Town Board Work Session Agenda
February 12, 2014
7:00 PM

6:30 PM Goals and Priorities
- Assessor
- Town Clerk
- Building/Zoning

I. Call to Order – Following Goals and Priorities

II. Approval of Minutes – January 29, 2014

III. Monthly Reports - January

IV. Public Hearing – None

V. Guests –
1. Dr. Jack Howitt/Hans DeSelms – Discussion of Bayview Landing Subdivision
2. Mark Crane – Mark’s Pizzeria Proposal at 2107 & 2111 Five Mile Line Road
3. Jess Sudol – Discussion of Incentive Zoning Proposal at 1440 Jackson Road and 1271 Plank Road

VI. ACTION ITEMS

Law and Finance
1. Cross Access Easement Abandonment – Eastside Urgent Care, 2226 Penfield Road – Valentine
2. Issuance of Draft Scoping Outline to the Town Board for Southpoint Marina Expansion – Costello

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Panera Bread – 2152 Fairport Nine Mile Point Road – Costello
2. Dr. Robert Fallone – Discussion of Incentive Zoning Concept Plan at 2146/2152 Fairport Nine Mile Point 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
Town Board Work Session Minutes  
February 12, 2014  
7:00 PM

I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Amy Steklof
Mark Valentine

II. Approval of Minutes – 1/29/14
CW Metzler moved for the approval of the Minutes of January 29, 2014, CW Kohl seconded the motion.

III. Monthly Reports – All reports for January will be in by the end of the week.

Supervisor LaFountain stated that all Town Board Work Sessions will be videotaped live from now on.

IV. Public Hearing – None

V. Guests 1. Dr. Jack Howitt/Hans DeSelms – Discussion of Bayview Landing Subdivision

Jim Costello, Director of Developmental Services stated that the last time Dr. Howitt came before the Town Board to present his proposal, the Town Board expressed concern about traffic safety on Empire Boulevard. Mr. Costello also stated that Supervisor LaFountain had requested a meeting with Dr. Howitt and the State DOT to address various options to mitigate traffic issues at Wilbur Tract Road and Empire Boulevard. At the meeting David Goehring, State DOT Regional Permit Administrator for this area, said they would not support traffic signals, roundabouts or anything other than the extension of the middle turn lane that is being developed this year in conjunction with the Southpoint Cove apartment project. Mr. Costello stated that Dr. Howitt is looking for direction from the Town Board before he moves forward with an application for the project.

Councilwoman Metzler asked for clarification on what plan was presented to the State DOT on which they made their assessment?
Dr. Howitt stated an extended traffic study, which included general traffic patterns as well as an accident review was conducted by Steve Ferranti, FRS Associates, who was hired by Dr. Howitt’s team. The traffic study was then reviewed by the State DOT. The State DOT sent a letter stating that no mitigation steps are required other than the widening of the existing Wilbur Tract Road junction in which they recommended two (2) 12 foot lanes to be created at the intersection of Wilbur Tract Road and Empire Boulevard.

Councilwoman Metzler asked what proposal was presented to the State DOT?

Dr. Howitt responded that it was the original proposal that was presented to the Town Board.

Councilman Quinn asked if the State DOT had given any recommendations?

Dr. Howitt stated that the only recommendation was to widen the Wilbur Tract Road junction at Empire Boulevard.

Councilman Quinn asked whether the State DOT commented on any increased traffic issues?

Dr. Howitt stated they did not but that they indicated that everything else was reasonable. Dr. Howitt also stated that in a three (3) year period, two (2) accidents had occurred in that area and that the DOT indicated that was 40% of what would generally be anticipated in a similar junction.

Councilwoman Metzler asked if the State DOT only looked at the study they submitted when drawing their conclusions, or did they conduct their own study?

Dr. Howitt said he did not know. Dr. Howitt’s stated they have 36 acres. They are proposing a density that is less than two (2) units per acre. Therefore, they will be a small contributor to the traffic in that area.

Quinn asked if they have a map showing where the Southpoint Cove turn lane ends and the proposed lane would begin?

Mark Valentine, Planning Department Head stated the lanes begin and end in the vicinity of Bazil’s restaurant.

Councilman Quinn asked is it feasible to move the lane down that far?

