Town Board Work Session Agenda

March 26, 2014
7:00 PM

I. Call to Order

II. Approval of Minutes – February 26, 2014

III. Monthly Reports – February

IV. Public Hearing – None

V. Guests – 7:00 PM – Tom and Bridget Graves – Costello
   7:30 PM – Dr. Fallone – Costello

VI. ACTION ITEMS

   Law and Finance - None

   Public Works
   1. Review of Mowing Quotes for Parks – Williams

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. 1440 Jackson Road and 1271 Plank Road Properties – Costello
   2. 2152 Fairport Nine Mile Pt. Rd., Panera Bread - Costello

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS

   1. Special Improvement District/Pond Ownership – Benway
   2. Bayview Landing Subdivision - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session – Real Estate, Litigation and Human Resource Matters

XII. Adjournment
I. **Call to Order**

**Present:**
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Moore  
Councilman Quinn

**Also Present:**
Geoff Benway  
Jim Costello  
Lisa Grosser  
Rick Giesselman

**Absent:**
Supervisor LaFountain

II. **Approval of Minutes – 2/26/14**

CW Kohl moved for the approval of the Minutes of February 26, 2014, CM Quinn seconded the motion.

III. **Monthly Reports** – All reports for February have been submitted.

IV. **Public Hearing** – None

V. **Guests** – 7:00 PM – Tom and Bridget Graves

Jim Costello introduced Tom and Bridget Graves who reside at 2108 Penfield Road. The Graves’ property was rezoned from R-1-20 to BN-R in December of 2011. They have been unable to sell their property based on the zoning. They want to discuss their concerns with the Town Board and see if there is a possibility to rezone their property again. The project that drove the original rezoning was an application from Key Bank who was interested in purchasing two (2) residential properties along Penfield Road near Harris Whalen Park. Key Bank decided to look at other options and utilize an existing facility. A dentist has purchased 2100 Penfield Road and the application is before the Planning Board now. Also, an Eyesite office is proposed at 2140 Penfield Road. All of the parcels are zoned BN-R.

Bridget Graves asked that the Board consider rezoning her property to a hybrid BN-R/Commercial in an effort to increase the amount of prospective buyers for these properties. Her property was on the market for over a year and there was no interest. The asking price was never lowered, but she added, if there had been interest in the property she would have been willing to negotiate the asking price.
Councilwoman Metzler asked why was 2100 Penfield Road selected by the dentist; was it the price?

Costello said he was unsure, 2100 Penfield Road will be the last house to gain access to the proposed access road as development occurs.

Councilman Quinn asked if any comments had been received from other residents?

Costello said he had spoken with Mr. Griffin and the resident who proposed a pizza shop at the Public Hearing. The neighbors are interested in working with a different type of zoning.

Mrs. Graves stated she understands there are several factors to consider when determining zoning: traffic, safety, tax revenue, esthetics, and property value. This area is not appealing to potential buyers because there is existing vacant office space available throughout the Town. Applicants are not interested in going through the hoops the Town requires. If the zoning was broadened, it would deepen the well of potential buyers. Mrs. Graves added that there are some residents who are in dire straits, but we do not have to sell our home right now. We met with Supervisor LaFountain and understand that one (1) parcel alone cannot be rezoned.

Metzler advised the Graves that their property was rezoned based on the Petition received from the neighbors. The Board went through the rezoning process based on the request for a change to BN-R. The Board had a 3/2 vote in favor of rezoning. Metzler continued to say she sympathizes with the residents, but the Board must be careful not to set a precedent. Additional information would need to be presented to the Board including asking price of the property and length of time on the market. If this rezoning request is allowed for your property, the Board would have to allow it town wide. Metzler added that if the zoning was changed to retail or commercial, businesses that meet that zoning would have to be allowed whether we want those type of businesses or not.

Quinn said the Board reviewed the zoning at the time of the original request. If a hybrid type of zoning was developed we don’t know how long that process would have taken. The petition requested BN-R zoning, and the process was followed.

Councilwoman Kohl added that the Comprehensive Plan also stated that if there was a zoning change it would be to BN-R.

Costello said if these properties went to Limited Business the Board would have to review other BN-R zoned properties in the area. There was an applicant on Creek Street who was approved for rezoning, but a Conditional Use Permit with Town Board approval for specific use was also required.
Quinn asked if there have been any properties in the Town that were rezoned, and then changed zoning within five (5) years?

Costello said over 20 years ago, a property on Empire Boulevard was rezoned to Multi Residential and then changed back because the proposed operation didn’t move in.

Metzler clarified that spot zoning is illegal, a municipality cannot do that.

