Town Board Work Session Agenda
February 13, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes  January 23, 2013 both Work Session and Public Hearing

III. Monthly Reports - January

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Abandonment of obsolete easement Elderwood Senior Care Facility – DiFrancesco
2. Yotini Yogurt Shop – 2105 Five Mile Line Road – Costello
3. Jeremiah’s Restaurant – 2164 Fairport Nine Mile Point Road – Costello

Public Works
1. 2039 Salt Road – Driveway Waiver – Valentine

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Sherwood Forest Pump Station Evaluation – DiFrancesco
2. Update on Changes to Design Specifications – Benway

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
Mark DiFrancesco
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 1/23/13
CW Kohl moved for the approval both the Work Session and Public Hearing Minutes of January 23, 2013, CM Quinn seconded the motion.

III. Monthly Reports – Reports for January are in except for Building/Zoning and Personnel.

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Abandonment of obsolete easement Elderwood Senior Care Facility – DiFrancesco
Mark DiFrancesco submitted a map to the Board for its review. The map shows two (2) sanitary sewer easements. The original easement description was the property maintenance description. When doing the as built mapping a second, more accurate easement was filed. The first easement needs to be abandoned. Elderwood will pay all associated fees.

Councilman Moore inquired if Town Engineer Benway was okay with this.

Benway said yes, it is better to define the easement than have it cover the entire parcel.

The Board approved and a Resolution will be prepared for the February 20, 2013 Legislative Session.
2. Yotini Yogurt Shop – 2105 Five Mile Line Road – Costello

Jim Costello reviewed details of the Public Hearing that was held on January 23, 2013. Costello said his concern is that parking should not be allowed on Liberty Street.

Councilman Quinn asked if there are currently no parking signs on Liberty Street?

Costello said yes. He asked the applicant Jennifer Vacchetto if the sign package had been prepared yet.

Ms. Vacchetto stated that she had picked the graphic, but needs to review the dimensions of the sign with Costello.

Costello said he will work with Vacchetto and prepare a sign package for the Board’s review.

Councilwoman Kohl stated that this is a good application for this location.

Costello said 805 Liberty St. is currently vacant.

Councilman Quinn said he likes the concept and proposal for this application. The Board needs to review the access cut and parking on Liberty Street.

The Board agreed and Costello will prepare the Draft Resolution for review. The final Resolution will be submitted at the next Legislative Session on February 20, 2013.

3. Jeremiah’s Restaurant – 2164 Fairport Nine Mile Point Road – Costello

Jim Costello reviewed the details of the January 23, 2013 Public Hearing. He said stated that the applicant has proposed 95 parking spaces. When the entire site is developed they will meet the Town code and have more than adequate parking. Shawn O’Donnell from Doodlebugs requested that the Board ensure that there is adequate parking for his customers. Mr. Surette asked for additional landscaping which Mr. Reddish has agreed to. An email has been received from Suzanne Wilson at 38 Canterbury Trail stating concerns regarding noise and lights. Costello said he responded to the email stating that the Board is sensitive to the neighbors concerns and all items will be addressed as part of the process. The resident is present in the audience this evening. The original approval for this property was for a 16,500 sq. ft. retail strip plaza which included an approval for a restaurant. Also previously Walgreen’s had been approved at this location for a 15,000 sq. ft. store.

Councilwoman Metzler asked to verify that at the time of the original approvals a Public Hearing was held and the resident’s concerns were vetted.
Costello confirmed yes. He asked Mrs. Wilson if she was a resident at the time of the previous approvals.

Mrs. Wilson confirmed that she was a resident at that time.

Costello continued to say there is a NYS law not allowing a restaurant within 200 feet of an accredited school or a place of worship. Doodlebugs is not an accredited school and he confirmed with the State that this location is not an issue. Currently in town we have restaurants that serve alcohol near daycares such as Itacate and Peapods Daycare, and Don’s Original and The Gymnastics Training Center.

Metzler said these concerns are well raised, but as a Board we have a duty to assume the process that has taken place. We must credit back to when it was originally approved. The neighbors at that time had a chance to speak.

Costello said the key issues are noise and lighting.

Councilman Quinn asked if there are light standards in the parking lot?

Geoff Benway said we may address the height of the lights in the parking lot. Due to the slope of the land this building will be up higher than Doodlebugs. If there is glare we can require shields on the lights. Standard light heights are 30 foot as done in Baytowne; we may require a 20 foot height.

Quinn asked if there were any height regulations for lighting.

Benway said no, but if we request a lower height, more lights may be necessary to distribute the light over the parking area. This would be a condition of approval in the Resolution.

Supervisor LaFountain stated the sensitivity is, as we review the lighting package, to provide a balance of both safety and verify that the light does not leave the site or cause glare.

Costello said we can review the lighting scheme and make sure it’s proper. Costello stated that the applicant has asked for approval of outdoor music, what is the Board’s feeling on this? He reviewed how music had been regulated in the past.

Councilwoman Kohl verified that the applicant is requesting acoustical music, not amplified music.

Costello said, similar to the light, the music cannot leave the premises.

Councilwoman Metzler said she would like to see some proposed language regarding music.
Costello asked if the Board had a concern for music inside of the building?

The Board agreed that they do not have a concern for music inside of the building.

LaFountain said inside music is meant to be inside. If outside music becomes a nuisance the approval can be revoked. We can allow music for a certain period of time and ask that the applicant come back to the Board for review.

Metzler said there should be proposed times for outdoor music?

Costello asked the Board if they have a cut off time for outdoor music?

Councilwoman Kohl stated if the music can’t leave the premises we should concentrate on that and not the hours.

