

The Planning Board held a meeting at 6:30 PM local time **Thursday, April 14, 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
Bob Kanauer
Terry Tydings

ABSENT: Jim Burton

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 March 10, 2022.

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

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

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

III. PUBLIC HEARING APPLICATIONS

1. APD Engineering & Architecture, 615 Fishers Run, Victor, NY 14564, on behalf of Fairlane Dr, LLC, requests under Chapter 250, Article XI-11.2, Article XII-12.2, and Article XIII-13.2

of the Code of the Town of Penfield for Preliminary and Final Site Plan and Subdivision approval and a Conditional Use Permit for the proposed construction of a $\pm 2,700$ sf Taco Bell restaurant with drive-thru and associated site improvements on ± 1.9 acres located at 1800 Empire Blvd. The property is now or formerly owned by E.C. Barton & Company, and zoned General Business (GB). Application #22P-0009, SBL #93.15-1-57.

2. APD Engineering & Architecture, 615 Fishers Run, Victor, NY 14564, on behalf of Fairlane Dr, LLC, requests under Chapter 250, Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval for the proposed site improvements on ± 1.9 acres located at 1800 Empire Blvd. The property is now or formerly owned by E.C. Barton & Company, and zoned General Business (GB). Application #22P-0010, SBL #93.15-1-57.

Betsy Brugg, Woods Oviatt, Gilman
Chris Kambar, APD Engineering & Architecture
Rob Schutz, Hospitality Syracuse

***These two applications were presented at the same time during the Public Hearing.*

- Ms. Brugg presented the application(s), stating that they have been working with Staff, attending PRC meetings, addressing comments, and presented a Sketch Plan in January 2022. They have been trying to hit the issues, cross them off, and make changes to the plans. The last round of comments was mostly technical in nature.
- Ms. Brugg stated that they were requesting site plan, subdivision, and conditional use approvals. They have an area variance application in with the Zoning Board of Appeals scheduled for April 21, 2022. There are also variances related to the site and the signage.
- Ms. Brugg explained that they are proposing to subdivide the Home Outlet property, across from Delta Sonic on Empire Blvd. and relocate the Taco Bell. They are proposing to build a new Taco Bell with two drive-thru lanes. The plan is to start with one drive-thru lane for now, but they want the option to add the second at a later date. The building itself is $\pm 2,689$ sf in size. The plans show the stacking of cars as well as the parking layout.
- Ms. Brugg explained that some of the significant issues that have come up include the drive-thru stacking (they have made some changes to the plans), and the drive aisle which has been narrowed to accommodate the vehicles pulling out of parking spaces.
- In terms of the site itself, it has gone to Monroe County Planning, with no significant issues in their comments.
- They are showing a shared driveway on Creek Street on the Home Outlet Parcel. They are also showing a shared driveway on Empire Blvd.
- Ms. Brugg explained that there was a request for some improvements to the existing Home Outlet property. This site has had no stormwater management, so water quality and stormwater management have been incorporated for both parcels.
- They are increasing the greenspace on the Home Outlet property a little bit as well. There are a number of overall improvements to the property that come along with the proposed Taco Bell.
- Ms. Brugg stated that about 90% of the Taco Bell business is drive-thru. The drive-thru has been designed to provide adequate stacking and good traffic circulation on the site. Hours of operation will typically be 7AM – 10PM for the drive-thru, with the dining room

staying open until 12AM, and 2AM on weekends.

- Ms. Brugg stated that they feel they have adequate parking with the shared parking, which was something talked about during the Sketch Plan phase. Taco Bell is largely a drive-thru customer base, though they do use some dining room parking. There will be shared parking with the Home Outlet which is not a huge parking user. And while the Home Outlet has a very large building, a large part of that building is storage and there would be significant work required if that building were to be repurposed.
- Ms. Brugg stated that they received a variety of comments, and they feel they have addressed the majority of them. One of the recent PRC comments was about having two sets of site plans. They are two separate applications, but the Applicant has consistently said they were going to submit one set of site plans for both applications, because the sites really operate as an integrated type of a site. For example, the driveway for Taco Bell is on the Home Outlet parcel – there is shared access. It could be split up, but it's a significant amount of work and Mark Valentine said it would be the Planning Board's call on whether they should be separate.
- Ms. Brugg confirmed that they are showing both drive-thru lanes so that they could both be installed if that comes about. They have addressed the stacking issues. They have enhanced the greenspace and the snow storage. There was a request to replace the board-on-board fence on the Home Outlet parcel so that is being provided. They will also be including the striping and drive aisles on the Creek Street side of the Home Outlet parcel on the next plan revision.
- Mr. Kambar stated that internal circulation was a big part of the discussions. The drive-thru lane was narrowed to ten feet to allow more room for cars pulling in and out. On the Home Outlet parcel they have added striping and dumpsters; they are working on the DOT comments and configuring the access point to line up with Sovran Drive.
- Mr. Kambar stated that they don't need a SPEDES permit because they are less than one acre of disturbance.
 - They are reducing the impervious area and adding a water quality unit to help treat the water because they know the Irondequoit Watershed is sensitive.
 - There are a few areas shown around the lot for snow storage.
 - They are showing a pylon sign at the Creek Street entrance that is across from Sovran Drive for the Home Outlet – this will be in the updated plans as well.
 - The fence was also added.
- Ms. Brugg asked about the sidewalk, stating that one of the comments was requesting a seven-foot easement for the sidewalk but there is an existing sidewalk there, so that presents a significant challenge.
- Mr. Kambar touched on architecture by referring to the elevations on the screen.
 - The south elevation faces toward parking lot or the Home Outlet store.
 - The west elevation faces toward Empire Blvd.
 - The east elevation is toward Creek Street.
 - The north elevation faces toward the intersection of Creek and Empire.
- Based on the viewpoints, Taco Bell has added tower features on the corners and sides of the building to delineate the entrances but also locate their signage.
 - Those towers are primarily a Belden brick, labelled "tower brick" on the plan and the main building along the sides is a different color of the Belden brick.
 - The stone is the accent along the bottom, the water table.

- The sill is stone and there is EFIS along the top, where the cornices are.
- There are windows on all sides except the east elevation – that back area of the building is primarily for storage so there was no reason to put windows there.
- There are two entrances – one on the west elevation (front) and one south elevation, which will be the most likely to be used because the parking is there. There is a tower there to denote the entrance and draw people to those doors.
- There are four Taco Bell and “the bell” signs located on the building – on the north, west and east elevations and just “the bell” over the doors on the south elevation.
- Ms. Brugg mentioned that if the Board members would like to see one of the more recent Taco Bells that has been built, there is one on Chili Ave. and one on Lehigh Station Road. Chairman Hetzke confirmed that those buildings mentioned would be similar in nature to the one being proposed. Ms. Brugg responded, yes.
- Board member Tydings asked if the current store on Empire is similar, and the response was no.
- Ms. Brugg restated that they still need several site variances (ZBA). She suggested that the ZBA would appreciate hearing that the Planning Board has positive thoughts on the application and the proposed site plans.

