

The Planning Board held a meeting at 6:30 PM local time **Thursday, January 13, 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  
Terry Tydings  
Bob Kanauer

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

ABSENT: Lori Gray, Board Secretary

**II. APPROVAL OF MINUTES:**

The Board voted and **APPROVED** the draft meeting minutes for December 9, 2021.

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

**III. PUBLIC HEARING APPLICATION:**

1. APD Engineering & Architecture, 615 Fishers Run, Victor, NY 14564, on behalf of Fairlane Dr LLC, requests an informal discussion before the Board with plans for a Taco Bell restaurant with drive-thru and associated site improvements on ±1.9 acres at 1800 Empire Blvd. The property is now or formerly owned by E.C. Barton & Company and zoned GB (General Business). Application #22P-0001, SBL #093.15-1-57.

Betsy Brugg, Woods Oviatt, Gilman  
Mike McCracken, Hospitality Syracuse, Owner of Taco Bell  
Stephanie Albright, APD Engineering

- Ms. Brugg introduced the concept plan, stating that Hospitality Syracuse is very excited about having a new location in Penfield, in the General Business zoning district and it's a great location between the Chipotle and Home Outlet. Essentially there is a big unused parking field and Taco Bell would like to make that a Taco Bell site. They have been doing some newer stores in the area (Chili, Perinton) should you care to drive by and see what their newer models look like.
- Ms. Brugg stated that they received PRC comments. They tried to address those comments and submitted a response, in an effort to give the Board the best possible plan for review.
- Ms. Albright explained that they addressed the PRC comments, so the plans have been revised. The property fronts on Empire Blvd. which is a NYS DOT Road as well as Creek Street which is a Monroe County DOT Road. They will be working with both of those agencies for the applicable approvals as the project moves on.
- Ms. Albright explained that the original sketch plan proposed a right-out exit on the drive-thru lane on Empire Blvd. Due to the location of the Chipotle entrance, it was requested that that one be pulled back. So, on the new plan that has been pulled off. They will be maintaining the entrance on Empire.
- The original plan showed two access points on Creek Street and that has since been reduced to a single point that lines up with Sovran Drive. There is sidewalk access to the site. The sidewalk will be extended to both Empire Blvd. and Creek Street on either side of the building.
- The Applicant will work with MC DOT to get the new entrance approved. They have also requested a traffic study that should be in soon and will be included with the full site plan submittal.
- The Home Outlet building will remain in its current use. They will be submitting for two site plan packages because of the site plan modifications for the Home Outlet so the Board can review and act on the two portions separately. They are not doing a lot to the Home Outlet portion.
- Ms. Albright explained that they have reconfigured the parking slightly, including putting parking along the northern side of the building as well as adding two ADA spots there. In the southwest corner of the building, they have angled the seven parking spaces which added a little bit of greenspace. To the south of the Home Outlet is an existing asphalt drive that is in really poor condition, so part of this project would be to replace that. That drive will remain 18 feet wide to match the existing conditions.
- Ms. Albright explained that the proposed Taco Bell is 2600 sf and will have a brick exterior. They will include full building elevations in the Preliminary/Final submittal. This will be an upgrade from the typical Taco Bell look. It is one that Hospitality Syracuse has been doing in similar neighborhoods. The Lehigh Station location in Henrietta is a good example. It has a similar look to the locations on Chili Avenue in Chili, the Aldi Plaza in Perinton across from Wegmans, and Greece.
- The dumpster will be enclosed with similar materials.
- The project will include a subdivision so Taco Bell can own their own parcel. Taco Bell will be  $\pm 0.75$  acres and Home Outlet will be  $\pm 1.15$  acres. The intention is to be under an acre of disturbance. Ms. Albright is working on a final grading plan, and with the asphalt there now, she feels she will be able to maintain enough that they will be under the one acre of disturbance. They will be increasing the greenspace by about 8%

so there shouldn't be any stormwater concerns or SPDES permit required. They are also working on their landscape and lighting plans which will be included in the preliminary/final application.

