



# TOWN OF PENFIELD SPECIALTY DISTRICT APPLICATION FORM

## APPLICATION TYPE

- Sketch Plan                       Administrative Review                       Special Permit  
 Preliminary/Final Site Plan                       Conditional Use Permit                       Special Use Permit  
 Preliminary/Final Subdivision                       Zoning Map Amendment\*

(\* Indicate requested district change in the project description)

## PROJECT INFORMATION

Project Name: 47 WILLOW POND WAY  
 Project Address: 47 WILLOW POND WAY  
 City, State, ZIP: PENFIELD NY 14526  
 Project Description: Proposed development of 2 apartment buildings totaling 88 units. improvements will include access, parking, pedestrian circulation, stormwater management, utility connections and landscape/lighting improvements.

Parcel Tax ID#: 139.08-2-1.21  
 Zoning District: Planned Development District                      Project Size (acres): +/- 4.5 acres

**Owner(s) Name:** WILLOW POND VENTURES LLC (ATTN: CHRISTOPHER A. DIMARZO)  
**Mailing Address:** 301 EXCHANGE BLVD., STE. 200 ROCHESTER NY 14608  
**Email:** CDIMARZO@MARKIVENTERPRISES.COM  
**Phone:** 585-232-1760

**Applicant Name:** MARK IV ENTERPRISES (ATTN: CHRISTIAN M. NADLER, ESQ.)  
**Address:** 301 EXCHANGE BLVD., STE. 200 ROCHESTER NY 14608  
**Email:** CNADLER@MARKIVENTERPRISES.COM  
**Phone:** 585-315-4767

**Applicant Signature:**                       **Date:** 11/11/24

**Agent/Engineer:** PETER VARS, P.E.  
**Company:** BME ASSOCIATES  
**Address:** 10 LIFTBRIDGE LANE EAST, FAIRPORT NY 14450  
**Email:** PVARSA@BMEPC.COM  
**Phone:** 585-377-7360

## APPLICATION FEES

Town Board Fee	\$ 125.00
Square footage (for Engineer Review Fee)	
Check #	Total \$ 125.00

- See Required Fees Table for \$\$ Amounts

## FOR OFFICE USE ONLY

Application # \_\_\_\_\_                      Date Received: \_\_\_\_\_





November 15, 2024

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

**Re: 47 Willow Pond Way  
T.A. #139.08-2-1.21  
PD Zoning Special Use Permit Request**

**2948**

Dear Board Members:

On behalf of Willow Pond Ventures LLC, owner/applicant of property at 47 Willow Pond Way, we submit this request for a Special Use Permit (S.U.P.) to allow for a change in use within the approved and established Willow Pond Planned Development District (PD) pursuant to Article V, Chapter 250-5.4.D(5) of the Penfield Town Code. For the Board's use and review, we provide the following application materials:

- Letter of Intent (BME letter dated 11/15/24)
- Site Plan (BME Dwg. #2948-03)
- Architectural Elevations (CJS drawing)
- Context Aerial Exhibit
- Special Use Permit Application Form
- Short Environmental Assessment Form Part I
- Owner's Authorization Letter
- \$125 Check – Special Use Permit Application Fee

A PDF copy of this application will be e-mailed to the Town Clerk's office.

The applicant is proposing to modify the use of lot AR258B2 of Phase 2 of the Willow Pond Planned Development (PD). This ±4.5 acre lot received approval for a 150 unit, ±88,000 sf assisted living facility from the Town of Penfield in 2002. The lot represents the last development lot within the overall Willow Pond PD, which was established by the Penfield Town Board in the 1980's.

The applicant requests to modify the use from the approved multi-residential assisted living apartment facility to a two-building 88 unit multi-residential market rate apartment use. The proposed development is illustrated on the enclosed site plan and architectural building elevations.

In pursuing this proposed project within the PD zoning district, the applicant has complied with the requirements of Article V, Chapter 250-5.4.D.(2) and submitted and completed both a sketch plan review and preliminary site plan review with the Town of Penfield Planning Board. On November 14, 2024, the Planning Board issued a SEQRA negative declaration concerning the proposed site plan and the preliminary site plan approval. The next step in the process per Town Code Article V, Chapter 250-5.4 is to obtain the Special Use Permit from the Town Board for the multi-residential apartment use as proposed.

