

The Planning Board held a meeting at 6:30 PM local time **Thursday, March 10, 2022**, 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.
Kelly Aken
Jim Burton
Bob Kanauer

ABSENT: 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

SPECIAL GUESTS: Supervisor Cinti
Cub Scout Pack 80, Webelos Den

II. APPROVAL OF MINUTES:

The Board voted and **APPROVED** the draft meeting minutes for February 10, 2022.

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

III. PUBLIC HEARING APPLICATIONS:

1. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Sahar Elezabi, MD, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval for ±4,018 sf asphalt pavement expansions throughout the property in several locations with associated site improvements on ±0.629 acres located at 1527 Empire Blvd. The property is now or formerly owned by Creek Ranch, LLC, and zoned Limited Business (LB). Application #22P-0004, SBL #93.19-01-001.

Cole Papasergi, Marathon Engineering

- Mr. Papasergi presented the application requesting site plan approval for the impervious pavement previously added to the property.
- The property is located $\pm 1,000$ south of Plank Road on Empire Boulevard. There are two entrances to the site: one on the north property line and one on the south property line. The entrance on the south is the one primarily used by the business.
- There was limited parking in the back, and they have now added $\pm 4,000$ sf of pavement to add parking spaces as well as widen the drive.
- The Applicant has added some stone diaphragm to help treat and capture some of the runoff.
- The Applicant has received comments from PRC and addressed them.

Board Questions:

- Board member Kanauer asked Staff if the addition of the $\pm 4,000$ sf impervious surface created any drainage issues. Mr. O'Connor responded that Town Code requires that anything over $\pm 6,000$ sf of impervious surface requires water quality treatment per the water quality section in our Design Standards.
- Mr. O'Connor continued, saying that Staff was more worried about this project being so close to the steep slope EPOD and wanted to try and create some way for the water that is running off the parking lot to enter that stone diaphragm, level out and spill out as sheet flow rather than pinpoint discharge. The Applicant has added that to the plans and Staff is satisfied with what they have provided.
- Board member Kanauer asked the Applicant what the purpose was of widening the driveway that goes out to Empire Blvd. Mr. Papasergi responded that there were dirt areas resulting from cars that would pull in incorrectly, so widening that area prevents the unsightly area of dirt.
- Board member Kanauer asked the Applicant if there was any intention to also pave the area between the curb and the right-of-way because right now it is just dirt. Mr. Papasergi responded that right now on the other side there is sidewalk so they wouldn't be able to, therefore there is no intention to add any more impervious surface.
- Board member Kanauer stated that if not paved, the area will be a mud hole and asked the Applicant to take a look because if you continue that line to Empire Blvd., there is no sidewalk and there is no paving material.
- Chairman Hetzke asked for the record if this impervious surface has already been put in and was it just an oversight. Mr. Papasergi responded yes, everything but the stone diaphragm and the associated erosion control measures are already in and the Applicant didn't understand that they were over the threshold for the new impervious pavement.
- Board member Kanauer explained that the section he was talking about is between the sidewalk and Empire Blvd. within the right-of-way. Mr. O'Connor responded that it would require the Applicant to get a DOT permit in order to do any of that work.
- Board member Kanauer added that that area has to be a solid surface. Mr. Papasergi responded that that would fall completely under the purview of the NYS DOT and Mr. O'Connor agreed and added that it is something Staff can suggest but it's probably up

to the Applicant if they want to go through the process of working with the NYS DOT to get the permit to do that minor work.

- Board member Burton asked the Applicant to point out where the handicap accessible parking stalls are. Mr. Papasergi responded that the handicap accessible stall is in the front (where the cursor was positioned). Board member Burton added that they will need to show that on the plan, where the accessible space is, where the loading zone is, as well as the striping and signage for the space. Mr. Papasergi responded that they can do that.
- Board member Burton continued, stating that he sees the “hatched” area (on the plan) behind the building, but the accessible space needs to be adjacent to the adjacent entrance to the building. Mr. Papasergi explained that the “hatching” in the rear is mainly to prevent cars from parking in front of that entrance there; the accessible parking is out in the front.

Public Comments:

There were no public comments for this application.

Board Discussion:

- Chairman Hetzke asked if Staff is comfortable with where the Applicant is going and what they have submitted. Mr. O’Connor responded, since they have already added the pavement, Staff really wanted the stone diaphragm to be installed at the end of the parking lot to protect the steep slope. The Applicant is amenable to that, so Staff is satisfied.
- Board member Kanauer restated his concern for the driveway in the right-of-way. Mr. O’Connor stated that he made that comment regarding on them providing new asphalt on the back side of the sidewalk. He wanted to know if they needed to get a DOT Permit and no one wants to get a DOT Permit, because that is a six-month process.
- Mr. O’Connor asked what the Board’s thoughts were on asking the Applicant to remove the extended area and return it to the existing edge of the driveway.
- Board member Burton asked what the Applicant gained by adding the 2.5 feet of pavement. Board member Kanauer responded that the Applicant had stated that people were going off the edge and going into the mud on their side of the right-of-way.
- Mr. Sangster explained that years ago this was a residence which was later converted to commercial use, therefore, many of these parcels still have residential curb cuts so it was likely never widened to meet a commercial curb cut standard.
- Chairman Hetzke referred to the site plan on the screen and pointed out the area of asphalt added since the last survey. Mr. Sangster clarified that the sidewalks were installed in the right-of-way instead of on the property.
- Board member Burton asked why it is a hardship for the Applicant to get a DOT permit as they are already done with the work and occupying the property, so it won’t slow them down. Mr. O’Connor stated that the DOT needs to chime in on what they feel is appropriate.

