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

I. Call to Order

II. Approval of Minutes November 14, 2012

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests - 7:00 PM – Jeff Reddish – Jeremiah’s Tavern
7:30 PM – Dr. Howitt – Proposed Development at 1185 Empire Boulevard

VI. ACTION ITEMS

Law and Finance
1. Baytowne Rezoning – Valentine

Public Works
1. No Parking Signs on Route 250 – Benway
2. DEC Letter Dated 11/16/12 – Stormwater Pond 34 Helmsford Way – Benway
3. EMC Rep from Conservation Board for term 1/1/13 to 12/31/14 - Valentine

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

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
Dick Horwitz, arrived at 7:45 PM
Mark Valentine

II. Approval of Minutes – 11/14/12
CW Kohl moved for the approval of the Minutes of November 14, 2012, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – 7:00 PM – Jeff Reddish – Jeremiah’s Tavern
Jim Costello introduced Jeff Reddish, Jeremiah’s Tavern, Clint Batista, Smith and Associates and Eric Schaaf, Marathon Engineering. The purpose of their attendance is to make the Board aware of their intent to submit an application for Incentive Zoning to construct a new Jeremiah’s Tavern to be located at 2164 Fairport Nine Mile Point Road. Drawings of the proposed development, including the site plan were given to the Board for review. The applicant met with Mr. Surrette, who lives immediately east of the site and had some discussions regarding landscaping and buffering. The property is zoned Business Non-Retail. The front half of the property, through a previous incentive zoning proposal, allows Retail/Restaurant use.

Councilwoman Kohl asked about the close location to Doodlebugs Daycare, could that be an issue relating to the sale of alcohol?

Costello said no, because Doodlebugs is not an accredited school it is a daycare facility.
Councilwoman Metzler asked about the neighbor’s concerns. Are these the original concerns from when the property was leveled?

Costello said, yes, that is correct. Jeff Reddish and I spoke with Mr. Surrette and he is satisfied that Mr. Reddish plans to buffer the restaurant from his residential property.

Eric Schaaf stated that they are here tonight for a concept review. He would hope to have the official submission on December 5, 2012 and have a Public Hearing scheduled for January 16, 2013. The project area is 1.395 acres and does not have direct access to NYS RTE 250. There is an access road and permanent ingress/egress easements would be required. This is an incentive zoning area. The proposal is for a 6,500 sq. ft. single story restaurant. This would include a shared parking plan. There is an existing stormwater maintenance facility, and the engineering report will need to be updated to address this proposal. There are minimal overlap hours with Doodlebugs Daycare and some parking would be shared. This is the third Jeremiah’s Tavern in Monroe County. There will be landscaping and a proposed outdoor eating area. The lights will be dark sky compliant. There will be one (1) building mounted light. The dumpsters will be enclosed.

Clint Batista stated that the design of the 6,500 sq. ft. structure is reflective of comments received after meeting with PRC. The design is a new building that doesn’t look new. Materials are indigenous to the region. On the north side of the site, there will be an outdoor patio that will be covered and include a bar, seating and heaters. There is a banquet room on the NYS RTE 250 side. The kitchen is on the south side. There will be outdoor coolers and a dumpster. The outdoor dining area is 6-7 feet below NYS Rte 250 which will give added privacy.

Supervisor LaFountain stated the front of the building is facing east.

Councilwoman Kohl asked is this building similar to your west side location?

Jeff Reddish said no, that was an existing building. He is going to try to bring some of the accents of the building in Gates to this location.

Councilwoman Metzler asked will this be your largest restaurant?

Reddish said yes. We plan to be open 7 days a week from 11:30 AM to 2:00 AM. The original location on Monroe Avenue was expanded two (2) years ago. It is not just a bar, but a restaurant for families. Sales are 70% food, 30% alcohol. We anticipate adding 35 to 40 jobs to the area; 25 full time positions, and 10 part time positions.
Schaaf went on to say they would like to have live music. The music would be acoustical, one (1) or two (2) people, or maybe a jazz trio.

