Town Board Work Session Agenda
August 13, 2014
7:00 PM

I. Call to Order

II. Approval of Minutes – July 23, 2014

III. Monthly Reports -July

IV. Public Hearing – None

V. Guests 7:00 p.m. – Steve Small, Northeast Joint Fire District - progress of the North Station Project
   Gary Smith – Discussion to consider RV Park at 1234 Northrup Road & 1271 Plank Road

VI. ACTION ITEMS

Law and Finance
1. Mark’s Pizzeria Site Plan Review – Costello
2. 2146-2152 Incentive Zoning Site Plan Review – Costello
3. Review of Panera Bread Sign Package – Costello
4. Transfer of operatorship of Gold & Coin Exchange – 1833 Penfield Road – Costello

Public Works
1. Request for fence encroachment in drainage easement – 48 Seton Court - Benway
2. 1469 Jackson Road, Land Dedication – Valentine
3. Special Improvement District/Pond Ownership – Benway/Costello/Valentine

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. DHD Ventures – 9,120 sq. ft. office building at 2152 Fairport Nine Mile Point Road- Costello

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Bayview Landing Subdivision - Costello
2. Five Mile Line Café – Signage/Music – Costello
3. 1469 Jackson Road Land Dedication - Valentine

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:
Geoff Benway
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes - 7/23/14
CM Quinn moved for the approval of the Minutes of July 23, 2014, CW Metzler seconded the motion.

III. Monthly Reports - Most of the reports for July have been received, the balance are expected by the end of the week.

IV. Public Hearing - None

V. Guests 7:00 PM Steve Small, Northeast Joint Fire District - Progress of North Station Project

Steve Small, Executive Director of the NEJFD and Bill Southwell, Fire Commissioner reviewed that they had come before the Board two (2) years ago with a proposal for a North Station. This proposal was rejected in 2012. A summary of a new, smaller plan was submitted to the Board for its review. The Webster Fire District serves approximately 1/3 of the Town of Penfield.

Small reviewed the submitted proposal explaining that the original study was done in 2005 showed there is a need for an additional fire station. In 2007 the study was reaffirmed and the proposed location was confirmed to be a good location. It is difficult to get the volunteers to the existing station and then out to a fire call. The original plan has been revised since 2012, and many amenities have been removed. The building size has been reduced from 14,000 sq. ft. to 7,000 sq. ft. The staff is 100% volunteer; there is no paid staff. This would be a minimal facility. The current headquarters are located on South Avenue in Webster, with an additional facility on the corner of Plank Road and State Road. No additional equipment will be purchased. A bid process was followed for architecture, engineering and construction and lowest bidders were awarded. The facility will be located at 600 Phillips Road, just north of
Xerox. Total project cost will be $2,886,192. $390,000 will come from Capital Reserves and $2,496,192 will be a 30 year bond. The new station will be built and operate with no tax increase to Penfield residents, the rate will remain the same at $.81/$1,000 of assessed value.

Small stated that the Public Information Meeting will be held on September 9, 2014 at 7:00 PM at the Schlegel Road Elementary School, 1548 Schlegel Road. The bond vote will be held on September 30, 2014 from 3:00 PM to 9:00 PM at The Webster Presbyterian Church, located at 550 Webster Road. If approved, construction will begin June 2015 and they expect to move in by December 2015.

Supervisor LaFountain said the Board will review the proposal and contact Small with any questions. The proposal will also be put on the Town’s website.

Councilwoman Metzler asked how residents can verify if they are in the district?

Small said the district is located north of Atlantic Avenue and east of Jackson Road. Residents can contact Small at 872-9526 to verify if they are in the district.

LaFountain directed Mark Valentine to add the Fire District map to our website for residents to review.

Small added that after the Public Information meeting a narrated slide show will be on www.nejfd.org website for residents to review.

Gary Smith, Discussion to Consider RV Park at 1234 Northrup Road and 1271 Plank Road

Jim Costello reviewed that this area had recently come before the Board as a 208 lot proposed subdivision. Gary Smith is interested in proposing an RV Park in his portion of the proposed subdivision.

