Town Board Work Session Agenda  
April 30, 2014  
7:00 PM

I. Call to Order

II. Approval of Minutes – April 9, 2014

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – 7:00 PM
   - Steven Tracey – 5K Race – Costello
   - Chris Stoddard – Breast Cancer Awareness Walk – Costello
   - Mark Kukuvka – St. Joseph’s Signage - Costello

VI. ACTION ITEMS
   Law and Finance
   1. Property Maintenance Agreement – LaFountain
   2. Incentive Zoning Proposal at 1440 Jackson Road and 1271 Plank Road - Costello

   Public Works
   1. Compact Track Loader Bid Results – Williams
   2. Environmental Permits – Top Soil Sales – Benway
      - Ben Barry 1364 Jackson Road
      - Nick D’Angelo 1469 Jackson Road
      - Blake Miller 2343 Penfield Road

   Public Safety – None

   Community Services - None

VII. INFORMATIONAL ITEMS
   Law and Finance
   1. Southpoint Cove Apartments Building Reduction – Costello
   2. Special Improvement District 2152/2164 Fairport Nine Mile Pt. Rd. - Costello

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS
   1. Special Improvement District/Pond Ownership – Benway
   2. Bayview Landing Subdivision - 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

Absent:
Councilman Quinn

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser
Ronnie Williams - Arrived at 7:15 PM

II. Approval of Minutes – 4/9/14
CW Metzler moved for the approval of the Minutes of April 9, 2014, CW Kohl seconded the motion.

III. Monthly Reports - None

IV. Public Hearing - None

V. Guests - 7:00 PM
   - Steven Tracy – Awareness Walk – Costello
Supervisor LaFountain introduced Steven Tracy, who is the son of Tom Tracy Secretary for the Penfield Ambulance. Steven is organizing a “Walk a Mile in Her Shoes” event. The walk will start at Penfield High School and travel along the sidewalk on Penfield Road and end at Harris Whalen Park. The event, established in 2001, is an International Men’s March to stop rape, sexual assault and gender violence. Men wear women’s shoes to go against stereotypes. It is a great cause to promote equality.

Councilman Moore asked if Mr. Tracy had spoken with the Sheriff’s office about closing intersections or roads?

Steven Tracy said not yet, he is waiting for permission from the Board.

Costello asked if any facilities will be required at Harris Whalen Park?

Tracy said no, only the restrooms.

Costello asked if there will be a tent and tables?
Tracy said he envisions a picnic type atmosphere with blankets on the grass. He may need tables for food and water.

Councilwoman Kohl asked if Tracy would be promoting this in the schools.

Tracy said yes, he wants to get the students involved.

Supervisor LaFountain asked when this is scheduled.

Tracy said July 26 or later in August if a rain date is necessary.

Moore advised Tracy to speak with the Sheriff and the Ambulance.

LaFountain asked what time the walk would be.

Tracy said 2:00 PM.

LaFountain said he would promote the walk on the website and include as part of his column. He also invited Tracy to speak at an upcoming Legislative Session to promote the walk. He asked Tracy to work with Costello to obtain the permit for the walk.

Councilwoman Metzler added that Duke University has an ongoing campaign related to gender based sayings that Mr. Tracy may want to review. She also asked him to e-mail his contact information and she would forward it to Alli O’Malley, Co-Executive Director of Safe Journeys. She may have some additional contacts or possible sponsors for Mr. Tracy’s event.

- Chris Stoddard – 5K Race – Costello

Jim Costello introduced Chris Stoddard who is interested in holding a 5K race to benefit St. Joseph’s School. The Run of Gratitude was starting last year by Javier Perez as an Eagle Scout project. Stoddard has contacted the Sheriff’s Department and will contact residents along the route when he receives approval.

Councilwoman Kohl asked if there was any feedback from last year’s race?

Costello said concerns had been raised if there were an emergency how it would be handled. An ambulance will be on site to attend to any emergencies.

Stoddard stated that last year there were 130 racers and the goal is to grow. We would like to see 200 to 250 participants and would like this to become a Penfield tradition.

Councilwoman Metzler asked if there will be any changes from last year.
Stoddard said the route will remain the same and probably won’t change in the future. We would like additional runners.

The Board discussed and agreed to allow the race.

Costello told Stoddard that they need to meet to verify the Sheriff and Ambulance are aware of the race before the permit can be issued. We will notify area residents 2-3 weeks in advance of the race.

Supervisor LaFountain said we will put the race information on the Town website and include it as part of his column. He also extended an opportunity to Mr. Stoddard to speak at an upcoming Legislative Session to promote the race.

- Mark Kukuvka – St. Joseph’s Signage – Costello

Jim Costello introduced Mark Kukuvka and Father James Schwartz from St. Joseph’s Catholic Church. Costello added that he had spoken with Mark regarding a free standing monument sign on Penfield Road, near Liberty Street. There is concern because it is a safer route to take Five Mile Line Road to Gebhardt Road to reach the church and school facilities. We do not want to encourage a cut through from Penfield Road to Liberty Street.

