

The Planning Board held a meeting at 6:30 PM local time **Thursday, March 24, 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  
 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. APPROVAL OF MINUTES:**

The Board voted and **APPROVED** the draft meeting minutes for February 24, 2022.

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

- 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.

Ralph DiTucci, Atlantic 250, LLC  
Betsy Brugg, Woods Oviatt, Gilman

- Mr. Sangster began the conversation with the subject of the sidewalks. He explained that the night before, Mr. DiTucci and Mark Valentine, Town Engineer, appeared at the Town Board work session to discuss a sidewalk waiver for the development, the Arbors of Penfield. Ultimately, the Town Board approved the sidewalk waiver for the development. As a result, the Applicant will be providing easements along all frontages. Based on previous conversations, the neighbors on Penfield Center Road are not interested in having sidewalks or sidewalk connections so there will be a waiver fee assessed as part of the Sidewalk Policy.
- The only real modification concerns the widening of the sidewalk connection to ten feet, on the northeast corner which will pull it back from the residential, single-family parcel while providing a sufficient access point for the public to be able to access the multi-use trail.
- Chairman Hetzke asked if that was part of what was agreed on at the meeting the night before by the Town Board. Mr. Sangster responded, correct.
- Chairman Hetzke asked who will ultimately be responsible for a sidewalk going north to the next parcel. Mr. Sangster responded that it will be part of the Town's sidewalk plan and the Town will be taking easements along the frontage. Ultimately, if the corner parcel develops, connecting into the sidewalk network and the multi-use trail will be part of that parcel's development.
- This will be the same scenario with the parcel on the southeast corner, the former gas station property. Mr. Sangster stated that there was some discussion on coming in at the corner, but it's really hard to judge where that development will ultimately go and what will ultimately take place there.

- There will ultimately be a continuation but what that looks like will largely depend on how that corner parcel develops.
- Chairman Hetzke stated that with most other properties, the sidewalk might end in the right-of-way and then when the next property develops, the sidewalk is just continued on. This is a change in that, instead of sidewalk being north-south right along the Route 250 and the right-of-way, there is a nice wide walking path further in from the road.
- Mr. Sangster responded that by making the connection at the northwest corner, it allows whatever future development goes in there to build upon it in either direction.
- Board member Kanauer stated that at some point we would want to get the sidewalk to that intersection of Route 250 and Atlantic Ave., because that is where people are going to cross. Chairman Hetzke asked if the corner parcel has sidewalks wrap all the way around it, or at least three sides.
- Mr. Sangster stated that there was concern about bringing the trail too close to that SWMF. Chairman Hetzke asked if the SWMF pond could be shifted to the north.
- Board member Kanauer stated that at some point they are going to want to get to that intersection to cross either Atlantic Ave. or Route 250.
- Mr. Sangster re-stated that a lot of this depends upon what develops on that corner, and it will be up to that Applicant to provide that access from the neighboring parcel to the corner intersection.
- The working map that was created and edited by Mark Valentine and Ralph DiTucci during their discussions was on the screen to demonstrate. It shows how they arrived at the best layout for the multi-use trail. Mr. DiTucci and Staff have concerns with the trail being so close to the SWMF. The red dashed line on the map shows where there would be a sidewalk easement on the Arbors property and the exception parcel as they will be tied to the same sidewalk policy that every other development is, so they will be required to do at minimum a sidewalk easement along the frontage. Otherwise, they too would have to seek a sidewalk waiver from the Town Board.
- Mr. Sangster stated that the map is really trying to demonstrate that there are multiple, flexible connection points where they can connect and provide access into that multi-use trail.
- Board member Tydings asked why the owners of the exception parcel would put sidewalks in on three sides of their parcel. Chairman Hetzke responded that the idea is that ultimately the development of that parcel would come before the Planning Board for site plan approval and then the Board will be tasked with making sure they put the sidewalks in to make that connection.
- Board member Tydings asked about “the other green line going out to Route 250” on the drawing. Mr. Sangster responded that it stubs out to Route 250 and provides an additional access point across from the only currently developed/occupied part of Route 250 – Clark Animal Hospital, a vacant lot, a dentist’s office, and a Quicklees service center.
- Board member Aken asked if there would be people parking in places they shouldn’t. Mr. Sangster stated that he didn’t foresee that issue, but more likely the folks at Clark

Animal Hospital want to go on a walk on their lunch break, they would be able to cross over Route 250 there and walk along the multi-use trail.

