

The Planning Board held a meeting at 6:30 PM local time **Tuesday, November 16, 2021** in the Town Hall Auditorium to discuss, in a meeting available to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

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

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

II. APPROVAL OF MINUTES:

The Board voted and **APPROVED** the draft meeting minutes for October 14, 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	
Kanauer			Aye	
Tydings			Aye	
				The motion was carried.

The Board voted and **APPROVED** the draft meeting minutes for October 28, 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	X		Aye	
Tydings			Aye	
				The motion was carried.

III. 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.

Present for the Applicant: Peter Vars, BME Associates
Mike Bogojevski, BME Associates
Mira Mejibovsky, Passero Associates
Jason Sackett, Pathstone

- Mr. Sangster explained that Staff received a revised Site Plan that reflected changes that were requested through Staff, PRC, and the Board. The most substantial change would be their proposal for an additional retail building located off the pedestrian spine on the north side of the property. They have also made changes regarding the layout of the access road to meet fire code. They provided updated architectural renderings for the Board’s consideration as well. Finally, the Applicant was available in the audience if the Board had any questions, and they had physical material samples available for the Board’s consideration.
- Chairman Hetzke asked if the building on the plans marked “potential ±4800 sf building” is official or unofficial. Mr. Sangster responded that he thought the Applicant would say it is an unofficial building. The tenant that they have proposed for the building in the northeast corner would like to be along the Route 250 corridor. Through a reconfiguration of the parking and open space on the north side of the property they were able to make space for another building (the “potential” building) that could potentially front (or be more accessible to) the pedestrian spine that runs north-south through this property.
- Chairman Hetzke explained that while the Applicant has done a nice job with the architecture and design of the buildings, he is still struggling to see how this has the mixed-use, village-feel that we really want to make sure we get here. He continued, stating that this application and others that are before the Board are critical for the entire district – if we are going to end up with the mixed-use, village-feel, we need to really focus on that now.
- Chairman Hetzke stated that the commercial building along the pedestrian spine helps move in that direction, but when he is trying to envision when this is built out, what kind of environment or community will it create and is it going to be this desirable. And will the pedestrian spine just be a walkway to nowhere – or is it going to be a vibrant, busy, lively place.
- Board member Tydings stated that he’d like to hear their ideas for the residential courtyard area at both buildings and does that meet their greenspace criteria.

Mr. Sangster responded that in the original submission, the Applicant included more specific, detailed plans of each of those courtyard areas. He continued, stating that they have a mixture of passive recreational uses – seating and lounge areas, outdoor cooking, as well as some sport courts (i.e. corn-hole, bocce, etc.) on one side. On the other side is a playground for children that is separate from the playground for the daycare facility, as well as a passive recreation gazebo. It leans toward recreational uses which we have considered as part of our open space in previous applications and they are showing a variety of uses that aren't just open grass area.

- Board member Kanauer stated that he thinks it would be helpful if they could see street-views from three locations, the two courtyards (looking north into each courtyard) and the pedestrian spine (starting at the parking area – both north-south and south-north), what that's going to look like as this is developed. That would give a better idea visually of what it will look like.
- Board member Bastian agreed, stating he doesn't want the pedestrian spine to be a walkway with hard and fast borders on each side, it should integrate to the buildings and parks around it to give it that village-feel. Specifically, the buildings to the west – you don't want to walk by a building and not have it open to that pedestrian spine. That is critical to the village-feel. Getting a street-view is the only way we will know what that will look like.
- Board member Burton added that this was a topic of conversation when the Applicant first presented the project and the details were still in flux. He added that the Board often sees (mature) trees, like they would be 20 years from now, and it would be nice to see a more realistic rendering of the landscaping materials and how they might look in three to five years. It seems the Applicant is at the point where they can prepare these types of renderings, a visual representation of what can be expected if this were to be built out.
- Chairman Hetzke asked if he was the only board member who has a “disconnect” with the village, downtown, street-of-shops feel of this area. He stated that his biggest concern is that the MUD becomes a sea of apartment buildings.
- Board member Burton responded that if they meet the density and the ratio for mixed use, it becomes a matter of how well they are able to adapt. We started out by focusing on that main entry-way, the face of the buildings away from Route 250, so as we are directing this team to meet the MUD Manual, and concerns for a number of other things, it's entirely possible to get something that has that kind of main street feel that the MUD Manual talks about. He stated that he thinks it's possible they can achieve that with the current plans.
- Chairman Hetzke asked how to get them to do that, and Board member Burton responded that the way to do that in a work session is to send that message to the design team and ask them to come back with something that the Board and the Community can review.
- Board member Bastian stated that the pedestrian spine, buildings, the dog park, they all need to blend together. He shared about Old Town, Fort Collins in Colorado, and how they closed off a street and they had a similar concept only it was mostly with businesses. You couldn't really tell where the street started or stopped and where it was for pedestrian access. It was beautiful. That's the kind of feel he is looking for here. He described it as the pedestrian spine and then instead of grass, maybe a stone surface