- Board member Burton stated that it needs to be a condition of approval, to do whatever they have to do to make the improvements that the Board thinks are necessary. Mr. O'Connor responded that he doesn't think the Town has justification over a right-of-way. Board member Kanauer added that if they don't get the revised curb cut, they would have to take out that extra portion that was added.
- Board member Burton stated that the Applicant needs to come back with a revised plan anyway because they need to show the handicap accessible location and the signage.
- Mr. O'Connor stated that Staff could make the recommendation that they take a look at their entrance and obtain the necessary permits from the DOT to make is a safe and a full width widening of the entrance.

The Board voted and **TABLED** the application for site plan approval pending further review of the recent submissions.

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

2. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614, on behalf of Eagle Cleaners, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval on the construction of a 5,400 sf, single-story building for a dry cleaner with associated site improvements on ±0.69 acres located at 1698 Penfield Road. The property is now or formerly owned by Ida Schreiner, and zoned Limited Business (LB). Application #22P-0005, SBL #139.05-1-52.

Matt Newcomb, Passero & Associates
 Michael & Darlene Micciche, Owners

- Mr. Micciche introduced himself and his wife stating that they have had Eagle Cleaners in the plaza since 1995 and they are looking forward to moving to 1698 Penfield Road in order to expand their operation, provide more convenience for their customers, and facilitate additional training for new employees which they desperately need.
- Mr. Newcomb presented the application for site plan approval recapping the plan – the intent is to remove the 2-3,000sf building that is currently there and build a completely new building. The Applicant looked at the current building to see if it was usable and it was not, so they decided to remove the building and construct a new one.
- The intent is to try and keep as much existing pavement as possible. The location of the new building is proposed to be on the existing building location.
- Some of the improvements that are proposed include bringing a dedicated sewer to the

site to replace the current septic system.

- The Applicant was before the ZBA last month on February 17, 2022. They received a variance for the front setback as well as a sign setback. Both were granted with a very positive recommendation from the ZBA.
- They have received Town comments and addressed them. They anticipate one more round of comments.

Board Questions:

- Board member Aken asked if the current location is in Panorama Plaza and that it isn't sufficient for their business. Mr. Micciche responded yes, it has gotten busier, but the layout of the building is the biggest issue. If they are to move to a larger space in the plaza, they would be under the same expenses of moving the equipment, etc.
- Board member Aken asked if they will be training more people since that is also a reason for moving. Mr. Micciche responded that the equipment currently takes up so much space that with a new facility it will be more efficient to train new employees creating new job opportunities.
- Chairman Hetzke asked why they did not intend to reduce the amount of asphalt since they are planning on tearing down the existing building and building a new one. Mr. Newcomb responded that there are Irondequoit Creek Watershed concerns, where any time you dig up an existing asphalt area or disturb any ground, it is considered disturbance. The Applicant's goal is to stay away from disturbing as much of what is existing as possible and to utilize what is there rather than replacing or removing it.
- Chairman Hetzke asked if it is in a floodplain. Mr. Newcomb responded no, not a floodplain. It is in the Irondequoit Creek Watershed which has more stringent requirements.
- Chairman Hetzke about asked running the utilities and the possibility of digging up Penfield Road. Mr. Newcomb responded not the road, but the greenspace between the edge of the road and the sidewalk where they are proposing to install a sanitary sewer which comes from the front of the plaza. Other than the utility connections, there aren't any planned disturbances of the roadway.
- Chairman Hetzke asked if they could see elevations of the building. Mr. Newcomb explained that the building on the plan he displayed wasn't in color because it is proposed to be corrugated, white metal siding, dark stone veneer along the bottom and a dark gray metal roof. There is also a porte cochere that you can drive under which is more like a valet service for drop offs.

Public Comments:

There were no public comments for this application.

Board Discussion:

- Chairman Hetzke asked the Board members if they would like to wait until the next work session to discuss this application in more detail.
- Board member Burton responded yes, there are a number of things that are going on with this application that need to be further absorbed.

The Board voted and **TABLED** the application for site plan approval pending further review of the recent submissions.

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

3. DDS Engineering and Survey, LLP, 45 Hendrix Road, West Henrietta, NY 14586, on behalf of Splash Car Wash Fairport, LLC, requests under Chapter 250 Article XII-12.2 and Article XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval and a Conditional Use Permit on building renovations and site improvements of an existing car wash facility under new ownership on ±0.96 acres located at 2140 Fairport Nine Mile Point Road. The property is now or formerly owned by Splash Car Wash Fairport, LLC, and zoned General Business (GB). Application #22P-0006, SBL #140.01-2-5.1.

