

The Planning Board held a meeting at 6:30 PM local time **Thursday, October 14, 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.
 Terry Tydings
 Jim Burton
 Bob Kanauer

ABSENT: Bill Bastian

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 September 9, 2021.

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

The Board voted and **APPROVED** the draft meeting minutes for September 23, 2021.

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

III. PUBLIC HEARING APPLICATIONS:

1. Parrone Engineering, 349 West Commercial St., East Rochester, NY 14445, on behalf of Joseph J. Scofero, requests under Chapter 250 Article XI-11.2 of the code of the Town of Penfield for Preliminary and Final Subdivision approval for a proposed four (4) lot subdivision on ±17.4 acres located at 1623 Plank Road and 1402 Salt Road, Webster, NY 14580. The properties are now or formerly owned by Joseph J. Scofero and zoned Rural Agricultural (RA-2). Application # 21P-0028, SBL #96.03-01-69.1, #96.03-01-69.2.

Present: Dave Staerr, Parrone Engineering and Joe Scofero, Owner

- Mr. Staerr presented the application for a 4-lot subdivision at 1623 Plank Road and 1402 Salt Road. The intent is to portion out the lots as the Applicant's mother desires to sell the existing house.
- Mr. Staerr explained that the application was before the Zoning Board on August 19, 2021, where variances were granted. The variances were for the area of Lot 1 and the side setback for the existing barn (required 50 ft., but 39.4 ft. was granted).
- Mr. Staerr stated that they received PRC comments that were addressed and sent to the Planning Dept. The sidewalk easement was prepared and will be submitted to Monroe County upon approval of the subdivision. As part of the revision, the plan was updated to show NYS DEC wetlands on a small portion of land at the rear, southwest corner of Lot 4. They were also asked for floodplain information but FEMA has no published information of this property existing in a 100-year floodplain, so a note was added to the plan to indicate that information. He added that perc tests for the parcels had been done a few years prior, therefore they would be done again at the point a request for site plan approval is made.
- Chairman Hetzke verified that there is a house currently on Lot 3. Mr. Staerr and Mr. Scofero both responded, correct. Mr. Staerr continued, stating that the property to the south is being added to Lot 3.

Public Comments:

1. Jeff Clayton, 1653 Plank Road
 - Mr. Clayton expressed concerns over water being an issue. Pointing to the screen, he referenced the "darker color" in the back and indicated that was the water from his and a neighboring property which never makes it to the irrigation ditch further to the south. This creates quite a swampy area and he would like to see this dealt with.
 - Mr. Scofero responded that the water Jeff is talking about has been there for maybe 100 years. He also stated that he has absolutely no plans to build any houses on Lot 4. Lot 2 is possibly a lot for his daughter in the future.
 - Mr. Clayton asked if there were plans to dredge that area. Mr. Scofero responded that the Town was supposed to clean the creek this summer but he thinks it may have been put on hold because Salt Road is supposed to get reconstructed next summer (2022).
 - Mr. Scofero explained that the creek is solid bedrock and it flows the wrong way.

2. Linda Schriever, 1420 Jackson Road (Web submission)

- Ms. Schriever asked where she could find the maps for the proposed project.
- PCTV responded that they would be on the website under the “Property Under Review” tab.

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 asked if there were any concerns for Staff. Mr. Sangster responded no, it’s a 4-±lot subdivision with no site plan approval so it’s relatively standard. They did have two variances, one for the setback of the barn and one for the size of the barn, and both were granted by the Zoning Board of Appeals on August 19, 2021.
- Board member Burton asked if Staff had gone through the EAF. Mr. Sangster responded yes, and there were no 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			Absent	
Burton			Aye	
Kanauer		X	Aye	
Tydings	X		Aye	
				The motion was carried.

The Board voted and **APPROVED with Conditions**, the application for subdivision approval.

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

2. 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.

In attendance: Ralph DiTucci, Atlantic 250 LLC
Garth Winterkorn, Costich Engineering
William Price, SWBR Architects
Jim Fahy, James Fahy Design

- Mr. DiTucci made a brief introduction of the application to the Board, a proposal for Phase 1 of the overall project, which is the western portion of Route 250, consisting of ± 73.5 acres. Phase 1 is comprised of 101 dwelling units which include 22 units of mixed use housing and vertical mixed use. He stated that they have met with the PRC and received comments from both the PRC the Monroe County DRC.
- Mr. Winterkorn presented the engineering portion of the application starting with the fact they are asking for P/F Subdivision and Site Plan Approval for Phase 1 of the project. Phase 1 consists of the darker units shown on the rendering on the screen. He stated that the plan is very consistent with what the Town and the Board have worked through during the Sketch Plan Review (2018). There haven't been any significant changes to the geometries of the road, the number or the mix of the different buildings or uses.
- Phase 1 will include all four curb cuts – two on Atlantic Avenue and two on Route 250. They are proposing that the road heading west from Route 250 and south to Atlantic be dedicated to the Town. The other roads shown will be privately owned and maintained. They get all of the access points in for the tenants and the residents as well as emergency vehicles and Town vehicle access. It also allows them to construct all of the units along the road frontages of Route 250 and Atlantic Avenue, which will block the future phases of development from the public view.
- Phase 1 consists of 101 dwelling units, a mixture of townhomes and apartments. It will include the clubhouse and per the MUD it will include vertical mixed use units which are in the center of the proposed area.
- The site data for Phase 1 (handout that was distributed):
 - Total acreage = 34.4 acres
 - Open Space in Phase 1 = 13.8 acres ($\pm 40\%$ of the Phase 1 area)
 - Dwelling Units = 101
 - Impervious Area = 14.6 acres (roads, sidewalks, buildings)
 - Parking (Shared) = behind the vertical mixed use units and the clubhouse
 - Each townhome = double garage and 20ft driveway (two spaces)
 - The dedicated road creates a village feel where the units are going to be