going up to a building with access into the building. Board member Burton replied that they have to be careful to maintain exterior accessible routes to the buildings that are maneuverable.

- Mr. Sangster stated that in a previous submission, the Applicant submitted some architectural drawings, specifically the east elevation of Building two, the one closest to the pedestrian spine, and one of the changes they made was to add canopies and revise the façade on the first floor to give it a more pedestrian scale exterior as it fronts to the pedestrian spine.
- Chairman Hetzke asked if those are potentially storefronts. Mr. Sangster responded that they would still be residences. The intent was to give it a more commercial look even though they are still apartments so that it provides a sense of scale for anyone walking by. That has been a point of discussion for the Board – having commercial along the pedestrian spine.
- Chairman Hetzke stated that he knows the Applicant is anxious for feedback and to move forward with their planning, but what is going to convince the average person who might pull into the YMCA parking lot and want to take a walk – why would they walk north on this pedestrian spine?
- Board member Bastian stated that he feels there should be more commercial along the pedestrian spine – a café, ice cream store, coffee shop, where people would want to go. If it is just apartments and there is no access, it looks kind of commercial, but why would someone go there? He stated that that isn't the feel he is looking for.
- Chairman Hetzke described when he visited the American Can Factory, in Fairport's North Village, which houses a four restaurants. That place used to be run down, but now it's packed. Obviously it can work. How do we get it to work?
- Board member Kanauer added that it makes sense to have the commercial businesses right along that corridor. Even if it means re-configuring some of these other spaces (i.e. swapping the dog park with the potential out-building).
- Chairman Hetzke stated that one thing he likes about the potential retail building is that it helps to create a street-scape.
- Board member Burton stated that in the notes, Town Staff shared that they have not had time to fully review the most recent submittal, so it would be premature to “close the loop” on this when the Board doesn't have Staff's input.
- Chairman Hetzke stated that with the potential ±4800 sf, he thought it was more of a definite thing. He asked if the Applicant knows what the intent is with that building. Mr. Sangster responded that he thought the Applicant was looking to get the comfortability of the Board with the idea of the building there. They are able to modify the plans based on the comfort level of the Board. Chairman Hetzke informally polled the Board on the placement of this building with parking to the east and west of it. The east-west drive in to the north side of the two main buildings becomes a street with on-street parking.
- Board member Bastian responded that they need to know what kind of building it is going to be – two-story restaurant with balconies and a patio or a clothing store. If it's something along the pedestrian spine that would attract people to it, that's a good thing. It breaks up the parking lots.
- Board member Tydings added that it would be helpful for them to come back and let the Board know what their intentions are.

