Town Board Work Session Agenda
July 9, 2014
7:00 PM

I. Call to Order

II. Approval of Minutes – June 25, 2014

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – 7:00 PM – Jess Sudol – Southpoint Cove Site Plan Modifications - Costello

VI. ACTION ITEMS

   Law and Finance
   1. 2146 and 2152 Fairport Nine Mile Point Road, Fallone Proposal - Costello
   2. 1740 Penfield Road Garage Addition- Costello
   3. DEIS Southpoint Marina Expansion - Costello

   Public Works
   1. 1015 Penfield Road – Fill and Grade – Benway

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Panera Bread, 2152 Fairport Nine Mile Point Road – East Elevation Modification – Costello
   2. 2152 Fairport Nine Mile Point Road – Proposed Office Building - 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
Town Board Work Session Minutes
July 9, 2014
7:00 PM

I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser

II. Approval of Minutes – 6/25/14
CM Quinn moved for the approval of the Minutes of June 25, 2014, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – 7:00 PM – Jess Sudol – Southpoint Cove Site Plan

Jim Costello introduced Jess Sudol from Passero Associates who has previously discussed the possibility of reducing the number of buildings and units for the Southpoint Cove project.

Jess Sudol introduced Jerry Goldman, attorney from Woods, Oviatt, Gilman. Sudol reviewed that there have been minor changes to the approved site plan. The subdivision line between 1420 and 1384 Empire Boulevard has been modified. The Daniele family are no longer a part of this project and the line was changed in an effort to reduce costs. It was decided to reduce the project from 10 buildings to 9, and all building styles will be the same. The result is a reduction in units from 358 to 339, and a reduction in bedrooms from 750 to 650. With approximately 100 less people there will be less storm water and waste water. The building near the ROW is being moved so it is now greater than 60 feet from the ROW. Building ten, which sits on a peninsula, cannot be constructed during the eagles nesting season and must be constructed between October 1 to February 1. This building was not in the original financing package for the project. The builder is requesting to have a separate lot created for this building for financial purposes and to keep it separate from the rest of the project. It has also been decided to make this building high-end condo units for purchase.
Supervisor LaFountain asked what is the reduction in units for building ten; and what other changes will there be?

Sudol said the units will be reduced from 37 to 24. The units will be larger and have more amenities, including a pool.

Councilman Quinn asked if there will be any access changes.

Sudol said no, there will be access easements to go through the apartment units to get to the condo units.

Councilwoman Metzler asked if the exterior of building ten will be different?

Sudol said it may be gated.

Metzler asked if there would be any changes to public access?

Sudol said no.

Costello said a cross access easement will have to be signed for access out to Empire Boulevard.

Metzler asked if building ten would have a separate Homeowner’s Association?

Sudol said yes.

LaFountain asked what the cost range for the condos would be?

Sudol said $400,000 and above.

Costello said the DEIS for the marina required the modification of this project be addressed in the EIS and that has been done. More specific details on the pool and patio area will be required.

Councilman Moore asked when construction on building ten would begin?

Sudol said October 2015.

LaFountain asked Sudol to review the sequence of construction for the project.

Sudol stated that the tentative plan is as follows: the first building is under construction, we will then move to the building across the street. Before the third building is started, we will establish the loop which will create safe access to the entire site. The 4th building will then be started and construction will continue with the buildings closer to the Brownfield area.

Moore asked if the nautical theme will be included for building ten?
Sudol said yes, but it will have enhancements like slightly more stone.

Costello asked if there will be a berm to buffer the parking lot from the modified building ten?

Sudol said the parking lot is 6 to 8 feet below Empire Boulevard, but he will add a berm and there are trees to buffer.

Councilman Quinn asked if the public access will change at all with the possibility of the gate going in near building ten?

Sudol said no, the public access didn’t go near that building because of the eagle.

Costello asked Sudol to discuss the road improvements to Empire Blvd.

Sudol said they have received approval from NYS DOT and will be obtaining the permit. The road construction will start August 1 and continue through September with completion by mid-October. Everything will be installed and operational by late spring, as the first apartments could be occupied.

LaFountain asked for a rough time line of completion.

Sudol said the construction is on a three (3) month leg. The masons and framers take three (3) months to get their portions completed. The construction of the first eight (8) buildings should be finished within two (2) years and the last building to be constructed October 2015.

LaFountain reviewed Sudol is here to make the Board aware of the change. The infrastructure will remain the same and there is less overall impact. The 10th building will be a separate lot for financial purposes.

Jerry Goldman reviewed that previously the Board allowed the lot line adjustment and the reduction from 10 buildings to 9. Building ten needs to be subdivided to proceed financially and he requests a similar procedure from the Board.

Costello said to move forward we would need to see changes in grading and the pool location. These would need to come back to the Board for review. Costello also asked Sudol to include any landscaping changes.

LaFountain stated all infrastructure is the same; storm, sanitary, gas and water. The only difference would be the lateral connection for building ten, is that correct?

