Town Board Work Session Agenda
August 12, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – July 22, 2015

III. Monthly Reports - July

IV. Public Hearing – None

V. Guests – 7:00 PM
   - Ahmad Idris – Discussion of Conversion of 7 Eleven to Penfield Corner Store – Costello

VI. ACTION ITEMS

   Law and Finance
   1. Stained Glass Distillery, 2106 Five Mile Line Road – Costello
   2. Granting Easement to RG&E at Schaufelberger Park - Costello

   Public Works
   1. Sidewalk Waiver, 1450 Marchner Road – Valentine
   2. License and Hold Harmless Agreement, 9 Shadow Vale Drive – Valentine
   3. Summary of Town Sidewalk needs – Valentine
   4. Hold Harmless Agreement, 91 Triple Diamond Way – Valentine

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Incentive Zoning, 1080 and 1092 Penfield Road – Costello
   2. Incentive Zoning. 1213 Fairport Nine Mile Point Road - Costello
   3. Incentive Zoning, 1271 Fairport Nine Mile Point Road – Costello
   4. Amended Zoning, 730 Linden Ave. – Costello

   Public Works - None

   Public Safety - None

   Community Services – None
VIII. **HELD ITEMS**
1. Right-of-Way Transfer on Mott’s Lane – Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition – LaFountain
3. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Pt. Road – Costello
4. Villas at Easthampton Roadway Dedication – Valentine
5. Sidewalk Waiver, 1445 Jackson Road - Valentine

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  
August 12, 2015  
7:00 PM

I. Call to Order

Present:
Supervisor LaFountain  
Councilwoman Kohl  
Councilman Moore  
Councilman Quinn

Also Present:
Jim Costello  
Lisa Grosser  
Mark Valentine

Absent
Councilwoman Metzler

II. Approval of Minutes – 7/22/15  
CM Quinn moved for the approval of the Minutes of July 22, 2015,  
CW Kohl seconded the motion.

III. Monthly Reports – Most of the reports for July have been submitted, the outstanding reports are expected by the end of the week.

IV. Public Hearing – None

V. Guests – 7:00 PM – Ahmad Idris – Discussion of Conversion of 7 Eleven to Penfield Corner Store – Costello  
Jim Costello introduced Ahmad Idris, who has been the Manager of 7 Eleven for the past 23 years. 7 Eleven is no longer interested in this location and Idris is interested in opening up the same business as the Penfield Corner Store.

Idris explained that the store will remain the same except the cash registers will be changed out and there will be no Slurpee.

Supervisor LaFountain asked where Idris will be obtaining his inventory.

Idris stated that 7 Eleven product was obtained through McLeans, he will use a new distributor Mountain who will deliver product from Pennsylvania. Deliveries will remain the same at two (2) per week. Idris added that he will also be purchasing Pepsi and Coke products directly.

LaFountain confirmed that there will be no reference to 7 Eleven with the removal of Slurpee and pizza. LaFountain asked if the property owner will remain the same.
Idris stated yes, Tony DiPrima will continue to own the property and Idris has signed a five (5) year lease.

Jim Costello asked about hours of operation.

Idris stated they will likely stay the same, 7 days a week, 24 hours a day. He may cut back in the winter to 20 hours a day, but a decision has not yet been reached.

LaFountain stated that if the hours of operation are reduced Idris does not need to come back to the Board for approval.

Costello asked how many employees are there?

Idris stated six (6) employees.

Councilwoman Kohl asked if there are going to be any exterior improvements.

Idris said only the signs will be changed, he submitted photos to the Board for its review.

Costello asked if the Board is okay with keeping the signs backlit?

Idris said the sign boxes would remain the same, he is only going to change the panels.

Councilman Moore asked if this could be approved through the streamline process?

LaFountain said as long as the operation is the same. Only the name will be changed, so this can be approved through the streamline process.

Moore asked if there would be any additional product offerings?

Idris said they are looking for a cold product to replace Slurpee.

The Board discussed and agreed to approve the request through the streamline process.

LaFountain inquired as to the time frame of the change.

Idris said all licenses have been obtained, so the change will take place between August 28 and 31, 2015. The store may be closed for a couple of hours during the audit process.

LaFountain directed Costello to prepare the Conditional Use Permit.
VI. ACTION ITEMS

Law and Finance
1. Stained Glass Distillery, 2106 Five Mile Line Road – Costello
Jim Costello stated that the Public Hearing was held on July 1, 2015 and there are no outstanding issues. Costello stated after listening to the meeting, which he was unable to attend, he suggests there be a component of food as a condition of approval. Costello continued to say this Board has never approved something where you could come in and drink alcohol without food to accompany it. Adding this condition would buffer it from being just a bar.

