

PLANNING BOARD AGENDA

Public Hearing Application #2

1838 Empire Blvd.

Chipotle

Application #21P-0003

See Pages to Follow



TOWN OF PENFIELD

PLANNING DEPARTMENT APPLICATION FORM

APPLICATION TYPE

- Sketch Plan Administrative Site Plan
 Preliminary/Final Site Plan Conditional Use Permit
 Preliminary/Final Subdivision

Reviewed by:

- Planning Board
 Town Board
 Planning Dept. (Admin. Only)

PROJECT INFORMATION

Project Name: 1838 Empire Boulevard - Chipotle
 Project Address: 1838 Empire Boulevard
 City, State, ZIP: Webster, NY 14580 (Town of Penfield)

Project Description: Proposed demolition of existing building and construction of a new +/-2,350 SF restaurant, a 35 parking space lot, and minor site improvements for connection to existing on-site private utilities and paved areas.

Parcel Tax ID#: 093.15-1-58
 Zoning District: GB - General Business Project Size (acres): 0.73

Owner(s) Name: Tom C.C. Yu & Mary W. Yu
 Mailing Address: _____
 Email: _____
 Phone: _____

Applicant Name: Northwood Real Estate Ventures, LLC
 Address: 1657 East Avenue, Rochester, NY 14610
 Email: MLester@caliberbrokerage.com
 Phone: 585-454-4500

Applicant Signature:  Date: 1-5-2021

Agent/Engineer: Peter Vars
 Company: BME Associates
 Address: 10 Lift Bridge Lane East, Fairport, NY 14450
 Email: pvars@bmepc.com
 Phone: 585-377-7360

APPLICATION FEES

Planning Review Fee	\$ 500.00
Engineering Review Fee	\$ 343.75
Check #	Total \$ 843.75

- See *Required Fees Table* for \$\$ Amounts

FOR OFFICE USE ONLY

Application # 21P-0003 Date Received: 02/07/2021

January 6, 2021

Planning Board
Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14526

**Re: 1838 Empire Boulevard
T.A. #093.15-1-58
Site Plan Application**

2635A

Dear Board Members:

On behalf of the applicant, Northwood Real Estate Ventures LLC, we submit this application for site plan review and a Conditional Use Permit for a proposed restaurant to be located at 1838 Empire Boulevard. We request to appear at the Board's February 11, 2021 meeting to present the application. For your use and review, we enclose four (4) complete sets of the following application materials:

- Letter of Intent
- Site Plans (BME Dwg. #2635A-02 thru 08)
- Architectural Elevations
- Planning Board Application Form
- Environmental Assessment Form (EAF) Short Form Part I
- Engineer's Narrative
- Owner's Authorization Letter
- Application Fees \$843.75 total:
 - \$500 Application Fee
 - \$50 Preliminary Engineering Review Fee
 - \$293.75 Final Engineering Review Fee (\$125/1,000 GFA)

An electronic copy of all application materials will be emailed to the Planning Department.

The proposal is to construct a ±3,250 SF fast casual restaurant at 1838 Empire Boulevard. The property is ±0.73 acres in size and is zoned GB-General Business.

The property is bounded by Empire Boulevard to the west, Creek Street to the east, and General Business zoned uses to the north and south. A former bank building is on the subject property, which will be demolished for construction of the new restaurant building.

The proposed new construction will be within the setbacks of the existing building on site; no expansion to the development footprint will result with the re-development of this property. The project will include minor modifications to the existing parking lot and will utilize the existing two highway curb cuts.

Access will continue to be from Empire Boulevard and Creek Street. No changes or improvements to the curb cuts are proposed or required. The traffic pattern will be similar to the existing traffic pattern. Two-way traffic and parking will be provided on the southside of the building. A one-way travel pattern will exist from the eastside of the building to the westside of the building. This one-way pattern will include one lane for a pick-up window and a second parallel lane for one-way thru/bypass traffic.

The fast casual restaurant will include a pick-up window. It will not be a traditional drive-thru as no order kiosk/menu board will be provided. The pick-up window is to provide contact-less pick-up for online orders only. This is a new concept by the operator in response to the COVID-19 changes to the restaurant industry. The queue length within the pick-up window lane exceeds 10 vehicles.

Parking will be provided for 35 vehicles, including two accessible spaces. This parking is based upon the practical need of the operator to serve the 3,250 SF, 45-seat fast casual restaurant. In addition to the 45 interior seats, an outdoor patio will be provided with a seating capacity of 12 customers.