Board Questions:

- Board member Tydings asked if the photo on the screen (of the Henrietta location) was the same style that was being proposed and was that a step into the entrance from the parking. Mr. Kambar responded that there is a step at the sidewalk, not from the building, that extends all the way around except for the ADA ramp.
- Board member Tydings asked how many parking spaces were proposed. Mr. Kambar responded that the project as a whole, when considered with Home Outlet, still needs the parking variance, but it lends itself to the shared parking. They are very different uses so the Applicant thinks the peak times will be much different.
 - On the Taco Bell parcel alone, they have 16 parking spaces.
 - There are 46 spaces on the Home Outlet parcel, so total there are 62 parking spaces.
 - Ms. Brugg added that per the Code, Taco Bell requires 49 spaces, which is a lot of parking for a use that does not need 49 spaces.
 - And per the Code, Home Outlet requires 100 spaces, but they had some relief... Mr. Sangster stated that in 1978 they were approved for a variance for 71 spaces. Ms. Brugg stated that they are a very low traffic generator, and they currently have 42 spaces.
- Board member Tydings asked about the construction phase and will it be a problem getting vehicles in and out. Mr. Schutz responded that they would put fencing around the construction and most likely limit traffic to Creek Street as it is the least busy street.
- Board member Tydings asked if they know how many variances they need. Ms. Brugg responded that they need the three site variances, the sign, parking, and setback variances.
- Board member Tydings asked how this proposed site compares in size to the Baytowne location. Mr. Kambar responded that it allows them to get the operation they want with the drive-thru configuration and the new look and feel of the building. He doesn't think they can do that over at Baytowne and thinks the parcel is larger as well.
- Board member Tydings asked about deliveries to this location. Mr. Kambar responded that their truck deliveries will come in at one entrance and leave out the other. He also thinks they get deliveries once a week, depending on the volume.

- Board member Tydings asked if they will have normal business hours. Mr. Schutz responded yes.
- Board member Tydings asked about the curb cut and traffic and verified that they are all set with Monroe County. Mr. Kambar responded that they are currently addressing the DOT comments and configuring the driveways to meet their requirements.
- Board member Tydings asked about lighting. Mr. Kambar responded that there is building mounted lighting, LED lights in the parking lot – typical downcast, dark-sky compliant light fixtures. Mr. Schutz added that the lights are on a timer to turn off about 30 minutes after the last employee leaves the building.
- Board member Tydings asked about snow removal – which parcel will it be stored on. Mr. Kambar responded that the property is basically one use and one maintenance but most of the Home Outlet snow will go on their side and most of the Taco Bell snow on their side.
- Board member Tydings asked about the separate sets of plans due to the separate applications. Chairman Hetzke responded that that is an internal discussion. Mr. Kambar responded that the comment mentioned the plans being separate – Home Outlet plans on one set and Taco Bell on another set – it's a lot of extra work, but you also won't be able to see how the two lots work together as one development. Chairman Hetzke stated that they would have to find out what the nature of that request was and why. Ms. Brugg stated that most towns would allow it to be all on one set and Mr. Kambar agreed.
- Chairman Hetzke asked what the percentage of drive-thru was before Covid. Mr. Kambar responded that was 70-75%. Mr. Schutz responded that it depends on the location, but it has been trending higher. He added that Taco Bell doesn't have the technology for two drive-thrus at this point, but that is what they are going for.
- Chairman Hetzke asked about the two drive-thrus – is one an order online for curbside pickup and the other is an actual drive-thru with the menu board. Mr. Schutz responded that the first was called "Go-Mobile" and it is in beta test, but Taco Bell is pursuing full double drive-thru lanes like you would see at McDonald's – two order points that would then merge into a single line.
- Chairman Hetzke asked if there were two windows. Mr. Schutz responded yes – pay at one and pick up at the other.
- Chairman Hetzke asked what the busiest time of day, day of the week and season was. Mr. Schutz responded that generally, the dinner hour (4:30-6:30 PM) is the busiest time of day; he didn't know about the season, but it is not obviously seasonal; business picks up starting on Wednesday and goes through Saturday and drops off again on Sunday.
- Chairman Hetzke asked them to clarify the weekend close hours – 2 AM on Friday and Saturday nights.
- Chairman Hetzke asked how many cars are typically cued up at a Taco Bell. Mr. Schutz stated that he didn't have the information on Empire Blvd. but he would get that. Taco Bell typically requires a minimum of eight cars stacking – they like to see twelve. But in this design, they have 16 showing on the plan.
- Chairman Hetzke stated that they have some significant concerns with the traffic flow. How well can the concerns be mitigated based on the cuing that the Applicant has proposed and is it a true concern – with 90% of their business drive-thru, they want cars queuing. Is that going to create a major traffic problem on the overall site.
- Ms. Brugg responded that there is the center drive aisle that is ten feet wide, which is narrower than it was. Signage was added so that there could be stacking without interfering

with vehicular circulation. Chairman Hetzke asked if the average driver is going to pay attention to the internal traffic signage. Mr. Kambar responded that they have planned for 16 cars which is more than is normally see for Taco Bell. Mr. Kambar added that they can't lend themselves to "what if someone doesn't follow the rules." The center lane is an overflow for additional drive-thru stacking if it's necessary during the peak hours. He doesn't expect that to be used very often.

- Chairman Hetzke asked what size truck makes deliveries. Mr. Kambar responded WV62 – it's about a 50 ft. trailer and he anticipates it pulling in and parking at the drive-thru lane in the center, unloading and exiting. They may be there 30-60 minutes and it will be during the off-peak hours.
- Board member Aken asked if the second drive-thru lane will be grass until the lane is installed. Mr. Schutz responded yes; the inner lane will be grass.
- Board member Aken asked how drivers will get into the queue if they are entering from Creek Street and there is a backlog of vehicles. Mr. Kambar responded that they will have to alternate into the queue. There are stop bars on either side and there will be signage.
- Board member Kanauer asked about the seating inside the building. Mr. Schutz responded that generally it is between 40 and 50 seats. There is no formal furniture plan yet.
- Board member Kanauer asked about parking, stating that he sees the 16 parking spots on-site, the remaining 46 on the Home Outlet site – those are the spots facing the Taco Bell? Mr. Kambar responded that there are 16 along the front (south side) of the Taco Bell; immediately across the drive aisle there is another 17 spaces; there are eight in the back on Creek Street; there are 21 on Empire Blvd.
- Board member Kanauer asked if the entrance to the Home Outlet is facing Taco Bell. Mr. Kambar thinks he is correct, that there is a door in the middle.
- Board member Tydings asked if there is outdoor seating. Mr. Kambar responded that there is no outdoor seating.
- Ms. Brugg asked the Board if they had any thoughts to share with the Zoning Board regarding the variances. Chairman Hetzke responded, saying a Tabling Resolution will be put together, but the ZBA has their own process and opinions on things.
- Chairman Hetzke stated that personally he has concerns about the traffic flow. This is not a typical site that the Board has seen, so the members will need to discuss it further in the work session as there are some significant asks with this application.

Public Comments:

There were no public comments for this application.

Board Deliberation:

- Due to the late hour, the Board Tabled the application for review and discussion at the April 28th work session.

The Board voted and TABLED the application for Site Plan and Subdivision approval and a Conditional Use Permit for the Taco Bell Application.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Aken			Aye	

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

The Board voted and TABLED the application for Site Plan approval for the Home Outlet Application.