- fairly close to the dedicated road.
 - The clubhouse is just to the north of the MU units.
 - There will be a large Open Space associated with the project.
 - There is a large stormwater pond on the west property line with bio-retention areas on the north and south side of that pond. The majority of the stormwater will be directed toward that pond.
 - There are water mains surrounding the site (Atlantic Ave. and Route 250). There will also be a new dedicated main following the new dedicated road. The individual lots will be serviced off that main.
 - The way the R.O.W. is configured, it will become owned by the Town so it's creating Lot 2 which is at the southwest corner of Atlantic Ave. and Route 250. Lot 1 will include the units along Atlantic Ave. Lot 3 will be the remaining area to the north, including the pond.
 - Sanitary sewers will gravity flow to a proposed pump station down at the low area of the site, the large pond, that will be pumped up to Atlantic Ave. and tie into the existing Town main to the west.
 - The Applicant has agreed to build a new sewer with the proper slopes downstream from the pump station where there is a stretch of the sewer with some reverse slopes and capacity issues.
 - A very large part of the infrastructure for the entire project will be completed in Phase 1. Therefore, as the future lots develop, the connection points will be there.
- As Mr. DiTucci mentioned, PRC Comments, as well as MC DRC, were received and after reviewing them, the Applicant really has no issue with them.
 - Board member Kanauer asked how many Phases are planned and where. Mr. Winterkorn responded that the application is for Preliminary/Final for Phase 1 only. They are anticipating a total of five phases for the overall (± 73.6 acre) project.
 - Board member Kanauer asked if they expect the last phase to be the parcel that is east of Route 250. Mr. Winterkorn responded that yes if that happens it would be the final phase.
 - Board member Kanauer asked if there are any variances required for Phase 1. Mr. Winterkorn responded no.
 - Board member Kanauer asked if all of the units are going to be rentals. Mr. Winterkorn responded yes, that is correct.
 - Board member Kanauer asked if every unit will have a garage. Mr. Winterkorn responded yes.
 - Board member Kanauer asked what is anticipated in the public open space, use of courts, and community center. Mr. Winterkorn stated that currently, the court games are tennis courts, but there are many ideas still being considered.
 - Chairman Hetzke asked what the proposed size of the public open space is, between the retention pond, the community center, and the court games. Mr. Winterkorn responded ± 5 acres plus the pond.
 - Board member Kanauer asked how the use of a charging station would be accommodated within the garage units (i.e. a circuit placed in the garage for future use). Mr. DiTucci responded that they are currently doing a study on the comparative cost

and affordability of having individual charging capability at the units versus having centralized charging stations located throughout the site.

- Chairman Hetzke asked if the Applicant had a delineation of the zones on a map. Mr. Winterkorn stated it's on drawing CA110, the Overall Site Plan. That plan shows the different zones and what is proposed in them.
- Board member Burton referred back to Board member Kanauer's question concerning fees for the amenities, will they be available to the people who live and work in the community, or is it a fee membership being proposed. Mr. DiTucci responded that the amenities are for the residents of the development. There is no membership fee as it is built into the rent.
- Chairman Hetzke clarified that these amenities would not be open to the whole community, only the residents. Mr. DiTucci responded that's correct. He also added that in reference to the amenities being offered, they received good input from the PRC, ideas they hadn't thought of previously. He stated that they were asked (by PRC) to put a new focus on that, with regard to grading and how multiple activities might be accommodated. That is part of the refinement process going forward.
- Chairman Hetzke asked if those amenities were considered part of the commercial uses. Mr. DiTucci responded that they are related to the commercial uses in so far as they have synergy given the location of both the commercial and the amenities.
- Chairman Hetzke asked what the overall percentage of commercial space was proposed in Zone A. Mr. DiTucci responded that in Phase 1, Zone A, non-residential space versus total space is 46% (as seen on the handout). Chairman Hetzke asked how the Applicant defined that number – are they including the Community Center as non-residential? Mr. DiTucci responded no, the commercial ground floor space of the vertical mixed use buildings represents 46% of the total of those buildings. The combination of the ground floor commercial space added to the second and third-floor residential space is ±32,000sf and the ground floor, and the non-residential space is ±17,000sf of those vertical mixed use buildings. That's in comparison to the 20% requirement in the MUD manual.
- Chairman Hetzke asked if that is the only area of Zone A that we are looking at right now. Mr. Winterkorn responded yes, for Phase 1.
- Mr. DiTucci explained that during Sketch Plan Review, the Board requested that the Applicant add additional units on the east side of the dedicated roadway to Phase 1.
- Chairman Hetzke asked what the projected uses of the non-residential spaces might be. Mr. DiTucci responded that they anticipate it will be a blend of retail, office, and maybe some other uses such as pickleball. The Applicant is open to a variety of uses but they are focusing on those uses that would be most available for the residents of the development so they minimize taking cars off the road to facilitate the marketplace for those, which was one of the goals of MUD zoning.
- Chairman Hetzke asked if there were set to be three lots overall and would they be three differently owned lots. Mr. Winterkorn responded yes, three lots. Mr. DiTucci explained that having come through the pandemic, they are in uncharted water in terms of marketing, financing, etc. They are working to have more than one financing package, though they will all be under the same ownership and management. It may be that there are more than three lots depending on how many units a given lender wants to finance. They will be reacting to the market demand for the number of units they

finance. There will ultimately be a number of different tax parcels on the site.

