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

REVISED *
Town Board Work Session Agenda
May 22, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes – May 8, 2013

III. Monthly Reports - April

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Outdoor Dining, 1785 Penfield Road – Costello
2. Dog Grooming Business, 1850 Penfield Road – Costello
3. Windham Woods Conservation Easement Reduction at 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail - Costello
4. Ashlyn Rise Sign Placement on Town Property/Special Improvement District/Pond Ownership – Benway
5. Review of Exterior Improvements – 1830 Penfield Road – Costello

Public Works
1. Out of District User Status – 1161 Fairport Nine Mile Point Road – DiFrancesco
2. Request for a Top Soil Operation at 2343 Penfield Road, Blake Miller - Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Review of Zoning Ordinance Article III-3-35-D-6 and Article III-3-35-D-8 - Tette

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
* 1. Jeremiah’s Tavern, 2164 Fairport Nine Mile Point Road – Relief from Condition #7 – 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 – Arrived at 7:20 PM
Councilman Moore
Councilman Quinn

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser

II. Approval of Minutes – 5/8/13
CW Kohl moved for the approval of the Minutes of May 8, 2013, CM Quinn seconded the motion.

III. Monthly Reports – All reports for April have been received.

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Outdoor Dining, 1785 Penfield Road – Costello
   Jim Costello stated that he has prepared a Draft Resolution for the Board’s review. A survey map has been obtained and the setbacks have been verified.

   Supervisor LaFountain asked about the ramp mentioned on page 3, item 2, is that located on the south side of the building?

   Costello said the ramp is on the east side of the building and goes south to the parking lot.

   The Board approved and a Resolution will be submitted at the next Legislative Session on June 5, 2013.

2. Dog Grooming Business, 1850 Penfield Road – Costello
   Jim Costello stated that applicants Brooke and Jaime are present in the audience. The applicants are proposing not to utilize a dumpster and understand any future changes must be approved by the Board. No overnight boarding is proposed.
The Board approved and a Resolution will be prepared for the June 5, 2013 Legislative Session.

Councilman Moore asked about signage.

Costello said the name of the business will be Hounds of Love, it will be the same size as the Deliciously Different sign, and will be pink and black. He asked the applicant to submit their request for a sign permit.

3. Windham Woods Conservation Easement Reduction at 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail – Costello

Supervisor LaFountain reviewed that the Public Hearing was held on May 15, 2013 and the applicant is requesting a reduction in a Conservation Easement from 25 feet to 12 ½ feet.

Jim Costello said the applicant met with the neighbors in the area last Monday.

Michael Cavalcanti submitted a revised plan to the Board for its review. If the reduction in Conservation Easement is approved, he is proposing to add trees along the property line. He is proposing to add the trees three (3) feet off the Conservation Easement. The trees will be six (6) to seven (7) foot tall spruce trees. These trees will be placed 20 feet apart. Along the Sewer Easement to the existing fence the trees will be placed 30 feet apart. This will be consistent with the trees that are planted along Five Mile Line Road.

Councilman Quinn asked about the Resolution that was passed in February for Phases II and III; is this the type of landscaping that was envisioned?

Cavalcanti stated there was no requirement to add landscaping in the original approval.

Costello said during discussions before the Resolution was approved, the Board and Mr. Cavalcanti agreed that if it was deemed necessary to plant additional trees that Mr. Cavalcanti would do so. Costello asked if trees will need to be removed to add this new tree line between the properties.

Cavalcanti said the existing trees are mostly scrub and brush. He would save any major trees.

Costello asked if the neighbors support this addition of trees to the property line?

Cavalcanti said some neighbors are supportive and some are not, there is not a consensus.

Councilman Quinn asked if the trees are placed three (3) feet off the Conservation Easement, will this satisfy the neighbors concerns?
Cavalcanti said the additional trees would provide a year round buffer for the neighbors. He believes the neighbors should have input on the placement of the trees. He will put stakes out for the proposed locations of trees and the neighbors will be able to move the stakes to where they prefer the trees are located.

Don Laudadio said the new homeowners will appreciate the addition of trees. The additional trees will enhance the Conservation Easement.

Councilwoman Kohl said the addition of trees is reasonable. The neighbors also brought up concerns about drainage at the Public Hearing.

