I. Call to Order

II. Approval of Minutes – October 22, 2014

III. Monthly Reports - October

IV. Public Hearing – None

V. Guests – 7:00 PM
- Angus Steakhouse, 2126 Five Mile Line Road – Costello
- Southpoint Cove Apartment Complex Freestanding Sign Design – Costello
- Gary Smith, 1284 Northrup Road and 1271 Plank Road – Costello

VI. ACTION ITEMS

Law and Finance
1. Southpoint Marina DEIS/FEIS – Determination of Substantive Comments – Costello
2. Right-of-Way Transfer on Mott’s Lane – Benway
3. Review of Property Maintenance Bids for 2015 - Costello

Public Works
1. Review Action & Dates – Extension 56 Sewer Project – DiFrancesco/Benway
2. Out-of-District User Request from the Town of Irondequoit – Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. LWRP Update - Costello

Public Works - None

Public Safety
1. 5K Run – Gilda’s Gallop Update – Costello

Community Services - None

VIII. HELED ITEMS
1. Rudy Neufeld, 1223 Fairport Nine Mile Point Road

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  
November 12, 2014  
7:00 PM

I. **Call to Order**

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

**Also Present:**  
Geoff Benway  
Jim Costello  
Mark DiFrancesco  
Lisa Grosser

II. **Approval of Minutes – 10/22/14**  
CW Metzler moved for the approval of the Minutes of October 22, 2014, CM Quinn seconded the motion.

III. **Monthly Reports** – All reports for October have been received.

IV. **Public Hearing** – None

V. **Guests 7:00 PM**  
- Angus Steakhouse, 2126 Five Mile Line Road – Costello  
  Jim Costello introduced Paula Catalano who he has been speaking with regarding signs on the property. Costello submitted photographs to the Board for its review. There are currently two (2) signs over the doorway, a “Happy Hour” sign and an “Open” sign. Town Board approval is required to retain both signs. Also under Town Code one (1) A-frame sign is allowed on the property. Catalano has been placing an additional A-frame sign on the Penfair Services property, located across the street and at times has had more than one (1) A-frame sign on her property.

  Paula Catalano stated an additional A-frame sign is placed at the Penfair Services property on Wednesdays.

  Councilwoman Metzler asked Costello if there are any concerns with the sign over the door.

  Costello said no, the size of the signs on the building are less than permitted by code. Ms. Catalano is asking for relief to allow the second sign on the property.
Catalano stated that there is no frontage on the property because it is all dedicated to parking, so all signage must be located on the building. The additional A-frame sign across the street catches traffic traveling on Penfield Road. The building mounted signs blend in with the canopy. The windows on the property are tinted and a sign would not be visible from the outside if placed on an inside window.

Councilman Moore stated that he has no issue with the signs on the building. The A-frame sign placed on another property is concerning. He doesn’t want the Four Corners area to become a hodgepodge of signs. If we allow one (1) business to place an extra A-frame sign on a neighboring property, we open the door for other businesses wanting the same treatment.

Councilwoman Kohl added that two (2) A-frame signs on the same property can be confusing.

Metzler asked if the A-frame sign at Penfair Services is located on the sidewalk or in the right-of-way.

Costello said it is in the right-of-way, and approval from the NYSDOT is required.

Metzler added that signs at busy intersections are safety issues. Metzler addressed Catalano, what if someone was injured by your sign; the liability would fall on you.

Costello stated that A-frame signs along Five Mile Line Road have been allowed in the right-of-way. Costello asked if Catalano had considered placing a free standing sign in front of the building.

Catalano said there is no room for a sign because parking is located in front of the building.

Costello stated that Catalano had mentioned adding outdoor dining in the existing parking area; could a sign be located there when additional parking is secured.

Catalano said the outdoor dining would only be seasonal, it would revert back to parking in the winter.

Supervisor LaFountain said the building mounted signs are okay. Only one (1) A-frame sign is allowed on your property.

