I. Call to Order

II. Approval of Minutes – January 27, 2016

III. Monthly Reports - January

IV. Public Hearing – None

V. Guests –
   • Mr. Terry Williams, Proposed Mixed Use Building at 1861 Penfield Road
   • Dr. Greg Merkley, Proposed Office Building at 2105 Five Mile Line Road

VI. ACTION ITEMS

   Law and Finance
   1. Incentive Zoning – Costello
   2. Authorization for Supervisor to Sign a Release Agreement with 2328 Old Browncroft Blvd. – LaFountain

   Public Works
   1. Sidewalk Waiver, 2091 Harris Road – Valentine
   2. Waiver for Road Length and Additional Lots, 2735 and 2745 Penfield Road – Valentine

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance - None

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS

   1. Jomanda Way, Expanding No Shooting Petition – LaFountain
   2. Sidewalk Waiver, 1445 Jackson Road – Valentine
   3. Mixed Use Development Hearing Date – Valentine
   4. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
   5. Sable Oaks 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:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 1/27/16
CM Quinn moved for the approval of the Minutes of January 27, 2016, CW Metzler seconded the motion.


IV. Public Hearing – None

V. Guests – 7:00 PM
- Mr. Terry Williams, Proposed Mixed Use Building at 1861 Penfield Road

Jim Costello introduced Terry Williams who is interested in developing the lot adjacent to Itacate, formerly known as the Fox property. Edwin Summerhays prepared the Site Plan for review. PRC reviewed the project this morning and there are issues with the grade of the property which can be addressed. The handicapped parking will be located in the front of the building by the road. There is a significant grade change from the front of the lot to the parking lot. Summerhays is also working on the water quality issues and will be developing a bio-rettion area which will be tied into the pipe that was recently installed. Williams will work with the neighbors on a Cross Access easements. The location of the dumpster will also need to be discussed. Costello will forward all comments to the Board when these items are discussed.

Terry Williams stated he is interested in opening an Aspenleiter Vacuum store and have a mixed use building which will include the store and two (2) apartments, one on the second floor and a basement walk out.

Councilman Moore asked where Williams’ store is currently located?
Williams said at 516 Monroe Ave.

Councilwoman Metzler confirmed that this will be a mixed use building containing a commercial use as well as two (2) apartments.

Councilwoman Kohl asked if the height of the building will be the same as Itacate.

Costello said it will be very similar to the Incognito building, two (2) story with the front close to the road.

Mark Valentine stated that the building to the east will be a few feet higher, but that it is because it follows the grade of the road.

Kohl asked Williams if he will fill in behind the property.

Williams stated that the back will include a walk out and will look like a three (3) story building, similar to Itacate.

Costello said there is a 10% grade on the slope and we will be working with the engineers to make it easier to get up and down the hill. Costello continued to say Williams will maintain the frontage to be parallel to the road, even though the lot is at an angle. There will be parking and access in the rear. The lowest point is a six (6) foot setback and ten foot setback at the top of the lot. Williams must also meet State Building Code, which may require a relief from setback requirements.

Kohl inquired about parking.

Costello said Williams will have 14 spots, which is more than he will need. He will also have the ability to add future parking

Costello asked Williams how many customers are expected daily?

Williams said approximately 15 to 20 per day, but customers will come and go.

Kohl asked if the business will be more repair than sales?

Williams stated yes, that is correct.

Costello stated that the parking in the rear can be used for staff and tenants. The parking up front will be handicapped and used for deliveries.

Kohl asked Williams what the hours of operation will be?

Williams said Monday through Friday 9:00 AM to 6:00 PM, and Saturday 9:00 AM to 3:00 PM.
Costello said we will work out the details on the Site Plan with regards to code requirements and possible relief. This application would have to go to a Public Hearing.

The Board discussed and agreed to allow the applicant to move forward.

Supervisor LaFountain stated that this has been in discussion for a number of years. Williams has been generous with parking for the neighbors. A mixed use building containing a business and apartments is a nice complement to the area.

Metzler commended Williams for designing the building to look similar to Incognito.

Costello said he will work with Williams to finalize the plan, meet codes, and then move forward with a Public Hearing.