Councilwoman Kohl stated craft breweries don’t serve food; some only have food trucks.

Costello said they are starting to serve food, and I don’t think we are going to see food trucks in the parking lot every night. Costello continued to say they indicated when we first met that they would be looking to do some type of food or samplings and he thinks it would be appropriate to require it.

Kohl asked if they will be kitchen equipped?

Costello said no, but they have indicated that they will provide for that service at some point in time.

Councilman Quinn stated we need to ask them how quickly they plan to have food as a part of their operation, rather than making it a condition of approval. Quinn said he would like to know if they have given it more thought after the Public Hearing. Quinn asked if the applicant plans to have something on day one, or bring in something from offsite or have food trucks. It was made clear at the Public Hearing that this operation is in no way a bar. He said customers are only allowed 1/3 of a shot, per individual, per evening.

Kohl added they are very limited on what they can serve.

Costello stated he’s not saying they need to serve dinner, but there should be food, an hor d’oeuvre or something.

Kohl asked, can we mandate that?

Costello said he is making a recommendation, the Board is issuing a permit and can require conditions of approval.

Supervisor LaFountain confirmed that the Board can impose a regulation as a condition of approval. LaFountain added that he did not attend the Public Hearing and there are some outstanding questions. LaFountain suggests holding this for tonight and gathering additional information. The operators of the distillery should also be present at a future meeting when this is discussed.
Kohl asked if the operators have met with the Historic Preservation Board?

Costello said no, they will only be stripping and painting. The windows will be modified from the interior of the building, which does not require Historic Preservation Board approval.

This item will be held for the next Work Session on August 26, 2015.

2. Granting Easement to RG & E at Schaufelberger Park – Costello
Jim Costello stated he and Mark Valentine met on site with Mark Crane. The gas line will be located on the south side of the building in the outdoor dining area. The utility line will go along the building near the park area. Costello recommends allowing the easement. PRC has not reviewed the request, but there should be no concerns as the line will be located three (3) feet off the edge of the building.

The Board discussed and agreed. A Resolution will be submitted at the next Legislative Session on August 19, 2015.

Public Works
1. Sidewalk Waiver, 1450 Marchner Road – Valentine
Mark Valentine showed the Board the site plan and explained that the Planning Board is reviewing an application to split the lot into two (2) parcels. There is an existing home on one (1) lot and a single family residence is proposed for the second lot. There are no sidewalks in the area. The applicant has submitted a request for a sidewalk waiver.

Supervisor LaFountain asked the width of the lots.
Valentine said one is 171 feet, and the other is 350 feet.
LaFountain asked what the width of the lot at 1445 Jackson Road?
Valentine said the Jackson Road parcel is 665 feet wide.
Councilman Quinn asked where is the nearest sidewalk to this parcel?
Valentine said the Village of Webster to the north, and the YMCA on NYS RTE 250 to the south.
LaFountain added there are internal sidewalks nearby at Abbington Place.

The Board discussed and agreed to allow the waiver.
LaFountain directed Valentine to prepare a Resolution to be submitted at the next Legislative Session on August 19, 2015.
2. License and Hold Harmless Agreement, 9 Shadow Vale Drive – Valentine
Mark Valentine submitted a letter and survey map to the Board for its review. Mr. Mace has a fence on three (3) sides of his house and is interested in connecting the fence. There is a utility easement near the house, but the fence is already over that. There is an existing drainage easement on the rear of the property and the fence would be located in the easement. Mr. Mace understands that if he enters into a Hold Harmless Agreement with the Town, that he is responsible if the fence needs to be removed to access the easement.

Supervisor LaFountain asked if a gap will be maintained so the fence does not impact the drainage flow?

David Mace stated that the fence will be chain linked and is much higher than the swale.

The Board discussed and agreed to allow the Hold Harmless Agreement.

LaFountain directed Valentine to prepare a Resolution to be submitted at the next Legislative Session on August 19, 2015.

3. Summary of Town Sidewalk needs – Valentine
Mark Valentine submitted a summary of sidewalk needs to the Board for its review. The summary lists both primary and secondary needs, also included are the estimated costs for the sidewalks.

