TOWN BOARD WORK SESSION AGENDA
Wednesday, November 28, 2018 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order

II. Approval of Minutes – November 14, 2018

III. Monthly Reports - None

IV. Public Hearings - None

V. Guests
   a. None

VI. Action Items
   a. Annual Recreation Enrollment Report - Bilow
   b. Fallone - Site Plan Review at 2146 Fairport Nine Mile Point Road - Costello
   c. Ordinance Amendment addressing Handicapped Parking - Costello

VII. Informational Items
   a. (NONE)

VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
   c. Private Storm Pipe Agreement, 88 Stoneledge Way - Valentine
   d. Development of Apartment Building at 1384 Empire Blvd. - Costello
   e. Special Permit at 2567 Browncroft Blvd., Wynne - Costello

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting: December 12, 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 1303.

Questions regarding video coverage contact Penfield TV at (585) 340-8661.
I. Call to Order

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

Also Present:
Chris Bilow
Jim Costello
Lisa Grosser

II. Approval of Minutes – 11/14/18
CM Quinn moved for the approval of the Minutes of November 14, 2018, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

a. Annual Recreation Enrollment Report – Bilow
Chris Bilow submitted a five (5) year summary of program enrollment to the Board for its review. Bilow reviewed the summary noting that registered programs have increased 37%, and number of participants in registered programs has increased 35% since 2014. A summary of the 2018 types of programs by season and by type of participant was also reviewed. Bilow noted there are currently three (3) passport programs which individuals do not need to register for and are sponsored by Wegmans. The Passport to Play received a GVRPS Award of Merit and other municipalities have requested to copy the program. Wegmans has also taken the Trails Passport and duplicated it in six (6) other states. The 230 DEAR programs are supported by 31 volunteers and the Brighton-Penfield Ride program has given over 500 rides in 2018.

Councilman Moore stated that he continues to be impressed with the Recreation Department leadership and staff. Programs have been expanded from youth to adult, senior and family. There has been significant growth and expansion over the past five (5) years. This has required time, energy and commitment from employees. The partnerships with youth organizations and leagues have increased and yielded new opportunities the Town.
Bilow added that the relationships with community groups has been a great partnership and improved over the past few years. This also includes the relationship with the school district. Bilow added Tim Masterton’s role is important in managing fields and readying them for play.

Councilwoman Metzler stated that Penfield Recreation has become a benchmark to other communities and noted the positive influence that is reflected in the longevity of staff.

Councilman Quinn congratulated Bilow on a great year in 2018.

Supervisor LaFountain requested the summaries presented tonight be placed on the Recreation website.

Bilow added this information will also be shared with the Recreation Master Plan Committee.

b. Fallone – Site Plan Review at 2146 Fairport Nine Mile Point Road – Costello
Jim Costello reviewed that the Public Hearing was held on November 7, 2018 and concerns were brought up regarding drainage and additional buffering. PRC requests the applicant get permission to do permanent grading work on adjacent properties. PRC has concerns with the building size and setback distances. The Board also requested that Bruce Zaretsky, Landscape Consultant, review the buffering and suggest replacement trees for those that have been removed or died due to the placement of top soil on their root systems. John Shields, Hunt Engineers has visited the site and feels he can solve the drainage problems in the area.

Dr. Fallone stated that he has spoken with the adjacent property owners Malcho and Trau, and received permission for additional grading. He is working with his attorney to draft a temporary grading easement. The easement will be necessary while digging the foundation through the completion of the grass. Fallone added the work can be done with a small excavator and he will make sure there is a smooth transition and a nice slope.

Supervisor LaFountain noted that the square footage of the building has increased.

Dr. Fallone stated that the back building was approved for 5,000 square feet and the front building was proposed for 4,080 square feet with a drive-thru. The Board requested the drive-thru be eliminated so the square footage of the building was increased to 4,500. Currently Pizza Hut is looking at that space and will take 2,000 square feet, Metro Mattress will take the balance of 2,500 square feet.

Councilman Quinn asked how the setbacks on the proposed building compare to the property to the south.
Costello said the 6,000 square foot building, in the back, is 10 feet from the north property line and more on the south side to keep the frontage of the westerly buildings in alignment. The proposed office building to the east has a 75 foot rear setback with seven (7) feet to the north and three (3) feet to the south.

Quinn asked to review the elevations and asked if PRC had discussed parking.

Costello stated that the entire site will have a cross access easement for parking for any future development. Property uses will have to be balanced to maximize parking.

Quinn asked about the flow of the parking.

Costello stated that PRC agreed to open up the area discussed at the Public Hearing which would reduce the parking by four (4) spaces. The reduction in parking would be temporary until the Trau site to the north is developed. This would be dependent on what is approved for the building. The side setback for the district is 20 feet, but the Board has given relief for some of the buildings in the complex south of this site. Costello asked what is being proposed for the building.

Dr. Fallone said he is looking to lease that building to a physical therapist group.

Costello said we would need to review number of employees and possible number of clients to ensure sufficient parking.

Supervisor LaFountain asked about potential development to the north.

Costello said there are several people interested in that property.

LaFountain asked what is the total acreage.

Dr. Fallone said close to four (4) acres, which includes the building and the vacant land to M and T Bank with access out to NYS RTE 441.

Quinn asked the height of the office building to the south.

