Town Board Work Session Agenda
February 22, 2012
7:00 PM

I. Call to Order

II. Approval of Minutes  February 8, 2012

III. Monthly Reports  - January

IV. Public Hearing – None

V. Guests - None

VI. ACTION ITEMS

Law and Finance
1. 2305 Penfield Road – Incentive Zoning – Valentine
2. Arbor Ridge Section 3 – 90 Day Extension – Valentine

Public Works
1. Caroline Court – Waiver from Town Specs – Benway
2. Harris Road – Pino – Refund of Sidewalk Waiver Payment – Benway
3. Villas at Easthampton – Request for Basements in some units - Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. 1440 Empire Boulevard Development – Costello
2. Ashlyn Rise Subdivision - Valentine

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Bay Breeze Section 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 – 2/8/12**  

CW Metzler moved for the approval of the Minutes of February 8, 2012, CM Quinn seconded the motion.  

III. **Monthly Reports – All reports for January have been submitted.**  

IV. **Public Hearing – None**  

V. **Guests – None**  

VI. **ACTION ITEMS**  

**Law and Finance**  

1. 2305 Penfield Road – Incentive Zoning – Valentine  

Mark Valentine reviewed the project that had been discussed at the last Work Session. He is looking for feedback from the Board to give direction to Ms. Gabrielle.  

Councilwoman Kohl inquired if there were any comments from PRC.  

Valentine stated that the project is in a low, wet area and the property currently drains into the backyards at Hunters Drive North. Gabrielle spoke with the State and would like to do a combined driveway and combined water retention area.  

Councilwoman Kohl said she is concerned about adding traffic to the Penfield Road area, but pointed out that there are similar townhouse projects in the area.
Councilman Quinn asked if there has been an update from the State?

Valentine said they have had no follow up or additional information from the State since the last meeting.

Councilman Quinn asked if they are requesting a curb cut on Penfield Road?

Valentine said yes, and they also are requesting a curb cut on Watson Road. The State project would probably want to include a looped driveway.

Supervisor LaFountain asked the Board how they feel about the density. Five (5) homes are allowed based on zoning, they are asking for 12 townhomes.

Kohl said 12 seems high, maybe ten (10) would be more reasonable.

Quinn said he has no issue with the density. He is concerned with buffering between the project area and existing homes.

Valentine said we could discuss berming, fencing and a retention pond.

Councilwoman Metzler said there is a 12 home townhouse property nearby. We have already set a precedent in the area with the same footprint.

Quinn asked how far is the driveway to exit onto Watson Road, and will a pull off be required?

Benway said approximately 500 feet, and a pull off would not be required.

Metzler said she would like to hear more about the incentives.

Valentine said incentives would go towards future open space development.

LaFountain said they will be addressing drainage in the area, are there any additional incentives beyond financial?

Valentine said no, there are no sidewalks that need to be filled in.

Kohl asked about the sewer connection?

Valentine said the sewer is located on their side of the street. They may need to connect to the storm sewer farther east. This may be a potential incentive to add a deeper storm sewer.
LaFountain asked the Board if we are ready for a sketch plan review? After this is reviewed then we can open this up for neighbor feedback.

The Board agreed.

LaFountain said we will schedule a sketch plan review, and schedule a Public Hearing for March 21, 2012.

Metzler inquired if there was any additional information pertaining to the Comprehensive Plan.

Valentine said there would be no change, in general the plan calls for higher density, but nothing particular for this area.

LaFountain stated if there are no concerns brought up by the neighbors, we will begin to discuss additional information for incentives.

2. Arbor Ridge Section 3 – 90 Day Extension– Valentine
Mark Valentine stated that this is the second request for an extension. The deadline for the first extension is March 1, 2012, and they would like an additional 90 days. The mylars are in house and we are working on easements that will be filed shortly.

The Board agreed and the extension will be granted.

Public Works
1. Caroline Court – Waiver from Town Specs – Benway
Geoff Benway said the final approval has been received and they are requesting a waiver from the Design Specifications to comply with the Green Infrastructure requirements under the NYS Stormwater Design Manual.

In an effort to reduce run off they intend to disconnect the roof run offs from the drainage system. Town specifications require all roof and cellar drainage connect to the street drainage system. PRC has reviewed and they support the waiver with conditions. The downspout will discharge into splash blocks, which breaks up the erosion of the land. Storm laterals will be installed to each home for the connection to the sump pumps. We may be able to reduce the lateral from 6” to 4.” Also, we will allow sump pump discharge to splash blocks in lots that have A and B soils. The developer has done similar work in other areas in the County and it has worked well.

