

The Planning Board held a meeting at 6:30 PM local time **Thursday, August 12, 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.
Jim Burton
Bill Bastian
Terry Tydings
Bob Kanauer

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

II. APPROVAL OF MINUTES:

The Board voted and **APPROVED** the draft meeting minutes for July 8, 2021.

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

III. PUBLIC HEARING APPLICATIONS:

1. McMahon-LaRue Associates, P.C. 822 Holt Road, Webster, NY 14580, on behalf of Richard and Mary Montgomery, requests under Chapter 250 Article XI-11.2 of the code of the Town of Penfield for Preliminary and Final Subdivision approval for the subdivision of lands into two lots on ±35.69 acres located at 1492 Sweets Corners Road. The property is now or formerly owned by Richard and Mary Montgomery and zoned Rural Agricultural District (RA-2). Application #21P-0023, SBL #125.02-1-2.1.

Present: Al LaRue, McMahon LaRue Associates
Dick & Mary Montgomery, Owners

- Mr. LaRue presented the application to the Board. He stated that the application was for ±34.019 acres to the R.O.W. The Applicant is proposing two lots, the homestead lot at ±2.658 acres in two-acre zoning, leaving lot two at ±31.361 acres. There is no construction anticipated. The Applicant is simply dividing the parcels.

Board Questions:

- Chairman Hetzke asked if this subdivision creates a sub-standard lot for the accessory structure. Mr. LaRue asked if it was in terms of setback and Chairman Hetzke stated in terms of size. Mr. LaRue stated that the lot was fine, it is over two acres. Mr. Sangster responded that the lot is over two acres but the Town Code allows an accessory structure to be 192 sf. ft. or 1% of the property size, whichever is greater. To comply with the 1% requirement, the lot would need to be ± 4.96 acres. Mr. Sangster asked if the Applicant was going before the Zoning Board of Appeals on August 19, 2021, for an area variance and Mr. LaRue responded that was correct.
- Mr. LaRue stated they have a 50 ft. rear setback on the accessory structure, so they applied for the area variance with the Zoning Board of Appeals.
- Board member Kanauer asked Staff what the code is for a setback to a lot line is if there was livestock in the building. Mr. Sangster responded 100 feet and they would be required to have 5 acres.
- Mr. LaRue responded that there is no livestock, this is just a “fun” building for all of the stuff. Board member Kanauer stated that being in that area, some people do have livestock and he wanted to clarify that.
- Chairman Hetzke stated that they needed to wait until the Zoning Board rules on their approval or denial of the variance.

Board Deliberation:

- Board member Tydings asked about the variances. Mr. Sangster clarified that they have an existing structure (± 2600 sq. ft.) on the site which is currently compliant. Our Code allows for accessory structures that are 1% of the property size. With the proposed subdivision, the Applicant needs to approach the Zoning Board “for an accessory structure that is larger than allowed by code”.
- Mr. O’Connor asked about the setbacks mentioned by Mr. LaRue. Mr. Sangster confirmed that the application is compliant with setbacks. There is a question as to what the Applicant is requesting from the Zoning Board.
- Board members decided to table the application pending the outcome of the Zoning Board.
- Board member Burton suggested sending a memo to the Zoning Board letting them know the Planning Board is generally in support of the application pending the outcome of the area variance. Board member Tydings felt that that wasn’t a good option and that they should just table it as there is some confusion on what the Applicant is really asking for.
- Mr. Sangster reviewed the details of the Applicant’s letter of intent to the Zoning Board which includes an area variance “for a storage barn that is larger than allowed by code”.
- Board member Burton stated that they had two applications before them that were going before the Zoning Board of Appeals next week. If we tell the Zoning Board on one that the Planning Board is generally in support of the application, hoping that will help them move along but we don’t tell them on the other, are we sending a message that we are not really in support of the second application.
- Board member Tydings maintained his position that he didn’t agree with sending a memo to the Zoning Board. Board member Burton stated that maybe they shouldn’t send any memo to the Zoning Board.

