

The Planning Board held a meeting at 6:30 PM local time **Thursday, December 9, 2021**, in the Town Hall Auditorium to discuss, in a meeting available to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

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

ALSO PRESENT: Doug Sangster, Town Planner
Michael O'Connor, Assistant Town Engineer
Catherine DuBreck, Junior Planner
Lori Gray, Board Secretary
Peter Weishaar, Planning Board Attorney

II. APPROVAL OF MINUTES:

The Board voted and **APPROVED** the draft meeting minutes for November 16, 2021.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian	X		Aye	
Burton			Aye	
Kanauer			Aye	
Tydings		X	Aye	
				The motion was carried.

III. PUBLIC HEARING APPLICATION:

1. McMahon LaRue Associates P.C., 822 Holt Rd, Webster, NY 14580, on behalf of Eric Geoca, Geoca Homes, LLC, requests under Chapter 250 Article XI-11.2 and Article XII-12.2 of the code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for a proposed two-lot subdivision with associated site improvements on ±36.833 acres located at 35 Apollonia Lane, Fairport, NY 14450. The properties are now or formerly owned by Arnold DiPietro and zoned Rural Agricultural (RA-2). Application # 21P-0033, SBL #126.01-1-52.

Present at the meeting: Al LaRue, McMahon LaRue Associates
Eric Geoca, Geoca Homes, LLC

- Mr. LaRue presented the application to the Board, explaining that the Applicant is looking to create two standard lots that comply with zoning, resulting in a three-lot

subdivision.

- The perc tests have been done and approved by the MC Health Department. There are also no pumps involved in connection to the sewer.
- Mr. LaRue explained that they are getting architectural drawings in, and there may be some minor changes before they submit mylars for signatures. But the lots are compliant, and they aren't asking for any variances.
- Board member Tydings asked if they had received the PRC comments, and Mr. Sangster added that they were sent to the Applicant on November 18, 2021.
- Mr. Sangster stated that two of the PRC comments were rather substantial in nature. One of them relates to the previous (four-lot subdivision) application in 2019 where one of the conditions for approval was to repair and top the road, Apollonia Lane, which has been binder for just under 20 years. The road along with the gutters need some repair. Town Staff wants to be sure that as part of this application, that is rectified.
- Mr. LaRue voiced his agreement with that. Mr. Geoca added that at the time of the five-lot subdivision, there had been a \$7,000 bond that was in existence to top the road from 20 years ago. At that time, the Board asked, as a condition of the subdivision for that bond to be increase to \$45,000, in the form of a Letter of Credit. That Letter of Credit is in the Town's possession and that was deemed sufficient to complete the work. With what is going on now, three houses going up in the development - the goal is to get a bunch of houses up and then topcoat the road at the end.
- Mr. Geoca asked (looking at the PRC Comments on the screen) what it means – "the overall project cannot be segmented."
- Mr. O'Connor responded that this subdivision was approved 20 years ago when there were no stormwater regulations but since then there are regulations. The fact is that anything over five lots needs to have a stormwater facility. You can't be "segmented" meaning five lots before, and two lots now. So, the comment is referring to the fact that a stormwater pond should be implemented per DEC regulations because the subdivision is over five lots.
- Mr. LaRue commented that like with any other development, it's not unusual to address engineering comments.
- Mr. Sangster asked the Applicant if there was a reason why the lot lines for these two proposed lots were not extended all the way to the easterly property line like they were in the original, preliminary plat done in 2000. Mr. LaRue responded that the owner (Mr. DiPietro) wants to preserve that land for himself. It's in the conservation restriction so he just wants to conserve that land.
- Chairman Hetzke stated that the Board needs to get the Applicant's responses back in writing before putting together an approval resolution.

Public Comments:

There were no public comments for this application.

The Board voted and **TABLED** the application for subdivision and site plan approval pending the submission of revised plans for the Board's consideration.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian		X	Aye	
Burton			Aye	
Kanauer			Aye	
Tydings	X		Aye	
				The motion was carried.

IV. TABLED APPLICATIONS:

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Pathstone Development Corporation, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for a Mixed Use Facility including 136 residential apartments in two proposed buildings, ±38,470 sf of non-residential space including a daycare facility and a ±4,800 sf commercial building, all with associated site improvements on the existing ±10.653 acre property located at 1801 and 1787 Fairport Nine Mile Point Road. The property is now or formerly owned by WRM Holdings III, LLC and William Wickham, and zoned Mixed Use District (MUD). Application #21P-0020, SBL #125.01-1-3.111, 125.01-1-33.11.

- Mr. Sangster explained that Staff has been in contact with the Applicant and their Engineer, and they were hoping to have revised plans submitted in time for the Board to review them at this meeting. Unfortunately, they didn't get them submitted in time, so no action is necessary by the Board.

The Board took **NO ACTION** on the application as there was nothing for the Board to review.