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

- Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Heritage Christian Services, 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 Site Plan and Subdivision approval on the proposed construction and operation of a $\pm 3,700$ sf one story, 6-bed home on a ± 1.3 acre parcel to be subdivided from the existing ± 2.7 acres located at 2730 Atlantic Avenue. The property is now or formerly owned by Heritage Christian Services and zoned Residential 1-20 (R-1-20). Application #22P-0011, SBL #124.01-1-2.

Lucas Bushen, Marathon Engineering
Dan Stewart, Heritage Christian Services

- Mr. Bushen presented the application for the proposed home on the corner of Scribner Road and Atlantic Avenue. This home will look and operate in the same way as the Heritage Christian Home that was recently built on Jackson Road, next to Penfield Presbyterian Church.
- Mr. Bushen explained that from an engineering standpoint this home will be quite a bit simpler. The utilities are there.
 - There is an 8" watermain and an 8" gravity sewer which will connect on Scribner.
 - There is a public, town-owned storm sewer along Atlantic Avenue that they will connect to.
 - There is a drainage ditch in the middle of the site, coming from the north (the direction of the middle school), which discharges to a catch basin along Atlantic Avenue.
 - They are proposing to direct stormwater to that catch basin and maintain the stormwater flow across the property.
- Mr. Bushen explained that the existing property is twice the size of what was shown on the screen, so the area to the right (the east) is currently part of the same lot, around ± 2.6 acres. As part of this application, the Applicant is seeking a subdivision approval to cut the parcel in half and make the western lot usable for the proposed home. The portion to the east will remain.
- Mr. Bushen explained that there is currently a residential home on the east side of the parcel

with a detached garage. One of the comments that came up through the review process was in relation to that detached garage. The rear setback is currently 12 feet. It is an existing setback, and the Applicant is not changing the rear line (toward the school). As a formality, to legalize that setback, the Applicant is going to the Zoning Board of Appeals to obtain that variance. Unfortunately, that was caught in the review process and not up front, so that will be next month (May 19, 2022) that they go there and get that. His understanding is that that should be straight forward because they are not changing anything with respect to that setback.

- Mr. Bushen explained that another comment made was in relation to the storm sewer. Because the Town of Penfield Standards are more stringent than the DEC or even the Irondequoit Bay Collective, they will be introducing some stormwater treatment to the property to address stormwater quality for the roof leaders and what is coming off the new impervious surface. There will be a rain garden type treatment facility. It will allow the stormwater to filter through the ground for discharge to the storm sewer.
- Mr. Bushen explained that one of the last comments was regarding access to the site. The Applicant is proposing a looped-style access which is similar to the Jackson Road home.
 - The northern access is a standard two-way in and out. It is also the driveway that leads to the garage. It's wide enough to go both ways.
 - The southern access is an entrance-only which allows vehicles to pull up to the front of the home and let someone off at the sidewalk that is there.
 - There was a comment regarding the proximity of that entrance-only access to the intersection of Scribner Road and Atlantic Avenue.
- Mr. Bushen stated that they have some flexibility in how they can adjust that entrance-only access and potentially make that satisfactory to the Town. They are going to try and get to the point where Town Staff is comfortable with it. That is something they are currently working on. He stated that those were the three significant comments that were made through the review process.

Board Questions:

- Board member Aken stated that she has three children who attend Bay Trail Middle School, and that road gets jam packed every day. She appreciated the comments about moving the entrance point further from the intersection. She asked the Applicant if they have driven the road during school hours to see the traffic. Mr. Stewart responded that he also has three children that have been through the Penfield District and periodically they dropped them off, though they encouraged them to take the bus. Yes, they understand the traffic flow in that area, and they will adjust their staffing just like everybody else does going up and down through that intersection, the best they can.
- Mr. Stewart explained that they had an application here in 2019 for a daycare center and there were similar conversations. There are times that you can take a left out of the school all day long, but he agreed there are certain times of day you can't, and you need to know when those are to best accommodate your schedule.
- Board member Aken asked about moving the entrance down a bit, and what it might look like. Mr. Bushen responded that it would be about 5-10 feet. He added that the secondary entrance won't change the volume of traffic, it changes how the traffic accesses the site and it does so, marginally because the separation between the two access points is 50-80 feet. Essentially the secondary access doesn't impact traffic.

- Mr. Stewart added that one of the objectives for the secondary access was to avoid backup alarms on some vehicles.
- Board member Aken stated that it is going to be a 6-bedroom home. Mr. Stewart responded yes, it is the same design as 1867 Jackson Road: six bedrooms, 2.5 baths, two living rooms, an office, a laundry room and a larger kitchen.
- Board member Aken asked about medical transport vehicles going in and out throughout the day. Mr. Stewart responded that typically 1-4 staff members depending on the needs of the residents. There may be transportation to take people to and from day programs and/or work. There may be clinical staff coming in. They also accommodated for additional parking needs. There are a total of 12 parking spaces. He added that they also have a good relationship with the Christian Reformed Church next door. If they were to host a bigger event, they would be able to either shuttle people or walk to the church.
- Chairman Hetzke asked Mr. Stewart how many homes HCS operates throughout the region. Mr. Stewart responded that he oversees ± 124 facilities; of those, 75 are group settings. They have approximately 15 of this (proposed) design between the Rochester and Buffalo regions. This has become their new model because of the supervision levels with the design of the house.
- Chairman Hetzke stated that probably a big concern is traffic. At the busiest site, typically, on a given day, how many cars are entering and exiting; how many medical vehicles; what have you experienced? Mr. Stewart responded, assuming four people in the morning (6-8 AM) to get people up, fed and on their way, there may be 1-2 clinical staff that come in during the day; there may be transportation at 8:30 AM to take them to their programs; the reverse happens in the afternoon – home 3:30-4 PM; shift change (reduced) at 11 PM. It all depends on the needs of the residents.
- Chairman Hetzke asked the percentage of residents who have their own vehicles. Mr. Stewart responded that there are two that drive in the agency, but they are in customized residential options. This application is for a certified 6-bed home, so these residents would not be driving themselves.
- Chairman Hetzke asked where the rain garden is proposed to go. Mr. Bushen responded that it will be located on the south side of the house before it enters the wood line and swale.
- Chairman Hetzke asked if the rain garden will have water in it all the time. Mr. Bushen responded no, only after a rain event, typically 24 hours is what they are designed to hold.
- Board member Tydings asked if they need any variances. Mr. Bushen responded just the one for the pre-existing detached garage setback.
- Board member Tydings asked if they are planning on removing all the existing vegetation. Mr. Stewart responded that they are going to leave what they can, though there aren't a lot of trees there that are healthy.
- Board member Tydings asked if they will be submitting a landscape plan. Mr. Stewart responded that they shouldn't be required to, given it's single family residential. In HCS fashion, they will make the property look nice.
- Board member Tydings asked if after they separate the lots, are they planning to keep the house. Mr. Stewart responded that more than likely they will sell that lot with the house.
- Board member Tydings asked about sidewalks. Mr. Stewart responded that they are existing.

