Call to Order

II. Approval of Minutes – November 12, 2014

III. Monthly Reports - November

IV. Public Hearing – None

V. Guests – Rick Grillo – Dental Lab at 1782 Penfield Road

VI. ACTION ITEMS

Law and Finance
1. Rudy Neufeld, 1223 Fairport Nine Mile Point Road - Costello
2. Southpoint Marina Expansion Project – Costello
3. Amendments to Zoning Ordinance (Hydrofracking Ban) - Costello

Public Works
1. Out-of-District User Request from the Town of Irondequoit – Benway
2. Storm Sewer and Sanitary Easement Release – Baytowne Plaza Expansion – DiFrancesco/Benway
3. Sidewalk Waiver, 1822 Sweets Corners Road – Valentine
4. Sidewalk Waiver, 1556 Fairport Nine Mile Point Road – Valentine
5. Sidewalk and Street Tree Waiver, 1650 Kennedy Road – Valentine

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Planning Application Fees for 2015 – Valentine
2. Ashlyn Rise Special Improvement District – Costello

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane

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
Mark DiFrancesco
Lisa Grosser
Mark Valentine

II. Approval of Minutes - 11/12/14
CW Metzler moved for the approval of the Minutes of November 12, 2014, CM Quinn seconded the motion.

III. Monthly Reports - November reports have been received except for Assessor, Local History Room, PCTV and Personnel.

IV. Public Hearing - None

V. Guests - Ricky Grillo - Dental Lab at 1782 Penfield Road
Jim Costello introduced Ricky Grillo who is interested in leasing the property at 1782 Penfield Road. Grillo intends to open a dental lab, which is a permitted activity. He asked the Board if they would be willing to approve this through the streamline process; or do they wish to schedule a Public Hearing.

Ricky Grillo stated that he is interested in opening a digital dental laboratory business. He manufactures and fabricates crowns, bridges and dentures for national customers. He has been in this business for 30 years. The equipment and production would be on the first floor. The second floor would be utilized as an educational space, where individuals could come and earn credits. He would have four (4) to five (5) employees who would be certified dental technicians. There would be no truck deliveries, but a daily UPS drop off and pick up. He would operate normal business hours.

Councilman Quinn asked if there would be any improvements to the building.

Grillo said he needs to change a power line to 220V.

Councilman Moore asked why this space selected.
Grillo said it is close to home and affordable. He doesn’t need a store front, or additional parking.

Moore asked if the business would be open Monday through Friday.

Grillo said yes.

Councilwoman Kohl asked if Grillo had a previous business in the Rochester area.

Grillo stated that he had a dental laboratory in Perinton from 2003 to 2007, and then went into a different type of business.

Kohl inquired about signage.

Grillo said he wouldn’t require exterior signage; a window sticker would be sufficient.

LaFountain asked Grillo to confirm that orders are received electronically and then manufactured and shipped.

Grillo said yes, in addition we offer design services for other laboratories.

Quinn asked how many employees Grillo will have.

Grillo stated five (5) to six (6) employees.

LaFountain asked what is the maximum number of people expected in the educational area?

Grillo said ten people maximum, we would meet during the evening hours or on Saturday.

LaFountain inquired about parking.

Grillo said there are 12 parking spaces next to the building, and some additional shared parking in the rear.

LaFountain stated that this building has been utilized for other commercial businesses in the past. He asked the Board if they would approve this through the streamline process, or do they wish to have a Public Hearing?

Councilman Moore stated he is fine with approving this through the streamline process. Moore added that there will be no renovations, there is adequate parking and it is not an intensive use.

Councilwomen Metzler and Kohl agreed to approve this through the streamline process.
Supervisor LaFountain asked Costello to prepare a letter listing conditions of approval. The conditions should include that the sign must be within the Ordinance, a building permit is required for any remodeling, and shared parking agreement. LaFountain asked Costello to submit the letter to the Board for review and advised the applicant that he would receive a copy within a week. LaFountain asked Grillo when he would like to open.

Grillo said January or February 2015.

Costello suggested Grillo have the Fire Marshal walk the site, to verify it is in compliance.