Supervisor LaFountain inquired about the new Storm Water Regulations. Should we re-write that section of Spec Book to comply; we also need to protect the sensitive features of the Town.

Benway said yes, that would ease up on the work load of reviewing every waiver. We could change the requirement to be approved at
the discretion of staff. We do intend to make changes to the Spec Book and this would be a good time to make this change as well.

LaFountain asked what does Phase 3 looks like?

Benway said more testing is required, the sediment would be tested off site. The EPA is increasing inspection and this may require permit modifications. If we make adjustments to the Spec Book, that would allow staff the flexibility to offer a variety of options.

LaFountain asked the Board if they are okay with the waiver.

The Board agreed and a Resolution will be submitted for March 7, 2012. PRC will look at modifications of the storm water piece in the Town Specifications.

2. Harris Road – Pino – Refund of Sidewalk Waiver Payment – Benway

Geoff Benway said in 2001 a site plan was approved and at that time the property owner paid for a sidewalk waiver. The sale fell through and he has requested a refund of the waiver fee paid.

Supervisor LaFountain said we have no concerns. We will process a refund, but also asked that the parcel be tagged for future development. The Board agreed.

3. Villas at Easthampton – Request for Basements in some units – Benway

Geoff Benway introduced James Basile, Bergmann Associates and Dan Murphy, Wegman Companies. Marketing research has shown the desire for basements in these units. There is rock and water at depths of 120 inches below the proposed finished floor of the units. Only three (3) units have adequate depth for basements. The soil has been tested for structural capacity due to ground water infiltration. Benway reviewed the types of soil in the area and stated that it is a saturated site.

The existing drainage ditch which goes through the site is part of Mill Creek and there is an existing problem with standing water in the culverts at 24” to 30” deep. He spoke with the developer and they have agreed to extend the culverts. PRC had concerns with the basements because of the number of drainage complaint calls we already receive in the Town. We have mapped drainage complaints, and they are more frequent where there is shallow rock. The flat slopes of Mill Creek have frequent overtopping. There is a regulated wetland north of the project.

Councilwoman Metzler asked then why would you want basements?

Dan Murphy stated that because there is a need. Marketing has been telling us for years that we may be loosing sales. The
developments on either side have basements, and we wouldn’t consider this in the high rock areas.

Councilwoman Metzler said having a basement is great, but having a wet basement is a concern.

Supervisor LaFountain asked if the Homeowners Association will accept liability?

Murphy said no the homeowner would be liable.

Councilman Moore asked what would be the Town’s liability if we allow them to add basements to the properties? After the home is sold can the resident come back to the Town?

Benway said a basement is a hole in the ground and we receive many complaints about wet basements. A heavy flow of water can cause a sump pump to burn out in a wet basement, and residents have come to the Town to complain of that.

Moore asked if an engineer signs off, can he be held liable?

Metzler said the builder would be liable, but are we just setting up residents for problems?

LaFountain said if we approve this there is no guarantee that the home would have a basement, it would allow a basement as an option to the buyer.

Benway said some people purchase a home with the intent of making the basement living space. If this is done an egress window would be required and water could enter through that window.

Jim Costello said PRC had expressed concerns. The original approval was given with no basements for the development.

LaFountain asked about the number of units sold.

Murphy said we have built 64 of the 124 planned.

Councilwoman Kohl asked if this was approved without basements, why would we allow it now?

Murphy said market demands change, many lots we wouldn’t consider a basement and others seem fine. We will be responsible for managing the water.

James Basile said the original report was completed in 2006, since that time we have added three (3) ponds and graded the property with five (5) additional feet of fill, the drainage has been improved in the area.

LaFountain asked if future phases are planned for higher ground, won’t you have fewer issues with drainage in the next phase?
Murphy said yes.

LaFountain stated he feels that we should not allow basements in Phase 3. It is possible to allow basements in Phase 4 which will be on higher ground. He continued by saying he is sensitive to the number of calls the Town receives regarding drainage, it is one of the biggest problems we have. We must consider the future based on the PRC comments. Continue Phase 3 on slab and then future phases we can review basements. Once the home is sold the builder is gone, the Town gets the calls. We need to protect the homeowner.

Benway said we could add monitoring wells on site to see changes over a season.

The Board agreed and advised Murphy and Basile to stay in contact with staff we will look at future sections of this project.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
I. 1440 Empire Boulevard Development - Costello
Jim Costello reviewed that when this project was brought before the Board in January they expressed concerns regarding the architectural design.

