Town Board Work Session Agenda
October 26, 2011
7:00 PM

I. Call to Order

II. Approval of Minutes  October 12, 2011

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests - None

VI. ACTION ITEMS

Law and Finance
1. Ashlyn Rise Findings Statement – Valentine
2. Rezoning Penfield Road/Fairport Nine Mile Point Road – Costello
3. Request for Special Permit at 1822 Penfield Road – Costello
4. Requested Extension Arbor Ridge Section III Approval – Valentine
5. Fill Permit Process Review - Benway

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Update for Jomanda Way Proposal – Costello
2. Request for Special Permit for Dog Grooming at 1805 Penfield Road – Costello

Public Works
1. Sewer Capacity Study – Summary & Recommendations – DiFrancesco

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Bay Breeze Section III Right-Of-Way – Costello
3. Heron Landing Subdivision Proposal – Valentine/Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session – Real Estate, Litigation and Human Resource Matters

XII. Adjournment
Town Board Work Session Minutes
October 26, 2011
7:00 PM

I. Call to Order

Present:

Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:

Jim Costello
Mark DiFrancesco
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 10/12/11

CW Kohl moved for the approval of the Minutes of October 12, 2011, CM Quinn seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
I. Ashlyn Rise Findings Statement – Valentine
Mark Valentine stated that the Draft Findings Statement has been submitted to the Board.

Supervisor LaFountain asked if the wetlands will be deeded to the adjacent owner.

Valentine said yes, there is a permanent Conservation Easement. The wetlands are currently owned by the developers and they have spoken to Mr. Miller. Mr. Miller is interested in the additional acreage to receive an agricultural exemption. He would need a total of nine (9) acres.

Jim Costello said that once the land is transferred we may need to re-subdivide to have all of the land on the Miller site.
Supervisor LaFountain stated that we need to add some specifics to the Findings Statement, we want to make sure we adequately address that there is to be no impact to the wetlands. We must make sure there is no misuse or misinterpretation.

Councilwoman Kohl asked if the incentive will be going to anything specific?

LaFountain said this will be used as Open Space.

Councilwoman Metzler said we can add a comment, for consideration towards Open Space goals.

LaFountain said we should tag this for Open Space, bullet number 1 at the top of page 2 should state this is dedicated for Open Space Preservation.

LaFountain asked Valentine to have a revised second draft to the Board for review by end of day Thursday. Once approved, a Resolution will be submitted for the next Legislative Session on November 2, 2011.

2. Rezoning Penfield Road/Fairport Nine Mile Point Road – Costello

Penfield Road

Jim Costello showed the Board sketches that were prepared by Geoff Benway, two (2) options were shown. First, showing each property developed into a single structure business. Sketch includes a buffer, parking lot, common access road and additional buffering between the properties and the school.

Second, the access road is behind the properties. A secondary access road is located further west which moves the ingress/egress away from the intersection. This would give access to all properties even if they develop at different times. If we remove the access points along Penfield Road, we would need varying rear access when the traffic backs up at drop off and pick up times at the school.

Mark Valentine said we would have to add language to the agreement regarding buffering to the school. The first design does not allow the full 50 feet of buffering that is required. We could specify requirements of additional buffering or a fence in the conditions of approval.

Costello said the potential square footage on each parcel calculates to 5,000 sq. ft. per unit on each lot with required green space, setbacks and parking.
Costello said Councilman Quinn had requested there be pedestrian access. We can bring the buildings closer to the street, which would yield additional buffer in the rear. The group home is not going to be altered and we must take that into consideration as we are transitioning.

LaFountain asked will there be another access near the group home?

Costello said the access road goes up to their property. The access road could be tied to the group home property and then they could benefit by accessing at the light.

LaFountain said at the last meeting we discussed the uses described in the Webster Zoning District, both primary and conditional uses. We want to make sure the language is appropriate for our district.

Costello said he has reviewed the Webster Neighborhood Commercial District. Many of the uses listed are in our current BN-R Zoning District. We would have to change the zoning to Limited Business to allow retail, which would require another Public Hearing.

LaFountain said we do not have unanimous support for retail in that area. He reviewed the nine (9) primary permitted uses under the BN-R Zoning. Those include insurance, medical, bank, commercial school, attorney, licensed professional office, office park, public building or an accessory use of the previously mentioned uses.

Councilwoman Metzler said she has had several people approach her as to what that they do not want to see in this area. However, those are establishments that are included in the BN-R list. She has done her best to explain to them that we are legally obligated as a town that if any type of business listed here comes in and justifies themselves within the guidelines of the town, we cannot prevent that business. We also cannot prevent one business on this list from having six (6) of them in a row. She has tried to explain that, but she is not sure she has done that adequately.

