Town Board Work Session Agenda
December 11, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes – November 13, 2013

III. Monthly Reports - December

IV. Public Hearing – None

V. Guests – 7:00 PM – Richard Rosen – Legacy Free Standing Sign, 2140 Five Mile Line Road
7:30 PM – Michael D’Amico – 985 State Road, Incentive Zoning

VI. ACTION ITEMS

Law and Finance
1. Request for 90 Day Extension, Abbington Place Section III Approval – Costello
2. Southpoint Marina – 1384 Empire Blvd. update - Costello

Public Works
1. Amendment to Perinton Sewer Use Agreement – Benway
2. Larry Bell, 2334 Browncroft Blvd – Out of District Sewer Use Agreement – Benway
3. Michael Casserino, 2091 Harris Road – Fill Permit – Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Panera Bread, 2152 Fairport Nine Mile Pt. Road- Costello

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:
Jim Costello
Mark DiFrancesco
Lisa Grosser

II. Approval of Minutes – 11/20/13
CW Metzler moved for the approval of the Minutes of November 20, 2013, CM Quinn seconded the motion.

III. Monthly Reports – Reports for November are in except for three (3) areas which should be in by the end of the week.

IV. Public Hearing – None

V. Guests – 7:00 PM – Richard Rosen – Legacy Free Standing Sign, 2140 Five Mile Line Road

Jim Costello submitted photos for the Board’s review. Mr. Rosen has requested a Special Permit to add to the existing Legacy sign. He also attended a Historic Preservation Board meeting and was granted a Certificate of Appropriateness, subject to the Town Board’s approval of the sign. At the last Work Session the Board expressed concerns regarding keeping a back lit illuminated sign. In 2006 the Ordinance was changed, and any existing back lit signs must be replaced with front lit signs. Mr. Rosen then asked to meet with the Town Board to discuss this further.

Richard Rosen explained that this is a unique circumstance. The original low level back lit sign was a significant investment. This sign has much less glare than other signs in the district. Mr. Rosen provided examples of other signs in the district for the Board’s review. He feels by adding to the existing sign, the original character will be retained and the sign will have less glare than a back lit florescent sign.

Costello added that in 2000 the original owner, Mr. Marasco requested the address be changed from 2140 Five Mile Line Road to Village Wood Way. There are now two (2) parcels with the same address of 100 Village Wood Way.
Rosen stated that he feels Marasco made a mistake by changing the address and he would like to change it back to 2140 Five Mile Line Road as that is a more recognizable address.

Councilwoman Kohl asked if there has been any impact to emergency responders by not using the Five Mile Line Road address?

Costello said no, the existing street sign says Village Wood Way.

Rosen said the Legacy sign says 2140 Five Mile Line Road. The Legacy name is a brand and we would like to keep it.

Councilman Quinn asked if the sign could be changed within the existing structure?

Rosen stated that it could, but that would impact size of typeface and he feels it best not to change it.

Councilwoman Metzler asked if the Historic Preservation Board had expressed any concerns?

Costello said they were initially concerned that the sign did not meet existing code, but they feel the sign is not obtrusive to the neighborhood. There is wording in their Resolution that if the sign falls into disrepair, it must be replaced with a front lit sign.

Both Councilwomen Kohl and Metzler agreed that the sign could be added to.

Councilman Quinn stated that he is not in favor. After reviewing the submitted examples he does not disagree that the other signs are less attractive. This Board has had other discussions about signage and we must stay true to the Ordinance. Quinn said he is not opposed to changing the panel within the existing framework. He feels that adding a topper to the sign is changing the original sign.

Rosen stated that there are two (2) businesses on two (2) separate tax parcels.

Quinn asked Costello if this would then allow two (2) signs?

Costello said a directory sign, 20 sq. ft., would be allowed.

Quinn confirmed that the new sign would have to meet the current Ordinance and could not be back lit.

Councilman Moore said he feels the esthetics of the sign are important, and how the sign will look in the district. If this sign is true to the esthetics, it does not take away from the character of the neighborhood, and he is okay with it as proposed.
Metzler asked if some of the Legacy residents drive?

Rosen stated yes.

Metzler added that she feels the existing sign is better for elderly drivers to see.

LaFountain stated with three (3) Board members supporting this application, it will be approved. He asked Costello to draft a letter to the applicant approving the change to the existing sign. Include in the letter the Historic Preservation Board approval and wording that if the sign is damaged it must be replaced with a front lit sign.