**Board Questions:**

- Board member Tydings asked how many variances they are anticipating requesting. Ms. Albright responded that they would need a front setback variance for the Taco Bell. And since they aren't changing anything with the Home Outlet, that would be existing, non-conforming. As far as lot coverage is concerned, they are making things better for both parcels. They would need parking and likely signage variances as well.
- Board member Tydings asked if they are presently down the street and is it the same size as the proposed building. Mr. McCracken responded that it is close, within a couple hundred square feet. He also stated that they have some access issues with the current location as it is a very narrow site. They also have a (rental) renewal coming up and the proposed model would be owned by them. The proposed site is more visible with better access, and they can invest in a property that they own.
- Board member Tydings asked if they have concerns with having issues like they are experiencing now (i.e., site access). Mr. McCracken responded that they are proposing two egresses to share the traffic burden.
- Board member Tydings asked if the hours of operation, etc. will be the same as they are currently. Mr. McCracken responded yes, they will be the same and shouldn't conflict with the Home Outlet and they are hoping they will be complimentary.
- Board member Tydings asked if they are planning to subdivide the parcel and then Taco Bell will take care of their part. Mr. McCracken responded that the proposal includes new fencing, new asphalt, and curbing. The whole site will get dressed up.
- Board member Tydings stated that they will need to think about snow removal if they are planning on reducing parking.
- Chairman Hetzke asked for clarification on the curb cuts from the original submittal that proposed at least four and it will be reduced down to two; there will be just one on Creek Street right across from Sovran Drive and the second one will be where the existing one is on Empire Blvd. Ms. Albright responded, "correct."
- Chairman Hetzke asked if the single parcel is proposed to be subdivided into two parcels and would Taco Bell own both parcels and rent out the one to Home Outlet. Mr. McCracken responded that E.C. Barton & Co. will retain the Home Outlet parcel.
- Chairman Hetzke stated that they will need cross access and parking easements, maintenance agreements. Mr. Sangster added that as part of the application they are proposing doing shared parking between the two properties, the seventeen spaces along the building. Ms. Albright responded, "correct."
- Board member Burton asked about snow storage. This is a tough site to put snow storage to the perimeter where it might block the field of vision as the snowbanks build up. He asked if there was a possibility of entering into another agreement with the current owner to provide some snow storage on their parcel that will not interfere with the line of sight.
- Board member Burton asked about the variance for the parking, perhaps they could provide the Town with some historical data about other similar sized facilities in similar markets and what they have for parking, the peak parking rate during non-Covid times

- that might help to support their position that you don't need that much on-site parking.
- Mr. McCracken responded that they could talk to E.C. Barton about snow storage as that makes a lot of sense. They have some interior islands that they can use, but in the event of a bad winter, it would make sense to work with them. They could also pay load off-site if needed as well.
  - Mr. McCracken stated they could provide parking data with various locations and their needs. The range is approximately 18-30± spaces. With today's "new normal" they are not getting that much use of the dining room at all. It's currently 95-98% drive thru.
  - Ms. Brugg added that one of the comments was the parking and the potential turn over for the Home Outlet. That building is not an easily re-purposed building as a portion of that building isn't even constructed with insulation or anything. It's not as if there will be another retail user that will move in there and suddenly have a huge parking need. Board member Burton responded that as long as there is a common parking agreement then it doesn't matter who goes in there. The town at least has some assurance that there is accommodation for any overflow.
  - Chairman Hetzke asked if they could find out if the 95% drive-thru is a number seen across the country, even in "open states" that don't have the same restrictions as New York currently does. Have they gotten back to indoor dining more than we have?
  - Mr. McCracken responded that they would look into that. They have restaurants in six states, including 42 in Tennessee, and they are still seeing the trend of drive-thru being in the 90% range. There are prototypes now that are drive-thru only, with no in-house dining. People are putting a lot of money and faith into this being the new normal.
  - Board member Kanauer referred to the plan and asked if the egress on Creek Street will be directly across from Sovran Drive as it is not shown on the plan. Ms. Albright clarified it for him.

Public Comments:

*There were no public comments for this application.*

Following the presentation of this application in the public hearing, the Planning Board continued its review during the subsequent work session that evening.

- Chairman Hetke asked if PRC has had a chance to see the revised plans. Mr. Sangster responded, yes, Staff is currently reviewing the revisions and preparing a follow up memo with more comments.

The Board voted to **TABLE** the application and to have Staff draft a Sketch Letter for Board review.

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

**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.

Mike Bogojevski, BME Associates  
Mira Mejibovsky, Passero Associates  
Jason Sackett, Pathstone

- Mr. Sangster explained that since the Board last met the Applicant came into the PRC meeting regarding revisions to the site plan and changes to the overall development. Referencing the map on the screen, the proposed daycare is no longer on the west side of Building 2 and the supporting infrastructure for that, including the pull off lane and parking, have been removed. Instead, they are showing ±8200 sf of first floor commercial tenant space along the pedestrian spine on the east side of the building. On the east side, they had already worked on it architecturally, making it look more commercial when it was residential so that it felt more inviting and less like a backyard. Mr. Sangster added that the space is set up for multiple tenants.
- Mr. Sangster explained that the Applicant revised what is now called Penfield Square Road along the west side of the development, a continuation of the complete street with on-street parallel parking and greenery between the building and the road.
- Mr. Sangster stated that the Applicant provided a summary of the changes that they have made as part of their site plan updates. They are still proposing a commercial space located on the north side of the pedestrian spine closer to the border with the Wickham property.
- Mr. Sangster stated that the Applicant provided a color site plan that shows snapshots of what it would look like around the development to help get the Board comfortable with some of the site infrastructure that will be part of their design.
- Chairman Hetzke began by saying he appreciates the Applicant putting together the checklist (summary of changes), saying that it's very helpful.
- Chairman Hetzke stated that he likes the fact that there is commercial on the first floor of the east wing of Building 2.
- Chairman Hetzke stated that he is still struggling with the 20% - he knows how the Applicant came to that number but he doesn't agree. He stated that counting the whole pedestrian spine as commercial space is a massive stretch (28,000 sf out of the total 40,000 sf – more than half of all the commercial space). He calculated 8% commercial versus the 20%. It's still not there.