- Board member Tydings asked about property management – will there be a location for that in Phase 1. Mr. DiTucci responded yes, and it will be located in the Community Building.
- Board member Burton asked that given where we are with potential changes with employees working from home versus away from home and brick and mortar stores being reduced to online shopping, how confident are they that they can rent the commercial spaces in this development. Have they considered an alternative – making the occupancy of the commercial space viable in the future?

Mr. DiTucci responded: at the beginning of the application process, they did a market study for the residential and non-residential components which has been exacerbated with Covid, the pandemic and the work-at-home mentality, and online purchasing. So the vertical mixed use building footprints on the ground floor are designed to be residential if the commercial fails. Obviously, it's to their benefit to have the commercial succeed because the commercial rentals are substantially more than the residential units. At this point, they are optimistic that there are enough amenities proposed to be located in the commercial space to benefit the residents that can be shared. The work-at-home phenomenon has some limitations, whether it's gathering space for Zoom meetings, or coffee shops, the Applicant is open to being as responsive to the market as much as they can in terms of the tenant demands as well as retail and commercial. A big component would likely be office space, so tenants can walk from their residence to their office.

- Mr. Fahy (Architect) continued with the presentation of the application, referencing the 3D streetscapes and building renderings provided, he explained:
 - The architecture of The Arbors is going to follow a rural, agricultural design style.
 - It falls into the era of the American folk housing time of the 1850s to the 1890s.
 - The building shapes and roof lines are simple.
 - The entries to all of the buildings will be human scale.
 - Decorations and embellishments will be purposeful but maintained to something more simplistic in design style.
 - Double-hung windows will predominate throughout the community.
 - Exterior materials will be somewhat eclectic but appropriate to each of the buildings, mixing horizontal clapboard, horizontal shake-siding accents, vertical board and batten, and masonry detailing on the buildings whether it be stone or brick.
 - Each of the residences will be provided with a large, sitting, front porch that faces the main boulevard where they are located to promote a walkable community.
 - The Applicant has developed a complementary mix of single-family dwellings, two-family dwellings, 3- and 4-unit townhouse buildings that will mix ranch and two-story style dwellings.
 - The vertical mix buildings will be a combination of 2- and 3-story buildings. All of the ground floors of these buildings are currently planned for commercial, retail, and office type of space. Whether it be a 2-story or a 1-story apartment unit, they will sit over a podium-style construction where they are separate from the first floor. They will have private stair access up to that second floor, away from the

commercial space.

- The Applicant is still working on final decisions for the exterior materials. They are balancing aesthetics, construction costs, and long-term maintenance costs, which are all critical to the long-term viability and marketability of the project.
 - He's confident that the architecture presented in the application is representative of the final architecture.
 - The Community Center is the only building that they have yet to finalize a design for. Right now it is an L-shaped structure but as they look to expand the outdoor amenities and green space, they want to make sure that the plan for the Community Center not only takes advantage of that space within the community but also provides the residents of the community the ability to live from that space to the outdoor amenities.
 - Those outdoor amenities will be principally located in that large greenspace where the swimming pool area, tennis courts, fire-pit, pavilion space – it should be a really vibrant area to bring people in the community to gather together.
 - There may be a slight change in the footprint or access of the Community Center building but they are confident the style of the building which is very rural feeling, will remain as such.
- Mr. DiTucci asked that Mr. Fahy speak to some of the individual renderings.
 - Mr. Fahy began describing the renderings:
 - The Street Scape – looking north, toward the area where the vertical mixed use buildings are proposed. We are flanked left and right with vertical mixed use buildings with more storefront-type windows. Entrances will be spaced on all four sides of the building because there is access on all sides of the buildings. Where there are three stories on the plan, there will be the two-story apartment pods and where there are only two stories, those are the one-story apartments.
 - Mr. DiTucci pointed out that this rendering gives a good idea of the type of lighting that is proposed. This rendering is looking toward the Community Center (the blueish building) in a northwesterly direction.
 - Board member Burton asked about the awnings on the rendering, whether they are intended to be fabric or metal. Mr. Fahy responded that he didn't know if they had gotten to that point but they would most likely be fabric. Mr. DiTucci interjected that it may be a combination, to give the spaces more unique-ness.
 - Board member Burton asked about the buildings on the rendering with no awning or "shadow-break" and what the plan might be. Mr. Fahy responded that they have some small entry covers that have been added to the buildings but overall, the architecture is pretty flat on the facades. Board member Burton explained he was looking for more shadow breaks. Mr. Fahy responded that he is afraid that would move them away from the rural, agricultural feel that they are trying to hit with the community.
 - The Street Scape – looking east, is from the perspective of the porch of a townhouse building looking across the boulevard at duplex buildings and beyond. The view is toward the east here and south of the downtown area.
 - The Street Scape – looking West, is from the east side of the boulevard, looking at Buildings 1&2 and 3&4 that are on the west side of that main boulevard. This is looking almost due west.

