

The Planning Board held a meeting at 6:30 PM local time **Thursday, April 28, 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. 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.

Peter Vars, BME Associates
Jason Sackett, Pathstone

- Mr. Sangster explained that the Applicant provided a rendering and a fly-through which was previously requested by the Board.
- Mr. Vars explained that the video they showed was prepared with a lot of input and discussion with their design team. They spent a lot of time talking about what they have been hearing from the various board meetings and PRC meetings over the last several months.
- There were themes they wanted to make sure they addressed with this video:
 - that the Pathstone project creates a village-feel.
 - how does the project match up with the MUD Manual?
 - This district has to be somewhere where you can live, work, and play.
- The video plays at timestamp 0:03:27.

- Mr. Vars then described what was being shown on the video:
 - They paused at the point you would turn into the project from Route 250, and he stated that the video does an excellent job of promoting the village-feel – the building massing along the street line, on-street parallel parking, sidewalk amenities and street trees, there will be activity to the right where the restaurant will be located, and the focal point being Building 2.
 - The next stop shows small parking areas broken up by green spaces. Therefore the parking is not the dominant thing you see because the building is there on the horizon.
 - The next stop is the main north/south corridor of the pedestrian way – the key intersection of the project. Vision = reality. Are they promising something that is not going to happen? That public space – the dog park area, the hard flex court space – those are defined, identified uses. Those will be constructed with the beginning of the project. This is a snapshot of Live, Work, Play.
 - The Applicant is introducing the outdoor activity areas into the project. They want it because they know that is what is important to the residents and the public. That is also why they feel strongly that this area be incorporated as part of the non-residential use. This is supported by some of the definitions in the Code.
 - The next area is heading north on the pedestrian way, with the commercial space along the first floor of Building 2 and how it is integrated and relates to the public space. This shows how well all the components blend together. Another visible example of the community-feel as well as the Live, Work, Play.
 - Going south on the pedestrian shows the integration of the commercial outdoor space with the other uses.
 - Next was the view from the roof of the restaurant which shows the gathering spaces linking up with the streetscape.
 - Next was the view looking east. The restaurant there has a known tenant. They have a food operator ready to occupy that space.
 - Pathstone has their restaurant ready to go and most of their commercial space has been identified for office users.
- Mr. Vars stated that they were careful to try and create the agrarian look throughout the project, which was a comment received from Chris Lopez, Landscape Consultant.
- Mr. Vars stated that the design team has created the outdoor spaces in such a way that you don't feel like this is just another apartment complex, which was also a concern of the Board. There is residential there, but it is not the primary focal point.
- Chairman Hetzke stated that the video helped to explain the details of the project.
- Mr. Weishaar explained that he was talking with Staff concerning the issue of the percentage of non-residential under the Code and looking at the arguments Mr. Vars set forth in his letter.
- Board member Tydings asked if the daycare center was still a part of this project. Mr. Sackett responded that those negotiations are ongoing.

The Board voted and **CONTINUED TABLED** the application for subdivision & site plan approval pending further review of the recent submissions and the determination of the percentage of non-residential space.

<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, in consultation with Counsel has provided a Determination on what the Planning Board’s prevue is when it comes to lighting within the MUD.
- Mr. Sangster explained that ultimately, lighting is a discretionary tool of the Planning Board as it is not identified with any explicit requirements. The Code refers to the MUD Manual, which is vague to some degree, which was intended to allow for greater flexibility with regards to the unique designs of each development. The Code specifically provides that lighting is a component that the Planning Board should review and take into consideration, but there are not specific parameters.
- Mr. Sangster stated that a letter was received that day from the Applicant stating that they would like to rescind the previously submitted photometric plan indicating lighting around the entire multi-use trail. This is no longer something they are interested in considering.
- Chairman Hetzke responded by asking “why?”
- Mr. Sangster stated that he believes it comes down to cost. In order to provide lighting around the entire trail, ±2 miles long, was going to be cost prohibitive.
- Chairman Hetzke asked the members how they felt about that situation.
 - Board member Tydings stated that he doesn’t have an issue with it because they knew cost was going to be a big factor.
 - Board member Aken stated that she would still like to see some type of lighting around the trail – some sort of compromise.