- Chairman Hetzke stated that he's made a number of comments over the last few months about what this part of the district is supposed be – Zone A – and there aren't that many Zone A sections in the MUD. He feels it is still apartments masquerading as a mixed-use development and that's not what the Town's vision is for the entire district. The Town is not interested in seeing a sea of apartment buildings up and down NYS Route 250. He added that the Applicant is making progress but it's still not there in his view.
- Board member Tydings explained that at the previous meeting, he asked about the earth tone brick and that the Applicant didn't answer his question. He added that he reviewed the Architectural Memo done by Chris Lopez as well as the Applicant's responses, and that Mr. Lopez agreed with him, that it needed something. He added that the response from the Applicant was that they "respectfully disagreed." Board member Tydings stated that he'd still like to see brick on the lower part of the buildings, noting he's not in favor of the red barn look.
- Ms. Mejibovsky asked for clarification on the brick – color, more or less brick? Board member Tydings responded with the earth-tone brick along the bottom of the building. Looking at the plan on the screen, Ms. Mejibovsky clarified that they are planning on doing what is shown on the plan. She continued, saying that they designed the buildings that were in character with the surrounding structures (i.e., YMCA, Penfield Square). That is what they took their inspiration from as well as the fields across the street. She stated their buildings are compliant with architecture that surrounds that specific area.
- Chairman Hetzke stated that there is a potentially overarching feeling that for the MUD the Town is looking for the "village-y" feel. He added that he doesn't want to use Penfield Square as a benchmark to necessarily duplicate. With the full build out of the MUD, each development should feel like its own village or town. What the Board is trying to do is get developments so that they work in a synergistic fashion to ultimately create that.
- Chairman Hetzke stated that one of his concerns is that there are two big apartment buildings and we're trying to get "village-y" feel there.
- Ms. Mejibovsky responded that up until now, the Board claimed they liked the architecture of the building, and the Board didn't have concerns like those being expressed now. These buildings, even though they are large they will not look like monolithic structures because of the details and variation of the form, and the footprint. There are steps in and out, different colors and different materials, so that will reduce the sizes of the building for pedestrians – walking by, you will see what is in front of you not as monolithic structures. That was the goal of the design.
- Ms. Mejibovsky stated that there were several notes in the review and one she disagreed with was that the footprint does not have the separation or distinctive masses that provide shadow lines, and the color of the building does not correspond with the delineation of the building. She doesn't agree because if you look at the building, you see that different materials are applied to the surfaces that will accentuate the surfaces either backward or in front of you. She felt they achieved what they were trying to do.
- Mr. Bogojevski stated that he thought one of the discrepancies of the Board reading the response and the intent of the response. The response was focused on the architecture of the building itself versus the neighborhood feel and the layout of the site itself which is what we are trying to achieve in other ways, not just the architecture and materials.

