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

Town Board Work Session Agenda
September 26, 2012
7:00 PM

I. Call to Order

II. Approval of Minutes September 12, 2012

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests - None

VI. ACTION ITEMS

Law and Finance
1. Mixed Use Zoning District Consultant RFP Next Steps – Valentine
3. Baytowne Rezoning Application – Valentine
4. Moratorium on Hydrofracking Proposed Local Law #1 – Costello

Public Works
1. 1070 Empire Boulevard, McMillan Marine – Out of District Sewer Use – DiFrancesco
2. Villas at East Hampton – Basement Request – Benway
3. Dedication of Blue Ridge Road – Benway
4. Easement License Agreement, 14 Pine Brook Circle – DiFrancesco

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Dedication of Cloister Lane – Benway

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
Mark DiFrancesco
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 9/12/12
CM Quinn moved for the approval of the Minutes of September 12, 2012, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Mixed Use Zoning District Consultant RFP Next Steps – Valentine
Mark Valentine reviewed that at the last meeting he had received a quote for four (4) districts and it was requested by the Town Board to obtain a revised quote for only two (2) districts. The revised quote was received for $56,000. We have $25,000 from GTC, $12,000 from the 2012 Budget and $13,000 from the 2013 Budget. We have a shortage of $6,000. We have discussed this with Tony Favro from the GTC and we can resubmit the 2013 Grant for these two (2) additional districts if the Board would like us to pursue that. As this project has not yet started, it may carry over into 2014, and we could then utilize 2014 budget funds to close the $6,000 gap in funding.

The Board agreed and a Resolution will be submitted for the next Legislative Session on October 3, 2012.
Costello stated that the Negative Declaration has been completed and submitted to the Department of Environmental Conservation for review. He has also prepared the draft approval Resolution and has submitted that to the Board for review.

Costello continued to say he has been notified that John Caruso is interested in modifying the original request. The number of buildings will stay the same at 10, but they are looking to increase the number of housing units from 358 to 382. This increase is due to the reduction of three (3) bedroom units to one (1) bedroom units. Caruso is also interested in selling building #10, which is the flagship building and turning it into condo units.

Councilwoman Metzler asked if this changes any work that has been done so far?

Costello said the number of parking spaces required would increase.

Metzler asked if this would affect traffic?

Geoff Benway said that the sewer should be okay, but they should provide the updated data pertaining to traffic impact.

Costello said there would be no physical change because they cannot add additional parking under the structures. They would have to utilize on street parking. He said the Public Hearing was held for 358 units, we are now at 382 units and could hold another Public Hearing.

LaFountain inquired about the impact on sewers.

Benway said because the change is in bedroom units only there should be no change in sewer requirements. They are looking to replace a three (3) bedroom unit with two (2) one (1) bedroom units.

LaFountain stated that 30 additional units would require 60 additional parking spots. We have to review how this would impact the layout of the project. The sewer impacts the pump station in both design and capacity, and additional units impact parking. There are too many open questions to move forward at this time.

Costello stated that another Public Hearing could be held based on these changes.

Costello also inquired about the property with the eagles nest. Is the Board interested in having this property go to an entity like the Nature Conservancy, a landtrust or the County of Monroe to preserve and protect the land; or does the Town want to take
possession? This property was on the original list for Open Space preservation.

Councilman Moore asked if Monroe County was interested in taking possession?

Costello said he did not know, but if the County took possession it would become public land. The existing walking paths go under the nest.

Benway said it is a land locked parcel with no access.

Costello said the property is on a plateau, access would have to be granted through an access agreement. The current developer intends to split or sell the land.

Councilman Quinn asked who owns the property, does it have to be transferred?

Costello said we could put a Conservation Easement on the property.

LaFountain asked where did this property fall on the Open Space preservation list?

Costello stated either one (1) or two (2).

Councilwoman Metzler said we need more information, and need to evaluate the pros and cons. She is also concerned about the Town’s liability.

Supervisor LaFountain stated this item will be held until the next Work Session on October 10, 2012.

3. Baytowne Rezoning Application – Valentine
Supervisor LaFountain stated that Mark Valentine has been the lead in the Planning Process. All input and feedback from the Public Hearing has been forwarded to the Board for its review. Letters received from both Mr. Greiner and Mr. Stanton have been given to Town Attorney Horwitz for review.

Mark Valentine added that September 14, 2012 was the deadline for submissions and all comments have been forwarded to the Board. The interpretation of Town Law 265 has been addressed by the applicant’s attorney, the response has been copied to the neighbors attorney and the attorney for the neighbors has responded back in an e-mail that was provided to the Board for its review.