VI. ACTION ITEMS

Law and Finance

1. Rudy Neufeld, 1223 Fairport Nine Mile Point Road - Costello

Jim Costello reviewed that Rudy Neufeld and Peter Vars, BME Engineering had previously come before the Board to discuss a potential townhome development at 1223 Fairport Nine Mile Point Road. The parcel is 6.7 acres, which under current zoning would allow three (3) single family homes. The applicant is looking for Incentive Zoning to allow 24 townhomes. The property is an infill, which is surrounding on three (3) sides by single family homes. If this was in an area zoned for townhomes an 80 foot setback would be required. Costello continued to say there is concern that the T at the end of the street may not be sufficient for emergency access. A couple of lots may be required to create a cul-de-sac for sufficient emergency access. There is a 10 foot setback on the west side of the project, which abuts existing single family homes. The existing buffer and wood lot would need to be increased to provide sufficient buffer.

Supervisor LaFountain stated that the sanitary sewer would be connected to the Town of Webster. There is enough capacity for the Abbington Place development and in 2015 a new development in Webster will open up additional sewer units for this project. The retention facilities would be in the front and an HOA would be established as it will not be a dedicated property.

Costello pointed out that on the north side of the project three (3) to three and a half (3 1/2) units would abut one (1) single family home.

Councilman Quinn asked what is the current zoning?

Costello said the parcel is currently zoned RA-2. When Abbington Place was developed it was a combination of RA-1 and RA-2 zoning.

Rudy Neufeld said he believes 23 units were allowed and Incentive Zoning was paid for 76 units, total development was 99 units.

LaFountain asked Costello to verify the Abbington Place numbers.
Councilman Moore stated he has concerns that the setback is not within the Town standards for townhomes. He feels it is too much development in a tight geographical area. He is not leaning towards supporting this project. He is concerned with the proposed setback and the existing residents would have the project in their backyard.

Costello said the proposed setback is similar to the setback at the Five Mile Line Road project.

Rudy Neufeld stated that the Five Mile Line Road project has a 20 foot setback, and this project has a 60 foot setback. There is also a 20 foot conservation easement on the other side of the project. The total setback is 65-70 feet, and 80 feet is the requirement.

Costello advised Neufeld to review the T turn around, it should be changed to a cul-de-sac to accommodate emergency access.

Neufeld said he is not sure there is enough swing radius. He could probably do a double T. This would also add visitor parking for the residents.

Councilwoman Kohl asked if a community building would be included.

Neufeld said you need to have 100 residents to justify having a community building, this project is too small.

Quinn asked that the numbers for Abbington Place be confirmed. A comparison needs to be reviewed based on allowed units and total units with Incentive Zoning. We need to be consistent with the Comprehensive Plan. 24 units may be too large for this parcel, 12 units may be more appropriate.

LaFountain asked Costello to provide the Board with the Incentive fees for Abbington Place. The T turn around needs to be revised to provide better emergency access. He asked if there was Incentive Zoning for the Cranberry Cove development.

Neufeld said those lots were one (1) acre and were reduced to one half acre. Two (2) lots were required for green space, and he gave the Town the value of the two (2) lots, which he believes was $75,000.

LaFountain asked Costello to also verify the Incentive for Cranberry Cove. The Board will review this data and Neufeld needs to improve the turnaround for this proposal.

Neufeld suggested he could take the two (2) lots to improve the turnaround and add green space or a community garden in that space.
Costello asked if Neufeld had advised the neighbors yet about the townhome development.

Neufeld said no he has not, he wanted to have all the information from the Board before he contacts the neighbors.

LaFountain said the Board needs to discuss this further and make sure the proposed development fits the general character of the neighborhood.

Neufeld said he will have the sketch revised to show the improved turn around.

Costello said he would gather the data for Abbington Place and Cranberry Cove developments and forward it to the Board for review.

Quinn added that he would lean toward approving a project that has similar density to Abbington Place.

2. Southpoint Marina Expansion Project – Costello

Jim Costello stated that we are finalizing the comment period for the FEIS. We have reviewed the Site Plan and need to discuss some issues. Originally a 2,700 sq. ft., two (2) story clubhouse/tiki bar was requested. That request was modified to a 3,750 clubhouse/sit-down restaurant. The applicant is not sure who will be operating the restaurant. The Town can issue a Conditional Use permit for the clubhouse, and when the operator for restaurant is decided he can come back to the Board for the Conditional Use permit for the restaurant. Additional items that need to be discussed include the walkway to the eagle’s nest which has a change in grade; it would not be an easy walk. Costello suggests obtaining a Conservation Easement over that portion of the property until the eagles nest is no longer in operation.

Councilwoman Metzler stated that the Conservation Board members agree that this is a sensitive area and being a land locked parcel, it would be difficult to develop. A Conservation Easement over that area would protect it from future development.

