I. Call to Order

II. Approval of Minutes – May 22, 2013

III. Monthly Reports - May

IV. Public Hearing – None

V. Guests – Gary Brockler - Costello

VI. ACTION ITEMS

Law and Finance
1. Jeremiah’s Tavern, 2164 Fairport Nine Mile Point Road – Relief from Condition #7 - Costello
2. Windham Woods Conservation Easement Reduction at 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail – Costello
3. Review of Rendering for 1830 Penfield Road – Costello
4. Review of Informal Discussion of Proposed Bayview Landing Subdivision – Valentine
5. Review of Public Hearing for Application to Sell Concessions of Irondequoit Bay, 1350 Empire Blvd. – Costello
6. Request for Periodic Outdoor Cooking at Angus House - Costello
7. Blake Miller Sign, 1739 Penfield Road – Costello

Public Works - None

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-3-25-D-8 – Tette

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS

1. Special Improvement District/Pond Ownership – 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
Lisa Grosser
Tom Tette
Mark Valentine

II. Approval of Minutes – 5/22/13
CM Quinn moved for the approval of the Minutes of May 22, 2013, CW Kohl seconded the motion.

III. Monthly Reports – Supervisor LaFountain said all reports were due Monday and all should be received in a day or so.

IV. Public Hearing – None

V. Guests – Gary Brockler
Jim Costello introduced Gary Brockler who he met with in the past few weeks regarding his business at 1794 Penfield Road. He proposes to add an 8’ x 8’ addition to sell ice cream. He intends to modify the existing deck. Jim Costello had suggested Brockler meet with an architect regarding the remodel. Brockler thinks the architect is too expensive compared to the cost of the addition.

Gary Brockler submitted a proposed drawing and an aerial photo of the site to the Board for its review. He has been the owner of Penfield Hots for 29 years. The addition would be on the front deck and he would include a walk up window for sales as well as another regular window facing the street. The addition will connect to the existing restaurant. This building has had no renovations since the 1970’s. He will add a fake gable on the roof to follow through with other buildings in the area. The entire structure will be re-sided and he would like to add an additional 10’ x 12’ deck on the back.

Councilman Quinn asked to clarify if the front deck will face Penfield Road, and the back deck will face north. He also asked if the additional 10’ x 12’ deck will be flush with the side of
the building? He asked if there will be any modifications to the existing driveway?

Brockler said the deck will not affect the driveway. The existing deck wraps around the building with a 3 ½ ft. railing around it.

Councilwoman Metzler asked if this is a permitted use in the Four Corners District?

Costello said Brockler received a Conditional Use Permit from the Zoning Board of Appeals to operate Penfield Hots several years ago. He would need to obtain another Conditional Use Permit to allow for ice cream sales. Brockler is asking how much he needs to spend to be suitable for the Board to review his application.

Metzler asked what is structurally allowed?

Costello said the building falls under pre-existing non-conforming. There is a zero setback to the east properties and the structure just meets the side setback. The rear and front setbacks are okay. To add the deck to the back the setback would have to be extended to the west and there would have to be a Public Hearing.

Supervisor LaFountain said he would like to see a site plan and a current survey of the property.

Costello asked Brockler to obtain a survey map and plot out the setbacks. He also suggested Brockler bring more details regarding color schemes for the Board to review.

Brockler said the deck already exists and that setback was previously approved. There will be no expansion to the front deck and that wouldn’t change the setbacks.

Costello said the setback for the front deck will not change. He stated the Board would have to grant you relief from the setbacks to allow the deck on the rear of the building. We would have to review if there would be any traffic impacts.

Metzler asked if the addition of the deck would eliminate any parking?

Brockler said no, it would not.

LaFountain asked if the new deck would have an access door?

Brockler said no, the deck wraps around the building. He is going to remove the stairs as an entrance and will utilize the handicapped ramp as the entrance.
Costello said he will obtain a copy of a current survey and will plot out setbacks and forward it to the Board for its review over the next few days.

VI. ACTION ITEMS

Law and Finance

1. Jeremiah’s Tavern, 2164 Fairport Nine Mile Point Road - Relief - Costello
Jim Costello stated Jeff Reddish has information to update the Board since the last meeting.