- Board member Burton explained that the discussion about the massing plan and the architecture seems to be more focused on the Mixed-use District rather than the neighborhoods. If you read the language in the MUD Manual, the intention was that the neighborhoods and the character of the community. Applicants sometimes bring the Board images of historical structures in the Town of Penfield. They are not necessarily just looking at things that happen to be in that part of the 250 corridor – maybe they are across the way to the east or the north – but it is a community wide thing.
- Board member Burton re-stated that it would be a really good idea to talk with Chris Lopez, the Town Landscape Consultant because the Board relies on Chris as he knows the MUD Manual very well and he takes a ‘10,000-foot view’ that the Board cannot do in this context. It would be helpful from a massing plan perspective and what is happening with the pedestrian spine (intended to bring the individual community together within the MUD District). What they were trying to get at during the last meeting were some ways that perhaps the Applicant could do that with some architectural elements, hardscape elements, plantings, etc. that would make that feel more like a village congregation area. The Board doesn’t want to say how to layout the project or design the buildings.
- Ms. Mejibovsky commented that in the last meeting, it was requested that they show a walk-through or a rendering of the pedestrian spine that would help the Board understand what it will look like. She added that BME is working on that, they just didn’t want to bring it in before they have all the comments from this meeting. She is confident that when the Board sees that rendering, they will get a better understanding of the area and the neighborhood feel. The pedestrian spine between the first and second buildings will be developed like a park with different points of interest.
- Board member Burton stated that that would be a great idea – “a picture tells a thousand words” – the graphic illustrations are really helpful to have. But if the direction the Applicant is taking with the illustration is not in line with what our consultant thinks, in terms of “did you hit the mark with all of the factors for MUD,” he hates for them to spend the time and energy on it.
- Mr. Bogojevski responded stating that providing the Board with a 3-D rendering of that entire pedestrian spine, especially along the commercial portion of the east wing of Building 2 would hopefully show a little bit better picture of how that promenade or gathering space along the commercial frontage of Building 2 would work, to allow people to use both the commercial space, walkways and seating areas, etc. They discussed at PRC holding off just to make sure they are going along on the right track and hitting the marks.
- Board member Burton responded, stating that the PRC serves a very valuable purpose, but the Board is not present (with the exception of AJ who attends occasionally). That is the appropriate place to get feedback from Staff, but they are not necessarily looking at or charged with the same responsibilities as the Board.

- Mr. Bogojevski responded saying that that is why they were present at this meeting, looking at the Board to provide some of that input. It's something they have been working on but held back, waiting on the input from the Board and making sure they are marching along the right track to then be able to provide that to the Board.
- Chairman Hetzke encouraged the Applicant to potentially take a look at the MUD Manual again and how it talks about a mix of uses in structures with vertical mixed use. He stated that the Applicant has that to a degree in Building 2 with commercial on the first floor and residential above. But looking at Building 1, it is a 113,000 sf building with 1800 sf of commercial space. That's an apartment building. It's a sizable apartment building. It's an apartment complex masquerading as a mixed-use development. He stated that the Applicant needs to do things so that the Board feels good about this in the coming years. He also added that in Zone A, the floor is 20% for commercial space. That's not a goal to reach, it's the floor.
- Mr. Bogojevski responded that he understands the concern that there isn't enough commercial space. He explained that they are coming at it from a different angle. Looking at the MUD manual, that 20% is really defined as a non-residential use, which is why they included the pedestrian spine, dog park, outdoor uses, those non-residential public and resident uses, including the possible hardscape along the commercial frontage. That's why they took that into account in that non-residential amount, along with the commercial uses. They are trying to hit that mark in a variety of ways, not just providing a purely commercial use. The MUD manual really does outline that it doesn't have to be designated as a commercial space. It really can be designated as active and passive recreation spaces and those outdoor amenities. It doesn't have to necessarily be a commercial space which is how they are proposing to meet that 20%.
- Mr. Weishaar stated that page 73 of the MUD manual is where they talk about the 20% and in the category for Zone A, they say 20% minimum of non-residential; but they say a mix of commercial, retail, office and residential. He stated that he thought that was what the Applicant was trying to say, yes, some of those other amenities are good, but they are looking for the commercial, retail, office mixed with the residential.
- Board member Burton stated that he didn't think they ever considered that the same exterior circulation space that has a congregation element that is used by the same people who actually occupy the built-out space would contribute to the 20%.
- Chairman Hetzke stated that he thought they gave it a good shot, but he thinks it is a stretch. Mr. Bogojevski responded that he understood their opinion and concern.
- Chairman Hetzke referred to the table on page 73 of the manual and a number of things we need to make sure are in the development. For example, on a site more than two acres it requires 4 or more uses. What are the four or more uses here? As for the 20% minimum – we need to do better than what is currently being shown.
- Chairman Hetzke stated that he hoped the rendering will change his mind but the feeling of it being just a large apartment complex is just not what the Board is seeking, not what the Town Board wants, not what the people in the community want for this district.



- Ms. Mejibovsky asked for clarification on the “large apartment complex” Chairman Hetzke referred to, stating that if there is commercial on the first floor, and apartments on the other floors, it would still be an apartment complex. Chairman Hetzke responded that they have seen some applications that might have commercial on the first floor, office on the second and apartments above – those are the things the Board is seeking. Mr. Bogojevski added that he thought Ms. Mejibovsky was referring to the fact the code allows it to be 80% residential.
- Chairman Hetzke stated that as he is looking at it, it is 92% residential, 4800 sf of that is unknown.
- Mr. Sangster stated that he didn’t want to speak for the Board, but one of the things they were hoping for was to have greater integration between the commercial and residential uses which is why there is the focus on doing the more traditional mixed-use with commercial along the first floor, as it makes it feel less like these are separate uses that happen to be near each other and more of an integrated community of commercial users and residential users as part of one community and not just neighbors.
- Mr. Weishaar stated that he’s heard Chairman Hetzke use the word “synergy” – how are the non-residential uses going to be integrated with the residential uses if it’s just residential and commercial on the if/come – it seems more like an apartment to him.
- Topics for the Tabling Resolution: conversation with Chris Lopez, the commercial %, and the neighborhood-feel.