Anthony Daniele asked if the Conservation Easement would allow for access through the property. The easement area would only become available to develop, if the eagle left. Currently, it is cost prohibitive to develop, and we have no intent to develop it. He needs more information on what a Conservation Easement is.

Costello said the easement would state that the property could not be developed, or harvested for timber until the eagle leaves. The character of the property would stay as it is now. We need to discuss if this would be for eternity, or until the eagle leaves.
Daniele, said he is not sure he can agree that the property will never be developed, but as long as the eagle is in the tree it will remain undeveloped. The birds have been here nine (9) years, they have had six (6) to eight (8) sets of offspring who have left the area. The biologist, Mr. Haynes stated that they are getting to the end of their cycle, unless another eagle moves in.

Metzler stated that the Conservation Board wants minimal disturbance of the site. This is a one of a kind area in the Town and it can be preserved through the Conservation Easement, but Daniele would retain the rights for development.

Daniele stated that this parcel won’t be developed anytime soon. He said tying future development to the eagles nest is a reasonable request.

Councilman Moore suggests Daniele work out the details of the Conservation Easement with Costello.

Costello added that it should be a mutually agreeable document.

Metzler stated that the Conservation Easement can be renewed, if it is a short term agreement it can be reviewed periodically.

Costello added that the easement could also be rescinded if agreeable to both parties.

Metzler stated she would support a Conservation Easement for the short term. We want to safeguard the conservation of the property, but want to be flexible for the property owner.

Daniele asked if the Conservation Easement would be a Condition of Approval in the Resolution.

Costello said, yes it would.

Costello asked if the boat storage, behind the restaurant would continue off season.

Daniele said that it has been reduced over the years and when the restaurant/clubhouse is completed, it will be reduced another 50% at most. It will also be restricted to the area behind the restaurant.

Moore asked if Daniele anticipates a conflict between parking and boat storage.

Daniele said no, there is sufficient parking for both areas.

LaFountain added that the boat storage will be allowed until additional parking is required for the restaurants. The boat storage will shrink to accommodate parking.
Costello asked about a pull off area on Empire Boulevard, it is owned by the Daniele family. Should we review obtaining an easement over this area for public access to continue?

Daniele stated that he had been advised to put fencing up around the pull off area because of the liability. At some point we should have a discussion with the Town and the NYSDOT to make it a formal parking area now that the sidewalks will connect to the pull off area. The NYSDEC wanted public parking as part of the project, and this is the area that was offered.

LaFountain added that this parking area has been utilized for the past 30 years and most people believed that this was a State owned area. He would like to see it remain public parking and general liability has always been a concern. LaFountain continued to say adding a fence wouldn’t benefit the applicant or the Town.

Costello asked the Board how this should be addressed in the Resolution.

Moore said there needs to be more discussion about this parking area, can we do something with it. The liability would be the same as a Town owned park.

Metzler suggested putting in the Resolution that we will continue to explore our options.

Daniele said for now we will continue to do what we have been doing for the past 12 years. At some point, if the Town has a better idea for the area we could discuss it.

Councilwoman Kohl suggests incorporating it into the trail and boardwalk in the future.

Costello asked the Board if they are satisfied with the architecture.

Moore said he is satisfied, it is open and matches the area.

LaFountain stated that the architecture fits with our previous discussions.

Daniele said the clubhouse will be part of the marina. The second floor will be a restaurant. We are looking at a bar/restaurant and looking for a quality business.

Moore asked if the exterior will be brick.

Daniele said no, it is clapboard.

Costello added that Passero Associates can provide details about the materials.
Daniele asked if the trail is to be contiguous; we don’t want it all to be public access. We don’t want people walking in the parking area because of safety concerns. There will be both public access and a private area.

Costello said regarding the design for the scenic overlook, Passero Associates is proposing a wood deck overlook with tension wires as a guide system around the deck. The graded area will be stone dust. The Board needs to decide if this is acceptable, or if they want something more elaborate.

Daniele said the NYSDEC also had input on that design. Originally we wanted a gazebo, but the NYSDEC did not want any concrete, and it was revised to a stone dust trail.

Moore asked if this information could be confirmed with the NYSDEC.

Costello said yes, the NYSDEC will want to maintain the existing grade and a permit will have to be obtained for the deck on the scenic overlook.

Moore asked Costello to confirm what the NYSDEC will or will not allow.

Costello said he will speak with Scott Sheeley from the NYSDEC; they usually allow elevated walkways because they do not disturb the area.

