

The Planning Board held a meeting at 6:30 PM local time **Thursday, September 22, 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.
Jim Burton
Bob Kanauer
Terry Tydings

ABSENT: Kelly Aken

ALSO PRESENT: Doug Sangster, Town Planner
Michael O'Connor, Assistant Town Engineer
Lori Gray, Board Secretary
Peter Weishaar, Planning Board Attorney

II. APPROVAL OF MINUTES:

The Board voted and **APPROVED** the draft meeting minutes for September 08, 2022.

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

III. TABLED APPLICATIONS

1. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of Pathstone Development Corporation, requests under Chapter 250 Article XII-12.2 and Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision & Site Plan approval for a Mixed-Use Facility including 136 residential apartments in two proposed buildings, ±38,470 sf of non-residential space including a daycare facility and a ±4,800 sf commercial building, all with associated site improvements on the existing ±10.653 acre property located at 1801 and 1787 Fairport Nine Mile Point Road. The property is now or formerly owned by WRM Holdings III, LLC and William Wickham, and zoned Mixed-Use District (MUD). Application #21P-0020, SBL #125.01-1-3.111, 125.01-1-33.11.

- Chairman Hetzke explained that the board members received a draft sketch letter earlier in the week. He added that there are a number of points that are still being worked out. He explained that they had intended to get the letter out tonight, but that it is not ready at this point.
- Mr. Weishaar stated that they expect it to be ready by the next Planning Board meeting on October 13, 2022, and Chairman Hetzke concurred.
- Mr. Weishaar, on behalf of the Applicant’s counsel (Betsy Brugg) asked if the plans had been submitted to the Town Architectural Consultant. Chairman Hetzke responded that as soon as a submittal is received, as it isn’t really appropriate to send out a bunch of rectangles on a sheet of paper as it stands at the moment. Mr. Sangster stated that as soon as a set of plans is received it will be sent off to the consultant. Board member Burton added that the Board doesn’t normally process those kinds of things during a sketch review. Chairman Hetzke concluded that once it comes to the Board for a public hearing, we will follow the process.
- Mr. Vars, BME Associates, explained that the Applicant is hoping to move forward from sketch plan to final plan, with the direction from this letter as it relates to the layout that has been presented. What they want to avoid is moving forward with the layout and then finding out later that the layout doesn’t work anymore. That is what is important to them. Chairman Hetzke responded that that was a fair expectation.
- Mr. Sangster stated that if the Board wanted, he could get the plan sent off to Chris Lopez, the Architectural Consultant.
- Board member Burton stated that maybe the sketch letter should include a finding about siting.
- Mr. Weishaar asked Mr. Sangster if he was going to send off the plan in sketch form to the consultant. Mr. Sangster responded yes, just to get some preliminary feedback on this layout. Mr. Weishaar asked if that could be sent tomorrow (Friday, Sept. 23) so there are no further delays and Mr. Sangster responded yes.

The Board voted and **CONTINUED TABLED** the application for Subdivision & Site Plan approval pending the completion of a letter detailing the Board’s thoughts on the concept plans submitted.

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

2. 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.

Board member Kanauer and Attorney Weishaar recused themselves from the application. John Mancuso, Attorney was present.

- Mr. Sangster stated that the Town met with the Applicant to discuss additional visual buffer and what could be provided to facilitate that. An agreement was reached with the Applicant and they will be providing some monetary surety to provide additional planting off-site that will help provide some additional screening from the view of the tower, at least from a pedestrian perspective or street-level-view.
- Mr. Sangster stated that the Zoning Board of Appeals approved the Use and Area Variances requested at their September 15, 2022, meeting.
- Chairman Hetzke stated that given the nature of the application he wanted the full Board (who is able to vote) present to vote on this application.
- Chairman Hetzke requested that the Applicant extend the Shot Clock to whatever date is appropriate. Mr. Mancuso stated that he spoke with the Applicant's Counsel, and he has written confirmation that the consent to the extension of the Shot Clock to October 28, 2022. That will allow multiple meetings in October to be utilized.

The Board voted and **CONTINUED TABLED** the application for Site Plan approval and Conditional Use Permit pending the resolution of the discussions.

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

The Board voted to confirm the **extension of the SHOT CLOCK** on the consent of the Applicant to October 28, 2022.

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

3. Bohler Engineering MA, LLC, 70 Linden Oaks, Rochester, NY 14625, on behalf of Kerry Ventures Fairport Nine Mile Point Road LLC, requests under Chapter 250, Article XII-11.2, Article XII-12.2, and Article XII-13.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision, Site Plan, and Conditional Use Permit Approval for the proposed construction of a ±5,600 sf Chick-fil-A restaurant building with drive through and associated site improvements on ±5.1 acres located at 2130 Fairport Nine Mile Point Road and 2195 Penfield Road. The properties are now or formerly owned by Kerry Ventures Fairport Nine Mile Point Road LLC, and zoned General Business (GB). Application #22P-0015, SBL #140.01-2-4.1 and 140.01-2-6.998.