Councilman Moore referred to CP-02 plan and asked if the exit from the plaza turning left towards Empire Boulevard could be modified to say “no right turn” on Brandt Point. This would prevent traffic from cutting through Brandt Point.
Geoff Benway said this is a signalized intersection. A sign could be added, but it would be difficult to enforce. This is also the main entrance to the apartments.

Moore asked if staff could investigate the potential of making the intersection at Brandt Point a no right turn movement. The feasibility of changing this intersection needs to be addressed. This was a concern of the residents and he would like it reviewed. Are there any traffic laws that would prohibit or allow modification of this intersection?

Valentine stated that this is a residential entrance. The landscaping would be completed to distinguish this from the commercial development. There is a 90 degree turn and traffic flows into and out of the plaza directly.

Councilwoman Metzler asked if other boards could weigh in on the project. The Zoning Board of Appeals would have more information on parking and variances which may allow the building to remain the same size. We may be able to add additional buffering by reducing parking.

Valentine stated that this was discussed and the plan contains 5.4 parking spaces per 1,000 square feet of building area, this parking ratio meets town standards. The applicant wanted a fully compliant plan, but we could run this by the ZBA.

Metzler said she would like to see numbers. Evaluate the extreme to see how far they can go to reduce parking spaces. We want to look at the entire revitalization, not just one (1) building.

Benway stated that we could look at reducing the size of the parking spots from the 9’ x 20’ current size to a 9’ x 18’ compact car size.

Valentine said some of the parking may already be 9’ x 18’, we can evaluate that.

Councilman Quinn said we need to look at the entire parking area, not just the back northeast corner, include the area over by McDonald’s.

Metzler stated that we want to have a plaza that encourages parking and walking to each business.

Valentine said we can look at the TF overlay and shared parking agreements to help accomplish the reduced parking ratios.

Metzler said are there other variances the ZBA could suggest, we want an aggressive approach.

Moore asked if the medians can be tightened up, this may also save some room.
Valentine said that is a fine line, they may be using the green areas for compliance with the NYSDEC Green Infrastructure requirements. They can utilize these green areas for infiltration in the aisles. Some of this may also be required green space.

Councilwoman Kohl referenced Dunkin Donuts in the Four Corners. We wanted to provide more walkability throughout the plaza, the addition of medians increased the safety for walking.

Costello said we need to keep medians for green space, otherwise it would be a sea of asphalt.

Metzler agrees with Councilman Moore that reducing the width of some of the medians may be another area that could be addressed. She asked that staff get creative, show an extreme and then a compromise.

LaFountain stated we are concentrating on rezoning, we need to see a migration out of the residential area, both MR and R-1-12. We are 300 feet from the backside of Jewelberry Drive to the pavement area; I’d like to see 100 foot increments moving that building in line with the current Wal-Mart. I would also like to see a plan where there is a common wall between the new building and the existing building. This would pull the structure further out of the MR district. This would show different views of rezoning, or less rezoning.

Valentine said some of those may have already been proposed, he will look and forward those layouts to the Board.

LaFountain continued to say we need to provide greater green space for the properties to the east. Also, as we move forward what are the government subsidies Wal-Mart is looking for?

This will remain a held item for the next Work Session on October 10, 2012.

4. Moratorium on Hydrofracking Proposed Local Law #1 - Costello

Supervisor LaFountain asked what is the status of the 239M?

Costello said it has been submitted and not received back.

LaFountain asked Costello to check the status with the County.

This will remain a held item for the next Work Session on October 10, 2012.

Public Works
1. 1070 Empire Boulevard, McMillan Marine - Out of District Sewer Use - DiFrancesco

Mark DiFrancesco submitted to the Board a letter received from the Town of Irondequoit requesting Out of District user status. McMillan Marine is located in Sewer District #12. The district
was set up with an allowance of 7,700 gallons of flow per day from the Town of Irondequoit. The marine would use approximately 80 gallons per day. They are located at the north side of Empire Boulevard, and the business is primarily boat storage. They will have their own pump station. They will directionally drill under Irondequoit Creek and connect to our dead end manhole. The agreement would be between the Town of Irondequoit and the Town of Penfield. Irondequoit would collect fees and reimburse Penfield annually. The fee is based on the capital charges which the debt service will be paid off in three (3) years. Operation and maintenance fees are based on water consumption. We would use charge back formulas and send an invoice.

Supervisor LaFountain requested specific language in the Intermunicipal Agreement. He would like stated this agreement is void if the property is redeveloped, changes owner or use.

DiFrancesco said he will have Town Attorney Horwitz review the agreement.

2. Villas at East Hampton – Basement Request – Benway
Supervisor LaFountain reviewed that we had discussed this request approximately one (1) year ago. The Board had said no at that time. We left it that if they wanted to perform some review and monitoring of the water levels, they could come back to the Board.