Daniele added that the NYSDEC reviewed these plans when the Article 24 permit application was submitted.

Metzler added that the Conservation Board was also interested in the design of the overlook.

Costello added that Daniele will be deeding an easement for hiking purposes and will probably have to go to the NYSDEC for an elevated walkway. Costello continued to say we will work with the NYSDEC on exactly what will be done in that area.

LaFountain asked Daniele if he had done any repairs to the pull off area, such as paving, patching or mowing.

Daniele stated he has not.

Quinn inquired about the end of the trail near Empire Boulevard, he is concerned about an ingress/egress near the west side of the Bazil Restaurant. He strongly suggests blocking off that area to vehicle traffic while the State is doing the improvements to Empire Boulevard. He has seen the area used for overflow parking on occasion. He suggests curbing it off so there is no access from Empire Boulevard.
Daniele stating that historically the area has been used for overflow parking approximately five (5) times per year. With the additional parking that is required for this new development, that area should no longer be needed for parking. Daniele said he has spoken with the NYSDOT about curbing, but because it is not an official entrance, it cannot be curbed.

Councilwoman Kohl asked if landscaping could be added.

Daniele said yes, but if someone is intent on driving through they will do it. Daniele added it is not a defined entrance.

Quinn asked if the NYSDOT would be opposed to extending the curb.

LaFountain said the NYSDOT is only concerned about approved and defined access points, and this area is not an access point.

Daniele said there are pylons with rope that define that area.

LaFountain said we need to discourage access to that area even more.

Quinn said we need to make it not look like an ingress/egress. Whatever the mitigating factors are; how about landscaping to discourage traffic?

Metzler said she would support landscaping that area.

Kohl agreed she would like to see landscaping.

Costello said we can work on a final landscaping plan with Bruce Zaretsky and will also include a shared parking agreement and a property maintenance agreement.

LaFountain asked if the Board was prepared to have Costello provide a draft resolution for it’s to review.

Quinn asked that conditions include the overlook and public access around the back. Is the walkway going to be public or will it have a private area.

Costello said we will require signs identifying the public walking area.

LaFountain suggested to reduce liability, add signage that indicates termination of the public access to separate the private area. The public will be able to access the waterfront, but not inhibit parking and the marina.

Costello stated that access to connect the trails would have to be gained by sidewalks along Empire Boulevard.

Kohl stated signage is needed to direct walkers to use the sidewalks for the main trail area.
Costello said one of the conditions would be to provide wayfinding signs. Costello continued to say we could have the smaller trail piece end with a turn-around to discourage walking behind the restaurant.

Daniele also suggested to reduce the trail length to discourage connection.

Kohl stated that the trail needs to be signed properly.

Costello stated there will be signs that say “End of Path” on the public trail and we could also add “Members Only” signs for the private area.

The Board discussed and agreed.

LaFountain asked Costello to prepare a draft resolution and submit it to the Board to review. We will make sure to include everything we have discussed tonight.

3. Amendments to Zoning Ordinance (Hydrofracking Ban) – Costello Jim Costello stated the Public Hearing was held on December 3, 2014 and the Zoning Ordinance will now include the numerous amendments throughout the document. The changes will not take effect until the Law is filed with the Attorney General.

Supervisor LaFountain stated that the Board has vetted this out and worked with both the Consultant and Town Attorney Horwitz.

The Board agreed and a Resolution will be prepared for the next Legislative Session on December 17, 2014.

Public Works

1. Out-of-District User Request from the Town of Irondequoit – Benway

Mark DiFrancesco submitted a letter he received from the Town of Irondequoit to the Board for its review. R.T. Masters owns three (3) parcels and Demosthenes and Eleni Gitsis own two (2) parcels on Empire Boulevard. They would like to connect to Penfield Sewer District 12. There are easements to Irondequoit on both the north and south side to allow for this connection. This parcel falls under an umbrella agreement with the LaSalle’s Landing Sewer District. Master’s stone company has two (2) vacant parcels. Gitsis owns the Bayfront Restaurant and one (1) home. There are three (3) structures, but there could be future development. The agreement is approved for current use only. Any future changes would have to come before the Town Board for approval.

Supervisor LaFountain said McMillan Marina is part of this agreement and has already connected.