Mr. Costello stated a culvert would have to be extended beyond the existing bridge to create a breakdown lane which is required in order to put in a center turn lane. Mr. Costello stated it would be costly and Mr. Valentine said that was a staff request and that the DOT had not requested the turn lane.
Hans DeSelms stated another alternative would be to have the lane tapered at the culvert.

Councilwoman Kohl stated that at the bottom of the hill it would be dangerous for vehicles to come in and out of the proposed intersection.

Mr. Costello said that based on the number of units and the amount of traffic that goes by that area, the State DOT would never approve a traffic light there.

Councilwoman Metzler stated she is not comfortable with the DOT’s conclusions without knowing what considerations were taken into account.

Mr. Costello stated that the applicants for the apartment complex should look at the traffic issues in that location as well.

Councilman Quinn stated that in his opinion he believes that the State DOT is looking at both projects separately.

Mr. Costello stated that the DOT knows the area and does not want to slow the traffic down.

Councilman Quinn stated he needs more information before he makes a decision pertaining to the project.

Councilwoman Kohl stated she does not see this proposal to be much different from the last time it was presented to the Town Board and has the same concerns. She feels it is too dense for that area and very dangerous. She is not comfortable supporting the project at this time.

Dr. Howitt asked if the number of units is the concern, and if so would half the number of units be more acceptable?

Councilwoman Kohl stated that it is not a good project for that area.

Councilwoman Metzler stated that there are more concerns than just the density of the project and would like to see the development of the project on the north side before considering any other project in that area.

Councilman Moore stated that he concurs with Councilwoman Kohl and does not see this as being any different from the past proposal. He feels the project does not add much to the community and is too dense in that area, especially when looking at other residents in the area who are homeowners with decent parcels of land. He stated he sees the area more as an ownership area instead of condos and townhomes. He stated he would be more supportive of homes being developed in this part of the property with decent acreage. Councilman Moore stated he does not support this project going forward.
Supervisor LaFountain asked the Board how would they like to proceed in regards to future development in the LaSalle’s Landing area?

Councilman Moore stated residents, neighbors and the applicant ultimately would benefit from a Mixed Use Study and that he believes a committee should be formed to conduct the study.

Mr. Costello stated when looking at mixed use you are looking at high density development.

Councilwoman Metzler stated she is interested in resident input for decision making in the area.

Councilwoman Kohl stated there should be a dedicated look at the area which has not been done since LaSalle’s Landing was created.

Mr. Costello stated this area is dissected by two (2) different Zones, LLDD District and R-1-20 and asked if Dr. Howitt proposed to just look at the R-1-20 zone and built the 33 houses he is entitled to build, would that still be a concern to the Town Board?

Councilwoman Metzler stated that the Board consistently allows property owners to develop their property as it is currently zoned.

Supervisor LaFountain temporarily adjourned the Work Session for the scheduled 7:30 PM Legislative Session.

The Work Session was reconvened at 7:48 PM.

Councilman Quinn asked if the units are for ownership or rental?

Dr. Howitt stated the units are for rental.

Councilman Quinn asked if each unit will have its own tax parcel number?

Dr. Howitt stated yes.

Councilman Quinn asked if there is an intent to eventually sell the units for ownership?

Dr. Howitt replied no.

Councilwoman Metzler asked how long he has owned the 32 acre parcel?

Dr. Howitt stated he has owned the parcel for approximately four (4) or five (5) years. Dr. Howitt also stated that the cost of the units is a limiting factor in attracting the type of occupancy and therefore he would not expect many families with young children to reside there. He continued to state that
generally you would need someone with a fairly substantial stable income to rent units such as these.

Supervisor LaFountain asked if there would be any benefit to hold this matter for a couple of weeks and would the Board like to give staff direction to draft a letter to be presented to the Board at the next Work Session to finalize. Then to give to Dr. Howitt regarding the Board’s concerns and direction for moving forward.

Councilwoman Kohl stated that would be appropriate.

Supervisor LaFountain stated that this project will be carried as a held item until the next Work Session.

Dr. Howitt asked for clarification on what mixed use is?

Supervisor LaFountain gave background by stating that four (4) areas have been identified as part of the Comprehensive Plan as four (4) Mixed Use areas. Currently two (2) of these areas are at 80% completion, Manitou Lake area and Route 250 area. A committee of residents then make recommendations to the Town Board on how the areas should look. Supervisor LaFountain further stated that part of the mixed use concept is a mix of residential use and mixed commercial use. He also stated that the other two (2) areas identified for mixed use are the Four Corners in Penfield and the LaSalle’s Landing area.