- Board member Aken asked if there would be a pedestrian crossing. Mr. Sangster explained that it was something they could look at as part of the Route 250 corridor, but probably not because it is a state highway.
- Chairman Hetzke asked if there was a final layout for the multi-use trail that was agreed to by the Town Board and what is the Planning Board responsible for. Mr. Sangster responded that the details will ultimately be worked out by the Engineering Dept. and the Applicant. He added that the Town Board was comfortable with the layout as proposed.
- Chairman Hetzke asked if the Applicant is clear on where the multi-use trail is supposed to go. He wants to make sure that everyone is clear on the plan, the details that the Town Board approved (with the waiver) and what the Planning Board ultimately has to approve.
- Mr. DiTucci responded that the Town Board looked at the variability of locations for the multi-use trail connections to Route 250 and/or Atlantic Ave. and felt confident from Mark Valentine's and his conversations that there was agreement with the northern entrance sidewalk (on the south side of the north entrance) being enlarged and at the south end of Route 250, and the northwest corner of the exception parcel so that when the parcel comes before the Planning Board for review in the future, they would want to see the multi-use trail connection through that parcel in addition to the public sidewalk that is required anyway. This gives the owner of the exception the option to continuing the trail to Route 250 along the north property line or to Atlantic Ave. along their west property line. Mr. DiTucci felt this gives the owner and the Planning Board latitude over the design of that exception parcel.
- Mr. DiTucci continued, with regard to the sidewalk itself, because of that "no man's land" which is DOT's territory, he imagines they (DOT) would extend the sidewalk within their right-of-way, both along Atlantic Ave. and Route 250. They were just trying to accommodate the extension of the multi-use trail through the exception parcel at the most logical point, keeping it away from the SWMF pond for safety as well as topographical reasons.
- Chairman Hetzke asked about the stub at the north side of the SWMF. Mr. DiTucci responded that he and Mark Valentine are in agreement that that stub will go in.
- Chairman Hetzke asked about the southwest corner of Atlantic Avenue and then determined that was pretty clear on the map on the screen.
- Chairman Hetzke asked Mr. DiTucci if he has clear direction on what the Town Board's expectations were. Mr. DiTucci responded he does.
- Board member Tydings restated that the Board still needs clarification because the Town Board gave them the waiver, but it will still be up to this Board to approve of where the trail actually goes.
- Mr. Weishaar stated that it sounds like Board member Tydings would like it reflected on the plan and maybe Mr. Valentine confirms the understanding of what the Town Board is agreeing to with the waiver.

- Board member Aken asked where people will park when they want to use the multi-use trail that is open to the public. Mr. Sangster responded that the trail is there for the use of the residents as well as the public, but people won't necessarily drive there just to walk on the trail. Rather, people may be visiting residents or the commercial tenants and take a walk on the trail.
- Chairman Hetzke wanted to clarify that the waiver was granted on Penfield Center Road as well. Mr. Sangster responded, yes.
- Mr. Sangster explained that the Applicant has responded to tabling resolutions. The recommendation (by Plan Architecture) that they have a building icon at the entrances. The Applicant has let Staff know they are looking to do two pavilion-style buildings, one at each entrance. They will be open on three sides and the fourth side will have a map of the development. They will also be providing some street furniture, benches, bike racks, etc. These pavilions will act as a rest stop, welcome center on the multi-use trail.
- Chairman Hetzke asked if that has been reflected on a plan yet. Mr. Sangster responded no, they are currently working on revised plans and architectural details.
- Chairman Hetzke asked if those buildings will provide a parking spot or two. If you're driving through, how would you stop there to look at a map? Mr. Sangster responded that this is more pedestrian scale; automobile traffic will likely have other signage within the development.
- Mr. DiTucci explained that the intent and design is to have an iconic architectural element, small scale building, at both the easterly, Atlantic Avenue primary entrance as well as the southerly, Route 250 primary entrance. The map that Mr. Sangster is referring to would not be designed to be visible from the roadway. It's meant to be a rest stop for bicyclists and pedestrians using the multi-use trail, who stop at that particular building to give them their bearing as to where they are and what the elements of the development are.
- Chairman Hetzke asked if it is designed to be the monument to display the development name. Mr. DiTucci responded correct, after reviewing the signage ordinance, they have come up with a design that will permit building-mounted signage on the structure, at an elevation where people driving by can see and identify that this is The Arbors. That would be true on both roadways in both directions.
- Mr. Sangster explained that Mr. DiTucci has provided a signage summary. He is also working on a full signage package.
- Mr. Sangster explained that the Applicant has responded to the question of refuse and how it will be handled within the development. It will be a mix of totes (townhomes) and dumpster enclosures (vertical mixed use and commercial). The enclosures will be a combination of hardy shake siding, cultured stone, and stained cedar gates.
- Board member Burton stated that the MUD Manual places the obligation for signage review on the Board and that this Board doesn't have the resources to do that. He suggested that the Board ask Chris Lopez, the Architectural Consultant to handle this review due to the magnitude of the sign package. Chairman Hetzke agreed.