Per Town Code, the 57 total seats, plus a maximum employee shift of five employees, results in a parking requirement of 48 spaces. This is based upon 1.5 space/2 seats, plus one space/employee. The applicant will be seeking an area variance from the Zoning Board of Appeals for a reduction in the required parking.

This project is a re-development of the existing property, which is currently home to a ±3,800 SF vacant bank with 24 parking spaces and three drive-thru teller lanes. The property has a current lot coverage of 78 percent, which exceeds the Code maximum of 65 percent. The proposed plan will slightly decrease the lot coverage to ±76.8 percent, as the re-development will work within the existing developed area of the property. The applicant will request an area variance from the Zoning Board of Appeals for the lot coverage to exceed the 65 percent Code maximum.

The area variance applications to the ZBA will be submitted on January 15, 2021 for an appearance before the ZBA at their February 18, 2021 meeting.

The property currently has two variances in place, which remain applicable. These are for a 60' setback to Empire Boulevard and a 32' setback to Creek Street. The new construction adheres to these setbacks. The new building's setback to the north property line will be greater than 40', and greater than 75' to the south property line.

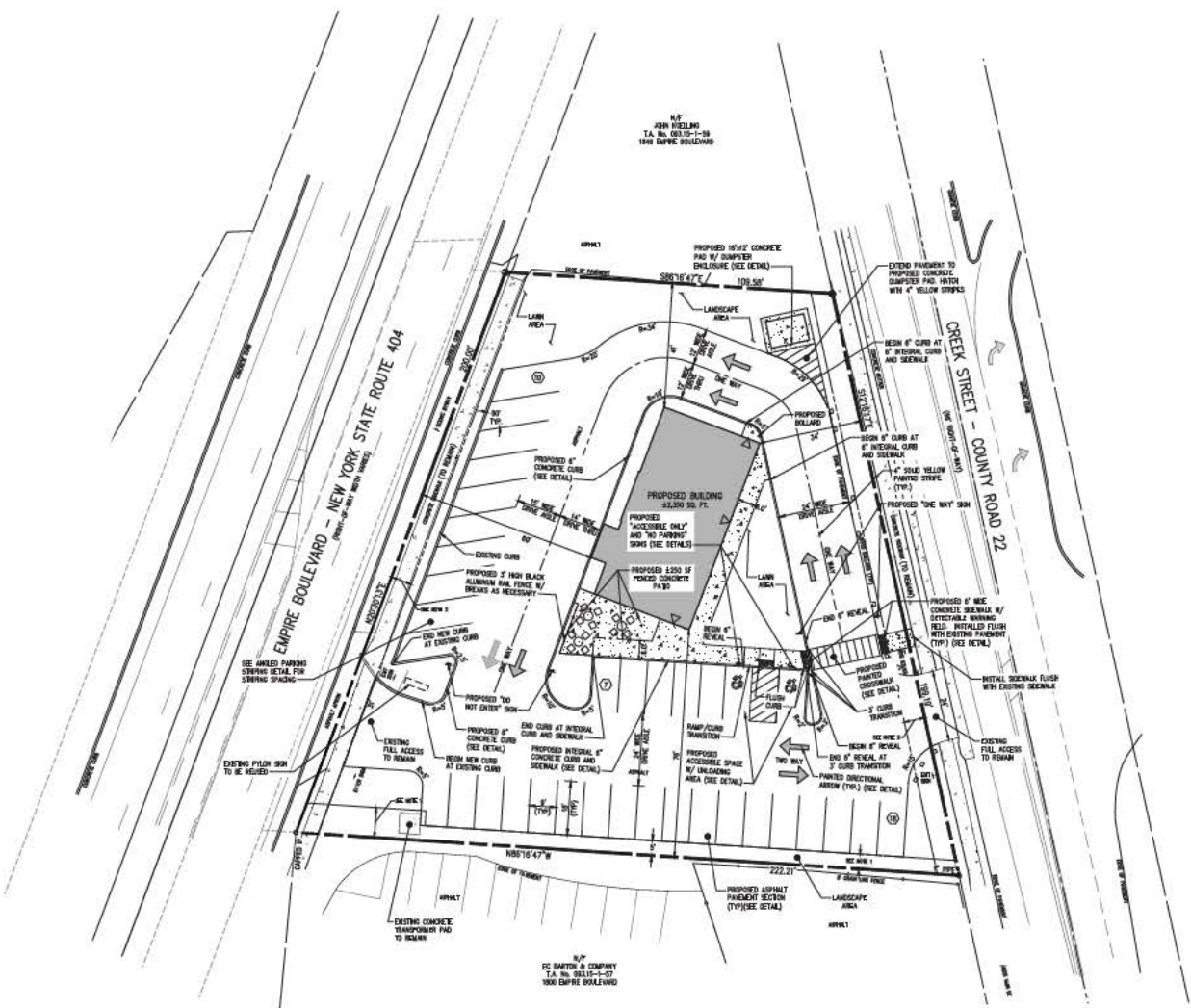
The new building will be served by the existing water, sanitary sewer, storm sewer, gas, and electric services that are on site. No new utility connections or extensions are required. The project's site disturbance is below one acre and results in a reduction in impervious cover on the property; thus, no stormwater management upgrades are required under local or state regulations. The existing functioning storm sewer system will continue to serve the property.

