

The Planning Board held a meeting at 6:30 PM local time **Thursday, October 13, 2022**, in the Town Hall Auditorium to discuss, in a meeting available to the public, tabled matters and other business that was before it.

**I. CALL TO ORDER:**

PRESENT: Allyn Hetzke, Jr.  
Kelly Aken  
Bob Kanauer  
Terry Tydings

ABSENT: Jim Burton

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 22, 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. Costich Engineers, 217 Lake Ave., Rochester, NY 14608, on behalf of Atlantic 250 LLC, requests under Chapter 250 Article XII-12.2 of the Code of the Town of Penfield for Final Site Plan approval for the remaining phases of a mixed-use development project including townhomes, apartments, a community center, commercial retail, and office spaces with associated site improvements on ±98.67 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 # 22P-0023, 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  
Garth Winterkorn, Costich Engineering  
Jim Fahy, James Fahy Design

- Mr. DiTucci presented the application for Phase 2 of The Arbors at Penfield, the remaining 72 acres on the west side of Route 250. The only modification to this layout (from the original P/F) is the addition of a maintenance building along the west property line which would service this site. The east site will also have a maintenance building to service that site.
- Mr. DiTucci explained that this maintenance building falls within a required 100-foot buffer for the MUD because the adjoining property is not part of the MUD. However, the adjoining property, the Outlet Rod & Gun Club (“Gun Club”) has a wooded area that is approximately 210 feet in an east-west direction that abuts this property which would functionally serve as a buffer. The Gun Club utilizes that area as a buffer for their activities. Mr. Winterkorn passed out aerial photos to give the Board members a picture of what that looks like as it relates to this proposed property. He stated that they would be looking for some direction on what manner of relief they would need to take to have the ability to put the maintenance building in that location.
- Mr. DiTucci introduced Garth Winterkorn from Costich Engineering and Jim Fahy from James Fahy Design.
- Mr. DiTucci explained that they had copies for the Board of the remainder of the buildings on the site that were not part of Phase 1. The buildings that are in Phase 2 that are different than the buildings incorporated in Phase 1 are identified as Buildings B (4) that contain 34 apartments in a three-story structure plus four townhomes as well as Building A (to the north) also a three-story apartment building with 119 units and the lower tier (4<sup>th</sup> level) being an underground garage that is accessible from the west side of the property, almost directly across from where the maintenance building is shown.
- Mr. Winterkorn explained that they received the PRC comments and they have marked up the plans, they are just not submitting the revised versions because they wanted the Board to see the plans as they were submitted originally. He added that they don’t have issues with any of the comments and they will be turning over the revised plans with response letters very shortly.
- Mr. DiTucci explained that since the last visit with the Board, they have coordinated with the building department and Monroe County 911 to identify and receive approval for the street names for the development on both the west and east sites. The building department will assign the actual addresses and do the coordination with the USPS for those addresses.
- Mr. Fahy explained that Phase 2 is going to be a continuation of the same low-rise residential units that were approved in Phase 1.
  - There will be a mixture of single-family ranch and two-story units, along with 2-, 3-, and 4-unit townhouses, ranch, and two-story units.
  - The architectural detailing and colors will follow the exact same format that was presented and approved for Phase 1.
  - In addition, they will be building seven additional vertical mixed-use buildings, also following the same format as what was already approved. Building geometries will be slightly different. Actual hard-line drawings haven’t been completed yet, but from an exterior aesthetic standpoint, they will have the same detailing, materials, and feel of first eight VMU buildings that were presented to the Board and approved.