Cade Krueger, DDS Engineering & Survey, LLP
 Garrett Steiner, DDE Engineering & Survey, LLP
 Jeffrey LaDue, Labella Associates
 Jeff Arnold, Owner

- Mr. Krueger presented the application for site plan approval for proposed building renovations and site improvements to an existing car wash facility.
- The project consists of site circulation improvements, new pavement, a car wash tunnel extension, and a full remodel of the existing building and internal wash components.
- Existing drainage on the site generally flows from west to east, from NYS Route 250 into the site and from the south to the north where it has historically meandered its way on to the private road and sort of found its path to low spots to the east on neighboring properties. The Applicant is proposing new drainage structures to handle the stormwater in an effort to improve drainage on the site and provide water quality treatment as well.
- The project will involve some new landscape areas and lighting will primarily be relocating light poles and installing new LED lights as required by the Town.
- Ingress to the site will be provided via the existing curb cut onto route 250. Egress from the site will be onto the private drive to the north. The proposed egress is ±65 feet further to the east which they feel is a big improvement to how the site currently operates.
- There is an emergency escape lane proposed to exit on the property to the east for which they will need an access easement so that they can tie into a proposed access easement that is being granted to the Town on that property. That escape lane is a last-ditch way to get out if someone needs to get out before entering the wash, but most of the time it will be coned off. It's not a place where cars can turn off on their own, staff is going to have to pull the cones and let them out.

- Existing water and sanitary services will be utilized.
- The Applicant is scheduled to go before the ZBA on March 17, 2022, to ask for an Area Variance for front setbacks to allow for a 20-foot extension of the existing building to the west in order to provide the minimum desired tunnel length for the car wash operations that they need. They feel that the encroachment into the front setback is in line with surrounding businesses.
- The Applicant will also need a NYS DOT Highway work permit to do the work outside of their property line in the DOT right-of-way. They are hoping to avoid changing the curb cut as they want to utilize the existing curb cut but they are planning on changing the alignment of that pavement a little bit.
- The Applicant presented the project at PRC meetings in November (Nov. 11, 2021) and again yesterday (Mar. 9, 2022) and received good feedback from Town Staff – there were a few points worthy of noting:
 - Pre-Wash. There isn't any pre-wash going on at any of these state-of-the-art car washes that Splash is building. There won't be anyone out in the front spraying cars where there is drainage coming back from the front. They are installing internal, high pressure wash systems that do a better job than any other pre-wash will do.
 - Sound. All of the internal spaces are vacuum spaces. Each of the motors has silencers on them making them extremely quiet compared to conventional vac-systems where the sound is coming out of the hose itself. With these, the motor ramps up as people use them and shuts off if no one is using the facilities. Sound, decibel data will be provided to Staff. It's in the range of 38 decibels, 30 feet out so it is minimal.
 - Entrance. Another item discussed was squaring up the entrance coming into the site from NYS Route 250. They ran turning movements with an F-450 Crew Cab truck and it had no problem making the inside turn from Route 250 on the inside lane into the site.
 - ADA Spot. This was unclear where off-loading would occur so they will be striping off that entire 16-foot-wide space.
 - Traffic Pattern. Initially they proposed a reversed pattern coming out of the tunnel to allow people exiting the wash and heading to the vacuum spots to do so unobstructed. They have since felt that was confusing and they are rethinking that. It will go back to the normal traffic pattern – right-in, right-out and they will put a stop bar on the lane coming out of the vac spot so that the tunnel has the right of way coming into the vacuum areas. There will also be emergency traffic loops.
 - Photometrics. They will provide photometrics to Staff before the next meeting.
 - Tower. It is not a functional feature, but more of an architectural, character feature. Geneva and Newark are good examples of new sites that have towers.

Board Questions:

- Chairman Hetzke asked if the proposed tower in Penfield is the same or taller than the one pictured at Geneva. Mr. Krueger responded that they are similar in height. Mr. LaDue explained that the tower at the Geneva location is just under 35-feet and the proposed tower in Penfield is 32-feet. Chairman Hetzke asked if the tower was a branding feature, and Mr. LaDue responded yes.