Sudol said yes.
Costello reviewed the reduction in units and bedrooms again.

Supervisor LaFountain clarified that he has a letter from Sudol stating the reduction in bedrooms is from 722 to 623.

Benway added there is less impact to drainage and traffic overall because of the reduction.

LaFountain asked for a color rendering of building ten to review the similarity and upscale amenities.

Councilwoman Metzler asked that Sudol also include the pool, structure and surrounding areas.

The Board discussed and agreed to allow the split of the property to allow the applicant to proceed with financing for building ten.

VI. ACTION ITEMS

Law and Finance
1. 2146 and 2152 Fairport Nine Mile Point Road, Fallone Proposal – Costello
Supervisor LaFountain reviewed that we had the Informal Discussion at the last Town Board meeting on July 2, 2014.

Jim Costello reviewed that the applicant attended the Informal Discussion, as part of the process for the Incentive Zoning. Costello recommends the Board move forward and set a Public Hearing to receive public comment. He would like to schedule the Public Hearing on August 6, 2014.

Councilwoman Kohl stated that the main concern is buffering. We would need more clarification on buffering before the Public Hearing.

Costello said he has met with the resident that expressed concern and the applicant has agreed to work with the homeowners in the area.

LaFountain stated that we want to make sure there is consistency with the landscaping throughout the entire property area, even though there are different property owners.

Councilwoman Metzler asked if the notification was expanded.

Costello said yes, the same area was notified for all Public Hearings.

Metzler asked if it is possible to obtain a list of residents that were notified prior to the Public Hearing.

Costello said yes, we maintain a list of those who are notified.
LaFountain said Mr. Shields mentioned during the Informal Discussion that he would obtain a cross access easement, the detention pond would be wet for storm only and lighting would be dark sky compliant. The Board also needs to have a discussion regarding LUAMP and Incentive Zoning.

Costello said the Incentive Zoning would apply only for the area to the street.

The Board discussed and agreed.

LaFountain instructed Costello to prepare a Resolution calling for a Public Hearing on August 6, for the next Legislative Session on July 16, 2014.

2. 1740 Penfield Road Garage Addition – Costello
Jim Costello reviewed that no comments were received at the Public Hearing on July 2, 2014. The closest neighbor had no concerns. The variance request is 11.6 feet and the applicant will be using the addition for storage.

Supervisor LaFountain added that the shed must be removed, including the foundation. There must be no commercial use, the addition is for personal storage of cars and boats.

The Board discussed and agreed to allow the addition. Supervisor LaFountain asked Costello to prepare a Resolution for the Board to review prior to the Legislative Meeting on July 16, 2014.

3. DEIS Southpoint Marina Expansion – Costello
Jim Costello stated that he has received feedback from the Board. The next step would be to open it up for public comment.

Councilwoman Metzler said she is supportive of moving forward. The Conservation Board also received an electronic copy of the document to review.

Supervisor LaFountain said the clubhouse building was originally approved for 2,700 sq. ft. The current plan shows the clubhouse to be 3,750 sq. ft. This will need to be addressed as we move forward. A Public Hearing should be held regarding the increased clubhouse size.

Costello said he spoke with Town Attorney Horwitz and he agreed a Public Hearing should be held. The DEIS does discuss that there will be a size increase and we should hold another Public Hearing.

The Board agreed and Supervisor LaFountain instructed Costello to prepare a Resolution for the next Legislative Session on July 16, 2014.

Metzler asked Costello to keep the Conservation Board in the loop.
Costello said he will meet with them and review the details.

Public Works
l. 1015 Penfield Road – Fill and Grade – Benway
Geoff Benway introduced Larry Bell who is the owner of the property. He is interested in doing some drainage work, and submitted photos to the Board for its review. The excavation is for over 5,000 sq. ft. and approval from the Town Board is required.

Larry Bell reviewed that he purchased the property last July and removed 12 trees near the home. There is a crack in the foundation which was caused by the grade being pitched toward the house. There has been mud and water in the basement. He would like to remove most of the trees and re-grade away from the house.

LaFountain stated that the intent of the re-grading is to create positive drainage around the building. If there is structural damage to the building, how will you resolve that?

Bell said he is receiving estimates to dig out around the foundation and shore the house on the back wall; he would be adding new foundation on the north wall.

Benway added that there is standing water on the property, it does not drain well.

LaFountain asked Bell what he will be doing with cuts and fill; what will it look like to the neighbors.

Bell said he will not be doing anything massive, only plus or minus two (2) feet. He will primarily use the existing earth and has ordered three (3) loads of top soil to dress up the area.

Councilman Moore asked if there would be any impacts to the neighbor’s drainage?

Benway said no, if we follow the original grading plan, the property will drain towards Penfield Road.

Bell said the drainage is backwards from what was originally approved when the house was built in 1982.

Moore asked Bell if he had spoken to his neighbors?