- Mr. Sangster explained that the Applicant has again requested to be tabled so we have no new information at this time.

The Board voted and **CONTINUED TABLED** the application for Subdivision, Site Plan and Conditional Use Permit approval pending responses and revisions from the Applicant.

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

4. LaBella Associates, 300 State Street, Suite 201, Rochester, NY 14614, on behalf of Rochester Gas and Electric Corporation, requests under Chapter 250, Article XII-11.2, Article XII-12.2, and Article XII-13.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision, Site Plan, and Conditional Use Permit Approval for the proposed relocation and modernization of an electrical substation with associated site improvements on ±2.43 acres located at 2070 Empire Blvd. The property is now or formerly owned by JJ&A Development, LLC, and zoned Limited Business (LB). Application #22P-0019, SBL #93.02-1-1.121.

- Mr. Sangster explained that staff received a submission from the Applicant including a set of revised plans, a revised rendering, and responses to comments. They are proposing a different façade material than what was previously proposed.
- Mr. Sangster explained that they included a lighting and photometric plan along with detail of the proposed lights.
- Mr. Sangster stated that given the amount of impervious surface that is proposed, some form of stormwater management is necessary. At this time there is no stormwater facility proposed for the site, so there needs to be ongoing conversation with the Engineers on a practice that would be acceptable by DEC standards.
- Chairman Hetzke stated that in looking at the revised plans he thought the Board asked for comparisons to some of the other substations in the area that look like houses, etc.

He found one on Mt Hope Ave. that he asked to submit for the record. He asked why this proposed substation can't look more like that substation on Mt. Hope Ave.

- Chairman Hetzke stated that in looking at the proposed lighting plan, he would like to know why those specific luminaires were chosen. He added that he hasn't personally seen high-pressure sodium sources used on a proposed project in a while. He suggested there be consideration of some updated light sources with controls that could be dimmed down when there is nobody around. He added that most, if not all LED commercial luminaires are provided with 0-10 volt dimming as a standard part of the fixture. This is totally different from the old systems. This dimming allows buildings to control them in a more cost-effective manner. He highly encouraged the Applicant to revisit the lighting for this application. Board member Burton added that the State's Energy Law would require high efficacy luminaires and lighting controls.
- Board member Tydings asked when the next Zoning Board of Appeals meeting is that is relevant to this application. Mr. Sangster responded that the ZBA meets again on October 20, 2022.
- Board member Kanauer stated that the three-sided transformer enclosure is a step in the right direction, although it is unclear the material proposed. He added that it would be nice if the enclosure was tied in with the main building. Mr. Sangster responded that that was something the Board could ask for. He added that there is an enclosure like this behind the Reliant Federal Credit Union on Titus Ave. in Irondequoit. The inside is block but has a brick façade on the outside.
- Board member Kanauer stated that the revised plan is an improvement on what was previously proposed, but other than the brick, the façade is pretty featureless.
- Board member Burton stated that one of the things that makes this rendering continue to look utilitarian is the standing seam metal roof. Previous comments from the Board as well as the community were specific to trying to get the Applicant to do something that would blend in with the community and the residential area immediately adjacent to the site.
- Board member Burton asked if the application has been sent to Chris Lopez, the Architectural Consultant. Mr. Sangster responded no. The Board members agreed that it should, as this is a point of contention with the project.
- Board member Kanauer asked Chairman Hetzke if there are external transformers at the Mt. Hope Ave. site, behind the building. Mr. Sangster responded that it doesn't appear so; he added that the security fence all the way around on the other side.
- Mr. Sangster added that Staff noted there was light spillage toward the neighbor to the west. Chairman Hetzke responded that the lighting could be looked at again which might negate the need for light-shields. Chairman Hetzke stated that there is a lot of technology out now that can be utilized.

The Board voted and **CONTINUED TABLED** the application for Subdivision, Site Plan and Conditional Use Permit approval pending responses from the Applicant.

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

IV. ACTION ITEMS: (Administrative)

V. HELD ITEM:

VI. NEW BUSINESS:

There being no further business before the Board, the meeting was adjourned at **6:56 PM**.

These minutes were adopted by the Planning Board on Thursday, October 13, 2022.

FILED
 PENFIELD, N.Y.
 2022 OCT 14 AM 9:22
 AMY M. STERLOF
 TOWN CLERK