Town Board Work Session Agenda
June 26, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes – None

III. Monthly Reports -June

IV. Public Hearing – None

V. Guests – Dr. Robert Fallone – To discuss potential Mavis Tire at 2146 Fairport Nine Mile Pt. Road

VI. ACTION ITEMS

Law and Finance
1. Jeremiah’s Tavern, 2164 Fairport Nine Mile Point – Results of Sound Study – Costello
2. Request for extension of approval of Village Square Subdivision 2014 Five Mile Line Road – Costello

Public Works
1. Request for Easement Abandonment, 1440 Scribner Road – Valentine
2. Rothfuss Fill Permit, 1953 Salt Road – Benway
3. Scorza Fill Permit, 1700 Baird Road – Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Carpet and Flooring Office, 1788 Penfield Road – Costello

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership – Benway
2. Review of Rendering for 1830 Penfield Road - 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
Councilman Moore
Councilman Quinn

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 6/12/13
CW Metzler moved for the approval of the Minutes of June 12, 2013, CW Kohl seconded the motion.

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

IV. Public Hearing – None

V. Guests – Dr. Robert Fallone – To discuss potential Mavis Tire at 2146 Fairport Nine Mile Point Road – Costello
Jim Costello introduced Dr. Robert Fallone. Dr. Fallone is interested in purchasing the Reese property at 2146 Fairport Nine Mile Point Road, which is not currently zoned for this type of business. Costello advised Dr. Fallone that he would have to apply to have the property rezoned or possibly go through the incentive zoning process to accommodate this use.

Dr. Fallone introduced the engineer for the project, Rob Fitzgerald. Mr. Fitzgerald explained that this parcel of land is a residential lot just south of Buckman’s Car Wash. There is General Business zoning one (1) lot north from this parcel. The proposed development will be in the front 250 feet of the parcel and 250 feet behind the building would remain wooded to buffer the neighbors. The current zoning is Business Non Retail which does not allow this type of business. They would be able to comply with the hours under the BN-R zoning of 7:00 AM to 9:00 PM.

Dr. Fallone said the expected hours of operation would be Monday through Friday 7:00 AM to 9:00 PM, Saturday 7:00 AM to 6:00 PM and Sunday 7:00 AM to 3:00 PM or 5:00 PM.
Mr. Fitzgerald said the business would consist of purchasing and changing tires. There would also be small maintenance work such as inspection, brakes and oil changes.

Dr. Fallone added that Mavis Tire has purchased Cole Muffler and is in the process of converting all of their stores.

Fitzgerald stated that Mavis does not store any of the old tires outside of the building. All tires are stored inside the building and there is pick up twice a week for removal of the old tires.

Councilwoman Kohl inquired if mufflers would also be included in the maintenance work provided by Mavis Tire.

Fallone said yes.

Councilman Moore asked if all repair and maintenance work would be done inside the building.

Fallone said yes.

Supervisor LaFountain confirmed that this would be a full service operation to include tires, brakes, oil changes and muffler replacements.

Fallone stated yes, it would include all minor repairs, nothing major like engine or transmission repairs.

Kohl asked if any cars would be stored outside overnight?

Fallone stated no, the cars would be dropped off for work during the day and picked up in the evening.

LaFountain inquired if tires would be replaced for any other types of vehicles.

Fallone stated no, only automotive tires.

Councilman Quinn confirmed based on the sketch there will be four (4) bays that face west. Will there be any doors open to the east which faces the residents?

Fallone stated no.

Quinn inquired if Fallone would be interested in obtaining cross access agreements with the properties to the north and south?

Costello said PRC reviewed cross access at today’s meeting. The access road is proposed between the Trau and the Farash properties. It is actually further east than where the development is proposed. We will want to keep it in that area without impacting the business layout. We don’t want to remove trees and would like to keep trees as a buffer to the neighbors.
Kohl asked if Fallone had looked at the parcel near the Farash property that is already zoned for this type of business?

Fallone said no, he thought the Reese parcel made sense as it was closer to the General Business zoning. He feels the parcel near Braunston Drive should remain forever wild to be used as a buffer for the neighbors.

Councilwoman Metzler asked what is the size of the parcel?

Fallone said 1.2 acres.

Costello reviewed that Farash wanted this parcel as part of the original project. The owner could not reach an agreement with Farash and the parcel is now stand alone. The Calabrese property is the southern most parcel to be zoned BN-R.

Metzler asked what the Comprehensive Plan says about this parcel?

Costello said it is part of the LUAMP process and zoned BN-R. This parcel is the last piece near the Calabrese property that could be developed as Commercial. The other parcel near Farash is part of the Incentive Zoning.

LaFountain inquired as to the proposed size of the building?