- Board member Kanauer added that he doesn't agree with granting that variance. Seeing what is built out there, the size of the lot, other owners who follow compliance, those who have livestock, there are reasons why the area variance exists. For that area of town, that is a lot of coverage on a small lot.
- Board member Burton asked Mr. Sangster how much larger the parcel would need to be to permit the size of the accessory structure. Mr. Sangster stated that the parcel would need to be about five (5) acres. Mr. Sangster also stated that he believes the Applicant's intent is to sell off that larger parcel (±31 acres) for development and they believe they would be able to gain an additional lot at ±2.56 acres that they would lose at ±4.96 acres.
- Board member Bastian stated that this issue with the variance is self-created. Mr. Sangster agreed.
- Board member Burton stated that from a zoning standpoint hardship cannot be self-created. Mr. Sangster added that for area variances there is a little bit of leeway but it tends to weigh rather heavily.
- Chairman Hetzke suggested they table the application pending the outcome of the Zoning Board of Appeals meeting on August 19, 2021.

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

<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	Approve EAF
Tydings			Aye	
				The motion was carried.

The Board voted and **TABLED** the application for subdivision and site plan approval pending the determination of the Zoning Board of Appeals on August 19, 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	Table Application
				The motion was carried.

2. Torchia Structural Engineering & Design, P.C., 625 Panorama Trail, #2210, Rochester, NY 14625 on behalf of Mark A. Pandolf, requests under Chapter 250 Article XII-12.2 of the code of the Town of Penfield for Preliminary and Final Site Plan approval for the renovation of the existing house including the proposed construction of an addition and a free-standing garage on ± 1.0 acres located at 1851 Clark Road. The property is now or formerly owned by Mark A. Pandolf and zoned Residential 1-20 (R-1-20). Application #21P-0025, SBL #123.12-1-27.

- Mr. Pandolf (and his fiancée) made the presentation to the Board for their “forever home.”
- Mr. Pandolf stated that they purchased the property in 2018; a one-acre parcel with an existing farmhouse, dating back to 1890. There is also a small barn dating back to 1905. There was also a garage, which has been abated and demolished in preparation for the addition. One of their goals is to save and rehabilitate the farmhouse rather than demolish it and start from scratch.
- Mr. Pandolf stated that the project goals are to save and rehabilitate the farmhouse; preserve clear views from the original farmhouse to overlook the back yard as it currently stands; create a new addition that relates to yet strategically differentiates the original farmhouse; create a usable, fenced-in courtyard which is only a portion of the yard so that there is a fenced in area with the remainder being open to the back.
- Mr. Pandolf stated that in terms of the siting of the addition, it was important that they didn’t encroach on the setbacks of the original farmhouse. The existing bay window of the farmhouse is ± 26 feet to the R.O.W. The current setback for this district is 50 feet which they are aware of. The new addition is aligned with the (back) east wing of the farmhouse on purpose, so they are not proud of the farmhouse and not encroaching on the existing, original setback.
- Mr. Pandolf continued, stating that once you enter the addition, it steps back as quickly as possible based on the floor plan to get to the fifty feet setback. Therefore two-thirds or three-quarters of the addition is behind the setback. It’s just how we were able to negotiate the connection and the linking of the two structures which was important. He also noted that where it is labeled “new covered porch” on the existing house is currently a dining room in the house which was apparently filled in, probably in the 1950’s. He estimates it was originally an open porch that they intend to return to an open porch. This will be something he will present to the Zoning Board – that they are taking ± 200 sq. ft. of non-conforming interior space and eliminating it. All this to try and help justify the zoning setback.
- Mr. Pandolf described the house. On the left hand side is the original house and on the right hand side is the addition. These two are connected by an 8 foot wide foyer that links the two and that is transparent front to back. Once you make your way into the addition, the building steps back to the 50 foot setback line. The main circulation of the house is right through the center, north/south, the main portion and out to the side yard to the left. The circulation continues behind the farmhouse and ends up defining the old and the new and it reinforces the fact that the farmhouse is a stand-alone building, connected to the addition.
- Mr. Pandolf stated that part of the proposal is a freestanding, three bay garage. The

garage is set way back on the property and it serves a couple of purposes other than storing vehicles. It is set back so that it is not the first thing you see, it takes a back seat to the design, and it also helps to frame the courtyard. The fence will be post and rail transparent fencing.