- Mr. Sangster explained that another topic of conversation for the Board has been lighting around the multi-use trail. The Applicant's responses were that there is a distinction between the multi-use trail and the interior walkways. Their argument is that town and county parks aren't lit at night. Is there the necessity to provide lighting for portions of the multi-use trail and if so, what does that look like?
- Staff has discussed the idea that potentially bollard lights along portions of the trail, specifically targeting the areas around the residential townhouses to provide minimum, basic security lighting especially during the evening hours. Since these are all rental units, another way is requiring the homes that directly face the multi-use trail, that the exterior lighting be on at dusk / off at dawn.
- Chairman Hetzke stated that with nighttime lighting, there are three considerations – safety, security, aesthetic quality. The “parks aren't lit at night” argument is valid to the extent that if the park is closed after dusk, the park is closed after dusk. This is an active development and one of the features and attractions of living there, would be the ability to go for a walk around that trail, no matter the season. The western perimeter is more like a park while the other areas are more like a village. The aesthetic part of it – nighttime lighting done well is beautiful and you want to go there and walk there. Having bollards or up-lights on trees, architectural lighting to really make it look attractive. He concluded that he would like to see something there or at least seriously considered.
- Board member Tydings agreed with Chairman Hetzke.
- Board member Kanauer stated that he too agreed. He asked if there will be any postings for non-residents, that the multi-use trail is closed after sundown.
- Chairman Hetzke responded that that is off the table since there is a sidewalk waiver. The multi-use trail is essentially the public sidewalk.
- Board member Burton stated that the multi-use trail is a community benefit that the developer is offering. Portions of that are replacing town sidewalks, and portions of it provide connectivity to the normal sidewalks for pedestrian access throughout the different types of housing and commercial uses. He feels that it would be a burden to the developer to provide lighting along the entire trail. He also doesn't feel that this trail will get that significant use in the dark. We need to identify portions of the mixed-use trail that do provide connectivity, that are consistent with what is written in the manual for walkways that should be “well-lit” and ask them to provide a lighting plan consistent with that.
- Board member Burton suggested the Applicant come back with a revised lighting plan based on what was discussed by the Board.
- Mr. Sangster explained that the Applicant is still working with Staff on sanitary and storm; Staff is hoping to have a PRC Memo out shortly on their March 10, 2022 plan submission; sewer district and off-site sewer improvements.
- The revisions requested include: entry buildings, photometric plan; future sign package.

- Staff is working with them on the public space, easements, and deed restrictions.
- Board member Kanauer asked if a response was received on the subject of charging stations in parking lots and how they might address future hookups in resident garages. Mr. Sangster responded that he thought the Applicant had stated previously that there was the potential to include the infrastructure.

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			Aye	
				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.