The Board discussed and agreed to allow two (1) building mounted signs and one (1) A-frame sign located on the applicant’s property only.

Supervisor LaFountain directed Costello to write a letter confirming tonight’s discussion and assist Catalano in obtaining a sign permit.
Jim Costello introduced David Spoleta, Spoleta Construction and Jeff Falco, Rochester Landscape. Costello reviewed that at the last meeting the Board requested the sign be redesigned to include more nautical features.

David Spoleta explained that the sign was designed to have a clean look. The clubhouse will have a lighthouse tower and there will also be a clock tower. The buildings themselves will look nautical. We don’t want to use ropes on the sign because it could become a maintenance issue as the ropes rot. The Board was shown a video of the proposed design which includes a cascading sheet of water. The sign will be backlit and include illuminated letters.

Councilwoman Metzler asked if the waterfall would run 24 hours a day.

Spoleta said yes, there is a pump that will circulate the water continuously.

Councilman Moore said he is satisfied and thanked the applicant for submitting the video to clarify their design.

Councilwoman Kohl asked if there were any security concerns for the sign.

Spoleta said no, there are not.

The Board discussed and agreed to allow the sign as proposed.

Supervisor LaFountain directed Jim Costello to prepare a letter approving the sign design and assist the applicant with obtaining permits.

Gary Smith, 1284 Northrup Road and 1271 Plank Road – Costello

Supervisor LaFountain reviewed that the applicant has proposed an RV Park at the property located on Northrup and Plank Roads.

Jim Costello introduced Gary and Wendy Smith. Zoning for this type of application had been researched and documents have been submitted to the Board for review.

Councilman Moore applauded Smith’s creativity and discovering a new potential use for the property. Moore added he is not sure that this use is something the Town wants, or that this is the best geographical location for this type of use. There have been two (2) proposals for single family home developments with Incentive Zoning, in this area. Moore stated he is not prepared to move forward with this type of use for the property.
Gary Smith stated that he had spoken with the neighbors and they prefer an RV Park over a housing tract.

Moore asked how the property is currently zoned.

Costello stated it is zoned RA-2.

Councilman Quinn added that he was not in favor of the housing tract that was proposed a year ago. He feels the property would be better developed as it is zoned RA-2.

Councilwoman Kohl referred to the Comprehensive Plan. No one has ever suggested an RV Park in the town. There is not a need in Penfield. It is an interesting concept, but doesn’t fit our community.

Councilwoman Metzler said allowing an RV Park is not tweaking an existing use, but rezoning the property. The reason to rezone a parcel is the Comprehensive Plan or a development plan. This type of use was not suggested in the Master Plan, or the Parks and Recreation Master Plan. No petitions have been received, this type of business has never been requested. To legally rezone the parcel, it would have to have been laid out in an adopted plan.

Wendy Smith said residents wouldn’t have requested this type of use for themselves. This use would support visitors that come to the area, and support local businesses.

Metzler said she disagrees, residents wouldn’t use an RV Park, but it would have been discussed as part of economic development in the Town and been discussed as part of a Comprehensive or Master Plan.

Supervisor LaFountain stated when the Comprehensive Plan was developed this type of use wasn’t on our radar screen. As we move forward with the next Parks and Recreation Master Plan, or Comprehensive Plan we can determine if this type of use is needed in our community. Currently this Board has referred to the Comprehensive Plan when making decisions regarding rezoning in the Town. The most recent proposal was for 208 single family units and the Board decided, based on the Comprehensive Plan, that this was too dense for the area. LaFountain continued to say we want to look at developing this parcel within the current zoning in response to where the Comprehensive Plan is today. There may not be a need right now, but as we look at our next Parks and Recreation Master Plan we can review to see if there is an interest in this type of business. It is out of bounds with the current Comprehensive Plan.

Gary Smith asked how many people are on the committee to update the Comprehensive Plan.
LaFountain said we reach out to members of the community to get a cross section of residents, the committee would be no more than 15 people.