- Mr. Pandolf described the rendering. The original farmhouse is two stories, the addition is one story and the transparent foyer links the two. The massing on the addition is proposed in such a way that it doesn't overwhelm the original house. The farmhouse is being returned to "original farmhouse" with horizontal lap, poly ash siding which is waterproof and rot-resistant. There will be a standing seam metal roof throughout, clad wood windows, and natural thin-cut stone for the water table. The gable ends of the addition will be a vertical charred wood material to differentiate the addition from the original structure. The raised, covered back patio is also part of the circulation.

Board Questions:

- Chairman Hetzke stated that this was maybe the most comprehensive application for a project of this size. He asked about the northern driveway on the site plan, and if that was the existing driveway. Mr. Pandolf responded that they will be using that as the construction entrance during the construction process and then it will be removed.
- Chairman Hetzke asked about the charcoal gray siding, and Mr. Pandolf showed the Board the physical sample.
- Chairman Hetzke confirmed that they need a setback variance from the Zoning Board of Appeals. Mr. Pandolf responded yes, that was correct.
- Board member Tydings asked about the barn in the back of the property, will they leave it or take it down. Mr. Pandolf explained that their intent is to restore that building as well, once the house is complete. It will be a garden shed. It's a great asset to the property and tells more of the story.
- Board member Tydings asked if the stone goes around the whole house, the lower part. Mr. Pandolf responded yes, and showed physical samples of the materials he plans to use. Board member Tydings then asked about the white siding, and Mr. Pandolf showed the physical samples and how they fit together.
- Board member Bastian said he was blown away by the detail of the presentation and that it looks like a wonderful project.
- Mr. Pandolf asked if they would be approving it during the work session and Mr. Sangster reminded the Board that the application was scheduled to go before the Zoning Board of Appeals on August 19, 2021.

Board Deliberation:

- Chairman Hetzke stated that the Board couldn't approve it because of the Zoning Board hearing on August 19, 2021.
- Board member Burton suggested that in the past the Board has sent a notice to the ZBA informing them that the Planning Board is in favor of the application. Mr. Sangster responded that a generic memo could be drafted stating that the Planning Board is supportive of the application and the variances requested.

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

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

The Board voted and **TABLED** the application for subdivision and site plan approval and requested that Staff send a memo to the Zoning Board of Appeals indicating the Board's general approval of the project.

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

- McMahon-LaRue Associates, P.C. 822 Holt Road, Webster, NY 14580, on behalf of Penfield Country Club INC, requests under Chapter 250 Article XII-12.2 and Article XIII-13.2 of the code of the Town of Penfield for Preliminary and Final Site Plan approval and Conditional Use Permit for the proposed construction of a shop building near the existing maintenance structures on ±188.6 acres located at 1784 Jackson Road. The property is now or formerly owned by Penfield Country Club INC and zoned Rural Residential (RR-1). Application # 21P-0026, SBL #124.020-1-40.1.

Present: Greg McMahon, McMahon LaRue Associates
 Tom Schoenle, Penfield Country Club GM & COO

- Mr. McMahon presented the application requesting approval of a new 2500 sq. ft. maintenance building to be located in a complex of the maintenance facility east of the clubhouse. There are currently three pole barns used for various storage.
- Mr. Schoenle explained that this fourth structure will be used for maintaining equipment. A bigger shop and workspace is needed for the maintenance staff. There will also be a lean-to added to the back of the building that will be used to store equipment that is currently stored outside in the elements.
- Mr. McMahon explained that this new building will occupy an area on the site that is currently being used for outdoor equipment storage. He referred to an aerial photo.
- Mr. McMahon explained that the Applicant is proposing to run utilities to this building, tying this into onsite utilities.

Board Questions:

- Chairman Hetzke asked where the equipment that is stored in that area today will be stored in the future. Mr. Schoenle responded that some of the equipment will be stored under a lean-to on an existing building. He also stated that the purpose of this project was to update the facility in response to membership growth.
- Board member Tydings thanked Mr. Schoenle for meeting with him that afternoon. He confirmed that the location shouldn't affect neighbors, etc.
- Mr. McMahon stated that there are state and federal wetlands on the property but this proposal is outside the limits of those wetlands.
- Board member Kanauer asked if there are any additional light fixtures proposed. Mr. McMahon responded that they haven't proposed any lighting because the building is basically utilized from sunrise to sunset.
- Board member Burton stated he was happy to see that they were looking to expand their facilities, and asked if membership is holding. Mr. Schoenle responded that membership is currently on a wait list in every category.