Supervisor LaFountain stated he would like this proposal to be the first action item under Law and Finance at the next Work Session to be held on February 26, 2014.

2. Mark Crane – Mark’s Pizzeria Proposal at 2107 and 2111 Five Mile Line Road

Jim Costello stated that Mark Crane was supposed to attend the Work Session to present the Mark’s Pizzeria proposal at 2107 and 2111 Five Mile Line Road. Mr. Costello stated that Mr. Crane would like to tear down the existing Mark’s Pizzeria and dog grooming business and replace them with a new Mark’s Pizzeria building. This would be a major change to the Four Corners Area. Mr. Crane recently built the building he is proposing in Palmyra. The new building would be built where the dog grooming facility is and then the existing Mark’s Pizzeria would be torn down and replaced with a parking facility on the north end. He is also looking to put in more green space by tearing down the garage in the back by the bank and add a walkway through the park.

Costello stated Mr. Crane would also like to incorporate a small outdoor dining area on the south side of the building. He is also looking to have indoor dining in the new building. Mr. Costello also stated that Mr. Crane would like the Town Board to visit the new pizzeria that he developed in Palmyra.
Supervisor LaFountain stated if the proposal is accepted, and once the new Mark’s Pizzeria is built, the old Mark’s Pizzeria would close and be knocked down along with the house attached behind it. Then a parking area will be developed in its place for the site.

Councilman Quinn asked if it would open up to Five Mile Line Road?

Costello stated yes it would be further north than what we see now.

Councilwoman Metzler asked about the historical significance of the building.

Mr. Costello stated that the dog grooming building was the actual building for Little Nellie’s Printing Press. This proposal will be a Type 1 action under SEQR, and an Environmental Impact Statement could be required. Mr. Costello went on to say Mr. Crane has already put a lot of money into the buildings and they look better than they used to. However, the stucco on the building is starting to fall off. The new building would look nicer and require less maintenance. Mr. Crane would like to build the building to honor his Brother, Jeff Crane.

Councilman Moore stated that some property owners in the Four Corners have done a nice job in providing historic looks to their buildings and is wondering if Mr. Crane is planning on doing the same?

Mr. Costello stated yes and encourages the Board to go to Palmyra and take a look at his building there which has been praised by the Palmyra community.

Mr. Costello stated the project will be discussed at the next Historic Preservation Board meeting.

3. Jess Sudol – Discussion of Incentive Zoning Proposal at 1440 Jackson Road and 1271 Plank Road

Jess Sudol and John Caruso, Passero Associates handed out a PowerPoint presentation. John Caruso, Senior Vice President, gave an overview of the project. (PowerPoint attached) Mr. Caruso stated that the project is a “Smart Growth Plan” that follows the Town’s Comprehensive Plan goals. The plan has considered site selection criteria and avoids major EPODS’ and other physical features. The plan meets the market demands and is fiscally responsible.

Mr. Caruso also stated that the plan provides and allows for utilities that are expandable so that other projects may be served by this project's utilities in the future. Mr. Caruso stated the proposal is known as the Jackson Road project.
The project covers a total of 119 acres with one (1) to two (2) minimum acre lots yielding 62 parcels for single family homes. It is currently zoned as Rural Residential.

Jess Sudol clarified that this proposal is a request for an Incentive Zoning application. Mr. Sudol stated that the project is broken up into two (2) main properties which are made up of estate lots and standard lots. The estate lots would be situated on the perimeter of the project and the standard lots would be on the inside.

Councilman Moore asked if the water seen on the map is a retention pond?

Mr. Sudol stated that it is a retention pond for stormwater management.

Councilman Moore asked who would be maintaining the pond in the future?

Mr. Sudol stated that is something that will need to be worked out, similar to any other single family home subdivision. They would work with Town staff based on DEC regulations. Mr. Sudol pointed out that the PowerPoint presentation includes excerpts from the Town’s Comprehensive Plan and that the bulk of the presentation refers to the Comprehensive Plan.

The following questions were asked by the Town Board during the presentation:

Councilman Quinn asked if the area to the north of the project is being serviced by the Cranberry Cove Sewer Extension.

Mr. Costello stated that Cranberry Cove is being serviced by Webster.

Mr. Caruso stated when looking at the sewer service area that you see on the map it actually is not perfect and not every parcel will be serviced by the extension.