Smith said he has already polled his neighbors who support an RV Park, what if he can get additional support?

Metzler said this would have to be discussed and changes would be made to the Comprehensive Plan. New zoning would require a Public Hearing and comments would be reviewed before any changes can be made.

Smith asked if any other areas are being rezoned in the Town.

LaFountain said the Town Board can rezone, but would do so as part of the Comprehensive Plan or a specific request. There is no active rezoning plans for that area at this time.

Smith asked if he could obtain a Special Use Permit.

LaFountain stated, at this point the Board isn’t willing to go through with this type of use. The interest is a small percentage of the broader community. You can continue to proceed and submit materials to the Board for review. The Parks and Recreation Master Plan will be updated in two (2) to three (3) years. The Comprehensive Plan will be updated in four (4) years.

Councilman Quinn added that he would never say never. We have reviewed two (2) Incentive Zoning applications for this area and both were too dense. He suggests staying with RA-1 or RA-2, and not spot zoning. An RV Park is not consistent with where we are with this part of Town.

Metzler said to help you understand, the Comprehensive Plan with respect to new uses and new development, is a two (2) prong process; first we decide if the use is desirable and needed by the community and if so, where is the best location in Town for this use.

LaFountain said Smith had made a previous comment that this area was eventually going to develop into single family homes. Just because an RV Park isn’t approved today, it doesn’t mean it wouldn’t be discussed again in the future. The Board would like to continue to vet this out.

VI. ACTION ITEMS

Law and Finance
1. Southpoint Marina DEIS/FEIS – Determination of Substantive Comments – Costello
Supervisor LaFountain stated that much material has been reviewed over the past year. A Public Hearing was held, and the Town Board was the Lead Agency. Comments were received from four (4) parties: the NYS DEC and three (3) individuals.
The applicants have commented on the items submitted. Jim Costello provided feedback to the applicants and the most current document has been reviewed by the Board.

Jim Costello stated that all issues have been covered.

Councilwoman Metzler stated that comments previously received have been expanded on. This is an addendum of the factors we have considered. Metzler stated she is prepared to submit the document; all comments have been adequately addressed.

Councilwoman Kohl agrees that we are ready to move forward with the next steps.

Councilman Moore concurs with Councilwomen Metzler and Kohl. He said this Board decided to declare a Positive Declaration to allow for greater review. Throughout the process residents have raised concerns and those questions and points have been addressed. This has been vetted several times, thoroughly. Items discussed include: traffic study, eagles nest, dredging, biological review, impact to water quality and turbidity. All questions have been adequately addressed and he is prepared to move forward.

Councilman Quinn asked for clarification, was the NYSDEC less concerned with the water side than the land side of the project?

Costello said the NYSDEC wanted benchmarks from the water side, but also had concern for the eagles nest on the land side. There was a balance of concerns for both sides.

Councilwoman Metzler added that the Conservation Board also did their due diligence as an advisory board. Their comments were also taken into consideration. All comments received made this a better overall project.

LaFountain added that traffic, drainage and public access were also included in the review. Comments from the NYSDEC and three (3) individuals have been adequately addressed.

LaFountain asked Costello to update the first page, refresh the documents and have everything finalized and submitted. He advised Jess Sudol, Passero Associates, to work with Costello and if everything is updated, a Resolution can be submitted at the next Legislative Session on November 19, 2014.

Costello added that once the document is cleaned up and submitted to the involved and interested agencies, there is a ten day review period. Any comments received would become part of the record. This completes the SEQR process and the Board can now move forward with the site plan.
2. Right-of-Way Transfer on Mott’s Lane - Benway
Geoff Benway introduced Ted Pittinaro who owns 1771 Penfield Road. The property is west of Mott’s Lane and 60 feet of it is in the right-of-way. A land swap is suggested to provide an opportunity for future extension of the rear portion of Mott’s Lane. This would also provide Mr. Pittinaro the opportunity to market his property for a business that could access Mott’s Lane.