Costello said we can control buffering and lighting with a conditional approval once an application for a permitted use is received. The Town Board oversees what a district should be. Once it is rezoned it is up to the Zoning Board and the Planning Board to administer the district.

Metzler said the Town Board has no veto. Once the property is zoned it is out of our hands.

Costello said the Town Board has the authority to change the list of permitted uses.
Supervisor LaFountain reviewed the list of Conditional Uses. Those include auto drive in bank teller, funeral home, non-profit, public utility, nursery school or day care, combination of BN-R and single family home. Other uses can be granted with Board approval. He continued to say it is important to have levels of conditions appropriate to the area such as landscaping, buffering, architectural design, pedestrian access.

Costello said we can require internal access and shared parking. This area is not covered by the LUAMP, but does fall under the Routes 250/441 Overlay District.

Councilwoman Kohl asked when we rezoned the other area of Penfield Road, didn’t we have the same discussion?

Costello said yes, but we need to make sure the access road wording is changed with this rezoning.

LaFountain asked has the framework for the Resolution been started?

Costello said, not yet, he will begin preparation of a Draft Resolution. We want to be sure we have all the guidelines for the other boards to review.

Councilman Moore asked if BN-R zoning requires single story buildings?

Costello said no, it can be a two (2) story building, including a mixed use of single family residence and business.

Quinn inquired about ingress/egress as a traffic control device. Can this be controlled through Conditional Uses?

Costello said you can direct the Board as a condition of approval as development occurs. The property owner would have to continue the access road as a condition of rezoning or new development of a site.

Quinn asked can we require no ingress/egress within a certain distance from the intersection?

Costello said no, the State Department of Transportation has jurisdiction over the curb cuts on those properties. As development occurs we can modify the access points. We can allow temporary access until the permanent access road is completed.

Quinn said he has safety concerns for the traffic exiting Wegmans and travelling east and west on Penfield Road. He would like to define conditions such as no full
ingress/egress within the first two (2) parcels until the third parcel is developed.

Costello said the Department of Transportation would agree with that.

Mark Valentine said we can add specific language regarding the minimization of curb cuts.

Councilwoman Kohl said the access road needs to be developed. We need to keep people on the park road instead of NYS Rte. 441. We can request it is designed as such and add Councilman Quinn’s verbage.

Costello said the access road will depend on the sale of the properties. Do we want an internal access road in the front or the back of the properties?

Kohl said she prefers the back.

Councilwoman Metzler said she would need more information before she can make a decision on front or rear access.

Costello said we would direct the traffic to an access road when they come in for approval the Planning Board would implement the decision.

Councilwoman Metzler said we need a decision on access and ingress/egress as best we can. The owners need to know who will have the expense of an access road.

Costello said we could estimate the cost of the access road and share the expense with all of the residents. It may take a long time for all of their houses to turn over. We need to decide how to keep the buffering for those that remain single family homes.

Councilwoman Metzler said we want to make sure the structure and design of these buildings creates a good transition.

Costello said we can set an architectural theme and specific design features. The Planning Board has the criteria.

Valentine said we can put the language in the Resolution to give direction to the future boards.

Supervisor LaFountain said the rezoning can be subject to conditions. Items can go to the Planning Board. Any change of use would have to go through the Zoning Board. We can start the framework for the Resolution. The Planning Board has an architectural consultant. We want the area to have a neighborhood feel. We need to take into
account there is a school behind the properties and some of the residential properties may remain single family homes. We want the design to be consistent with the area.

Costello said he will put together a draft. He will e-mail it to the Board by mid-week. The Resolution should be ready for the November 16, 2011 Legislative Session.

LaFountain asked the Board to get feedback to Jim and copy all other Board members on correspondence.

**Fairport Nine Mile Point Road**

Jim Costello showed a prepared sketch of potential layout for the properties on Fairport Nine Mile Point Road. Costello stated that the Calabrese and Johnson properties are the two (2) largest parcels and they could become two (2) office buildings. There is a wooded area behind these properties which could be used to create a buffer between this development and the Cherrymede Crescent area. It is dangerous pulling out of these properties on to NYS Route 250, so he would suggest an access road along the front of the properties. This layout also shows structures between 4,000 – 5,000 square feet.

Supervisor LaFountain stated that this area is different than the Penfield Road area because of the school location. These properties abut residential properties.

Costello said there are some storm water management issues that will need to be addressed. A water treatment facility will need to be created and that may limit some of the development.

Mark Valentine said the water treatment facility is part of our design criteria. It can be underground or a retention pond. This can be finalized during the planning review process.

