I. Call to Order

II. Approval of Minutes – December 13, 2017

III. Monthly Reports - December

IV. Public Hearings - None

V. Guests
   a. Colin Fazio - Verizon Wireless Co-location on Harris Whalen Park Tower - Valentine
   b. Rick Rock and Doug Jerum - Starbucks - Costello

VI. Action Items
   a. Shah - Request for Special Permits at 2041 Penfield Road - Costello
   b. 1315 Sweets Corners Road, Wickham Farms Conservation Easement - Valentine
   c. 1209 Shoecraft Road - Hold Harmless Agreement - Valentine
   d. Tree Preservation Guidelines - Metzler
   e. Bayview Landing Subdivision, 1185 Empire Blvd. - Costello

VII. Informational Items
   a. (NONE)

VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
   c. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
   d. Citizen's Climate Lobby - LaFountain

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting: January 24, 2018

XIII. Adjournment

This meeting will be video recorded and broadcast live via the town’s website www.penfield.org and the Town’s Government Access Cable channel 12, digital 5.12. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
Town Board Work Session Minutes
January 10, 2018
7:00 PM

I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Zach Nersinger
Mark Valentine

II. Approval of Minutes – 12/13/17
CM Quinn moved for the approval of the Minutes of December 13, 2017, CW Metzler seconded the motion.

III. Monthly Reports – Reports for December have started coming in.

IV. Public Hearing – None

V. Guests
a. Colin Fazio, Verizon Wireless Co-location on Harris Whalen Park Tower – Valentine
Mark Valentine introduced Colin Fazio and stated that Verizon Wireless wishes to add additional infrastructure to the tower located on Harris Whalen hill. Valentine explained the changes: inside the fence: they will be adding a generator and panel, on the tower they will be removing existing equipment and replacing it with their own. The tower will not be any higher than it currently is.

Colin Fazio added this is a new co-location for Verizon and is needed for capacity. Fazio stated an antenna array will be added to the tower. Ground equipment will be placed on a concrete slab, and a backup generator will be added.

Valentine explained that Verizon is currently going through the permitting process. The antenna mount from Clearwire will be removed and Verizon will add their mounts.

Councilwoman Metzler asked if this change is related to service issues for Town residents.

Fazio said he is not sure if it is service related, but there is a need to increase capacity.
Supervisor LaFountain asked about generator testing, could it be done during normal business hours.

Fazio said a cycle exercise would take place weekly, and can be done during normal business hours.

Councilman Quinn asked if this application generates revenue to the Town.

Supervisor LaFountain stated yes.

Valentine added that the agreement will be reviewed by Town Attorney Horwitz.

Supervisor LaFountain added we will make sure our internal paperwork is updated with this change. LaFountain asked when will work begin?

Fazio said February.

Jim Costello added we have had issues with noise complaints from generators in the past. Costello asked Fazio to look into muffling or adding a buffer around the generator. Costello asked Fazio to review adding a sound enclosure to ensure the noise is not a nuisance to the neighbors.

Valentine asked Fazio to provide data on the generator and it can then be compared to similar units in Town. We can then determine what may need to be added.

LaFountain asked if the generator will run on natural gas.

Fazio said no, it is diesel.

Councilwoman Metzler motioned for the approval, subject to conditions of an acceptable noise level. Councilman Quinn seconded and all present voted “Aye.”

LaFountain directed Valentine to send a letter to the applicant summarizing tonight’s discussion.

b. Rick Rock and Doug Jerum, Starbucks - Costello
Jim Costello introduced Rick Rock, Re/Max Plus representing Luis Ribeiro and Jill Stark, Ferrara Jerum representing Starbucks. Costello explained that Supervisor LaFountain and Town Staff have met with Ribeiro regarding relocating Starbucks to 1798 Penfield Road adjacent to Dunkin Donuts.

Rick Rock explained that the reason for the relocation is to add a drive-thru, as the existing site does not have one.

Jill Stark explained that Starbucks is moving toward total drive-thru restaurants. With the addition of a drive-thru, business is increased 35%-50%.
Rock submitted the concept site plan to the Board for its review and explained the layout has the best possible traffic flow. The applicant’s prefer a right-in and right-out, but were unable to accomplish it with the constraints of the site. The drive-thru traffic will circle the building, and the existing curb cut will work well. Exit access will be to Penfield Road, Liberty Street and Five Mile Line Road.