- The Street Scape – looking Northwest, toward an area where a 38-unit apartment building might be proposed in a future phase. The Community Center is to the north in this view.
 - Mr. DiTucci added that at the time of the Sketch Plan Review, they decided to purposely line the streetscapes with 1- and 2-story buildings, varying from single-family detached, duplex, triplex, fourplex, so that spatially they would be a visual barrier to some of the taller buildings. The 38-unit Apartment Building previously referenced is a 3-story building and the Applicant didn't want to put the 3-stories out on the main street to take away the residential character of neighborhoods
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- Board member Tydings asked if residents wanted to entertain guests in the apartments or the single-family homes, where would they go. Referencing the Site Plan, Mr. DiTucci responded that there is greenspace located around all of the units. There are large areas for people to go to in addition to the large (5 acre) open park area. The walkways and multi-modal paths traverse the property, providing sitting benches, fire-pits, etc.
 - Board member Tydings continued, asking about grills or children's toys. Mr. DiTucci responded, not really, they are trying to have a fairly modest accommodation for that within the unit area proper. There are also front and rear porched on almost every unit where a grill could be used. The front elevation of each unit faces the street, and the back elevation faces an alley. They wanted the walkable streetscape to have front porches.
 - Board member Burton asked about the selection of materials, noting that it is still in process, but if residents will be allowed to have grills, you want to negate having vinyl siding or trim at least on the first floor.
 - Chairman Hetzke asked about the pocket parks and where they are located on the site plan. Mr. DiTucci replied that future phases will have larger parks. For the initial marketing of the property, they tried to concentrate the units in Phase 1 which is a very sprawling infrastructure and done with the intent to maximize the exposure to the community on both Route 250 and Atlantic Ave. Subsequent phases of the project have considerably larger pocket parks. Recent PRC comments gave various ideas on how they can find even more pocket parks within the development. Currently, it is shown as open space, but they intend to amenitize those areas.
 - Board member Kanauer asked about the Community Center and if it will have event/party rooms for residents to gather with friends and family. Mr. DiTucci responded, yes it will. Board member Kanauer then asked about the parking that will serve that building. Mr. DiTucci responded that the parking will be to the west of the vertical mixed use buildings as well as along the street to the north of the Community Building.
 - Chairman Hetzke asked for more clarification on parking for the residents (and guests). Mr. DiTucci responded that each garage has two spaces, each driveway has two spaces, and the street is typically 25ft wide, so there is the capability of on-street parking as well. He said he believed that was one of the features the MUD was looking for as well.
 - Chairman Hetzke asked what the target demographic is. Mr. DiTucci responded that it hasn't changed since the Sketch Plan, it's everybody. They have tried to design the

project in such a manner in which it is universally accessible from a handicap perspective and the design of the units is for the full age spectrum from young to old. He also indicated it would be “Market Rate.”

- Mr. Fahy continued with the presentation, focusing on the units themselves. Looking at the rendering of the street side, the two-unit ranch-style townhomes include two bedrooms and two full baths. The living space will be facing the boulevard side of the home, keeping the concept of neighborhood interaction and walkability in mind. Traditional guidelines have been used to their fullest in this community.
- Board member Burton asked if the units were going to be slab-on-grade foundation and handicap accessible. Mr. Fahy responded, yes. All ADA requirements will be complied with and will be located on an accessible route.
- Mr. Fahy continued with the next rendering, a typical side elevation of the two-unit ranch-style townhouse, stating that because of the designs, some of these will have the rear entrance on the alley side and some will have an entry on the side around the corner from the garage. All units will have entry points from the boulevard side on the front porches. Mr. DiTucci added that this breaks up the repetitive appearance of the units.

Chairman Hetzke asked if the front door is a traditional door or a sliding door. Mr. Fahy responded that they will be traditional doors. They all look like the front entry of a house from the boulevard.

- Board member Burton stated that he saw a chimney chase on one side of the rendering. He asked if all the units will have fireplaces. Mr. Fahy responded that they are currently proposing gas fireplaces in the units.
- Mr. Fahy continued with the next rendering, a typical single-family, two-story, three-bedroom unit. As they move from single-family dwellings to the two-family dwellings to the 3- and 4-unit townhouses, they will use the single-family ranch and 2-style buildings as “building blocks” to develop the other combinations. All units will have entries on both the boulevard and the alley as well as two-car garages. That’s a real plus, as the rental market is pushing in that direction. Electric car chargers are a real possibility in the garages as well.
- Mr. Fahy continued with the next rendering, a 3-unit townhouse. All of the 3-unit townhomes will be flanked with ranches on the outer units, with a 2-story (3 bedroom) in the middle.
- Mr. Fahy stated that when they put the single-family homes together, it’s not just a building, it is three and four single-family buildings together. Materials, roof pitches, and colors will all be following that vernacular through to the sides and the rear.
- Bill Price, SWBR, continued the presentation, focusing on the landscape design, referring to the Overall Site Plan on the screen. He stated that what they’ve done so far is take a look at the rhythm of street trees on the dedicated streets coming in from Atlantic Avenue and Route 250 that have the medians.
 - The raised medians will have shrub plantings from curb to curb, and sidewalks on both sides.
 - There will be street tree plantings on the tree lawn area of the entranceways.
 - There will be sidewalks on both sides of the entryways.