Jeff Reddish introduced Eric Schaaf from Marathon Engineering. Marathon has been hired to perform a sound study report.

Eric Schaaf submitted a draft report of the sound study for the proposed Jeremiah’s Restaurant to the Board for its review. Schaaf stated that the report is 95% complete one (1) final QA check needs to be completed by his office.

Schaaf stated Marathon was hired to determine the impact of the noise. The report contains a 5,000 ft overview with measurement points 100 feet apart around the proposed development. Measurements were taken at Noon, 6:00 PM and 10:00 PM on Friday, Saturday and Tuesday. Two (2) measurements were taken with ambient noise alone and with a radio playing at 80 decibels. The radio was located at the edge of the proposed deck area.

Schaaf continued to conclude that it was determined at a distance of 200 to 300 feet there is no noticeable change in ambient background noise with the radio playing. The sound could not be discerned as background noise or radio until you are within 200 feet of the proposed site. To summarize Schaaf stated it is unlikely noise from the outdoor eating area will have an impact beyond 200 feet.

Councilwoman Metzler asked what distance were you from the proposed property line?

Schaaf stated the property line is 97 feet from the outdoor eating area. There is a 30 foot deck, so the distance to the northern edge would be 67 feet.

Metzler asked what is the purpose of starting the measuring at 100 feet if the distance to the proposed patio is less than that?

Schaaf said the purpose of the study wasn’t to measure the sound at the edge of the property line. The purpose was to demonstrate the diminishment of sound over distance as it affects the residential properties in the area. We used a consistent measuring point and went out to the 500 foot distance.
Metzler said it would have been a better study if you had determined what decibel level the noise could be generated to not go beyond the 200 feet from the lot line. We were interested in determining the impact of sound on the residential properties.

Schaaf said as you review the data you can interpret the impact. He reviewed the average decibel level readings listed in the chart for the samples that were taken. He said it was determined that there was minimal impact to the ambient noise.

Metzler asked for clarification on the simulated restaurant noise that was utilized.

Schaaf said the audiologist referred to a study done in a San Francisco restaurant as a reference.

Metzler asked if the referred study was an outdoor restaurant?

Schaaf said no it was inside the restaurant, with reflected sound.

Quinn asked for verification, the decibel reading at Noon, with traffic in the middle of NYS RTE 250 was 76 decibels and according to the chart that is the equivalent to the noise from a dishwasher.

Schaaf said yes, but must point out that the reference study is from 1990 and maybe different today.

Quinn asked if any data was gathered from the residential area near the proposed restaurant in the study?

Schaaf explained that the measurements were taken in increments from the proposed development.

Costello asked why didn’t you turn up the radio at the outdoor dining area and go to the residential neighborhood to determine at what level the sound could be heard?

Schaaf said we didn’t want to impact the Doodlebugs building, but we can go back out and take a measurement. The Doodlebugs building would absorb the sound.

Reddish said there was no sound at 500 feet so there was no reason to go further.

Councilman Moore said the study shows a decrease in the decibels for each 100 foot increase in distance.

Schaaf said yes there is a 2-3 decibel decrease with each 100 foot increment.

Metzler said the data should have shown the impact to the neighbors.
Costello said the neighbors claim they can hear noise from Doodlebugs. You should crank a stereo at 10:00 PM and see if it can be heard from the neighborhood. You need to establish a benchmark, and then advise what the sound limit is.

Reddish submitted two (2) letters of support from residents. He said there are residents on Canterbury Trail that say they cannot hear noise from the proposed area.

Schaaf said the ambient background noise of this location is such that you cannot discern the music.

Councilwoman Kohl asked if any changes had been made to the application.

Reddish said no, we have only provided the study.

Costello said you had discussed modifying your hours of operation, are you still interested in that?

Reddish said he is willing to compromise. He will do additional work on the sound study and go in the other direction towards the residential neighborhood. He would like to keep his business open as late as possible. He feels the sound study shows that sound will not be an issue and has also included additional letters of support from neighbors. He would like to get this project going.

Supervisor LaFountain said a decision will not be reached by the Board without reviewing the documents that were just submitted. The study was completed with general/national standards. He feels additional data points need to be added to the chart. LaFountain requested that he be part of the process in obtaining additional sound data. He will go out to the neighborhood and see what is actually heard. He would like to do this as soon as possible.