2. BME Associates, 10 Lift Bridge Lane East, Fairport NY 14450, on behalf of Highland Builders, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the code of the Town of Penfield for Preliminary and Final Site Plan and Subdivision approval for the proposed 17 lot subdivision with associated site improvements on ±48.08 acres located at 2735 and 2745 Penfield Road, Fairport NY. The properties are now or formerly owned by Joseph DiPrima and Highland Builders and zoned Rural Agricultural (RA-2). Application # 21P-0024, SBL #141.01-1-18.21, #141.01-1-18.22

- Mr. Sangster explained that Staff received revised plans in November and Staff is working on comments, most of which are technical items.
- Mr. Sangster explained that regarding the Type 1 action, Staff has been in contact with the Applicant. They have completed the Archaeological Survey and submitted it to

SHPO for their consideration. We have requested they forward a copy to the Board for their review. Until we hear back from SHPO on their recommendations based on that survey, we suggest the Board Continue Tabling the application.

The Board voted and **CONTINUED TABLED** the application for subdivision and site plan approval pending the submission of revised plans for the Board's consideration.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian			Aye	
Burton	X		Aye	
Kanauer		X	Aye	
Tydings			Aye	
				The motion was carried.

3. Costich Engineers, 217 Lake Ave., Rochester, NY 14608, on behalf of Atlantic 250 LLC, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for phase 1 of a mixed use development project including townhomes, apartments, a community center, commercial retail, and office spaces with associated site improvements on ±73 acres located at 1600,1611,1615,1643,1657 Fairport Nine Mile Point Road, 1255 Penfield Center Road, and 3278 Atlantic Ave. The properties are now or formerly owned by Atlantic 250 LLC and zoned Mixed Use District (MUD). Application # 21P-0029, SBL #110.03-01-04.215, #110.03-1-4.212, #110.03-1-4.205, #110.03-1-25.2, #110.03-01-25.1, #110.03-1-4.206, #110.03-1-24.
 - Mr. Sangster explained that Staff received revised plans earlier in the day (12/09/21) which they are beginning to review. Also received were responses to the previous PRC Memo and the Board's Tabling Resolution (10/14/21).
 - Mr. Sangster explained that feedback was received from the Town Traffic Consultant regarding the Traffic Impact Statement (TIS) update that was submitted by the Applicant. NYS DOT also provided their comments on the TIS that was sent to them for their review as well.
 - Town Staff is reviewing those TIS recommendations – they seem in line with what was recommended within the TIS update done by SRF Associates, but we will have more details in the coming weeks.
 - Mr. Sangster asked if the Board had any questions for the Applicant as they were present in the audience.
 - Chairman Hetzke acknowledged that revised materials were received today, the day of the meeting, and the Board would like to take some time, review the materials, and discuss it at the January 13, 2022, work session.

The Board voted and **CONTINUED TABLED** the application for subdivision and site plan approval pending sufficient time to review the documents that were received today.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian		X	Aye	
Burton			Aye	
Kanauer	X		Aye	
Tydings			Aye	
				The motion was carried.

V. ACTION ITEMS:

1. 1650 & 1670 Kennedy Road, Relyea Resub – Administrative Resubdivision

- Mr. Sangster explained that 1650 Kennedy Road contains a single-family residence and is 21.6 acres in size; 1670 Kennedy Road is currently vacant and is ±23 acres in size. Both are owned by the same owner.
- Mr. Sangster stated that the intent is to combine the two lots and form one parcel that is 44.7 acres. The owner also intends to construct an accessory structure on the property in the future.
- Staff has reviewed the subdivision and has no concerns at this time.
- The Board had no further concerns.

The Board voted and **APPROVED with Conditions** the request for Administrative Resubdivision.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian	X		Aye	
Burton			Aye	
Kanauer			Aye	
Tydings		X	Aye	
				The motion was carried.

2. 2453 & 2451 Penfield Road, Crane Resub – Administrative Resubdivision

- Mr. Sangster explained that in April 2019, the Board reviewed a request for Administrative Subdivision at 2453 & 2451 Penfield Road that created a land-locked parcel.
- Mr. Sangster stated that the previous property owner at 2453 Penfield Rd. purchased property from 2451 Penfield Rd. and merged-by-deed, without coming to the Board for approval.
- While they were doing that, they were also going through foreclosure and the bank required that the lot be re-created as a land-locked parcel like what they had originally written the mortgage on. That is what was approved by the Board in April

2019, with the understanding that they would be coming back at some point in the future when the parcel had a new owner, to create a flag-lot and make it compliant.

- Mr. Sangster stated that tonight they are proposing a lot line shift between the Crane's at 2451 Penfield Road and the new owners of 2453 Penfield Road that will create a compliant flag-lot, 2.275 acres in size.
- Chairman Hetzke stated that it is just a continuation of what the Board acted on in 2019. Mr. Sangster responded, yes.
- The Board had no further concerns.

The Board voted and **APPROVED with Conditions** the request for Administrative Resubdivision.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian	X		Aye	
Burton			Aye	
Kanauer		X	Aye	
Tydings			Aye	
				The motion was carried.