- Dr. Greg Merkley, Proposed Office Building at 2105 Five Mile Line Road

Jim Costello introduced Dr. Greg Merkley and Bob Lindsey. Lindsey is interested in developing the site. They have met with the Historic Preservation Board and the board is favorable to the proposal. The HPB had comments pertaining to the color scheme and want to break up the look of the building. The building will be close to the existing buildings, similar to a village setting. There will be sufficient parking. The building will be behind the old mansion, which is now apartments. The building will be 2,700 square feet and a single use. Dr. Merkley currently has his business kitty corner from this site at 2086 Five Mile Line Road. Dr. Merkley will own this building and will have both Cross Access and Parking Agreements. The only Historic Preservation Board comments pertained to adding one to two colors to the exterior.

Bob Lindsey explained that they will be adding a commercial building that will look like a historical building. The building will be cedar clap board and architectural shingles. It will be a wood product with no composite. He may look at utilizing different style windows, awning or double hung. We will work with the Historic Preservation Board on colors and elevations. The setbacks will be no further than the mansion house and will split off one half acre for Dr. Merkley.

Lindsey continued to say Dr. Merkley wants to keep his practice and current customers. This site meets his needs and will fit in nicely with the neighbors. The egress will be the same on the site and there will be no cuts in the road to the existing space. There are 29 parking spaces on site, 9 additional sites of which will be located in the front of the building. The mansion house had four (4) apartments and the hair salon has four (4) chairs and three (3) employees. Dr. Merkley has six (6) employees. They will also utilize the Municipal Parking lot across the street. Dr. Merkley’s hours of operation are Monday through
Thursday, the salon business is primarily Friday and Saturday, which will offset the impacts on site. The businesses will complement each other. We will add landscaping and fix up the corner. This addition will create more business in the Four Corners.

Councilwoman Kohl inquired about the yellow house.

Lindsey said that would be taken down. The lease was not renewed and it is empty. The new structure would go from the yellow house and forward, parallel to Liberty Street. The setback would be the same as the mansion house and there would be sidewalk to the main road. Lindsey continued to say Mark’s Pizzeria is okay with shared parking and there will be a sidewalk connection for pedestrians.

Supervisor LaFountain asked if the building would be one floor, and would there be anything in the basement?

Lindsey said the basement is required for the mechanicals of a dental office. Access is needed to be able to change equipment.

Councilman Moore asked if the next step would be to hold a Public Hearing?

LaFountain said yes.

Costello asked about the expansion of Bangz Hair Salon building.

Lindsey said we will be expanding the parking, there will be no additional buildings. The property is at the maximum. Lindsey would like space for parking to work with all of the businesses on site.

The Board discussed and agreed to move forward with the Public Hearing.

Moore stated he appreciates the applicant holding to the historic nature of the building.

Metzler suggested Lindsey get something in writing from Mark Crane pertaining to shared parking and sidewalks in preparation for the Public Hearing.

Lindsey stated that the parking is not signed for Mark’s Pizzeria only. Mark worked with Canandaigua National on parking and he is all about the village and neighbors.

Costello stated the Historic Preservation Board supports the proposal and we will meet with them one more time regarding the esthetics.
VI. ACTION ITEMS

Law and Finance
1. Incentive Zoning – Costello
Jim Costello stated we have been reviewing what is appropriate for Incentive Zoning projects in the Town. We have a couple of applications pending. Costello submitted a summary of Incentive Zoning projects that have been approved in the past. The range of the incentive is from $8,800 to $3,250 per additional unit. Costello continued to say we are trying to develop an incentive program that has continuity and is fair and equitable across the board for all applicants. Both Mr. Neufeld and Mr. Vendel are in the audience as they have applications pending.

Supervisor LaFountain stated the spreadsheet shows incentive zoning on projects from 1999 to current. We have used those incentives for regional ponds, sidewalks, off site sidewalks, rehab of a facility, upgrades to sanitary sewers and drainage improvements. LaFountain continued to say we need to look at this now and for the future. He suggests dedicating this to the Town Wide Drainage Fund. Every property owner pays into the Drainage Fund. Recently we have increased our efforts into drainage. This has been ongoing work with ponds, drainage ways, ditching and culverts. LaFountain recommends the incentives received be dedicated to the Drainage Fund. LaFountain suggests using a range for the incentive from $5,500 to $6,000 per additional unit over what is permitted. LaFountain added this could be reviewed annually to verify if there is a need to increase it.

Councilman Quinn stated the Drainage Fund is for Town wide use. Is there anything in the area where these two projects are located that may benefit?

LaFountain said maybe something could be done in that area and could be earmarked to come out of the Drainage Fund, or incentives could be dedicated to be used across the Town.

Councilwoman Metzler added that the drainage effects everyone and there is consistency to that. Metzler added she is concerned if something comes up in a specific development, we should be able to make an exception for that.