To assist the Town Board in their review of the application, we offer the Board the following information concerning the apartment proposal. We also refer the Board to the applicant's preliminary Site Plan application materials on file with the Town. These materials submitted on August 30, 2024 contain the detailed information on the proposal.

The proposed layout of the two-building apartment development has been prepared to comply with all required setbacks and buffers established for this lot within the Willow Pond PD. The layout, and its conformance with the lot standards of the PD zoning were reviewed by the Planning Board as part of the preliminary site plan review.

The site will be served by a primary private drive from Willow Pond Way, with a secondary access connection to 45 Willow Pond at the northeast corner of the property. Thus, there will be two means of vehicular access into and out of the project site. As required with the Planning Board site plan review, a traffic study was prepared per a scope established by the Town Engineer, the Town's traffic consultant, and NYSDOT. The analysis studied several intersections in proximity to the property and found there to be no potential adverse impacts to current traffic operations on the local road network and NYS highways (Route 441 and 250). The study's findings were reviewed and confirmed both by the Town's independent traffic consultant and the NYSDOT. The Planning Board referenced these reviews and reports in issuing their SEQRA determination that the proposed project will not be detrimental to the existing transportation network within the study area.

In addition to vehicular circulation, the site will include an extensive pedestrian network of sidewalks. This will include sidewalks along the private road out to Willow Pond Way, and also along Willow Pond Way itself, along the project's  $\pm 150$  lf of frontage. This will provide pedestrian mobility throughout the project site and provide connections and extension of the existing Willow Pond Way sidewalk system. This will offer the future residents pedestrian access to the retail and services to the east at Route 441/250, to Harris Whalen Park, and the other areas within Willow Pond itself.

The site plan provides parking for the proposed use at the requisite two spaces per dwelling unit. At 88 proposed units, 176 total parking spaces are required. These parking spaces will be provided through a combination of garage spaces, surface spaces, and land bank parking, all as identified on the enclosed site plan. The surface parking lot will utilize dark sky compliant LED light fixtures and result in no spill of light off of the property. Per Planning Board resolution, the lights will be outfitted with sensors to minimize light intensity overnight. Of the 176 spaces, 44 spaces (25%) will be enclosed in either free-standing garages or garages attached to the two buildings. Even with the proposed garages, the proposed building lot coverage for this project at  $\pm 22\%$  is slightly less than the building lot coverage approved with the 2002 planned development of the property.

The proposed site plan for the change to the two-building apartment project results in a significant allocation of green space for the  $\pm 4.5$ -acre property. The PD ordinance requires a minimum of 10% green space. The current proposal provides 37% green space. This is achieved partly by proposing the two buildings at three stories, each with a maximum height of 40'. By going up versus out, we can minimize impervious cover of the property and maximize green space. The building height was reviewed by the Planning Board with preliminary site plan review and the Planning Board approval allows for the proposed three stories and certain elements of the building to exceed 35' in height. The height variations not only allow for increase green space, but provide aesthetic features to the proposed buildings, which the Planning Board preferred for reasons documented in their correspondence and resolution.

The increase in green space allows for larger perimeter buffers beyond what was provided on the 2002 plan. By clustering the two buildings into the center of the site, the buffers provide ample area for landscape buffers to be planted, especially along the property's south and west property lines, adjoining the existing residential uses in Willow Pond. The design of these buffers was reviewed by the Town's landscape consultant and enhanced per their review.

The design of the buildings and layout of the site has been prepared to be complimentary to existing surrounding uses and compatible with its setting. The two buildings north-south orientation of the proposed layout is consistent in size and mass with the office building development at 45 Willow Pond Way. Placing the buildings in the center of the site on the north-south plane reduces the appearance of the



buildings from Willow Pond Way. The proposed building results in larger setbacks than the approved 2002 plan.

The proposal remains a residential use, which is consistent with the establishment of the overall Willow Pond PD in the 1980's. The proposal as a multi-residential use is consistent with the 2002 approved use as a multi-residential assisted living apartment facility. The proposed use will be compatible in noise, light, and activity with its surroundings given its residential use. It will not adversely affect current noise, light, or odor levels of the area, especially given the Willow Pond PD's proximity to the state highways, and the commercial development at Routes 441 and 250.