Father Schwartz stated that the purpose of the sign is not directional. The sign could be located on Penfield Road in the center of the cemetery, not at the corner of Liberty Street as currently proposed. The sign is to aid people who are coming in from out of town for weddings and funerals. Online mapping programs direct people to take Five Mile Line Road to Gebhardt Road.

Councilwoman Kohl added that we do not want to encourage Liberty Street as a cut through. Residential neighbors wouldn’t want additional traffic if Liberty Street was used as a cut through.

Mark Kukuvka said we are taking a decorative approach for the sign. The sign will be 100 feet west of the intersection, the intent is not to have people turn there. He would like to utilize brick on the sign.

Councilwoman Metzler suggested the sign be changed to say St. Joseph’s Cemetery and list church and school under the cemetery listing. This would give the sign more logical guidance.

Costello added that the retaining wall at the cemetery is already labeled.

Father Schwartz said the retaining wall sign is not very visible which is why we would like additional signage.

Kohl said a cemetery sign is fine, but it shouldn’t list the church and school as they are not on the premises.
Kukuvka said it will be a more decorative sign with lower lighting. We want to increase awareness, but not call attention.

Father Schwartz added that most parishioners do not come from the direction of Penfield Road. We want to increase awareness.

Costello added that most church events are not at peak traffic periods.

Metzler suggested brick be added to both sides of the sign to make it more symmetrical.

The Board discussed and agreed to allow the sign with the modifications discussed this evening.

Supervisor LaFountain directed Costello to draft a letter of approval for the Board's review. He asked Kukuvka to send the revised design to the Board for review. He asked the time frame for completion of the sign.

Kukuvka said he would like it completed this summer.

Costello stated that he would email the final design to the Town Board when he receives it. Once approved by the Board a sign permit can be applied for and obtained from the Building Department.

VI. ACTION ITEMS

Law and Finance

1. Property Maintenance Agreement – LaFountain
Supervisor LaFountain said this is an annual agreement. Three (3) bids were received and one (1) didn’t meet qualifications (Highland Lawn Care). PMS Property Maintenance Services and Boon and Sons submitted bids. It is recommended to select Boon and Sons as they are the lowest bidder for the most frequently used services.

The Board discussed and agreed. A Resolution will be submitted for the next Legislative Session on May 7, 2014.

2. Incentive Zoning Proposal at 1440 Jackson Road and 1271 Plank Road – Costello
Jim Costello introduced Jess Sudol, Passero Associates. This project was presented to the Board several months ago and there are concerns regarding the density of the project. Costello added that he spoke with Mark DiFrancesco, Superintendent of Sewers and after review it was determined that 600 units would be a more realistic number. This is based on the number of units Crowne Point is using and the existing capacity in the system. A downstream capacity study may also be required. We should review the additional properties that may want to develop if sewers become available in the area.
Supervisor LaFountain said what is proposed is too dense for this area. 207 units is not the right number, a sewer study would have to be reviewed. Sewer units may have to be divided up across all areas that may develop. This area is currently zoned one (1) and two (2) acres and the proposal is too aggressive.

Councilwoman Kohl said a sewer study is a good idea. The district has not yet been created and we are not sure who else may come forward. She added that we don’t want to hold up the applicant, but the long term issue is the number of sewer units.

Costello stated that without a denser project the sewer system won’t get built. Someone needs to absorb the cost to have the sewer system developed. He added that we may only have 300-400 units for the entire district.

Kohl said we don’t know if there is a desire for sewers in this area.

LaFountain added that if the infrastructure is built, they will come. The area is zoned for one (1) to two (2) acre lots. He asked if the Board wants to go with that density?

Kohl added that the Comprehensive Plan didn’t change the zoning in that area.

Costello stated that it did recommend higher density.

LaFountain said maybe a higher density, but what is presented may not be the correct density for the area. Under current zoning that would yield 60 – 62 lots and the applicant is asking for three times that.

Councilwoman Metzler said the sewer study is important and would give direction for the entire area. This would also assist in determining the density.

Councilman Moore said it is good news that the developer wants to add 207 new homes in Penfield. We need to review both the positive and negative impacts to the area. A higher density may not be the way to go. He feels 207 units is too aggressive for this parcel at this time. He is not supportive of this plan and suggests obtaining a sewer study for the future.

Jess Sudol stated that 207 units meets the market demand as identified in the Comprehensive Plan and provides a dynamic development of varied lot sizes and different types of homes. The intention was not to create a sewer district. A force main and pump station were offered as amenities in turn for the incentive. In order to support the expense of a mile of force main and a pump station, a certain density would have to be met. With fewer lots there would be less tax revenue. We are interested in establishing a community at a price point as identified in the Comprehensive Plan, which will hit a sector of
the market that has been left out of Penfield. Future developers are not entitled to sewer use, it was proposed to service this project and allow existing septic users in the area to connect.