- Chairman Hetzke explained that he stopped by the Geneva location the day before and was frustrated because after turning into the parking lot, he found himself immediately in the wash line, feeling trapped. It wasn't busy that day, so he did a k-turn and left through the entrance. He explained that he felt the proposed site plan has the same situation with no way to exit without paying for and going through the car wash. He strongly suggested that alternatives should be considered.
- Mr. Arnold responded that their washes are fully staffed during the hours of operation. The solution to this situation would be to go through the pay booth but you wouldn't have to pay. There is an attendant there who is always available to open the gate and allow you to go through the escape exit. The manager inside the office can see it and open the gate from the inside as well. Mr. Arnold stated that there is always an escape lane to get someone out of there.
- Mr. Arnold explained that if they connected the entrance through the vacuum center, which they clearly could, they would have the problem of 60% of the people using the vacuums will be non-paying customers. The vacuum center is a very expensive service Splash offers for free to paying car wash customers. At the Seneca Falls location, it's a free-for-all where people can come and go without having to pay to get a wash, probably 60-70% don't purchase the car wash.
- Chairman Hetzke asked how many sites they have that have been in operation with this type of traffic flow and is there any data that shows this is not an issue.
- Mr. Arnold responded that the down state location washes probably three times the number of cars this site will ever wash, and they have had this traffic pattern for many years. He stated that Classy Chassy joined with Splash Car Wash in 2021, so he doesn't have specific data. But he added that this is the industry standard now, and all car washes are following this pattern. This is the typical layout to try and control the vacuum center use. He added that when the site is dark at night, all entrance and exit lanes are coned off so no one can pull into the site.
- Chairman Hetzke asked how long ago the industry began leaning in that direction – using this layout. He said he understands the reasoning behind it but are there any other options? Mr. Krueger explained that they contemplated adding an escape that wasn't too obvious.
- Chairman Hetzke asked if the entrance is so far north because of the pole that is there, or can it be shifted to the south. Mr. Krueger responded that there is a pole there as well as the existing curb cut that they didn't want to mess with.
- Chairman Hetzke asked about the backward traffic pattern leaving the wash and heading to the vacuum center and was it abandoned. Mr. Krueger responded yes, the people leaving the tunnel will now come around the outside, the right side. The people leaving vacuum center will have a stop bar so they will be waiting.
- Board member Aken asked about the “mat room” on the Geneva photo provided by the Applicant. Mr. Arnold responded that they were not able to fit a mat room at this site. It's a room that customers use to clean their floor mats at no charge.
- Board member Aken asked about memberships – tags, prices, unlimited. Mr. Arnold responded that they will be using LPR – License Plate Recognition so there aren't any

tags on the windshield. Plans start at \$19.95 and are unlimited. He added that probably one of the lanes will be labelled “Express” exclusively for members.

- Board member Aken asked for clarification on the cones they will be using. Mr. Krueger responded that the escape lane will be coned off all the time, with the smaller construction-type cones to discourage movement through the site. Mr. Arnold added that they use blue cones to color match, and they do the best they can. Mr. Arnold added that at nighttime, they cone off the entrance because when they are closed, everything is pretty much dark.
- Board member Aken asked what the hours of operation were. Mr. Arnold responded that they are proposing 7am-9pm.
- Board member Kanauer asked if the tower is purely an architectural element. Mr. Arnold responded that they can get a little better dryer system for the cars with more space above the ceiling, there are also a minimum of two furnaces up there that create the heat for the tunnel.
- Chairman Hetzke asked about drop off & pick up of employees, which he also observed in Geneva. Mr. Arnold responded that in this instance they have a relationship with the neighbor for employee parking but at this time, the gate arms are not yet installed because the sensors are on back order, therefore people can still get in the exit. Mr. Arnold and Mr. Krueger clarified where the employee parking on the site plan on the screen.
- Chairman Hetzke asked if there is any landscaping proposed. Mr. Krueger responded that the greenspace on the northeast corner is a place they should add some landscaping. They are trying to earmark an area for a bio-retention area which they are working on with Town Staff. It will probably be to the north of the building between the building and the exit lane. There is a utility pole with transformers that needs to be avoided, so that’s really the only area they can fit green infrastructure. Once that is developed further, they will add in the plantings. He added that there was a comment from Staff about the grass strip between the vac parking field and the entrance aisle – they need to get that filled out with shrub blocks.
- Chairman Hetzke asked if there was any screening to the east proposed. Mr. Krueger responded that they have pavement right up to the property line in order to make the operations work.
- Board member Burton asked Mr. O’Connor if this application gives the Town the opportunity to get a maintenance agreement in place for the service road to the north that has been perpetually full of potholes. Mr. O’Connor responded that he didn’t know about this site, but a future application may be able to do that because currently the Town plows that access road and the current owner is responsible for the maintenance of it but obviously, they haven’t done that. But in the future, we should be able to do something with that. This Applicant doesn’t own that property.
- Chairman Hetzke asked what the green space percentage was. Mr. Krueger responded, approximately 36% with 64% being impervious surface.
- Board member Burton asked if the Applicant is prepared to respond to the PRC Memo. Mr. Krueger responded that they would have those done by the deadline next Friday.

Public Comments:

There were no public comments for this application.