Costello said it would be one (1) story and comparable to Doodlebugs and possibly lower due to the topography of the site.

Quinn asked is the curb cut necessary.
Costello said the curb cut was approved as part of the development of the site to the south (AT&T, Hair Zoo and Moe’s) and is necessary due to congestion on the site with the current businesses. There are currently three (3) egresses from this site.

Quinn requested Town Engineer, Mark Valentine review the traffic flow and added he does not see a need for another full ingress/egress. Quinn noted additional parking may be added if this curb cut is eliminated.

Councilwoman Kohl stated as the access road is developed the curb cuts could be eliminated in the future.

Quinn added the curb cut isn’t necessary with the access road.

Costello said the completion of the access road is an incentive for completion of this project.

Councilwoman Metzler stated the curb cut reduces the incentive to use the access road. The curb cut is not needed and asked if the NYS RTE 250 study wanted an increase in curb cuts.

Costello said no, the intent of the study was to eliminate curb cuts.

Metzler said then we should honor the study.

Dr. Fallone said Metro Mattress will not lease the building if the curb cut is eliminated. Dr. Fallone added the curb cut was put in at my expense as part of the preliminary site plan approval.

Costello stated the Board approved the curb cut as part of the 6,000 sq. ft. building.

LaFountain suggested the curb cut near the Cornerstone Restaurant, on the Trau property be eliminated.

Costello stated that is closer to NYS RTE 441 and there is less of a need for access closer to the intersection.

LaFountain stated that the property to the north has a number of entities looking at it, including Dr. Fallone. The ownership needs to be ironed out.

Quinn asked other than the access road, what are the other incentives.
Costello reviewed that as part of Incentive Zoning, the developers pay $317.68/ft. of frontage for property not being used as permitted uses. We have worked with Dr. Fallone on the calculation of what his cost will be to complete the road, and it will probably exceed what he would have paid if he had paid the fee of $317.68/ft. The completion of the access road was a recommendation from the LUAMP program.

Quinn asked if there are any other incentives.

Costello stated there is a LUAMP fee based on traffic generation, but the property uses need to be determined first.

LaFountain added, we also need to know the use for the building in the back to confirm there are no issues with parking. There may be some uses which should not be permitted based on the parking and traffic generation.

Costello asked how much of the building will be used for the physical therapist.

Fallone said between 3,000 and 4,000 sq. ft.

LaFountain asked what would be done with the 1,000 sq. ft. balance of the space in the building. This could also impact traffic and parking.

Dr. Fallone asked what permitted use for that building would generate a lot of traffic.

Costello said a doctor office is a permitted use that could generate a lot of traffic. Costello added most businesses are conscious and will not take a space if the parking is not sufficient.

Dr. Fallone added he has a signed lease with Metro Mattress and a tentative with Pizza Hut.

Costello stated there are 28 parking spaces on site that are sharable, removing the area as discussed would result in a reduction of parking. Costello added it would be nice to know the projected parking needs of the physical therapist, and if they have an intent to expand their operation.

Dr. Fallone asked if the size of the building should be reduced.

Costello said, that would solve some of the issues.

LaFountain asked if the building size was reduced to 4,500 sq. ft., would you lease to only one (1) tenant.

Dr. Fallone said yes.
Moore asked if the project engineer is certain he can resolve the drainage issue.

Costello said he is reviewed the site, the swale will continue and drain into the pond. Costello suggests a revised site plan be brought back for both PRC and Town Board review. Costello added a memo should be added to the IPS file reflecting the comments of eliminating the curb cut at the Trau property before an application goes before the Planning Board.

LaFountain added the Town Attorney should also review.

Councilman Moore moved to table the request for the updated site plan, Councilwoman Kohl seconded and all present voted “Aye.”

Dr. Fallone added that Trau’s driveway will need to be repaired to encourage use of the access road.

c. Ordinance Amendment addressing Handicapped Parking – Costello

Jim Costello stated that as part of the codification with General Code a reference to State code regarding Handicapped Parking was removed and has become problematic for law enforcement and the courts when handling violations. After review by the Town Attorney there will be an insert into the Town Ordinance stating “if the State Code is violated, you will be subject to a court action.” A resolution will be submitted at the next Legislative Session on December 5, 2018 and a Public Hearing will be held on January 2, 2019.

Supervisor LaFountain suggests if there are no issues with the Public Hearing, a New Business resolution be passed adopting the ordinance the same night as the Public Hearing.

Councilman Quinn moved to go forward with the Ordinance amendment, Councilwoman Kohl seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on December 5, 2018.

VII. INFORMATIONAL ITEMS

a. None

VIII. HELD ITEMS

a. Jomanda Way, Expanding No Shooting Petition – LaFountain
b. Sign Ordinance Updates/ Proposed Ordinance Revision Costello/LaFountain
c. Private Storm Pipe Agreement, 88 Stoneledge Way – Valentine
d. Development of Apartment Building at 1384 Empire Blvd. – Costello
e. Special Permit at 2567 Browncroft Blvd., Wynne – Costello

IX. Old Business – None

X. New Business – None
XI. **Executive Session** - Real Estate, Litigation and Human Resource Matters - None

XII. **Next Meeting** - December 12, 2018

XIII. **Adjournment** - Supervisor LaFountain adjourned the regular Work Session at 8:25 PM.

Lisa Grosser, RMC
Deputy Town Clerk