Ted Pittinaro asked if this would be considered a corner lot, he is concerned with setbacks for a future business.

Jim Costello explained that the south side of the parcel is useless because of its size and would have to be incorporated into the right-of-way. The main reason for this transfer would be to give flexibility to design and maintain continuity in the properties of the Four Corners. The Town Board would have the authority to approve future development and would take this land swap into consideration when giving approval. Any new development would have to be scaled to accommodate the site, be consistent with the area, and fit properly.

Councilwoman Metzler added that if there is potential development opportunity, you could reference this bargain for exchange with this land swap.

Costello said a sketch plan would be submitted to the Board for review and then discussed before any approvals are given.

Supervisor LaFountain said we need to have a broader conversation and work out the details. This can be discussed again at a future Work Session. All properties involved would have to be appraised before any transfers could take place. This item will be held.

3. Review of Property Maintenance Bids for 2015 - Costello
Jim Costello submitted a summary of bids received to the Board for its review. Bids were received from Flint Landscaping and Boon and Sons. Boon and Sons was the lowest bidder, for each of eight (8) criteria. Boon and Sons met the bid specifications and we have worked with them in the past.

Councilman Moore inquired if Boon and Sons cannot get to a property, do we have the option of going with the other firm.

Costello said we’ve worked with both firms in the past, and have never had that problem.

Supervisor LaFountaine said in the past we have split the duties between the two (2) companies. Last year, Flint Landscaping did not submit a bid. Boon and Sons was the lowest bidder for the 2015 season.
The Board discussed and agreed to award the contract to Boon and Sons. A Resolution will be submitted at the next Legislative Session on November 19, 2014. The contract will run from January 1, 2015 through December 31, 2015.

Public Works
1. Review Action and Dates - Extension 56 Sewer Project – DiFrancesco/Benway
Mark DiFrancesco submitted a proposed timeline to the Board for its review. If approved tonight, a Resolution will be submitted at the next Legislative Session on November 19, 2014 putting the project out to bid and scheduling the bid opening on January 23, 2015. At the February 4th meeting the contract would be awarded to the lowest bidder. Construction would start May 1, 2015.

Councilwoman Metzler asked if residents have been notified of this time table.

DiFrancesco said we will be doing one (1) last postcard mailing, and direct residents to weekly updates on our website. A town contact person would also be listed for any specific questions or concerns.

Supervisor LaFountain added that all outstanding easements have been obtained. We have also been working with the Monroe County Legislature and Real Property for both an easement and a right-of-way and both have been ironed out. He asked DiFrancesco to include in the postcard mailing that the project is going out to bid and future information can be found on the website.

LaFountain then asked if the design is finalized; does MRB have everything they need?

DiFrancesco said yes, we have been working together all along, and that piece is accomplished as well.

The Board discussed and agreed to the timeline. A Resolution will be submitted for the next Legislative Session on November 19, 2014.

2. Out-of-District User Request from the Town of Irondequoit – Benway
This item will be held until the December 10, 2015 Work Session.

Public Safety – None
Community Services – None

VII. INFORMATIONAL ITEMS

Law and Finance
1. LWRP Update – Costello
Jim Costello said we have been finalizing and the content is completed. We are working on cleaning up the maps. A Resolution will be submitted setting a Public Hearing in December.
Information is on our website and has been sent to the Board for review. Costello continued to say we are working with other towns and we are farther along. The public will have an opportunity to give input.

Public Works - None

Public Safety
1. 5K Run - Gilda’s Gallop Update - Costello
Jim Costello stated that based on the modified route, which is the safest and best route, postcards notifying residents of the race and route were sent out last week and no comments have been received. The race will be held Saturday, November 22, 2015.

Community Services - None

VIII. HELD ITEMS
1. Rudy Neufeld, 1223 Fairport Nine Mile Point Road

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 8:21 PM.

Lisa Grosser, Deputy Town Clerk