Councilman Moore inquired if the Daniele Project discussed at the November Work Session is this part of this project?

Costello said no, there is currently no project for docks. The Department of Environmental Conservation had concerns and the LWRP is not yet completed for the area. The applicants have decided to move forward with landside issues and the waterside will be addressed at a later date.

Danny Daniele said when the LWRP is approved we will move forward with our project.

LaFountain said we had met with the representatives of the project and this design is more along the lines of what the Board is looking for.

Mark Passero, Passero Associates spoke on behalf of the Danieles, Upstate Brownfield Partners and Bob Morgan. He introduced the architectural concept for the Southpoint Cove Apartment Homes. It is a high end, upscale community, in a high profile area which is the western gateway to the Town of Penfield. We are setting a standard for development in the LaSalle’s Landing area. He went
on to review the project and introduced Mira Mejibovsky who put together the new design.

Mira Mejibovsky explained that she had researched waterfront communities and decided to go with a modified Cape Cod style with nautical features. We have included curved balconies, cupolas and color schemes so the development doesn’t look monotonous. The exteriors also contain stone to carry through the theme from Bazil’s Restaurant. Each building will have the same floor plan, but will have a different exterior façade.

Councilman Quinn inquired about the elevation, will there be a difference in grade.

Passero said it is different now than when the project will be completed. The site needs to come down approximately 20 to 30 feet.

Daniele said the layout of the structures will give some of the residents a view of the bay, and some will have a blocked view.

Councilwoman Metzler recognized Mejibovsky as a member of the Town’s Historic Preservation Board and thanked her for coming up with these designs.

Councilwoman Kohl said you have captured what we are looking for. Councilman Moore said in future renderings of the project he would like to see street view and water view. He has a better comfort level with these new designs.

Councilwoman Metzler asked if there will be any commercial use on the property?

Daniele said originally we looked at commercial, but didn’t think it would be a demand in 3-10 years. The development will have approximately 350 units and that is not enough to sustain a business on site.

Moore asked will this project be completed in phases?

Passero said yes, in 2 or 3 phases, over 3 or 4 years.

Costello asked if the Board was ready to move forward with the application.

The Board agreed that they are ready to review an application.

2. Ashlyn Rise Subdivision – Valentine
Supervisor LaFountain stated that the original plans were submitted in July of 2010 and we had the Public Hearing last week.
Mark Valentine said PRC met and we have some technical issues to wrap up. They are okay with the project, but are looking at a relocation of the entrance drive. There was also discussion about the sidewalk compliance.

LaFountain said the Blake Miller property is west of the site, will permits be required from the Department of Environmental Conservation?

Valentine said yes, they will probably have to take a closer look at it.

LaFountain asked which side of NYS RTE 441 will have sidewalks?

Benway said it should be on both sides because it is a major corridor.

Jim Costello said he had recently reviewed the site and the culvert will need to be extended.

LaFountain inquired if it is a State culvert?

Costello said yes, but it only needs to be extended beyond the sidewalk.

Benway said it can probably be done in the right-of-way.

Mike Cavalcanti said the wetland is in the right-of-way.

Costello said there is grass from the telephone poles to the road, we may have to go through the permit process.

LaFountain asked if there were other items discussed at PRC?

Mark Valentine said the final review of the Swift Report for storm water treatment was received by Benway today. Also, we discussed the determination of where the entrance falls.

Costello said the Miller Property still has violations. He is concerned with allowing him to take top soil, sift and sell it on his property. He feels it would be better to have him store and sell it from the Ashlyn Rise property.

Cavalcanti said the sale of the top soil is offsetting the costs of connecting to the sewer. The soil would not be trucked out, they would be using pans to bring it across the Ashlyn Rise site to the Miller Property.

Costello said Miller is currently in violation and he doesn’t want to extend the problem.

Cavalcanti said he would need some help and guidelines to accomplish this.
LaFountain said there are five (5) issues that need to be addressed and worked through:

- Location of the pole at the driveway
- Sidewalk component on NYS RTE 441
- Stormwater review - Benway has the Swift Report
- Screening of top soil
- Resident caller “Louie” concerning traffic

Cavalcanti said he would contact Louie to discuss traffic issues with him directly.

**Public Works** - None

**Public Safety** - None

**Community Services** - None

VIII. HELD ITEMS

1. Pond Ownership - Staff
2. Bay Breeze Section III Right-of-Way - Costello

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 8:38 PM.