Town Board Work Session Agenda
January 14, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – December 10, 2014

III. Monthly Reports - December

IV. Public Hearing – None

V. Guests – 7:00 PM
   • Steve Philippone, Incentive Zoning Dublin Road
   • Steve Fedyk, Incentive Zoning revision Fox Hill Subdivision
   • Neeraj Shah, Garage Addition to 2041 Penfield Road

VI. ACTION ITEMS

   Law and Finance
   1. Release of Sewer Easement Land – Ashlyn Rise Subdivision – Costello
   2. Ext. 57 Consolidated Sanitary Sewer District – Waybridge Court Subdivision – Valentine
   3. Waybridge Court Subdivision – Special Improvement District - Valentine

   Public Works - None

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Jomanda Way Expanding No Shooting Zone Petition - LaFountain

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS
   1. Right-of-Way Transfer on Mott's Lane
   2. Planning Application Fees 2015 – 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

II. Approval of Minutes – 12/10/14
CM Quinn moved for the approval of the Minutes of December 10, 2014, CW Kohl seconded the motion.

III. Monthly Reports – Reports for December have been received except for Assessors, Building/Fire Marshal, Local History Room, and Personnel and they are expected by the end of the week.

IV. Public Hearing – None

V. Guests – 7:00 PM

- Steve Philippone, Incentive Zoning Dublin Road
Supervisor LaFountain introduced Steve Philippone, Redstone Builders and Peter Vars, BME Associates. Steve Philippone stated they are presenting a 32 unit ranch home community. This would be a green initiative project. At least 50% of the homes would be geothermal, there would be solar elements and an electric car charging station. The remaining 50% of the community could also be sold with geothermal and solar, and cost could be leveraged with State grants and other incentives to be a full green community.

Peter Vars continued to say there are two (2) parcels on the east side of Dublin Road, north of NYS RTE 441. There are 7.1 acres which contain 205 feet of frontage, and an additional landlocked 6.2 acres which contain NYS DEC wetlands and a wood lot. The parcel is currently zoned RR-1. We are interested in utilizing incentive zoning to introduce this type of community to the Town of Penfield. The lot size will be 123’ by 150’, and consist of 16 lots containing 32 units. There will be a private drive 2/3rd of the way in, public sewer and public water.

LaFountain inquired about the first couple of lots.
Vars stated there is an existing home that will be demolished. The new lot would be similar to the surrounding properties with lot size of 4/10 acre and the existing setback would be maintained. The driveway would be double loaded once you get past the properties on Dublin Road.

Councilwoman Kohl asked what traditional zoning would allow.

Vars said six (6) to eight (8) lots, with 200 feet frontage.

LaFountain asked about the incentive for the project, could you discuss the features of the green community.

AJ Heiligman, ACES Energy, spoke regarding the community. Geothermal would be utilized through a community looped field to serve all of the homes. He stated solar would be used for an electric offset and street lighting. There will be an electric car charging station and stations would also be offered as a package to customers. There are Federal and State tax credits, including NYSERDA credits available to consumers. The natural gas is existing, which would be more costly than if propane existed.

Kohl asked what would be the benefit to other areas of the Town.

Steve Philippone stated that this would be the first substantial project in the area. This is a significant investment and a commitment to a significant number of units, this would kick start the Town’s Green Initiative.

Vars stated that there may not be a town wide benefit. Penfield currently supports sustainable initiatives. This will be a community for others to see, it will be the first. It shows that Penfield supports this type of development. This is the future of community developments, the first steps are difficult and expensive.

Councilwoman Metzler asked if this type of community could be established with conventional zoning of 8 – 10 homes.

Vars said they are hoping to use a community loop system, the initial cost is substantial and needs to be spread out over a larger number of homes.

Philippone said this technology reduces the carbon foot print, there is less pollution and less taxing on the electric grid.

LaFountain inquired about the area to the east, the proposal shows a stormwater retention facility and HOA lands.