Betsy Brugg, Woods Oviatt, Gilman  
 William Price, SWBR

- Mr. Sangster explained that since the last meeting Staff received comments from the Architectural Review completed by Chris Lopez, Landscape Consultant. He stated that overall, Mr. Lopez was supportive. His recommendation was “it appears that this newest revision of architectural details ultimately makes the development more compliant.”
- Mr. Lopez specifically called out and appreciated the massing, scaling, and materials of Buildings A & F – Building A being the commercial building on the north side of the entry drive and Building F being the commercial building on the south side of the entry drive.
- Mr. Lopez believes the Arrival Court enhances the *sense of place* and makes it feel a little bit more like a “four corners” with the tressel bridge and mix of materials. An area of criticism included vinyl siding on Buildings D & E.
- Chairman Hetzke stated that the members could all take a closer look at the memo provided and further discuss it at the next meeting.

- Chairman Hetzke brought up the topic of the Applicant's attempt to get to the 20% threshold and possible ways to do that. Mr. Sangster added that the Scenario #1 brings them to 20.3% and Scenario #2 brings them to 20.2%.
- Chairman Hetzke asked Mr. Price to explain the scenarios.
  - Scenario #1 which starts by taking the garage spaces out of the calculation. The garages are there as a result of topography under Building D and four garages on the back part of Building C. They really are not visible to the public. These garage spaces currently contribute to the residential square footage therefore he argues that putting basements under Buildings A & F contributes to the commercial, non-residential square footage, not change anything else and meet the 20% number.
  - He stated that there is the spirit and the intent of the MUD and the mathematical side. Removing the garage from the calculation brings it to 18.6%. That leaves 1.4% left to achieve the 20%.
  - In order to do that, he looked at two ways – first is to take the Common House and say that all the space in that building (i.e. business office, leasing office, etc.) are going to be for some of the commercial tenants; second is to add a second floor on to the Common House – they already realize they need more space in that building.
  - These combined result in a 20.3% commercial.
- Chairman Hetzke asked what the garages would turn into. Mr. Price responded that the garages will remain but they would simply come out of the equation.
  - Scenario #2 not only adds the additional floor to the Common House but also add a third floor ( $\pm 2,500$  sf.) to Building A which is the commercial building on the north side of the entry drive.
  - Referring to the Exterior Elevation plan on the screen, he demonstrated how the third floor would look.
  - Doing these two floors achieves the 20.2% and keeps the garages in the equation.
- Board member Burton asked which scenario the Applicant prefers. Mr. Price responded that the third floor of anything is tough. They have been talking to realtors and third floors are hard to rent.
- Board member Burton added that the space over the Common House adds more functional, usable space and he feels it is perfectly logical not to include the garages in the calculation. The last thing anyone needs is more non-residential space that is going to be difficult to lease.
- Mr. Price added that the third floor on Building A would still be available if the market called for it in the future.
- Chairman Hetzke asked Board member Burton if he is more inclined toward Scenario #1. Board member Burton responded that he feels they have done a good job finding creative ways to meet the 20%. He thinks both scenarios work, but the one that makes the most sense is the one that makes the most sense to the development and their ability to lease the space and create usable space in the future.
- Board member Aken stated that it sounds like they were already planning for the bigger space for the Common House, so will that be built anyway, in which case it doesn't really matter.