Public Comments:

- **Bob Ansaldi, 10 Oatsfield Circle** (member of the Penfield Trails Committee)
 - His concerns were regarding traffic. He is concerned with anything that will make the situation at that intersection worse.
 - He is concerned that construction vehicles will possibly be parked on the roads during construction.
 - He is also concerned that people may try to park out on Scribner Road. Could No Parking Signs be installed in that area?
 - He is concerned that there will be snow plowed onto the road like the home on Hatch Road. That home doesn't have enough parking, so the snow is pushed out onto the street.
- **Mark Northrup, 1777 Scribner Road**
 - Living across the street from the proposed development, he has concerns with the traffic this proposed home will produce in the area, especially with the Middle School right there.
 - He stated that no one goes there, and the site has been poorly cared for.
 - He stated that the Board must forbid the proposed entrances on Scribner Road.
 - He referenced a number of car accidents at this corner and will send photos to the Town.
 - The speed limit is 35 mph, but the cars all travel much faster. He claims the traffic studies were fraudulent and the information provided to the town incorrect.
 - He claims that HCS has been negligent in the upkeep of the existing home.
 - He stated that if approved, landscaping needs to be done, and plans provided to the Town.
 - He stated that the area is zoned Residential, and businesses should not operate there.
 - He concluded that the Board's only option was to deny the subdivision and require HCS to use the site entry as it was intended, on Atlantic Avenue.
- **Gary & Princess Fame, 1751 Scribner Road** (he also emailed his concerns)
 - Mr. Fame stated that their main concern was also traffic and the effect adding this home will have on an already very busy intersection.
 - He stated that it is zoned residential, but it is really a business. He stated that the Town has done a great job of keeping businesses away from the residential. This is already a bad intersection, and you are adding a business to it.
 - He stated that the speed limit is concerning as well. It is common to see 50-60 mph on Scribner which is a secondary road.
 - Mr. Fame also voiced concerns about the drainage.
 - Mrs. Fame added that she has contacted the town several times regarding the traffic.
- Chairman Hetzke stated that they understand and have heard the concerns regarding traffic, so if there were other concerns, they would like to hear them.
- **Helena Kessler, 1917 Scribner Road**
 - Ms. Kessler's concerns are also concerning traffic on Scribner Road as well as the parking at the Middle School and how it is affecting the new development.

- Ms. Kessler understands the demand for Heritage Christian Services, and she has nothing against the organization, but with both access points on Scribner Road it's a grave concern.
- Kim Fulton, 1759 Scribner Road (she also sent concerns in an email)
 - Ms. Fulton stated that she lives five houses from the corner, and she agrees with all the concerns already spoken. But she feels things have gotten even worse with Covid.
 - Ms. Fulton asked why they were choosing that location and why not closer to the church?
 - Ms. Fulton supports the idea of the home; she just doesn't understand why the access points have to be on Scribner.
 - Ms. Fulton doesn't want anything on that corner. She disagrees with the plan as proposed.

Board Deliberation:

- Due to the late hour, the Board Tabled the application for review and discussion at the April 28th work session.

The Board voted and **TABLED** the application for Site Plan and Subdivision approval pending the review of submitted materials.

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

4. Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604, on behalf of Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless, 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 for the proposed construction and operation of a 124' wireless telecommunications facility (plus 4' lightning rod) and associated site improvements on the 880 sf leased parcel of the ±2.88 acres at 1838 Penfield Road. The property is now or formerly owned by Penfield Fire District and zoned Four Corners (FC). Application #22P-0012, SBL #139.06-2-49.1.

Note: Mr. Weishaar, Planning Board Attorney recused himself from this application and stated that he expects the Town Board will act on Special Counsel next week so that Counsel will be in place for the April 28, 2022 Work Session.

Jared Lusk, Nixon Peabody
Jackie Bartolotta, Verizon Real Estate Consultant
Michael Montalto, Costich Engineering

Michael Crosby, Verizon Design Engineer

- Mr. Lusk explained that the Applicant has received technical comments from Staff. The request of the Board that was consistent from the previous Sketch Plan submittal, was to add some landscaping to the southern portion of the project.
- Mr. Lusk stated that Verizon Wireless is proposing a 124' monopole tower at the Penfield Fire District property located at 1838 Penfield Road. It is located in the back corner of the property in a relatively small compound area. This is the only spot that the Fire District made available to the Applicant. They have been searching for a location in this area since 2015.
- Mr. Lusk explained that as a result of its location and its surrounding property line, they need a Use Variance because it is located in the Four Corners District, as well as a setback variance for the tower from the north and eastern property boundaries. The tower includes the 124' tower, a 4' lighting rod and the equipment cabinets, all surrounded by an 8 ft. fence and a canopied (park pavilion like) roof.
- Mr. Lusk explained that since they were last before the Board, there was a request for additional landscaping. He had an updated plan that was a result of more conversation with the Fire District since it is their property. They are proposing to replace the existing landscaping, though there is not a lot of space there, five evergreen arborvitae bushes along the backside of the area.
- Board member Kanauer referred to the Sketch Plan and asked about alternate tower designs.
- Mr. Lusk responded that in the submission, there are two items, the SHPO Concurrence regarding the fact that a monopole won't adversely impact the areas historic resources. In addition, there are a series of simulated photos. The flagpole just won't work with this antenna. The options are the (proposed) galvanized monopole which is typical and approved by SHPO; second, a monopole design that was painted thunder gray instead of galvanized; and third was the "monopine," which works best in the context of other evergreen trees around it. The other limitation is the amount of space they have been given which is basically the equivalent of three parking spaces.
- Board member Kanauer stated that the SHPO determination only applies to national historic landmarks, which the Baptist Church on Penfield Road falls into that category. But there is a whole Four Corners District that goes up and down Five Mile Line Road. The Historic Preservation Board in Penfield issued a letter with concerns. Mr. Lusk responded that the letter wasn't provided to the Applicant.
- Chairman Hetzke asked if the Applicant knew what the height of the poles on Turk Hill and East Henrietta/390 are. Mr. Crosby responded that flagpoles are usually in the 80-100 ft range.
- Mr. Crosby explained that flagpoles have been used in the network historically, but the technology has changed significantly since then. In the current LTE network, there are radio heads located at the antennas which was not the case previously. With modern technology they have been able to cut back on power consumption and the actual footprint, but the radios have to be located at the antennas. Flagpoles are not conducive to the modern network. Many of the flagpoles that they do have are very problematic and they are having to change the physical structure of the sites.
- Board member Tydings asked what the radius of the site is. Mr. Crosby explained that the

location of the proposed site is $\pm 1.25 - 1.75$ miles from the adjacent sites. This proposed site is designed to cut that distance in half. The very idea of this site is to “clean things up” around town. When this site is activated, it won’t just improve the users within the footprint of this site, it will alleviate the over-congestion issues Verizon is experiencing, allowing all of the sites to work together and to function better.

- Board member Kanauer asked if the roof of the firehouse was considered. Mr. Lusk responded no, it wasn’t tall enough and the Fire District was limited in where they would allow it.
- Mr. Crosby explained that one of the challenges they face is that the higher bandwidth that they have gained over the years is also higher in frequency and the higher the frequency the more challenges there are with propagation characteristics – meaning it doesn’t serve as far. That is a big driver in why they have to choose specific locations.
- Chairman Hetzke asked if they have considered doing multiple, shorter, smaller towers. Mr. Crosby responded that they have looked at that scenario but you’re talking about dozens of locations where there are not existing structures now. Though they are smaller, they may seem more palatable, but they end up being in more and more neighborhoods (personal property), and less in commercial areas. They are trying to balance those interests.
- Board member Kanauer asked about the School District and Charles Finney sites. Ms. Bartolotta responded that they didn’t want it. Mr. Lusk mentioned the site selection report.
- Mr. Crosby presented a slide show pertaining to the site selection process. (Video timestamp 2:17-2:30)
- Chairman Hetzke stated that he is disappointed that the flagpole was not an option. Though he understands there is more and more demand, he is not excited about seeing a giant cell tower there.
- Mr. Lusk stated that they are open to discussions regarding paint and color options.