Councilman Quinn asked when dinner would be served.

Reddish said similar to the Monroe Avenue location, dinner is served until 1:00 AM.

Jim Costello asked about light in the parking area.

Schaaf said the parking area would be lit; we need to decide on a style.

Costello said we want to make sure we buffer the neighbors from light. Please make sure the light shines toward the restaurant, not east.

Schaaf said the lighting will be standard for the safety and security of the patrons.

Kohl asked about banquet facilities.

Reddish said the banquet area would be for a private party of 40 to 50 guests. This would be used for both restaurant patrons and private parties.

Costello asked if there would be a second floor.

Batista said no, the height of the ceiling is for aesthetics only.

The Board agreed that the applicant has provided enough information and material to allow him to move forward with the submission of an application.

Mark Valentine stated in discussions at PRC we would like the Conservation Board and the Planning Board to weigh in on the project. We would then give that feedback to the Town Board for review.

LaFountain stated that the original approval for this area was given in 2006. He asked Costello to review the original approval.

Costello said he had submitted a copy of the original Resolution to the Board for its review. There is an incentive on the property to divide the area 50% east and west. The west side is approved for Retail and Restaurant use and the east side will remain Business Non-Retail to act as a transitional buffer between development along NYS RTE 250 and the single family residences to the east. The total incentive for the property is $200,000. This project utilizes 215 feet of that originally approved area and would yield approximately a $63,000 incentive.
The Board can determine the use for this incentive to enhance the neighborhood with drainage or sidewalks. There has been some drainage work in the area recently. Costello went on to say there was some discussion regarding the LUAMP fees and Geoff Benway is preparing information for the applicants.

Costello also said he will keep the Board apprised of the progress as the project moves forward. There will need to be discussions regarding cross access easements and parking agreements. No NYS State DOT approvals will be necessary.

Guests - 7:30 PM - Dr. Howitt - Proposed Development at 1185 Empire Boulevard

Jim Costello introduced Dr. Howitt who recently purchased the subject property from Richard Gollel. This property was originally owned by Feno Pecora. Mr. Gollel had submitted an application for approval and both the Town and the neighbors had concerns regarding this development. The property is located in both the LaSalle’s Landing District and R-1-20 zone. Dr. Howitt proposes to utilize Town Law 278 as a clustering function between the two (2) zoning districts.

Dr. Howitt introduced Hans DeSelms his associate and partner. He has been developing properties for 27 years. They have developed similar projects in two (2) to three (3) counties around Rochester. He has constructed projects in Hilton, Canandaigua and is currently working on a development in Chili. Dr. Howitt showed photographs of both the interior and exterior of his projects. The proposed project on Empire Boulevard would be both duplexes and triplexes. The concept was developed to address existing issues with the property. Dr. Howitt stated that he sent out 52 invitations to neighbors and 12 people attended his neighborhood meeting to discuss their concerns with the potential development. He stated he may not be able to accommodate all of their concerns, but has tried to do the best he can and still make the project developable. The number of total units was reduced by 20%. The top property near Old Westfall Road could be donated to the County to connect to the existing park. The 33 townhomes will be staggered up the slope. Near the antique shop would be two (2) apartment complexes one (1) with 15 units and the other with 21 units. The elevation of the apartments would be three (3) stories. We will utilize Wilbur Tract Road to enter the development, and if NYS DOT requires an additional turning lane or a wider entrance, we would accommodate that. Dr. Howitt stated that he will take responsibility for maintenance of the portion of Wilbur Tract Road that will be used for this project. We would mark “no trespassing” on the wetlands nearby. Dr. Howitt continued to say there will be no access from this development to Woodhaven Drive. We have assured residents that we will not use that for access. The Town may want emergency vehicle access in that area.
Supervisor LaFountain said there is an existing issue with the two (2) Fire Districts. We want to ensure there are no violations, easement issues or access requirements from years ago. This is not to be used as a roadway.