Board Discussion:

- Chairman Hetzke stated that this application also needs to be reviewed further at the next work session.
- Board member Burton added that he'd like to see what could be done about the maintenance of the service road. Chairman Hetzke responded that he definitely wanted that added to the Tabling Resolution, because if the Board doesn't start now, the last person that goes in that area is going to get stuck with a lot of maintenance.
- Mr. Weishaar added that the property with the maintenance road is not under review. Board member Burton responded that the Town needs to find a way, create some wording, that makes this an issue, whether the Board can compel this Applicant, somehow, we need to find a way to advance this because it really is a mess.
- Mr. O'Connor stated that the Town may have an easement over that access road, but he wasn't sure what it states exactly. There has been a lot of communication with the DPW Director because for some reason the Town plows this road but doesn't necessarily maintain it. He added that unfortunately, because the part of the road we are concerned about is on another property, once that property comes in for site plan approval, that's when the Town can get the property maintenance agreement. Then all of the parcel adjacent to that road will have some legal aspect forcing them to maintain their portion of it.
- Chairman Hetzke stated that we need to look back at the LUAMP and find out what exactly was set out for that and how the easement is worded.
- Mr. Sangster referenced the map on the screen, stating that this parcel does indeed own a portion of the access road, and that is where they are proposing the emergency bail-out exits, but they don't have the easement to allow the bailout at this point.
- Board member Burton stated that he feels it is to the benefit of the community to see if something can be done.
- Chairman Hetzke concluded that if we have new developments here and we are expecting the public to use these roads, there has to be some type of reasonable way the public can expect to not destroy their vehicles. Mr. Weishaar stated that we need to see what the easements say. Mr. O'Connor added that he would talk to the DPW Director.

The Board voted and **TABLED** the application for site plan and conditional use permit approval pending further discussion and preparation of comments.

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

4. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Luis Ribeiro, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval of a proposed mixed-use building on Lot 3 of the Penfield Square development. The proposed building will include a mix of eight (8) residential apartment units, and 5,680 sf of commercial/tenant space with associated site improvements on ±0.40 acres located at 300 YMCA Way. The property is now or formerly owned by Penfield Square III LLC, and zoned Mixed-Use Development (MUD). Application #22P-0007, SBL #125.01-1-25.33.

5. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Luis Ribeiro, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval of a proposed mixed-use building on Lot 4 of the Penfield Square development. The proposed building will include a mix of six (6) residential apartment units, and 4,740 sf of commercial/tenant space with associated site improvements on ±0.34 acres located at 100 YMCA Way. The property is now or formerly owned by Penfield Square IV LLC, and zoned Mixed-Use Development (MUD). Application #22P-0008, SBL #125.01-1-25.34.

Mike Bogojevski, BME Associates
 Luis Ribeiro, Applicant
 Eric Reynolds, SWBR

NOTE: The applications for Lots 3 & 4 were presented together by the Applicant.

- Mr. Bogojevski presented the application for site plan approval for Lots 3 & 4 of the overall Penfield Square development which were approved as outparcels to be developed at a later date. Both buildings are proposing first floor commercial tenant space with second and third floor residential apartments.
- They have reached out to Town Staff regarding treating these lots individually when considering residential density and commercial space.
- Lot 3 (the rear building), the western-most lot viewed from Route 250, is proposed as a three-story building with ±4,400 sf. commercial space on the first floor, and eight apartment units on the second and third floors. The residential units will be a mix of one- and two-bedroom units.

- The building itself has been designed to integrate with the overall site plan. A lot of the infrastructure was put in with the overall Penfield Square development. There aren't many site plan improvements that will need to be constructed around this building, just the building itself along with some foundation plantings and sidewalk connections.
- Lot 4, closer to the YMCA Way entrance at Route 250, is proposed as a three-story building with $\pm 4,400$ sf. commercial space on the first floor, and six apartment units on the second and third floors. The residential units will be a mix of one- and two-bedroom units.
- The building itself has been designed to integrate with the overall site plan. A lot of the infrastructure was put in with the overall Penfield Square development. There aren't many site plan improvements that will need to be constructed around this building either, just the building itself along with some foundation plantings and sidewalk connections.
- Utilities proposed are connections to existing mains that were previously installed.
- Parking was previously constructed. There are currently 220 spaces throughout the entire Penfield Square development with shared parking agreements between all of the lots. Required and provided parking calcs were provided for each of the buildings.
- Lots 3 and 4 each have some parking spaces that fall on the lots themselves, but again, the parking is an overall shared parking throughout the entire development.
- Looking at the breakdown between the existing buildings and the proposed new residential apartments, ± 140 spaces would be required between the existing Penfield Square buildings and the new residential apartments. That leaves ± 79 spaces for the commercial uses or extra parking. They are eliminating one spot because they are adding in a new accessible space at Lot 4. The overall 220 spaces that are existing drops down to 219, with 79 spaces left over.
- Since there is commercial tenant space available on the first floors, there will be future signage which will be a separate application to be submitted later when the tenants are identified. There are no tenants identified currently.
- Mr. Reynolds added that the one site improvement at Lot 3 is a continuation of the pedestrian spine. There is a dedicated section that is "public" and directly in front of the building they are doing a continuation of what is already there.
- Mr. Reynolds explained that as far as the architecture is concerned, it's three stories – the rear building on Lot 3 is very similar to the architecture presented for the original application. Generally speaking, they are trying to fit in with the MUD guidelines.
 - The ground floor elevation has pedestrian scale elements, large glass windows, canopies and awnings that would signify a mixed-use building.
 - The upper floors are traditional apartment style with balconies, windows and both of the main elements on the front are capped off with cornice elements to continue the look from the other Penfield Square buildings.
 - As far as materials go, the main piece on the corner is a (light colored) composite wood siding – the same as being used at the bridge of Penfield Square, that connects the two buildings.
 - Other materials include a brick veneer at the ground floor to ground the building, in line with the MUD and complimentary to the colors already