- New to the community will be two types of high-density apartment buildings.
  - The Type A Building is a complete “donut” design where it has a central courtyard. It has 119 units in three stories of wood-framed apartment construction over a below-grade, masonry, podium, garage that will have 132 parking spaces. In addition, it will have a main trash-receiving room, bike storage, pet spa area, and a few other amenities that they are finalizing. The trash room in that lower parking area will go up all three floors so that tenants on all three floors will have a large trash room with a trash chute that will go down to this lower receiving area with a compacter that will be picked up weekly or bi-weekly.
  - The breakdown for Building A will be:
    - 69 - 2-bedroom, 2-bathroom units, ±1,000 sf. to ±1,150 sf.
    - 50 - 1-bedroom, 1-bathroom units, ±720 sf. to ±730 sf.
    - Other amenities include a large lounge area on the main floor, a courtyard with swimming pool, an outdoor gazebo and other veranda areas.
    - There will also be a lounge area on the second floor that they have decided to dedicate to a small fitness room.
    - There will be a mail package area on the main floor so all residents will receive their mail (possibly UPS and FedEx) inside the building.
    - The building has a very classic architectural style with a lot of masonry (limestone) on the exterior. They are considering some siding on the west side of the building which faces back to the Gun Club and the maintenance area for economic reasons.
  - There will be four Type B Buildings which are much smaller. They will be 34 - apartment units and 4 townhouses. Each building is built in a U-shape fashion where the townhouses are toward the back of the building and three sides will be apartment units. It includes a covered, at-grade parking garage that will include a 34-bay garage.
  - The breakdown for each Building B will be:
    - 24 - 1-bedroom, 1-bathroom units, ±780 sf. to ±930 sf.
    - 10 - 2-bedroom, 2-bathroom units, ±1,120 sf. to ±1,150 sf.
    - The four attached townhouses on the back of the building are two-stories in the ±1,460 sf. – ±1,480 sf. range, 3-bedroom, 2-bathroom units with attached two-car garages.
    - There will be a second-floor u-shaped green roof (lawn) area that the apartments will look in to. This green roof will be accessible from the second-floor units that wrap it on three sides. There is a second-floor gathering space and a hallway that leads to the green roof.
- Chairman Hetzke asked if there was access to the green roof from the townhomes. Mr. Fahy responded, no.
- Chairman Hetzke asked why they designed this building in this fashion.
- Mr. DiTucci responded, explaining that the concept for the entire development in terms of the public realm of Route 250 and Atlantic Avenue has been to have the smaller scale buildings facing the public realm as much as possible. As we travel through the

development where there are clusters of neighborhoods, the low-rise single-family units are in the front facing the roadway system and the larger, more dense units (three-story, apartment units) are set back further. In the case of Building B, they wanted to not have the three-story building look disproportionate; by adding the townhomes it brought it down to a pedestrian scale. It also provides better massing, architectural interest, and consistency with the development at large.

- Mr. DiTucci explained that in all the apartment buildings they have self-contained storage for the residents on each floor. Residents will have storage available to them in the building but not in their unit.
- Mr. DiTucci explained that the demographic will be across the board for the entire development.
- Mr. DiTucci explained that they have incorporated electrical vehicle charging stations to service the residents of each of those apartment buildings. There will also be some common shared manifolds of electric charging stations in addition to that.
- Mr. DiTucci explained that throughout the west site and east site, the intent is that the architecture and the materials of the previously approved buildings will be consistent throughout both sites.
- Mr. Fahy explained that the Community Center is two floors,  $\pm 7,000$  sf. on each floor. There is a walk-out lower level that walks out to the pool. The fully finished lower level will include locker rooms, a fitness club, a yoga studio, a mini bowling alley, a golf simulator room, wine storage, etc. The main level will have more of a club room, banquet-style room, full commercial kitchen, a leasing area, a library, etc. There are outside amenities as well, including swimming pool, grills, and gathering spaces. Mr. DiTucci added that both levels overlook the largest green open space ( $\pm 4.5$  acres) in the development.

#### Board Questions:

- Board member Kanauer asked what the anticipated build out schedule is for both Phases 1 and 2. Mr. DiTucci responded that the duration will be based on the absorption rate for leasing. The market study shows 3-7 units per month leased up. They are looking to complete all the west site in roughly a 2.5-3-year duration, which depends on circumstances (i.e., weather).
- Board member Kanauer asked if they plan on starting Phase 2 in the next six months. Mr. DiTucci responded yes.
- Mr. DiTucci explained that they initially planned to do Phase 1 as a project unto itself, followed by Phases 2-6 (5 & 6 on the east site and the others on the west). They correlate with the offsite improvements that will be done for traffic mitigation and now by combining Phases 1 & 2 on the west site as one continuous undertaking.
- Board member Kanauer asked about traffic considerations. Mr. DiTucci explained that Costich has already begun interacting with DOT on the physical drawings for the traffic mitigations.
- Board member Tydings asked about the home on Atlantic Avenue and if the Applicant owns that house and will it be torn down. Mr. DiTucci responded, yes.
- Board Member Tydings asked if they own the corner vacant lot and Mr. DiTucci responded no, they do not, that is an exception parcel.