Geoff Benway said the prior request was from Wegmans Company. This request is from Welker Property Management. Mr. Welker is requesting basements in two (2) buildings. They placed monitoring wells on the property from March to April 25, 2012. During that time we had a ¾” rain storm and the water level increased a static from 29” to 40”. We have also suggested raising the structures up and including sump pumps in the homes and outside foundation drainage. The storm sewers are all private and will flow to the privately owned ponds.

LaFountain confirmed these two (2) buildings contain eight (8) units.

Councilman Quinn asked how much higher than the current elevation will these structures be?

Benway said two (2) feet higher at least, they would include a basement window.

Councilman Moore asked what would happen if the sump pumps do not work? Whose responsibility would this become?

Welker said it would be the homeowner’s responsibility; they usually have back up systems for power.
Benway stated that data shows a 3” storm would increase the level 6” to one (1) foot. If the basement is up two (2) feet higher they would still be above this level.

DiFrancesco said once you start putting in basements, you begin dewatering the area with the sump pumps in the homes.

Quinn asked if these were the last two (2) buildings in this phase?

Welker said yes, we would do soil testing and if reasonable would ask for basements in future phases.

Quinn asked if we start allowing basements are we changing the concept for these patio homes that was originally approved?

Benway stated that there are no conditions in the approval Resolution that state no basements. These buildings are slab on grade. The development is located in the Mill Creek Watershed and overtopping in a storm is likely.

Quinn said he would like to have Town Attorney Horwitz review the original Resolution to make sure we are not changing what was originally approved.

Costello asked Mr. Welker if he could require battery back up on the sump pumps.

Mr. Welker said yes, we could include that.

Mark DiFrancesco said he would prefer to see an auto transfer switch, because batteries can fail.

Welker said he thinks residents would use portable generators to run sump pumps in power failures.

LaFountain reminded everyone of properties the Town had purchased in the Panorama area and then tore them down because they continued to flood. He does not want another situation like that. He continued to say his sensitivity toward this issue is high. He would like to review the water table data, and verify there is proper drainage. LaFountain continued to say he hears from residents if a basement floods.

Metzler doesn’t want to set up residents for potential problems.

LaFountain inquired about the timeline of these final buildings?

Welker stated that he wished they were already sold.

LaFountain said this will be a held item until the next Work Session on October 10, 2012. We need to discuss this further with Town Attorney Horwitz.
3. Dedication of Blue Ridge Road - Benway
Geoff Benway gave a letter to the Board with additional information received from Bob Keifer. The review of the roadway construction is complete. The tests show an eight (8) inch base material. The base would have to be improved for the Town to take dedication of the road. This is a Class 1 road, it has low volume, low speed and low truck traffic. A soil review was also completed and it is rated at 15-20, and only a 10 is required. The engineer recommends adding a 1” top to add structural strength and tie into the existing pavement. The road is well maintained and has only required some crack sealing. The Homeowner’s Association has agreed to add the 1” top coat, repair the missing gutters and catch flow basins. The cost for the upgrades is $47,000. The road serves 68 town houses and peak traffic is 48.

Supervisor LaFountain asked what the requirements would be if this road was built today.

Benway stated the Town Specifications are a 12” base, 3” binder and 1” top coat. Under the 8” base on Blue Ridge Road is a 12” of stone and that would meet the standard for full depth. Benway continued to say he has spoken with Ronnie Williams, Director of Public Works and the road can be plowed with a medium duty truck.

Councilman Moore said he feels the requirements for Blue Ridge Road should be the same as the requirements for Jomanda Way.

LaFountain said this Board has been consistent. The road needs to meet Town Specs. It needs to have a proper base and drainage. Every taxpayer should be getting the same thing.

4. Easement License Agreement, 14 Pine Brook Circle - DiFrancesco
Mark DiFrancesco said he had been contacted by David Cook the attorney for the homeowner at 14 Pine Brook Circle. There is a 20 foot sanitary sewer easement that predates the Pine Brook Subdivision. The home was built in 1985 and the deck was added in 1987. There is a 5.6’ encroachment into our easement. The house has been sold and they are looking for this agreement to close.

Councilman Moore stated that he is fine with our standard language concerning encroaching into an easement.

DiFrancesco said the key is if it impairs on the Town’s use of the easement, which is basically access.

LaFountain said if we have to dig in that area, the homeowner understands it is their responsibility if the deck has to come down.

DiFrancesco said if the deck comes down it will need to be rebuilt outside of the easement.
The Board agreed and a Resolution will be prepared for the next Legislative Session on October 3, 2012.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS

1. Pond Ownership - Staff
2. Dedication of Cloister Lane - Benway

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 8:00 PM.