LaFountain stated that he realizes this is the next logical area to develop. We are at a critical point and we need to make sure we get it right. We need a development that works for the community and people around that area. More detail is needed before we move forward. LaFountain asked Costello to follow up with correspondence to the applicant. Include a review of sewers in the area and possible density as listed in the Comprehensive Plan. We need to have more discussions regarding density. The application is not driven by tax dollars. The applicant can expect a letter within the next 10 days.

Public Works
1. Compact Track Loader Bid Results - Williams
Ronnie Williams reviewed that bids were received in February. There were five (5) suppliers, but the specifications were not in the package. This was re-bid on April 10 and there were three (3) suppliers of which one (1) dropped out because he couldn’t meet specifications. Of the two (2) suppliers that bid there was an $18,000 difference in price. DJM Equipment, Inc. in Fairport was the lowest bidder and he recommends we award the bid to them.

Councilman Moore asked Williams if he is confident with the product and this company.

Williams said yes, the specifications require a Bob Cat that is compatible with the current attachments we have. The supplier has Monroe County affiliation, meets all specifications, is reliable and meets service and delivery requirements.

Councilwoman Metzler added that this equipment will be used for drainage projects and the Commission Ditch.

Williams said this equipment will be used to work on ditches and culverts and is an asset to our existing fleet.

LaFountain added that as part of the specifications we can use this equipment with our existing attachments with no modification.

Metzler added that we also need to advise the Water Shed Management Committee that this equipment can be used on the Commission Ditch.

LaFountain added that this was a budgeted expense for 2014.

The Board agreed and a Resolution will be submitted at the next Legislative Session on May 7, 2014.

2. Environmental Permits - Top Soil Sales - Benway
   - Ben Barry 1364 Jackson Road
Geoff Benway introduced Ben Barry and said this is a renewal of a permit that was issued last year.

Ben Barry stated that the material has been on site for two (2) years. He is also trying to obtain additional material from the Crosstown Construction site near High School Drive. Screening will continue in the middle of the property. Herb Boyce will be the operator and will maintain the site. Barry waters the soil daily to keep the dust down. Hours of operation will be Monday through Friday 7:00 AM to 5:00 PM and Saturday from 8:00 AM to 1:00 PM. The access will remain the same on Jackson Road, north of Plank Road.

Benway added that Mr. Boyce does a good job managing the site and there have been no complaints.

Supervisor LaFountain said there had been violations on the property with regards to storage of boats that need to be addressed before this permit can be issued.

Barry said he spoke with Tom Tette regarding the storage of boats on the property. This is the last year that boats will be stored outside, in the future they will only be allowed to be stored inside.

Jim Costello asked about the mulching operation.

Barry said that is a separate operation. He has his own machine which grinds and colors the mulch on site.

LaFountain asked if there are any signage issues?

Barry said no, the boat storage sign has been removed.

Costello asked about the sign on the corner of Plank and Jackson Roads.

Barry said it is for seafood sales, but he isn’t doing much of that.

Councilwoman Metzler stated that this permit can be issued with approval from the Building Department stating that there are no current building violations.

Benway said he would obtain a letter from Tette.

LaFountain asked if a Letter of Credit will be issued.

Benway said yes, the fee is returned when the operation is finished. He added that if this goes beyond 6 months, Mr. Barry will obtain another renewal.
Nick D'Angelo 1469 Jackson Road

Geoff Benway introduced Nick D’Angelo who is interested in obtaining a fill permit. His project includes 12 lots on Jackson Road and requires 10,000 Cu. Yd. of material.

Councilman Moore asked for more information about the project.

Benway said it will be 12 one-acre lots and a retention pond. It will be a dedicated road with a private drive. The project is currently under review by Town Staff and is going before the Planning Board on May 8, 2014.

Supervisor LaFountain asked if the project has not yet received approval, why do you want to start filling the property?

Nick D’Angelo said fill became available from a property on Hatch Road. He started taking it and didn’t realize he needed a permit. He is just stock piling dirt.

Jim Costello asked how much longer will that fill be available?

D’Angelo said not much longer, they have begun digging basements and need the dirt removed from the site.

LaFountain said the property is zoned RR-1 and there is no incentive. If the Planning Board doesn’t approve the project the fill wouldn’t cause a problem. He asked if there is a wetland buffer in the area?

Benway showed the wetland buffer line on the map and stated that it is staked out and D’Angelo is staying outside of the buffer.

LaFountain verified no fill is being placed in the wetlands or the buffer.

The Board discussed and agreed to issue the permit. If the project does not receive Planning Board approval the applicant will have to come back to the Town Board with a deadline for completion.

