Town Board Work Session Agenda
October 28, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – October 14, 2015

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – Chris Charlton - Discussion regarding Preservation of Curb cut at 2136 Penfield Rd. - Costello

VI. ACTION ITEMS

Law and Finance
1. Code of the Town of Penfield, Comments/Resolution – Valentine
2. Mixed Use Development Hearing Date – Valentine
3. Informal Discussion, 1271 Fairport Nine Mile Pt. Rd. - Costello

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Update of Conditional Use Permit applications for 2150 Fairport Nine Mile Point Road – Costello
2. Incentive Zoning, 1213 Fairport Nine Mile Point Road – 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. Sidewalk Waiver, 1445 Jackson Road – Valentine
4. Bangz! Hair Salon/Spa, 2105 Five Mile Line Road – Sign Package – Costello
5. Villas at Easthampton Roadway 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:
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

Absent
Supervisor LaFountain
Councilman Quinn

II. Approval of Minutes – 10/14/15
CW Metzler moved for the approval of the Minutes of October 14, 2015, CW Kohl seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – 7:00 PM – Chris Charlton – Discussion regarding Preservation of curb cut at 2136 Penfield Road – Costello
Jim Costello introduced Chris Charlton who has been the owner of 2136 Penfield Road for eight (8) years. This property was rezoned in 1991. Currently there is an application before the Planning Board for a U of R Urgent Care facility on an adjacent parcel, which is driving Mr. Charlton’s need to meet with the Board. Costello submitted a copy of the letter Charlton has submitted to the Board for its review, requesting relief from condition number 5 of the 1991 Resolution.

Costello reviewed condition 5 stating that the Master Plan recommended that when the residences were changed to businesses, the owners would be required to obtain a change of use permit and each property owner would also be required to provide a mutual access easement across the property. In addition each owner is responsible for the installation of an access road from Harris Whalen Park Drive to the proposed ingress/egress to “The Village Plaza” and internal access to each property. It is also stated that each owner is responsible for the installation of individual parking areas to the rear of the structures, which would need to be buffered from Harris Whalen Park, and the driveways to Penfield Road be eliminated. The requirements were established to maintain safer access to and from the sites and minimize traffic impacts to the area.
Chris Charlton stated that he would like to preserve the curb cut to Penfield Road. The existing parking area has 10 parking spaces with one handicapped parking area, which he feels is sufficient. Charlton would like relief from requiring parking in the rear because his clients benefit from the sanctuary environment in the rear of the building.

Councilman Moore asked Charlton to explain the sanctuary area.

Charlton said it is a non-disturbed gentle area. His clients are trauma victims and require low disturbance. Their treatment should be away from noise and traffic. The current environment in the rear of the building is conducive to a patient’s healing.

Councilwoman Kohl stated that installation of the required access road may impact trees on the rear of the property.

Costello said Charlton is aware that some of the trees may need to be removed to accommodate the access road. Charlton is concerned with the rear parking and curb cut requirements at this time.

Kohl said the access road will change how Charlton’s property is accessed. Even if an access road is created to go to the original parking area, there will be traffic from other properties utilizing the access road. Kohl asked how that would impact Charlton’s clients?

Charlton explained that he has three (3) treatment windows in the rear of the property and his clients would be sensitive to any traffic going in and out. There is an existing drainage ditch along the east side of the property and an access road would have to be built over the ditch.

Costello said there is a drainage easement between the two (2) properties, and the existing swale goes out to the NYS right-of-way. The area would have to be piped and the access road built over the ditch. Charlton would want to work with the adjacent property owner on the construction of this access road to share expense.

Councilman Moore asked who drafted the preliminary layouts of the properties.

Costello said former Town Engineer Geoff Benway drew up the maps showing the access points. Some of the buildings may not be built to accommodate rear access.

Councilwoman Metzler stated that we need to explore a middle ground. The Board needs to be consistent with the development of that strip. Metzler asked Charlton if he was aware of the requirements when he purchased the property?
Charlton said yes, but he thought the likelihood of change was low. Charlton added he was aware of the access road requirement, but not aware of the parking lot requirement.

Costello said Charlton wanted to bring this to the Board’s attention as he will be going out of the country shortly. Absent Board members need to be briefed before any decisions can be reached. Costello suggested a follow up at the next Work Session meeting in November.