- Chairman Hetzke asked why they chose to go right to Phase 2. Mr. DiTucci responded that with interest rates going the way they are, it's better they concentrate their dollars now, and they are confident they will hit targets, based on the market studies and phone calls they have received. Additionally, the site work would have been multiple temporary staging areas, where this will be a continuous flow of earthwork.
- Chairman Hetzke asked if there was an idea of what the rent would be given the size of the units and the amenities. Mr. DiTucci explained that it has been a moving target but will be "market rate."
- Chairman Hetzke asked about the maintenance building – have or would they consider any alternate locations to where that building is being proposed. Mr. DiTucci responded that they did consider other locations, but they couldn't find a location that would be less intrusive for the residents. The building is also in close proximity to the pump station.
- Chairman Hetzke asked about the mail room in Building A, is there a plan for package delivery such as Amazon, UPS, etc. Mr. Fahy responded that they currently have a large package delivery room proposed at the community center. The packages will then be moved to a secondary location within each of the residential buildings. The current mail room shown on the plans is much larger than necessary for the mail and small packages for 119 units. They are considering breaking up and utilizing half of that area as a large package area. They are still exploring their options with this.
- Chairman Hetzke asked about the bike storage. Mr. Fahy responded that it is still a work in progress. They will do their best to provide as many spots as they can.
- Board member Aken asked if there will be an additional fee associated with the proposed community building. Mr. DiTucci responded no.
- Chairman Hetzke asked about the amenities for the overall development – are they open only resident, the general public, or a membership. Mr. DiTucci referred to conversations during Phase one regarding public open space vs. tenant related space. All the amenities that will fall within the open space easement (parks, trail, etc.) will be for public use. The other amenities (community building, pavilion, pickleball court) will be for the residents and any invited guests.

Public Comments:

1. *Linda Teglash, 3 Parham Drive*

- Ms. Teglash wanted to know where the entrances would be. Her concern is that the area is already very congested.
  - Chairman Hetzke responded that there are entrances on Atlantic & Route 250.
- Ms. Teglash asked if the amenities would be open to residents only or the public.
- Ms. Teglash asked what the rent would be for the various units.
- Ms. Teglash asked what study the Applicant was referencing regarding all ages moving into this complex.
  - Mr. DiTucci responded that it was a market study that they commissioned for the west site which extends well beyond this localized area. This study has been updated three times over the course of several years, excluding the Pandemic.
  - Chairman Hetzke asked if there was any dip in suggested demand between the

three versions of the market study. Mr. DiTucci responded no; it was very constant.

2. *Christina LaBarge, 1319 Penfield Center Road (Horse farm owner)*

- Ms. LaBarge is very concerned with what is proposed on her side of the road.
- Will there be a berm or buffer of some sort?
  - Chairman Hetzke stated that they asked that question.
- Will there be tall buildings right next to her outdoor arena?
  - Chairman Hetzke responded that there should only be single-family residences in that area. This is also Zone C (abuts Penfield Center Road) and is the least intense for development within the MUD.
- Will the easement there have trucks and construction vehicles? Who will be responsible for insurance when there is an accident with a horse due to the construction?
  - Mr. Sangster advised her to contact the Engineering Dept. with any issues.
- Ms. LaBarge stated that it sounds like it will be very expensive so she is unsure how they will be able to fill the units.
- Ms. LaBarge was concerned about the construction timeline.
  - Chairman Hetzke stated that it would likely be 2-3 years (per the Applicant) for the construction in that section.
  - Mr. DiTucci responded that there won't be any access to Penfield Center Road from the west site or the east site. The construction entrance on Atlantic will be in the western-most location that runs up along the Gun Club. If they require more than one construction entrance it would likely be the northern curb cut on Route 250. That will also be part of the interaction that the Applicant has the NYS DOT. Mr. DiTucci emphasized that they purposely do not have any curb cuts on Penfield Center Road.

3. *James Edell, 1327 Penfield Center Road*

- Mr. Edell asked what the time frame for construction is on the east side of Rte. 250.
  - Mr. DiTucci explained that the east site won't be developed until the west site is completely developed in  $\pm 2.5$ -3 years. The only thing expected on the east site during the work being done on the west site is a road bore for a future pump station on the east site.
- Mr. Edell asked if there is a fence proposed on the property line. He is concerned with kids and fire in the wooded area.
- Mr. Edell stated that the east border of the development is at Thomas Creek where there are currently wetlands. He is asking that a buffer be included there.
- He is also concerned for the wildlife. An 8-foot fence would help with all these issues in his opinion.