LaFountain asked Benway to include a requirement to level and seed the property if it is not developed. Include that there must be proper staking of the buffer and wetlands. There should be a stone pad from Jackson Road to minimize tracking dirt onto Jackson Road.

Benway added that the County will be milling and re-doing Jackson Road next month.

Blake Miller 2343 Penfield Road

Geoff Benway introduced Blake Miller who is applying for a renewal permit for top soil sales.
Blake Miller explained that there are wetlands on the property and we are screening away from that area. The material being screened is only from our site. When the material is depleted the garden center will be extended. The buffer zone will be marked out. Hours of operation will be Monday through Friday from 7:00 AM to 5:00 PM and Saturday from 8:00 AM to 1:00 PM.

Benway stated that he had received a complaint that a bull dozer was running on Sunday.

Miller said it wasn’t his property, but possibly Ashlyn Rise. He advised Benway to give the complainant his phone number.

Costello said no complaints about the top soil sales had been received.

Supervisor LaFountain asked if there will be any additional landscaping on the west border.

Miller said he would be adding evergreen trees. He added that his progress on the property had been delayed due to Ashlyn Rise Phase 2. They were going to run the sewers through his property and that has now changed. He is going to start cleaning up the property and add the green buffers.

The Board agreed to issue the permit.

LaFountain asked Costello to work with Tette and verify all concerns are satisfied.

Benway said he will include conditions on the permit.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Southpoint Cove Apartments Building Reduction - Costello Supervisor LaFountain said as a result of the Final Scoping Outline there was a discussion about reducing the number of buildings from 10 to 9.

Jess Sudol, Passero Associates introduced Jerry Goldman, Woods, Oviatt, Gilman, and Micheal Spoleta, Spoleta Construction. He continued to say this project was approved in 2012. The Brownfield clean-up has been completed. They are submitting a design modification which will reduce the project size by 10-15%.

Jess Sudol reviewed that the original design was for 10 buildings with 722 beds. This redesigned plan includes 9 buildings with 339 units, 20 less than approved, and 623 beds. The buildings
will all be the same type. Originally 1420 Empire Boulevard was purchased from the Daniele family. Additional land was purchased from the marina parcel. The land cost was at a premium and a detailed cost analysis was completed to finance the project. It makes sense to go back to nine (9) buildings, as it is more cost effective. The overall cost of the project is reduced and less stormwater management is required, and the total number of retaining walls was reduced. With less units there is less impact. The building closest to the road has been removed.

Costello asked if there is a difference in acreage?

Sudol said the acreage purchased from the marina side is reduced from 1.5 acres to 10,000 square feet.

Supervisor LaFountain asked if the project will remain two (2) and three (3) bedroom units?

Spoleta said yes, but he does not have exact numbers.

LaFountain asked if the other buildings were adjusted?

Spoleta said no, all nine (9) will remain the same.

LaFountain asked if the infrastructure will remain the same.

Sudol said the sidewalk connections will remain the same and the retention pond will be smaller.

Costello said a comprehensive traffic study and a stormwater management plan had been completed prior to approval. A cumulative impact analysis is required as part of the Final Scoping Outline.

Sudol assured the Board that all items will be addressed.

LaFountain stated that 10 buildings were approved which has been reduced to 9. With fewer buildings there will be less of an impact and reduced numbers overall. There are no significant changes and the amount of land required for the project has been reduced.

The Board agreed.

Sudol reviewed the plan for construction.

Costello said you are looking for a modification to the boundary lines and the number of units. You will have to follow through with the EIS for traffic and storm water requirements. Costello asked if the Board is concerned about modifying boundary before the traffic and stormwater issues are addressed?

The Board members discussed and agreed they are okay with the adjustment of the property line.
Sudol said he will have to file the map before the project can begin.

Costello reminded Sudol that he will still have to address what impacts may occur.

2. Special Improvement District 2152/2164 Fairport Nine Mile Pt. Road - Costello
Jim Costello stated that he would like to submit the Resolution to set the Public Hearing for the hydrants that are required at Jeremiah’s Restaurant site. The location of this hydrant is close to the public hydrant, so it is required to be a private hydrant. A district will be created, which is funded by everyone except Doodlebugs. The annual fee will be $200 per unit per year.

The Board discussed and agreed, the petition will be attached to the Resolution. After the Public Hearing the district will be created.

Supervisor LaFountain stated that all expenses will be borne by the developer for installation.

Costello added that with the anticipated future development a second hydrant will be required and will be included in this district.

A Resolution will be submitted for the next Legislative Session on May 7, 2014 and the Public Hearing will be scheduled for June 4, 2014.

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

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership - Benway
2. Bayview Landing Subdivision - Costello

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 8:58 PM.

Lisa Grosser, Deputy Town Clerk