TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

Town Board Work Session Agenda
October 12, 2011
7:00 PM

I. Call to Order

II. Approval of Minutes – September 14, 2011 (Public Hearing) and September 27, 2011

III. Monthly Reports - September

IV. Public Hearing – None

V. Guests – Larry Fallone – Discussion of Heron Landing Subdivision

VI. ACTION ITEMS

Law and Finance
1. Ashlyn Rise Subdivision – Findings Statement – Valentine
2. Rezoning Penfield Road / Fairport Nine Mile Point Road - Costello
3. Request for Private Drive Width Waiver at 2070 Watson Hulburt Road – Benway

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. 2011 Drainage Project Update – Benway
2. Motts Lane Update - LaFountain

Public Safety - None

Community Services
1. Landscaping at Community Center – LaFountain
2. Flag Pole at Rothfuss Park (VFW Post 820) - LaFountain

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Bay Breeze Estates Sec. III Right-of-Way - 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:

Geoff Benway
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 9/14/11 (Public Hearing) and 9/27/11 (both Public Hearing and Work Session)

CM Quinn moved for the approval of the Minutes of September 14, 2011 and September 27, 2011, CW Metzler seconded the motion.


IV. Public Hearing – None

V. Guests – Larry Fallone – Discussion of Heron Landing Subdivision

Jim Costello introduced Larry Fallone, Jon-Lar Homes, Inc. and Michael D’Amico, Combat Construction. They had met with Supervisor LaFountain regarding a proposal for the Heron Landing Subdivision, and he suggested they come before the Board. Originally Heron Landing was approved in 2006 for 14 lots, zoned RR-1. It was determined by the developer the number of units did not support infrastructure and other costs associated with the project and he decided not to proceed. Fallone and D’Amico are interested in picking up the project. They realize the original approval of 14 lots would not cover expenses to develop, and are interested in discussing incentive zoning options.

Larry Fallone submitted a list of anticipated expenses to the Board which show Off Site Sewer costs to develop this subdivision. Estimated costs would be $201,285. He is requesting an increase to 28 lots. The current pump station, in the Sherwood Forest subdivision, is near capacity. Fallone is proposing to connect this new subdivision and make changes that
would alleviate stress on the existing pump station, which would be a benefit to the community.

Fallone went on to say that this was originally approved for 14 high end homes and those are not selling right now. An increase in the number of homes is required to offset costs. This project would be similar in style to Camden Park.

Michael D’Amico advised that to connect the sanitary sewer where the Town originally thought the prior developer could connect; two (2) stretches of pipe would have to be added. The Philippone development (Crowne Pointe Subdivision) has not completed their portion to the original connection point. The sewer is 18 ft deep and they would have to go under the Water Authority’s 36” concrete main. This was originally planned to connect homes on Shoecraft Road to the Winchester Woods Subdivision and get them off the Sherwood Forest Pump Station. This would remove 80-90% of the usage from this pump station.

Supervisor LaFountain asked, is there any way we can take the Sherwood Forest pump station out of service?

D’Amico responded that would be very expensive because the pump station is down 28 feet, and we would have to dig under 18 feet of bedrock. It is also difficult because the existing line goes between two (2) houses and an easement would have to be obtained. This pump station cannot be eliminated, but by reducing the number of homes that use it, we can decrease the electrical usage.

Costello said Mike Cavalcanti, with the Windham Woods Subdivision provided us with an easement over his property to bring the sewer line to Sherwood Forest. He also asked Fallone to explain how he came up with the number of additional lots he is requesting.

Fallone said with the estimated total cost of $201,285 divided by 16 lots that would yield a cost of $12,500 per lot. Doubling the number of lots would reduce the per lot cost down to $6,000 or $7,000 would make this project more palatable. By deferring the expenses over more lots, it makes the cost of the home more affordable to customers. 44 lots would offset all of our costs.

Councilwoman Metzler asked what would the price point be?

Fallone said pricing will be between $200,000 to $240,000.

Councilman Moore asked the estimated size of the lots?

Fallone said 10,000 sq. ft on average.