Dr. Howitt continued to say, in the last section there is a deed exception on the former Pecora property.

LaFountain said we are aware of that, and are trying to work it out with the fire districts and the Town Attorney.

Costello said the neighbors have been concerned that their road would be used as a cut through. Actually, we would like to be able to get them out through Dr. Howitt’s property in case of an emergency. A gate may be put up at the end, and then could be used for emergency access only.

Dr. Howitt stated that many of the homes in the area are not on sewers. We will be bringing in an 8” line and could provide access to those residents for the cost of the connection only.

Costello said he has spoken with Mark DiFrancesco, Superintendent of Sewers; this area is currently under review. A sewer system on Empire Boulevard was designed for Dr. Howitt’s development and not Woodhaven Drive. The sewer cannot accommodate the residents on Woodhaven Drive.

LaFountain stated that there will be a Public Information Meeting on December 11, 2012 for the sewers in the Parkview Drive/White Village Drive area.

Councilman Quinn asked how this proposal differs from the original proposal.

Dr. Howitt stated that the density is over 20% less, we have removed the access through Old Westfall Road, including the development on the top of the hill. We are not a “develop and run” organization. We are still managing the properties we developed 20 years ago. These will be high end leased townhomes, not owned. The townhomes will be 1,750 to 2,000 sq. ft. with amenities. Estimated rent would be $1,600 a month.

Councilwoman Metzler asked if there would be additional amenities, such as a clubhouse.

Dr. Howitt said no, this will be strictly residential. The amenities will be on the interior of the homes.

Quinn asked if this will be a private road.

Dr. Howitt said yes, we will maintain the road, and the water and sewer lines will be dedicated.

Quinn asked about lighting?
Dr. Howitt said the lighting would be only from the buildings themselves. He also reviewed the site lines from the structures and showed that the buildings will not impair the view of the bay for the existing residents. The Chili project has many empty nesters. We offer both interior and exterior maintenance. There is a substantial demand for this type of housing for seniors, empty nesters and people who are away for part of the year. Single professionals and an occasional family will also be interested in renting here. The apartments will be for upper level apartment dwellers.

LaFountain inquired about the size of the apartments.

Dr. Howitt said they would be 1,300 sq. ft. with two (2) bedrooms and two (2) bathrooms.

LaFountain inquired about the price point.

Dr. Howitt stated that he does not have those figures yet, but it would be an upper level cost.

Quinn asked what the total number of units would be.

Dr. Howitt said 33 townhomes, 15 and 21 apartments, a total of 69 units.

Quinn asked if Dr. Howitt had also been in touch with the businesses in the area.

Dr. Howitt said yes, and they are excited about the possibility of a potential turning lane.

Councilwoman Kohl asked if there would be any trail access.

Dr. Howitt said no, this would be private property with no public access.

Kohl asked what were the concerns of the neighbors?

Dr. Howitt said they didn’t like the density, so we reduced it. They did not want any visual impacts to the bay. We are open to discussions about joint use of the sewers. We will make improvements to Wilbur Tract Road. We will follow up with everything we say we are going to do. We will stay to maintain the property.

Costello asked how soon would you like to make an application?

Dr. Howitt said he would like to make the application relatively quickly. He would like to go before the Planning Board by February or March 2013.
Mark Valentine said when this was discussed through Gollel, we planned to have a joint Planning Board and Town Board Public Hearing. It would be beneficial to get both Boards together for one (1) Hearing.

LaFountain said we will provide comments and feedback from the Town Board over the next couple of weeks. We may have some additional questions. We want to make sure we meet the needs of all parties and want to make sure we are in agreement with the fire districts.

Dr. Howitt stated he wishes to accommodate both the neighbors and the Town.