- On the Route 250 side, there are sidewalks on one side and then they jump over to the other side, where the units are. They will be building future sidewalks there as the development gets done in a later phase.
- There is a walking/multi-purpose trail along the perimeter.
- Site lighting has been laid out with fairly typical post-top LED light fixtures with a fairly traditional colonial look to it. The spacing varies and will be 70-80 feet apart. Pole height is 14 feet and the luminaire itself is 18-22 inches. Post-top lights in the rear alleys are also proposed on the lawn areas between the garages. These will carry through into future phases when those become more pedestrian-oriented as well.
- Board member Burton asked what the status was of more detailed plans for the gathering spaces, etc. Mr. Price responded that those gathering spaces are located in the vertical mixed use area. The submitted L-series of plans show a lot of public open spaces, patio spaces, and outdoor seating areas located all throughout the main area on both sides of the buildings as well as the corridors between the buildings. There isn't any side of the vertical mixed use buildings that doesn't have outdoor spaces that are associated with them.
- Board member Burton asked if there were any rendered details that could be shared with the audience. Mr. Price responded that the submitted Plan L-103, titled The Mixed Use Commercial Area, looks at the outdoor seating, lighting, landscape, plant beds, etc. Landscape plans were also provided for the 1, 2, 3, and 4-unit buildings.
 - Spaces in between the buildings will be developed into more of a pocket park for more than just the residents. All access points are available from the multi-use trail.
 - Along Route 250, they are anticipating finding a number of boulders when construction starts, so they are anticipating using the grade change along that stretch and incorporating that stone.
 - They also anticipate the planting palette to change a little bit as they use the same materials but vary the placement. Mr. DiTucci added that the landscape buffer along Route 250 has increased as well.
 - Mr. Price explained that the submitted Plan L-101, titled Overall Landscape Area A, was intended to show the variety of outdoor spaces including walkways and outdoor spaces at the ground level outside the commercial and retail spaces.
 - They are proposing some plant beds along the sidewalks in front of the parking areas to provide a little bit of buffer between the cars and the people sitting outside.
 - The darker, bolder lines in the center of the plan indicate the on-street parking that transitions to a curb with pavers, the tree lawn with benches and street trees, and the 8ft sidewalk behind that landscape strip.
- Board member Kanauer asked about the construction of the multi-use trail. Mr. Price responded that the multi-use trail is ten feet wide and is proposed to be asphalt. He added that the multi-use trail will be the perimeter of Phase 1 including crossing the outlet of the retention pond so that it can extend to the north side of the retention pond. Future phases will pick it up and bring it around to the north. At this point, the land to the north will be left alone so you would be able to get around the entire perimeter of Phase 1. There will be connections to the adjacent parcels from the trail that is built during Phase 1.

- Chairman Hetzke asked if the multi-use trail wraps around east from the retention pond toward the court games area. Mr. Price responded that the trail stops at the north end of the retention pond.
- Chairman Hetzke asked about the southeast corner, the “tail” that extends to the east of Atlantic Ave. seems to go nowhere. Mr. DiTucci responded that they don’t own that parcel on the corner. Mr. Price stated that the “tail” is just there for the next owner to tie into.
- Chairman Hetzke asked if the multi-use trail will be maintained during the winter months. Mr. DiTucci responded that they haven’t gotten there yet. Mr. Price added that it will really depend on the use of the trail (i.e. cross country skiing, snowshoeing, etc.) and whether leaving the snow is a better option.
- Mr. Price continued, stating that one of the things they will be refining is the position and best location for the pavilion, as well as the grading from the pavilion and clubhouse down to the retention pond. They are looking at alternatives like that being a bowl configuration that would feel like an amphitheater-type space, where they could host outdoor events.
- Board member Burton asked if there was any consideration for a dog park. Mr. DiTucci responded that the idea of a dog park hasn’t been ruled out.
- Board member Burton asked if there was going to be a policy that allows pets since these will all be rental units. Mr. DiTucci responded that there will be a policy, but he’s not aware of what it will be currently.
- Mr. DiTucci explained that when you look at future phases, there is a fairly large stretch of land to the south of the retention pond and the southerly bio-retention area that runs east-west which has a pretty good grade change – that might be an area where they could do some distinct things like a dog park, versus having a dog park in the midst of other activities because that could be a conflict.
- Board member Burton asked about the timing. He stated that the Applicant is currently looking for approval on Phase 1, so is there a proposed timeline, particularly if they are talking about some features of the overall plan that might want to be available to people who are in Phase 1. Mr. DiTucci responded that the expectation is that it would take 4-5 months to obtain the remainder of the approvals that are needed to do Phase 1. From that point, they would be in a position to have serious conversations with lenders and that financing will likely take 4-6 months. Based on that, they would be into the early fall of 2022 to start construction. Once Phase 1 is relatively stabilized they would have the financing capability to roll into Phase 2 and however many units that might include would be a reflection of what lenders are prepared to commit to.
- Mr. DiTucci stated that the update for the Traffic Study (SRF Associates) is in draft form, as they waited until school was open again so they could get appropriate data. It’s done and there should be a draft early next week that can be shared.
- Chairman Hetzke asked if the trend is going up in demand for rental units. Mr. DiTucci responded that it is and there is a very sharp increase in the number of single-family detached units, nationwide. There are only eleven proposed in Phase 1 so in subsequent phases, there will be additional ones. That’s also the reason they are only doing Phase 1 at this time because they want to be able to react to the market.