The Board voted and **TABLED** the application for subdivision and site plan approval pending submission of additional information and further discussion.

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

2. BME Associates, 10 Lift Bridge Lane East, Fairport NY 14450, on behalf of Highland Builders, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan and Subdivision approval for the proposed 17 lot subdivision with associated site improvements on ±48.08 acres located at 2735 and 2745 Penfield Road, Fairport NY. The properties are now or formerly owned by Joseph DiPrima and Highland Builders and zoned Rural Agricultural (RA-2). Application # 21P-0024, SBL #141.01-1-18.21, #141.01-1-18.22

- Mr. Sangster explained that since the Board last met, the archaeological survey that was requested by the State Historic Preservation Office was completed and sent to the archaeological unit for their review as part of SEQRA.
- The Executive Summary stated that they conducted a full Phase 1A and 1B archaeological survey and found nothing of archaeological or cultural significance on the site and had no significant concerns.
- SHPO agreed and has issued a letter stating that they have concluded their review and they have no issues at this time.
- Chairman Hetzke asked if the Board needed to declare Lead Agency and Mr. Sangster responded yes.

The Board voted and **accepted the role of Lead Agency** pursuant to SEQR for the proposed 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.

- Mr. Sangster stated that Staff issued a PRC Memo on December 27, 2021, most of the comments being technical in nature. He asked is the Board was comfortable tabling the application pending Staff drafting an approval resolution and working on the completion of SEQRA.

The Board voted to **CONTINUED TABLING** the application and to authorize Staff to draft an approval resolution for the Board’s consideration.

<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.

3. Costich Engineers, 217 Lake Ave., Rochester, NY 14608, on behalf of Atlantic 250 LLC, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for phase 1 of a mixed-use development project including townhomes, apartments, a community center, commercial retail, and office spaces with associated site improvements on  $\pm 73$  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.

Present for the discussion:

Ralph DiTucci, Atlantic 250 LLC

Garth Winterkorn, Costich Engineering

Bill Price, SWBR

Mr. Kruse, SRF Associates

Jim Fahy, Fahy Architecture

- Mr. Winterkorn explained that their last step in the review process was attendance at a PRC meeting on January 5, 2022. Prior to that meeting the Applicant submitted response letters to Town comments, County Planning, and DRC comments along with updated site plans and building elevations. Also submitted was a letter that Mr. DiTucci authored, dated December 9, 2021, which answered a lot of comments regarding the specifics of the Phase 1 application (i.e., dwelling units, density, open space, percentage of non-residential in Zone A, as well as comments from the public during the Public Hearing).
- Mr. Winterkorn explained that some of the larger changes, which were discussed at the PRC meeting, starting with the lane reduction for the dedicated roadway off Atlantic Avenue. The number of lanes was reduced so they were able to add an exclusive bike lane from Atlantic that travels north on the dedicated road from Atlantic all the way to the vertical mixed-use units, ending at the Community Center.
- Chairman Hetzke asked if that was on the south. Mr. Winterkorn responded that it is on the right edge of the pavement as you are traveling north. (Referencing the plan on the screen)
- Mr. Winterkorn explained that another change they made was to relocate a townhouse unit in order to create a mushroom-shaped, pocket park area as a result of a request from the Board.
- Chairman Hetzke asked what they foresee in that half-circle pocket park.
- Mr. Winterkorn stated that a lot of effort was put into updating the Community Center as well as the lower pool area and the back with a lot of amenities. Amenities include the pool, hot tub, seating areas, fire pit, outdoor kitchens, and a bocce ball court. They also adjusted the grading in the large open space between the Community Center and the stormwater management facility – they eliminated a drainage swale making the area flatter and more usable for the tenants, basically giving them a large open grass area.