Public Comments:

There were no public comments for this application.

Board Deliberation:

- Due to the late hour, the Board Tabled the application for review and discussion at the April 28th work session.

The Board voted and **TABLED** the application for Site Plan approval and Conditional Use Permit pending the review of submitted materials.

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

IV. **TABLED APPLICATIONS**

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Pathstone Development Corporation, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for a Mixed-Use Facility including 136 residential apartments in two proposed buildings, ±38,470 sf of non-residential space including a daycare facility and a ±4,800 sf commercial building, all with associated site improvements on the existing ±10.653 acre property located at 1801 and 1787 Fairport Nine Mile Point Road. The property is now or formerly owned by WRM Holdings III, LLC and William Wickham, and zoned Mixed-Use District (MUD). Application #21P-0020, SBL #125.01-1-3.111, 125.01-1-33.11.
 - Mr. Sangster explained that though the application has been quiet recently, Staff has been in contact with them. He explained that the Applicant provided written responses to the Tabling Resolution as well as the updated memo from Chris Lopez, the Architectural Consultant. There were two maps submitted as well – one showing their non-residential space proposal and one highlighting the sketch that Mr. Lopez provided as part of his updated memo.
 - Mr. Sangster explained that the Applicant met with PRC yesterday, April 13, 2022, to discuss their responses and their proposal for meeting the 20% non-residential requirement for the mixed-use. The discussion relied heavily on looking at the utilization of public space, especially public gathering space, not just any open or grass space, being a portion of that non-residential percentage.
 - Chairman Hetzke stated that to get to the 20% non-residential space, they are putting forth the argument that the dotted blue line on the map on the screen (timestamp 2:38:18), that space should be considered in the calculation for the 20% minimum non-residential component of the MUD. He explained that he attended that PRC meeting, and he doesn't feel that that represents the intent of the MUD. The Board needs to look at it more closely and make a determination.
 - Chairman Hetzke referenced the MUD Manual page 69, section 6.1.1 "Zone A – Areas identified as Zone A are intended to be the most dense portions of the district with a mix of commercial/retail, office, civic and compact residential uses." He stated that he doesn't look at a sidewalk or pedestrian spine, etc. as meeting those criteria.
 - Chairman Hetzke referenced section 6.1.2 (1) d "Design a mixed-use development that: provides supporting commercial/retail uses."
 - Chairman Hetzke referenced section 6.1.5 Summary of District Requirements Table:
 - Permitted Uses per Penfield Mixed-Use Zoning Ordinance: "Zone A – a mix of commercial/retail, office, and residential; 20% minimum of non-residential." This box doesn't really talk about public open space, recreation-type space.
 - Types of Mixed-use: "Mixed use emphasizing vertical mixed-use, with commercial/retail on lower floor and residential/office on upper floors."

- Chairman Hetzke stated that the MUD manual encourages the mix of uses to be a mix of residential and commercial in Zone A, not a mix of residential and open space and recreational type uses, and that is called out separately in the fifth row of the Table.
- Mr. Weishaar stated that that was his first thought too. It's a hard sell to include the pedestrian spine but he just received the letter from BME so he wants to take a closer look at their arguments.
- Chairman Hetzke stated that this is kind of the crux of their revised submissions and the Board needs to come to some sort of conclusion on how to move forward with this – whether this is an acceptable “use” or if it's not, before they look at anything else in the application. All the other things are secondary considerations if we are not meeting those thresholds or agreeing on how we are meeting those thresholds.
- Board member Kanauer stated that he agreed with that summary.
- Chairman Hetzke stated that the Board members are going to take a closer look at it and come to some determination on what the Town's position is in that regard.

The Board voted and **CONTINUED TABLED** the application for subdivision & 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)	X		Aye	
Aken		X	Aye	
Burton			Absent	
Kanauer			Aye	
Tydings			Aye	
				The motion was carried.

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 explained that since the last meeting, Staff met with the Applicant at PRC.
- Mr. Sangster shared that the Applicant submitted new materials including a written response to several Tabling Resolutions and PRC comments.
- Chairman Hetzke stated that there are 3-5 general main points in the response letter that he felt they should discuss.

- The first topic was lighting around the multi-use trail. The Applicant submitted a lighting plan for the multi-use trail. The Applicant is not convinced that lighting is a requirement on the multi-use trail and would like some sort of determination from the Board. There are nuances in the language of the Code – whether this would be considered an integral interior part of the development and be considered a sidewalk and therefore explicitly require lighting. Or as the Applicant claims, the multi-use trail is more of a recreational-type trail and should be treated like a trail in one of the other (town) parks which are not lit.
 - Chairman Hetzke sees this multi-use trail as a huge amenity to the development and an attraction for residents. The fact is, we live in a cloudy city seven months out of the year, so having illumination on a trail that gives the impetus to walk is a great thing. He stated that he understands that lighting two miles of trail is not a small ask. He recounted that at the last meeting they overall agreed that lighting would be nice on the trail. He explained that though he would like to see the trail lit, the western portion wasn't necessary, but the Applicant went ahead and did the layout on the western portion.
 - Mr. Sangster stated that for context, based on changes from their previous photometric submission to this new one, it includes the addition of 45 *additional* light fixtures to light what is currently the Phase 1 section of the trail. That number would be higher for future phases.
 - Chairman Hetzke explained his feelings on the types of lights proposed. Nighttime lighting is for safety, security, aesthetics. There is a safety component on this but it's not the main driver here. He's hoping the security is not a concern at all in this neighborhood. He's really looking at it from the aesthetics.
 - Board member Kanauer stated that he doesn't feel the fixtures have to all be uniform – they could change depending on the different areas.
- Chairman Hetzke asked the Board members if they still want the multi-use trail illuminated.
 - Board Member Kanauer stated he'd like it illuminated to some extent.
 - Board member Aken agreed that she'd like to see it illuminated to some extent, especially around the pond area due to a safety concern.
 - Board member Tydings was thinking more aesthetically, not expensive ones, but more like landscape lighting
- Chairman Hetzke stated that the consensus is that the Board would like to see some lighting on the multi-use trail, but it doesn't have to be to the extent of a parking lot.
- Mr. DiTucci stated that they have made it clear to PRC as well as in the response letter, that they are not refusing to do illumination on the multi-use trail. They are asking for an interpretation of the Code – the MUD Manual itself, the zoning ordinance that says explicitly whether or not it is required. It is either required or it isn't. He stated that he appreciates the Board's flexibility with regard to the type