LaFountain said Valentine will review Town wide Drainage and make a recommendation to the Board. LaFountain continued to say Valentine will work with Public Works and would prioritize projects. The use of the funds could be based on need.

Metzler inquired if a clause could be added that states if there were an exception for funds to be used beyond drainage. We do not want to lose the opportunity to move funds into another area.
LaFountain said we could add a clause that states “Unless otherwise designated by the Board, the fees go to the Drainage Fund.”

Metzler said she proposes the Board has discretion to move funds into another area if necessary.

Quinn said fees are appropriate, he agrees to add clarification for the Board to move funds if necessary.

LaFountain stated wording will be added as part of the Resolution. Drainage is the primary piece, also if there is a special project that would benefit that area this Board would have that flexibility.

Metzler added it should state “unless otherwise designated or allocated.”

Quinn confirmed these fees will be reviewed on an annual basis.

Metzler proposed we start at $6,000, per additional unit.

The Board discussed and agreed to move forward.

2. Authorization for Supervisor to Sign a Release Agreement with 2328 Old Browncroft Blvd. – LaFountain

Supervisor LaFountain stated this is Glendoveers Restaurant and this is being reviewed as a request by Town Attorney Horwitz. LaFountain continued to say the Town will be directional drilling from the Bell property down to the bridge, across the bridge and creek and then open dug to the County inceptor sewer. This is the last leg to connect the sewer. LaFountain continued to say currently Glendoveers has their own grinder pumps and a small force main. This will be incorporated into our sewer system and a gravity feed sewer will replace the pump and force main.

The Board discussed and agreed to have the Supervisor sign the Release Agreement.

3. Barclay Subdivision, 1213 Fairport Nine Mile Pt. Rd. – Costello

Jim Costello stated that this 22 unit subdivision is under concept review. The Public Hearing was held on December 2, 2015 and 24 units, 12 duplexes were proposed. A neighbor expressed concern regarding the pond. The NYS DOT requested the roadway be shifted and the pond is now being relocated to the south of the road. There will be a park to the north of the road and the neighbor is now supportive. Town Staff reviewed the bio-filter system and the Homeowner’s Association will be responsible for the system and the Town will inspect for functionality. Landscaping and a T-turnaround will be added so there is no impact to the neighbors to the west from the street lights. This will be a private drive and according to the Town Sidewalk
Policy, sidewalks will not be required. Sidewalks are not in that area of NYS RTE 250, a sidewalk waiver should be considered.

Rudy Neufeld added that after the neighborhood meeting, it was suggested to remove the existing home, and propose 24 units.

Councilwoman Metzler said she wanted to confirm the neighbors had seen the 24 unit proposal.

Councilman Quinn stated he is okay with 24 units and removal of the existing home.

Supervisor LaFountain stated he is supportive of the project, but does not support 24 units.

Quinn stated he is okay with 24 units as long as the existing home is removed.

The Board discussed and agreed to move forward. LaFountain directed Costello to prepare a Resolution for the next Legislative Session on February 17, 2016.

Public Works
1. Sidewalk Waiver, 2091 Harris Road – Valentine
Mark Valentine submitted a drawing to the Board which shows the location of the property which is north of Penfield Road. This is an Administrative Review. There are no sidewalks in the area, and there is no connectivity. There is 400 feet of frontage for a single home. Valentine continued to say PRC reviewed and recommends collecting a waiver, which under currently policy is $500.

Valentine continued to say we are currently working on a proposal to update the Sidewalk policy. We have been in contact with other communities and the only one that is similar is the Town of Greece. Greece requires sidewalks on all frontage and internally and their waiver is 80% of construction costs. PRC had discussed using 50% of construction costs. The Monroe County bid cost for 2015 was $36.75 per lineal foot. For 400 feet of frontage the fee would be $15,000 at current costs, we have suggested a 50% waiver which would be $7,500. This cost is significant to a single homeowner. Valentine continued to say we are trying to determine what is excessive. The value would go into the Town sidewalk fund. PRC is looking at an upper limit of $2,500 to $5,000 per lot.

Councilwoman Metzler stated this application should be reviewed under the current policy.

Supervisor LaFountain stated we are currently holding a request for a sidewalk waiver for 1445 Jackson Road.
Valentine said that is being held, because sidewalks may come into that area in the near future. They have 668 feet of frontage which at current construction costs would be $25,000 or the current waiver fee of $500.

Metzler asked if we have a current policy in place, why is the application being held?

Jim Costello stated the Harris Road application has no sidewalks in the area. The Jackson Road property does have sidewalks immediately adjacent. We are trying to come up with something more equitable to both the homeowner and the Town.