4. *Mary Callan, 1410 Harris Road (east side)*

- Ms. Callan asked if there are any kid-friendly options.
  - Mr. DiTucci responded that there is playground equipment proposed on the west site of the development. The open space is also a multi-purpose area.
  - Mr. DiTucci added that the east site (as proposed currently) will likely be more

oriented toward seniors – not age restricted, but more oriented toward the senior population.

- Ms. Callan stated that it sounds “country-clubbish,” so she is concerned about families being able to afford the rent. She added that Penfield has always attracted people of all incomes so she is hoping that this development will allow for people with variable incomes.
  - Mr. DiTucci responded that there won’t be any low-income or assistance. It will be market-rate housing.
- Ms. Callan asked what types of retail are anticipated.
  - Mr. DiTucci responded that this has not been determined yet.

5. *Carl DeRolo, 1591 Fairport Nine Mile Point Road*

- Mr. DeRolo expressed concerns for the abandoned buildings behind his house, as well as the lack of maintenance to the property. He stated that there is water on the south side of his property that is also not being maintained. He is concerned with rodents, ticks, and the like.
- Mr. DeRolo is asking that the Atlantic 250 property is maintained during this process.
- Mr. DeRolo is concerned with the increase in traffic that is likely.

6. *Michael & Marie Falvo, 1215 Penfield Center Road (west side)*

- Ms. Falvo is concerned with the maintenance building that is proposed to abut her property line (north of the Gun Club).
  - Mr. Winterkorn stated that the maintenance building will be south of their property.
- Mr. Falvo asked about whether a fence was proposed. Chairman Hetzke said no, no fence was proposed.
- Ms. Falvo has concerns with the taller residential buildings being pushed right up to the property line.
- Ms. Falvo asked what happens if the project starts and then they are not able to lease some of the units.
  - Chairman Hetzke explained that this is the type of project that gets financing locked in but won’t build out if there are no customers. If they determine they want to change some things, then they would need to submit new plans, etc.

7. *Maureen Schneeberger, 1195 Penfield Center Road*

- Ms. Schneeberger wanted to clarify that there are no entrances proposed on Penfield Center Road. Mr. DiTucci responded correct.
- Ms. Schneeberger is concerned for the wildlife with the construction.
- Ms. Schneeberger is glad Mr. DiTucci feels he is building a community – she feels he is destroying a community.
- Ms. Schneeberger asked the Chairman if there is anything that can be done to stop any of the development from happening. If so, who can she talk to about the process. {Someone in the audience said she could purchase the property.}

8. *Jesse Dumar, 1737 Fairport Nine Mile Point Road*

- Mr. Dumar expressed his concern for the congestion on Route 250 and the runners and cyclists on the shoulder of the road. He asked if there are any plans for connectivity from Town Hall to YMCA to other portions of the town.
  - Chairman Hetzke responded, stating that ultimately that is desired, that sidewalks and trails all interconnect. This project has a multi-use trail that is 10-12 feet wide and extends around the perimeter of the project.
  - Mr. Sangster explained that interconnectivity is heavily focused on within the MUD. The goal is to provide easy movement between the developments.

9. *George Corbett, 1 Renwick Run*

- Mr. Corbett asked for clarification on which phase will directly affect him. Mr. Sangster responded, Phase 2.
- Mr. Corbett wanted to know the time frame and starting point.
  - Mr. DiTucci responded that it will indeed start in six months and that they will be starting at Atlantic Ave.
- Mr. Corbett asked if there was a retention pond proposed near Penfield Center Road and Renwick Run.
  - Mr. Sangster replied yes, in the northwest corner of the development which would put it west of Renwick Run and south of Penfield Center Road.
  - Mr. Winterkorn added that that is a natural discharge point, so they are proposing to put the pond there to maintain the natural drainage patterns. It won't be a 4-foot wet pond. The DEC encourages it be a dry pond because of the rock elevations there.
- Mr. Corbett asked if there is a lift station proposed. Mr. Sangster explained that there is a pump station on the south side of the development as a part of the sewer improvements.
- Mr. Corbett asked what kind of lighting is proposed. Chairman Hetzke responded that it is all dark sky compliant.

