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

I. Call to Order

II. Approval of Minutes – September 9, 2015

III. Monthly Reports - September

IV. Public Hearing – None

V. Guests – Dr. Robert Fallone – Discussion regarding the existing Incentive Zoning proposal at 2146 Fairport Nine Mile Point Road - Costello

VI. ACTION ITEMS

Law and Finance
1. Bangz! Hair Salon/Spa – Conditional Use Permit request, 2105 Five Mile Line Road – Costello
2. Nothnagle Realtors - Site Plan approval request, 1797 Five Mile Line Road – Costello
3. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Point Road – Costello
4. Setting Neighborhood Information meeting for 1080 and 1092 Penfield Road Incentive Zoning Proposal - Costello

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Villas at Easthampton Roadway Dedication – Valentine

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. Sidewalk Waiver, 1445 Jackson Road – Valentine
4. Incentive Zoning, 1213 Fairport Nine Mile Point Road - Costello

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
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 9/9/15
CM Quinn moved for the approval of the Minutes of September 9, 2015, CW Metzler seconded the motion.

III. Monthly Reports – Reports are in for September except for
Building/Zoning/Fire Marshal, Justice Court (Mulley), Local History Room and Personnel which are expected by the end of the week. The Personnel Director is out of Town and will be back early next week.

IV. Public Hearing – None

V. Guests – Dr. Robert Fallone – Discussion regarding the existing Incentive Zoning proposal at 2146 Fairport Nine Mile Point Road – Costello

Jim Costello introduced Dr. Robert Fallone who has already received final approval for a 6,000 square foot building, and preliminary approval for two (2) 4,000 square foot buildings at 2146 and 2150 Fairport Nine Mile Point Road. Fallone has an applicant who is interested in opening a dentist office in 2,400 square feet of the building in the rear of the property. His original intent was to install the dentist office in the front building and would at some point like to convert the building to retail if the dentist leaves the site. The Board stated that Incentive Zoning does not work that way, it is a one-time event that occurs at the construction phase. If Fallone does not utilize Incentive Zoning now, it cannot be added at a later date.

Dr. Robert Fallone stated that there is interest in the front building for retail businesses such as a tanning salon and a salad/sandwich or burger restaurant which would require a drive thru. Fallone added that there is room on the north side of the building to include a drive thru.
Costello said Fallone has an application in process for the approved building which includes Moe’s Southwest Grill, Hair Zoo and A T & T. Fallone will be coming to the Town Board for Conditional Use Permits for these businesses. Fallone also has a contract with Trau for additional property which will be used for parking.

Costello continued to say the Reese property was not part of the original Incentive Zoning approval. This would be a new Incentive Zoning application and cross parking agreements would be required. The building in the rear would be required to comply with the BN-R zoning and the access road is part of the approval for the 6,000 square foot building.

Councilwoman Kohl inquired about the top soil on the parcel.

Costello stated that a top soil screening permit was issued by the Town Board. Fallone has not started the screening process and Costello suggests letting the six month permit expire and re-apply next year to begin screening soil in the summer.

Costello said the next step would be to obtain final site plan approval for both 4,000 square foot buildings.

Costello added that there is a buffer behind the proposed rear building and we must be conscience of the neighbors to the east. There will have to be additional landscaping as part of the process.

Councilman Moore asked if all of the buildings will have similar design.

Fallone stated yes.

VI. ACTION ITEMS

Law and Finance
1. Bangz! Hair Salon/Spa - Conditional Use Permit request, 2105 Five Mile Line Road - Costello
Jim Costello stated that the Public Hearing was held on October 7, 2015. The applicant is requesting three (3) wall mounted signs, and one (1) freestanding sign which will be placed at the intersection and will require Historic Preservation Board approval. The applicant will meet with the Historic Preservation Board on November 5, 2015. Costello added that there are no additional issues or concerns.

Councilman Quinn asked where recently have additional signs been allowed in the past?

Costello said Wendy at Work, at the corner of Woodside Drive, had signs on both sides of the building to be visible from both the east and the west. Costello said we are also reviewing signs for Mark’s Pizzeria in which three (3) signs may also be requested.
Quinn inquired about the sign on the south side of the building; is that really necessary?