Fitzgerald said 5,000 square feet.

Fallone said the prototype for the building is 6,500 square feet. The building in Chili, that was just approved, is proposed to look more like an office building.

LaFountain asked for clarification on the proposed four (4) bays.

Fitzgerald said the sketch shows four (4) double bays which would hold two (2) cars each, maximum eight (8) cars.

LaFountain asked about parking. Customer parking would be in the front and employee parking in the rear?

Fitzgerald said yes, the rear area would also be used for staging.

Kohl suggested the applicant look into adding an access road through the car wash and the Cornerstone Restaurant properties to access Penfield Road.

Costello said there is a bend at the Trau property. The proposed access road would encroach into the proposed green space area on the applicant’s sketch.

Metzler asked, based on the 2006 approval for the Farash parcel to the south, if the applicant went into that previously approved lot, could he go in without rezoning?
Costello said yes, if incentive zoning were implemented. Costello added that an approved BN-R use could come into the Reese parcel and build two (2) to three (3) offices that could be within 50 feet of the property line as well.

LaFountain said the Board would like to review the information. The Board will direct Costello to contact the applicant for follow up at a future date.

Costello said he would review the information regarding cross access from PRC and report back to the Board.

Fallone asked if parking would be better in front of the building instead of the rear as proposed.

Metzler said it is too early to advise, we are reviewing the concept only right now.

LaFountain said there are advantages to both ways. We need to review the application further and will come back with specific concerns once the information is received from PRC.

VI. ACTION ITEMS

Law and Finance
1. Jeremiah’s Tavern, 2164 Fairport Nine Mile Point Road – Results of Sound Study – Costello
Supervisor LaFountain gave the Board the updated sound study, including the additional sound testing done June 15, 2013. The engineers and residents split up into two (2) groups; some went to the proposed patio area and others went to different neighborhood sites. Page 20 of the report contains the results of that additional testing.

Councilwoman Metzler said she appreciates the additional data. She has also received additional contact from the neighbors in the Coventry Manor subdivision who are in favor of the proposed Jeremiah’s Tavern.

Councilman Quinn asked what was the horn test?

LaFountain stated that one (1) resident had done his own test. We decided to incorporate that into the sound study as it was an additional data point.

Quinn said looking at the data, and having Supervisor LaFountain out in the field yielded similar results to the data we reviewed two (2) weeks ago. The sound is minimal or non-existent.

Metzler said the results are similar to what we experienced with Baytowne Plaza and the Jewelberry Drive neighborhood.
Councilman Moore said he appreciates that Supervisor LaFountain and the residents were a part of the additional sound testing; everyone heard the same thing. The additional data shows that there wasn’t much difference in the sound. After reviewing this additional data, he is prepared to move forward. He proposes the hours are extended to 11:00 PM across the board, and there is no outdoor live music. There are several safeguards in the Resolution and the applicant is happy to address any issues and work with the neighbors.

Metzler said the applicant had the burden of proof. We looked at and credited the sound report. We must also credit the neighbors who participated in the sound study. She is concerned because a Petition was received and we must act on that. Neighbors that had signed the Petition later asked for clarification on the project. Some residents are fearful of speaking out publically. She must consider the comments received from all residents.

Quinn stated the proposed hours are now 10:00 PM closing, seven (7) days a week, and Councilman Moore is proposing to extend those to 11:00 PM. The applicant is not here and he is not willing to hear this application again. He supports the 11:00 PM extended hours.

Moore stated that 11:00 PM is a compromise. We have factual data in front of us and reviewed the decibel levels from the report. We have heard from the neighbors on both sides of the issue.

The Board agreed.

Supervisor LaFountain instructed Costello to prepare a Draft Resolution for the Board to review. The conditions will stand as originally approved. He asked that the draft be sent to the Board for review. The Resolution will be submitted at the next Legislative Session on July 17, 2013.

Costello asked about television and piped background music in lieu of live music.

Moore said the television and background music could be permitted only.

Metzler added that the television and piped background music must meet the same conditions as originally required.

2. Request for extension of approval of Village Square Subdivision, 2014 Five Mile Line Road - Costello

Jim Costello stated that the subdivision was approved May 2, 2012. Mr. Neufeld moved forward with the Abbington project and Village Square was placed on hold. One of the criteria for approval was for Mr. Neufeld to work with the neighbors to obtain an easement for a catch basin. Originally it was thought that the catch basin would go into an already established easement
area. Construction will begin immediately after the easement is obtained.

Supervisor LaFountain stated that there is a bulldozer on site and he wants to make sure no work begins until all documentation is received.

The Board agreed and the extension will be granted.