Gary Smith stated he is interested in opening up a RV Recreational Resort. The nearest one is in Webster Park, has only 38 spots and is outdated. He has been speaking with the President of the New York State Campground Association. He feels the area would support a park. He currently owns 80 acres, and it is secluded land which is very private. He is looking to preserve green space and add annual income.

Smith then reviewed his site plan which includes amenities such as a pool, playground, ponds and a volleyball court. The area is set back and would not be visible from the road. He has planted over 100 trees to increase the privacy. He went door to door and spoke with neighbors on Northrup Road, Jackson Road, Plank Road, Allen Road and Fairport Nine Mile Point Road. He showed
residents both proposals, the RV Park and the 208 lot subdivision and 68 support the RV Park, 2 support the housing subdivision, 2 don’t want any development, and 4 are unsure.

Councilman Quinn asked what the maximum capacity would be?

Smith said 100 sites, plus some seasonal cottages.

Councilwoman Kohl asked how long is the camping season?

Smith said early May to October or November.

Councilwoman Metzler confirmed the RV Park would then be closed Mid-November through April.

Quinn asked what utilities would be needed.

Smith said water, sewer, electric and cable.

Kohl asked if there would be security?

Smith said he lives behind the proposed area and would be present during working hours. He stated RV Parks do not have security at night.

Metzler asked about current zoning.

Costello said the property is currently zoned RA-2 and he has been researching RV zoning districts in the state and has not yet found one. The Town of Farmington is currently reviewing a proposal for an RV Park and he will follow up with them regarding zoning. Most RV Parks are located in areas zoned for Mobile Home Parks.

Supervisor LaFountain asked if any units will be left on site over the winter?

Smith said he would not have any units left over the winter, but could offer seasonal storage if it was allowed by the Town.

LaFountain asked what type of buildings would the seasonal units be?

Smith said small log houses, cottages or cabins.

Kohl asked what the costs would be?

Smith said between $30 and $50 per night, and he would also offer rates weekly, monthly and seasonal.

Quinn asked if this RV Park would be permanent or until development occurs?
Smith said development is an option. He added that he grew up in the area and purchased this land last year. If the RV project failed in 5 to 10 years it could still be sold for a housing tract.

Costello asked if the sites would be sewer or septic?

Smith said septic is allowed and a perk test would be required.

LaFountain confirmed that of the 80 acres Smith owns, only 36 acres would be utilized for this RV Park.

Metzler asked what was stated about the area in the Comprehensive Plan?

Costello said in 2010 the Comprehensive Plan stated higher density than zoned, single family residential with \( \frac{1}{2} \) acre or \( \frac{3}{4} \) acre lots.

Councilman Moore asked Smith why he thinks this would be successful?

Smith said the person he purchased the land from had purchased an RV Park and said it is fully occupied and the best business to run. Smith added he still has research to do.

Metzler said if this RV Park would be part of the New York State Campground Association, would there be rules that must be followed?

Smith said yes, there are guidelines that must be met.

LaFountain said this would be unique to Monroe County the Board needs to review the zoning and the Comprehensive Plan.

Metzler asked what would the benefits be to the Town of Penfield?

Smith said it would support the local economy and promote the area.

LaFountain said the Board will review and a letter will be sent with their decision shortly.

Kohl asked if the RV Park could be used for Boy Scouts or Girl Scouts?

Smith said he could look into that.
VI. ACTION ITEMS

Law and Finance
1. Mark’s Pizzeria Site Plan Review - Costello

Supervisor LaFountain stated that the Public Hearing was held last Wednesday, August 13, 2014.

Jim Costello said material was submitted to the Architectural Consultant and recommendations have been received and forwarded to the Board. The proposal is significantly different than what was discussed, and staff needs time to review.

Costello continued to say he met with Mark Crane and Rick Pratt, Manager of the Canandaigua National Bank at the Four Corners. Pratt is concerned that Mark’s Pizzeria customers may use the bank’s parking spaces. He feels that parking will need to be reconfigured to get some additional spaces. Mark’s Pizzeria has offered to do some maintenance to take care of the park for using the area for outdining, and that has not been yet determined. Mark’s Pizzeria is also working with Town Engineer, Geoff Benway regarding technical issues. Mark’s Pizzeria has offered to tie in a walkway back to the Lindsay property for the Yotini business.