Costello said the salon will be located adjacent to Mark’s Pizzeria and will be utilizing Mark’s parking lot.

Quinn stated that signage should be consistent throughout the Four Corners District. We could evaluate all of the signage in the district if necessary. Quinn continued to say he is not in favor of moving forward with the sign package as proposed; he would like to hear what the Historic Preservation Board has to say.

Costello said the Historic Preservation Board will not be concerned about the wall mounted signs, but they will be concerned with the proposed freestanding sign and how it looks and blends in with the area.

Councilwoman Metzler asked if we can go forward with the approval of the Conditional Use permit and hold an abeyance on the additional signs. The signs can be reviewed at the time Mark’s Pizzeria is ready to present a sign package.

Quinn added that he has no problem with the freestanding sign, but not in conjunction with three (3) signs on the building.

Supervisor LaFountain stated we would like to hear from the Historic Preservation Board. LaFountain agrees that he does not want three (3) signs on the building, the signs need to be placed strategically. LaFountain suggests the applicant meet with the Historic Preservation Board and bring a revised sign package to the Board for review.

The Board discussed and agreed to allow the Conditional Use Permit for the business and to hold on a decision for the sign package. A Resolution will be submitted at the next Legislative Session on October 21, 2015. The sign package will be discussed at a future Work Session.

2. Nothnagle Realtors – Site Plan approval request, 1797 Penfield Road – Costello

Jim Costello stated that the Public Hearing was held on October 7, 2015. Based on comments at the Public Hearing, the applicant has submitted additional materials to the Board for its review. PRC had a concern about the entrance and wants to make sure there are no conflicts. The width of the driveway is 14 feet and it is recommended to make it a one-way entrance with an exit to Mott’s Lane. Additional landscaping is requested and the applicant has submitted proposed landscaping of Green Velvet Boxwoods.
Costello continued to say PRC reviewed and have asked that the entrance be signed for one-way only. The handicapped parking area does not meet current State code and will need to be re-designed and possibly re-located.

The Board discussed and agreed to allow the Conditional Use Permit. A Resolution will be submitted at the next Legislative Session on October 21, 2015.

3. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Point Road – Costello

Supervisor LaFountain reviewed that in April the applicant had requested to extend the outdoor dining hours from 11:00 PM to 1:00 AM.

Councilwoman Metzler said at the time we wanted Jeremiah’s to wait for a full summer season. The business has grown and is operating sufficiently.

LaFountain inquired about the shed roof, will a permanent awning be installed?

Costello said the applicant will build a roof and include a dry sprinkler system, this will be constructed next Spring.

LaFountain asked if there had been any additional inquiries about music.

Costello said during our last discussion it was suggested the applicant utilize Temporary Recreation Permits before requesting a permanent change. The applicant did not apply for permits this year and may do so next year.

LaFountain asked if there had been any additional concerns about the speakers, and sound outside after 10:00 PM.

Costello said the speakers were adjusted and there have been no additional complaints.

Councilman Moore said he feels this has been vetted thoroughly and the applicant has a proven record of a full season, he is prepared to move forward.

The Board discussed and agreed to allow the extension of outdoor dining hours.

Supervisor LaFountain directed Costello to prepare a Draft Resolution for the Board’s review. We will also have the Town Attorney review and submit the Resolution at the November 4, 2015 Legislative Session.
4. Setting Neighborhood Information meeting for 1080 and 1092 Penfield Road Incentive Zoning Proposal – Costello Supervisor LaFountain reviewed that this project had been discussed with Vasile Construction at a Work Session in August. The original proposal consisted of 66 units, some of which will be 2 story, and include a private drive. Steep slopes will have to be identified as well as additional environmentally sensitive areas.

Jim Costello said a revised plan was submitted and PRC reviewed and requested a T turnaround be included for emergency access vehicles. This T turnaround has not yet been identified, and may result in a reduction of the number of units.

LaFountain reviewed that under conventional zoning 15 units would be allowed and they are now proposing 74 units. LaFountain stated that he does not feel this meets the intent of Incentive Zoning and the applicant is trying to put too many units on the parcel. LaFountain added, he is not comfortable moving forward with a Neighborhood Information Session with a proposal of 74 units.

Councilwoman Metzler stated she feels it is too early for a Neighborhood Information meeting, we don’t want to mislead neighbors into thinking this will get approved as proposed.