Board Deliberation:

- Chairman Hetzke asked if there was anything holding the Board back from approving the application and Mr. Sangster responded that he didn't have a Draft Approval Resolution ready but that it is a basic site plan approval with conditional use permit modifications because it is a golf course.
- The Board had no further concerns.

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

<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	Approve EAF
				The motion was carried.

The Board voted and **APPROVED** the application for Subdivision and Site Plan approval with conditions and modification of the Conditional Use Permit.

<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	Approve Application
				The motion was carried.

IV. TABLED APPLICATIONS:

1. SWBR, 387 East Main Street, Suite 500, Rochester, NY 14604, on behalf of Penfield Heights, 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 a mixed use development project including townhouses, apartments, a common house, commercial, retail and office spaces with associated site improvements on ±6.6 acres located at 1820 & 1810 Fairport Nine Mile Point Road. The properties are now or formerly owned by Penfield Heights, LLC and Sebastian & Concetta Curatolo and zoned Mixed Use District (MUD). Application #21P-0018, SBL #s 125.01-1-25.1, 125.01-1-25.2.

Present: Alex Amering, Costich Engineers
William Price, SWBR (arrived late)

Chairman Hetzke made the following statement: The Mixed Use District is an ambitious undertaking for the Town of Penfield. It was studied and designed for many years by a nationally recognized consulting firm along with the Town's Mixed Use Committee; subsequently made into law by the Town Board and put under the approval process of the Penfield Planning Board. In order to provide buffering to fit into the surrounding neighborhood as appropriately as possible, the District was divided into three distinct zones: Zone A being the most intense with the heaviest commercial use and Zones B & C gradually becoming less intense and more residential as it moves out from the central core of Zone A.

Admittedly, this is new territory for all of us in our town and we are striving to make it the most successful, user-friendly, attractive and functional neighborhood that we can. We have one project under our belt and we now have two new applications before us and it is incumbent upon this Board to ensure that these projects meet the intent of the District as recommended by the Mixed Use Committee and approved by the Town Board, as well as meeting the desires and needs of current and future Penfield Residents.

Regarding the Penfield Heights project, the proposed project does not meet a number of the requirements of the Mixed Use District. As presently proposed, this is not an approvable project because it does not meet a number of the requirements of the Penfield Town Code, including several key requirements for a mixed use project in the Town's Mixed Use District. Over the course of the Board's review of this project, the Applicant has not demonstrated compliance with a number of requirements, including but not limited to the following: traffic and parking studies, building height, percentage of non-residential uses, variation in architecture, roadway width and layout in conjunction with sidewalk widths, and the multi-use path being at 12% grade on average between landings. Therefore, I am moving to deny this application based on those reasons.

Hopefully, everyone (Board members) has a copy of the draft resolution. We can get a copy for the Applicant as well. The Applicant is both welcome and encouraged to resubmit the Application as the challenges noted within it can be easily overcome with an alternative

design that is more in keeping with the codes and standards identified within the resolution.

The Board voted and **DENIED** the application for Preliminary/Final Subdivision & Site Plan approval.

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

2. 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.

Present: Peter Vars, BME Associates
 Mira Mejibovsky, Passero Associates

- Mr. Sangster stated that since the last meeting, the Applicant has responded to the comments of the Board from the Tabling Resolution issued on July 8, 2021. The packet before the Board included information on The Pathstone Corporation including their key leaders as well as other projects they have undertaken in the Rochester and Finger Lakes area.
- Mr. Sangster stated that Staff just received the August 5, 2021 submittal and they are currently reviewing it. Changes have been made at the request of the Board, including better defining a use for the large open-space area in the parking lot. The plans now show a path as well as a garden and a seating area.
- Mr. Sangster continued, the Applicant provided additional information – the hard sport court will not be lighted, which will limit its use to daylight hours, eliminating one of the concerns of the public, being noise during the evening and nighttime hours.
- Chairman Hetzke stated that he'd like to reserve judgment on the lights on the sport court. It gets dark early in December but it might be nice enough weather to use the court. Maybe there is an alternative way to ensure a peaceful, quiet time for residents.
- Chairman Hetzke asked if we are still waiting on a number of reviews and responses. Mr. Sangster responded that Staff has reviewed the initial submission and provided PRC comments, to which the Applicant responded with revised plans on July 7, 2021,