Geoff Benway said when the properties are developed the swale will be graded in to direct the water to the catch basin. The additional trees will impact that drainage. The swale may need to be adjusted.

Costello said the swale was originally set up to catch the water from the project before it reaches the Crossbow Drive neighborhood. There was a comment received at the Public Hearing stating that the catch basin is currently low and the area around it may need to be regraded.

Benway said the removal of a portion of the Conservation Easement will create a low spot.

Costello said the neighbors are concerned this project could create more drainage issues.

Benway said he will review the drainage in the area. The idea is to intercept water before it can reach the Crossbow Drive neighborhood.

Supervisor LaFountain said the one of the Crossbow Drive neighbors questioned what water is being caught. Is the swale redirecting rainwater, or water from coming from the Windham Woods site. The resident wanted to make sure that water from the site would not enter her property.

Benway said the front of the houses drain to the road which goes to the storm sewer system. The only water in the back would be rainfall.

LaFountain said today this area is not finish graded. This issue needs to be addressed regardless of the Conservation Easement.

Councilwoman Metzler said this should be included for discussion at the next meeting of the Watershed Management Committee.
LaFountain suggested that Bruce Zaretsky, Town Landscape Architect review the plans to see if there are any additional suggestions.

Benway said yes, Zaretsky can review spacing and crowding of the trees.

Councilman Quinn said he had reviewed the 2011 Public Hearing, Resolution and the proposed map. The four (4) lots were originally further from the south property line and closer to the road. In 2006 the proposed development had cul-de-sacs and this was changed in 2011.

Costello said to meet the setback requirements on the lots that were pie shaped the homes had to be placed further back from the road.

Quinn asked at the time the lots were changed, why didn’t we review the Conservation Easement?

Costello said the developer didn’t request it.

Quinn asked how the 25 foot Conservation Easement size was determined?

Costello said it was determined to be sufficient to protect the property line.

LaFountain said mature trees were not to be cut down and the 25 foot width would provide a buffer for the neighbors.

Metzler asked to confirm, the original intent of the easement was tree preservation, not to prevent development?

Costello said that is correct, the Conservation Easement was to protect that area where the mature trees existed.

LaFountain asked if there was any discussion to add trees at that time?

Costello said the only area that was barren was along the Gerlach property line and the adjacent neighbor on Five Mile Line. The sanitary sewer line was extended and some trees were removed.

Metzler asked with the proposed buffer from the applicant, what is being preserved?

Costello said some existing trees would have to be removed to add new trees. Some neighbors want this and some do not.

Quinn asked are the current trees in the Conservation Easement?

Costello said yes.
LaFountain said as we review lots 308-312, the Lees have asked that their property be considered also as they have a Conservation Easement too. LaFountain added that he would like Zaretsky to review the plan. We also need to have a discussion regarding the existing mature trees.

Metzler said whether the area is returned, remains or rejuvenated this will meet the original intent of the Conservation Easement.

Costello asked if the Board would like additional neighbor feedback?

LaFountain said we have received correspondence and would welcome any additional comments from the neighbors.

The Board agreed to forward the plan to Bruce Zaretsky for review.

Councilwoman Kohl asked when the next Watershed Management Committee meeting is scheduled?

Benway said September 2013.

Metzler said the intent is to keep the Watershed Management Committee current on the situation.

LaFountain instructed Benway to get the information to Zaretsky along with any additional information received from the neighbors. He asked that Benway keep the Board apprised of the situation.

4. Ashlyn Rise Sign Placement on Town Property/Special Improvement District/Pond Ownership – Benway

Jim Costello said he recently met with Michael Cavalcanti and he is no longer interested in placing the sign on Town owned property. The sign will now be located on private property to the north.

Supervisor LaFountain stated that we still need to further discuss the Special Improvement District with staff.

Costello said Cavalcanti is selling eight (8) lots, and the Board will have to make a decision on the Special Improvement District shortly.

Geoff Benway said in regards to ponds, we will want to review the Special Improvement District for this development.

Costello said even though the sign is being moved it will still need to be maintained.

LaFountain said the Board isn’t ready tonight to make a decision regarding Special Improvement Districts. We need to include Town
Attorney Horwitz and Town Comptroller Beedon at the next meeting. He suggests we look at holding a meeting on a separate night.

Cavalcanti asked if the easement is on a private lot, can he apply for the sign permit?