The proposed multi-residential use is compatible with the existing neighborhood, which is characterized by a mix of single-family, townhome, apartment, and senior care residential uses, all within the Willow Pond PD. The applicant requests this Permit to modify the proposed development of this last lot to meet current market demand and also meet the Town of Penfield's Comprehensive Plan goal to provide a mix of diversified housing within the Town. Placing market rate apartments in proximity to retail and commercial services is supported by the Comprehensive Plan and is good planning. This development also represents sustainable design as desired by the Comprehensive Plan by meeting the goal of infill development. The plan does not require an extension of infrastructure, nor result in extension of infrastructure, which could encourage further growth, and does not result in the loss of a Town identified open space resource or agricultural lands.

The request for this Special Use Permit is necessary to allow the owner to develop the property, as it is the only mechanism available to achieve the proposal per Section 250-5.4 of the Town Code for PD zoning. The Planning Board has completed a comprehensive review of the site plan and architectural design including plans, reports, and Town staff PRC review. The Planning Board has issued their preliminary site plan approval signaling their support for the proposal, and affirming the project as proposed meets the goals and standards of the Town of Penfield.

We request the Town Board to review this enclosed information and schedule the requisite public hearing for this Permit request. For your use, we have also prepared and provided a completed Part I of the Short Form EAF for this Unlisted Action pursuant to SEQRA. We request the Town Board to declare themselves lead agency to conduct the SEQRA process for this Special Use Permit application.

If you require any additional information concerning this application, please contact our office. Please notify us of the public hearing date once scheduled.

Sincerely,

**BME Associates**



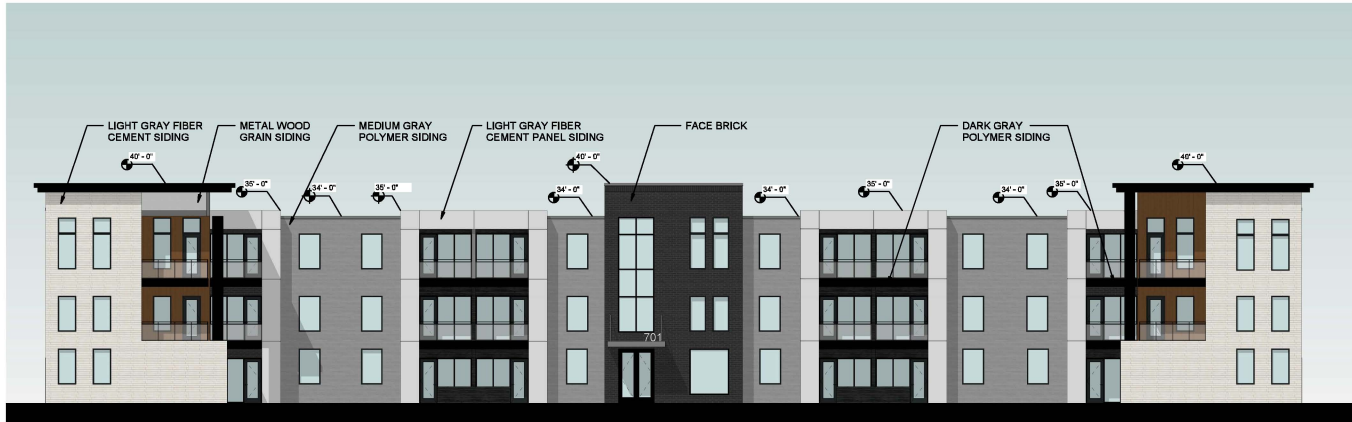
Peter G. Vars, P.E.

PGV:blr

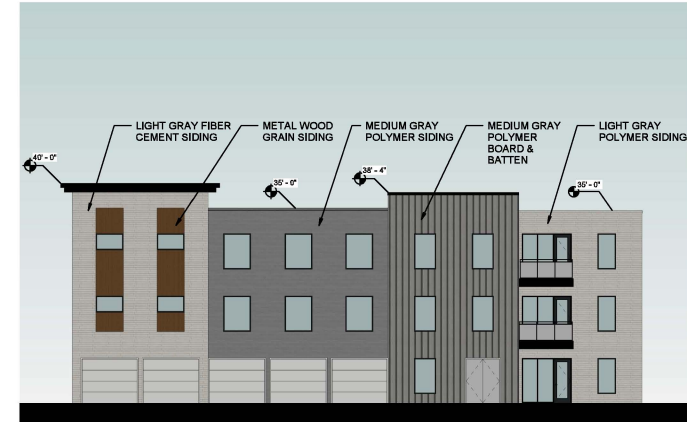
Encl.