- of lighting and the fact they have the preference to have the lighting, but they are asking for a legal interpretation of whether or not it is a required element of the Code.
- Mr. Weishaar stated that he'd have to talk to Staff about that and work with the Authorized Official.
 - Chairman Hetzke referred to the map that was submitted that showed the layout where they are proposing he stubs for the multi-use trail. He explained that the Town Board did not specifically say, "this is the plan we are approving" but instead they said, "they will allow the sidewalks to be the multi-use trail on Atlantic Ave. and Route 250." They did not get into the minutia of exactly where the trail was going to go, that was let up to the Planning Board.
 - Chairman Hetzke, looking at that map, asked if the other Board members are comfortable with where the stubs are currently proposed.
 - Board member Tydings clarified that the three will extend off the Route 250 side. He is good with it.
 - Board member Aken was good with the plan.
 - Board member Kanauer asked if there would be a pedestrian walk by the roadway at the southeast entrance. Chairman Hetzke confirmed that there is a sidewalk proposed there already. Board member Kanauer stated he is good with it.
 - Chairman Hetzke stated that roadway widths was another concern. He asked what the width was on the private drive, alleyways, etc.
 - Mr. Sangster responded that this came out of a discussion between the Applicant and the Fire Marshal based on Staff comments on reducing road widths where able to reduce the overall impervious surface. The Fire Marshal signed off on the proposal to reduce the blue area to 20 feet was acceptable for Fire Code. It is Staff's opinion at this time that they are comfortable with the 20-foot road widths and shared access on roads between bicycles, etc.
 - Chairman Hetzke stated that the concern over what is open space and what isn't open space is future subdivision of property and additional development. It is the desire of the Town to say, "this is the development, and it won't be segmented down the road."
 - Mr. Sangster responded that it was based on a revision where some buildings were included in the open space. Staff's opinion is that buildings cannot be included in that number and pretty trivial because they are so far over the 20% (and 30% in Zone B) recommendation.
 - Mr. DiTucci clarified that their computations do not include any building area in the public open space.
 - Chairman Hetzke asked about refuse management. Mr. Sangster responded that single-family dwellings will be serviced by toters. The mixed-use areas will be

serviced by centralized dumpsters with a hardy-board enclosure. The apartments will be serviced by internal dumpsters and toters.

- Chairman Hetzke asked if SWPPP and Stormwater Management is good. Mr. O'Connor responded yes.
- Board member Tydings asked what the materials were going to be for the multi-use trail. Mr. Sangster responded that asphalt is the material requested and required within the MUD Manual for multi-use trails.
- Chairman Hetzke asked about the entry pavilions. He referred to the elevations that were submitted, asking if the other member were good with it.
- Mr. Sangster responded that the elevations were born out of the comments on Chris Lopez's memo requesting a form of landmark or entry marker to introduce the development to anyone who is coming into it. The Applicant has stated that their intention with these is that they will act as a rest stop, placed on both the Atlantic Avenue and the Route 250 sides of the multi-use trail. The interior will have map of the development at pedestrian-scale. These are not intended for vehicular traffic. The structures are very agrarian and look much like a small barn or farmstand.
- Chairman Hetzke asked about the multi-use trail and the easements, etc.
- Mr. Sangster responded that there was discussion over requiring a seven-foot easement over the 20-foot multi-use trail since it is acting as the sidewalk. An access easement is something that will be required.
- Chairman Hetzke asked about the architecture of the buildings. He stated that overall, he thinks the Applicant has done a great job. There is a nice variety of building types and material colors and types. For example, his concern was whether or not the three-family units will all be the same or will there be a mix.
- Mr. DiTucci responded that the intent with the positioning of the buildings they won't be side by side. There will be duplexes next to tri-plexes next to four-plexes, etc. And because of their orientation they won't be front to front – where you would look across the street and see a unit that is identical to yours.
- Chairman Hetzke stated that there is a fair amount of stone and brick on the residential structures, but it is hard to tell on the commercial structures. He is hoping there is an inter-mix of materials on the commercial structures as well.
- Mr. DiTucci responded that the renderings haven't been updated yet, but the vertical mixed-use buildings will have similar stone and brick as well as some board and batten along with the canopies and signage.
- Board member Tydings asked if Chris Lopez reviewed the plans. Chairman Hetzke responded yes, and in general he was satisfied.
- Board member Kanauer and Aken both felt the plans look good.

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			Absent	
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

- Chairman Hetzke began by stating that one of the biggest happenings on this application is the determination of what decisions the Board can make. What kind of leeway they have versus what needs to go to the Zoning Board of Appeals for a variance.
- Mr. Weishaar explained that the MUD has certain things that grant the Planning Board some flexibility, but height does not appear to be one of them. That is a requirement, that if the Applicant wants to vary it, it will require an area variance from the Zoning Board. He added that Any Suveges has a determination as the Authorized Official from the Building Dept. about how he measured height. Our Code is clear that it goes from the grade to the top of the roof. Our Code is not clear when there is a change in the grade. Mr. Weishaar stated that he believed Mr. Suveges made the determination based on the State Building Code to fill in the gaps.
- Chairman Hetzke stated that in order for the roof height to proceed, the Applicant would have to go the ZBA for a variance on that.
- Chairman Hetzke asked how the building height affects the overall nature of the development. If the ZBA grants the variance, then fine. But if they don't get the variance, what does that do to the overall plans? How easy is it to get into compliance with the height? Mr. Weishaar responded; they would have to lower the height if they can't get a variance.
- Mr. Sangster explained that the Zoning Board would be looking at a very specific item. They are looking at how this building is situated, and, in this case, there is a nine-foot general grade change between the front and back. The way State Code defines grade level as an average of the grade at the four corners – this is the base grade level where you would measure up to the roof of the building. The Zoning Board will look at this to determine if this is a substantial ask, not how it relates to the overall project.

- Mr. Weishaar pointed out that the Zoning Board would also have the endorsement of the Planning Board regarding the height.
- Chairman Hetzke asked if the Board members were comfortable with the proposed building heights and the fact that Building D exceeds the limit.
 - Board member Aken stated she is comfortable with it.
 - Board member Kanauer stated he is comfortable with it because it is a very small percentage of the roof on Building D.
 - Board member Tydings stated he is not comfortable with it and would like to let the ZBA make the determination.
 - Chairman Hetzke restated that the building height is not “the mountain he is going to die on.”
- Mr. Price couldn’t understand why this question was coming up a year into the conversation. He added that the Board and Staff cannot *mix and match* the interpretations of Codes. If you want to use average grade, you must use average building height, not the highest building height compared to the average grade. In that case he stated they are at 51 feet. He asked for the opportunity to sit with Andy Suveges and look at it.
- Mr. Weishaar stated that Andy Suveges would be the one to make the determination on what the height is.
- Chairman Hetzke suggested that the Applicant get a ZBA application ready and in on Monday, April 18, 2022, because the next ZBA meeting is May 19, 2022, and the deadline is Monday.
- Chairman Hetzke stated that revised plans were received, but he hasn’t completed a thorough review.
- Mr. Sangster stated that Staff is still reviewing the plans as well, but most of the comments are technical in nature.
- Chairman Hetzke asked the members how they felt about the submitted architecture. Is it enough in keeping with the original intent of the district? Is there enough differentiation?
- Mr. Sangster stated that Chris Lopez has reviewed the revised plans and is a lot happier with it. He really likes the arrival court, as it provides a good sense of place and the pedestrian gathering space between Buildings C & D was more welcoming. He felt they have done a good job of bringing the rural character to the forefront on the front of the property. Mr. Lopez was more comfortable with the siding on the buildings in the back because they aren’t as publicly visible.
- Chairman Hetzke asked if the members were comfortable with the percentages of commercial versus residential.
- Mr. Sangster stated that Staff has met with the Applicant on April 1, 2022, to go through the latest PRC memo. Most of the comments are technical in nature.
- Chairman Hetzke stated that they needed to take a much deeper dive into this and review it more thoroughly at the April 28th work session.