Geoff Benway recapped from the earlier meeting that he has concerns regarding the flow of traffic going from the one way entrance to the two way area. Landscaped barriers have been suggested for signage to avoid confusion. We also requested a catch basin be added and increase the width of the sidewalks and adding a walkway for outdoor dining.

Costello said there was concern regarding the north side of the building’s elevation. The architectural consultant is requesting plantings, but there is no sun and no room for plantings.

Benway said we can look at pushing the parking spaces up, and that may gain some space for landscaping but may reduce the number of parking spots.

Costello said we will review to see if we can get some additional parking spaces, but may lose some of the landscaping.

Councilwoman Metzler said overflow shared parking should be delineated as such.

Mark Valentine suggested adding signage for Canandaigua National Bank parking only.

Costello said that is an option; we will be looking at that also.

Councilman Quinn asked about the proposals received today and if there are additional concerns?
Costello said the building design is different, we need to speak to the architect there may be additional landscaping constraints. The new proposal also has larger windows, we need to go through the entire report with Mark’s Pizzeria. The report also needs to be forwarded to the Historic Preservation Board for review.

Supervisor LaFountain said we need to review the plan from Lopez. Geoff and Scott will meet and review how to maximize parking, safely. We need to review to determine if additional landscaping can provide clear buffering. The businesses may complement each other, but there may be a need for more parking in the evening.

Benway added that 75% of Mark’s Pizzeria’s business is delivery and the delivery drivers will park their cars across the street.

Costello added that the busiest time for Mark’s Pizzeria is 11:30 AM to 2:00 PM, which is the same as the bank.

The Board is supportive of the project and need to work through the details. This will be discussed again at the next Work Session on August 27, 2014.

2. 2146-2152 Fairport Nine Mile Pt. Rd., Incentive Zoning Site Plan Review - Costello

Supervisor LaFountain stated that the Public Hearing was held last Wednesday, August 6, 2014 and the 239-M recommendations were received from the County today.

Jim Costello said the comments are standard, there is nothing outstanding. John Shields, Engineering Consultant has been working with Geoff Benway, Town Engineer on the underground storm water storage proposal, and have submitted a landscape and lighting plan. The landscape plan is being reviewed by the Town Landscape Consultant, Bruce Zaretsky. Costello will be setting up a meeting with himself, Shields, Fallone, Zaretsky and the neighbors who are directly affected by the project.

Geoff Benway said though the project is still in development, the layout works fine with our concept plan.

John Shields said he met with Bruce Zaretsky, Town Landscape consultant. Zaretsky said he would review the proposal and issue comments. Shields added that they are looking to extend the road to the north. A surveyor will be coming in next week to design the road to extend the access to McDonalds.

Costello added that Fallone submitted three (3) building designs and he will forward those to the Board for its review.

Councilman Quinn asked if there has been a decision on the full ingress/egress or will it be a right out only from Panera Bread?

Benway said that was a temporary access only during the first phase of the site construction.
Costello added that originally we did not want unsignalized access to the site. The access is now necessary because of the drive thru proposals and lessening impacts to the daycare.

Councilwoman Metzler added that the layout has changed from the original strip plaza design.

Costello said the NYS DOT will make the decision regarding the right in/right out or full access.

LaFountain asked if anything had been received from the NYSDOT?

Shields said they are supportive and looking for the design plans; it will be a full access intersection. The driveway will not be the former Reese’s driveway, but the driveway from the home to the south.

Benway added that this is the highest point in the road.

Supervisor LaFountain asked if there will be additional cutting to the land to the north?

Benway said there may be some to gain better site distance.

LaFountain said we will review the building design and comments received from the NYS DOT. Benway will review stormwater management. Landscaping will also be addressed.

Costello added that the underground storage will be discussed by Benway and Shields.