Public Comments:

1. George Corbett, 1 Renwick Run

- Looking at the overall map, his five-acre property is most affected by a possible Phase 3.
- Mr. Corbett expressed concerns for the 4-story or 45 ft. high buildings that are proposed. Chairman Hetzke responded that Zone A does allow that because it is the most commercially intensive zone. Mr. Corbett's concern is that he will be able to see that building from his house. He continued, stating that they moved into the area in 2015 because they wanted to get away from the city; a year later MUD was established.
- Mr. Corbett expressed concerns about parking. He stated that with 760 units, he doesn't see 760 parking spaces. Chairman Hetzke responded that Phase 1 actually has 101 units; each unit has a two-car garage and two spaces in the driveway; any future phases would be designed to accommodate the required parking.
- Mr. Corbett expressed concerns for dogs, the mess they create, and who will be responsible for the cleanup. He is hoping that an ordinance goes in for no pets.
- Mr. Corbett's concern is the number of people, where everyone is going, and the mess it is going to make.

2. Barbara Corbett, 1 Renwick Run

- Ms. Corbett expressed her concerns with the number of units in the overall project.
- She asked if there are 760 units proposed. Chairman Hetzke responded that the total number is somewhat flexible depending on how Phase 1 works out. Mr. DiTucci also responded, stating that the Sketch Plan which encompasses the entire ± 73 acres will accommodate 517 units. The portion of the property along Penfield Center Road is Zone C, so those will only be 1- and 2-family units; that's eight acres, so there will only be eight units total along Penfield Center Road. Mr. DiTucci continued, the ± 750 number includes the 25 acres on the east side of Route 250 which will be the last to develop, if it develops at all.
- Ms. Corbett expressed her concerns with the proposed lighting and its effects on the nighttime sky. She stated that nighttime viewing won't be protected as a natural resource.
- Ms. Corbett expressed her concerns with increased crime rates given the increased number of people who will move in.
- Ms. Corbett explained that they "had to sign on for Rural Agricultural" when they purchased their home, and that is just across the street from this proposed development. MUD is a tremendous difference from RA. Chairman Hetzke took a few minutes and shared the concept and process behind the MUD.
- Ms. Corbett expressed her concerns with the 4-story building proposed in future phases, asking how high their landscaping trees are going to be because she won't be able to plant trees high enough to cover that building. She feels that from the start of Phase 1 the height of the landscaping needs to be addressed to help keep the area Rural Agricultural.
- Board member Burton explained that the Planning Board is charged with reviewing this application to see that it conforms to the regulations that are already

in place. The Board can't change those regulations. They didn't draft them. That's not within the Planning Board's authority or prevue. If the Mixed Use Zone and the Mixed Use District and the MUD Guidelines allow a certain number of units, the Board can make sure they don't go beyond that. Density or building height, in certain zones within the MUD, the Board can enforce that. But this Board cannot change the laws that were adopted by another Town body. So we are here to make sure that your concerns, which are important, are heard. This Board is here for the express purpose of making sure that the regulations that are in place are being adhered to and every time we have gotten an MUD application we've gone through a pretty arduous process because these applications are complicated.

- Chairman Hetzke stated that it will not be that intense on Penfield Center Road. It will be eight houses on one-acre lots. It gradually gets more intense as it heads south.
 - Ms. Corbett asked whether it is 4 or 5 phases. Board member Burton clarified that it's five phases of construction with three elements of the MUD.
 - Ms. Corbett asked for a definition of a pocket park. Chairman Hetzke responded that it is a small park and then gave the example of the park at the Four Corners.
 - Ms. Corbett asked if the Community Center is for the entire development. Chairman Hetzke responded yes, the entire development ultimately.
 - Ms. Corbett asked how many businesses they are expecting and are they concerned with the empty storefronts already in Penfield. Chairman Hetzke responded that it depends on the square footage and how much a particular business needs or wants. Empty storefronts are something that everyone is concerned with.

 - Ms. Corbett later returned to the table to ask what other areas of the country or state that have similar MUD developments. Chairman Hetzke referred to communities outside of Washington DC and Columbus, OH.
 - Board member Burton stated that the MUD and all of the details are on the Town Website.
3. Paul Weiner, 12 Renwick Run
- Mr. Weiner expressed his concerns with the increase in traffic and safety on Penfield Center Road, as he has a daughter with special needs.
4. Linda Schriever, 1420 Jackson Road (Online)
- Ms. Schriever asked where she could find the proposed maps for this project.
 - Website responded that they can be found at Projects Under Review on the Town Website.
 - Ms. Schriever also expressed her concern that a project of this magnitude with a significant residential population will be incompatible with the neighboring Gun Club. She asked if there were any plans to build sound barriers in anticipation of noise complaints.