VI. HELD ITEM:

VII. NEW BUSINESS:

1. Penfield Heights, MUD – Informal Discussion

Present at the meeting: Rob Fornataro, SWBR
Bill Price, SWBR
Betsy Brugg, Woods Oviatt Gilman
Alex Amering, Costich Engineering

- Mr. Sangster explained that Penfield Heights requested to come back for an informal discussion before the Board regarding the materials submitted to the Board for review.
- Mr. Price explained that they took the letter from the Board and focused on resolving the technical issues first, to determine if there was going to be any impact on density or building configurations.
- Mr. Price started with the fire access, which was previously located behind Building F, the retail building on the south side of the controlled intersection. According to Code, it couldn't be that close to the intersection, so they relocated the fire access to the north of Building B. One minor issue with this is that there is a utility pole there, so they slid Building B slightly so that they can get the fire lane in there. The fire lane will be controlled with a crash gate or crash bollards. This change satisfies the distance requirement from the signalized intersection – but they are a few feet short of the technical interpretation of the Code, they simply don't own the property to the north so

this is as far north as they can put that fire lane on their property. The lane itself is twenty feet wide per the Code.

- The other fire access issues they addressed were the travel lanes in front of Building D which is the main north-south route. Those travel lanes are thirteen feet, so they have a fire lane of twenty-six feet on both the west side of Building D and on the north side as well, where they have the parallel parking along the curb. As you turn south from the Common House, the lane in front of Building E, as well as in front of Building C, those are also twenty-six feet wide. They have run the calculations and determined that fire trucks can do the backup move and then drive out again.
- Mr. Price stated that they have also made sure that all the sidewalks and ADA routes on the site are compliant with Town Code.
- Mr. Price explained that they also looked at the Stormwater Management. Referring to the plan titled *Underground Storm Chamber Exhibit*, he explained that this is the plan with their current building configuration showing the areas they will have sub-surface drainage storage which will daylight into the stormwater ponds on the east side of Building E. They have added quite a bit of storage to address the Town's Code for the percent of reduction in runoff.
- Mr. Price explained that they had SRF Associates prepare a parking analysis. Referring to the plan titled *Parking Study*, he explained that they looked at the residential, retail, and office square footage and based the parking demand and availability on those uses. He explained that they are currently providing an excess of parking, both enclosed and open surface. He stated that they are slightly over the requirement for weekdays as well as the weekend peaks. They are providing the required amount of parking and a little bit more.
- Mr. Price explained that another issue of concern was the desire for additional retail and commercial use in the project. They eliminated one residential building – Building A on the site plan, a ten-unit townhouse building. They have changed that to a commercial, retail building, or possibly office space. The calculations now show that they have 17.2% of non-residential space which includes eliminating the amount of space that they had previously calculated as part of non-residential in the Common House. The only square footage included in the Common House was just the gym, and the common space in the building that is open to anyone, including tenants who are residents or who work there. The open space ratio is above 20%.
- Mr. Price explained that through the parking lot behind Building A, the new commercial building, there will be visual access into Building D which has a good percentage of the commercial and office space on the ground floor. From NYS Route 250, there will be visual access to the commercial and retail components of the project. When you look at the parking lot that is behind Building A, you're actually looking over the vehicles from Route 250, due to the grade change from Route 250.
- Mr. Fornataro stated that they heard the Board's message loud and clear – not a lot of white, more color, more consistent with Design Guidelines – so they feel they have done a good job with being appropriate where it makes the most sense. Where they feel it makes the most sense is within the retail, commercial, the mixed use areas of this

project. The two retail buildings will stand out and be more signature in texture and color and in form – they are both two-stories now, before they had one of those buildings as three-stories. The parking lot that was replaced with a retail building – now you can look through from Route 250 and see some of Building D which helps illuminate that commercial and retail space. They built a lot of character into these buildings – they are not flat facades.

- Board member Burton asked about the coloring on the *Rendering from the 250 Entrance* as it doesn't seem to be consistent with the others. Mr. Fornataro referred to the renderings stating that it is difficult to replicate exactly the colors of the physical materials.
- Mr. Fornataro referred to *Plan A-203 – Exterior Elevations, Buildings C&D* and stated that the only areas that violate the 55ft. code requirement would be the 71ft. roof on the back (east) side and the 60ft. roof on the front (west). From Route 250, it steps down 8 feet. They believe that the roofline adds character.
- Ms. Brugg added that they tried to address all the issues that were raised in a practical, thorough kind of way. She added that what they would like to know is if they are on track and can move forward.
- Chairman Hetzke responded that the Board feels that the Applicant is definitely moving in the right direction.

There being no further business before the Board, the meeting was adjourned at 7:15 PM.

These minutes were adopted by the Planning Board on Thursday, January 13th, 2022

FILED
PENFIELD, NY
2022 JAN 14 AM 9:19
TOWN CLERK