Town Board Work Session Agenda
May 14, 2014
7:00 PM

I. Call to Order

II. Approval of Minutes – April 30, 2014

III. Monthly Reports - April

IV. Public Hearing – None

V. Guests – 7:00 PM
   - Aimee Albano – Conditional Use Permit for Esthetics Practice at 2091 Five Mile Line Road
   - Jake Harrington – 1440 Jackson Road and 1271 Plank Road

VI. ACTION ITEMS

   Law and Finance
   1. Baytowne Expansion Project Update – Valentine

   Public Works
   1. Sidewalk Waiver- 67 Bella Dr. – Valentine
   2. 222 Parkview Drive Purchase Agreement – LaFountain/DiFrancesco

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Conditional Use Permit for Consignment Shop at 1865 Penfield Road - 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:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 4/30/14
CW Metzler moved for the approval of the Minutes of April 30, 2014, CW Kohl seconded the motion.

III. Monthly Reports – All reports for April have been submitted.

IV. Public Hearing – None

V. Guests – 7:00 PM
- Aimee Albano – Conditional Use Permit for Esthetics Practice at 2091 Five Mile Line Road.
  Jim Costello introduced Aimee Albano who is interested in opening an esthetics practice on the second floor of the existing BA Snips business owned by Barb Lombardo. She will be replacing an esthetics business that was recently vacated.

Aimee Albano explained that she has been in the esthetics business for 15 years and will offer esthetics, chemical peels and make up. She previously worked at Elizabeth Arden Red Door in Connecticut for 12 years; and prior to that in Boston, MA. She has obtained her NYS esthetics license. She will open as the sole employee and hopes to add one (1) to two (2) employees in the future. Length of appointments are 75 minutes for facials, waxing 15 minutes to 1 ½ hours and chemical peels are just under 1 hour. Albano is still working on the logo and will submit the sign design for approval shortly. This sign will be placed on the existing directory sign outside of the building. There are 16 shared parking spots and employees will park across the street in the public parking area near the firehouse. Hours of operation will be Tuesday through Saturday 9:00 AM to 8:00 PM, and Albano hopes to serve seven (7) to eight (8) clients per day. Once a client base is established, she may reduce hours in the future.
Costello stated that the Fire Marshal has reviewed the property and there are no violations.

The Board discussed and agreed to approve through the streamline process. Supervisor LaFountain asked Costello to prepare a letter for the Board to review. The letter will include the conditions of approval, and will be sent to Albano in the next few days. LaFountain asked Albano when she intends to open.

Albano said she takes the space June 1st and target open date is June 15th.

- Jake Harrington – 1440 Jackson Road and 1271 Plank Road
Supervisor LaFountain introduced Jake Harrington, General Manager of Land for Ryan Homes.

Jake Harrington reviewed the project for 1440 Jackson Road and 1271 Plank Road that had been discussed at previous Work Sessions. He stated that the housing market has not gone up, but the expenses to build have increased. He reviewed the calculation of costs used to arrive at the requested 207 lots for the project. Harrington added that he would expect to build 20 to 22 homes per year and it would take up to ten years to complete. Harrington continued to explain that the investment is a risk as the developer would have to spend $2.1 million to start the project. When Ryan Homes takes on a project, they see it to completion; no empty lots remain. This project meets all of the criteria for a good development.

Supervisor LaFountain explained that the Board is aware of the costs of new development. This project needs to be discussed further before more money is spent. Density is a factor the Board is concerned about. The infrastructure component, including the pump station and sewers, which would connect to Shoecraft Road opens up a larger area for sewer access. The capacity needs to be discussed and how that capacity is parceled off to be fair to all who are interested in connecting. LaFountain continued to say there is also a traffic component that needs to be reviewed. The parcel is currently zoned for 62 lots and Ryan Homes has presented 207 lots. Further discussion regarding density is warranted before approval can be given.

Harrington stated that the largest expense is $600,000 for the off sites. The number of lots requested is the number required to cover the cost of the sewer expenses. Harrington suggested the Town consider bonding the expense and creating a sewer district. Ryan Homes would then pay a tap fee and residents are charged usage fees. This could be a profit center for the Town. Without the $600,000 expense, the density of this developments is another discussion.

Councilman Quinn said to build the homes, a pump station is needed. The pump station is not required if the homes are not built.
Harrington stated if a pump station was built to only serve this
development it would be less. Harrington added that the pump
station and force main are benefits to the Town. Without the
cost of the pump station this development could reduce its costs
significantly.

Jim Costello stated that development is not necessarily a benefit
to the Town. The incentive zoning program was set up to offset
excessive facility charges.

Councilwoman Metzler added that the intent for the incentive
zoning is clouded. The sewer is necessary for the development,
but it is not an amenity to the Town.

Costello suggested reducing the size of the lots; this would
leave area for open green space.

Harrington said the cost is based on the width of the lot,
reducing lot size would not reduce overall costs.

Metzler asked if both parcels are needed for this development.

Harrington said yes.

Costello added that if one (1) owner backed out, the project
would not be able to move forward.

Harrington agreed.

Councilman Moore said that 207 lots is too many for this area
now. The project is too big for this part of town.

Harrington said the size of this project is the same as having
several smaller projects going at once. It will take ten years
to complete this development. 90 lots must be sold before the
developer sees a profit. It comes down to risk versus reward, it
will be at least four (4) years before the developer sees a
profit.

Supervisor LaFountain stated Harrington said he worked with
Rubino for seven (7) years and had also spoken with Barry
regarding his property. Different owners have different needs
and wants. He asked Harrington if these are the only two (2)
property owners he has spoken with in the Town?