Costello added that BN-R was the existing zoning in the area, and we added parcels to it.

Mr. Graves asked “do we stand a chance here at all?”

Metzler said we would have to see all parcels on Penfield Road both to the east and west of Harris Whalen Park unanimously request rezoning. We would have more control if one developer came to us with a project that included all of the parcels.

Costello advised the Graves to speak with property owners east of Harris Whalen to see if they are interested in rezoning. Speak with realtors who are marketing these properties also. The existing parcels are small and going through the Planning Board process it has been difficult to meet setback and green space requirements.

Metzler suggested if all properties went with one (1) realtor you may be more successful.

Costello added that data also needs to be obtained verifying the property is difficult to market with the existing BN-R zoning.

Councilman Moore stated that he supported this original rezoning. He agreed that residential zoning in that area had expired. The residents must be actively marketing their properties.

Costello said the Graves need to do some homework and find out the selling price of 2100 Penfield Road. This would then give a better idea to the value of your property.

Metzler added that if you come back with a unanimous Petition to rezone all of the properties for one applicant; the Board could review the possibility of rezoning.

7:30 PM – Dr. Fallone
Jim Costello said he and Geoff Benway have been working on a redesign of a development plan for Dr. Fallone’s property and the adjacent properties. They wanted to improve the accessibility. The revised internal layout provides access for all properties. The buildings have been pulled forward to the west which yields additional parking behind the buildings. The easement to the Trau property is maintained. This layout is the best design for
adequate parking for all properties and incorporates required green space.

Benway added that all properties will be located at the crest of the hill, which is best for sight distances.

Costello stated that the other users for the three (3) potential buildings have not yet been identified. This design utilizes less square footage than the original design.

Councilman Quinn inquired as to what type of businesses will be going in the other buildings?

Dr. Fallone said the majority would be national chain restaurants.

Councilwoman Metzler asked if this has been reviewed by PRC?

Costello said PRC met today regarding this and feedback is positive based on the new layout. Benway can advise permitted parking versus required parking for this type of use.

Metzler asked if the NYS-DOT would have to weigh in on curb cuts?

Costello said yes, if there is improvement in the area, the NYS-DOT would have to weigh in.

The Board agreed they are okay with the concept and advised Dr. Fallone to submit a formal application if he would like to proceed.

VI. ACTION ITEMS

Law and Finance - None

Public Works

1. Review of Mowing Quotes for Parks - Williams

   Rick Giesselman submitted a summary of bids to the Board for its review for mowing weekly, bi-weekly and field mowing.

   The lowest bid was received from Rochester Lawn Care, Inc. for bi-weekly mowing at $1,290 per pass, based on 10 mows per season. Field Mowing is quoted at $1,250 per pass based on two (2) times per year. All land is Town owned, vacant land.

   The Board agreed and asked Giesselman to submit the Resolution to them for their review prior to the Friday deadline for the next Legislative Session on April 2, 2014.

Public Safety - None

Community Services - None
VII. INFORMATIONAL ITEMS

Law and Finance

1. 1440 Jackson Road and 1271 Plank Road Properties – Costello

Jim Costello reviewed that during our last discussion the Board requested the number of potential sewer units, some varying housing types and designs. There was also discussion regarding density and incentive.

John Caruso, Passero Associates, Tom Delaney, VP Rochester Region, Ryan Homes, Jake Harrington, General Manager of Land, Ryan Homes. John Caruso submitted a summary to the Board for its review. He then reviewed the discussion of Incentive Zoning Proposal that was presented to the Board on February 12, 2014. At that meeting the Board requested additional information regarding different designs and variety of styles that could be offered.

Tom Delaney explained Ryan Homes current standard offerings and that they have come up with some ideas to differentiate their offerings to consumers. They will expand their current siding color and trim options, elevation varieties and require a two (2) lot distance for the same home versus the currently required one (1) lot. They will include hydro seeding the lawns, binder coat for the driveway, a landscaping package. A fertilization program will be established and paid for by Ryan Homes for the first year. Products are being changed based on consumer demands. Additional offerings will be forthcoming over the next year. The elevation change/upgrade will be offered at half price to the consumer. Additional offerings include black shingles, roof gables, carriage style garage doors with windows, and white or almond windows. All homes would be certified Energy Star.

Councilman Quinn asked about rear elevations. There will be no mature vegetation and all designs are the same from the rear.

Delaney said they would work with the developer to maintain as many trees as possible.

Jake Harrington said there will be berms and landscaping to buffer the homes from the road. Ryan Homes was not involved in the upfront design of Windham Woods and this development would be different.

Councilman Moore said he is satisfied with the larger variety of designs Ryan Homes will offer.