Costello said we want to review internal access which would yield a safer ingress/egress, preservation of trees between the development and Cherrymede Crescent, architectural designs, residential feel, exterior lighting and landscaping.

Supervisor LaFountain stated the LUAMP goes up to the parcels which are being reviewed.

Costello stated that these parcels also fall within the Routes 250/441 Overlay District.
Supervisor LaFountain asked that staff prepare a Draft Resolution to include the items we have discussed.

Costello said he will include the LUAMP features incorporated into the Resolution.

3. Request for Special Permit at 1822 Penfield Road – Costello
Jim Costello stated that Margaret Trevett is here to discuss a Special Permit to open campaign headquarters at the prior location of the Simply Fabulous Boutique.

Supervisor LaFountain invited Margaret, David Murphy and Catherine Dean to the table to speak.

Costello said the Board is able to approve a change of use in the Four Corners through an administrative review process.

Margaret Trevett stated that initially they were only renting the window space and then decided to open as a drop-in for campaign headquarters. There will be 1-2 staff members and parking for 2-3 cars would be sufficient. She said they will not be holding any events or functions at this location.

Councilwoman Metzler inquired about hours of operations.

David Murphy said hours would be 6:30 to 8:00 PM Tuesday, Wednesday, Thursday, and Saturday from 11:00 to 3:00 PM. This will begin tomorrow through November 10, 2011. He also stated that there are no special events planned. There will be no cooking on site, and no exterior signage.

Councilwoman Metzler inquired about lighting.

Mr. Murphy said there will be no additional lighting required.

The Board agreed and the Special Permit will be issued. The Resolution will be submitted at the next Legislative Session on November 2, 2011.

4. Requested Extension Arbor Ridge Section III Approval – Valentine
Mark Valentine said they were granted approval in April and have reached the 180 day deadline. They are requesting a 90 day extension. They are still working on Section II and have had some delays with easements.

Costello said one of the items of agreement was to allow the Crane’s access to the property to remove some of the trees. The Crane’s have not had the time or the equipment to do so yet.
The Board agrees and the 90 day extension will be approved.

5. Fill Permit Process Review - Benway
Supervisor LaFountain stated that a permit was issued for the Bell property on Old Browncroft Road. He asked that a stop work order be placed at the site. We need to be aware of the amount of fill that is coming in and where the fill is coming from. Article V is outdated and needs to be re-vamped. The Town Board should be a part of all fill permits. Currently under Article V an authorized official can issue a fill permit. In the past the Director of Planning spoke with the Engineer or others involved. We want to avoid filling sensitive areas. No additional permits will be issued for the next 30-45 days until the draft revision to Article 5 can be updated. A Resolution scheduling a Public Hearing will have to be submitted. A Public Hearing will have to be held, at a non-holiday time. Amending Article V will give the Town Board more review and oversight into the process. We want to prevent unwanted fill from being placed at sites without our knowledge.

Councilwoman Kohl said she supports the change to tightening the Ordinance.

Supervisor LaFountain said a number of fill permits have been issued over the last five (5) years. We need to supervise better drainage, sedimentation control and intended materials coming in.

Councilwoman Kohl suggested we add a specific start and stop time to the permit.

Supervisor LaFountain said we will have a revised draft to Article 5 for the Work Session on November 30, 2011.

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Update for Jomanda Way Proposal - Costello
Jim Costello said he received an e-mail from Mrs. Rivers stating she does not want the Homeowner’s Association fees to go to the Town. He feels she doesn’t understand what we are trying to do. He will try to meet with her to explain the process and the repercussions of not doing it. She does not want to lose any of her property.
Councilman Quinn asked how long have you been trying to make contact with Mrs. Rivers?

Costello said it has been several months of trying to contact her.

Councilman Moore asked if Mrs. Rivers refuses to participate can we still move forward with the project?

Costello said we can go forward without her. We are reviewing the Homeowner’s Association agreement with the Town Attorney. If we move forward with this improvement the Homeowner’s Association would be dissolved. We are verifying with the Attorney General that if one (1) resident does not agree that the association can still be dissolved.

Councilman Quinn asked for clarification that we are planning to bring the road up to Town Specifications.

Costello said that is correct.

Councilman Quinn asked what is the estimated cost to residents?

Supervisor LaFountain said approximately $1,200 per year.

Dexter Dyer, Jomanda Way Homeowner’s Association President, said initial estimates were close to $2,000, after further research the estimated cost was reduced to $1,100 per year.

Mark DiFrancesco said you will not have exact costs until the project has been bid.

Councilwoman Metzler asked does Mrs. Rivers understand that the Homeowner’s Association is liable as the road deteriorates?