- Board member Kanauer agreed and added that he’s seen where lighting was done as “landmarks” along the path – there should be something to mark that trail.
- Mr. Sangster asked if there are areas along the trail that might be higher/lower priority since the whole trail is cost prohibitive. Staff is interested in lighting around the single-family residences and townhomes that will directly face or front the multi-use trail, since that is likely to be a high pedestrian use because it is intended to be used as an alternative to using the roadway. Whereas areas along the west side of the property where it abuts the road and potentially not providing lighting along that area may be a benefit to the neighbor.
- Chairman Hetzke stated that he would like to see some sort of compromise. He added that he understands that there are significant costs involved, but there a number of components that make up a given project and all of those components have a cost. The question is, what are the components that are “must haves” and what components are “not must haves.”
- Chairman Hetzke explained that Staff is in the process of drafting an approval resolution and finalizing the SEQRA. He stated that the ultimate goal is to have a successful project so if lighting is a true, deal-breaker hardship, how so? He doesn’t feel that that is an unfair question to ask of the Applicant.
- Board member Aken stated that she would like to know what lighting sources they looked at to come to that conclusion that it is too expensive. Mr. Sangster responded that he wasn’t sure what the specific sources were.
- Chairman Hetzke stated that the original lighting plan, that was recently rescinded, the fixture was the same as what is being proposed for the streets.
- Board member Kanauer stated that there will be spill over from buildings, etc. that directly front the path so maybe they need to go back and look at it for the “dark spots,” it may be just adding some fixtures in those areas.

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

MEMBER	MOTION	SECOND	VOTE	COMMENTS
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

- Mr. Sangster explained that Staff has had discussions with the Applicant regarding building height. They have submitted an application to the Zoning Board of Appeals for a variance for building height. They are scheduled for the May 19, 2022 ZBA meeting.
- Mr. Sangster stated that outside of compliance with building height and working through the ZBA process, all of Staff’s comments are technical in nature.
- Chairman Hetzke stated that they need to come to a conclusion on the building height but at the moment it is before the ZBA, so they need to determine that. That has a fairly significant impact on the development.
- Chairman Hetzke asked if the members had any comments on the other features.
- Mr. Sangster stated that a revised elevation for what the two-story Common House will be requested, showing the details of Scenario 1 for the non-residential percentages.
- Mr. Sangster asked the Board if they are interested in Staff moving forward with finalizing the SEQRA documentation. Chairman Hetzke responded, yes.

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

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

4. 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.

Jeff Arnold, Splash Car Wash
Jeffrey LaDue, Labella Associates

- Mr. Sangster explained that since the last meeting, revised plans have been received, including a revised landscape plan, as a response to the Landscape Consultant Memo. The Applicant has proposed ±16 additional plantings throughout the site, providing additional coverage around the site.
- Mr. Sangster explained that another change made to the site plan is a revision to the curb cut along the roadway, making it more perpendicular. They also provided a turning template analysis indicating that a Crew-Cab F450 could make the turns into the site from the north and south.
- Mr. Sangster stated that responses were received to the architectural memo. Their response was that a lot of the features that Chris commented on were branding features within the Splash Car Wash design.
- Chairman Hetzke responded that he understands that, but almost any national brand has a prototype as well as variations of the branding to fit into a particular community. He's very concerned with how very blue the proposed building is.
- Jeff Arnold explained that as much as it was brand recognition, the goal was to make something look good. He stated that the arch is an expensive feature and something they are doing at all the locations. He added that the blue is a specific color, basically the same as Lowes, but it helps people recognize that it is a Splash Car Wash, not Royal or Delta Sonic. Changing the blue would be difficult.
- Jeff LaDue, the architect, asked the updated elevations were received. He added that changes were made in response to Chris Lopez's architectural memo, including the sides of the building going to the neutral colors (medium and dark gray along with the stone feature) but they wanted to maintain the blue element which is unique to Splash. They felt this was a way of creating a backdrop with the existing building and still maintaining the focal point of the tower which is a branding element as well as a way to draw people to the car wash.
- Chairman Hetzke stated that he doesn't mind the arch, it's the blue roof that is hard to handle. Jeff Arnold responded that the blue is just significant to Splash Car Wash.
- Mr. Arnold described the site in Williamsville, NY, which is neutral, with a gray roof, so people don't know it's there. The only location in New York that doesn't have the custom blue roof is Williamsville, and that is the location that is struggling.
- Board member Kanauer stated that he is still concerned with the height of the tower at 32 feet. Mr. Arnold responded that they have revised the roof down to 28 feet.
- Board member Kanauer stated that he's seen a lot of designs and it boils down to curb appeal and brand recognition.
- Board member Aken stated she is fine with the blue.
- Board member Tydings stated he is ok with the blue.
- Chairman Hetzke directed Staff to draft an approval resolution and the part 2-3 EAF.