c: C. DiMarzo; Willow Pond Ventures LLC  
C. Nadler; Willow Pond Ventures LLC

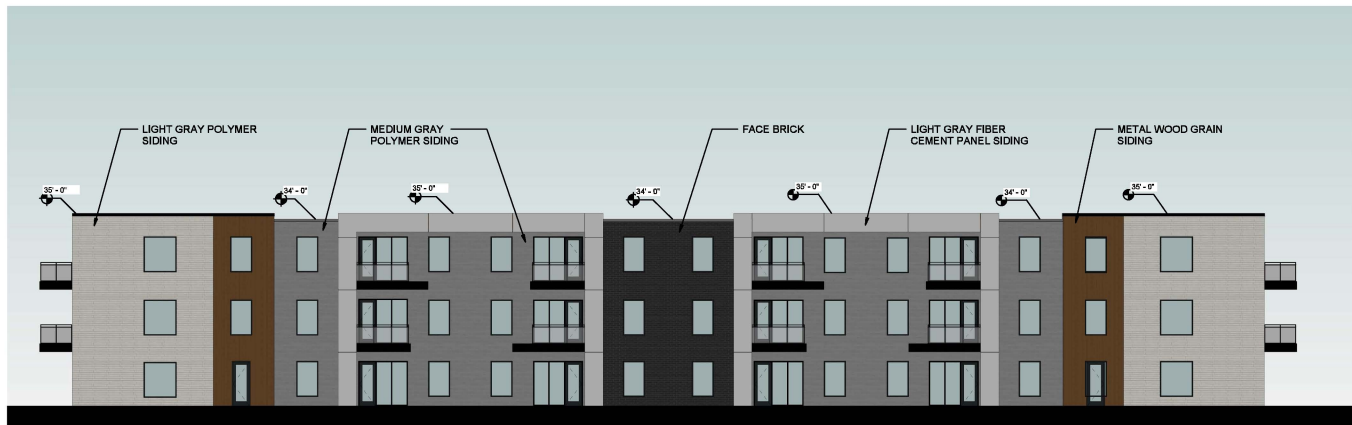




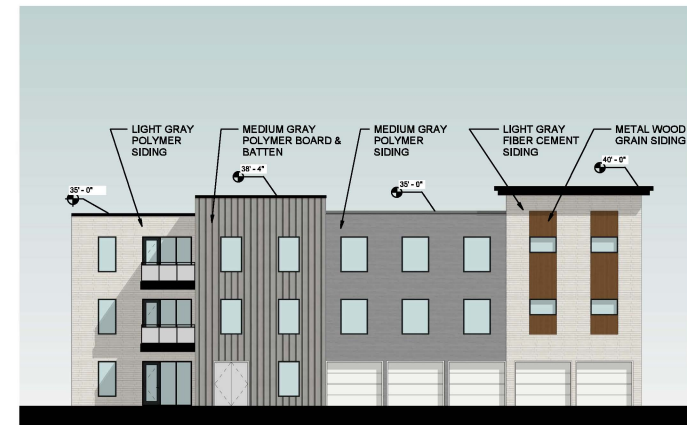
1 FRONT ELEVATION  
3/32" = 1'-0"



3 RIGHT ELEVATION  
3/32" = 1'-0"



2 BACK ELEVATION  
3/32" = 1'-0"



4 LEFT ELEVATION  
3/32" = 1'-0"

MATERIALS LEGEND	
	FIBER CEMENT PLANK SIDING - LIGHT GRAY
	POLYMER LAP SIDING - LIGHT GRAY
	POLYMER LAP SIDING - MEDIUM GRAY
	POLYMER LAP SIDING - DARK GRAY
	POLYMER BOARD & BATTEN - MEDIUM GRAY
	METAL WOOD GRAIN SIDING
	FACE BRICK - BLACK

EXTERIOR ELEVATIONS