Costello said yes, we will include the standard wording that if the sign is not maintained, it will be removed by the Town. If a Special Improvement District is formed at a later date, the maintenance of this sign will need to be included.

Cavalcanti said he will be closing on the lots June 17, 2013.

LaFountain said we need the Attorney and Finance Director to be part of the decision for the Special Improvement District. We will set a Special meeting shortly.

5. Review of Exterior Improvements – 1830 Penfield Road – Costello
Jim Costello stated he has been working with Mr. Amore and Mr. Skrombolas and showed the Board the architect’s proposal. There will be new vinyl siding on the front to match the existing sides and rear of the building. There will also be a new roof. Awnings will be added over the windows and window treatments will be included.

Councilman Moore said several property owners in the Four Corners area have updated their properties to look more historic, does this remodel incorporate those elements? Moore continued to say he would like to see a color rendition of the proposed improvements.

Costello said he had spoken with the architect about including color in his plans.

Moore said he would like to review the plans in color before we move forward. We want to make sure we are including the historic features of the area.

Costello asked the applicant where the sign will be placed?
Amore said the sign will go where the previous sign was.
Costello also said they have added a gable over the doorway.

Councilwoman Metzler asked about lighting?
Skrombolas said the lighting would be underneath.

Costello said he would obtain a color rendition and forward it to the Board for its review.

Metzler asked the applicant if he had decided on a name for the restaurant yet?
Amore said “Papa Angelo’s Spaghetti House.”

Costello asked the applicant to prepare a sign package for the Board’s review. He also asked the applicant when he hopes to open the restaurant?

Amore stated he would like to open by August 1, 2013.

Public Works
1. Out of District User Status - 1161 Fairport Nine Mile Point Road - DiFrancesco

Geoff Benway stated that this property is north of the Cranberry Cove development and they wish to tie into the sanitary sewer. The easement and the lateral are in place, we just need to add the owner as an out-of-district user.

The Board agreed and a Resolution will be prepared for the June 5, 2013 Legislative Session.

2. Request for a Top Soil Operation at 2343 Penfield Road, Blake Miller - Benway

Jim Costello said Tom Tette and Wayne Cichetti have reviewed the progress of the work on the site and are pleased. There are still things that need to be accomplished, and the target completion dates are scheduled out.

Supervisor LaFountain asked Benway to review the request.

Benway reviewed that there is an existing wetland and buffer on the property and the location of the screening will have to be moved.

LaFountain asked about the volume.

Blake Miller said it is 9,000 cubic yards.

Councilman Moore asked the hours of operation.

Benway said following the Ordinance, Monday through Friday 7:00 AM to 5:00 PM and Saturday 8:00 AM to 1:00 PM.

Blake Miller advised the Board that he has had discussions with neighbors and they have his cell number for any concerns. He is willing to accommodate the neighbors and will stop screening if it is requested by the neighbors for an activity or function.

Moore asked who will be doing the soil screening?

Miller said he will be doing the screening himself. Miller continued to say he has his own equipment and once the top soil is removed he will use that area as a nursery to grow plants.
LaFountain asked what the estimated time frame would be to sell all of the top soil?

Miller said top soil sales are market pending; he would estimate to be completed within three (3) years.

Councilwoman Metzler asked about the permit renewal process.

Benway said the initial permit is issued for six (6) months. The applicant would then have to come back to the Town for a renewal.

Miller asked if he could screen all of the soil and then keep it contained until it could be sold.

Costello said other farm markets sell top soil. Once screening is complete a permit is not required. Costello said he has spoken with neighbors Hickey and Fedyk and there are no concerns with the adjacent properties.

LaFountain stated if we issue the permit for six (6) months, we can set up a follow up in six (6) months. If there are no noted concerns, we can extend the permit for an additional six (6) months. If there are problems the permit will not be reissued.

The Board agreed and the permit will be issued.

LaFountain asked Benway to put together a letter for the Board to review.

Costello added that he has forwarded a sign package for Miller’s other location to the Board for review. He asked that comments be directed back to him.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Review of Zoning Ordinance Article III-3-35-D-6 and Article III-3-35-D8 - Tette
This item will be held for the next Work Session on June 12, 2013

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Jeremiah’s Tavern, 2164 Fairport Nine Mile Point Road - Relief from Condition #7 - 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 8:13 PM.