Councilwoman Kohl asked if it will become an obstacle if everyone wants to exit on Penfield Road.

Councilwoman Metzler added that traffic flow would be better than the existing location.

Jim Costello stated when the NYS DOT did improvements to Penfield Road they removed the curb cut on this property. Costello added if there was a curb cut there would be increased conflict trying to get out to the main highway. Costello asked how will the drive-thru be buffered if it is located in the front of the building.

Stark said we will accommodate any suggestions. The drive-thru has to be located behind the coffee bar area, and will be located on the side of the building.

Metzler added the drive-thru could be buffered architecturally.

Supervisor LaFountain added this is not located in the historic district, but he would like to have a Historic Preservation Board member review the application and offer suggestions.

Kohl added when this plaza was approved attention was given to the color scheme, and this should also be addressed with this application.

Costello stated that he has spoken with Ribeiro and he is working on a concept to maintain the village look. Costello noted that 26 parking spaces are proposed, and asked will cross parking be offered with the other plaza tenants.

Stark said yes.

Kohl stated we want to make sure it is safe for pedestrians to get around.

Valentine added we will review crosswalks and sidewalks when the plan is submitted.

Councilman Quinn asked is this larger than the existing building?

Stark said the existing building is 2,100 sq. ft. and the proposed building is 2,000 sq. ft.
Councilman Moore asked if there would also be seating inside.

Stark said yes.

LaFountain asked what percentage of the business will be drive-thru.

Stark said it varies based on location between 40%-75%, this location would be around 50%.

LaFountain added Bruce Zaretsky, Landscape Architect, can also review the plan and offer suggestions.

Valentine said we will also review potential impact from headlights.

Quinn said he is struggling with this concept and is not fond of the design. He doesn’t feel this concept fits in the Four Corners area, and initially is not in favor.

Rock said Dunkin Donuts has a reverse drive-thru. Rock added with this concept a customer only has to go half way to reach the drive-thru. We wanted the design to simply move traffic in and out.

Stark added that this concept design is based on the site layout.

Quinn stated this may not be the right site for a drive-thru location. When Dunkin Donuts delivery trucks park on Friday mornings, access will be blocked.

Rock stated that could be addressed. The drive-thru is a priority and they feel this is the best layout for the concept plan.

Quinn asked who owns the property.

LaFountain said Ribeiro owns the Dunkin Donuts property, the properties behind and the proposed Starbucks, the existing Starbucks is owned by someone else.

Quinn asked that traffic flow be reviewed for all businesses in the area. Quinn asked have you also reviewed the possibility of additional traffic due to the new drive-thru? Quinn continued to say traffic flow for Dunkin Donuts is already difficult and adding this concept will only increase issues.

Rock stated that Ribeiro is available to talk via telephone if necessary.

Kohl added she does not like the proposal of having the drive-thru next to Penfield Road.
Stark said we couldn’t turn the building because it wouldn’t fit on the parcel, the width of the site is a restriction.

Costello asked why the kitchen cannot be located in the back of the building.

Stark said internally all Starbucks are set up the same with the coffee bar/kitchen on the long side. Stark added she doesn’t think Starbucks would redesign for this one (1) location. Stark added they are willing to do whatever is necessary to shield the drive-thru from the road.

LaFountain stated the Board has concerns and suggests this be tabled for additional review.

Councilman Quinn motioned to table the application, Councilwoman Kohl seconded and all present voted “Aye.”

LaFountain said the next opportunity for discussion would be the January 24th Work Session. We will have the Historic Preservation Board member and the Town Landscaper review and suggest alternatives for this site.

VI. ACTION ITEMS

a. Shah, Request for Special Permits at 2041 Penfield Road – Costello

Jim Costello reviewed that the Public Hearing was held on December 20, 2017. There will be three (3) tenants: Consumer Insights, Inc., located on the second floor of the newer building. They will have 10-12 employees and the hours of operation will be from 8:00 AM to 5:00 PM. Autism Learning Partners, LLC, located in the east half of the first floor of the newer building. There are six (6) employees and the office hours will be from 8:30 AM to 6:00 PM. M & M Creations nail spa, located in the east half of the original one (1) story building. They will have four (4) employees and four (4) clients. Hours will be 9:00 AM and 8:00 PM, and Saturday from 9:00 AM to 5:00 PM. There are 68 parking spaces and the leasing sign will be removed within a month. No additional comments have been received.