Harrington said he has spoken with everyone, some people are
willing to talk and others are not.

Councilman Quinn said 207 lots is too intense. He is not sure
what the correct number is. Incentive Zoning is better used in a
smaller, more localized area that does not need to be rezoned.
Approving this development could open up 20 to 40 additional
incentive zoning applications. This project doesn’t warrant
incentive zoning as it is only serving the developer. In reviewing the Comprehensive Plan this area, north and south of Plank Road near Jackson Road, is not targeted for higher density. The mixed use area near the Atlantic Ave./NYS RTE 250 corridor is the next hot bed to develop.

Councilwoman Kohl stated that incentive zoning is used to fulfil gaps/needs that already exist. This project is creating something that isn’t needed. This incentive is creating an issue instead of satisfying an existing need.

Metzler added just because the sewer pump station is deemed a benefit, it doesn’t mean the detriments don’t outweigh the benefit. Development in that area hasn’t been targeted and could be detrimental.

Costello added if we had an existing need for sewers in that area due to septic failure, there would be a better argument to utilize incentive zoning to extend the sewers to meet a need.

LaFountain asked Harrington if the sewers from the property can flow to the south?

Harrington said yes, he could tie into Jackson Road or Webster, but a pump station would still be required. He added that there is going to be very little building in the next five (5) years and the housing market may shift out of Penfield.

LaFountain stated that the Board will review the additional information presented tonight. We need to see how this fits into the overall picture of the entire Town.

Harrington said he is willing to come back to future meetings to discuss this further.

VI. ACTION ITEMS

Law and Finance

1. Baytowne Expansion Project – Valentine

Mark Valentine reviewed that this was a 2012 rezoning and the applicant is currently working through the conditions of approval with the Planning Board. Valentine stated most elements are in place. There are two (2) points that need to be brought to the Board’s attention. First, a connection to Sovran Drive is required. There was a rezoning in 1994, Planning Board approval was given in 1998 and an easement was obtained in 2001. The owner of Uncle Bob’s storage is challenging the easement. They do not believe the easement can be expanded. We have met with property owners on Sovran Drive and are working to make the connection. DiMarco has addressed concerns including realigning the road, a table top raised area to be added for pedestrian crossing, and shared costs for plowing and maintenance. Uncle Bob’s is not in compliance with the conditions of the 2005 Resolution. Sidewalks have not been installed and the property
needs to be paved to the property line. The Planning Board attorney is working with them and a Conditional Use Permit has not been obtained by Uncle Bob’s.

Jim Costello said the original 2005 Resolution was to Walt Decker and stays with the property, not the business owner.

Valentine continued to say the fencing on the top of the berm was approved for a concrete material. DiMarco wanted to change to vinyl, but has decided to go with the original plan for concrete.

Valentine said the second item is to transfer the ownership of Brandt Point Drive. The applicant is trying to comply. Staff thinks it is better for Brandt Point to be owned by DiMarco, but businesses such as Canandaigua National and others on Brandt Point were not receptive to the idea. The right-of-way would need to be abandoned and it could remain with a private owner. The attorney and the Planning Board are still working on this.

Public Works
I. Sidewalk Waiver - 67 Bella Drive - Valentine
Mark Valentine stated as a condition of Planning Board approval, the applicant is requesting a waiver from the sidewalk policy. PRC and the Planning Board support allowing the waiver. There are no sidewalks in the area and nothing to tie into. Valentine submitted a letter from the applicant to the Board requesting the $500 fee also be waived due to a previous cul-de-sac modification. The Town added pavement for plows and busses to turn around without obtaining an easement. The Planning Board would like to revise this and obtain the easement.

Valentine continued to say the Planning Board requires the easement for the road to be in the right-of-way. Valentine added with the existing pavement, there is only a 13 foot area that could have sidewalk.

Councilman Moore asked if the waiver should be pro-rated for a 13 foot sidewalk.

Supervisor LaFountain added that the Town did the extra paving and we now need the easement. He suggests waiving the fee providing all easements are granted to the Town.

Councilwoman Kohl asked if additional property owners are involved in obtaining the easements?

Valentine said no Jim and his wife Nancy own the property where the easements are required.

The Board discussed and agreed to waive the sidewalk fee at no charge to the property owner, providing all easements are granted to the Town.
Valentine asked who will be responsible for the easement filing fees?

LaFountain stated that easement filing fees are the responsibility of the property owners.

2. 222 Parkview Drive Purchase Agreement – LaFountain/DiFrancesco

Supervisor LaFountain stated that there is a small foreclosed parcel owned by the County. LaFountain stated that he and Mark DiFrancesco met with Tim Murphy, Monroe County Real Estate and was advised the Town could acquire the parcel for the cost of the back taxes, which is $227.00. This parcel could then be used for the pump station.

The Board discussed and agreed to authorize the purchase of the parcel.

LaFountain stated that this would go before the County Legislature in June. A Resolution will be submitted at the next Town Board Legislative Session on May 21, 2014.

LaFountain added that there is one (1) additional parcel that an easement is needed from the Pecora Estate that Town Attorney, Dick Horwitz is still working on.

Public Works – None

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Conditional Use Permit for Consignment Shop at 1865 Penfield Road – Costello

Jim Costello said an applicant is interested in opening up a consignment shop in the prior chocolate shop. This is a different type of use and must be approved through a Resolution.

The Board discussed and agreed. A Resolution will be submitted at the next Legislative Session on May 21, 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** - Supervisor LaFountain adjourned the Work Session at 8:24 PM.

Lisa Grosser, Deputy Town Clerk