Vars stated that there is wetland and a flood plain along the property. There is also a wood lot. We would need to avoid the Commission Ditch area. The stormwater retention location was set
up to avoid the wetlands and woodlot. There will be a HOA to retain title to the wetlands and flood plain.

Councilman Moore asked if there are EPOD issues.

Vars said there are both a floodplain EPOD and a woodlot EPOD.

Metzler inquired as to price point of the homes.

Philippone stated they would be offering 1,700 to 1,900 square foot ranch style homes. There would be four (4) unit types consisting of both two (2) and three (3) bedrooms. Prices would start at $300,000.

Jim Costello said the applicant would have to meet with PRC. In reviewing the proposal, the T turn around would have to be modified to accommodate emergency vehicles. The sewer tie in would have to be located. The locations of the EPODs would have to be determined. Costello asked if they had spoken to any of the neighbors yet.

Vars said no, they wanted to meet with the Board first.

Kohl spoke regarding Incentive Zoning, we would be looking for a benefit to the Town as a whole.

Philippone said there would be both on site and off site utilization. We should be able to tie that theme together and create more awareness.

Costello asked if there would be one car charging area, or individual charging stations.

Heiligman stated they are looking at both options.

Costello asked what would happen if a year from now, you had lots available to consumers that did not want geothermal or solar, but wanted conventional building.

Vars said that is why we are offering a 50% green commitment. The HOA documents would have to govern it and it would be a condition of the incentive zoning approval.

Heiligman said this is not new technology, it is becoming more popular. It has been around for 30 years and has not changed much in that time.

Supervisor LaFountain stated that the Board will continue to review this proposal.

- Steve Fedyk, Incentive Zoning revision Fox Hill Subdivision

Steve Fedyk, Fedyk Builders reviewed that this request is for the final section of Fox Hill/Fairview Crossing Subdivision. There
are 20 lots that link Fox Hill to the Ashlyn Rise Subdivision. To make the transition smooth he would like to reduce lot size to 90' which would yield one (1) extra lot. The project was approved in 2005 for incentive zoning. Fedyk would also like to scale back the sidewalks and install them only on the west side. This would match Ashlyn Rise which only has sidewalks on one side. Fedyk would also like to eliminate the sidewalks that were planned between lots in the cul-de-sac. He has spoken with the residents in the cul-de-sac and they prefer not to have sidewalks on their properties. Fedyk has offered to add sidewalks to two (2) existing properties to complete a sidewalk gap on Watson Road.

Councilwoman Metzler verified that the reduction in sidewalks in the development is in exchange to complete the sidewalks on Watson Road.

Fedyk stated that yes, they would complete the sidewalks to match the existing sidewalks in the area. There are two (2) property owners on Watson Road and Fedyk has not yet spoken with them.

Geoff Benway stated that easements would have to be obtained from the property owners.

Metzler stated that this modification works well with the overall sidewalk plan.

Jim Costello said PRC is supportive of the elimination of the sidewalks within the development. Fedyk needs to speak to the neighbors and obtain a signed petition to eliminate the sidewalk between the neighbors on the cul-de-sac. The sidewalks were part of the original approval and because the homes are already completed, we need to make sure residents are okay with it.

Councilwoman Kohl stated she supports extending the sidewalks on Watson Road.

Fedyk stated that the approved site plan was for 17 lots, this proposal creates one additional lot and the requested sidewalk modifications.

Councilman Quinn verified that the Planning Board requested those sidewalks as part of the original Planning Board approval.

Costello stated that sidewalks were required on both sides of Lynx Court. PRC recommends that those sidewalks continue on both sides of the street, and PRC supports the removal of the sidewalks in the cul-de-sac. Costello added that a new approval would be required for these modifications.

Councilman Moore asked what type of homes would be built.

Fedyk said they will be similar to Cali Ridge and Lynx Court.
Costello added that the lots may need to be reconfigured, car lights may shine into the properties under the original layout.