The Board discussed and agreed a resolution will be submitted at the next Legislative Session on December 17, 2014.
2. Storm Sewer and Sanitary Easement Release – Baytowne Plaza Expansion – DiFrancesco/Benway

Mark DiFrancesco said this would be two (2) separate actions. Regarding the storm sewer, there is a new layout for Walmart and the plaza has been revised. There is an encroachment and relocation of the storm sewer is required. There is storm sewer in the plaza which is private, but the Town owned drainage easement is in the way. DiFrancesco suggests releasing the existing easement and replacing it with a new easement.

Supervisor LaFountain asked for some clarification on the existing Storm Sewer.

DiFrancesco stated that the Storm Sewer comes from Guygrace Lane and enters a concrete gutter and the gutter goes to a pond. The Town did not take an easement over the gutter.

DiFrancesco said the sanitary easement is an unused easement and it interferes with the Street of Shops area. The easement needs to be replaced to have the system function as the utility plan calls out. DiFrancesco suggests releasing the small portion of the easement and replacing it with the new sanitary sewer easement. DiFrancesco added that there is no pipe in the portion of the easement that will be abandoned.

Supervisor LaFountain stated that these changes would make better defined easements.

The Board discussed and agreed a resolution will be submitted at the next Legislative Session on December 17, 2014.

3. Sidewalk Waiver, 1822 Sweets Corners Road – Valentine

Mark Valentine stated that we previously granted a waiver for the adjoining property at 1830 Sweets Corners Road. PRC recommends obtaining the easement and collecting the $500 waiver.

The Board discussed and agreed to allow the sidewalk waiver. A resolution will be submitted at the next Legislative Session on December 17, 2014.

4. Sidewalk Waiver, 1556 Fairport Nine Mile Point Road – Valentine

Mark Valentine stated that this parcel will have a recreation building and there is no sidewalk in the area. PRC recommends issuing the waiver and collecting the fee.

The Board discussed and agreed to allow the sidewalk waiver.

5. Sidewalk and Street Tree Waiver, 1650 Kennedy Road – Valentine

Mark Valentine stated that PRC recommends issuing the sidewalk waiver and collecting the $500 fee. The property is being contracted to a farmer. The house is 700 feet from the road.
The owner would like the farm land to be open to the road. If necessary, he is willing to donate trees to be planted at another location off site.

Supervisor LaFountain clarified that under the current Design Criteria there is a requirement to plant trees.

Valentine said the parcel is open farm land and he doesn’t want the trees. Does the Board want trees planted elsewhere?

The Board discussed and agreed. LaFountain stated the area is all agricultural and we will waive the street tree requirement. The Board also agree to waive the sidewalk requirement and collect the $500 fee.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Planning Application Fees for 2015 – Valentine
Mark Valentine submitted a summary of current fees charged along with an estimate of Town expenses to advertise and application fees. Included in the summary is a spreadsheet of Monroe County Municipalities and their current fees. The Town of Penfield has the lowest fees in the County.

Valentine stated that the Town of Penfield is not currently covering their costs. We need to evaluate what we are charging. These costs should be borne by the applicant and not be passed on to taxpayers.

Supervisor LaFountain complimented Valentine and his team for putting this information together. The Town wants to minimize costs and does not want to spread it out over the tax base. The Planning Application fees were last updated in 2010. The intent is not to add fees, but to minimize costs. The Town of Penfield is on the low end of fees charged in Monroe County.

Councilwoman Kohl asked if there was a recommendation prepared to update the fees.

Valentine said no, he wanted to see if the Board was receptive first.

Councilwoman Metzler asked to see a recommendation for updated fees and asked that engineering fees be included.

Councilman Quinn asked that PRC review and advise the Board of their suggestions.
LaFountain stated that this evaluation identifies areas that can be looked at. There is one (1) more PRC meeting this year. The Board will review PRC’s comments and submit a resolution in early 2015.

Metzler asked about additional improvements, including the application packet.

Valentine said it was a goal to have the application packet put online so it would be more user friendly.

LaFountain asked Valentine to get a recommendation to the Board, we will review the fees at the January 14, 2015 Work Session and adopt a resolution on January 21, 2015.

2. Ashlyn Rise Special Improvement District – Costello
Jim Costello stated that he has received a Petition from the property owners of Ashlyn Rise. There are 33 property owners and all but one (1) owner signed the Petition. The Special Improvement District would include the sign and the drainage pond. Costello would like to submit a resolution for the December 17, 2014 Legislative Session, scheduling a Public Hearing for January 21, 2015.

The Board discussed and agreed.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - The Board went into an Executive Session regarding a legal matter and a personnel matter.

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 9:00 PM.

Lisa Grosser, Deputy Town Clerk