Moore asked if additional data points to the southeast were added, how long would it take you to obtain that data?

Reddish said 7 to 10 days.

Schaaf said do you want the sound re-measured or just add the additional data points? We will accommodate your schedule to obtain the additional data.

Moore said he understands the rationale of the study, but would like to see additional data points. Reddish is willing to take music off the table and the hours have been reduced. With this additional sound data he will be prepared to vote.
Metzler said since the last Work Session a number of residents supporting the project have spoken. The number supporting out weigh those that are opposed. As a Board we need to exhaust every possible compromise to help the applicant along. There is no guarantee, but it is our duty to move forward. The big issue is noise and if it will go beyond the property line. We are appeasing the neighborhood residents behind the development.

LaFountain asked if sound travels further when it is clear as compared to cloudy or when there is drizzle?

Schaaf said yes, the weather and the wind impacts sound.

LaFountain said he would like to go out Saturday night to do testing in a couple of locations within the neighborhood. Increase the sound to 80, 85 or 90 decibels and he will be there to gather data. We will gather the data and digest the submitted information. He would like to come to a logical closure sooner than later.

Metzler said there will be additional conditions beyond sound that will need to be discussed as Conditions of Approval.

Schaaf said he would be available Saturday to gather the additional data.

LaFountain asked that Schaaf schedule something with Costello and he will communicate the information to the Board and the residents. He asked Costello to look at the map and identify the areas to be measured. This will be discussed again at the Work Session on June 26, 2013.

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

Geoff Benway met with Town Landscape Consultant, Bruce Zaretsky at the site to review options to replace/plant trees in the Conservation Easement. Benway reviewed that there are a number of places open and some of the areas are wooded. Zaretsky said you would select trees based on when you want the coverage established. He recommends 10 foot spacing utilizing a variety of trees, not only spruce trees as originally proposed. Zaretsky suggests working with each homeowner to determine what species would grow in the conditions which differ between lots.

Supervisor LaFountain added that lot #307 is included in this discussion, the property owners are Terry and Peggy Lee.

Councilman Quinn verified that all plantings will go in the 12 ½ foot easement.
Benway stated that Zaretsky would also advise on the placement of the trees. He said some of that area is currently clear with no buffer.

LaFountain stated the trees will be in the easement, but we want to verify that there will be no impact to drainage.

Councilwoman Metzler added that the addition of trees is at the expense of the developer.

Michael Cavalcanti stated that trees will also be added in lot #306. This is not in the Conservation Easement, but the area is currently barren and this addition will make everything more uniform.

Metzler said while adding the trees we will improve drainage in the area if there is an opportunity to do so. Metzler also asked that an update be given to the Watershed Management Committee at their next meeting in September.

Costello will prepare a Draft Resolution for the Board to review. The Resolution will be submitted at the next Legislative Session on June 19, 2013.

LaFountain requested Benway meet with Cavalcanti and Zaretsky to facilitate the addition of trees.

3. Review of Rendering for 1830 Penfield Road – Costello
Jim Costello submitted a color rendering prepared by Markos Skrombolas’ architect. The applicant is proposing a brown roof, burgundy awnings, taupe siding and a peak roof over the entrance.

Supervisor LaFountain stated that these changes add to the area and fit with the architectural design of the area.

Councilwoman Kohl asked if there would be changes to the entrance?

Skrombolas stated no.

Councilman Quinn asked if new windows would be installed?

Skrombolas said no, only aluminum frames and columns. The windows had already been replaced.

Quinn asked if the windows will open?

Skrombolas said yes.

Quinn advised that he has seen people on the roof and wanted to make Skrombolas aware of it.

Costello said the original landscaping plan included rhododendrons and they are not good for that area. He suggests
speaking with Town Landscape Architect, Bruce Zaretsky to come up with heartier plantings. He asked Skrombolas when he would like to start.

Skrombolas said he would like to start as soon as he receives approval. The work will take a week to 10 days.

Quinn asked if the siding will match?

Skrombolas said the sides of the building have new siding. He will obtain a similar color for the front.

Quinn asked if Skrombolas will be adding a complete new roof?

