Town Board Work Session Agenda
March 28, 2012
7:00 PM

I. Call to Order

II. Approval of Minutes  February 22, 2012, and revision of September 14, 2011

III. Monthly Reports - February

IV. Public Hearing – 7:30 PM
   To consider the application for a Special Permit to allow an Allstate Insurance Agency at 1822 Penfield Road in the Four Corners (FC) zoning district

V. Guests – 7:00 PM: Don McClellen – 2476 Browncroft Blvd.

VI. ACTION ITEMS

   Law and Finance
   1. Ashlyn Rise Subdivision – Valentine
   2. Abbington Subdivision Reapproval of Phase I – Sections B & C - Valentine
   3. Article V & VI Follow up from Public Hearing – Benway

   Public Works - None

   Public Safety - None

   Community Services
   1. Resurfacing Harris Whalen Tennis Courts – Ainsworth

VII. INFORMATIONAL ITEMS

   Law and Finance - None

   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
   3. Hydrofracking Petition to Consider a Moratorium – Town Board/Horwitz

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  
March 28, 2012  
7:00 PM  

I. Call to Order  

Present:  
Supervisor LaFountain  
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Quinn  

Also Present:  
Jim Costello  
Lisa Grosser  
Mark Valentine  

Absent  
Councilman Moore  

II. Approval of Minutes – 9/14/11 (revision) and 2/22/12  

CW Metzler moved for the approval of the revision of the Minutes of September 14, 2011, and CW Kohl seconded the motion. CM Quinn moved for the approval of the February 22, 2012 Minutes, and CW Metzler seconded the motion.  

III. Monthly Reports – All reports for February have been submitted.  

IV. Public Hearing – To consider the application for a Special Permit to allow an Allstate Insurance Agency at 1822 Penfield Road in the Four Corners (FC) zoning district – See Attached  

V. Guests 7:00 PM: Don McClellan – 2476 Browncroft Blvd.  
Jim Costello introduced Don McClellan of Juliarose Properties who owns the properties at 2474, 2476, 2478, and 2480 Browncroft Blvd. 2474 is zoned Residential, all others are zoned Limited Business.  

Mr. McClellan stated that he has been approached by Tim Hortons to open a restaurant in that area. We’ve looked at different plans for the site, and he wants the least amount of disruption. He is interested in purchasing 2472 Browncroft Boulevard and intends to keep that property residential.  

Costello stated that the original plan encroached into the R-1-20 zone with the 2474 property and McClellan does not want to apply for rezoning, and is looking at other options. He does not want to compromise the residential properties.  

Councilwoman Metzler asked which building is Tim Hortons considering at this time.
McClellan said they are looking at the building to the left of 2480, he preferred the building to the right. He would like to eliminate curb cuts and provide an access road to the properties. He would like to see a nice gateway type structure as this is the first area seen when entering Penfield.

Metzler asked if Tim Hortons is the only prospect for this property.

McClellan said he has talked to others, but they are the most serious so far.

Supervisor LaFountain said in the late 90’s rezoning was discussed from this area down Browncroft Boulevard to White Village Drive, and it was turned down unanimously by the Town Board. There was also some filling going on behind that area which the Town stopped because a permit had not been issued.

Costello said we had also looked at this area as part of the Comprehensive Plan, and the committee decided not to recommend rezoning it.

LaFountain asked if Tim Hortons has agreed to any plans yet?

McClellan said no, we are still discussing options.

LaFountain said a representative from Tim Hortons needs to come in and have some dialogue with the Town. We need a more specific plan.

Costello asked if the Board would consider rezoning 2474 Browncroft Boulevard?

Councilwoman Kohl asked if this rezoning would be based on hardship?

McClellan said 2480 is only at half occupancy, so it is a partial hardship.

Councilwoman Metzler asked what zoning is stated in the Comprehensive Plan.

Costello said the Comprehensive Plan does not call for a change in zoning at this location.

Metzler said she would like to review the Comprehensive Plan. Adding an access road and eliminating curb cuts is desirable. She would also like to hear input from the New York State Department of Transportation.
LaFountain said we are not interested in rezoning at this time. If a group of neighbors petitioned the Town, we would then review rezoning. Rezoning one (1) parcel does not fit with what this Board has done historically. He suggests we work within the current Limited Business zoning.

Costello said the State DOT would be favorable to one (1) access road replacing three (3) driveways. If the access road is for existing facilities it would be a positive change. Creating an access road for a new restaurant would not be received as positively.

Metzler feels we should stay within the current zoning. We have had requests to revitalize this area, but this needs to be done within the current zoning.

Costello will draft a letter summarizing this discussion to the Board for review and then it will be sent to Mr. McClellan.

The meeting was adjourned at 7:27 PM for the Public Hearing.

The Work Session reconvened at 7:41 PM

VI. ACTION ITEMS

Law and Finance

I. Ashlyn Rise Subdivision - Valentine

Mark Valentine reviewed the action items from the last Work Session and addressed PRC comments.

- Location of the pole at the driveway
  - The driveway has been offset by 50 feet to the south. This is not a major thoroughfare intersection and should not cause any traffic issues. The driveway change has caused a shifting of the pond, but has not affected its functionality.
- Sidewalk component on NYS RTE 441
  - Valentine submitted a sidewalk waiver analysis to the Board for its review. In lieu of putting sidewalks on Penfield Road and Fellows Road they are proposing sidewalks and trails which consist of standard sidewalks, raised platforms and stone dust trails within the development.
- Stormwater review – Benway has the SWPPP Report
  - Benway has reviewed the report and is fine with the modifications to the pond.
- Screening of top soil
  - Will be allowed on Trapani’s property only, it will not be allowed to be transferred to Blake Miller’s property.
- Resident caller “Louie” concerning traffic
  - Both Mr. Cavalcanti and Supervisor LaFountain have addressed his concerns regarding traffic on Penfield Road.
Supervisor LaFountain asked Valentine to provide an overview of the plan for Sanitary Sewers.