Costello asked Rosen to contact the Assessor’s office regarding the address change.

7:30 PM – Michael D’Amico – 985 State Road, Incentive Zoning

Jim Costello stated that Michael D’Amico has asked that this meeting with the Board be postponed to a later date in order for him to obtain additional information for the Board’s review. He will reschedule for an upcoming Work Session.

VI. ACTION ITEMS

Law and Finance

1. Request for 90 Day Extension, Abbington Place Section III Approval – Costello

Jim Costello reviewed that in March of 2013 the Town Board gave approval for Phase II and Phase III. Phase III was not completed as Crosstown Construction moved into Phase ID instead. The first 90 day extension was granted on 9/11/13. This would be the second and last extension which will get him past March 1, 2014. Work would begin in the spring of 2014.

The Board agreed and the extension will be granted.

Supervisor LaFountain instructed Costello to draft a letter approving the extension. If this goes beyond March 2014 the applicant will have to come before the Town Board again.

2. Southpoint Marina, 1384 Empire Blvd. - Update – Costello

Supervisor LaFountain thanked Jim Costello as he had been the lead person to gather and compile information. This is the 5th or 6th draft of Parts 2 and 3 of the EAF. Items that were identified at the last Work Session which require additional information are: traffic, biology, turbidity and impacts to wetlands. We have received input and feedback from residents, both for and against the project. The Board is also aware of the 2002 Biological Study. The water component is of great importance. The Board is concerned with the protection of water and the wetland component. LaFountain continued to say after the
discussion at the last Work Session, we are heading in the direction of a Positive Declaration. There will be other agencies involved that will provide additional information and feedback. The marina is privately owned, and as part of the LWRP there is interest and a need for public access. LaFountain continued to say this area is very sensitive and very important. He thanked the Board for their input, feedback, questions and comments. As we review Parts 2 and 3 we’ve discussed the potential impact which could be small, moderate or large and includes mitigation activities. Everything has not been 100% identified. The scoping outline and feedback from involved agencies are still critical.

Councilwoman Metzler also thanked Jim Costello for his work on this project. We have received input from residents and concerned parties that has been expansive. This is one more step in the process leading to the scoping outline. We want the best project for the community.

Councilwoman Kohl stated she has two (2) concerns. There is conflict because there are people who want to enjoy the cove area, and we need to make sure we are protecting the wildlife. Kohl added she is also concerned about the transportation aspect. We understand the apartment project will include a road which will be used for marina access. The addition of the marina and the apartments will impact the traffic which is a safety concern.

Metzler added that later impacts also need to be reviewed. The 2002 Biological Study is historical and there has been deliberation on biological and water impacts. The scoping process is designed to address this and increased boating activity also needs to be discussed.

LaFountain stated that this has gone on for several months. On July 17, 2013 the Board classified this as a Type I project. The Board has been working on input and data. Three (3) involved agencies have been identified: Monroe County Water Authority, Department of Transportation and the Department of Environmental Conservation. LaFountain inquired if the applicant has rendered any services yet?

Costello said they have hired a Biologist.

LaFountain said regarding the impact to the water, the applicant has reduced his request from 225 boat slips originally to 176 boat slips. The applicant has gone through more review and has reduced impacts by modifying the project. There will be an impact to open space and recreation. The applicant has the ability to include public access. LaFountain also has concerns regarding both internal and external transportation.

Costello thanked the Board. This has been a hard process, the EAF forms are not as objective as they should be and he appreciates the Board’s hard work weighing all of the issues. We
understand impacts may or may not occur. The applicant will investigate what needs to be done. The applicant will also begin the scoping process and we will get feedback from the other involved agencies after the first of the year.

Councilman Moore acknowledged the applicants efforts; they have been proactive by working with the DEC. He understands the letter from the DEC is generic and doesn’t give guidance as to what their real concerns are. The applicant is committed to providing public access and is making a significant investment in that part of the Town. The applicant wants to revitalize this area and make it a destination. Moore continued to say he appreciates the commitment to try to give this area a rebirth. There has been a reduction in the number of docks, the applicant is willing to work with the Town, and they understand people’s concerns. The applicant has also hired a Biologist to work on issues that may arise in the future. Moore added that he does share concerns regarding traffic and the applicant has also started to address those. The applicant has been working with the Town and the DEC which is a good step forward.