Bell said he has spoken with some of the neighbors.

Moore stated he wants to make sure no water is diverted to the neighboring properties.

Councilwoman Metzler asked if there were any changes to the area, since the map is dated 1982?
Benway stated none.

Moore asked if Bell will be adding grass or plantings?

Bell said he intends to add 30 blue spruce around the border of the property.

LaFountain asked what is the total area being disturbed?

Bell said one (1) acre.

LaFountain asked if proper siltation measures are in place?

Benway said Bell will utilize check dams.

LaFountain asked that everything be consistent with the Ordinance. Make sure material doesn’t leave the site or impact the neighbors, and bring the site back to the 1982 approval.

Benway said the permit fee will be $250.00.

LaFountain added that structural work would need to be inspected by the Building Department.

Bell asked when he might be able to proceed.

LaFountain stated that if the Board approves the request, it will take a few days for Benway to prepare the permit. The foundation portion will have to go through the Building Department.

Benway said he will have the paperwork completed and asked Bell to stop by tomorrow.

LaFountain asked Benway to give Bell a copy of Article V and asked that Bell submit a landscaping plan.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance

1. Panera Bread, 2152 Fairport Nine Mile Point Road - East Elevation Modification - Costello

Jim Costello stated that the applicant is requesting an architectural modification and Bruce Zaretsky is reviewing the landscaping. Costello said it was suggested to add awnings on the back side of the property because there are no windows. This was not approved and a trellis has been suggested, and plantings will be recommended including vines for the trellis.

Councilwoman Metzler asked what is the size of the trellis?
Costello said it is 12 panels and quite large. Panera is supportive of the change.

Supervisor LaFountain said this change makes the building more attractive and adds character.

Councilman Moore stated that it is an improvement from the previous design.

LaFountain asked that Zaretsky be added to the sign off process.

The Board discussed and agreed to allow the modification.

2. 2152 Fairport Nine Mile Point Road - Proposed Office Building - Costello
Jim Costello stated we have been discussing the proposed office building over the last several weeks. The proposal has been submitted for a 9,000 sq. ft. office building. A copy of the plan was submitted to the Board for its review.

Costello then reviewed the reduction in retail/office space from the original 2006 approved plan for 54,820 sq. ft. The revised plan is now 23,388 sq. ft. less than what was originally approved. The 75 foot setback will be maintained. There is a swale running through the property and there will be landscaping and a berm. This building will actually buffer the residential neighbors from the sound and light from Jeremiah’s Restaurant.

Eric Shaaf, Marathon Engineering reviewed that the property is zoned modified BN-R. They are proposing a professional office building which may have a medical services provider, realtor, CPA or engineering office. It will be a low impact use.

Costello stated there will be extensive landscaping to buffer the neighbors.

Councilman Quinn asked how many parking spaces there will be?

Shaaf introduced Dave Moon, who is new to Marathon Engineering and will be working on this project. Shaaf reviewed that the parcel is 1.4 acres and no subdivision is required. This is the remaining portion after Panera Bread completes their project. The building will be 9,100 sq. ft., BN-R zoning with modifications and have 48 parking spaces. There will also be cross access and shared parking agreements.

Costello reviewed that the parking requirements for an office building are calculated at 80% of the square footage of the building. Required parking for this building would be 45 spaces.

Shaaf continued to say the building will have a residential character and is being designed by HBT Architects. There will be three (3) tenants and a realtor has already expressed interest in
the building. Shaaf would like to have additional materials for the Board to review by August and would like to schedule the Public Hearing mid-September.

Councilman Moore asked Shaaf to encourage the architect to design the building to flow with the neighborhood of East Penfield. He suggested they also review the design of Jeremiah’s Restaurant. He doesn’t want to see a cookie cutter office building design.

Costello suggested the security lights on the building be designed facing downwards and be unobtrusive as to not create glare in the parking lot. He asked Shaaf to be sure the glare is shielded for the neighbors to the east.

Shaaf added that the access drive will continue as the north/south road from Doodlebugs and Panera Bread’s drive-thru lane. This access road will remain for future connection to other properties. The landscaping on the proposal is conceptual only. Both Jeremiah’s and Panera Bread will do their share of landscaping.

Costello said that we will work with the applicant and the landscape architect. He also asked Shaaf to be sure that the HVAC system is not visible to the east and the dumpster should be enclosed.

Supervisor LaFountain suggested the location of the dumpster be moved from the east to the north end, which is further away from the neighbors. The dumpster should be in a location with the least impact. He also reminded Shaaf that the design of the back of the building is just as important as the design of the front of the building.

Shaaf stated that the east and west façade will need treatment from the sun, and this will add to the architectural character of the neighborhood.

Costello suggested he review Doodlebug’s landscaping, as the requirements will be similar.

Councilwoman Metzler added that the landscaping buffer should be year round.

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 8:28 PM.

Lisa Grosser, Deputy Town Clerk