10. *Greg Lowenguth, 1680 Fairport Nine Mile Point Road*

- Mr. Lowenguth has concerns about the sewers. Would places like the Vet office and Quicklees be able to feed into their sewer network or is it private.
  - Mr. Winterkorn responded that a portion of the sanitary sewer will be dedicated to the Town and flow to the west to a dedicated pump station where it will go offsite and connect to an existing gravity sewer. They are extending a dedicated sewer out to Route 250, leaving access so it could be extended by others.
- Mr. Lowenguth has concerns about traffic and wonders if there are any conversations about adding a traffic light.
  - Chairman Hetzke responded that they are both state roads and the NYS DOT controls anything done on them. The Town doesn't have the authority to say they want a light there.

11. *Robert Singer, 3 Madaket Drive*

- Mr. Singer asked if there is a master plan to bring sidewalks or other infrastructure such as sanitary sewer east of Route 250 along Atlantic Ave.



- Chairman Hetzke stated that there are sidewalks scheduled but he didn't know where or when they might be installed. And there are no plans for sewers.

12. *Scott Terry, 1579 Fairport Nine Mile Point Road (phone call)*

- Mr. Terry had concerns with blasting during the construction.
  - Mr. DiTucci believes that the first couple of feet will be rippable, based on comprehensive rock studies that have been done. If they do encounter areas where they must use blasting, there is a very specific prescribed procedure in the Town's Design and Construction Standards that outlines what must be done and that includes offsite surveys of surrounding properties to assess pre- and post-blasting conditions.

13. *Donna Spinella, 39 Scarborough Park (email)*

- Ms. Spinella sent an email which was read into the record.
- Ms. Spinella "endorses the concept of mixed-use development, but she feels that we have not captured that concept well in Penfield's MUDs so far."

Board Discussion:

- Chairman Hetzke stated that they should look at the buffer on the east site.
- Board member Kanauer asked if there are trees by that boundary. Mr. Sangster responded that street trees are all that are proposed.
- Board member Aken asked about the Gun Club and using fencing as a buffer.
- Mr. Sangster stated that the Gun Club doesn't directly abut the development. Several years ago, the Gun Club bought property around them specifically to buffer themselves. It varies in width but is ±400 feet of land area that is not actively utilized by the Gun Club except as a buffer.

The Board voted and **TABLED** the application for Final Site Plan 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			Aye	
Burton			Absent	
Kanauer	X		Aye	
Tydings		X	Aye	
				The motion was carried.

2. Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614, on behalf of Blessed Hope Community Church, 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 and Conditional Use Permit approval for the construction of a 4,050 sq. ft. building with associated site improvements on ±2.54 acres located at 1280 Creek Street, Webster, NY. The properties are now or formerly owned by Blessed Hope Community Church and zoned Limited Business (LB). Application #22P-0025, SBL #093.15-1-2.115.

Matt Tomlinson, Marathon Engineering  
John Wurzbacher, Pastor, Blessed Hope Community Church

- Mr. Tomlinson presented the application for Preliminary and Final Site Plan and Conditional Use Permit.
- Mr. Tomlinson explained that the proposed site is located on the east side of Creek Street between Pen Web Park, a dedicated road, and Sovran Drive, a private drive that serves several businesses to the north of the property. They are in the Limited Business District (LB), so they are required to obtain a conditional use permit.
- Mr. Tomlinson explained that Blessed Hope Church has been in the community for quite some time and has been meeting in their temporary location (movie theater) and they are currently looking to establish a permanent location on this site.
- Mr. Tomlinson explained that the Board may remember Marathon Engineering coming in a few years back with a proposed daycare on this site. The general layout of this plan is essentially the same with a different building footprint. Many of the things learned about the site at that time have been incorporated into this proposal, including a sidewalk along Pen Web Park as well as modifications to the stormwater management facility to satisfy some of the comments or questions of DPW and Town Staff.
- Mr. Tomlinson explained that the utilities are immediately adjacent to the site, both sanitary along the front and rear watermain and the regional stormwater management facility.
- Mr. Tomlinson explained that they are proposing to build a 4,000-sf building with a maximum occupancy of 180 people (seating in the auditorium). That drives a parking demand of 60 spaces to comply with Town Code. This is generally above what is anticipated or observed at their church. They are showing the 60 compliant spaces, but only proposing to build 42 spaces at this time, land banking the remaining 18 spaces on the parcel itself.
- Mr. Tomlinson explained that they are compliant with setbacks from Pen Web Park as well as from Creek Street. They pushed up toward Sovran Drive to provide parking near the main entrance which will face toward Pen Web Park. He added that they have submitted building elevations and renderings of what that façade is going to look like. He also provided physical stone and color samples for the Board.
- Mr. Tomlinson explained that from a site plan perspective they are under all the lot coverages, they are also providing generous landscaping along Pen Web Park and on to Creek Street. They have received technical comments from Town Staff that they have reviewed and have no significant issues with, as far as compliance goes.
- Mr. Tomlinson explained that they are required to obtain a variance for a buffer to residential, to the south of Creek Street. They are on the Zoning Board of Appeals agenda for October 20, 2022.