Councilman Quinn asked if this project is not approved would there be a threat to the existing users of the pump station or the Crowne Pointe and Winchester Woods Subdivisions?
Costello said no, but the pump station is near capacity, Mark DiFrancesco can give you more details.

Costello said the original project was discussed with developer Casciani. At that time the neighbors were concerned about increased density of the site and the existing wetlands that need to be protected. The property is currently zoned R-1.

Supervisor LaFountaine said under the original subdivision approval, the lots were clustered and there had been some discussion of giving land to the Nature Conservancy. He also clarified the original approval was for 12 lots, they are now requesting 28 lots which are 16 over prior approval.

Supervisor LaFountaine asked that Mark DiFrancesco be brought in to discuss this at the next Work Session. In the meantime, PRC should discuss this project at their next meeting.

VI. ACTION ITEMS

Law and Finance

1. Ashlyn Rise Subdivision - Findings Statement - Valentine
   Mark Valentine reviewed that there had been a Public Information Meeting on March 16, 2011. The request is for 29 lots which includes seven (7) additional lots through incentive zoning.

   Costello said the wetlands will be turned over to Mr. Miller. The Board had requested the width of the lots be increased to create a better transition from Lynx Court. A stormwater management facility will also be included.

   Councilman Quinn inquired about the zoning.

   Valentine said the property is zoned R-1.

   Quinn asked what is the status of the sanitary sewer?

   Valentine said there are 17 units under Phase I, they are working with Blake Miller to obtain an easement. To complete Section II there are an additional 19 lots.

   Councilwoman Kohl asked if PRC had submitted any comments?

   Valentine said there has been discussion regarding site distance and Benway has requested the entrance drive be relocated.

   Councilwoman Metzler asked if there were any PRC comments regarding density or design of the road?

   Valentine said the original density met the requirements of the Comprehensive Plan.
Supervisor LaFountain reviewed originally there were three (3) options to connect to the sewer; connect through the Fedyk development, the Miller property or go across NYS Route 441 to Dublin Road. There was an approximate number of lots available in Perinton, and they agreed to split the lots between Arbor Ridge and Ashlyn Rise. The developer looked at several alternatives for the difference in the number of lots. The Board agreed with the density and the general layout. The Board had concerns regarding lot size and properties abutting to the wetlands.

Mark Valentine said residents had traffic concerns and this design does not encourage the subdivision to be used as a cut through for vehicles.

Supervisor LaFountain inquired about the exit area to NYS Route 441 from Fellows Road, does the State plan to rebuild this intersection? Some exaggerated striping was added to force the traffic to the east.

Benway said the State will match up the shoulders. We have requested the intersection be squared up.

Valentine stated that with the original plan they offered $3,300 per lot incentive zoning. They are also interested in extending the sidewalks 505 feet along Fellows Road, at $30 per foot this would total $15,150 additional incentive. This added to the original incentive of 7 lots at $3,300 would total $5,464 per lot.

Supervisor LaFountain asked if they intend to add sidewalks on Fellows Road?

Valentine said yes, on both sides and they will comply with the sidewalk policy.

Supervisor LaFountain said he would suggest the incentive to be increased from $3,300 per lot to $3,500 per lot, and include the 505 feet of sidewalks to be more consistent with current incentive zoning projects the Board has approved.

Mark Valentine will prepare the Findings Statement in draft form for the Board to review.

2. Rezoning of Penfield Road and Fairport Nine Mile Point Road - Costello

Supervisor LaFountain stated that a Public Hearing was held in mid September and most comments received were favorable. A letter was received from Monica Gorlick stating she is in favor of rezoning to Business Non-Retail, not Commercial.

Costello said he has received several e-mail inquires from the residents involved, asking if a decision had been reached.
Rosemary Johnson, from the audience, stated that she had e-mailed the Supervisor. LaFountain asked her to resend the correspondence so that it can become part of the permanent record. Ms. Johnson stated she has lived at the property for 38 years and became involved when the NYS Route 250 LUAMP project was discussed at the time Doodlebugs was approved. She also said this area was originally planned for Business Non-Retail in the 1990’s; it is time to make it a reality.