- Board member Kanauer stated that being more north on that project, that would continue that pedestrian corridor and architecturally, the façade facing the corridor something could be done that would tie in with the look of the other building.
- Board member Burton stated that it would be premature for them to make a commitment on what kind of tenants they are going to get. We (the Board) are going to struggle with this on every MUD application, particularly in the current market that we are in. In terms of how that contributes to getting some renderings, some visuals that the Board and the community can look at, this can play an important role in that, because it breaks up the pavement or the grass, etc. It's an opportunity to create some shadow lines and some visual interest. He stated that the Board shouldn't fault the site because there isn't anything to the north. This entire block of land was always intended to lead to the north and the pedestrian spines and main-street would continue that pathway. Who knows what is going to happen, and what will be visually interesting.
- Chairman Hetzke stated that this is the first time the Board has reviewed the east-west entryway moving to the south of that eastern commercial building. Mr. Sangster responded that that was a request that came through NYS DOT looking to increase the distance between the entry for this property and Sweets Corners Road to the north.
- Chairman Hetzke stated that the east-west road provides a better feel. You pull in and you have potentially a restaurant or something on the right side and then you have the larger buildings on the south side – we will want those fronts to be welcoming to the people that are there.
- Mr. Sangster responded that moving the entry lane to the south helps provide a more interesting entrance to the development. As you come into that road, the building to the north will hide some of the parking. You'll see buildings on both sides, with the complete street heading west. That was an effective way to try and hide some of the parking and provide a more visually interesting entrance. The potential for that additional building is another area where they work to hide the parking on the north side across from building two while providing some visual interest as the road sort of meanders around there.
- There is the potential in the future too, and it has been taken into consideration. When the property to the north develops, there may be a primary intersection with Sweets Corners Road, as part of that (future) development. In doing this, it sets this (Pathstone) development up for the potential that it could tie into what would be a larger intersection with Sweets Corners Road, potentially signalized in the future.
- Mr. Weishaar asked if the property is currently at residential density. He explained that as the Board thinks about the outparcels as commercial, what happens if these are subdivided off, will a subsequent owner come in and ask for more residential in those parcels. He advised to think about that in the big picture so we avoid what happened to the south. Mr. Sangster responded that as proposed, they are at 12.8 units per acre. Being fully within the Zone A of the MUD. They are allowed up to 20 units per acre, per Table 6.1.5 of the Mixed Use Manual.
- Chairman Hetzke asked what the total proposed commercial space was. Mr. Sangster responded that commercial/non-residential is at 22.5%. That includes the daycare, the daycare playground, the office space in Building 1, the potential commercial building and its patio area.

- Chairman Hetzke asked for clarification on the daycare playground being included in that commercial/non-residential percentage. Mr. Sangster responded that we consider it a commercial use because that playground is proposed to be used exclusively by that commercial facility.
- Mr. Weishaar asked if it is commercial or non-residential. Mr. Sangster responded that it is an integral part of the commercial use of the daycare.
- Board member Burton stated that technically a daycare is institutional not residential. Mr. Weishaar asked if there is a distinction between the requirement for having a percentage that is non-residential or is it more specific that it requires a certain percentage of commercial. Chairman Hetzke added that he thought a playground was a bit of a stretch, but it's 5000 sf out of 26,730 sf.
- Mr. Sangster stated that the Applicant provided architectural renderings which includes call-outs of the specific materials proposed to be used on the buildings. Representatives were present and had physical samples of those materials.
- Chairman Hetzke asked if the Board could see the samples. The Board spent several minutes looking at them. Mira Mejibovsky, Passero Associates explained several of the specific items for the Board.
- Mr. Sangster summarized the samples: four different colors of vinyl siding (upper floors), two colors in the fiber-cement board (accents along the central area of the building), a brick and a stone veneer along the first floor. The Board agreed that they are moving in the right direction.
- Mr. Vars, BME, came to the table and thanked the Board for their time and input on the application. He stated that working in the MUD is dynamic and he requested an "old fashioned" workshop session with Staff, the Applicant, and the Board. He stated that though tonight's conversation was very good, it was one-sided. He feels that if they could get everyone around a table and truly discuss these issues, they can more efficiently move the project forward. It's difficult for them to get the feedback that they got tonight and the only way to get their ideas back to the Board is via revised plans and a written letter. Dialogue would explain things much better, like why they chose certain things.
- Board member Burton responded that it's not really the Board's job to guide the design of a project. The Board is there to react to what the design team provides to them. The challenge is that the Board receives information on Friday and they are expected the following Thursday to have reviewed it, not having an opportunity to discuss it themselves. He stated that the Board members themselves wish they could meet at the back of the room and be more collaborative.
- Board member Burton stated that the Board doesn't dislike the project and they have gone through a number of other things that were core elements of how the Applicant can use the site. But now we have the critical elements for a MUD and that village or main street feel is one of the critical things. You've got what you need to do it.
- Chairman Hetzke responded that in short, we need to make some of that happen – collaboration with a couple of members around a table and then here is the plan that is based on that, then it comes before the Board where all of the members have a chance to review it.
- Mr. Vars responded, saying that they understand their responsibility as the design team but they are looking for a way to have a two-way conversation.