Valentine said 17 properties will be served by the Town of Perinton and 19 properties will be served by the sewer going through Blake Miller’s property to Dublin Road. An easement has been obtained from Miller. Mark DiFrancesco is fine with this; it yields great access.

Supervisor LaFountain inquired about street lighting for this project.

Valentine said there is no internal street lighting, only a light at the entrance and this is consistent with the Design Criteria. The Board approved and a Draft Resolution will be prepared for its review.

2. Abbington Subdivision Re-approval of Phase I – Sections B & C – Valentine

Mark Valentine stated that original approvals for all of Phase I was received in 2011. They only filed for Section A and are now ready to move forward with B & C. They would now like re-approval for Sections B & C.

The Board agrees and the re-approval is hereby given.

3. Article V & VI Follow up from Public Hearing – Benway

Supervisor LaFountain said we held the Public Hearing on March 7, 2012 and residents have been able to submit comments until this evening’s Work Session. Geoff Benway is not here this evening and LaFountain is angered and disappointed that he is not in attendance.

Jim Costello said he has spoken with Benway and is in receipt of a draft document of concerns raised at the Public Hearing.

Supervisor LaFountain asked that we discuss Article V first.

Costello said the following questions were brought to our attention:

1. Tom Cleary asked if a permit can be issued on a napkin.
   • Costello said no, there is a permit process.

2. Mel Callan inquired if a permit is required for a grade change of 12” or more, she thought it should be 6”.
   • Costello said the requirement is from the original language of the permit, we have been using 12” for 30 years or so. This is the depth that will impact tree health and drainage characteristics.
3. Mel Callan inquired if top soil can be removed from a site.
   - Costello said yes, and a top soil sales permit would be required.
4. Mel Callan inquired what other agencies are conducting reviews of Article V and VI, and when can comments be submitted.
   - Costello stated that drafts were submitted to the Town Board and the Department Heads involved with the construction permitting operations. The comment period was held open until this evening.
5. Joanne Frelier said she is concerned about the use of language such as may or as needed.
   - Costello said these terms provide flexibility expanding the duties of Town staff for fill and earth work permit projects.
6. Joanne Frelier inquired if a survey map is required.
   - Costello said all mapping is to be provided by a licensed professional engineer or surveyor
7. Joanne Frelier inquired about the cost of inspections and reviews, the owner should know what they are.
   - Costello said permit costs will cover the review expenses. There is a provision to charge for additional inspections, if they are required.

Supervisor LaFountain referenced Page 3, Paragraph 4 and said we need some additional wording regarding truck traffic impact. Hours of operation and days of the week, this needs to be reviewed in more detail. He also suggests additional wording on Page 4, third sentence regarding roadway cleaning, spillage and wind blown material, how often and who decides.

Costello said he would have a revised document ready for review at the next Work Session on April 11, 2012.

Supervisor LaFountain said he would also like to see additional detail on slope stabilization and erosion control.

LaFountain said we will make changes and adjustments and get a revised draft to the Board for review. The earliest this will go before the Board for approval will be April 18, 2012.

LaFountain asked if there were any comments received regarding Article VI.

Costello said no.

Supervisor LaFountain referenced Page 2, first paragraph regarding audits and inspections, he feels this needs to be better defined and would like some additional wording here. He asked that Costello prepare a revised draft for review at the next Work Session on April 11, 2012.
Supervisor LaFountain said it was requested at the rezoning of these properties to have the Board give their approval on the architectural design of the structure.

Valentine submitted two (2) designs to the Board. The first does not have a residential feel. The second design is more refined and has more residential character. The landscaping plan, as requested, has also been submitted to the Board for review.

Councilwoman Metzler said both Mark Sansouci and John Carlevatti of the Penfield School District have given their approval of the white vinyl fence and the landscaping. Metzler also went on to say she had received comments from Harris Hill parents opposing the project and dismayed that another bank is coming to Penfield Road. She explained to the residents that the School District was informed early on in the process about the proposed bank.

Valentine stated that the School District has been involved in the project all along. He also stated that he had asked the opinion of local residents regarding the architecture of the Key Bank structure, and they liked the building.

Metzler said the Planning Board was concerned about traffic in the area.

Valentine said the Planning Board has given approval based on the Conditional Approval received from the Town Board.

Supervisor LaFountain said he likes the structure of the building, including the roof lines, but isn’t crazy about the red awnings.

The Board agreed with this architectural design and the application can proceed.

Public Works - None

Public Safety - None

Community Services
1. Resurfacing Harris Whalen Tennis Courts – Ainsworth
Supervisor LaFountain said this project had gone out for bid and two (2) bids were received. The lowest bid was $42,940 and the second bid was $47,000. Both companies have worked with the Town in the past. Supervisor LaFountain recommends we accept the bid of $42,940. This bid is about 20% over our budgeted amount, due to increased material costs. Bob Ainsworth also suggests we accept this bid if the court is not resurfaced this year, it will only deteriorate more.

The Board agrees and a Resolution will be prepared for the next Legislative Session on April 4, 2012.
VII. INFORMATIONAL ITEMS

Law and Finance - None

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
3. Hydrofracking Petition to Consider a Moratorium - Town Board/Horwitz

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 8:41 PM.