3. Review of Panera Bread Sign Package – Costello
Jim Costello said he received a July 29, 2014 email with the proposed sign package. Due to the size of the building, they are allowed 143.33 sq. ft. of signage. They are requesting four (4) wall mounted signs, one (1) is permitted by code. Two (2) signs are for business identification and two (2) drive thru signs. The drive thru signs are not considered business identification. If we remove the drive thru signs, they are still over by 39.6 sq. ft. of allowed signage. They are requesting the larger than allowed signs because the property is lower than the road and they feel the oversized signs are necessary.

Councilman Quinn asked what signage does Jeremiah’s have?

Costello stated they have one (1) by the road and one (1) directory sign, they are within the square footage requirements or less. He added we will have this same situation when the Fallone buildings are completed. He also added that the drive thru signs should not be placed on the building itself.

Quinn said he would like to have them redesign a sign package within the code.
The Board discussed and agreed to request the package be re-designed to comply with Code. This will be discussed again at the next Work Session on August 27, 2014.

4. Transfer of Operatorship of Gold and Coin Exchange – 1833 Penfield Road – Costello
Councilman Moore stated that the new owner spoke to him earlier this evening and had to leave the meeting this evening. He advised that he contact Jim Costello tomorrow regarding this tonight’s discussion.

Jim Costello said that the new operator Chaundu Carey worked at the store under Anthony Marsucci’s ownership. Marsucci wants to turn the business over to Carey. The business has been closed for the past six (6) weeks because they have not had enough staff. This could be approved through the streamline process, everything will remain the same. Jim Costello will advise Carey to attend the next Work Session August 27, 2014 as a guest.

Public Works
1. Request for Fence Encroachment in Drainage Easement – 48 Seton Court – Benway
Geoff Benway introduced Patrick Goessling who is interested in a backyard improvement. He would like to add fencing and landscaping for a pool facility. There is a ten foot drainage easement with a 12 inch storm sewer pipe, a catch basin and the fence would extend the outside limits. The pipe is four (4) foot deep and we would request that he stay four (4) feet off the center line so the Town could access the pipe for inspections and repairs if necessary. If the Town needed to clean the pipe, it is likely it would be flushed from the street.

Councilman Moore asked if there was any impact to the neighbors?

Benway said no, the pipe is located on the property line.

The Board discussed and agreed to allow the fence.

Supervisor LaFountain requested Benway prepare a Resolution and have Town Attorney Horwitz review it. The Resolution will be submitted at the next Legislative Session on August 20, 2014. LaFountain asked Benway to add a condition that the fence be staked out and approved by Benway prior to installation.

2. 1469 Jackson Road, Land Dedication – Valentine
Mark Valentine stated that this application for an 11 lot subdivision is before the Planning Board now. They would like to dedicate the pond lot and a strip of land attached to the right of way. A Special Improvement District would be created to cover the cost of maintenance. The discussion then turned to the creation of Special Improvement Districts noted as follows.
After the discussion about the Special Improvement District, the Board agreed to create one for the 1469 Jackson Road Development. A Resolution will be submitted at the next Legislative Session on August 20, 2014. A Public Hearing will be scheduled in September.

3. Special Improvement District/Pond Ownership – Benway/Costello/Valentine

Mark Valentine said the pond could be owned privately, or by the Town through a Special Improvement District. The creation of the district gives the Town the ability to charge only those who benefit by living in the district. This also gives the ability to raise funds to offset costs of additional amenities. Currently the Homeowner’s Association in Camden Park is not collecting fees. They will be coming to the Board to have the Homeowner’s Association abandoned and create a Special Improvement District to fund their maintenance requirements.

Jim Costello added that to his knowledge there are not currently any other subdivisions (single family detached homes) with a Homeowner’s Association.

Geoff Benway added that the Meadowbrook Subdivision has open space and trails that are not being maintained to the residents standards. He added that Ashlyn Rise originally wanted to add a sign and we discussed a Special Improvement District to fund the maintenance of the sign. Benway had put together a booklet explaining a Special Improvement Districts at that time. Special Improvement Districts have also been created for Abbington and Sparrow Pointe. We expect residents from Newbury Park to come before the Watershed Management Committee regarding their dissatisfaction with existing ponds.