LaFountain stated that we may need both allowed hours and music not leaving the site.

Costello asked if the Board had a specific time frame for outdoor music in mind?

LaFountain stated that he believes it should be different during the week, versus the weekend.

Quinn asked the applicant what time the kitchen closes?

Jeff Reddish stated the kitchen closes at 1:00 AM.

Kohl asked the applicant if any of his other locations had outdoor music?

Reddish stated no, he continued to say he would like to offer outdoor music until 11:00 PM on weekends and 9:00 PM on weekdays.

Costello said there will also be cross access agreements for every business at the site. He asked Geoff Benway if there were any drainage issues?

Benway stated that this is being built for full development and there are no drainage concerns.

LaFountain reviewed that there are two (2) components to parking. Initially when only Jeremiah’s and Doodlebugs are open and when the development is fully built out.

Costello said a new restaurant will have parking issues as everyone tries it. Benway and he are okay with the proposed parking. He believes the applicant should make an arrangement with The Cabot Group in case there is a need for overflow parking on adjacent property. Cabot could approve stone on vacant land
for additional parking near the building to be used during peak hours.

LaFountain reviewed the proposal for 145 parking spaces and the applicant’s analysis of requiring 141 parking spaces.

Costello said if there is sufficient parking when they open that is fine, but if they begin having problems they need to contact Cabot for overflow parking.

Quinn asked what is the total capacity of the building?

Benway said 391 excluding the 2,600 sq. ft. patio.

Quinn stated he is concerned that during a Sunday afternoon football game in the fall, if both the interior and the patio are full, he doesn’t want to see cars parked all over the grass. He asked if the Fire Marshal weighed in on this?

LaFountain said the issue isn’t weekends only. There could be parking issues Friday and Saturday evenings and maybe Sunday afternoon. There will be a cross access agreement with Doodlebugs and their 38 spaces can be used during busier times. The Conditional of Approval would include cross access and parking agreements.

Costello suggested the applicant speak with The Cabot Group about overflow parking until the development is built up.

Benway said he spoke with the Fire Marshal and there was no concern regarding parking. There was a discussion regarding the location of the hydrant and the applicant has agreed to the new location.

Costello said Shawn O’Donnell was concerned about drainage.

Benway said additional catch basins have been added so there will be no problem with drainage in the Doodlebugs parking lot.

Metzler reviewed that three (3) Doodlebugs parents spoke at the Public Hearing expressing concerns. Shawn O’Donnell does not have any concerns with Jeremiah’s opening next to Doodlebugs. His concerns were regarding parking and drainage. Two (2) additional emails were received, one (1) opposition and one (1) regarding trees. There have been a significant number of positive comments from Penfield residents who are very excited about the prospects of having a Jeremiah’s Restaurant in the town. There has been a tremendous amount of support from her constituents.

Costello said he had visited both of the other Jeremiah’s locations and both were quiet and did not disturb the neighborhood.
Metzler stated that the initial approval had issues and Mr. Reddish has inherited these issues. She is pleased that the some of the remaining issues have been resolved.

Costello asked if smoking would be allowed on the outdoor patio?

Reddish said yes.

Costello stated that the outdoor patio is not in sight of the daycare as it is proposed to be fenced in.

Supervisor LaFountain inquired about the hydrant location.

Benway said the location of the hydrant has been moved to between the building and NYS RTE 250. Wayne Cichetti, Fire Marshal and Tom Tette, Director of Building and Zoning requested the hydrant be moved, Mr. Reddish agreed to this location.

LaFountain clarified the location of the hydrant; this would be on the north side of the facility and the south side of the access road.

Costello asked if there had been any further discussions regarding landscaping?

Eric Shaaf stated that he had not spoken with Mr. Zaretsky.

Benway said they are all minor things that can be resolved.

The Board agreed and directed Costello to begin preparing the draft Resolution for the Board’s review. The final Resolution will be submitted at the next Legislative Session on February 20, 2013.

Costello added that there will be a sign package for the Board’s review. Does the Board have any concern regarding the bullfrog on the building?

LaFountain asked how the sign ordinance would affect the bullfrog?

Costello said any graphic design is considered part of the sign.

LaFountain stated that the Board would have to review the sign package. There are also components of the Incentive Zoning Fees and LUAMP.

Costello said both will be part of the approval process.

Public Works
1. 2039 Salt Road – Driveway Waiver – Valentine
Mark Valentine reviewed that this is a single family residence located in the Hussar Subdivision. The property was split in 2005. There is a joint driveway, both properties have been sold.
There is a new family on one (1) portion of the property and Sal Stalteri would like to build on the remaining lot, but preserve some of the existing trees. The trees can remain with a skinnier driveway. There is a turn around for emergency vehicle access. The proposed width is 13 feet, 12 feet is allowable under NYS fire code.

The Board is okay and asked that the Fire Marshal give his approval. A letter will be drafted granting the waiver. The Planning Board is not meeting again until the end of the month and will give their approval at that time.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Sherwood Forest Pump Station Evaluation - DiFrancesco
Supervisor LaFountain stated that they have not received all of the information and this item will be held for the next Work Session.

2. Update on Changes to Design Specifications - Benway
Geoff Benway submitted a summary of proposed changes to the Design Criteria. These changes are to keep up with internal changes and to clean up wording. Some of the changes are to meet the NYS standards. He will forward the summary to contractors and developers for additional feedback.

LaFountain stated that the Design Specifications were last updated in 2010. This is a continued maintenance effort.

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 - The Board met regarding a legal matter.

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 8:03 PM.