Councilman Moore said he is happy to see activity in the building, but the site needs additional landscaping. The building is very visible, but looks sterile and needs a pop or wow factor.

Neeraj Shah said he is willing to add some green and red bushes, or tulips similar to Atria.

Councilman Quinn suggested adding arborvitaes in front of the electrical boxes.
Councilwoman Metzler suggested adding window boxes and flowering trees.

Supervisor LaFountain said Bruce Zaretsky can review the site and make additional suggestions.

Costello confirmed there is only ¼ of the building left to fill.

Shah said we have had some interest, but want to make sure we have a good fit.

Councilwoman Metzler moved for the approval of the Special Permits, Councilwoman Kohl seconded and all present voted “Aye.”

LaFountain requested Shah work with Zaretsky on the landscaping.

Costello added the dumpster has been enclosed.

A resolution will be submitted at the next Legislative Session on January 17, 2018.

b. 1315 Sweets Corners Road, Wickham Farms Conservation Easement – Valentine

Mark Valentine introduced Kevin and Carolyn Wickham. Valentine reviewed that we met with the applicants in December, they are interested in moving the business to Sweets Corners Road. The Town Board needs to approve the farmstead use within the Conservation Easement and make sure proposed activities are in compliance. Valentine continued to say if Town Board approval is given, the application would then go before the Planning Board.

Councilwoman Kohl stated the proposal is well thought out. There are no Mixed Use activities on the easement. Kohl supports the farmstead location as presented and is comfortable with the proposed uses and activities within the Conservation Easement Area.

Councilman Quinn stated he is concerned about the number of proposed parking spots. He asked how many parking spots were approved for Oak and Apple.

Valentine said Oak and Apple has 13 parking spots.

Quinn said this proposal is for 175 parking spots, on gravel.

Valentine said the parking was reviewed under farm market regulations and are needed for CSA. Valentine added the Planning Board will review the parking under Mixed Use.

Quinn said the parking seems excessive. Is the farmstead being used excessively to support the Mixed Use activities?

Valentine said that will be reviewed by the Planning Board.
Quinn stated parking is his only concern.

Kevin Wickham said they are planning to transition to a fall business. The CSA consists of 300 plus families who visit the location weekly from spring through fall. The parking will be empty from winter through early spring.

Costello asked if the parking will be used in the off season for equipment storage.

Wickham said yes, as long as we can store it tastefully.

Supervisor LaFountain said the Planning Board will work on the other items and then the applicant will come back to the Town Board for the final approval of the farmstead location.

Zach Nersinger stated that we have reached out to Agriculture and Markets to discuss the proposed uses and parking. They advised that it falls to the Town based on the use of the land. This will be reviewed further through the Planning Board.

Councilwoman Kohl motioned for the approval of the farmstead and the proposed uses/activities within the Conservation Easement area, and that the project will come back for final approval after receiving Planning Board approval. Councilman Quinn seconded and all present voted “Aye.”

Councilman Moore inquired about the batting cages and suggests Wickham reach out to Greg Kamp of Penfield Little League if they are looking to get rid of them.

Nersinger then reviewed next steps.

c. 1209 Shoecraft Road, Hold Harmless Agreement - Valentine
Mark Valentine stated this is a single family home located north of Meadow Brook subdivision. There is an existing home and a flag lot with wetlands. This review is for an administrative approval of an additional home on the property and a flag lot out to the road. The request is to connect to the sanitary sewer via a private forcemain located in the back. Valentine added Town Attorney Horwitz reviewed and advised the applicant must maintain the line within the Town right-of-way. The agreement will be filed with the County and runs with the land.

Supervisor LaFountain stated that the driveway is private and only a piece will be in the Town right-of-way.

Valentine added there will be no additional connections in the future.

Councilwoman Metzler motioned for the approval of the Hold Harmless Agreement, Councilman Quinn seconded and all present voted “Aye.”
d. Tree Preservation Guidelines – Metzler
Councilwoman Metzler stated she is the liaison to the Conservation Board and there has been a general discussion regarding the value of the guidelines and the work put in developing them. The Board is concerned the guidelines are not being provided to developers. Metzler added the Board would like developers held accountable to adhere to the guidelines.