Valentine reviewed the priorities. First is Fairport Nine Mile Point Road, north of the Gymnastics Training Center to Timber Glen Subdivision, on the west side of the road. Timber Glen subdivision is required to complete sidewalks along the NYS RTE 250 where the subdivision is located. This totals 855 feet of sidewalks.

Councilman Quinn asked when will the developer complete the sidewalks?

Valentine stated RG & E needs to move utility poles, and the Town needs to add fill. Valentine stated that this project should be completed this year. The sidewalk plan has been submitted to NYS DOT and is in process. This would complete the sidewalks to Whalen Road. A petition has been received requesting ped indicators at Whalen Road and NYS RTE 250.

The second priority would be along Atlantic Avenue, near Fernstone Lane just west of Baird Road.

The Town has $50,000 budgeted for sidewalk needs.

Valentine continued to say we have 2014 CDBG grant funds totaling $36,000 to complete sidewalks on Empire Boulevard from Abraham Lincoln Park to Southpoint Cove Apartments. The plans have been
submitted to NYS DOT. This totals 1,400 feet and both grant money and town funds will be used to complete these sidewalks.

Valentine said also listed are sidewalk repair needs and we will work with the DPW on completing these. Also listed are secondary needs, some include areas we have looked at in the past as well as requests received from residents.

Supervisor LaFountain asked about the status of RG & E moving the poles on NYS RTE 250.

Valentine stated that there is nothing electric that needs to be done, only moving guide wires which should be a quick change over. Valentine will follow up with RG & E tomorrow.

LaFountain asked if Philippone is ready to go once the poles have been moved?

Valentine said yes.

LaFountain asked Valentine to follow up with RG & E to get this project completed.

4. Hold Harmless Agreement, 91 Triple Diamond Way – Valentine Mark Valentine submitted to the Board for its review, a request from Scott Rice including a letter and survey map. Rice would like to extend his driveway, but it is near a 20 foot wide easement. Only a small portion of the driveway would be in the storm sewer easement. Mr. Rice understands he is responsible if the Town needs access to the easement area. Surface drainage would be maintained.

Supervisor LaFountain asked if PRC had reviewed this request.

Valentine said no, but we could if you would like us to.

The Board discussed and agreed to allow the Hold Harmless Agreement.

Supervisor LaFountain directed Valentine to prepare a Resolution to be submitted at the next Legislative Session on August 19, 2015.

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Incentive Zoning 1080 and 1092 Penfield Road – Costello
Jim Costello reviewed that the Board met with the applicants and there were some concerns which included zero setback to the Town owned property. The developer and engineer re-designed the plan
and have relocated the driveway to act as a buffer. The residences have also been moved and there is now a 27 to 29 foot setback. This re-design has been reviewed by PRC and is a marked improvement. PRC had no specific comments. The access point on Penfield Road has been revised and the applicant must meet Monroe County’s criteria for distances between driveways. The house on the property will be demolished and they will tie into Old Penfield Road as a means of alternate access. The total number of units has been reduced from 78 to 66.

Costello introduced Ken Vasile, developer and Adam Forsino, McFarland Johnson. Forsino reviewed the site plan explaining that the road will buffer the Town owned property, and the town homes will now face the Town owned property rather than back up to it. Landscaping will also be added to the road to increase the buffer.

Councilman Quinn asked if the road will be private.

Forsino said yes.

Vasile said we are still determining if the town homes will be for purchase or rental.

Councilman Quinn inquired as to the size of the setback.

Forsino said 29 feet for several of the buildings and 20 feet for others. Forsino continued to say at this point we are looking for additional insight on the incentive zoning portion of the application. He also stated that the Cambridge Heights floor plan is what is proposed for these units. There may still be modifications to the buildings.

Costello asked if they will be one (1) or two (2) story buildings?

Forsino said two (2) story.

Vasile stated our concept is to have a building with two (2) bedrooms, it is not a high rise apartment project. This is a town house project.

Councilwoman Kohl asked if there are any changes to the entrance.

Forsino said there is an additional building which will run parallel to Penfield Road, the existing entrance will be cleaned up. One (1) house will remain and the other two (2) demolished.

Councilman Moore asked what are the next steps?

Supervisor LaFountain said if the Board agrees tonight we will schedule a sketch plan Information Meeting, and then move forward with a formal application. Incentives could include Panorama Valley Park or any infrastructure needs. If this plan is
acceptable, an Informal Discussion will be scheduled for some time in September.

Jim Costello stated that staff is preparing a list of incentive zoning needs for the Board.