a day before the public hearing. Staff was conducting their review when the applicant submitted revised plans on August 05, 2021 and PRC will issue comments in the near future. At this time we have not provided those comments to the Board or the Applicant as Staff is still conducting their review.

- Mr. Sangster stated that since this is a Type 1 Action, Staff sent out agency letters which are starting to come back from the various county and state agencies. We are still waiting on a few but if it's ok with the Board, he believed it would be the Board's intent to declare Lead Agency.
- After the vote, Mr. O'Connor asked if the Board had received the Architectural Review from Chris Lopez, the Town Architectural Consultant. Board member Tydings responded yes, it's in the packet. Mr. Sangster responded that both the packet and the Drop include the Traffic Study as well as the Architecture Review with Mr. Lopez's recommendations for the architectural design & overall layout of the project.
- Mr. O'Connor asked if the Board members had reviewed them. The Board responded that they haven't completed the review yet. Chairman Hetzke stated that they would discuss them more at the September 9, 2021 work session.

The Board voted and **CONTINUED TABLED** the application for Preliminary/Final Subdivision & Site Plan approval pending the submission of additional materials and revised plans for the Board's review and consideration.

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

V. ACTION ITEM:

1. Panorama Park Drainage Field Change

- Mr. Sangster introduced the field change to Panorama Park by stating that the Board has previously reviewed two lots as well as an overall concept for that development. As part of the review of Building A, a drainage system was approved that runs along the west side of the property, along a drainage channel with some infiltration pipe that drains down to the pond. The system was designed and intended to take some of the sheet-flow and run-off from the mobile home park to the west.
- Mr. Sangster continued, stating that unfortunately, with some of the unprecedented rains we have had recently the system is having some difficulty with point source discharge from a pipe that discharges off the mobile home property.
- Mr. Sangster stated that they are proposing to come in and install a pipe and manhole from that pipe behind Building A, pipe it to a low area where we have previously looked at Building B and turn that into a small pond which would then discharge into the road/sewer network and drain to the pond they have for the main facility. It will

essentially take the discharge that would run off through the west side drainage channel and direct it through a secondary means into the primary storm sewer for the property. In doing so, it will hopefully alleviate concerns with erosion along the drainage channel.

- Chairman Hetzke asked if this was an unexpected thing. Mr. Sangster responded with yes, there have been a couple of rain events, most notably July 17, 2021, when we got ±3 inches of rainfall in less than a day, which is more than we generally get in July and it caused some significant erosion issues coming off that property.
- Chairman Hetzke asked if Engineering and Staff have reviewed this. Mr. O'Connor (Assistant Town Engineer) responded that they have reviewed it and met with the developer at the site and went through their plan and it makes total sense given there are ±15 acres from the mobile home park that discharge onto this property. There is also no existing facility on the mobile home park so the developer is taking this runoff, detaining it, and releasing it at the same rate or lesser as it goes into this storm sewer for Panorama Park, which ultimately will go into the pond at the base. Staff has reviewed all of the calcs and it appears to be fine.
- Board member Tydings asked if there were any contamination issues. Mr. O'Connor responded no. There is a pond that they constructed down by Allens Creek and Irondequoit Creek that is way oversized and will handle this additional flow.
- The Board had no further concerns.

The Board voted and **APPROVED** the application for the Drainage Field Change.

<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	Approve Application
			Aye	The motion was carried.

VI. NEW BUSINESS:

There being no further business before the Board, the meeting was adjourned at 7:35 PM.

These minutes were adopted by the Planning Board on Thursday, September 9, 2021.

FILED
 PENFIELD, N.Y.
 2021 SEP 10 AM 9:26
 AMY M. STEKLOF
 TOWN CLERK