Board Questions:

- Chairman Hetzke confirmed that they just need the one variance. Mr. Tomlinson responded, correct.
- Chairman Hetzke confirmed that they are looking to land bank 18 parking spaces. Mr. Tomlinson responded, correct.

- Chairman Hetzke asked the Applicant to elaborate on the materials being proposed. Mr. Tomlinson explained that the proposed building is metal siding above, with masonry (cast stone product in a tan color) wrapped all the way around. The awnings are blue that matches the logo color of the church and the proposed signage on the building. Mr. Wurzbacher stated that the steel siding would be on the top with the stone on the bottom of the building. He added that there is a lot of landscaping proposed to break up the look of the building.
- Chairman Hetzke stated that he'd seen the lighting plan. Mr. Tomlinson responded that they are proposing to light the parking lot but there isn't a lot of anticipated activity at night. They will be LED down fixtures, dark sky compliant.
- Board member Aken asked about the parking and if there are any concerns with overflow if there is a service where more than 60 people attend. Mr. Wurzbacher responded, stating that right now these numbers will give the church substantial room to grow. Even with the initial 40 parking spaces, there are only 40 people on a given Sunday in a single service right now, so this gives substantial room to grow before needing any more parking. Mr. Tomlinson added that given the single-service setting, one of the ways they can expand is to offer multiple services.
- Board member Aken asked if there is a plan in place in the event that they host a service where they have more cars – would it be parking on the road, etc.? Mr. Wurzbacher suggested that they could look into partnering with neighboring businesses that have substantial parking. Mr. Wurzbacher added that even on a “high” Sunday, like Easter Sunday or Christmas, their average may peak at 55 people.
- Mr. Tomlinson explained that the parking is definitely something they will be monitoring.
- Chairman Hetzke stated that it appears there is room for parking expansion on the site.
- Board member Aken asked what the typical service schedule is. Mr. Wurzbacher responded that it's just Sunday mornings. Mr. Tomlinson added that there may be a bible study mid-week, but that would have a much smaller attendance.
- Board member Tydings asked about refuse. Mr. Tomlinson explained that they are currently anticipating residential-style totes.
- Board member Tydings asked about snow removal. Mr. Tomlinson responded that there is plenty of space around the parking lot for snow storage.
- Board member Kanauer asked if there will be a kitchen in the building. Mr. Wurzbacher responded no; there will be a small sink area for washing hands and making coffee.
- Board member Kanauer asked about the location of the HVAC unit. Mr. Wurzbacher stated that they have considered roof-mounting the HVAC units or possibly a utility area within the building. Mr. Tomlinson added that currently they are proposed as roof-mounted.
- Board member Kanauer asked if the roof was flat with a parapet. Mr. Wurzbacher responded that it will be a single-slope roof with a parapet.
- Board member Aken asked what the approach was when designing the church. Mr. Wurzbacher responded that they are a contemporary church that currently meets at the AMC Theater in Webster, so they wanted to design something that was consistent with their style of service.

Public Comments:

There were no public comments for this application.

Board Deliberation:

- Chairman Hetzke and Member Aken have reservations about the seating number (180) versus the parking spaces proposed (40). There appear to be areas on the site where they could expand the parking.
- Mr. Sangster added that originally the occupancy was proposed to be around 100, so he is going to request that the Applicant clarify that number.
- Chairman Hetzke asked that a Draft Approval Resolution be started for consideration at the next meeting.
- Mr. Sangster stated that Chris Lopez is still reviewing the plans, and the Applicant still needs to provide responses to all the comments.

The Board voted and **TABLED** the application for Preliminary and Final 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	X		Aye	
Burton			Absent	
Kanauer		X	Aye	
Tydings			Aye	
				The motion was carried.

3. BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, on behalf of James DiBella, requests under Chapter 250 Article XI-11.2 of the Code of the Town of Penfield for Preliminary and Final Subdivision approval for the two-lot subdivision on ±43.22 acres located at 5 Skimore Lane. The property is now or was formerly owned by James DiBella and zoned Rural Residential (RR-1). Application #22P-0026, SBL #140.02-1-2.1.