Councilwoman Metzler said Charlton needs to explore additional options, not just an excusal from the requirements. We want to be true to the original Resolution.

Costello said the recent request for approval of the U of R Urgent Care made Charlton want to bring this to the Board’s attention. Costello added we can look at alternatives, but this is a unique situation.

Metzler stated that we want to be true to the original approval. Mr. Charlton may not be at that location forever and we don’t want to create problems for future or adjacent businesses.

Costello said he would also contact the adjacent property owner to discuss the access road.

This item will be discussed again at the November 10, 2015 Work Session.

VI. ACTION ITEMS

Law and Finance
1. Code of the Town of Penfield, Comments/Resolution – Valentine
Mark Valentine reviewed that the Public Information Meeting was held on September 30, 2015 and two (2) comments have been received and given to the Board for review. Valentine stated he has also reviewed some minor adjustments with Town Attorney Horwitz. If the Board is prepared to move forward, he will send in the changes to General Code, note the comments and present a revised final copy to the Board.

Valentine reviewed the two (2) comments received. The first comment pertains to relocating larger vehicles in commercial parking lots. Valentine said he has never seen this done, and is not sure how to enforce it. The second comment pertains to use and enforcement of parking along roadways. Valentine stated that he doesn’t feel the code should be modified, but we could work with the Sheriff on enforcement.

Councilwoman Metzler stated that the comments are valid concerns, but not common occurrences. The Board could amend the code in the future if additional concerns are brought to its attention.
Valentine said he has been working with Town Attorney Horwitz on the length of imprisonment and changing the “misdemeanors” to violations, and also reviewed terms for second and third offenses. Valentine will get revisions back to General Code.

The Board discussed and agreed, Councilman Moore stated Valentine will submit a Resolution in December.

2. Mixed Use Development Hearing Date – Valentine
Mark Valentine stated that the document was presented to the Town Board on September 16, 2015 by the Steering Committee for its review. The document is based on recommendations from the Comprehensive Plan. Valentine continued to say there were originally two (2) committees, one (1) for the Manitou Lake property, which has been sold and one (1) for the NYS RTE 250 Corridor. The Steering Committee is made up from residents, stakeholders and neighbors adjacent to the area.

Valentine added that the proposal is to rezone the property to Mixed Use. Valentine suggests going through the document at a future Work Session and scheduling a Public Hearing. There has been much community outreach through committee and neighborhood meetings. The document is available for the public to review on the Town website.

Councilwoman Metzler stated the Board just received the document and needs time to review it.

Valentine suggests reviewing the document at the December Work Session. After reviewing changes and updates, revisions would be included and a Public Hearing will be scheduled.

The Board discussed and agreed. Valentine will work with Supervisor LaFountain to schedule review of the document at an upcoming Work Session.

3. Informal Discussion, 1271 Fairport Nine Mile Point Road – Costello
Jim Costello stated that the Informal Discussion was held on October 21, 2015. Mr. Vendel presented a proposal for Incentive Zoning and no input was received from the public. Costello continued to say this project would be done in two (2) or three (3) phases similar to Abbington Place.

Costello added that we also need to discuss and come to a consensus on the Incentive Zoning before we commit to moving forward.

The Board discussed and agreed to move forward with preliminary and final application. Costello will work with the Board on developing Incentive Zoning needs.
Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Update of Conditional Use Permit Applications for 2150 Fairport Nine Mile Point Road – Costello
   Jim Costello stated that the applications for the three (3) businesses, Hair Zoo, Moe’s and AT & T have been received. Resolutions will be submitted on November 4, 2015 scheduling Public Hearings on December 2, 2015.

2. Incentive Zoning, 1213 Fairport Nine Mile Point Road – Costello
   Jim Costello stated that Mr. Neufeld has made an application and information will be sent to the Board for review. A resolution will also be submitted on November 4, 2015 scheduling a Public Hearing on December 2, 2015. Costello added that the Incentive Zoning will also need to be finalized for this project.

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. Bangz! Hair Salon/Spa, 2105 Five Mile Line Road - Sign Package – Costello
5. Villas at Easthampton Roadway Dedication – Valentine

IX. Old Business – None

X. New Business - None

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

XII. Adjournment – Councilman Moore adjourned the regular Work Session at 7:30 PM.

Lisa Grosser, RMC
Deputy Town Clerk