Fedyk stated that he will review the layout.

LaFountain said we need additional information from the existing neighbors before we can eliminate the sidewalks.

Oksana Fedyk said they are have trouble selling the lots on Cali Ridge because of the sidewalks between the properties.

Costello said the Board would like to see a petition signed by the majority of the neighbors supporting elimination of the sidewalks.

- Neeraj Shah, Garage Addition to 2041 Penfield Road

Neeraj Shah submitted a copy of a letter to the Zoning Board of Appeals for the Board to review. The shell is up for the new building at 2041 Penfield Road. His father’s office is in the rear of the building. His father is having trouble walking, works odd hours including early mornings and late nights. His father is using a handicapped parking space and he would like to add a small 528 sq. ft. garage to accommodate him. He would mimic the architectural feel of the new building and he would maintain the setback.

Shah continued to say they received an area variance for setback relief because Penfield Road widens in that area. The original setback was 50.95’ and it was reduced to 39.10’ because of that widening. Shah doesn’t want the garage to impact existing handicapped parking spaces.

Supervisor LaFountain stated that this application would require three (3) separate hearings, re-approval from the Planning Board, the Zoning Board of Appeals would have to address the area variance setback issue, and the Town Board would have to hear this application because it is in a PD district.

Shah stated he would like to take care of this as soon as possible, because the construction equipment is already on site.

The Board discussed and agreed to schedule a Public Hearing. A resolution will be submitted for the next Legislative Session on January 21, 2015. LaFountain asked Shah to work with Jim Costello, the Planning Board and Zoning Board of Appeals.

VI. ACTION ITEMS

Law and Finance
1. Release of Sewer Easement Land – Ashlyn Rise Subdivision – Costello
Jim Costello stated that the Board has granted the release of the easement and a resolution would have to be passed to have the map recorded.

The Board discussed and agreed. A resolution will be submitted at the next Legislative Session on January 21, 2015.

2. Ext. 57 Consolidated Sanitary Sewer District - Waybridge Court Subdivision - Valentine

3. Waybridge Court Subdivision - Special Improvement District - Valentine

Supervisor LaFountain stated items two (2) and three (3) will be discussed at the same time. The Public Hearings were held on December 17, 2014.

Councilwoman Metzler added that no comments were received at the Public Hearing.

The Board discussed and agreed. Supervisor LaFountain directed Costello to submit the resolutions to create the districts at the next Legislative Session on January 21, 2015.

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance

1. Jomanda Way Expanding No Shooting Zone Petition - LaFountain

Supervisor LaFountain stated that a Petition has been received signed by five (5) residents of Jomanda Way asking that no shooting be established in their area. There are eight (8) residential properties on their street. The Petition was entered into the record at the December 17, 2014 Legislative Session. LaFountain stated that he has asked Town Attorney, Dick Horwitz to review the noise issue as it pertains to the ordinance and the Board is trying to determine if this should go to a Public Hearing.

LaFountain explained that normally there is no public participation at a Work Session, but he will allow residents on this street to come before the Board this evening to speak regarding this Petition.

Dexter Dyer, 9 Jomanda Way spoke regarding the history of events in his neighborhood. He has spoken with the Monroe County Sheriff several times regarding the target range that is set up in his neighborhood. He and some other residents have met with the Sheriff regarding their concerns and have been unable to stop the shooting. He finds beer cans, shells and clay pigeons on his
property which is less than 500 feet from his residence. He has spoken with his attorney, a consultant and has been working with Andy Suveges, Code Enforcement and Supervisor LaFountain. He is concerned for noise and safety in his neighborhood and supports the Petition.

Councilman Moore asked where the shooting occurs in relation to his property.

Dyer said 600 to 700 feet from his property.