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

5. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Luis Ribeiro, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval of a proposed mixed-use building on Lot 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.

Mike Bogojevski, BME Associates
 Luis Ribeiro, Applicant

- Chairman Hetzke asked if Staff was all set. Mr. O'Connor responded that they have addressed everything on the Engineering side.
- Chairman Hetzke stated that the complete Short EAF and Draft Approval Resolutions were ready as well.

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.

6. 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 Applicant has responded to the Board’s discussion, and they have revised the architecture of the proposed building on Lot 4. They provided a perspective rendering showing more stone along the first floor of the building to break up that vertical center section of the building. They also provided a 3-D rendering that does a better job of showing the woodwork, the canopies, and the timber features.
- Chairman Hetzke stated that he appreciates that they made those changes.
- Chairman Hetzke asked if Staff was all set. Mr. O’Connor responded that they have addressed everything on the Engineering side.
- Chairman Hetzke stated that the complete Short EAF and Draft Approval Resolutions were ready as well.

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.

7. 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 ±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.

8. 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
 Stephanie Albright, APD Engineering & Architecture

***These two applications were presented at the same time during the work session.*

- Mr. Sangster explained that since the last meeting, the Applicant appeared before the Zoning Board of Appeals on April 21, 2022. All of the variances for setback, lot coverage and parking were approved. They are still working with the Zoning Board on the signage. Since then, they provided a revised site plan – the biggest changes being additional striping on the eastside off the Home Outlet to better delineate the drive aisle. They will also be replacing the fence with a board-on-board fence along Creek Street.
- Mr. Sangster stated that Staff is waiting on responses to the PRC memo dated April 7, 2022. Ms. Albright responded that she thought she was waiting on further comments from the Board on which comments were to be addressed. Ms. Brugg asked about the separate plans (because the applications are separate). Ms. Albright added that the 7' sidewalk easement was another one.
- Chairman Hetzke stated that the striping is a good change. He added that overall, the

site is tight and challenging, but given the Applicant operates 101 restaurants, they should know what they are doing with a site like this.

- Mr. O’Connor clarified that the sidewalk easement is done in the event in 50-100 years, Monroe County decides to widen Creek Street, the Town can move the sidewalk – not necessarily seven feet, but it might be moved five feet in. This is something that is asked for on every property in the Town. Ms. Albright responded that the issue on both parcels is the space – there isn’t seven feet to put a sidewalk on either parcel.
- Board member Tydings asked about landscaping – are they just doing landscaping for the Taco Bell and nothing for the Home Outlet? Ms. Albright responded that there is hardly any greenspace to speak of on the Home Outlet parcel, so where would it go? The southwest and southeast corners have a tiny bit of green space, but the southwest corner is labelled for snow storage.
- Mr. O’Connor asked if the Applicant is going to provide a sidewalk through the apron on the Creek Street entrance. Ms. Albright responded yes; it will be updated on the next set of plans.
- Ms. Albright stated that the Zoning Board tabled the signage which is a special permit because they went in with a new Home Outlet shared pylon on Creek Street. That missed the deadline for the last ZBA meeting, so it will be heard on May 19, 2022.
- Staff was instructed to start preparing the Short EAF and Draft Approval Resolution.

The Board voted and **CONTINUED TABLED** the applications for Site Plan and Subdivision approval and a Conditional Use Permit for the Taco Bell and Home Outlet, pending the review of the revisions submitted and a draft approval resolution.

<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.

9. 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 ±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.

- Mr. Sangster explained that the Applicant will be going before the Zoning Board on May 19, 2022 for a setback variance for the pre-existing non-conforming garage that is on the site. Staff is pretty comfortable with the variance review on that.
- A PRC Memo was sent out on April 1, 2022 and Staff is waiting on responses to those comments. Most of the comments were technical in nature.