- Board member Tydings stated that he can live with that, option 1, based on the conversation, it's practical.
- Board member Kanauer said that in his opinion, Scenario #1 seems really logical with removing the garages from the calculation.
- Chairman Hetzke stated that he is more in favor of Scenario #2. He likes the idea of the third floor in Building A. He added that he wasn't sure about not including the garages in the calculation. He feels that Scenario #2 is a better overall solution for both the Applicant and the Town.
- Board member Burton made the statement that the square footage of one's house does not include the garage. The square footage in the AIA Design Manual does not include the garage in residential space. The MUD Manual doesn't have a definition for non-residential use; therefore, he doesn't feel the Board is fixed to anything or tied to anything.
- Mr. Weishaar asked a question on the math. He wanted clarification on whether the Applicant will be excluding the garages from both the overall and the residential square footage numbers.
- Chairman Hetzke asked if the Scenarios are legitimate solutions and the Board members all responded yes.
- Mr. Sangster stated that Staff sent a PRC Memo on March 21, 2022, most of it being technical comments for which Staff is working on setting up a meeting to work through those. Mr. Sangster stated that one comment relates to the name of the development. It was discovered that there is a Penfield Heights neighborhood technically in the town of Perinton but close enough and within the same 14526 zip code. The concern is with having two developments named the same and is this a problem for 911.
- Mr. Price responded that the Applicant is looking to brand the development Mill Point.
- Mr. Sangster pointed out another comment, the sunken parking lot next to Building A and the potential for that area to be used as café seating or something similar, we want to make sure there is a railing.
- Chairman Hetzke added that the grading beyond the site needs to be addressed as well, making sure there are agreements in place with neighboring property owners.
- Mr. Sangster added that another topic of conversation with the Applicant is lighting along the west side of the pond trail. Chairman Hetzke added that was mentioned at the last meeting, and it really hasn't been addressed. He added that an updated photometric with foot-candle plot that shows enough illumination there, that could be answered.
- Board member Burton responded that unless the building mounted lights are on a panel, we cannot count on the residents to keep the lights lit. Board member Burton added that there are three man-doors that require illumination, but they can be turned off with switches.
- Mr. Price responded that bollards were added in that area so as not to rely on the building lights.
- Mr. Sangster stated that the Board had requested the Applicant show the percentage over 55 feet. The Applicant submitted drawings that depict the sight from Route 250

as well as the back of the development and what would be seen from those directions. From the west view (looking east), 0.7% of the total roof area would be visible. Looking west from the east, 4% of the total roof area would be visible.

- Board member Burton stated that the Board has had this discussion a few times and it is still not clear to him if the Planning Board has the authority to grant a waiver for non-conforming features. He feels that the Applicant has made significant changes in the architecture and roof lines and this small amount could be considered a de minimis amount. And to the extent the Planning Board has the authority to grant the waiver, he would be in favor of doing so.
- Board member Burton deferred to Mr. Weishaar for the legalities of such an action.
- Mr. Weishaar responded that he is looking at that, as far the extent of this Board's ability to make that kind of a waiver under the MUD.
- Board member Kanauer referred to the elevations on the screen and stated that he has no issues with the height of the buildings based on the information provided.
- Board member Tydings stated that he would like to wait on the legal decision to make his determination.
- Board member Aken stated that she is ok with the proposed height.
- Chairman Hetzke stated that he would tend to agree and that the height in this case is not put in there arbitrarily, it's part of the overall architectural design and it would be very challenging to force the issue and what would be gained. He added that it is not the mountain he wants to die on.
- Chairman Hetzke asked if this would require a variance or is this something this Board can approve. He added that he knows that there is a lot o study going on regarding that, and that though slow, forward progress is being made.
- Mr. Sangster stated that before making a motion to table, since this is a Type 1 Action, and after the Public Hearing on February 10, 2022, letters were sent to interested and involved agencies. At this point, this Board can declare Lead Agency, because all parties concurred with that course of action.

The Board voted to declare their intent to act as Lead Agency pursuant to SEQR for the proposed Type 1 Action in accordance with the New York State Environmental Quality Review Act (SEQRA).

<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			Aye	
				The motion was carried.

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			Aye	
Burton	X		Aye	
Kanauer		X	Aye	
Tydings			Aye	
				The motion was carried.

4. 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.

Don Lewis, Marathon Engineering

- Mr. Sangster explained that since the last meeting, Staff has received correspondence between the Applicant and the State DOT, who is comfortable with the existing curb cut, stating it satisfies the current commercial use.
- The Applicant has responded to the PRC Memo, making the requested change to the front parking stall. At this point, Staff is comfortable with their review.
- Board member Kanauer asked about the section of asphalt that that was filled in and the area that goes toward Empire, it widens the curb cut. The DOT said they would not want to widen that curb cut because what is there is adequate. If Staff is fine with that section in the right-of-way that is not paved, then he doesn't have an issue. Mr. O'Connor responded, stating that the State DOT said that they didn't want to see any improvements to the entrance curb cut. The Planning Board could request they remove that pavement that was added. If a client comes in and has an issue, then they will have to fix that and deal with the DOT.
- The Board directed Staff to draft an approval resolution.