Mr. Sudol stated the next steps will be to receive input from the Town Board before preparing a formal application for the Incentive Zoning subdivision, to also meet with the Planning Board, have a Public Hearing and if the project is approved then work with Mark DiFrancesco, Superintendent of Sewer Maintenance and Geoff Benway, Town Engineer on the sewer extension portion of the project and how it ties back to the incentive with the associated dollar values.

Councilwoman Metzler asked who came up with the “Smart Growth Plan” term?

Mr. Caruso stated that it is an industry term.
Councilwoman Metzler stated she appreciates the fiscal chart.

Councilman Moore asked if a builder has been selected?

Mr. Caruso stated the sellers have been talking with Ryan Homes.

Councilwoman Kohl stated that there is a lot to think about and would like to have some time to think about the proposal.

Mr. Sudol stated their development strategy would most likely be six (6) to eight (8) phases with the development of a phase every year or two. They would start with the Jackson Road parcel with the balance developed further into the future.

Councilwoman Kohl asked when would the sewer pump station be in place?

Mr. Caruso stated on day one. He also stated the plan is a six (6) to eight (8) year long term plan.

Councilwoman Kohl stated she liked that the ideas for the plan are concrete. Councilwoman Kohl asked if there is a market for the higher priced homes?

Mr. Sudol stated they believe there is.

Councilman Moore asked if the project is within the Penfield School District?

Mr. Sudol stated that the development is split by the District line which softens the impact. Half will go to Penfield Schools and the other half will go to Webster Schools.

Councilwoman Kohl asked what the separation is between the estate lots and standard lots?

Mr. Sudol stated that the standard lots are approximately 70 feet wide and the estate lots are approximately 90 feet wide.

Councilwoman Kohl asked if the project’s open space includes walking trails?

Mr. Caruso said it is more than likely that they will add a number of items in the open space, but it is too early to tell what that would be.

Councilman Moore stated he is uncomfortable with retention ponds even though they are a necessity with drainage needing to go somewhere. He stated people typically buy the properties along the water and as time goes on the pond begins to smell and weeds begin to grow and the Town Board begins to receive complaints. He would like whatever mitigation efforts can be done to help alleviate the issue. Councilman Moore stated he does support the project.
Mr. Caruso stated there are methods in their design that they use to alleviate the issue and will look to implement those methods. He will let the Town Board know how they plan to handle it.

Councilman Moore also stated that Ryan Homes has built a number of properties in Penfield that typically are selected from four (4) or five (5) different models. He asked if the proposed new homes will be built using a new design or built from the usual Ryan Home selection we see in this Town? He stated he needs to know this before he continues to review this proposal.

Councilwoman Metzler stated that recently Penfield residents have expressed concern about too many cookie cutter neighborhoods in the Town of Penfield. She concurs with Councilman Moore.

Mr. Caruso stated they could introduce an architectural component that will show some of the houses they may build.

Mr. Sudol stated Ryan Homes does have new style homes. He also stated that Ryan Homes has received a lot of feedback and as a result has developed new product lines with new styles that are different from the traditional styles that we see in the Town.

Mr. Caruso stated they will ask Ryan to address this.

Councilman Metzler stated that she feels this is one of the more compelling presentations the Town Board has seen particularly with respect to the fiscal responsibility and the Incentive Zoning component.

Councilman Quinn asked how they came up with the number of lots they are proposing?

Mr. Sudol stated they looked at a number of possibilities before they came up with this plan.

Councilman Moore stated he would like the developer to refer to the pond as a retention pond so that there is no misunderstanding by the potential buyers.

Mr. Caruso stated that they plan to block off the retention pond so that the residents know that it is only to be used for drainage.

Councilman Quinn asked if there is any thought to developing a lesser number of lots?

Mr. Caruso stated that it is not feasible from an economic point of view. Mr. Caruso continued that typically lots go for $3,000 to $4,000 a lot and they are trying to establish a financial basis.

Councilman Moore asked how big the open space area is?
Mr. Sudol stated that the open space area is approximately six (6) acres. There is a creek there and is buildable if they so choose. However, Mr. Caruso stated they do not need to build in that area.

Councilman Moore stated he would be interested in seeing the type of houses that are being proposed. He would also like to look at the Town’s Comprehensive Plan again before making a decision to move forward. Councilwoman Kohl and Councilwoman Metzler concurred with Councilman Moore.