- Mr. Winterkorn stated that as they discussed at the PRC meeting, the open area including the Community Center and the SWM ponds, totals  $\pm 8$  acres. It's a substantial area that can be shared by all the tenants in the community.
- Mr. Winterkorn explained that in terms of specifics of the northern pocket park, they haven't gotten into that yet.
- Mr. DiTucci explained that their intent would be to, as the project develops over the multiple phases that they have designed for, to let that process be refined and react with specific site amenities to how the tenants of our development, our residents are looking for outdoor activities, in particular the "mushroom-shaped" pocket park. He stated that he thought that area would have a concentration because it's geared to a shape that is more appropriate, so they have the last roadway connection that goes east-west, just to the south of that linear stretch which would be a walkway approach to the pocket park where the front porches would overlook that. Then there would be a concentration of amenities in that semi-circle area at the end (i.e., playground, park benches, etc.). He added that they may find from resident reaction, the desire for community gardens, and they would be open to that. Chairman Hetzke asked which phase this area was in. Mr. DiTucci and Mr. Winterkorn were unsure.
- Mr. Winterkorn explained that SRF Associates updated the Traffic Impact Study (TIS) and submitted it to the NYS DOT for review. Comments were received from them and basically, the mitigation factors are how the DOT sees it. They are very much in agreement, not only for what they are proposing for Phase 1 but for future phases. After phase 1 they are taking the approach that they will be doing an update (or as built) to the TIS as each phase is constructed, to verify what will be used for projected traffic, to see if it's accurate. If not, then for future phases they can make adjustments based on updated counts for each phase of the development and then get concurrence from the DOT that they are in agreement, as well as the Board.
- Mr. Price explained the landscape improvements – minor alignment changes out near Atlantic Ave, in the walkway, the pathways. Those were originally directing pedestrian traffic to cross around mid-block on that entrance drive. So, they changed the orientation slightly so that people would be either coming from or going to the commercial area. They took a look at a couple other pocket park areas that will be developed as a part of Phase 1 and then spent a lot of time on the new clubhouse area, the architecture layout of that – looking at both the front and the back where there is one level on the front side and two levels exposed on the back and how they could make that 12-14 foot drop interesting and engaging for folks using it on both levels. This was all a part of refining the design of the clubhouse as well as the SWM area and the large open space in the back, to make sure that grading worked out. They worked on that as well as how the trails across the back ponds integrate with the open space.
- Mr. Price explained they received the comments from Bruce Zaretsky, Town Landscape Consultant, about some of the plant materials that he recommended be substituted for things they had chosen and put on the planting list. They agree with all of the alternatives and will make those changes.
- Mr. Kruse explained that SRF Associates updated the TIS for the project that was completed several years ago. They expanded the study area; they looked at some new counts. During Covid, they adjusted based on impact from that. SRF also looked at three other projects that are proposed at the same time and the traffic generated from

those – Penfield Heights, Penfield Square, and Pathstone. This study focuses on Phase 1, but they are also looking at it cumulatively and over the course of a multi-year period. This study breaks it down into four phases.

- In Phase 1 there are no significant impacts are generated which require improvements to mitigate. The project is proposing to develop a north-bound turn lane at the southerly Route 250 driveway that will go in right away as shown on the plan.
- In subsequent phases they will evaluate operating conditions at that time to better determine future traffic generation, distribution, and to confirm the mitigations that are tentatively proposed for those future phases are justified.
- That will go through NYS DOT for their concurrence and subsequent approval. This has been submitted to MC DOT and NYS DOT. They looked as far west as Five Mile Line Rd, therefore they included MC DOT, and they had no comments.
- Mr. O'Connor explained that town staff would like to have a discussion with the NYS DOT to have an overall plan for the whole corridor with all the projects going on. One thing they hope would come out of the discussion would be the provision of a center turn lane up and down Route 250 from Penfield Center Road to at least the YMCA. Staff needs to engage the DOT to have that discussion.
- Mr. Kruse stated that as part of the NYS DOT review letter, impacts and existing conditions were evaluated at Whalen Road for which there are existing conditions which may warrant monitoring. The DOT says in their letter that that intersection is likely to be impacted by various developments. Therefore, the mitigations that were identified in the TIS for the Arbors project which begin monitoring in Phase 2, that some sort of cost sharing agreement be developed that brings to the table NYS and MC DOT as well as any future property developers along the corridor. It has also been discussed, establishing that vision now that development has kick started along the corridor. There is history going back to 2017 about this. SRF has reached out to Mark Valentine, Town Engineer to start to bring together those discussions to figure out how to bring NYS DOT back to the table and answer their questions with regards to the cost-sharing formula.
- Mr. DiTucci stated that NYS DOT response to the TIS have been pretty much across the board in agreement.
- Mr. DiTucci stated that Mr. Fahy distributed the revised architectural renderings for the community building.
- Mr. Fahy explained that in Phase 1 there are three distinct groupings of buildings being proposed. There are 79 dwelling units, low-rise residential units described in detail at the last meeting. Ranch and two-story, single-family, attached two-family dwellings as well as three and four townhouse style low-rise buildings.
- Mr. Fahy explained that at the last meeting the vertical mixed-use and the Community Center were in a very sketch form. They have now laid out hard floor plans with exact square footages of the commercial, office, retail space on the ground floors. And the apartment designs are now very set.
- The eight vertical mixed-use buildings will be built in pods of two in Phase 1. The buildings comprising these pods will be connected by a covered walkway. There will be outdoor gathering space as a part of every one of these buildings. These areas will

be grouped between the building on the boulevard side as well as the back side. All units are geared toward a market rate size.