Metzler added that the best project comes when everyone gives a little. The DEC has been difficult; they have not been assertive and it has been up to the Town and the applicant. Resources have been spent for future environmental concerns without direction from the agency.

LaFountain stated that the DEC has been working with the applicant, and has been responsive to Jim Costello. The key is that there is a give and take to get the best overall project. The DEC will continue to work closely with us on the project.

The Board agrees and Supervisor LaFountain directed Costello to prepare Resolutions for Parts 2 and 3 of the EAF and to declare a Positive Declaration. He asked that the Resolutions be submitted to Town Attorney Horwitz for review. Resolutions will be submitted for the next Legislative Session on December 18, 2013.

Public Works
1. Amendment to Perinton Sewer Use Agreement – Benway
Mark DiFrancesco reviewed that there is an agreement that was signed in 2009 which allotted 106 sewer units from Penfield to flow into Perinton. Those units were comprised of Arbor Ridge Sections I, II and III, Ashlyn Rise Section I and 12 existing homes on Fellows Road and Penfield Road. DiFrancesco continued to say the second phase of Ashlyn Rise was scheduled to flow through Blake Miller’s property. This would require a lot of offsite pipe because of the sewer alignment. The Town Penfield would have to maintain the sewers. This design met Town Standards. Mr. Cavalcanti worked directly with the Town of Perinton and hired Costitch Engineering to perform a sewer study to evaluate flow rates. The study determined that there is reduced water flow from a town house in comparison to a single family home.
DiFrancesco continued to say the Town of Perinton accepted the Costich report and will allow 19 additional units, from Ashlyn Rise Section II, to the original Sewer Use Agreement. This would bring the total agreement to 125 units. DiFrancesco stated he has drafted the agreement and Town Attorney Horwitz is reviewing. The terms of the original agreement will remain and the number of units will be increased to 125.

Councilman Quinn asked if this would include all of the Ashlyn Rise Subdivision?

DiFrancesco said yes.

Quinn asked with the total increased to 125 units, will there be any opportunity for more units?

DiFrancesco said Cavalcanti only asked for the units required for this project. The report shows that there may be more availability, there is a significant delta.

Supervisor LaFountain clarified that 19 units are going to Cavalcanti’s project, there may be another 10% to 15%.

DiFrancesco agreed; there is not much more developable land in that area.

LaFountain said this agreement leaves fewer sewers for the Town to maintain. As we review allocation we now understand that townhomes, who cater to empty nesters and single individuals, have a lower usage rate than single family homes. LaFountain added that he met with Perinton Town Supervisor Smith yesterday and the study helped everyone to better understand the requirements.

The Board agreed and a Resolution will be prepared for Town Attorney Horwitz to review and will be submitted for a Legislative Session after the first of the year.

2. Larry Bell, 2334 Browncroft Blvd. – Out-of-District Sewer Use Agreement – Benway
Mark DiFrancesco showed a map of the Parkview/White Village Sewer District to the Board for its review. This parcel was originally excluded from the district because the collection areas were at the end of the roads. To connect to the sewers they would have to go up to a pump station and then pump out back across Browncroft Boulevard.

After review it was determined that the original design would require sewer depths in excess of 24 feet. It was then decided to change the alignment of the sewers to go down Old Browncroft Boulevard to the Monroe County interceptor. This is a much better route, the Town owns the right-of-way. MRB and the Town decided this was a better option. It will still be collected in a pump station, lifted to a gravity sewer and flow to the
interceptor. With the realignment, the sewer is now in the property owner’s front yard. Mr. Bell has agreed to sign an out-of-district user agreement. Mr. Bell will pay the debt for the sewer district the same as all other users.

Jim Costello asked if there were any other properties along the route that would need to be connected to the sewer?

DiFrancesco said the Stappenbeck/Baker Commodities property has 40 feet of frontage on Parkview Drive. It is a wooded lot with steep slopes and ravines. The south side is owned by Monroe County and is a cliff. There is no other potential development in the area.

Supervisor LaFountain asked about Glendoveers.

DiFrancesco said they are already an out-of-district user and pump to the County interceptor. We will be able to eliminate 1,000 feet of private forcemain, but may still require a pump because it is low. They are also included and will pay fees as does the rest of the district. The design is 75% complete, but we still need to obtain 69 easements to begin the project in April/May 2014.