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			Absent	
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.

- Mr. Sangster stated that at the last meeting, the Board asked Staff to draft a Part 2-3 EAF and a Draft Approval Resolution. They were both provided prior to the meeting for the Board's consideration.
- The Board had no further concerns.

The Board voted and **APPROVED** the adoption of completed Short EAF pursuant to SEQRA.

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

The Board voted and **APPROVED WITH CONDITIONS** the application for site plan approval.

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

- Mr. Sangster explained that since the last meeting, the Applicant has clarified that the roof color is not navy, it is charcoal. The Applicant provided a revised elevation showing the extended knee-wall on both sides of the building and the area on the front of the building extended up five feet. They also provided a rendering to show the colors of the stone and roof.
- Staff has reviewed the most recent set of plans and has only minor technical comments.
- Board member Aken added that the Applicant also added some green space and Mr. Sangster agreed.
- Mr. Sangster stated that at the last meeting, the Board asked Staff to draft a Part 2-3 EAF and a Draft Approval Resolution. They were both provided prior to the meeting for the Board's consideration.
- The Board had no further concerns.

The Board voted and **APPROVED** the adoption of completed Short EAF pursuant to SEQRA.

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

The Board voted and **APPROVED WITH CONDITIONS** the application for site plan approval.

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>VOTE</u>	<u>COMMENTS</u>
Hetzke (Chair)			Aye	
Aken	X		Aye	
Burton			Absent	
Kanauer		X	Aye	
Tydings			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 at the last meeting, the Board directed Staff to send the plans to the Architectural and Landscape Consultants. The architectural review was received on April 11, 2022, and the landscape review on April 12, 2022. Revised plans were also received from the Applicant on April 11, 2022. Knowing that it was after the deadline, the Applicant has requested that the Board table the application for further discussion at the April 28, 2022, PB Work Session.

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

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

- Mr. Sangster explained that since the last meeting, the Architectural Consultant submitted his review memo to the Board (March 23, 2022). That memo has been forwarded on to the Applicant for review and responses. Staff has not heard anything back from the Applicant on those comments.
- Mr. Sangster explained that the Applicant provided a map showing the location of the future dumpster location. They have had further discussions with Home Leasing on the potential pad site for the dumpster. They have secured that location and they are showing it on the map that is currently on the screen.
- Staff is currently waiting for responses to the architectural comments. In his memo, Mr. Lopez, the Architectural Consultant pointed out some areas that he felt could be revised.
- Chairman Hetzke asked that the elevations be brought up on the screen and asked for a quick summary of the comments.
- Mr. Sangster stated that Mr. Lopez's comments were that Building 3 was very in keeping with the existing Penfield Square development to the north. It plays off the various materials and colors. The gray scale colors and flat roofline are very similar to the independent living building, called the Gardens at Penfield Square. The wood element is very similar to what was proposed when the Penfield Square application was before the Board and ties in with the bridge that connects the independent and assisted living buildings over the pedestrian spine.
- Mr. Sangster continued, while the application ties in the features of this building to the existing development, Mr. Lopez had concerns. Mr. Lopez stated that while the wood feature does create somewhat of an iconic look, it doesn't really meet what he considers to be some of the land-marker, agrarian-feel in that area of Penfield.
- Chairman Hetzke stated that he likes the look of the building. He understands what Mr. Lopez's point are, but he doesn't think every building needs to look like a barn. He stated that he is comfortable with the proposed design of this building.
- Board member Kanauer stated that he feels it fits in well with what is currently there on the project. He thinks the proposed design would complement the project that is already there, Penfield Square. He has no problem with it.
- Mr. Sangster clarified that this building is the one that is set back from Route 250, and it will be adjacent to the assisted living building, and blends between the two buildings that are there.
- Board member Aken stated that she is good with the proposed design. She asked for clarification on the "mustard color" on the screen – Mr. Sangster responded that it is the composite wood siding.
- Board member Tydings stated that he is not sure, but he can probably live with it.
- Mr. Sangster explained that the Applicant is proposing a mix of colors and materials, including composite wood siding, dark gray fiber cement board, light gray horizontal vinyl siding, and along the first floor is a darker color earth-tone brick.
- Mr. Sangster explained that Building 4 (closer to Route 250, east elevation) plays off

what was originally proposed for the commercial building that was part of the original Penfield Square development. It is very heavy on the wood, earth-tones, including timber elements, vertical board & batten fiber cement siding, horizontal vinyl siding as well as a river stone veneer on the first floor.

- Chairman Hetzke wondered what it would look like if the stone was extended all along the front on the first floor to break up that area.
- Mr. Sangster stated that one of Mr. Lopez's comments was that the canopies could be larger, giving it more interest as well as more weather protection. His comment was that they did a good job in keeping with the architecture of the development, but it's not as fully transitional between the more modern architecture of the development to the west and rural architecture across Route 250 to the east.
- Board member Aken stated she agreed with Chairman Hetzke about the possibility of extending the stone across the front.
- Board member Tydings stated he'd like to see more brick as well as well as the larger canopies.
- Board member Kanauer stated that on the second floor, the balconies & canopies look a little on the small side. He'd like to see them bigger with a bigger canopy. He also stated that he really liked the stone feature on the center section on the front.
- Chairman Hetzke reviewed that the Board is waiting on the responses to the architectural comments. He added that the Board could ask Staff to begin a draft approval resolution.
- Board member Kanauer asked about the dumpster location, the RGE transformer to the north of the shed is not shown on the plans. Mr. O'Connor responded that the comment can be made.

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

V. Action Items (Administrative)

1. 600 Linden Avenue, Penfield Farms Administrative Site Plan Modifications

- Mr. Sangster explained that Penfield Farms, formerly known as Harper Park is one of the middle mobile home parks which was recently purchased. The new owners are looking to make changes the site. Therefore, we are looking at this as a site plan modification. There are no changes to utilities, stow, sanitary or roads.