Public Works
1. Request for Easement Abandonment, 1440 Scribner Road – Valentine

Mark Valentine said this is the seventh rendition of the project that has come before the Planning Board. Most recently this has been before the Planning Board for a three (3) lot subdivision approval. The applicant then came to the Planning Board and said he no longer wants to do this. With the proposed re-subdivision map the two (2) corner Beacon Hill’s lots will be sold, and a resident on Cedarbrook Circle is interested in purchasing a lot and combining it with his. There will now only be one (1) lot in the front. This re-subdivision plat map is pending before the Planning Board now. There are three (3) filed easements: cross access, drainage and sanitary sewer that were from the original approval and are no longer necessary given the new subdivision configuration.

Councilman Moore asked if any residents are concerned about the elimination of the easements?

Valentine said no, the easements are no longer necessary, but would potentially impact the current homeowner’s use of the property. A new homeowner would then have to come before the Board for a hold harmless agreement if they wanted to add something on their property that was within the limits of one of these easements.

The Board agreed that the easements should be abandoned and a Resolution will be submitted at the next Legislative Session on July 17, 2013.

2. Rothfuss Fill Permit, 1953 Salt Road – Benway

Geoff Benway said Terry Rothfuss’ daughter purchased this home. There is a low area around the house that he would like to fill to adjust the drainage. The property is zoned RA-2 and 1,000 cubic yards of material will be required.

Councilman Moore asked if there are any neighbor concerns?

Benway said the neighbors would be notified once the approval for the permit has been given.

Supervisor LaFountain confirmed they will fill in the north and west portion of the property. The drainage will then be pitched
south to drain east. The lands to the west and south are also owned by Terry Rothfuss.

The Board agreed and the permit will be issued.

LaFountain asked Benway to do a site visit and make sure there is detail in the permit that the maximum is 1,000 cubic yards and 18” fill depth.

3. Scorza Fill Permit, 1700 Baird Road – Benway
Geoff Benway said this property is zoned RA-2. Mr. Scorza owns two (2) parcels. In 2005 approval was given for a house and pond; the pond was never built. They are now looking at seven (7) lots, four (4) on Baird Road and three (3) on Atlantic Ave. There is a 200 foot pipe along the ditch and fill is required to cover the pipe. 400-500 cubic yards of material will be needed.

Supervisor LaFountain said every couple of months there are a couple of loads of material being delivered. He wants to make sure there is no impact to the buffer or wetlands. We also want to make sure the applicant knows when to stop.

Councilman Quinn asked if this is near the Town owned property.

Benway said there will be no effect on that parcel.

LaFountain said he wants to make sure the correspondence from Benway includes what can and cannot be done.

Benway reviewed the conditions: 500 cubic yard maximum, hours of operation and material type. The permit will expire in six (6) months, there is a requirement to grade and seed, and neighbors within 500 feet will be notified.

The Board agreed and the permit will be issued.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Carpet and Flooring Office, 1788 Penfield Road – Costello
Jim Costello reviewed that the Public Hearing for the Carpet and Flooring Office will be held on July 17, 2013.

Public Works - None

Public Safety - None

Community Services - None
VIII. HELD ITEMS

1. Special Improvement District/Pond Ownership – Benway
2. Review of Rendering for 1830 Penfield Road – Costello

Supervisor LaFountain stated that he and Jim Costello met with Markos Skrombolas and Thomas Amore on site today. LaFountain said there are existing grey slats on the south and west side, green siding on the east side and tan siding on the north side. Skrombolas proposes to side the south and west sides with tan siding the leave the other two (2) sides as is.

Costello said the green siding was added when the apartment upstairs was approved. It became an L-shaped building.

LaFountain asked for clarification in the Resolution of the requirements to the exterior of the building.

Costello said Condition #4 of the Resolution states that the applicant will contract with an architect to identify specific improvements to the exterior frontage of the building.

LaFountain asked if the Resolution states that the applicant must come back to the Town Board with sample material that must be acceptable?

Costello stated yes it does.

Councilwoman Metzler asks that the applicant side the entire building and do it right the first time. We are aware of the expense and if the roof does not need to be replaced at this time, then it should not be done.

Costello stated there is nothing wrong with the roof. He feels it is more important to have the sides and front siding of the building match.

Metzler added if the roof is structurally sound, then the applicant should leave it alone.

Councilman Quinn stated he is not in favor of two (2) colors on the exterior of the building.

The Board discussed and agreed that all sides of the building should have matching siding.

Costello said he will advise the applicant of the Board’s conditions. He will suggest a black roof with tan siding.

Quinn asked to see a final rendering before approval is given.

Supervisor LaFountain asked Costello to have Skrombolas and Amore attend the next Work Session on July 10, 2013.
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 8:08 PM.