The property currently has several pole mounted LED light fixtures for the parking areas. These poles and fixtures will be relocated on site per the proposed re-configured parking layout. The new building will have modest building mounted lighting consisting of security lighting at service door entrances and canopy lighting at the customer entry locations. There will be a reduction from current building lighting as a result of the removal of the ATM/drive-thru teller lighting for the current bank building.

The site plan includes new sidewalks that will provide pedestrian mobility to the existing sidewalks along the property's frontage on Empire Boulevard and Creek Street.

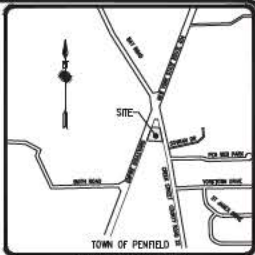
The new building will utilize the existing pylon sign at the Empire Boulevard entrance. No change to the dimension or location of this sign is proposed. Building mounted signage will be submitted to the building department for review to determine if any special permits are required.

As required, we submit the following responses to the Factors of Consideration for site plan approval standards and conditional use permit approval standards:



N/T
JOHN WIELAND
T.A. No. 08159-1-28
1838 EMPIRE BOULEVARD

N/T
EC BARTON & COMPANY
T.A. No. 08155-1-27
1800 EMPIRE BOULEVARD



LOCATION MAP

SITE NOTES:

- EXISTING ZONING OR (ORDINANCE BUSINESS)
- TOTAL PROJECT AREA = 23.73 ACRES
- PROPOSED USE: RESTAURANT (CONDITIONAL USE PER SECTION 250-4.702(a) OF THE TOWN CODE)
- APPLICABLE DEVELOPMENT STANDARDS ARE AS FOLLOWS:

LOT STANDARDS	REQUIRED	EXISTING	PROPOSED
FRONT SETBACK	80' ±	70' (SPEED ST)	54' (SPEED ST)
SIDE SETBACK	20'	5' ± (EMPIRE BOULEVARD)	4' ± (EMPIRE BOULEVARD)
REAR SETBACK	20'	N/A	N/A
MAX LOT COVERAGE	60%	57.8%	57.8%
MIN OPEN SPACE	20%	22.0%	22.0%
MAX BUILDING HEIGHT	3 STORIES OR 40 FT	3 STORY BUILDING	N/A
- PARKING REQUIREMENTS:
 - 1.5 SPACES/1,000 SQ. FT. INCLUDING 5% OF SEATS TOTAL (48 INTERIOR/20 PARKING GARAGE)
 - 1.5% ACCESSIBLE, 2% INCLUSIVE (2% INCLUSIVE)
 - 48 SPACES REQUIRED
 - 20 SPACES PROPOSED, INCLUDING 2 ACCESSIBLE SPACES
- APPLICANT WILL REQUEST VARIANCE FROM TOWN ZONING BOARD OF APPEALS FOR REDUCTION TO PARKING REQUIREMENTS AND FOR MAXIMUM LOT COVERAGE
- VARIANCES GRANTED BY THE PROPOSED ZONING BOARD OF APPEALS ON JANUARY 10, 2010 INCLUDE A 50 FOOT FRONT SETBACK FROM EMPIRE ROAD AS A 30 FOOT FRONT SETBACK FROM CREEK STREET. A SPECIAL PERMIT WAS ALSO GRANTED FOR SIGNAGE.
- ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT CODES AND SPECIFICATIONS OF THE TOWN OF PENFIELD AND THE APPROPRIATE MONROE COUNTY AND NEW YORK STATE AGENCIES, UTILITIES OR SERVICE PROVIDERS.
- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PROTECT ALL SURVEY CONTROL MONUMENTS, FOR SCIENTIFIC AND SURVEY DATA IN THE CONTROL MONUMENTS CALL THE MONROE COUNTY SURVEY OFFICE.
- THE DEVELOPER'S AND CONTRACTOR'S ATTENTION IS DRAWN TO LOCAL LAW NO. 4 OF 1971 REGARDING LIABILITY INCURRED THROUGH NEGLIGENCE OR RESTRUCTION OF EXISTING MONUMENTS.
- HIGHWAY DRAINAGE ALONG NYS ROUTE 404 AND COUNTY ROAD 22 TO BE MAINTAINED.