- there.
- The upper residential floors above the brick veneer are two more complimentary colors and materials from the rest of the project – horizontal white siding and a gray panel siding.
- Lot 4 – this one has changed a little bit more from the original application, but they are trying to keep in mind what they had shown at that point and work within that.
 - The ground floor – trying to stay within the mixed-use look with a layered section with large storefront glazing for the commercial uses, pedestrian scale elements – sconces, lighting, canopies, etc.
 - The upper floors include elements like balconies and residential style windows.
 - Materials include a manufactured stone veneer, the same as on the Penfield Square buildings, two different types of siding – vertical board and batten and horizontal.
 - Given its scale, this building has a pitched roof keeping in kind with the original proposal and some timber elements that frame the roof at the top as well as the balcony elements.
- Both buildings have small sections on the ground floors that are residential lobbies. There is vertical circulation to get up to the apartments. The rear building has eight corridor-style apartments. The front building has six townhouse-style apartments, each with a living space on one floor and sleeping space on the second floor. That is why the language is different on the plans.
- Overall, they are striving to stay within the MUD guidelines and provide architectural elements that are in line with that.

Board Questions:

- Board member Burton asked about the overall Penfield Square success to date, asking what the absorption rate is on the dwelling units. Mr. Reynolds responded that that was a great question. He works with Home Leasing all the time and every one of their projects sells out. He didn't know anything else other than that.
- Board member Burton asked about the commercial space and how they are doing with leasing that. Mr. Reynolds responded that he didn't know of any true commercial space that is for rent that wasn't part of the original project. Most of the non-residential space in that project was part of the Assisted Living Building, that ground floor along the pedestrian spine – dining rooms and bistros that as far as he knows are functioning.
- Board member Burton asked if there are any prospective tenants for the proposed commercial spaces. Mr. Riberio responded that they do not have any at this time. They haven't started to market it yet, as they are waiting on the approvals.
- Chairman Hetzke asked what types of commercial establishments they will be targeting. Mr. Riberio responded that a café or something similar that would cater to the tenants; medical or something that relates to the YMCA, physical therapists, doctors, etc. He added that he has no set preference at this point.
- Board member Burton asked if they had done a study to check the consistency of these

two applications with the original application that the Board based the overall Penfield Square approval resolution on. And have they taken the time to go through that approval resolution to see whether or not these two projects are consistent with the conditions of that approval resolution.

- Mr. Bogojevski responded that they are consistent with what was originally proposed on the overall Penfield Square plans which show the two outparcel buildings, though they didn't have the residential uses on the second and third floors as that wasn't originally proposed. That was why they reached out to Town Staff to handle the density issues. Mr. Bogojevski said they looked at it, but he didn't know of anything specific that's different from the original approval.
- Board member Burton suggested that it would be worth doing that study and presenting that to the Town because that is one of the things the Board is charged with, not just looking at these two applications, but the big picture and seeing whether or not anything being proposed deviates from what was presented and/or what the conditions for approval were. Mr. Bogojevski responded that as part of their responses to PRC comments, and any comments from the Board they will provide additional input on how these two lots compare to the original Penfield Square approval. The intent is to remain consistent with what was originally proposed.
- Board member Burton asked Mr. Riberio what kind of housing is being proposed. Mr. Riberio responded that they will be luxury-market-rate apartments.
- Board member Burton asked what they are proposing for waste disposal. Mr. Bogojevski responded that is something that as plans are finalized, they will confirm. Currently it is proposed to be internal trash bins for Lot 4 and possibly a trash bin corral somewhere around the Lot 3 building that could store some of the wheeled totes.
- Mr. Reynolds added that for the apartments on Lot 3, there is an area for a trash bin corral in the back side of the site. The front building, Lot 4, will have internal storage and there are not huge needs anticipated for six units.
- On the commercial side of things, they are in negotiations with Home Leasing to get a spot in their parking lot should that need arise. That really depends on the uses of the commercial rentals.
- Board member Burton explained that the Board is concerned about where those totes go on pickup day. Looking at the MUD Manual they are supposed to be to the side or rear of the building. The Board would like to see revisions that specify where the trash is collected and how it is disposed of. Mr. Bogojevski responded that that is something his team will be looking at – making sure they can provide a spot that is “not front and center.”
- Board member Burton asked about lighting on the two proposed buildings. Mr. Bogojevski responded that there are some existing light poles that were previously installed for the parking areas and the spaces that are adjacent to both of those buildings. A couple of them will require re-location based on the new building footprints which will provide parking area lighting. The building lighting is security building lighting and entrance lighting under the canopies and doorways.
- Board member Burton asked about safety lighting for the occupants of the building that could be coming and going in the off-hours. Mr. Reynolds responded that there are lights at all the doorways, but they are small accent lights not big wall pacs.
- Board member Burton stated that illumination of the sidewalks is a requirement of the

MUD Manual. Mr. Reynolds clarified that there aren't any sidewalks around these parcels that aren't already lit with existing lighting. The lighting on the building that he is referring to is the accent lighting that will provide light directly at a doorway. The pedestrian spine and sidewalks around Penfield Square are already lit.

