

The Planning Board held a meeting at 6:30 PM local time **Thursday, October 28, 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: Bill Bastian
Jim Burton
Bob Kanauer

ABSENT: Allyn Hetzke, Jr.
Terry Tydings

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. 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 since the last meeting, the Applicant has submitted a revised site plan and architectural submissions based on the comments from the Board as well as Staff's PRC memo and NYS DOT directions.
- Mr. Sangster continued, the biggest change is that the access drive has moved further to the south per the request of the NYS DOT for 250 feet distance between the intersection of Sweets Corners Road and the primary access point for this site. The Applicant moved the access drive south and the parking to the north.
- Mr. Sangster explained that Staff met with the Applicant on October 27, 2021, at the Project Review Committee meeting and it was a very fruitful conversation. Some changes from this included – the northern drive shown on the plan that ends with the dumpster enclosure – there is discussion on possibly removing that northerly access drive and accessing the parking off of the main complete street.
- Mr. Sangster continued, another discussion point with the Applicant was the potential for more commercial space, specifically along the pedestrian spine. There is ample area within the two parking islands and with a little re-configuration it has the potential to

support a vertical mixed use building that would be more closely integrated with the pedestrian spine.

- Mr. Sangster explained that the architectural submissions remained very similar to the previous submission with the color palette, but one of the significant changes the Applicant made was on the sides facing the pedestrian spine – they intend to wrap around the brick-work on the first floor, add some awnings over the windows, and reduce the patio space to give it more of a commercial first floor feel so it looks less like you’re looking at the side of the building and more like the front of the building when you’re walking down the pedestrian spine.
- Board member Burton noted that there are comments from the architect of record in response to the comments that our architectural consultant has made. Because we don’t have the opportunity to discuss that with the other (absent) Board Members, he suggested the Board hold off on that, until the next meeting. There are also comments from the NYS DOT that should be vetted and as the Town Planner noted, the PRC met with the Applicant yesterday, but they haven’t had an opportunity to prepare a memo as a result of that meeting, so the Board doesn’t have the benefit of that either. For those reasons, he didn’t feel they were prepared to do anything.
- Board member Kanauer had one miscellaneous comment concerning the location of electric vehicle charging stations—stating the Applicant may want to consider a station that would serve the handicap sites that are opposite that, or make one of those EV parking spots ADA compliant.

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)			Absent	
Bastian	X		Aye	
Burton		X	Aye	
Kanauer			Aye	
Tydings			Absent	
				The motion was carried.

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 been in contact with the Applicant, who had the farmer till the field, and then they brought in an Archaeological Specialist who will be conducting a survey on the tilled field, and will then provide a report.

- The Applicant also stated that they have made revisions based on the Board's Tabling Resolution as well as the most recent PRC memo. They have also received comments from MC DOH regarding the septic design. They hope to incorporate all of these into revisions and have them ready in time for the next meeting.

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

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 has been in discussion with the Applicant and they stated that they are currently working on responses to the PRC memo (dated 10/8/21) as well as the Board's comments in the Tabling Resolution.
- Since the meeting, Staff has received an update to their 2018 Traffic Impact Statement. Originally this application came before the Board as a series Sketch Plans in 2018, and one of their submissions was a traffic impact statement. As part of their P/F application, they had SRF Associates conduct an update of that TIS. The revised document was received yesterday, so Staff has not had time to fully review it and provide any comments. It will be provided to our Traffic Consultant and NYS DOT at the Board's request if that's what you'd like Staff to do.
- Board member Kanauer asked about the Type 1 Action status. Mr. Sangster responded that in Staff's review, they determined that this application would be a SEQRA Type 1 Action. While Phase 1 is 101 units, looking at the project overall it meets several criteria for the Type 1 Action. Also, when the application was submitted, Staff sent out Lead Agency Letters to involved and interested agencies. At this time we have received responses from multiple agencies concurring with the Planning Board as Lead Agency. If the Board is comfortable declaring lead agency, you could do that at this time.
- Board member Kanauer asked if the SEQRA Type 1 was for the entire project, or is that still under discussion. Mr. Weishaar responded that SEQRA requires the Board to consider the whole action when looking at the potential environmental impacts, because we know that it is going to be a phased development and it's eventually going to be fully built out, that's the reason it was triggered as a Type 1 Action. Mr. Sangster added that if they were to intentionally phase it in such a way that each phase would be under the threshold so that each phase would be treated as an Unlisted Action, but looking at the whole development because each part builds on the previous.

- Board member Burton stated that the Board has had cases that were similar in that regard and one of the conditions was that as each phase was presented to the Board, the Applicant was required to revisit their SEQRA application so they can determine if there are any significant changes in the environmental impact as they go forward with the project. Mr. Weishaar added that there are regulations that would require that if there are significant changes from what the Board looked at, the Board could re-open the SEQRA process. Going forward the Board could require the Applicant to submit an EAF so the Board is aware of the differences as the project goes along.
- Mr. Sangster added that the Applicant intends to have revised plans in time for the next meeting.

The Board voted and declared the Penfield Planning Board as Lead Agency for this project.

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

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

III. ACTION ITEM:

1. 1394-1450 Marchner Road, Schoff/Green Re-Subdivision

- Mr. Sangster explained that the re-subdivision is located on Marchner Road, east of NYS Route 250. It originally came to the Planning Board in 2015 as a subdivision where they divided out this third lot.
- Mr. Sangster explained that with the development going on in the Village of Webster, and with the townhouse project that was recently approved on the southeast corner of State and Jackson Roads, two of the neighbors have approached a third neighbor to purchase some property behind them to act as a buffer.
- It is proposed to be a shift of lot lines between three existing lots that were originally part of this Schoff-Green Subdivision in 2015.
- Board member Burton asked if all lots will be compliant, with no existing structures or set-backs? Mr. Sangster responded that all lots are compliant with code and Staff has no issues with the accessory structures on the site.
- Chairman Bastian asked if there were any variances. Mr. Sangster responded, no variances are required.

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)			Absent	
Bastian	X		Aye	
Burton			Aye	
Kanauer		X	Aye	
Tydings			Absent	
				The motion was carried.

IV. HELD ITEM:

V. NEW BUSINESS:

There being no further business before the Board, the meeting was adjourned at 6:48 PM.

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

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