Councilman Quinn asked to have staff do a full build out of the potential service area. If the project were to go through, what is the entire build for the Plank Road/Jackson Road area?

Mr. Sudol said the potential plan would be the same with the current zoning. It would just be with or without septic systems.

Councilman Quinn stated he wants to know the base number of units with the assumption that there will be more Incentive Zoning applications in the future.

Supervisor LaFountain stated this proposal will be a tabled item. He encouraged the developer to wait for direction before proceeding with the project.

VI. ACTION ITEMS

Law and Finance
1. Cross Access Easement Abandonment – Eastside Urgent Care, 2226 Penfield Road – Valentine
Mark Valentine reviewed the request for Cross Access Easement Abandonment and pointed out on maps the Urgent Care facility along Penfield Road and the Tim Horton’s property located next to the facility. He also noted that an application has been received for a dentist office adjacent to the two (2) properties. Mark Valentine stated at this time the Access Easement is no longer needed in the back of the Urgent Care facility because there is now an easement in the front of the property. By abandoning the current easement in the back it will free up space for additional parking and an enclosed dumpster.

2. Issuance of Draft Scoping Outline to the Town Board for Southpoint Marina Expansion – Costello
Supervisor LaFountain reminded that this pertains to the document in which feedback information has been collected from the Town Board members and then an outline was put together by Supervisor LaFountain and Jim Costello.

Mr. Costello thanked the Town Board, Doug Fox, Planning Consultant and the applicants for helping put the Draft Scoping Outline together. The Scoping Outline was drafted due to the request for approval of the addition of the 176 boat slips and
the 2,700 sq. ft. marina clubhouse and seasonal dining area with swimming pool for the Southpoint Cove Marina expansion project.

Mr. Costello gave background on why and how the Scoping Outline was prepared and what is included in it. Mr. Costello stated that if the Town Board accepts the draft he will then submit a Resolution setting a 30 Day Public Comment Period on the Draft Scoping Outline for the proposal. Once all comments are received and considered by the Town Board a Final Scoping Outline will be prepared. Mr. Costello stated that the applicants will then be able to proceed with the preparation of the Draft Environmental Impact Statement.

Councilwoman Kohl stated that the draft includes a May 2014 date for terrestrial studies and wanted to know if a specific date has been decided on.

Mr. Costello stated that certain protocols need to be followed which will be identified in the Final Scoping Outline.

Councilwoman Kohl asked who will make the decision on the date?

Mr. Costello stated the applicants have hired biologist, Dr. Haynes, who conducted the 2002 Terrestrial Plant Biological Study. His credentials include working with the DEC, County and State. That determination will be recommended by an Involved Agency in the Final Scoping Outline.

Councilman Moore said he is fine with the Draft Scoping Outline and feels the staff have done a thorough job and commends the applicant for hiring a biologist to look into the issues.

Supervisor LaFountain stated that the Town Board has until Friday, February 14, 2014 at Noon, when Resolutions for the next Legislative Session are due, to make any changes to the Draft Scoping Outline.

Public Works - None

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Panera Bread - 2152 Fairport Nine Mile Point Road - Costello
Jim Costello stated that an application has been received and the site plan and elevations have been sent to the Board. Costello stated the Board should pay particular attention to the elevations submitted.
Councilwoman Kohl stated she would like to have a look at the whole map again that includes Jeremiah’s Tavern.

Mr. Costello stated all of this will be discussed at the Public Hearing which he would like to set for March 19, 2013. He stated by that time, the Town Board will have received comments from the Planning Board and Conservation Board.

2. Dr. Robert Fallone – Discussion of Incentive Zoning Concept Plan at 2146/2152 Fairport Nine Mile Point Road – Costello Dr. Fallone had submitted an Incentive Zoning Concept Plan showing the property at 2146/2152 Fairport Nine Mile Point Road. Mr. Costello stated that after he reviewed the plan he felt that it did not fit in well with the rest of the project. Items are missing such as accessibility from one property to the other and the alignment to the Trau property seems to be off. Mr. Fallone and Town Engineer, Geoff Benway are working on the plan to make it presentable to the Town Board. Mr. Costello hopes a better design will be submitted for the next Work Session.

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 – None

XII. Adjournment – Supervisor LaFountain adjourned the Work Session at 9:24 PM.