James DiBella, owner

- Jim DiBella, the property owner was present to make the presentation. The property is located on the north side of Route 441 across from Fellows Road. They are seeking approval for a 2-lot subdivision. He will be continuing to work with BME as he moves forward with the site plan.
- Mr. DiBella stated that the property is Lot 2 of the Rudy DiBella subdivision, created in 1998. At that time a 20-year open space easement was put on the lot, anticipating that someday the kids may want to take a piece of it.
- Mr. DiBella explained that the land is gently sloping with a large shared man-made pond. The western 20 acres of the property contains a NYS DEC Wetlands. There is also a Federal Wetland on a neighboring property to the east of the property.
- Mr. DiBella stated that they are in the Rural Residential Zoning District (RR-1). With this subdivision, the resulting lots 2A and 2B will be in compliance with development

regulations. Lot 2A is proposed to be nine acres and will retain the existing home and one of the small accessory buildings. Lot 2B will be just under 35 acres retaining the large accessory building as well as being the site for a (new) single-family home.

Board Questions:

- Board member Tydings asked if Mr. DiBella is still living in the current home. Mr. DiBella responded, correct. His son and family will be moving into the existing home, and he will be building next door.
- Board member Tydings asked if there were any issues with the pond or with hosting events. Mr. DiBella responded that they still host events, but the biggest ones were in 2010. Mr. DiBella stated that his biggest issue is the people who fish in the pond who aren't invited. Mr. DiBella stated that the new home will go right next door to the existing home. There are two acres of cleared grass that have been maintained so that project will start as soon as the approval is granted.
- Chairman Hetzke clarified that the proposed home will be on Lot 2B. Mr. DiBella responded, correct. He added that there is an existing barn that is going to remain on that parcel. Mr. DiBella explained that the driveway will come in along the property line, between the existing home and the large barn.
- Board member Aken asked where the next closest neighbor would be. Mr. DiBella stated that the neighbor would be ±500-600 feet away, toward Route 441.
- Board member Aken asked if any trees will need to come down. Mr. DiBella responded, the only trees coming down will be the Ash trees that are dying off. The field is open and has been mowed since they have owned it.

Public Comment:

- Mary Callan, 1410 Harris Road
  - Ms. Callan wanted clarification that there are two houses involved, and it's on 43 acres. Mr. DiBella responded, yes; 20 acres (of the 43) is swamp so there won't be any further work done there, and the location of the pond eliminates the ability to develop any more.

Board Discussion:

- Chairman Hetzke stated that they would like Engineering to check all the measurements for accuracy.
- Mr. Sangster stated they will be looking at them having an accessory structure without a primary structure because it isn't technically allowed. In the past, it has been handled by the Applicant entering into a formal agreement with the Town.
- Chairman Hetzke asked that a Draft Approval Resolution be started for consideration at the next meeting.

The Board voted and **TABLED** the application for Preliminary and Final Subdivision 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			Aye	
Burton			Absent	
Kanauer		X	Aye	
Tydings	X		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.

Peter Vars, BME Associates

- Chairman Hetzke stated that a sketch letter has been drafted based on the most recent submission from the Applicant.
- Mr. Weishaar explained that he'd been working with Chairman Hetzke and Board member Burton to pull together the comments that have been voiced throughout the review of the project.
- Mr. Weishaar explained that throughout the preview process, the Board has been concerned with making sure the project is a mixed-use project and even though it is an apartment complex, it still must comply with all the elements of the mixed-use district.
- Mr. Weishaar explained that they cited provisions of the Code and MUD Manual wherever possible to highlight why the comments were made.
- Mr. Weishaar explained that comments were raised by Board member Burton a few meetings back about the variety of housing options that the Board would be looking for. He explained that while some of the project moved out of Zone A, it still needs to comply with the Zone A requirements since part of it is still in Zone A. There was a suggestion of using some vertical mixed-use in the commercial spaces.
- Mr. Weishaar highlighted the need to include project landscaping and outdoor site furnishings as shown in the Manual.
- Mr. Weishaar concluded that it still must be mixed-use, even though it has moved over to Zone B it still has to meet those requirements.
- Board member Kanauer stated that one of the things in the Manual (5.16 and 5.17) that he feels is important is the landscaping and outdoor site furnishings, specifically the hardscape on the project. He would like to see it at a level that really shows the character

of a mixed-use development – hardscape such as stamped sidewalks and raised beds and site furnishings such as benches and bike racks. He added that Sketch 01 that was presented to the Board was the most desirable.