VI. ACTION ITEMS

Law and Finance

1. Baytowne Rezoning - Valentine

Mark Valentine reviewed at the last meeting Councilman Moore recommended the 400 foot plan. We are still working on the Draft Resolution. The applicant has some questions he would like feedback on from the Board. As we look at the design of the 400 foot plan, the Wal-Mart structure moves forward and creates traffic flow issues in the plaza parking area. Valentine referenced an intersection that becomes S curved as the building moves forward. We would like to keep a straighter alignment for the flow of traffic and to eliminate potential conflict points. The current parking ratio is 4.58 spaces/1,000 sq. ft. This ratio will need Zoning Board approval as it is below the current Town Code parking ratio requirements.

Valentine continued to say the three (3) items for the Board’s consideration are as follows:

1. They would like to add land bank parking within the 400 foot set back area between the building and the back of Jewelberry Drive. This would reduce the distance from the pavement to the rear yards of the Jewelberry Drive properties to 380 feet. This would yield additional potential parking spaces if needed, due to the low parking ratio and the reliance on obtaining a variance from the Zoning Board of Appeals.

2. The location of the berm and the wall. Is the Town Board comfortable leaving the flexibility up to the Planning Board on exactly where to locate the berm and the decorative concrete wall, while maintaining a minimum of 200 feet of existing preserved trees? The earthen berm will occupy another 100 foot section, which leaves approximately 100 feet of unutilized buffer area. Is it possible to use that 100 feet for green infrastructure, bio swales, a stormwater pond or a rain garden? This area can be used to meet the NYSDEC green infrastructure requirements without allowing impervious surfaces.
3. As the proposed Wal-Mart building moves forward to increase the rear setback distance, it impacts the existing loading dock and becomes a conflict point with vehicular traffic patterns. The existing dock is located on the north side of the building, however moving it around to the back of the building will help to alleviate these potential conflicts. The relocation of the dock will affect the location of the berm and the limits of the rezoning. Is the Town Board supportive of adjusting the rezoning line on this corner to allow flexibility of the loading dock position?

Supervisor LaFountain asked what is the distance from the corner to the residential line?

Valentine said 250 feet, the diagonal corner required would cut off some of the buffer. The proposed decorative concrete wall would be installed behind the existing Wal-Mart and continued to the southerly residential property line.

LaFountain asked about the underground storage for drainage discussed under the FEIS.

Valentine said a portion of that is still necessary. They will need to meet the DEC requirements for green infrastructure.

Costello asked how far would the berm have to be shifted for the green infrastructure?

Valentine said the further back the berm is located, the more existing material can be utilized.

LaFountain asked if there would be land banking on the north side of the project?

Valentine said no, the land bank parking would only occur to the rear of Wal-Mart.

Councilman Moore said he is okay with the berm shifting towards Guygrace Lane. He asked what is the distance of the berm from Jewelberry Drive to the pavement?

Valentine said 436 feet from the rear of the building to the rear property lines on Jewelberry Drive. The distance is 400 feet from the pavement, which would be reduced to 380 feet with the land bank parking, to the rear of Jewelberry Drive. The land banking is a relief valve incase the parking ratio is not approved by the Zoning Board of Appeals.

Moore asked what will be the distance to the berm?
Valentine said the proposed center of the berm is 250 feet. 200 feet of existing mature vegetation to remain, then 50 feet to the top of the berm, and 50 feet to the other side of the berm. This totals 300 feet from the toe on the building side of the berm to the rear yards of Jewelberry Drive properties.

Councilman Quinn asked if this green infrastructure was proposed elsewhere on the property?

Valentine said the volume storage for stormwater would be underground. We have lost other green areas in the parking area by moving the building structure forward that need to be made up in other locations.

Councilwoman Metzler asked if the green infrastructure is to satisfy the requirements of the DEC?

Valentine said yes, moving the building forward, pushes the green area to the rear of the structure.

Geoff Benway said the green infrastructure requires a percentage of the run off be put back in the soil.

LaFountain asked what were the original DEC requirements when Wal-Mart was built?

Benway said at that time you only needed to meet a stormwater run off rate. The quality has added a component of storage that exceeds what was done initially.