Supervisor LaFountain said both areas have requested rezoning. There is some additional sensitivity regarding the Penfield Road area, because the school is adjacent to the properties. The NYS Route 250 area is near other businesses and is separate from residential properties.

Penfield Road

Councilwoman Metzler said that the Penfield Road area is unique and has different characteristics. In the past we have spoken, and despite the recommendations of the State DOT, we do not want curb cuts on Penfield Road. She does not feel the same for NYS Route 250, with respect to curb cuts and ingress/egress and therefore we may need to discuss these separately. We have had previous conversations regarding uses and services in the NYS Route 441 area. We want to acknowledge a transitional zone area, but it is different than the other side of Harris Whalen Park Rd. She proposes to have staff look at conditions if we are going to rezone it BN-R. We are interested in conditions such as limiting size, ingress/egress, elimination of drive-throughs and additional structures on site. This should be a transitional zone, not simply BN-R.

Supervisor LaFountain said the Board is looking to prepare a draft Resolution with an approval subject to conditions.

Councilman Quinn agrees with Councilwoman Metzler that we should limit the size of the development, require conditional approval, and ingress/egress is important to look at that stretch along NYS Rte. 441. He stated we need to look at what other non-residential uses are available in the form of retail. This should be rezoned from residential to non-residential. Conditions need to be reviewed such as the size and scope of the project to minimize detrimental impact on the area. Businesses should be allowed that are more pedestrian friendly as opposed to businesses that would warrant more vehicle traffic. This area could benefit from additional retail businesses.

Councilwoman Metzler said that Webster has a Neighborhood Business District we should review. We need to compare the Webster District to the size of the area we are reviewing. The Webster District has set back limits and a 5,000 sq. ft. limit for structures.
Costello asked Councilman Quinn to verify are you looking for uses other than non-retail, including retail establishments?

Councilman Quinn said that is correct we would allow retail.

Costello said that is problematic because the Public Hearing that was held was to rezone to BN-R. We do not currently have a zoning that would allow retail, unless we went with Limited Business. We chose BN-R zoning because businesses shut down at 6:00 PM and do not have weekend hours.

Councilman Quinn said we do not want to be confined to a particular zoning.

Costello said if we change the zoning we would have to have another Public Hearing.

Councilwoman Metzler said she feels the BN-R zoning was not fully explained to the residents. She has spoken with some of the residents and they had more questions, the allowed businesses were not communicated properly to the residents.

Councilman Quinn said there should be conditions of approval whether the application is retail or non-retail.

Costello said this was to be an office use district. We already removed some specific uses such as funeral homes because we didn’t want extra traffic in the area.

Councilwoman Metzler said she feels some of the residents may have signed the Petition not knowing what the BN-R uses were. The residents want more options.

Costello said the purpose of the BN-R zoning is to create a transition, other than a retail establishment because of the hours of operation.

Quinn stated it is important to note that he is not advocating a large retail establishment like a Wal-Mart or something that is open until Midnight. He is advocating something the same size as what is already there, no drive-throughs, no offsite catering services, or delivery pizza joints.

Costello asked what type of retail establishments are you thinking about?

Quinn referenced the Webster Neighborhood Business District classification we want something similar with minimal detrimental impact and pedestrian friendly.

Costello said this is similar to our Limited Business Zone and the type of businesses that would be allowed.
Metzler stated you can have similar uses, but still have conditions such as previously discussed. There can be additional criteria such as the development cannot exceed the current parcel size.

Supervisor LaFountain said he is concerned about retail in that area. It should be a transitional zone between the park and the group home. As you transition from residential to BN-R with limited uses or conditioned uses. Then the street becomes regular BN-R and then on to general business. He is not in favor of retail at this time.

Councilwoman Kohl said she is in favor of BN-R. The residents have requested this and we held off for the Comprehensive Plan. We need to be sensitive to the transition from residential down to commercial at Lloyds Corners. She is sensitive to the school location and feels the transition should be non-retail.

Metzler said it is our duty to provide as many services as we can to residents. She does have some reservations with regards to certain types of retail, but would like to see some additional uses. BN-R zoning is exhausted in that area. She is more concerned with conditions pertaining to size, structure, set backs and no ingress/egress off of NYS Rte. 441.