Councilman Quinn said we are still considering if the sidewalk will be built on Jackson Road. There is no intention of building sidewalks on Harris Road.

Valentine said we are trying to weigh the upper limits for a single family home versus a development with multiple lots.

Quinn asked if these can be separated. Can we grant the waiver to the Harris Road property under the current policy? The Jackson Road property may still have to have sidewalks installed.

Costello said we have discussed a two (2) tiered system, one (1) for no sidewalks in the area, and one (1) where sidewalks will be installed.

Metzler stated we should apply the current policy and formally enact a new policy before we make a change.

LaFountain suggested we do not accept any more applications for waivers until our new policy is enacted.

The Board discussed and agreed to accept the $500 sidewalk waiver. A Resolution will be submitted at the next Legislative Session on February 17, 2016.

2. Waiver for Road Length and Additional Lots, 2735 and 2745 Penfield Road – Valentine
Mark Valentine introduced Chris Schultz and Joseph DiPrima who attended the January 13, 2016 Work Session for a Grade and Fill Permit for two (2) ponds. The Town Design Criteria states no roads longer than 1,000 feet and no more than five (5) homes on a private drive. We are currently reviewing the Town Design Criteria for an update. The proposal is for a 2,200 foot private drive with 10 lots. A waiver is required from this policy.

Valentine then submitted a list of current private drives, both above and below the 1,000 ft. limit, in the Town for the Board’s review. DiPrima understands he would need to form a Homeowner’s Association to take care of the road. There is a farm market to the east, and historic property to the west with steep slopes and
wetlands. There is no connectivity for these areas and no room for a looped road.

Councilman Quinn asked if the design of the road would meet Town Specifications for emergency vehicles?

Valentine said this application is under Sketch Plan review, he needs the waiver to move forward. The road will meet the requirements for load and emergency access.

Councilwoman Kohl asked if other private roads had received a waiver?

Valentine said yes. Valentine then asked DiPrima if there would be any consideration to be a public road?

Joseph DiPrima said the width will meet Town standards and we will allocate room for the right-of-way.

Valentine added there has been discussions to gate the road, which could be done if it remains private.

Metzler suggested the road be built to specifications now, then there could be a future possibility of dedication.

Schultz said the road will be built to specifications and could be converted in the future.

Valentine said the proposed length is 2,200 feet, the current design criteria is 1,000 feet. The Monroe County Water Authority has will be running main down the road with hydrants. Some of that might have been lane length for hose for firetrucks in the past, newer trucks have longer hose. The Water Authority has taken a different stance on private drives, they used to have flag lots for each lot to the street, a master meter at the street and then individual services back. Now they can have a private drive with private hydrants and a water main.

Costello said the reason for this criteria is there are several streets in town that are long and do not have an alternate means of access out. We wanted to bring them back down to a point where it was reasonable so they wouldn’t have to go through several streets to get out.

Supervisor LaFountain asked if PRC had any comments.

Costello said both PRC and the Fire Marshal are supportive.

LaFountain asked if there is concern with the slope of the road.

Valentine said no, this is not an issue.

LaFountain asked Valentine to keep the running list of private drives updated.
The Board discussed and agreed. A Resolution will be submitted at the next Legislative Session on February 17, 2016.

Councilman Moore asked if DiPrima would be using one builder exclusively.

DiPrima said they will be sold as individual lots and bring in their own builder.

Costello added that five (5) lots are allowed and the applicant will have to go before the Zoning Board of Appeals for a variance to allow more than five (5) houses.

Costello also said Jomanda Way is across the street and the applicant should consider the alternative of a public road versus a private drive.

Moore said if the road is built to specifications, the applicant can gate it and keep it private. Then they can come back to the Board in 10 years for dedication.

Valentine said space is allocated for the right-of-way. They are planning in advance for a 60 foot utility/access.

Public Safety - None
Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None
Public Works - None
Public Safety - None
Community Services - None

VIII. HELD ITEMS
1. Jomanda Way, Expanding No Shooting Petition - LaFountain
2. Sidewalk Waiver, 1445 Jackson Road - Valentine
3. Mixed Use Development Hearing Date - Valentine
4. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
5. Sable Oaks Roadway Dedication - Valentine

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - Supervisor LaFountain stated the Board will go into an executive session regarding a legal matter.
XII. **Adjournment** – Supervisor LaFountain adjourned the regular Work Session at 8:11 PM.

Lisa Grosser, RMC
Deputy Town Clerk