Skrombolas said he will roof only the lower level, you cannot see the top of the roof from the street.

Quinn stated that everything needs to be done uniformly. You cannot have different color roofing and siding.

Costello said all changes need to be consistent with the entire building.

Metzler agreed new roofing material would have to be on both levels and the new siding would have to be installed all the way around the building. This request is consistent with requirements made of other property owners in the Four Corners.

Councilman Moore suggested Jim Costello visit the site with Skrombolas and bring back to the Board a color rendering that is more exact.

Supervisor LaFountain said he would meet with Costello and Skrombolas and asked any Board members who are available to attend as well.

Costello asked Skrombolas to bring the siding samples he had brought to the previous Work Session to their meeting.

4. Review of Informal Discussion of Proposed Bayview Landing Subdivision – Valentine

Mark Valentine submitted an aerial photograph and a map showing EPODs, State Wetlands, Federal Floodway and Steep Slopes to the Board for its review. He also included the letter sent to Dr. Howitt after his last meeting with the Board. Input from the neighbors is similar to the concerns expressed with past applications for this property. Valentine continued to say the Planning Board is meeting tomorrow night and he will write a letter to Dr. Howitt with items from both Boards.

Councilwoman Kohl said she is pleased that a parcel is being given to the County to add to the park area. She feels the project is too dense and could compromise public safety. She feels traffic will be an issue.
Valentine asked if the Board is interested in hiring a traffic consultant as part of the project?

Councilwoman Metzler said she is concerned with the State DOT.

Valentine said the State DOT would be part of the conservation regarding this project and other projects in the area. He feels there is justification for a corridor approach.

Metzler verified the study would be district specific, not project specific.

Valentine said yes, we would have the district reviewed.

Metzler said she would not want to use Town funds for a project specific study, only a district study.

Valentine said this is becoming a hot area for development. A regional approach makes more sense.

Kohl said future proposals could get held up waiting for results of traffic studies and changes.

Councilman Moore said the area is being considered more frequently for development. Residents had concerns regarding this application. He feels the condo/townhomes are okay, he is not sure about the apartment buildings. We need to see traffic mitigation. The State DOT and all interested parties need to be involved.

Valentine said the applicant did submit a traffic study with his application, does the Board want to move forward or do you want a higher level of review. Traffic consultants would work with the State DOT and all applicants/developers in the area would share the expense.

Supervisor LaFountain said we have the data. The next step is for Town staff to have a discussion with the State DOT. Traffic is the top item and we need to have that discussion first. A more detailed study is needed for that area based on what has been done and what might be done.

LaFountain added that there is an issue regarding emergency access. If Parkview Drive is severed we cannot get emergency vehicles down the road and that is an issue. We need to continue to discuss this. There is also concern regarding the stability of the soils with the springs and septic systems in the area. This will also need to be vetted properly.

Valentine then reviewed comments received at the Combined Town Board/Planning Board Public Information Meeting. The existing road is in a steep slope EPOD so that will need to be reviewed. Dave Rinaldo of Monroe County would be willing to take that
parcel that connects to the park land to add to the current park and trails. There will need to be a further delineation of wetlands at the bottom. The proposed storm water facility was stated by the neighbors at the Public Hearing to be in a wetland, and not solid ground. The gas service in the portion of Empire Boulevard is limited and we need to get plans to R G & E. Mark DiFrancesco is working to come up with a cost for the additional sewer units for the project. The demand for this project is two (2) to three (3) times the original allocation. We need to review the density and how that compares to the conventional plan. Neighbors seem to be okay with the view shed and the style of the buildings.

Valentine continued to say fill material needs to be reviewed. When this parcel was reviewed in 2009 it was determined that this would be a Type 1 Action because it is adjacent to County park land. This project may necessitate a Positive Declaration due to the traffic impacts, wetlands, steep slopes and archeological investigations at the end of Old Westfall Road. These concerns are similar to previous applications.

Valentine will meet with the Planning Board and then draft a letter to the applicant and have both Boards review the letter first.

5. Review of Public Hearing for Application to Sell Concessions of Irondequoit Bay, 1350 Empire Blvd. – Costello
Jim Costello said the application materials were sent to the County and he is disappointed in the response because the comments received were already addressed. Costello spoke with the Monroe County Health Department and they were concerned with waste water from boats and cooking materials/grease. There are two (2) other businesses on the bay doing the same thing. Other towns have given approvals without going through the County, which is a requirement of the Irondequoit Bay Harbor Management Plan.