LaFountain stated that the new route is beneficial because it reduces sewer depths.

The Board agreed and a Resolution will be submitted at the next Legislative Session on December 18, 2013.

3. Michael Casserino, 2091 Harris Road – Fill Permit – Benway
   Mark DiFrancesco said he met with Mike Casserino this week on site. He plans to build a home on this parcel, which is located just north of Penfield Road. Casserino is working on clearing the property now.

Supervisor LaFountain said he has driven by the property and is impressed with how the area is being cleaned up.

Michael Casserino said he intends to build a home on the parcel. The barn, that was demolished, was only 16 to 18 feet from the road. He would like the house to be 50 to 75 feet off the road and will include a walk out basement. He has access to fill from a job at the Fairport Canal.

LaFountain said the applicant will have to come back in early 2014 to start the process for subdivision approval.

Casserino said the land can’t be perked until the spring. He currently owns 3.8 acres.

Councilman Moore asked if there would be neighborhood notification.
LaFountain said neighbors for both formal and informational applications are notified within 500 feet of the parcel. Included in the notification is a contact name and number for any questions.

Jim Costello asked Casserino when he plans to start.

Casserino stated he would like to start in the next couple of weeks. This is pressing because he has an opportunity to obtain free fill.

DiFrancesco stated that Keeler Construction is going to manage the site for Casserino.

LaFountain asked how much material will be brought in?

Casserino said approximately 5,000 yards. The house on the south side did not complete the fill. We are going to add fill up to his property to aid drainage from the east to the west. This will not change the direction of the water flow.

DiFrancesco stated that the fill will be used only in the front yard area.

The Board agreed to issue the fill permit.

DiFrancesco said he would be speaking with Benway about the notification process.

LaFountain advised DiFrancesco that Benway will need to issue a letter stating that no wetlands or water courses will be modified. The applicant will only be enhancing the natural drainage from east to west. Piping must meet specs and there is to be no impact to the County system, which is located at the edge of the road. The type of fill must be clean and consistent with Article V of our Ordinance. LaFountain added it is the responsibility of the owner to notify the Town when starting, so it can be spot checked. Notification will go out to the neighbors listing the Engineering Office as the point of contact.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Panera Bread, 2152 Fairport Nine Mile Point Road - Costello
Jim Costello said after the last Work Session meeting, the applicant took the comments from the Town Board and created an overall schematic of the property. This sketch includes Jeremiah’s Restaurant, Doodlebugs, and a parcel next to Jeremiah’s Restaurant that has yet to be developed. They have
also spoken with Dr. Fallone regarding his possible development immediately to the north of this site.

Supervisor LaFountain inquired as to the size of the adjacent parcel.

Brian Donovan said it is plus or minus one (1) acre.

Speaking on behalf of Panera Bread are Brian Donovan, Donavan Real Estate, Adam Fishel, Marathon Engineering, and Joe Saria, Panera Bread.

Costello added that they will be using a new prototype building design.

Donovan explained that this will be one of the first prototypes in the area. All new stores are going to be designed with a local flair. The design is to be similar to the surroundings. The lead architect is out of Batavia and he will review the area prior to designing the building.

Joe Saria stated that Panera Bread’s color scheme has changed over the years. The design and development team has decided to incorporate local flair to the new buildings.

Adam Fishel said they hope to have the application ready to submit next month.

Councilwoman Metzler said the layout looks similar to the Panera Bread in the Town of Perinton.

Councilman Quinn said the design is also similar to Tim Horton’s at University and Culver. This design is a step in the right direction; it is a nice comprehensive layout. He would also like to see the Fallone property also included.

Supervisor LaFountain asked if this design is consistent with the requirements of the access easement.

Costello said yes, the access road is exactly where it should be.

LaFountain stated that the access road would include development heading north. He asked what is the timing of the project?

Fishel said we are working on the site design now and hope to submit to the Town Board in January 2014.

Costello asked if Panera Bread understands the Incentive Zoning associated with this parcel?

Saria said yes they understand Incentive Zoning.

Fishel said the access was changed to line up with Jeremiah’s after a conversation with the State Department of Transportation.
Costello advised the applicants that a Special Improvement District has been established to cover the costs of a private fire hydrant and will cost approximately $200 per year.

The Board agreed that the applicant can prepare to submit the application.

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 - No Session tonight

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 8:27 PM.

Lisa Grosser, Deputy Town Clerk