- Chairman Hetzke asked what the response was to altering the south driveway. Mr. Sangster responded that the Applicant was looking into moving that driveway further north, maybe 5-10 additional feet. This application was sent to NYS DOT for review and the DOT had no comments or concerns with the layout as proposed.
- Chairman Hetzke asked if the Applicant could provide a turning radius and stacking diagram including the shuttle bus (likely the largest being a 22ft vehicle to be there regularly). Mr. O'Connor responded that we could ask for that, but we have to keep in mind that timing will always be a factor. Chairman Hetzke agreed with Mr. O'Connor but would like to ask for that diagram to help relieve some of the resident fears and concerns that were vocalized at the Public Hearing.
- Mr. Sangster explained that the Applicant added the southern entrance to be a good neighbor by reducing the amount of time that they would have to back up the buses that will beep, but the Board could ask that that entrance be removed.
- Mr. Sangster also reminded the Board members that for all intents and purposes, this is single-family residence.
- Mr. Sangster stated that Staff is still waiting on responses to comments from the Applicant.
- Board member Aken stated that she would like to know more about what they are planning to do with the farmhouse and why they aren't utilizing that space. Mr. Sangster responded that he believes the intention is to sell off that parcel with the farmhouse.
- Chairman Hetzke asked what the Board wanted to include in the resolution. Board member Aken responded that she would like to hear alternate plans for the driveways. Board member Kanauer added that he would like to see that southern driveway removed, as it is too close to the intersection.

The Board voted and **CONTINUED 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.

10. 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.
John Mancuso, Weaver Mancuso Brightman PLLC is counsel for this application.

- Mr. Sangster explained that since the Public Hearing, the Applicant appeared before the Zoning Board of Appeals for area and use variances. At the ZBA meeting, they tabled the use variance and asked to hire an outside consultant to investigate the information from Verizon to determine whether or not this was the best location or if there were other suitable locations. The expectation is that the process will take a while.
- The Applicant confirmed that the height for the cell tower on Turk Hill is 150 feet high.
- In comparison, the proposed tower here is 128 feet with the lightning rod.
- Mr. Sangster stated that another concern of the Board was landscaping. The Applicant has indicated they would be amenable to providing some landscaping. Chairman Hetzke responded that they can't provide enough landscaping to buffer the proposed tower. Mr. Sangster responded that at least from ground level and first floor there would be a little bit of a buffer.
- Chairman Hetzke stated that he understands that cell use is only going to increase but he is having a hard time reconciling that with the prospect of seeing this giant cell tower in the Four Corners of Penfield.
- Mr. Mancuso stated that visibility was a topic of lengthy discussion with the Zoning Board meeting. They went through a list of seven alternative sites within the radius they are trying to fill the gap in coverage. They had varying explanations as to why each site wasn't viable, ranging from lack of interest of the property owner but the dates did vary. The ZBA asked for clarification on a couple of the properties. For example, the last time they spoke with the School District was seven years ago. If there are any sites that the Planning Board is interested in, they should be asked about that as well, if it will supplement what the Zoning Board has said.
- Board member Kanauer stated that one thing they should look at is the Penfield Historic Preservation District at the Four Corners. This district starts at the Perinton-Penfield line and goes up to Whalen Road and a couple of properties just north of Whalen. It's the visual impact of the tower – there are no towers within the village of Pittsford for example. Fairport also has one in the village, but it is pretty much covered by trees. Both of these villages have historic preservation districts. He is hoping there might be an alternative solution.
- Mr. Sangster explained that per FCC regulations there is a Shot Clock that requires action within a specific time. The Zoning Board in their discussions with Verizon asked to extend the Shot Clock to June 17, 2022. Staff has put in a request with Verizon to extend it to June 24, 2022 which would allow the Planning Board to be the final acting board if the Zoning Board makes a decision at their meeting on June 16, 2022. This way the Planning Board doesn't have to act before the ZBA acts on a Use Variance.
- Mr. Mancuso explained that it has to be mutual agreement among the parties to extend the Shot Clock, otherwise it would trigger their time to go to court under the Telecommunications Act to seek the approvals that way. So, to avoid litigation, the parties all agree to extend the time period.

The Board voted to approve the **Shot Clock extension to June 17, 2022** based on mutual consent of the Applicant and the Planning 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.