- Chairman Hetzke asked what the demographic is proposed to be. Mr. Fahy responded that it is a mix – young professionals as well as empty-nesters and active seniors. This community provides everything you would want to have in a planned unit community to draw from every aspect. The Community Center design and amenities included are second to none. It is 14,000 sf, two floors, first floor gathering spaces including a large pub, a large banquet area, administration area, library and quiet areas; the lower level includes locker rooms, showers and saunas, fitness room, 2-lane bowling alley, and a golf simulator room. The amenities include bocce courts, fire pits, grilling stations, and an open field for play.
- Chairman Hetzke asked if those amenities mentioned are included in the rent or are they extra. Mr. DiTucci responded that the amenities (i.e., lockers) are first come first served for the residents.
- Chairman Hetzke asked how much of the overall development is open to the public. Mr. DiTucci responded that the entire project is designed to be for the residents only. But in the reality of having private/dedicated roads there will be people from the general public who come in to see the residents. The general public may drive, walk or bike to the site, to visit with the residents. So, they are not excluding the general public from the project, but they are also not providing them any of the specific benefits that the residents will be paying for.
- Chairman Hetzke asked specifically about the commercial spaces. Those are for the general public and whoever rents the space, they don't have to be residents. These would be more public in nature.
- Mr. Fahy stated that there will be public gathering at the vertical mixed-use areas. But they don't have the right to go in and use the Community Center amenities.
- Board member Kanauer stated that he is very impressed with the Community Center.
- Mr. Winterkorn stated that there were PRC comments concerning sidewalks. He said their strong feelings on the subject as they currently show an asphalt surface as the multi-use trail along the full frontages of Atlantic and Rte. 250. Not only would they be wider than a sidewalk, closer to the road and safer considering the speed limits. Mr. DiTucci added that their intent with that the location of the multi-use trail is very closely related to the front porches of the townhouse units. The intent is to provide a point of interaction with neighbors along the trail. Their intent is that the multi-use trails would be the functional front sidewalks along those two primary arterial roads.
- Chairman Hetzke stated that he liked that but he's struggling with the fact that as a Town we ultimately want the sidewalks up and down Rte. 250 and on Atlantic Avenue so that people can get to this complex (Town Hall) for example. With this plan, people would essentially be walking on this path instead of sidewalks that would run parallel on both Rte. 250 and Atlantic Ave. Mr. DiTucci added that the points of termination at the respective property lines would be coordinated with continuing sidewalks on adjacent properties.
- Board member Burton stated that their trails are not located within the public right of way. Mr. DiTucci responded that that was correct.
- Board member Burton asked if they are willing to allow public access to have this trail replace what the town intended with the sidewalk ordinance as the contiguous sidewalk

- and then you'd be responsible for maintaining that forever. Mr. DiTucci responded that they have the same situation on other properties of theirs. They can't "police" the public entering their property so their insurance addresses that on all of their properties.
- Board member Burton continued, saying that in a technical sense, a determination would need to be made as to whether they still need to seek a variance from the sidewalk ordinance because that is intending that the sidewalks be located within the right of way or that we bank money to be able to construct those sidewalks in the future.
  - Mr. DiTucci responded that not unlike the multi-use trail throughout the project or the private roads throughout the project, their obligation would be operation, maintenance, repair, snow removal, etc.
  - Mr. Sangster added that if the Town ended up utilizing the trail as the sidewalks for the public's access, the Town would want at minimum, to place it under an access easement that gives a legal right for non-development residents to access the multi-use trail.
  - Chairman Hetzke stated that overall, it's a nicely done application that captures the essence of what the Town is looking for. He added that he's still working on the 80% is for the residents and 20% for the general public – he understands why.
  - Mr. DiTucci responded that their interpretation of the MUD Manual and its intent was that the Town is looking for "walkable" communities. They are inviting the general public and pedestrian and multi-modal uses, but not a commercial drive-thru bank that invite off the road traffic as a general approach.
  - Board member Kanauer asked about the PRC document (1/7/22) and whether the Applicant sees any issues with those comments. Mr. Winterkorn responded that nothing jumped out at them as being a problem.
  - Mr. Sangster added that one comment has been concerning linking the proposed multi-use trails with the public gathering areas that are either a part of linear parks or public open spaces. This was a guideline and Staff encourages it. Mr. DiTucci asked if it is a question of ownership and Mr. Sangster responded it's a question of access.
  - Mr. DiTucci responded that they are not inviting nor prohibiting public access to the property. If someone in the community (outside of the residents) wants to use the pavilion or the tennis courts they simply have to contact the office and sign up. They are open to working with the community in a regulated fashion.
  - Chairman Hetzke asked if that open space will be grass, mowed and maintained. Mr. DiTucci responded yes.
  - Chairman Hetzke asked if the multi-use trail that goes around the perimeter – do we need to look at an access easement on that as well or just the portions on Atlantic Ave and Rte. 250? Mr. DiTucci responded that he felt that could be worked out with the Town.
  - Mr. DiTucci stated that there was a comment in the (1/7/22) PRC memo relative to lighting for the multi-use trail. They had not anticipated lighting that trail. They have experience with the Town of Brighton and the City of Rochester, the Highland Crossing Trail, and that trail system is not illuminated. They aren't sure from a safety point of view that they want to invite people to use the trail (in its entirety) during the hours of darkness.