The Board voted and **CONTINUED 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			Aye	
				The motion was carried.

5. 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

- Mr. Sangster explained that since the last meeting, the Applicant has responded to the PRC Memo as well as the Tabling Resolution. The responses received were very satisfactory, making all the changes requested by Staff and the Board.
- Mr. Sangster explained that the Applicant provided material samples at the Public Hearing and asked if the Board is comfortable with the proposed architecture.
- Chairman Hetzke stated that the proposed design is basic, and it appears to be a similar replacement to what is currently there in terms of architectural significance.
- Board member Kanauer stated that if you look at the other buildings in the area, the materials in surrounding buildings are superior to what is proposed here. This building is proposed to be corrugated metal as opposed to the plaza that is brick for example.
- Chairman Hetzke asked if the Board could request the Applicant do more to dress up this metal building. Board member Aken pointed out the stone at the base of the building. She added that the building was proposed to be white with a navy roof, so there is some color in there. She also asked if the stone could be raised up.
- Chairman Hetzke asked to view the elevations on the screen. Board member Burton added that his suggestion would be for them to extend the stone that really acts like a water table all the way back on the two sides. That will reduce the likelihood that dirt and carbon will be splashed up on the white siding, making it look dingy.
- Board member Burton stated that he didn't have a problem with the building especially if the Board asks the Applicant to extend the stone back on the sides. Chairman Hetzke agreed that he would like to see the knee-wall extended.
- Mr. Newcomb responded, stating that the Applicant has no problem with extending the knee-wall all the way back on the sides. He stated that the idea behind the white siding and the darker stone was to give a "clean" look because it's a cleaning facility.
- He added that the reason the Applicant chose a metal building is for the height, because he has dry cleaning machines that go in there as well as the racks that move around.
- Mr. O'Connor asked if the roof was blue. Mr. Newcomb responded that it is a blue color because black doesn't really work well with the sun.
- Mr. Newcomb added that per the Board's request, they made changes and added about ±1,500 sf. of greenspace in the front. They were able to comply with all the comments.
- Board member Kanauer asked how the front façade of the proposed building will compare to the current building. Mr. Newcomb responded that the height of the proposed building is shown on the elevations.
- Board member Tydings asked if there are any similar structures in this area. Mr. Newcomb responded yes, the Town of Penfield DPW facility on Jackson Road. There is also a new building on Jackson Road in Webster, the Northeast Quadrant Life Support building. It's a very economical way of doing things.

- Chairman Hetzke asked if the knee-wall can go higher on the front between the windows to get a higher end impact on the front.
- Board member Kanauer asked what color the awning (porte cochere) would be. Mr. Newcomb responded that the façade would be white, and the pitch side would be the roof color.
- Board member Burton stated that maybe the stone veneer could be raised in the front on each of the pilasters as that would make a big difference. Mr. Newcomb responded that he was confident the Applicant would be amenable to doing that.
- Board member Tydings asked if we were still waiting on revised plans. Mr. O’Connor responded yes, but the comments are all technical in nature.
- The Board directed Staff to prepare a draft approval resolution.

The Board voted and **CONTINUED 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			Aye	
Tydings		X	Aye	
				The motion was carried.

6. 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, zoned General Business (GB). Application #22P-0006, SBL #140.01-2-5.1.
  - Mr. Sangster explained that since the last meeting, responses to comments and the tabling Resolution and revised plans have been received. Overall, the Applicant has addressed most of the comments that the Board and Staff had. One notable exception is the entry drive off Route 250, trying to bring that in to more of a perpendicular access and not such a sharp angle. They showed that turning with an F-250 is possible, but it’s still an awkward angle. Chairman Hetzke asked if it was changed at all. Mr. Sangster responded, no.
  - Mr. Sangster continued, they added additional landscaping, the exit from the tunnel was changed to the “American standard,” etc.
  - Chairman Hetzke asked about the southern entry, and couldn’t it be made a little wider or is it just because that is the existing curb cut. Mr. Sangster responded that there is a catch basin just to the south of the curb cut which makes widening it difficult.