- Chairman Hetzke asked what the height of the first floor is. Mr. Reynolds responded 12'8" is the floor-to-floor height, which is a higher floor for the commercial uses.
- Chairman Hetzke asked where the residents will be encouraged to park. Mr. Riberio responded that each of the parcels has its own parking lot. In the front building, there are 14 spots so we could dedicate six spots to the residents and then the other eight would be for the commercial use. The rest is shared parking. For example, with two people living in one apartment, they would have one spot up front and the second spot would be in the shared parking.
- Board member Burton explained that the Board granted them approval to modify the site plans to add some additional parking after they approved the overall project.
- Chairman Hetzke asked if the Applicant knew where people are currently parking. Mr. Bogojevski responded that from general observation, most people are parking on the north side of Penfield Square. That leaves a lot of the parking available around the center green area that is adjacent to both proposed buildings.
- Chairman Hetzke stated that they should have Chris Lopez, the Architectural Consultant take a look at it. The vertical board and batten on Lot 4 – consider stone or something to break it up a little to make it look more elegant. Mr. Reynolds responded that what they were trying to do was make commercial areas have the stone on both buildings to make them stand out, with the residential in the center. He stated that they are open to other ideas, but that was the design logic.
- Board member Aken asked if they have any electric car charging stations. Mr. Bogojevski replied that none are currently proposed but that's not to say that as the sites are developed, they couldn't be installed. Mr. Reynolds added that there are charging stations proposed in the area just east of Lot 3.
- Board member Burton added that if the feed is at least roughed in, even if the stations aren't installed, the future installation can be accommodated. The Applicant agreed with that idea.
- Board member Aken asked how the traffic is currently flowing with the YMCA and Penfield Square. Mr. Bogojevski responded that the overall Penfield Square development anticipated these buildings. The shared YMCA Way is the main thoroughfare between the YMCA and Penfield Square development but both buildings have multiple entrances. There is a good circulation of traffic, not just a one-way into or out of each building, that way traffic can flow around the site.
- Board member Burton explained that there is a provision in the Fire Code that requires both emergency and pedestrian access throughout all the existing buildings during construction. He continued, the Applicant will need to prepare a safety plan that shows the staging areas, etc. Mr. Bogojevski responded that they saw the comment and it will be addressed with revisions and written responses.
- Board member Burton stated that those revisions need to be documented on a plan ahead of time. Mr. Bogojevski responded, understood.
- Board member Burton asked if the Applicant plans to build both buildings at the same time. Mr. Riberio responded, maybe not simultaneously, but they don't plan to build

one to completion and then start the other. Board member Burton added that the plan needs to encompass all of those areas.

- Board member Kanauer stated that he thinks the accessible spaces didn't carry through on all pages of the plan set.
- Board member Kanauer asked if both buildings will have full-service elevators. Mr. Reynolds responded that just the rear building, with corridor-style apartments will have an elevator that goes to the first, second, and third floors. The front building with townhouse style units does not have an elevator.

Public Comments:

There were no public comments for this application.

The Board voted and **TABLED** the application for site approval pending further review of the recent submissions.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Aken		X	Aye	
Burton	X		Aye	
Kanauer			Aye	
Tydings			Absent	
				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 there is no new information. Staff is still waiting on revised plans and responses.

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

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.
 - Mr. Sangster explained that responses to the Tabling Resolutions (2/10 and 2/24) and the PRC comments (1/7/22) as well as revised plans.
 - Physical copies were provided to the Board for their review.
 - Mr. Sangster explained that Mark Valentine appeared before the Town Board on Wednesday, March 9, 2022, on the Applicant's behalf to discuss the sidewalk waiver. The Town Board discussed it and chose to table it pending future review and potential additional information from the Applicant on how the sidewalks will connect, interconnect with neighboring properties, and the suitability of the multi-use trail functioning as a substitute for the sidewalks along the frontages.
 - Board member Burton asked what Mr. Valentine's thoughts were on the Applicant's proposal.
 - Mr. Sangster replied that Mr. Valentine gave an objective overview.
 - He pulled up the Phase 1 Site Plan and reviewed it with them, looking at the width of the sidewalk, and the function of how it would work.
 - Mr. Valentine addressed the potential for additional connection points to bring it out to Route 250, especially the one being further from the road.
 - They also discussed the requirement that if the Town Board looked at it as being acceptable for a waiver, there would need to be a concrete way to enforce the public accessibility that these would function essentially the same as having dedicated sidewalks along the property frontage.
 - The most significant points they discussed were the potential of moving the sidewalks a little closer on the Route 250 side:
 - the potential for the Applicant to show how their multi-use trail would be able to easily interconnect to neighboring properties in future developments so they didn't end up with awkward stubs.
 - the potential sidewalk fee waiver and what the cost would as this is the first sidewalk waiver we are looking at in the MUD.
 - The Town Board requested additional time to conduct a more thorough review of the proposal and potentially request additional information from the Applicant as well as the Planning Board.