The Board voted and **CONTINUED TABLED** the application for subdivision and site plan approval pending additional revised materials.

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

4. McMahon LaRue Associates P.C., 822 Holt Rd, Webster, NY 14580, on behalf of Eric Geoca, Geoca Homes, LLC, requests under Chapter 250 Article XI-11.2 and Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for a proposed two-lot subdivision with associated site improvements on ±36.833 acres located at 35 Apollonia Lane, Fairport, NY 14450. The properties are now or formerly owned by Arnold DiPietro and zoned Rural Agricultural (RA-2). Application # 21P-0033, SBL #126.01-1-52.

- Mr. Sangster explained that Staff has had conversations with the Applicant as well as the NYS DEC regarding the application. This is a two-lot subdivision, but it is part of a greater approval – Bramble Ridge was preliminarily approved in 2000, as a much larger subdivision.
- Mr. Sangster explained that Staff’s concern has been related to stormwater management. Once you reach five lots, it triggers the requirement for reduction and control of stormwater on the site that is generally handled through SWMF, ponds.
- Mr. Sangster continued, stating that the Applicant is showing a small pond but there are no stormwater calculations or design information suggesting that it could handle more than the proposed two lots. In discussions with the DEC, Staff shared their concerns and stated they would like to see a SWMF that could handle the full build out of the subdivision once all the lots are complete.
- Mr. O’Connor added that Mark Valentine had a discussion with the DEC regarding what should be required for the application, maybe providing a facility for the remaining balance of the subdivision. The Applicant has shown a SWMF, but no supporting documentation has been received.
- Chairman Hetzke restated that essentially the overall subdivision was twelve lots (2000), so we have segmentation situation. Mr. O’Connor responded with yes, it’s up to the owner and how many of the lots he wants to sell off which makes it hard to determine how to meet Phase 2 requirements of the Stormwater Regulations.
- Chairman Hetzke stated that they should plan for the full build out.
- Mr. O’Connor added that Staff just received the revised plans and is reviewing them, and one of the comments included the lack of documentation on the pond size.



- Chairman Hetzke asked about the paving, which was a previous concern. Mr. O’Connor responded that the Applicant was correct in stating that the overall property owner posted a bond to the town for the topping of the road. So that is out of the Applicant’s prevue as far as being a requirement for these two lots.
- Chairman Hetzke stated that all we are really waiting on is the stormwater. Mr. O’Connor responded, correct.

The Board voted and **CONTINUED TABLED** the application for subdivision and site plan approval pending additional stormwater management facility documentation.

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

**IV. ACTION ITEMS:**

1. **1412 Shoecraft Road, DiSalvo Resub – Administrative Resubdivision**

- Mr. Sangster explained that the application was for a flag lot and a frontage lot on the east side of Shoecraft Road near Plank Road.
- The property owner at 1412 Shoecraft Road is looking to purchase ±0.25 acre of land from his neighbor and move his lot line further north.
- Both lots are currently compliant and would remain compliant. Staff has no concerns.
- The Board had no concerns.

The Board voted and **APPROVED** the application for re-subdivision.

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

2. **1000 State Road, Resub – Administrative Resubdivision**

- Mr. Sangster explained that the property owner at 1000 State Road is interested in picking up 7000 sf from his neighbor at 998 State Road.
- Both lots are currently zoning compliant, and that area is already covered under and access easement, so access would still be provided to both properties.
- Staff has no concerns.

- The Board had no concerns.

The Board voted and **APPROVED** the application for re-subdivision.

<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.

V. **HELD ITEM:**

VI. **NEW BUSINESS:**

There being no further business before the Board, the meeting was adjourned at 8:36 PM.

These minutes were adopted by the Planning Board on Thursday, February 10, 2022.

FILED  
PENFIELD, N.Y.  
2022 FEB 11 AM 10:12  
V. M. STEKLOFF  
TOWN CLERK