REFERENCES:

- A PLAN ENTITLED "TITIMAN - EMPIRE BLVD. SITE PLAN," PREPARED BY CORNWALL CONSULTANTS PC, LANSING DRAWING NO. 22-05, DATED MAY 15, 2006.
- USEN 7008 OF DEEDS, PAGE 148.
- FLOOD INSURANCE RATE MAP NO. 30052C0002G, PANEL 209 OF 209, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE AUGUST 28, 2005.
- AN ABSTRACT OF TITLE WAS NOT PROVIDED FOR THE COMPLETION OF THIS SURVEY.

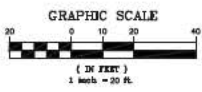
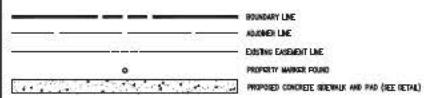
SURVEY NOTES:

- PANELS SUBJECT TO AN EASEMENT TO PROVIDE TELEPHONE OF ROOSEVELT, INC. A ROOSEVELT GAS AND ELECTRIC CORPORATION PER LINES 3045 OF DEEDS, PAGE 148. EASEMENT LIES ALONG THE SOUTHERLY BOUNDARY LINE AS SHOWN HEREON.
- PANELS MAY BE SUBJECT TO EASEMENT EXEMPTS TO THE TOWN IF FORMED PER REFERENCE 1. EASEMENTS ARE 7 FEET IN WIDTH ALONG THE WESTLY RIGHT-OF-WAY LINE OF CREEK STREET AND THE EASTLY RIGHT-OF-WAY LINE OF EMPIRE BOULEVARD AS SHOWN HEREON.
- PANELS LACK WITHIN ZONE II FOR FLOOD INSURANCE RATE MAP NO. 30052C0002G, PANEL 209 OF 209, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE AUGUST 28, 2005.
- UTILITIES SHOWN HEREON ARE PLOTTED FROM A COMBINATION OF FIELD LOCATION AND RECORD MAPS OBTAINED BY THE UTILITY COMPANIES NOTED HEREON.
- THE BOUNDARY SHOWN HEREON IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM (NAD 83) WITHIN ZONE.

APPROVALS

BY: ENGINEERING AND PLANNING	DATE: _____
BY: DIRECTOR OF PUBLIC WORKS	DATE: _____
BY: TOWN CLERK	DATE: _____
BY: FIRE MARSHAL	DATE: _____
BY: PLANNING BOARD CHAIRPERSON	DATE: _____

LEGEND



NOT APPROVED
 This plan has not received final approval of all relevant agencies. This plan is subject to review and if approved as submitted and shall not be used for construction purposes.

BME ASSOCIATES
 ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
 14 EAST WILSON AVENUE, SUITE 200
 PENFIELD, NY 14556
 PHONE: 516-737-7200
 FAX: 516-737-7209
 WWW.BMEONLINE.COM

SITE PLAN

1838 EMPIRE BOULEVARD
 TOWN OF PENFIELD, MONROE COUNTY, NEW YORK STATE
 PREPARED BY: JOHN WIELAND, P.E., REGISTERED PROFESSIONAL ENGINEER, NY STATE
 CLIENT: BME ASSOCIATES, INC.

PROJECT: _____
 LOCATION: _____
 CLIENT: _____
 DRAWING TITLE: _____

PROJECT MANAGER: P. VARD
 PROJECT ENGINEER: P. DELACY
 DRAWN BY: J. BAILEY
 SCALE: _____ DATE ISSUED: _____
 PROJECT NO.: 2635A
 DRAWING NO.: 02

PHED'S & CORHAM PURCHASE, TOWNSHIP 13, RANGE 4, CORSE TRACT, TOWN LOT 66, TAX MAP NUMBER 003.05-1-58