5. Alan Hanford, 8 Mallory Lane
 - Mr. Hanford expressed his concern with the increased traffic on Atlantic Ave. which is a very busy, damaged road with no shoulders. The intersection at Atlantic and Route 250 is also dangerous as it lacks turning lanes, etc.
 - He asked if there was any road work planned.
 - Mr. O'Connor (Engineer) responded that the Applicant will be required to submit a traffic study to the NYS DOT. The DOT will then determine what improvements will be needed on Route 250 and Atlantic Ave to allow for their proposed access. He added that with the Five Mile Line Road and Atlantic Ave project, the State is planning to re-pave Atlantic Avenue from the town line to Five Mile Line Road next year (2022). The Applicant may have to do some improvements on Route 250 to allow for turn lanes, etc.
 - Mr. O'Connor added that once the Town receives a copy of the Traffic Study, they will have a conversation with the DOT because the Town is looking at the whole stretch of Route 250, making it one continuous improvement rather than piecing it all together.

6. Jennifer Shoots, 1226 Penfield Center Road
 - Ms. Shoots expressed her concern for the capacity of the schools and the impact on the class sizes.
 - Chairman Hetzke responded both school districts, Penfield and Webster, get copies of the Comprehensive Plans.
 - Mr. Sangster responded that the school district was notified as an interested agency as part of the SEQRA review.

7. Scott Terry, 1579 Fairport Nine Mile Point Road (Phone Comment)
 - Mr. Terry expressed his concerns about the increased traffic. Then he asked if there was going to be any consideration given to a light being put in at Route 250 and Penfield Center Road.
 - Chairman Hetzke responded that the Town has no control over lights or traffic signals on Route 250 as it is a NYS Road.
 - Mr. Terry also asked if the developer would be open to NOT connecting the development to Penfield Center Road, via a pedestrian pathway.
 - Chairman Hetzke responded that the walkway would be in a future phase, and the Applicant would likely entertain those discussions at that time.
 - Mr. Terry also asked about a plan to bring sewer access all the way to Penfield Center Road.
 - Chairman Hetzke responded that he couldn't speak to the sewer question at this point, but that will be something that is addressed.

8. Christina Labarge, 1319 Penfield Center Road, a horse farm on Route 250
 - Ms. Labarge expressed her concerns with security given she has 30-35 kids at any time on her farm – will there be increased police, background checks on the residents, etc. Chairman Hetzke responded that those questions will definitely be asked throughout this process, as we all desire a safe community.

- Ms. Labarge asked if there were a certain number of units allowed on a certain number of acres. Chairman Hetzke responded with yes, and it varies per Zone in the MUD. This application consists of three different zones, the most intense being Zone A which allows up to 20 residential units per acre, Zone B is 6-10 units per acre, and Zone C is 1 unit per acre (right along Penfield Center Road).
- Ms. Labarge asked if the approval process will be the same for phases 2 and 3. Chairman Hetzke responded yes, phases 2 and 3 of the project will come back to the Planning Board for approval. Generally, the Applicant will get approval for Phase 1 and then secure the financing for that phase and finally construct Phase 1. If that is successful, they go back and start the same process for Phase 2. Also, if Phase 1 doesn't succeed as they anticipate, there likely won't be a Phase 2 or 3.
- Ms. Labarge expressed concern for the empty storefronts. Chairman Hetzke explained that the MUD is designed to be walkable in a village-type setting. Types of commercial uses include neighborhood-type things – coffee shops, barbers, etc.

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.

- Board member Burton stated that a general comment should be made about the fact their plans for Phase 1 “are still in development.” We don't have details for the landscaping, the pocket parks, and the gathering areas that held up the other mixed use developments that have been looked at. Those are key elements that they need to address. He continued that they referred to the architecture as being “up in the air.”
- Board member Burton continued, saying he specifically asked about the shadow lines because:
 1. If you look on the one side of the street and see awnings and don't on the other side, that's odd.
 2. Canvas doesn't hold up well in our climate therefore there needs to be a plan for replacement.
 3. Sun-shading is a mandatory requirement of the NYS Energy Law.
 4. It could actually be a variety of things that would add depth and visual interest to the buildings (i.e. a cornice board).
- Chairman Hetzke stated that overall, this application grabs the spirit of what we are looking for in the MUD. Board member Burton agreed that this meets the intent of what the MUD manual was actually written to do. This has more of a community flavor than any of the other applications.
- Board member Kanauer stated that if they go ahead with Phase 1, but it is many years before we see the next phase, or a future phase never happens, we want to see this first phase as a viable stand-alone.
- Board member Burton stated that with the expense of the infrastructure of this project if they only build one phase, the cost is not sustainable. So even if this ownership group decided not to pursue a second or third phase, someone else will come along, with the infrastructure already in place, and finish the development.
- Board member Kanauer stated that the street views are exactly what the Board had in mind – the village look, the colors, the textures, and the architecture.