LaFountain said this shows the change in requirements as the regulations have evolved. I’m sure there will be more updated regulations to come.

Metzler said she is in favor of the options to satisfy the DEC requirements and we should move forward.

Councilwoman Kohl said she is fine with the environmental concerns and the land banking.

Moore said he is okay with the extended berm for the loading dock. The berm benefits the residents for mitigation of sound and visuals.

Quinn asked if this was the existing loading dock?

Valentine said yes, they will move the door and realign the area for the trucks to back up to the east side of the building. They need the flexibility to turn the dock and that will affect the amount of acreage being rezoned.

Moore asked what is the acreage that is not being rezoned?

Valentine said in the 9.4 to 9.5 acre range.
LaFountain instructed Valentine to start preparing the Draft Resolution. There will be questions to clarify the distances. As you prepare the draft, forward it to the Board and we will give you feedback. We would like to review the draft before the next Work Session.

Metzler said the draft should include the options you suggested this evening.

Moore agreed we need to clarify and work out the suggested options. We should move forward and work on the details.

Moore also stated that the position of the berm should be appropriately placed. We can let staff and the applicant determine the exact placement to best mitigate sound and noise for the residents.

Valentine said he would also copy Town Attorney Horwitz on the Draft Resolution for his review.

Public Works
1. No Parking Signs on Route 250 – Benway
Geoff Benway stated there has been concern with cars parking along NYS RTE 250 during large events at Falvo Funeral Home. Cars have parked on both sides of the road and blocked residents driveways. The Transportation Committee has met and there are concerns regarding issues with emergency response. The NYS DOT will install no parking signs on the east side of the road from the north property line of 1272 to south property line of 1295. This would cover all the driveways in that range.

Councilman Moore stated the Transportation Committee overwhelmingly supports the addition of no parking signs. The signs also best support our residents as parking along NYS RTE 250 creates a safety hazard.

Moore inquired if Falvo had added additional parking spaces?

Benway said they have added 38 parking spaces, and agree to work on better parking coordination for their facility.

LaFountain said he has spoken with Lou Tomasetti, Monroe County Sheriff and if his office is called, they need to stay at the site until the hazard is addressed. The Sheriff’s Department is looking to minimize these calls.

Jim Costello said this has been going on for over a year, he is happy to have this resolved.

The Board approved the addition of the no parking signs.

Benway will inform the residents who have expressed concerns. He will also verify if a Resolution will need to be submitted, or if a letter will be acceptable.
2. DEC letter dated 11/16/12 – Stormwater Pond 34 Helmsford Way – Benway

Geoff Benway stated that the detention pond in this subdivision has a drainage easement. The Town cleaned the pond and moved the material that was removed from the pond to an approved low, flat area nearby. The material was soft and because of the slope ran into a resident’s yard. The resident contacted the DEC and complained. The Town then went in and cleaned up the complainant’s yard.

Supervisor LaFountain stated that the pond cleaning had occurred in June of 2012 and the letter from the DEC was received this week. LaFountain said he will meet with Benway and Town Attorney Horwitz to bring this to a closure.

3. EMC Rep from Conservation Board for term 1/1/13 to 12/31/14 – Valentine

Supervisor LaFountain stated that this is a personnel matter and will be discussed in an Executive Session at the close of this Work Session.

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

IX. Old Business – None

X. New Business – Driveway Waiver for 1810 Penfield Road – Benway

Geoff Benway stated that this property has a 15 foot wide driveway and 16 feet is required. This property was approved in 2007 and nothing was built. There is a new owner and the original application has expired. This can be completed with an administrative review. After a PRC review there were 12 +/- items that needed to be addressed. The Board had granted similar waivers for two (2) properties on Watson Hulbert Road. The variance meets the 2010 New York State Fire Code.

The Board approved the waiver.
XI. Executive Session – Real Estate, Litigation and Human Resource Matters – The Board went into an Executive Session for a personnel matter.

XII. Adjournment – Supervisor LaFountain adjourned the Work Session at 8:56 PM.