- Board member Tydings stated that his concern is with the architectural design. Mr. Sangster stated that the review letter from Chris Lopez was sent to the Applicant. Board member Tydings is looking forward to hearing the response to that letter from the Applicant.
  - Mr. Weishaar added that in his review letter, Mr. Lopez re-oriented one of the buildings on his plan to have more of a streetscape or village feel.
  - Mr. Sangster explained that his (Mr. Lopez’s) plan orients the northern-most building to have its entrance or main façade of the building facing the primary road coming in off Route 250. This would provide a façade on both the north-south road as well as the main road and the pedestrian spine.
- Board member Aken stated that in reviewing the letter she thinks it is important to consider that residential space above the proposed commercial space to give it more of an inclusive feel. The whole reason this exists is to create a community and she thinks that has a better flow, driving more traffic into these places.
- Board member Aken stated that she would like the Applicant to be more deliberate in what is the non-residential space in the buildings and clarifying that, so it doesn’t get lost.
- Chairman Hetzke concluded that the Sketch Letter should be sent to the Applicant.

The Board voted to send the Sketch Letter to the Applicant.

<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.

The Board voted and **CONTINUED TABLED** the application for Subdivision & Site Plan approval pending the Applicant’s response to the Sketch Letter.

<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. 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.

- Mr. Sangster explained that Jared Lusk and his team representing Verizon were not able to attend the meeting, so the application could be tabled until the next meeting.

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)			Aye	
Aken	X		Aye	
Burton			Absent	
Kanauer			Recused	
Tydings		X	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 requested to be tabled as they continue to work on their revisions and responses to staff and board comments.

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	X		Aye	
Burton			Absent	
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 RGE sent in a request to be tabled. They stated that they will likely be ready by the November 10, 2022, meeting with a revised site package.

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

**V. ACTION ITEMS: (Administrative)**

**1. 2023 Planning Board Meeting Dates**

- Mr. Sangster explained that the Board members were provided with the 2023 meeting dates for their consideration. There were no unusual dates for 2023.

The Board voted and **APPROVED** the proposed 2023 planning board meeting dates.

<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. Splash Car Wash – Revised Architecture**

- Mr. Sangster explained that Splash Car Wash at 2140 Fairport Nine Mile Point Road recently came to staff looking to revise the architecture of the approved car wash. Part of the reason for the change is value-engineering. He confirmed that the changes would remain within Code for the building.
- Board members Aken and Kanauer agreed that they like the changes better than what was approved.
- The Board had no further concerns.

The Board voted and **APPROVED** the proposed architecture revisions.

<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.

**3. 2 Alden Glen Drive/1149 State Road**

- Mr. Sangster explained that staff has been engaging with the owner of both of those properties. The owner is looking to do an accessory structure and to do so, they would need to combine those two lots together through a lot-merge. Since they were previously part of an approved subdivision, it comes back to the Planning Board for the lot-merge.
- Chairman Hetzke asked if there are any engineering concerns. Mr. Sangster responded no; the lot will be zoning compliant, larger than what is required by Code. Staff is working with the owner to be sure the merged lot remains in compliance.
- Board member Kanauer asked if the second lot has an existing curb cut. Mr. Sangster responded no; the owner started adding gravel for a driveway which is what brought him to staff’s attention. The owner’s plan is to build the accessory structure on the site to store his extra vehicles, which is only allowed on a lot which already has a primary structure. Staff is working with the owner to get a site plan administratively and to get him before the county DOT for a curb cut permit.
- Mr. Weishaar asked how large the lot will be after merging. Mr. Sangster responded, a little over three acres.
- Mr. Weishaar asked how big the structure can be. Mr. Sangster responded that Code states 1% of the property size, therefore ±1,315 s.f. If the owner would like to do a larger structure, he would be required to go before the Zoning Board of Appeals for an area variance.

The Board voted and **APPROVED** the merging of the two properties into one lot.

<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 **9:15 PM**.

These minutes were adopted by the Planning Board on Thursday, October 27, 2022.

FILED  
PENFIELD, N.Y.  
2022 OCT 28 AM 9:48  
AMY W. STEKLOF  
TOWN CLERK