integrity and occupancy of the existing plaza.

If you need any additional information or have any comments, we would be pleased to respond to them. Otherwise, we look forward to appearing before the Planning Board at the July 10, 2008 meeting. Thank-you.

Sincerely,
DIMARCO BAYTOWNE ASSOCIATES, LLC.



John L. DiMarco, II

Enclosures

Cc: Mark E. Petroski, P.E.
Jared C. Lusk, Esq.

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