- Board member Burton explained that going back through the history of how the MUD Manual came together, in those southern communities is where they specifically prohibit any garages on the street front face of the building; garages and parking areas all have to be on service roads in the back. They captured that idea very well with this plan.
- Chairman Hetzke described his experience touring the Rochester Skate Park recently. He was impressed by the sense of community and wants to keep something like that in mind for the overall MUD – a recreational use for the general community.
- Board member Burton added that he feels that we have yet to really explore the kind of gathering spaces, uses, and amenities that developers could put out there that could enhance the MUD as well as the community at large. Chairman Hetzke said he feels we need to think outside the box.
- Mr. Sangster reviewed the items to be included in the Tabling Resolution:
 - Further developed plans per the design team’s presentation (more details)
 - Traffic Study submission; our consultant’s review of the traffic study
 - Architectural Review by Chris Lopez–comments to Board before the Applicant
 - Landscape Review by Bruce Zaretsky

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

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian			Absent	
Burton		X	Aye	
Kanauer	X		Aye	
Tydings			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 spoken with the engineering firm, BME, and they have indicated that they will be submitting responses to the PRC Memo and new architectural renderings based on Chris Lopez’s Architectural Memo; they will also be submitting revised site plans based on the DOT comments for the modified entrance to

NYS Route 250. Their intent was to submit these revisions on Friday, October 15, which was not in time for this meeting.

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 has spoken with the engineering firm, BME, and they are currently conducting a site investigation at the request of SHPO. They are tilling the field on the property and once complete they will have a report as part of the archeological survey which we are hoping will encourage SHPO to relinquish lead agency and allow the Planning Board to be Lead Agency.
- Mr. Sangster continued, they are also preparing revised plans based on the PRC Memo and the Tabling Resolution from the Planning Board. They are planning to submit them early next week.

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

V. **ACTION ITEMS:**

1. **Sweet-Wingate Subdivision – Administrative Re-subdivision**

- Mr. Sangster explained that this was a subdivision that was before the Planning Board in April 2021 when a farmer was looking to acquire some land from a neighbor to increase the size of his farm property. While the parties all agreed on that first transfer of land, they have decided that he would like to relinquish some of his land that fronts on Sweets Corners Road. They are looking to shift lot lines again. This shift will result in a decrease on the farm property of 3.89 acres leaving them with 75 acres of land.
- Mr. Sangster stated that there are no variances required as all lots will be zoning compliant.
- Chairman Hetzke asked what the change actually is. Mr. Sangster responded that it is on the Sweets Corners side (Lot R1), number 1871. He referred to the Subdivision map on the screen, and the line shift shown there. They are looking to transfer the portion from 1181 to 1875, and then shift the line to the east. No new lots are created, they are just transferring property between two owners.
- Chairman Hetzke asked if the Engineering Department had any concerns with this.

Mr. Sangster responded that Staff doesn't have any significant concerns.

- The Board had no further concerns.

The Board voted and **APPROVED with Conditions**, the application for Administrative Re-subdivision.

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

2. 1385 Empire Blvd, Empire Self Storage – Relocation of Building 7

- Mr. Sangster explained that in 2008 the Applicant was approved for Phase 2 of their mini-storage at 1385 Empire Blvd. There were five buildings proposed, in addition to the three they had. To date they have built buildings 4, 5, and 6. In 2014 they asked if they could rotate those buildings 90 degrees and the Board approved that modification.
- Mr. Sangster continued, explaining that the Applicant is now asking to move Building 7, which in its approved stated would be parallel to the three buildings along the back, facing northeast. They are looking to move that building up to the front where there is currently outdoor storage-campers, vehicles, and a trailer. They want to move those into existing outdoor storage, and move Building 7 up. This move will create a gateway into the property for aesthetic purposes.
- Chairman Hetzke asked if the Staff had any concerns with this.
 Mr. Sangster responded no, the Applicant is proposing some drainage improvements so they will add two catch basins that will tie into their existing storm sewer that drains to a bio-retention facility that was constructed at the beginning of Phase 2. The building is the same size, so there will be no net increase in outdoor storage. It's really just moving a building from where it was approved to another location within the same site.
- Board member Tydings asked where the office was in relation to this building. Mr. Sangster responded that he believed the office is further to the northwest. (Indicated on the screen.)
- Chairman Hetzke asked if there was any impact on the view from Empire Blvd. Mr. Sangster responded no.
- Board member Tydings asked if there were any environmental issues. Mr. Sangster responded no, explaining that when it was approved, it was under a use variance, because of environmental concerns, therefore they are already limited in how deep they can dig, etc.
- The Board had no further concerns.

The Board voted and **APPROVED with Conditions**, the application for relocation of Building 7.

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

3. 745 Panorama Trail, Goodwill Donation Center – Building Modifications

- Mr. Sangster explained that Goodwill has acquired the property at 745 Panorama Trail, and similar to what they did at 1260 Creek Street, they are looking to use the existing building and architecture and add a covered portico for donation drop-off. The portico will be of the same style and architecture as the building and also keep the color scheme as it is.
- Chairman Hetzke asked if Staff had any concerns with this. Mr. Sangster responded that Staff doesn't have any significant concerns.
- The Board had no further concerns.

The Board voted and **APPROVED with Conditions**, the application for building modifications.

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

VI. HELD ITEM:

VII. NEW BUSINESS:

There being no further business before the Board, the meeting was adjourned at 9:33 PM.

These minutes were adopted by the Planning Board on Tuesday, November 16, 2021

FILED
 PENFIELD, N.Y.
 2021 NOV 17 AM 10:43
 TOWN CLERK
 NY M. STEKLOF