The Board discussed and agreed to schedule the Informal Discussion.

Moore suggested the applicant prepare visuals of what the proposed buildings will look like in advance of the Informal Discussion.

Costello added that the incentive does not determine the density of the project. The property determines the density, and how it fits on the site.

Vasile added he would like the incentive to go to something in the area of the development.

Costello said it may, but there are other priorities within the Town.

Vasile said it would help us when informing neighbors of the project to include that there will be an improvement in their area.

LaFountain said the incentive could be in the area, but may be an adjacent area as well. The incentive may benefit the broader community.

LaFountain directed Costello to prepare a Resolution for the next Legislative Session on August 19, 2015, the Informal Discussion will be scheduled in September.

2. Incentive Zoning 1213 Fairport Nine Mile Point Road – Costello

Jim Costello said the Informal Discussion was held for Barkley Park on August 5, 2015. Costello said residents spoke at the meeting in support of the project, and no additional information has been received.

The Board discussed and agreed to schedule a Public Hearing.

Supervisor LaFountain stated that the incentive zoning portion still needs to be flushed out. The Board will review the incentive zoning list when staff provides it. Rudy Neufeld can proceed with a formal application.

Supervisor LaFountain asked Costello to have the list of incentive zoning projects prepared for the Board to review at the next Work Session on August 26, 2015.

3. Incentive Zoning 1271 Fairport Nine Mile Point Road – Costello
Jim Costello reviewed that this proposal had been discussed with Bill Vendel at a previous Work Session. Costello added that this had been put on hold because we did not have a list of incentive zoning needs. Costello asked if the Board is prepared to schedule an Informal Discussion for this project. Costello added that Neufeld will mesh his southerly property to this project. This would take place with Abbington Place Section 5 or 6.

Supervisor LaFountain stated that the connection road would remain the same, it would come into the Vendel property and head west into the cul-de-sac. The northern Vendel lots would line up to the southern Neufeld lots. Neufeld’s project has been changed from 9 to 12 lots to appropriately line up with Vendel’s project.

Valentine added that Neufeld reduced his lot size to gain the extra lots.

LaFountain continued to say the status of incentive zoning is the same as the previous application. We will review when the list is completed by staff.

Costello added that an alternative means of access is not reasonable at this time. The farm market will stay on site.

The Board discussed and agreed to schedule an Informal Discussion, if the response is favorable we will go to a Public Hearing. The resolution will be submitted at the next Legislative Session on August 19, 2015.

4. Amended Zoning 730 Linden Avenue – Costello
Jim Costello submitted photographs and an informational packet from Saratoga Crossing, a similar development in Farmington, NY. The proposal includes both two (2) story townhomes and single story townhomes, and an apartment building. There will be a community center and a pool. This will be a gated community. Costello added that the garages will abut each other, which is similar in design to the Gentles property proposal.

Supervisor LaFountain added that he and Costello met with Morgan property representatives. Morgan is not interested in Commercial development, he is interested in single family homes. There are currently four (4) mobile home parks in the area. Commercial zoning is located farther down the road.

Councilman Quinn asked what would be the next steps.

LaFountain said if the Board agrees, this would go to a rezoning Hearing.

Costello said the Planning Board would give a recommendation to the Town Board, along with the Conservation Board.
LaFountain said the zoning would go from Mobile Home Park to Multiple Residence District.

Costello said the rezoning process takes time. There would be sufficient time for residents to submit comments.

Councilman Moore stated he is not prepared to make a decision yet.

LaFountain suggested this item be held. The Board can review the information, and Councilwoman Metzler can have an opportunity to weigh in. LaFountain asked Costello to email the photos and information to the Board for its review.

Councilwoman Kohl stated she is concerned about moving children to a different school district.

LaFountain reviewed the original information provided; there are 215 units, of which 125 are occupied. 5% of the units have school aged children which totals 38 students.

Councilman Quinn asked if the developer had spoken with residents.

Costello said no, not yet. The developer has spoken with Mr. Harper who has vacancies in his park that is located in the Penfield School District. Harper also vacancies in another park, located in the Pittsford School District.

LaFountain stated that this will be reviewed at the next Work Session on August 26, 2015.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane – Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition – LaFountain
3. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Pt. Road – Costello
4. Villas at Easthampton Roadway Dedication – Valentine
5. Sidewalk Waiver, 1445 Jackson Road – Valentine

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 regular Work Session at 8:19 PM.

Lisa Grosser, RMC
Deputy Town Clerk