Councilman Moore stated that he concurs with Supervisor LaFountain and would not support the project as proposed.

LaFountain suggests setting up a meeting with Vasile Construction to discuss the concerns of the Board, and that we will not be moving forward with the Neighborhood Information meeting at this time.

Public Works – None
Public Safety – None
Community Services – None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Villas at Easthampton Roadway Dedication – Valentine Supervisor LaFountain said we previously discussed this project with the developer at a July Work Session.

Mark Valentine submitted a memorandum from PRC listing comments/concerns regarding the Villas of East Hampton roadway dedication. Valentine stated that PRC reviewed the site and included feedback from the Department of Public Works regarding their concerns. Valentine stated that Mark Welker did pull core samples and the road is built to Town standards.
Valentine stated that Maryview Drive was built to private standards and the new road right-of-way will leave most residents with zero, or possibly negative setbacks to the road. DPW has concerns with plowing and storage of snow. The main loop will be dedicated and some portions will remain private, including the driveways. The street lights are owned by the Association and if located in the right-of-way, a Street Lighting District will need to be formed. The storm sewers are private and are located in the right-of-way, they would have to be reviewed to verify they meet Town Standards.

Valentine said in addition the culvert is not typical for plowing and maintenance and would need to be paved. The guard house is not typical and the Town would have to allow an exception or it would have to be removed.

Councilman Moore asked if the Town takes dedication of the road, is the neighborhood capable of handling Town plows.

Valentine stated that it could be an issue.

Jim Costello added that if we had a winter like last year there would be no place to put the snow.

Moore asked if the snow could kill the resident’s vegetation?

Valentine said it is a possibility.

Councilwoman Metzler directed everyone’s attention to item #3 on the PRC memo “The new road right-of-way will leave most residents with very little to zero setback to the R.O.W. This is a concern for the DPW and the plowing of the roadway. This leaves very little room for snow storage. It will most likely have to be stockpiled on the existing landscaping in front of the homes.”

Valentine agreed there are physical constraints of snow removal, we may be able to work through some of the other issues.

Moore stated that he doesn’t want residents to have expectations and be surprised that there will be issues with snow. Moore asked if the Homeowner’s Association made the recommendation to have the roadway dedicated?

Mark Welker said he made the recommendation and brought it up to the Homeowner’s Association. The residents are aware that this is being discussed and he intends to address the Association at the board meeting next month to verify this is what they want to do. Welker added that the Homeowner’s Association has held back on salting as a cost savings, and safety is becoming a concern. Welker is trying to come up with a solution that works for everyone. Welker added that the current Homeowner’s Association Board is receptive to the changes and he wanted to see if the Town was supportive to move forward.
Councilman Quinn stated he is concerned about the setback, he would not want the Town to be liable for the destruction of property. Quinn is not sure he will be in favor of moving forward, even if the Homeowner’s Association is fully aware, because of the liability to the Town.

Councilwoman Kohl said she doesn’t see a benefit to either party. Quinn added that the development was approved and built without a concern for snow removal by the Town.

Valentine agreed with Quinn, the community was designed with a higher density and homes are closer than normal.

Costello said he is concerned that taking property for the right-of-way may effect homeowner’s mortgages.

Welker said residents own their homes and five (5) feet outside of their walls.

Valentine said some of the corners may have to be taken for the right-of-way. Valentine stated that the Town Board approved the density for the development under the condition that it would be a private road.

Supervisor LaFountain added that the sanitary sewers are dedicated, but the storm sewers are private. LaFountain asked if we have done anything with the storm sewers yet?

Valentine said the Town would have to incur a cost to verify the storm sewers are sufficient. This would have to be done if the Board was in favor of moving forward.

LaFountain stated the Board will review the PRC memo and discuss at a future Work Session. LaFountain advised Welker to take the PRC memo to the Homeowner’s Association Board and provide Valentine with any feedback.

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. Sidewalk Waiver, 1445 Jackson Road – Valentine
4. Incentive Zoning, 1213 Fairport Nine Mile Point Road – Costello
IX. Old Business - None

X. New Business - None

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

XII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 7:56 PM.

Lisa Grosser, RMC
Deputy Town Clerk