Shawn Rivers, 8 Jomanda Way said over the past five (5) years the Monroe County Sheriff has visited his residence at least 25 times. He has given his cell number to the Sheriff so he can be contacted directly when a complaint is called in. The NYS DEC has reviewed and determined that he is within his rights to target shoot on his property. He has lived there over 20 years and there have been no incidents. He shoots five (5) to six (6) times per year. He feels he is being harassed, his use of firearms is within the law. Rivers opposes the Petition.

Councilwoman Metzler asked who shoots with you on your property.

Rivers said usually family and friends, up to five (5) people at most, usually two (2) to three (3) people.

Lori Walsh and JJ Walsh, 10 Jomanda Way, stated that they own 16 acres at the northwest corner of the street. Lori Walsh stated her son shoots target practice and the property behind them is zoned forever wild and farmland. The Sheriff visited the property and recommended the shooting be moved so there is no chance debris would land on the neighbor’s property. The Walsh’s did change the direction they were shooting. No neighbors other than Dyer have expressed concern. Walsh stated that contacting the Sheriff every time there is shooting is a waste of taxpayer dollars.

Councilwoman Metzler asked how many people are shooting.

JJ Walsh said three (3) or four (4) people. We shoot away from the house towards the field and have built a dirt pile to stop debris. Walsh stated he shoots three (3) to four (4) times per year, we shoot for an hour and shoot off 100 to 150 rounds. The Walshes oppose the Petition.

Councilman Moore asked how many times the Monroe County Sheriff has visited you.

Walsh said over the past three (3) years, the Sheriff has come seven (7) or eight (8) times.

Moore asked if Walsh could contact his neighbors in advance of shooting as a common courtesy. This would give your neighbors a
chance to leave while the shooting is taking place if they choose to.

Walsh said he didn’t know who was unhappy and didn’t know who he needed to contact.

Brian Jones, 4 Jomanda Way stated that this is a controversial Petition and he wants to stand up for his rights, but is concerned about back lash. He hunts on a neighboring property with permission from the owner. If a no shooting zone is established that would take away his right to hunt. There has been excessive shooting in the past. There is not a problem with shooting 5-10 times per year and the Town should not interfere. Jones opposes the Petition.

Lawrence Garfield, 5 Jomanda Way stated that an exploding target has been used in the past and he contacted the Monroe County Sheriff because he thought it sounded like exploding dynamite. He has had to leave his home, at least three (3) times, because of the noise. He feels the noise level in the neighborhood could impact his property value and the sale of his home.

Councilman Moore asked how often the shooting occurs.

Garfield said once a month, possibly more often. The neighbors describe the noise as a war zone. He has not spoken to his neighbors because he is afraid. Garfield supports the Petition.

Lisa and Bill Sykes, 6 Jomanda Way. Bill Sykes stated that when the guns go off you cannot determine where it is coming from. We are not comfortable letting our dogs out. We feel this is a safety and noise issue.

Lisa Sykes continued to say she doesn’t feel safe in her yard when the guns are being shot. The length of the shooting is more disconcerting, you don’t know when it’s going to stop.

Bill Sykes added that notification in advance would be helpful, but if shooting goes on for a couple of hours, we are making an accommodation for them. Sykes both support the Petition.

Roxanne Dyer, 9 Jomanda Way, stated that this is more noise than hunting. She has a recording of two (2) to three (3) hours that contains 600 to 700 rounds being fired. She cannot train her dogs outside, she worries about safety and the dogs get scared. This is not a gun rights issue, it is a gun responsibility issue. Advanced notification would be nice, but she feels she shouldn’t have to leave her property because of noise and safety issues. Dyer supports the Petition.

John Sartini, 1 Jomanda Way, stated that he is geographically the least impacted by the shooting. The noise is disconcerting and happens too frequently. The neighborhood sounds like a warzone. He has grandchildren under ten years old and animals that are
afraid. There is a place for this type of activity, but it is not a neighborhood. Sartini supports the Petition.

Councilman Quinn asked what is the Town Board’s legal ability to amend to no shooting in this neighborhood? This appears to be similar to spot zoning, which this Board is not allowed to do.