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

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Bastian	X		Aye	
Burton		X	Aye	
Kanauer			Aye	
Tydings			Aye	
				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 is still waiting on revised plans and the archeological survey.

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 sent out a PRC memo and we know that the Applicant is working on revised plans.
- The Applicant submitted a revised Traffic Impact Study (TIS) based on the one they completed in 2018. Staff is still reviewing the recommendations presented in that study. The TIS has also been forwarded to the Town’s Traffic Consultant for their review.

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

IV. ACTION ITEMS:

1. 1660 Penfield Road, Delta Sonic – Site Plan Modifications

- Mr. Sangster explained that Delta Sonic approached the Town with plans for a few site plan modifications at 1660 Penfield Road, to keep up with their current business practices. As the subscription car wash service has become more significant, they are looking to remove both of the existing booths, change one of the lanes to express only, and install a single booth that is larger than the previous one on the western most lane for the drive-through.
- Mr. Sangster continued, saying the Applicant is also looking to add a camera arch system along the entry. The cameras will take pictures of (current) damage on vehicles as they are coming in, so Delta Sonic has a better idea of damage that was pre-existing and that which resulted from the wash.
- Mr. Sangster added that the site is at its greenspace maximum of 70%. They will be adding a little bit of pavement with the proposed changes, so Staff asked them to see if there was another area on-site that they could add some potential greenspace back onto the site. They are showing on the west side of the property, taking what is currently a striped pavement area and making it a landscaped island.
- Staff has reviewed it and only had minor concerns. The Fire Marshal is currently evaluating the requirements for the arch, camera system which is shown as ± 10 feet tall on the cut sheets and that can be altered. He is concerned that it would be too low for the emergency vehicles to get to the back of the site if needed.
- Chairman Hetzke asked if the truck can get under the arch. Mr. Sangster responded that the Fire Marshal is concerned it will be a pretty tight fit with the current apparatus. He was concerned with the height of that system as well as the swing bars that are ± 8 feet. The Fire Marshal has forwarded his concerns on to the Penfield Fire Chief to get their review and response on emergency access around the site.
- Mr. Sangster continued, on the west side where they are proposing the landscaped island, and the Fire Marshal is concerned that they would not be able to get the emergency vehicles back out, once they reach that area. The Applicant is willing to move that curbed island to the other side to provide a wider area.
- The Applicant was present and stated that they have no problem changing the proposed height of the arch per the Fire Marshal's requirements. Mr. Sangster stated that he thinks 13.6 feet is what the requirement is, but the Fire Marshal is confirming that number. A firetruck was taken to the back of the site a year or so ago, and they were able to get back there, but if they are making these modifications, he'd ask that they work with him to make it more accessible.
- Board member Burton stated that he was just there and has no issue with these changes and moving it forward, subject to the Fire Marshal's requirements. The Board members all agreed.

The Board voted and **APPROVED with Conditions** the request for site plan modifications.

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

2. SimuTech @ Panorama Park – Administrative Resubdivision

- Mr. Sangster introduced this application as Lot 2 of the Panorama Park Subdivision, SimuTech. They (SimuTech) are in talks with Rich LaFrois to purchase a section of property from Rich and add it to their site. It would be a lot line shift as they would be adding some additional acreage for future, potential expandability.
- Chairman Hetzke asked if there were any Staff concerns. Mr. O’Connor responded, stating that the only item would be a stormwater inspection easement that would need to be abandoned.
- The Board had no further concerns.

The Board voted and **APPROVED with Conditions** the request for administrative resubdivision.

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

V. **HELD ITEM:**

VI. **NEW BUSINESS:**

1. **280 Panorama Trail, Application #19P-0008**

- Mr. Sangster explained that this application has been in the Held Items for quite some time.
- In September, the Board instructed Staff to send a letter to the Applicant stating that it had been about 2.5 years since we had heard anything from them. The Board was requested either the Applicant submit revised plans, or a letter of withdrawal if they didn’t have any interest in moving forward.

Penfield Planning Board
November 16, 2021

- A letter was received from the Applicant stating that they are interested in withdrawing their application from the Planning Board's agenda.

There being no further business before the Board, the meeting was adjourned at 7:37 PM.

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

FILED
PENFIELD, N.Y.
2021 DEC 10 AM 9:43
AMY M. STEKLOF
TOWN CLERK