Supervisor LaFountain said we may need to use access on NYS Route 441 until the access road is developed behind the properties.

Costello said do you want to offer a size restriction of 5,000 sq. ft. per lot? Will a developer be allowed to buy three (3) properties and put up one 15,000 sq. ft. building?

Board members said no.

Costello asked if the Board would allow a re-subdivide, for example purchasing two (2) lots for a 5,000 square foot building and a parking area.

Metzler said that should be reasonable as long as they meet the conditions of no additional structures.

Geoff Benway said we could look at setback requirements and numerically work backwards and determine structure size a lot can hold.

Supervisor LaFountain said a layout can be done on the GIS to show potential size that meets buffer and setback requirements.

Metzler said we may want some additional buffering or requirements near the school.
Costello said currently a 50 foot setback is required. If installation of a roadway is required, the conditions of approval would require waiving that setback but you may require a roadway buffer and additional landscaping.

Councilman Moore asked is there a height limit on the structure?

Costello said two (2) stories or 35 ft., whichever is less.

Moore stated if only individual structures up to 5,000 ft. are allowed, that would eliminate the possibility of a medical group, which he believes would be a good fit.

Costello said based on the conditions you initially require, the Board is the only one who can remove those conditions as part of approval.

Metzler said we need to gather the data for setbacks and determine the size constraints before we can make any other decisions.

LaFountain said we will have to allow multiple lots to be subdivided. It is not realistic that we will get nine (9) little businesses.

Costello said if anyone comes in for a change of use, we would require that they install their portion of the road. As mentioned, if you are a middle parcel you may not be able to use the road if the outside parcels have not completed their portion of the road. A temporary access road would have to be allowed, until all of the parcels are developed and the final access road is completed. Do you specifically want parking in the back and green space in the front?

Councilwoman Metzler said we would like to see the suggested layouts first.

Costello stated we can create suggested layouts using setbacks. We can determine the maximum size and show several 5,000 sq. ft. examples.

Quinn said can we have conditions of rezoning, for example one (1) parcel with several tenants?

LaFountain said we may have a request for a drug store, but that may not be what the town wants or needs. We want to review square footage, combining lots for a building and parking. If two (2) or three (3) properties are combined it may look better on the layout. I think staff needs to come up with suggested layouts and give the Board a chance to review. What size is the plaza behind Dunkin Donuts on Penfield Road?

Benway said 8,000 sq. feet.
LaFountain said this would give us an idea of what a larger structure may look like in the area.

Moore said a developer may want to purchase three (3) parcels and put three (3) businesses under one structure. Only one (1) developer would have the funding to do something like this.

Kohl said yes, a street of shops would work under BN-R zoning.

Metzler said bundling properties with conditions like additional green space and buffering may be a good idea. She does not want to rule out bundling, but would require specific visual conditions like additional green space, setback, limited parking or buffering.

Supervisor LaFountain asked staff to put together a mock-up, showing setbacks to give us an idea of property layout. We would want to provide additional buffering for the school.

Metzler said we would preclude an accessory structure and enable a model with conditions of only one (1) building.

Supervisor LaFountain asked staff to prepare a mock-up of potential property layouts for the Penfield Road area for the next Work Session on October 26, 2011.

NYS Route 250

Supervisor LaFountain said BN-R zoning is proposed for six (6) properties. The lots are varying sizes and there is more usable land, it is less cramped than the Penfield Road properties.

Councilwoman Metzler said she does not have the same concerns as the Penfield Road area. She is more flexible with the standard BN-R zoning for these properties.

Councilman Moore said he is fine with BN-R zoning as it is defined. Do we need an access road in the rear of these properties?

Jim Costello said an access road may need to be added to the front. Cherrymede Crescent residents do not want a parking lot behind their development. He suggests an internal access road, paralleling NYS Route 250. 2174 and 2200 Fairport Nine Mile Point Road are large parcels, they could be combined for a medical facility or office park. If development occurs we do need to make sure there is proper buffering for Cherrymede Crescent.