- Mr. Mancuso explained that the Zoning Board is focused on the technology and coverage related issues associated with the placing of the tower in this area. He thinks the Planning Board’s question is more regarding the visual impact assessment and the accuracy or comprehensiveness of the simulations that they provided – would this Board be looking for additional information from the consultant to aid in this Board’s view. If there is something that this Board would like, they would want to include that in the request as well.
- Chairman Hetzke responded yes, he’d like to see the visual impacts. The Applicant did a balloon fly and he’d like to see another one. Mr. Mancuso stated that the Consultant could review the Applicant’s balloon flights and visual simulations for accuracy. That is within this Board’s discretion and permitted under the Code.
- Collectively, the Board would like the Consultant to consider the visual impacts as well as alternative siting locations or alternative types of structures.

The Board voted and **CONTINUED TABLED** the application for Site Plan approval and Conditional Use Permit pending the results of the third part review.

<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. Action Items (Administrative)

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

Ryan Destro, BME Associates
 Mike Boyle, Green Court Partners

- Mr. Sangster stated that Staff has been in contact with the Applicant who has submitted updated materials including a landscape plan which was a significant concern of the Board at the last meeting.
- The Landscape Plan shows the existing trees that remain on the site as well as plantings along the east side of the property where they are moving some of the visitor/additional parking spaces. This will prevent headlight shine into the neighboring mobile home park. Also, along Arbor Drive to prevent headlight intrusion where Linden Avenue comes in off of Route 441 and splits.
- They also provided examples of the foundation plantings they are proposing around the individual units. They provided a cut sheet showing the different siting and architectural features (i.e. shutters and different shutter colors).
- There is variation within the design of the homes so that not every home will be white sided with black shutters to provide some differentiation between the units.
- Mr. Sangster explained that Staff is processing and working through the application.
- Mr. Boyle explained that Green Court acquired the property in the Spring of 2020. The operating company, Winward Communities is based on site as well as backstopped with a regional and national operations team. They currently own 20 properties around the country. Their goal is to purchase and transform communities.
- Mr. Boyle stated that at Penfield Farms there is a great deal of transition in the front, but in the rear of the community you can see the investment that had been made already, including 20+ new homes. They are trying to re-invest and re-develop and provide the housing stock that is necessary within the area. They are converting ±140 homes in the front section from mostly single-section homes to larger multi-section homes, providing 2 and 3-bedroom homes with two baths. They are trying to meet a demand that is out there.
- Mr. Boyle stated that they had to remove the trees because the homes are shifting. The trees have popped up over the years, they weren't planted intentionally.
- The Applicant is seeking approval so they can get working on the project. The engineering of a 60-year-old community with private sewers, water, and electricity requires them to go in and relocate a lot of that infrastructure. They are putting their money into that, to reinvest and offset all of those utilities. That is their investment into the community. They already have contractors interested in the project, and there is a weather window in Rochester to get the work done.
- Chairman Hetzke stated that he appreciates the fact that they are coming in and updating these units. The concern he has is seeing that it every day, the trees always screened it and made it nice neighborhood in there with lots of shade. Suddenly he's driving by, and it is now clear cut and at the last meeting, the Board finds out that there is no landscaping planned. He understands it's a significant investment in the rejuvenation process, but the Board is concerned that in the coming years there is mature vegetation.

- Mr. Boyle responded that they prefer tree lined streets, but it's the unfortunate nature of where these (single-section) homes were and the overlap of replacing them with the multi-section homes. Their intention is to add landscaping around the perimeter where they can. They add ornamental trees where possible on the lots. They ultimately have no problem adding trees that will mature over time, if they won't become a safety concern. Their intent is to be a good steward and replant where possible.
- Mr. Sangster stated that the revised plans and application materials were received today and will be reviewed by Staff and sent for inter-agency review as well. Because the park is in close proximity to the town of Pittsford, they need to be given the opportunity to comment as well.
- Board member Tydings asked if the company would have someone on site. Mr. Boyle responded yes, there is someone full time, as well as an area manager and a salesperson who will have an office onsite. The office is adjacent to the playground area. The company has an active presence in the development.
- Mr. Weishaar stated that it doesn't sound like they need to go through a Public Hearing, so that should shorten the time frame as well.
- Chairman Hetzke added that given the materials just came in, the Board needs time to review them and hopefully have an approval at the next meeting on May 12th.