- Mr. Sangster explained that Staff's discussion was the potential that they either move or lose one or two parking spaces on that side, bring it in and have the entry lane curve once you are within the development instead of having the awkward angle coming in. Board member Burton asked if that was a conversation that Staff has had with the Applicant. Mr. Sangster responded, yes. Board member Burton asked if they were receptive to that. Mr. Sangster responded that Staff hasn't had any further discussion with them. Staff is currently working through a PRC Memo.
- Chairman Hetzke stated that he noticed the lighting plan and that there is no photometric plan included.
- Board member Tydings asked about the emergency access road in the back.
- Mr. Sangster responded that they are planning on using the access road for the emergency bailout exit and they are currently working on access easements that will allow the emergency egress on it. The northern access road between them and 2140 is a shared road with a shared maintenance agreement. Staff has suggested that the two parties discuss how the maintenance will be handled.
- Maintenance responsibilities are shared between the two property owners, 2140 and 2130. Chairman Hetzke asked how far east. Mr. Sangster responded that the end of the grass area is the end of their responsibility. There is a third property that has some maintenance responsibility as well.
- Chairman Hetzke asked who was ultimately responsible for maintaining that roadway, because a lot of people are going to want to use that as an exit to leave the car wash. He thinks the road exists because of LUAMP and getting people off Routes 250 and 441 by using these side access roads. They were built and never maintained. He stated that it seems the Town doesn't have a mechanism to enforce the maintenance.
- Mr. O'Connor responded that the Town does have the ability to enforce the maintenance issues when the Applicant for that property comes in for property improvements. Unfortunately, for the back portion of that road, the Applicant hasn't come in for any improvements. The only thing we can do is ask for this Applicant to work with the adjacent owner and at least provide this stretch of the roadway with the maintenance that needs to happen.
- Mr. Weishaar added that it is a disadvantage of this type of roadway. The easements and maintenance agreements are done piecemeal unless the Town wants to acquire it, and they aren't going to want to do that.
- Mr. O'Connor clarified his statement from the previous meeting – the Town does NOT plow that access roadway.
- Mr. O'Connor explained that the only other thing that Staff needs to work with the Applicant on, and it is technical in nature is a stormwater design. Staff hasn't received any calcs or anything yet.
- Mr. Sangster explained that the Applicant submitted sound meter readings and a diagram showing sound intensity for the vacuum units they are proposing. They are reading at 38 decibels at  $\pm 30$  feet. Chairman Hetzke stated that he thinks it is far enough away from any houses that they are never going to notice it.

- Board member Kanauer asked if the tower height was revised. Mr. Sangster said he didn't believe so, as there were no architectural changes.
- Chairman Hetzke asked about the proposed tower vs. the one in Geneva. Mr. Sangster explained that the one in Geneva is taller but also wider, so the perspective makes it look shorter.
- Board member Burton added that we are still waiting on the review to be completed by Chris Lopez, the Architectural Consultant. Mr. Sangster responded that the Board didn't instruct Staff to send this application to Mr. Lopez.
- Chairman Hetzke asked that this application be sent to Mr. Lopez for review.

The Board voted and **CONTINUED 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		X	Aye	
Burton			Aye	
Kanauer			Aye	
Tydings			Aye	
				The motion was carried.

7. 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.
8. 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

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

- Mr. Sangster explained that responses to the PRC Memo and the Tabling Resolution

and the revised plans have been received. Most of the comments were adequately responded to by the Applicant.