Mark Valentine said we can provide the guidelines to developers, but it is not an adopted policy of the Town Board and cannot be enforced.

Metzler stated the Conservation Board is concerned the guidelines are not being utilized.

Zach Nersinger said the guidelines are handed out as needed. We look at the amount of clearing and proposed use. Tree replacement is always encouraged. Nersinger added recently we have had more redevelopment projects.

Councilman Quinn asked if this were a policy, would an applicant have to come before the Board for a waiver.

Valentine answered yes, if the policy is adopted by the Town Board, waivers would need to be sought for less than full compliance. Valentine said a 24 inch diameter tree cannot be directly replaced. 20-50 trees cannot be replanted if they don’t fit on a parcel. We may have to offer alternate areas to plant trees.

Metzler asked that staff summarize their comments in a memo to be given to the Conservation Board. Include how the policy is currently being used.

Jim Costello added that projects will be coming up that have tree removal.

Supervisor LaFountain asked that staff prepare a memo for review by the Town Board before presenting it to the Conservation Board.

Councilwoman Metzler motioned to hold this until the January 24th Work Session, Councilman Quinn seconded and all present voted “Aye.”

e. Bayview Landing Subdivision, 1185 Empire Blvd. – Costello
Jim Costello submitted photographs to the Board for its review. Costello reviewed that on September 6, 2017 a Public Information meeting was held to discuss the concept. It was decided to wait for the leaves to be down to make a decision. On December 11, 2017 staff went to the site and took the attached photographs.

Costello stated there is a steep slope behind the area. Dr. Howitt considered increasing the number of units requested to cover the costs of infrastructure and improvements, but has
decided not to do that. After reviewing the photos, it was determined that 24 Old Westfall Road is the only property that would have a partial view of the project.

Costello continued to say Jess Sudol reviewed the architecture on the site. If rezoning is approved, of the total 6.05 acres, only 2.44 acres will be usable. The property will be rezoned into the LaSalle’s Landing District and the other parcel on Wilbur Tract Road will become more marketable. Costello added the Planning Board is currently in the site plan review process for 33 townhome units.

Costello added the Board could have a conceptual site plan review first and if determined favorable, then could rezone the property.

Supervisor LaFountain reviewed that an Informal Neighborhood Discussion was held in August 2017. The proposal consists of two (2) buildings, 36 units. A portion of the apartment building is in the residential zoning and would need to be rezoned to the LaSalle’s Landing District. The Townhome project is in the process of receiving approval from the Planning Board. LaFountain added 24 Old Westfall Road is the only property to view some of the project.

Costello suggested a profile be prepared to show the view from 24 Old Westfall Road looking down, there may be valid concerns.

LaFountain asked if there would be any concerns about spot zoning.

Costello said no, because the property abuts the existing zoning. Costello added 50 Wilbur Tract Road would also be rezoned and we may be able to get a use on that property that is consistent with the zoning permitted in the LaSalle’s Landing District. To date, every use on the site has been a pre-existing non-conforming use.

LaFountain asked that a profile from the applicant’s engineer be prepared for the Board’s review.

LaFountain asked Valentine to review the feedback received when the townhome project was before the Planning Board.

Valentine said Dr. Howitt reached out to neighbors. He will be looking at traffic improvements to Empire Blvd., drainage improvements to Wilbur Tract Road and has also been working with concerns regarding connecting the existing road which will be emergency egress only.

Valentine continued to say Howitt needs to provide geotechnical information for the proposed basements and foundations, and final wetland delineation at the bottom of the hill. If the project doesn’t move forward these are additional costs to developer.
The townhomes were tabled pending submission of additional information to the Planning Board.

Councilman Moore motioned to hold until the profiles are prepared and reviewed at the next Work Session on January 24, 2018. Councilman Quinn seconded and all present voted “Aye.”

VII. INFORMATIONAL ITEMS

a. None

VIII. HELD ITEMS

a. Jomanda Way, Expanding No Shooting Petition – LaFountain
b. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
c. Sign Ordinance Updates/Proposed Ordinance Revision – Costello/LaFountain
d. Citizen’s Climate Lobby – LaFountain

IX. Old Business – None

X. New Business – None

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

XII. Next Meeting – January 24, 2018

XIII. Adjournment – Supervisor LaFountain adjourned the regular Work Session at 8:37 PM.

Lisa Grosser, RMC
Deputy Town Clerk