Councilman Moore said as long as the applicant is meeting both Town Code and the Health Code he is okay with the application.

The Board agreed and a Resolution will be submitted for the next Legislative Session on June 19, 2013.

6. Request for Periodic Outdoor Cooking at Angus House – Costello
Jim Costello introduced Lena and Vinnie from the Angus House. They would like to obtain a permit to cook outside on Mondays only. This could potentially be a year round requirement. Costello said he, Tom Tette and the Fire Marshal visited the site and the cooking could be done in front of the restaurant. There is criteria that they cannot cook within ten feet of the restaurant. They would have to meet a setback from the sidewalk. During the time they are cooking, they could not utilize the Handicapped Parking in the front of the restaurant.
Councilman Moore asked what would they be cooking?

Lena said steaks; they want to get the attention of people in the area.

Councilwoman Metzler asked if staff from the Angus House would be doing the cooking? Would they be any outdoor eating?

Lena said yes staff would be doing the cooking and there would be no outdoor dining.

Councilman Quinn asked about signage.

Lena said they have an existing A frame sign and would also be utilizing social media.

Supervisor LaFountain asked where would handicapped parking be relocated to?

Lena said they would move the handicapped parking to the south side of the building. They would put up temporary signs to direct the handicapped parking.

Costello asked what time would they be cooking?

Lena said 4:00 PM to 8:00 PM, on Monday only.

Councilman Quinn asked if this was uncommon for the Four Corners area?

Costello said no, there have been others.

The Board agreed and the permit will be issued through the streamline process as an accessory use.

7. Blake Miller Sign, 1739 Penfield Road – Costello
Jim Costello said Blake Miller has submitted a proof of the proposed sign to the Board for its review.

Blake Miller brought the actual sign from the previous location to show the Board. He said he would be adding West Mountain stone around the sign.

Councilman Moore asked what the size of the waterfall would be?

Miller said three (3) feet at the spillway.

Councilwoman Metzler asked what hours the waterfall would be running?

Miller said the waterfall is pondless and will recycle through the stone base continuously.
Costello said will you be adding signage for your tenants?

Miller said yes, under my businesses name.

Councilman Quinn said he likes the creativity of the sign, but he does not like the waterfall on the sign. He feels the sign should be consistent with other signage in the Four Corners area.

Miller said the waterfall is representative of his business and there is also a connection with Linear Park.

All other Board Members agreed and the sign permit will be issued.

Supervisor LaFountain asked Jim Costello to draft a letter.

Public Works - None

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-3-25-D-8 - Tette

Supervisor LaFountain said this is a follow up to the three (3) or four (4) applicants we have had come before the Zoning Board of Appeals for a variance. Town Attorney Pete Weishaar has worked on this and Tom Tette has submitted a revision to the existing ordinance for the Board’s review.

Tom Tette said the proposed amendments to the Zoning Ordinance allow up to six (6) hens to be kept as backyard chickens. The towns of Irondequoit and Brighton and the City of Rochester currently allow backyard chickens.

Councilwoman Metzler asked how it was determined six (6) would be allowed.

Tette said that is what is allowed by the other Towns, except Brighton which allows four (4).

Councilman Quinn said the Towns that do allow chickens are more densely populated and touch the Town of Penfield borders.

LaFountain said this will go to a Public Hearing. We have had three (3) applications and several inquiries. He suspects there are others out there. He feels we need to take a step back and better define our Ordinance. The Ordinance needs to be amended to be more consistent with the other communities.
Quinn asked what experience do the other Towns have with enforcing limits?

Tette said there would be follow up site investigations in six (6) months.

LaFountain suggests having Town Attorney Horwitz review the proposed change to the Ordinance. Board members would also like to review the correspondence from Mr. Weishaar. When all information is reviewed we will schedule a Public Hearing in the November to December time frame.

The Board agreed.

Public Works - None
Public Safety - None
Community Services - None

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership - Benway

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - The Board went into an Executive Session regarding a legal matter.

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 9:19 PM.