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

2. **41 Woodhaven Drive, K-2 Brothers Brewery
 Town Board Incentive Zoning Application 22T-017**

John Antetomaso, Remax (Applicant Representative)

- Mr. Sangster explained that this is a referral from the Town Board, since they have accepted an incentive zoning application for K-2 Brewery off Empire Blvd. K-2 is within the LaSalle's Landing district. They are interested in purchasing some property from a neighbor to the south which is within the R-1-20 zoning district to expand their parking to accommodate their expanding business.
- Mr. Sangster explained that Per §255 of Town Code, it is under the jurisdiction of the Town Board, but the Town Board is looking for input from the Planning Board

on the appropriateness of the incentive application as well as any comments the Planning Board may have from a site plan review perspective.

- Looking at the submitted map on the screen, the white area is a project currently under construction – the Howitt Apartments (Bayview Landing), and the proposed parking area is to the south of that – the green area on the map (video timestamp 2:10:38).
- Mr. Antetomaso explained that he has been working with K-2 for over three years to get extra parking. He explained that Dr. Howitt’s project has just begun with tree removal and starting the storm retention pond across Wilbur Tract.
- Mr. Antetomaso explained that K-2 has a contract to purchase the parcel from Dr. Howitt, where they are proposing to add the parking. They are proposing a parking lot with valet service and a full-time parking attendant. K-2 currently has a full-time parking attendant onsite.
- Mr. Antetomaso explained that the area is currently a grassy area. They are proposing some fencing and landscaping around the perimeter. They have also been working with Dr. Howitt to enhance the stormwater retention pond because the parking is on ±1.88 acres. Costich Engineering will be the engineers on the project.
- Mr. Antetomaso explained that they will work with Staff and the Town Board on the signage as one concern of neighbors was cars that drive down in that area to turn around.
- Chairman Hetzke asked if K-2 helps to offset the expense of maintaining of Wilbur Tract Road. Mr. Antetomaso responded that Dr. Howitt owns the road so he will be re-doing it as part of his project.
- Chairman Hetzke asked if the shuttle will run during the busier time of operation. Mr. Antetomaso responded with K-2’s hours of operation:
 - Closed Mondays
 - Tuesday – Thursday 12 PM – 10 PM
 - Friday - Saturday 12 PM – 11 PM
 - Sunday 10 AM – 5 PM
- Board member Tydings asked if there is any proposed lighting on the road. Mr. Antetomaso responded that they haven’t discussed that with the Town Board, but they have talked about lighting the parking lot.
- Board member Tydings asked if the employees will be parking down there. Mr. Antetomaso responded that it will depend on the time of day because they have 49 spots on their site.
- Chairman Hetzke stated that the Town Board would like a letter from the Planning Board and also suggested that the Planning Board members do a site visit.
- Board member Tydings asked about the surface. Mr. Antetomaso explained that the Town Board requested that they didn’t do pavement but use solid stone instead.
- Mr. Antetomaso explained that Dr. Howitt is fully behind this project.
- If this project goes forward, Dr. Howitt is looking for a minimum contribution from the Kennedys to go toward the turning lane on Empire Blvd. Mr. O’Connor clarified that it is a center turn lane on Empire Blvd. – turning left into Brody’s or right into K-2. The Town Board has requested a study be done so that each participant pays their equal share of the center turn lane. He continued; they are actually trying to extend it to the LaSalle’s Landing area in front of the old MacGregors.
- The informal discussion required no vote.

IV. HELD ITEM:

**85 Sovran Drive, US Ceiling Corp.
Preliminary/Final Site Plan and Subdivision for an office/warehouse building**

- Mr. Sangster explained that in December 2021, the Board discussed the application from 2020. The Board had Staff send a letter to the Applicant to determine the intentions of the Applicant with the application – revised plans, withdrawal, etc.
- Mr. Sangster stated that after several attempts, there has been no response from the Applicant or their engineer. Therefore, a Denial without Prejudice due to inaction has been prepared.

The Board voted and **DENIED** the application without prejudice due to inactivity.

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

V. NEW BUSINESS:

There being no further business before the Board, the meeting was adjourned at **9:06 PM.**

These minutes were adopted by the Planning Board on Thursday, May 26, 2022.

FILED
PENFIELD, N.Y.
2022 MAY 27 AM 9:44
AMY M. STEKLOF
TOWN CLERK