Metzler said we would also like to include conditions of approval. People like access roads, it encourages use of multiple businesses in the area. She has no additional reservations or concerns about this strip of parcels, less of a transition is required.
Costello said the two (2) larger parcels abut town property.

Councilman Quinn said he is proposing the same uses as the Penfield Road properties, limited retail with various uses. The intersection has potential to include retail with a limited size and scope.

Costello said Doodlebugs is zoned BN-R, and they came in and asked for incentive zoning to allow retail across the front of the property subject to many conditions.

Metzler said we want options for developers to allow appropriate retail establishments.

Supervisor LaFountain asked Costello to provide the Board with a copy of the original approval Resolution for Doodlebugs. He is not a proponent of retail in this area either. BN-R zoning gives the appropriate transition retail would take away from that transition.

Metzler said the land in front of Doodlebugs is potential space for retail. That is why she does not have reservations with allowing this area to be rezoned BN-R.

Costello said we did not want the transition broken down from South Village Trail. The reason retail zoning was allowed in front of Doodlebugs was because there already was retail across the street.

Councilwoman Kohl supports BN-R zoning in this area; it is a consistent transition.

Costello will have suggested layouts prepared, and the Resolution pertaining to Doodlebugs for review at the next Work Session on October 26, 2011.

3. Request for Private Drive Width Waiver at 2070 Watson Hulburt Road – Benway

Geoff Benway said in July we granted a waiver for 2060 Watson Hulburt Road, this is a similar request. 2070 is in the Burgess Subdivision and was approved for three (3) lots. They would like a 12 ft. wide driveway approved. New York State fire code allows a 12 ft. width with pull offs. The length of the driveway is 340 ft.

The Board agrees and a waiver will be granted.

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS
Law and Finance  - None

Public Works
1. 2011 Drainage Project Update - Benway
Geoff Benway submitted the update attached to his monthly report. The expenses have been updated and the total is $29,000 spent year to date. This is going towards maintenance, permits, erosion, localized drainage and Willow Pond. Benway also stated that he has met with the Willow Pond consultant and is confident that it will be reclassified.

Benway also stated that there is a lot of drainage work being done now, the total costs will increase regularly as there is more activity. Revised Allen’s Creek Phase II study proposal of $65,000 was received.

3. Motts Lane Update – LaFountain
Supervisor LaFountain said that this will not be done this year. We are in the process of securing lands and working with the state requirements. The construction season is ending. We will try to get all issues resolved over the winter so they will be ready to go next spring. The state requirements for the Right-Of-Way require land acquisition from Arnold DiPietro.

Public Safety  - None

Community Services
1. Landscaping at Community Center – LaFountain
Supervisor LaFountain said that he has sent a note for land modification to both the Community Center and the Library. We want to remove the pine trees around the building. These were planted nearly 50 years ago, and are now 20 feet above the roof of the building. The needles are causing problems with the roof and the gutters. There is concern regarding wind break and heating and cooling requirements by removing the trees. He has discussed with Parks and Facilities and the cost of maintenance and repair justifies removal of the trees. We would like to add small plantings and benches to allow for an outdoor area near the library.

Councilwoman Metzler asked if removing the trees would cause any drainage issues?

Geoff Benway said that it is not likely.

Supervisor LaFountain said we are trying to balance the costs of maintenance and repair and removal of these trees would reduce expenses.

2. Flag Pole at Rothfuss Park (VFW Post 820) – LaFountain
Supervisor LaFountain said he is in receipt of a check for $8,000 from Andy Strawhand, Commander of the Veterans of Foreign Wars of the United States Post 820. The flag pole is on order we need to
determine an appropriate location. The pole is 50 ft. tall and needs to go 5 feet deep. The location is near a lot of stone and needs to be near electric.

VIII. HELD ITEMS
1. Pond Ownership – Staff – Not discussed
2. Bay Breeze Estates Sec. III Right-Of-Way – Costello – Not discussed

IX. Old Business – None

X. New Business – None

XI. Executive Session – Real Estate, Litigation and Human Resource Matters – No Session tonight

XII. Adjournment – Supervisor LaFountain adjourned the Work Session at 9:01 PM.