Supervisor LaFountain stated that Costello has been working with the Town Attorney. We are looking for construction in 2012. Seven (7) out of eight (8) residents are the majority. It is in the best interest of all involved. The cost is borne by the homeowner. He will support condemnation if it comes to that. Costello needs to try to make Mrs. Rivers understand, and he needs to continue to work with Town Attorney Horwitz on dissolving the Homeowner’s Association.

Costello asked what is the current Homeowner’s Association fee?

Mr. Dyer said $840 per year. According to the Homeowner’s Association agreement we need only 2/3rds in agreement to proceed.
2. Request for Special Permit for Dog Grooming at 1805 Penfield Road – Costello
Jim Costello said this application has been withdrawn.

Public Works
1. Sewer Capacity Study – Summary & Recommendations – DiFrancesco
Mark DiFrancesco submitted copies of the completed sewer capacity study to the Board. He reviewed the study and the recommendations. He is in favor of Distribution C, his tolerance for surcharging is low. With this study completed there is a possibility we could come up with a Distribution D. It is important how we facilitate these improvements. We will continue to monitor the area and update the study.

Supervisor LaFountain asked what are the next steps in the process?

DiFrancesco said the work is done, now we wait for development pressure.

Supervisor LaFountain said the Comprehensive Plan is completed, and there was a discussion regarding mixed use. We are trying to stay ahead of the curve. This study can be used as reference material. There is an opportunity for I and I in these basins.
We need to have a discussion once an inquiry is received to determine the next steps. This report gives us the opportunity to look at a parcel and determine the number sewer units available. We may have an interest in more developmental units than we have sewer available. How do you then go in and accurately assign those?

DiFrancesco said we have to derive a cost recovery formula. If we were petitioned by 3-4 land owners to install a trunk line to serve their properties, a cost study would have to be done.
The study would give an estimated number of units per developable acre and that would be assigned back to the parcels. Audit control approval would also be required. There must be a transition from vacant parcels to homes and businesses.

Councilwoman Kohl inquired about the mixed use criteria.

Costello said he is working with Katie Evans to prepare the criteria.

Mark Valentine said with the criteria we can see what the development potential of the property is.
DiFrancesco said we need to be cautious not to guarantee above what we can accommodate.

Valentine said we also want to make sure the costs are distributed evenly.

DiFrancesco said one (1) equivalent unit is for one (1) single family home which equates to 60,000 gallons of water per year. If you have 300 equivalent units, that may equate to 450 or more apartment units.

LaFountain stated that the potential capacity has limitations. It is a Mixed Use District, we must let the process continue to see what the interest is. LaFountain asked can we tighten up the system to gain additional capacity?

DiFrancesco said not a great deal. I and I is not widespread, it is localized to manholes that we can observe and attack. I wouldn’t suggest dropping the peaking factor to gain more units.

LaFountain said he would like to see a reduction in what we send to Pure Waters. If we tighten up, we can lower our expense. By buffering fewer gallons to the County that would reduce what we get charged back.

2. Proposal for Design and Permitting Services - Restoration of Allen’s Creek - Benway

Jim Costello said a letter dated October 5, 2011 had been submitted to the Board from Geoff Benway detailing costs for Phase II. They are currently wrapping up Phase I. Total cost for Phase I was $16,000, we have already paid $11,985. Phase II would include the project scope, schedule and the budget with detailed plans. This will be paid with the drainage levy fund. Costello detailed the expenses which total $65,000.

Councilwoman Metzler asked does this come out of the Drainage fund?

Costello said yes.

Councilman Moore asked is this a necessity?

Costello said to the residents yes, they are losing their property to erosion. Water quality is also a County wide concern.

Councilman Quinn asked is this fee the total expense to complete the study?

Supervisor LaFountain said this completes the requirements to get the project to Phase III which would be construction
services. With Phase III there would be an additional $12,500 required to obtain the permits and design services.

Councilwoman Metzler said do we give the okay for this expenditure when the final project is near six figures?

Supervisor LaFountain stated there are approximately 8-10 areas of work to be done.

Costello said we could break this into 8-10 smaller projects.

Councilman Quinn asked if this would bring the information current?

LaFountain we would need the historical data and Benway would have to present that to the Board. This item will be on the Work Session agenda for November 9, 2011.

LaFountain stated we also need to look at water quality and erosion. Some of the problems may exist upstream in Brighton. We don’t want to authorize work to be done if Brighton isn’t going to do their part upstream.

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership - Staff - Not Discussed
2. Bay Breeze Section III Right-of-Way - Costello - Not Discussed
3. Heron Landing Subdivision Proposal - Valentine/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 9:15 PM.