The Board voted and **CONTINUED TABLED** the application for subdivision and site plan approval pending review of the recent submissions.

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

3. SWBR, 387 East Main Street, Suite 500, Rochester, NY 14604, on behalf of Penfield Heights, LLC, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for a mixed-use development project including townhouses, apartments, a common house, commercial, retail and office spaces with associated site improvements on ±6.6 acres located at 1820 & 1810 Fairport Nine Mile Point Road. The properties are now or formerly owned by Penfield Heights, LLC and Sebastian & Concetta Curatolo and zoned Mixed-Use District (MUD). Application #22P-0003, SBL #s 125.01-1-25.1, 125.01-1-25.2.

- Mr. Sangster explained that revised plans and responses to the latest Tabling Resolution and PRC Memos were received at the end of February. One of the requests of that PRC Memo was a Lighting or Photometric Plan which was also provided by the Applicant.
- Mr. Sangster explained that the biggest take-away from the Photometric Plan is that they revised some of the lighting up by Buildings A and F, the two buildings that were changed from their previous submission in terms of size and layout. They revised the lighting accordingly.
- The Applicant is also proposing pedestrian scale bollard lighting around the outside ring of the multi-use trail that goes around the stormwater management pond on the east side of the property. The Applicant is not proposing any lighting along the west side of that trail as they feel that between the required exterior lighting on the buildings as well as any porch lighting it may be sufficient to adequately provide lighting for the west side of the pond. Chairman Hetzke asked if it was the area by Building E. Mr. Sangster responded, yes.
- Chairman Hetzke stated that he couldn't find up/down cylinders on the plan anywhere so he would like to know where those are proposed to go.
- Mr. Sangster stated that the locations of the fixtures on the map (Photometric Plan) are not always easy to ascertain. That was something that was commented on by Staff previously – that the Applicant make the location of the lighting more accessible. We can request they do that as well as provide a detailed cut sheet of the bollard lighting.
- Board member Aken referred to the backside where the pond is located and asked if the Applicant thinks the building light fixtures are will be sufficient to light the path.
- Chairman Hetzke responded, stating that it appears the part of the trail that is closest to Building E on the pond side, yes, Board member Aken is correct with her assumption.
- Board member Aken stated that that is a concern in that it is a pond, a body of water, she thinks that people would want it to be as well-lit as possible at night.
- Mr. Sangster explained that on the west side there are three exterior entrances, primary

man-doors to the building. Each of those are required to have exterior lighting. In addition, there are a number of porches serving individual units that will also have their own exterior lighting.

- Chairman Hetzke stated that he sees 0.0 foot-candles based on the rendering that they did. But that is not taking into account any building lighting.
- Board member Burton stated that residents cannot be relied on to keep those lights on.
- Chairman Hetzke and Board member Aken both would like to see the bollards go around the west side as well.
- Mr. Sangster stated that additionally requested by the Board was to show a diagram indicating the percentage of Building D that exceeded the 55 ft. height requirement. The Applicant provided the diagram indicating that if you're looking from the Route 250 side (the west side looking east) approximately 0.7% of the square footage of the roof would be above that. If you're looking from the back toward Route 250 (east looking west), approximately 4% of the roofline exceeds the 55 ft. limit.
- Board member Burton noted for the record that due to some unfortunate technical difficulties with how the Board gets the information from Staff, the information was unavailable until very recently. There is some new information on this application that the Board hasn't been able to fairly review and the building height is one of those things. Chairman Hetzke added that the Board will continue to review that.
- Mr. Sangster explained that the Applicant provided two scenarios, ways they can from 17% to 20% non-residential. They provided ideas of what they could do to reach 20% within the development. Board member Burton stated that the Board wasn't able to review this document either.

The Board voted and **CONTINUED TABLED** the application for subdivision and site plan approval pending review of the recent submissions.

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

V. HELD ITEM:

1. **Application #20P-0008 - 85 Sovran Drive, US Ceiling Corp**
 Preliminary/Final Site Plan and Subdivision for an office/warehouse building

- Mr. Sangster explained that a letter has been sent to the Applicant giving them until Thursday, April 28, 2022, to respond with their intentions.

VI. NEW BUSINESS:

1. 1700 Baird Road, Scorza Subdivision

- Mr. Sangster explained that this subdivision was originally approved in February 2021. They just came up on their one-year date for their approvals, so they are requesting a 90-day extension to get the Plat map filed and to get the mylars to Staff for signatures. He added that the Applicant was pausing due to the cost of lumber during the Pandemic.
- Board member Burton suggested that the Board should give them 120 days.
- The Board had no concerns.

The Board voted and approved a 120-day extension for the application.

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

There being no further business before the Board, the meeting was adjourned at 8:55 PM.

These minutes were adopted by the Planning Board on Thursday, April 14, 2022.

FILED
PENFIELD, N.Y.
2022 APR 18 AM 9:27
AMY M. STEKLOF
TOWN CLERK