Caruso went on to discuss “uncontrolled growth.” Benway provided a review of the potential service area for sanitary sewers. Caruso discussed four (4) points: zoning outside of the project area and the sewer service area which is not the actual district. The Town Board has the authority to approve or not allow growth based on zoning and the sanitary sewer district. The economics of a development make it unlikely that a builder is going to put
houses on one (1) or two (2) acres lots, because it is not cost effective. Lastly, the pump station has physical limitations. The entire area is not developable.

Quinn asked what the full build out would be?

Benway stated based on R-1-12 zoning, it would be 1,000 units.

Costello asked if this project requires all three (3) parcels for the full project.

Caruso said yes, but it is doable with less.

The Board discussed and said this will be an item for discussion at the next Work Session on April 9, 2014.

2. 2152 Fairport Nine Mile Point Road, Panera Bread – Costello

Jim Costello introduced Adam Fishel, Marathon Engineering on behalf of Panera Bread. The Public Hearing was held on March 19th, 2014. Costello and Benway met with Mr. Fishel regarding the Board’s concerns brought up at the Public Hearing. The proposed building has been moved slightly closer to NYS RTE 250, to gain additional parking.

Adam Fishel stated that Panera Bread requires nine (9) cars to be stacked at the drive thru window. This general layout could work, but Panera would still need to approve it. The cross access is where the menu board is required for operational purposes. This may need to be modified to have room for the dumpster.

Costello said there is going to be a grade change and Benway and he discussed adding a retaining wall. This would shield the area for truck deliveries.

Fishel said that would increase the visibility of the dumpster.

Councilman Quinn sees the drive thru as problematic. Where will you place signage? Customers may use the drive thru as a cut through for the other businesses.

Geoff Benway said the two (2) bail out areas are included in the proposed drive thru area. If people decide they don’t want to wait in line this gives them an option to pull out of line.

Quinn is concerned that cars could be waiting in the drive lane at all times.

Benway said we were trying to provide a bail out and interconnection for additional parking. Additional structures would require additional parking. This design includes shared parking for all properties.
Fishel stated he is concerned with some of the changes. The bail outs were added in lieu of a bypass. The menu board needs to be located at a specific location in the drive thru lane to be operational. The relocation of the dumpster may be inconvenient for Panera Bread employees.

Metzler said the redesign including the bail outs and the drive thru ability rank a higher priority than the amount of parking spaces.

Costello said we could also look at having a shared dumpster. We don’t want to lose shared parking or the bail outs for the drive thru.

Quinn stated he is concerned about traffic cutting through the drive thru lane going to a neighboring site.

Councilwoman Metzler asked if this redesign meets the Town’s parking requirements?

Costello said 58 spaces are required for Panera Bread. They also must provide shared parking for the other businesses in the area. There is a flow through issue and we want to make sure there is enough parking for all facilities in the area.

Benway said the original design required a cross over, this redesign improves flow to all other uses in the area.

Fishel asked for clarification: the initial plan for the turnaround required cross access for the LUAMP. The parking is consistent with the requirements also. If there is a change from the original plan it needs to be approved by Panera Bread.

Costello said the parking on the original plan is remote and not safe for restaurant patrons.

Fishel asked if the Board had any concerns regarding the building façade?

The Board responded no, but they are waiting for a sign package.

Metzler asked if noise from the drive thru had been addressed.

Fishel said there is volume control on the speakers for the drive thru. The speakers are not pointed towards the residential properties. The speakers will also be screened by future development.

Councilwoman Kohl asked about the hours of operation.

Fishel said he would review the hours of operation with Panera Bread and report back to the Board.
Costello stated there is also a concern regarding deliveries. We are not sure when deliveries can occur that will not impact the neighbors. The restaurant opens at 6:00 AM and deliveries would have to occur prior to opening. Costello added that funds will be held in a Letter of Credit for landscaping that will fill in the gaps for the neighbors, this will be financed by all businesses in the development.

Fishel asked about site lighting, we have received information from Jeremiah’s Restaurant. We will do our best to match their lighting.

Costello said he will email site lighting information to the Board.

Fishel said the outdoor music would be piped music from the cafe and the speakers will face NYS RTE 250.

Councilwoman Kohl stated that this application would have to be reviewed the same as Jeremiah’s Restaurant.

Costello said, Benway and I will meet with Mr. Fishel regarding the revised Site Plan and discuss this at the next Work Session on April 9, 2014.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership - Benway
2. Bayview Landing Subdivision - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - None

XII. Adjournment - Deputy Supervisor Metzler adjourned the Work Session at 9:04 PM.

Lisa Grosser, Deputy Town Clerk