- On the topic of refuse handling, for Lot 3 (rear) they are proposing to do a tote corral in the back of the building that will be fenced and gated, reducing its visibility. For Lot 4 (front) they are proposing the totes be stored internally within the building therefore out of sight except on garbage day. If there is a need for a dumpster in the future, the Applicant will work with the Penfield Square development to find a suitable location for a shared dumpster enclosure.
- Board member Burton asked for a better-defined explanation of what that means. Is there a waste collection room within the building, and if so, why wouldn't that be adequate for the building? And if it's not adequate, then why are we waiting to address the location of the dumpster enclosure?
- Mr. Sangster responded that it likely depends on the future commercial tenants.
- Mr. Ribeiro explained that he met with Home Leasing the day before and they are looking at the possibility of adding a dumpster corral to the northeast corner of the property, which would be next to where they have the shed and a transformer.
- Mr. Bogojevski explained that they have been looking at the site to find a good location for a shared dumpster for Lot 4 and Penfield Square.
- Board member Burton asked if Home Leasing has identified a deficiency in their refuse collection that they would want to share that with the Applicant. Mr. Ribeiro responded no, they haven't. His proposal was that if they get the dumpster corral, they could potentially eliminate the totes from the apartments as well. Board member Burton pointed out that the residents would also have to cross the parking lot to take care of their refuse. Mr. Ribeiro stated that the dumpster would be on the smaller side, maybe an 8x8 or 10x10 with the recycling tote being smaller than the dumpster.
- Board member Burton stated that for the Planning Board to ensure that the Applicant is meeting their obligation for waste collection for this application, would it be possible to get that agreement with Home Leasing? Mr. Ribeiro responded that he is building it to accommodate their trash and he can't speak on behalf of Home Leasing.
- Mr. Ribeiro explained that to accommodate the rear building, for the commercial space, he will be contacting the Episcopal Senior Life to see about entering into a shared agreement with them, because the current dumpster is theirs.
- Mr. Bogojevski stated that plans have not yet been revised because Mr. Ribeiro has just been in contact with Home Leasing.
- Looking at the map on the screen, Board member Burton asked if that northeast corner is the closet location for a trash enclosure for Lot 4. Mr. Ribeiro responded that it is not the closest, but it is the least visible from Route 250 and the YMCA. He added that they could potentially put one right at the building, but from a visibility standpoint, he feels it is better that it be tucked away and not as visible.
- Board member Burton explained that he is not entirely comfortable with this "we will take a look at the dumpster enclosure down the road" idea because the Board has an obligation to ensure the Applicant is meeting local regulations. The Board is looking for some sort of reasonable plan that is doable.
- Mr. Ribeiro responded that the idea of the dumpster enclosure came as a future possibility not knowing who the commercial tenant might be. Currently the plan is to use totes, if an office takes that space, and office doesn't have much refuse so they



could use the tote; if it becomes a café, a tote won't be sufficient. So, the "future" thought was to not have a dumpster corral and fence that wasn't really needed. So, thinking ahead, if we need it, it is already approved, and we build it. Board member stated that the Board is looking for a defined location, and size that accommodates the waste and recycling and if they don't build it tomorrow it is ok.

- Board member Burton stated that the Board is waiting on comments from the architectural review. With changes to signage, the Applicant will need to go before the ZBA. Mr. Sangster responded that Staff let them know that and they are in discussions with them. Mr. Sangster stated that moving the sign will trigger the need for a variance.
- Mr. Ribeiro responded that the sign could potentially stay in the current location, it will just be very close to the building. They may not need to modify the sign at all.
- Mr. Bogojevski asked if it was a setback issue or is it just because it is getting moved. The sign itself will remain the same. Mr. Ribeiro added that there are two empty panel that he assumes are for these two lots.
- Mr. O'Connor stated that he didn't see any reason they would need to move the sign, but if they do move it, they will need to get a variance.
- Board member Tydings asked if there were any other variances needed. Mr. O'Connor responded no, not for the rest of the site.
- Mr. Sangster explained that Chris Lopez provided an Architectural Review the day before and a copy was provided to the Board members for review.
- Mr. Sangster explained that the Applicant provided a revised Erosion and Sediment Control Plan and as a part of that they detailed sequencing and safety, indicating how they would keep the road open, fence off the site from public access and that they would post signage for pedestrian detours. Mr. O'Connor confirmed that Staff is satisfied with the plan.
- Board member Tydings asked who was responsible for the snow removal around the new buildings. Mr. Ribeiro responded that it would still be Home Leasing.

The Board voted and **CONTINUED TABLED** both applications 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			Aye	
Burton	X		Aye	
Kanauer			Aye	
Tydings		X	Aye	
				The motion was carried.

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

**IV. HELD ITEM:**

**V. NEW BUSINESS:**

There being no further business before the Board, the meeting was adjourned at 9:10 PM.

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