Jim Costello said we would have to get that information from Town Attorney Horwitz.

Councilwoman Kohl asked what percentage of support for the Petition would be required to make a change.

LaFountain said we can verify that with Town Attorney Horwitz, but he believes it would have to be a simple majority.

Metzler asked what level of findings would the Board need to meet to make this type of legislative change. What rational basis does the Town have to show on this type of infringement of rights.

LaFountain stated that this will remain for discussion by the Board and will be discussed again at a future Work Session. This item will be a held item for the January 28th Work Session. Any additional information can be submitted to me and I will copy the Board.

2. Rudy Neufeld, Update Flower Mill Park Subdivision, 1223 Fairport Nine Mile Point Road - Costello

Jim Costello reviewed that Councilman Quinn requested information on density calculations of nearby subdivisions. Cranberry Cove was rezoned with incentives. Parcels went from 1 acre to ½ acre and there were to be no more than 90 units. 80-81 units were actually developed so the density was less than permitted. Costello submitted a map to the Board for its review; the map is of the area with this potential subdivision superimposed on the map. In addition, we requested the applicant revise the T turnaround, and reduce the subdivision to 23 units.

Supervisor LaFountain said that on Crimson Way, four (4) lots back up to 11 proposed units, which is dense development overall. This doesn’t appear as drastic on the Abbington side, because the property to the south is more dense than the property to the north.

Councilman Quinn reviewed that this new development is 3.3 units per acre which is similar to Abbington. Abbington is 4.3 times the normal zoning yield. Under conventional zoning three (3) units would be allowed. With the proposed 23 units, this project would be twice as dense as Abbington.

Councilwoman Metzler asked what type of homes will be developed.
Rudy Neufeld said townhomes, three bedroom 1,600 to 1,700 square feet.

LaFountain asked what Neufeld had learned from Village Square.

Neufeld said we want the homes to be a little bigger, if they were patio homes there would be less green space and smaller buffers. Neufeld added one (1) side of the development could be more dense than the other, but with the buffers I don’t think you can see the difference.

Councilman Moore said he has mixed emotions. Cranberry Cove is a great neighborhood and Abbington is top notch and sells well. He is concerned this is too dense for this parcel of land. Moore added he is concerned about buffering and is not supportive of this development.

Neufeld stated if we went with patio homes, there would be less buffering.

Councilwoman Metzler said she may accept the proposed density, but would like to see a visual. She would like to see the difference as viewed from the other developments.

Councilwoman Kohl said this is a great idea and she is supportive. Is there certain times of year the development would be clearly seen based on the types of trees in the buffer?

Neufeld said the buffering is from the previous nursery. Patio homes would only need a 10 foot setback, which would reduce the buffer.

Geoff Benway asked what are the demographics in Village Square?

Neufeld said 55 – 65 years old, no children.

Councilman Quinn stated he is in favor of increased density, but this layout is too dense. He would like to see the same density as Abbington.

Neufeld said 12 to 15 townhomes wouldn’t work financially. We could do patio homes, but he feels we are missing an opportunity with townhomes.

Jim Costello suggested the Board visit the site. Now is a good time because there are no leaves on the trees and we will see what the neighbors would see. Costello added that the properties will have to drain along the back and trees will need to be removed to accommodate drainage.

LaFountain agreed the Board could review the data and walk the site on an upcoming Saturday.

Moore asked if Neufeld had contacted the neighbors yet.
Neufeld said only on the Abbington side, he is waiting for the Board to give a determination before he contacts the neighbors of Cranberry Cove.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane
2. Planning Application Fees 2015 - Valentine

IX. Old Business - None

X. New Business
Supervisor LaFountain thanked Geoff Benway for his efforts over the years and wishes him the best on his future as Commissioner of Public Works for the Town of Webster.

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

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 9:29 PM.

Lisa Grosser, Deputy Town Clerk