Costello said the maintenance fee is the cost to mow around the pond twice a year. The district is set up to cover basic amenities, if residents want improvements, they would have to petition for them. When a district is created, funds would begin to be collected and saved until such time they are needed.

Valentine said we currently fund sidewalk districts at $30 a year. This can be adjusted to a higher level if necessary.

Benway stated that it is the same with the Intensified Lighting Districts.

Quinn said the creation of new Special Improvement Districts is okay. He does not want an opportunity for existing neighborhoods to slide into this after the fact.

Costello said an existing neighborhood who has concerns regarding their pond could petition the Board to create a new district. The district could then fund improvements to get the pond in a better state.
Benway said the petition must be signed by the vast majority, at least 75%.

Quinn said he has a hard time with this. Why does the Town need to give an option as long as the pond is functional? Why is this beneficial to either the homeowners or the Town to add aeration to a functioning pond? At some future point there will be new ownership. If the mechanics of the aeration come into disrepair the Town will have to maintain it.

Costello said sedimentation develops in the pond and the Town is funding the cleaning of the ponds. The whole Town shouldn’t be paying for one area’s benefit.

Metzler agreed that the costs should be borne by the owners who live in the neighborhood with the pond.

Councilman Moore agrees that this is a good idea for new developments, but there should be a disclosure that the Special Improvement District exists when the home is being built. A potential owner needs to know that a fee will appear on their tax bill for being part of a district, and they need to understand that from the beginning.

Costello explained that when the Special Improvement District is formed, an Order is filed with the Monroe County Clerk’s office. The district is then listed on the abstract for the property. A closing attorney should be able to identify the fee and explain why it occurs.

Benway said he would create a brochure for educational purposes.

Moore said it is important that the creation of the Special Improvement District is documented for future residents. It is important that a resident in one of these districts understands they are paying for a service that their development benefits from, not everyone in the Town is part of that district.

Metzler asked if this could be added to the “Living Next To Stormwater Ponds” informational piece. This would be another opportunity to educate the residents that they may be part of a Special Improvement District.

LaFountain added that this be included sometime this year.

Quinn asked for clarification: a Special Improvement District would then cover ongoing maintenance such as the $300,000 expense to clean the pond at Glenbrook. Can this be done with a $50 per year maintenance fee?

Costello added that if the neighborhood had been funding a district at $50 a year, there would have been sufficient funds to cover that $300,000 expense. In the 1980’s regional ponds were created to minimize maintenance to the Town. In some cases, such
as Glenbrook, it also eliminated the need for floodplain insurance for those living in areas that were previously identified as flood prone areas. Ponds are now a requirement of most, if not all subdivisions.

LaFountain added that the days of regional ponds are gone.

Valentine stated that stormwater management is becoming a utility of being a homeowner.

LaFountain said we need to review the education process to make sure homeowners understand what the fees are for.

The Board discussed and agreed to move forward with the creation of Special Improvement Districts.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. DHD Ventures – 9,120 Sq. Ft. Office Building at 2152 Fairport Nine Mile Point Road - Costello
   Jim Costello said he has received the application and forwarded it to the appropriate agencies and the Conservation Board. A Resolution will be submitted at the next Legislative Session on August 20, 2014 and a Public Hearing will be scheduled for September 17, 2014.

   Councilman Moore asked Costello to express his interest in having any new tenants make an effort to create unique looking buildings like Jeremiah’s, Chipotle and Panera Bread have done.

   Costello said he will send the plans to the Board for its review; this will be a one story building similar to Doodlebugs and the North Forest Office Park. Individual tenant spaces will not draw a lot of traffic.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Bayview Landing Subdivision - Costello
2. Five Mile Café - Signage/Music - Costello
IX.  **Old Business** - None

X.  **New Business**
Councilman Quinn asked that official correspondence, including both Town letters and NYSDEC responses regarding Baker Commodities be placed on the website for residents to review.

Supervisor LaFountain said he would request that this is done by the end of next week.

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

XII.  **Adjournment** - Supervisor LaFountain adjourned the Work Session at 9:26 PM.

Lisa Grosser, Deputy Town Clerk