- Mr. Sangster explained that the Applicant is looking to change the lease lines within the development. He explained that the mobile home park was developed in the 1950s when the types of units built then were smaller – between ±400 and 700 sf. The owners are looking to take them out and replace them with newer, larger (3-bedroom, 2-bathroom) units. These new units require a lot more space than the original ones. So, they are looking to adjust the lot configuration to allow for these larger units. The changes result in a net loss of 14 units within the park.
- Chairman Hetzke asked if the park encompasses all of the homes or just the areas they want to change. Mr. Sangster responded that they are doing this as a phased approach. Since many of them are rentals, they are moving renters to other vacant units within the development, complete that section and then move the renters back to the new units.
- Chairman Hetzke asked if the owners own all of the parks in Penfield. Mr. Sangster responded no, just this one. There is one to the east owned by Morgan; and one to the west owned by the Sebastians.
- Mr. Sangster referred to the diagram that was submitted that the units would all be rentals. Chairman Hetzke clarified that the units would be company owned rentals as opposed to someone owning their own mobile home and renting the lot.
- Mr. Weishaar stated that it does require site plan approval by the Planning Board. The fact that it says “Administrative” means that it just doesn’t require a hearing.
- Chairman Hetzke stated that he drives by there every day on Route 441 and he has noticed the trees have all been taken down and it looks terrible.
- Chairman Hetzke asked if there is a landscape plan that will be submitted. Mr. Sangster responded, no. He added that the Applicant showed the location of trees on the existing condition plan. They noted that there are four trees that they indicated they were saving off Arbor, Penview, and Harway. Mr. Sangster stated that he doesn’t know the total number of trees removed, some were proposed to be saved on the slope. Chairman Hetzke stated that they are removing all (96%) of the trees and not proposing to replace them with anything. Mr. Sangster stated that that was a comment they asked in a PRC memo. Their comment back was based on the density of the site between the utilities, the road and the units, that there wouldn’t be space for trees.
- Chairman Hetzke stated that comparing the old and new plans, it appears there is more room for trees on the new plan.
- Chairman Hetzke stated that he wants to see a landscape plan. He stated that he appreciates they are upgrading the homes.
- Board member Tydings asked who the new owners were. Mr. Sangster responded, Green Court Associates.
- Board member Tydings stated that the bigger problem in his opinion is the garbage problem. Chairman Hetzke stated that with the new ownership maybe that changes.
- Mr. Sangster explained that looking at the existing condition plan, one thing to note is that the first park has been around since 1951, and most of this park was developed

before zoning regulations were established. For a long time it has been operating as a “pre-existing, non-conforming” in terms of building setbacks, etc. When they come in for accessory structures, etc. they have to conform to the current code.

- Chairman Hetzke asked if this owner has other parks around that they have done this with. He commented that these tenants still have “stuff” and where will they keep it? If the porches and sheds are gone, where will the stuff go?
- Mr. O’Connor stated that he had a conversation with the Applicant’s representative and asked about accessory structures and they are not proposing to include any. They know their limits and the proposed layout is based on NYS Health Dept. Code, so they know that they have to keep certain distances between buildings, etc. They are aware of the lack of sheds (storage) and they are not planning to have any sheds, patios, or decks because the units proposed are significantly larger.
- Mr. Sangster explained that each unit will have a 4x8 ft stoop. Depending on the unit, it may have two of these stoops.
- Mr. Sangster stated that they will also have a playground, a community center and other community resources that are required for new and existing mobile home parks.
- Board member Tydings stated that this is an opportunity to make this park better. Chairman Hetzke agreed.
- Chairman Hetzke stated that he is not comfortable with the level of information provided to make an informed decision.
- Board member Kanauer asked if elevations of the units were provided. Mr. Sangster responded no, but we typically don’t ask for elevations for single-family residences, and these are essentially single-family residences, just a different type. Mr. Sangster stated that it was something they could ask for.
- Board member Kanauer stated that he would like to see what it would look like on the street, to get an idea of the different units.
- Chairman Hetzke stated that he would like to get more information. He’d like architectural, a landscape plan – tree plantings, something that will be more information. He also asked if there should be a Public Hearing on this.
- Ryan Destro, BME asked to address a few of the comments.
 - The owner is Penfield Farms, LLC since 2020
 - They have a website that shows the units.
 - Since 2020 they have been replacing the older units by getting building permits on an individual unit basis.
 - This proposal allows the community improvements to happen much sooner.
 - They would normally look to install landscaping and have a landscape plan but because of the existing site constraints they are dealing with, they have not.
 - They are reducing the number of units by $\pm 10\%$ for the community, but they are making a better product.
 - He clarified that most of the trees removed were either not really planted there, or a safety hazard because of the size of the trees relative to the size of the units.

- He stated that it should be noted that these are sight area lines not lot lines. This is basically one residential lot, not 130 lots. And there is not a right-of-way in this development area.
- He stated that if the Board would like additional trees along Linden Ave, they would look into that.
- Chairman Hetzke stated that if this re-development is going to happen, should the Board not try to get the best possible mobile home park that we can.
- Board member Tydings asked if this proposal should go to a Public Hearing. Mr. Weishaar responded that the Board has the option to do that.
- Mr. Destro explained that they have been working with Town Staff for the past year and a half, and they have been told it's just an administrative review so that has been their understanding.
- Mr. Weishaar responded that it would definitely be the Planning Board and not Administrative.

The Board voted and **CONTINUED TABLED** the application pending further review of the recent submissions.

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

2. 1177-1179 Bay Road
Town Board Rezoning Referral
Application #22T-0004

- Mr. Sangster explained that 250-15.1E of Town Code requires that any rezonings before the Town Board be referred to the Planning Board for its review prior to the Town Board taking action.
- Mr. Sangster explained that this is on the northeast corner of town, a vacant lot and existing two-family within our single-family residential. The Applicant is asking for rezoning to multiple residential so that two families are no longer non-compliant or pre-existing non-conforming and that they have the potential to develop the vacant lot.
- This was reviewed by the Comprehensive Plan Committee that was supportive of the rezoning.
- The need for potential variances will limit the scope of development in the future.

The Board voted to **APPROVE** the rezoning referral and instruct Staff to send a memo to the Town Board.

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

3. 1234, 1250, 1258 Northrup Road
Town Board Rezoning Referral
Application #22T-0007

- Mr. Sangster explained that these properties are owned by a family with an agricultural practice/nursery on the property. It is currently zoned RA-2 and they are looking to go to RR-1.
- The reason is that the southeast corner of Jackson and Plank Roads, owned by Rocco Pines Subdivision is bringing sewers to the area and their plan in the future would be to cluster along the north side where sanitary sewer is available. The lots at RR-1 would be at a higher density.
- This was reviewed by the Comprehensive Plan Committee that was generally supportive overall of the rezoning. This was not unanimous as one member did not want to see any further development east of Jackson Road.

The Board voted to **APPROVE** the rezoning referral and instruct Staff to send a memo to the Town Board.

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

4. 1271 Fairport Nine Mile Point Road
Town Board Rezoning Referral
Application #22T-0013

- Mr. Sangster explained that this is Welch's Farm Market, south of Abbington Place.
- They would like to go from RA-2 to R-1-20 to be similar to Abbington Place (incentive zoning) to the north. There is a stub road that was stubbed to his property with the idea it could develop on the future.

- The Applicant would like to rezone it all R-1-20 but reserve five acres in the front, just past the tree line, which would remain for Welch's Farm Market. He'd be looking to develop the back side sometime in the future with ±24 units.
- Staff was supportive of the rezoning.
- There were a few residents who spoke out at the Town Board meeting against the idea of more homes near Abbington Place.
- This was reviewed by the Comprehensive Plan Committee that was generally supportive overall of the rezoning. This was not unanimous as one member did not want to see any further development.

The Board voted to **APPROVE** the rezoning referral and instruct Staff to send a memo to the Town Board.

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

VI. HELD ITEM:

VII. NEW BUSINESS:

There being no further business before the Board, the meeting was adjourned at **11PM**.

These minutes were adopted by the Planning Board on Thursday, May 12, 2022.

FILED
PENFIELD, N.Y.
2022 MAY 13 AM 9:42
AMY M. STEKLOF
TOWN CLERK