TOWN BOARD WORK SESSION AGENDA
Wednesday, June 24, 2015 at 7:00 PM

I. Call to Order

II. Approval of Minutes - June 10, 2015

III. Monthly Reports - None

IV. Public Hearing - None

V. Guests - 7 PM
   • Bill Vendel  1271 Fairport Nine Mile Point Road  Valentine
   • Jeff Reddish 2164 Fairport Nine Mile Point Road  Costello

VI. ACTION ITEMS
Law and Finance
1. Southpoint Cove Pump Station Agreement  Valentine
2. Parkview/White Village Construction Stakeout  Valentine
3. Incentive Zoning: 1080 and 1092 Penfield Road  Costello
4. Amended Zoning: 730 Linden Avenue  Costello
5. E-Z Pass On-the-Go Program  Steklof
6. Operational Permit and Fire Inspection Fees  Tette
Public Works - None
Public Safety - None
Community Services - None

VII. INFORMATIONAL ITEMS
Law and Finance - None
Public Works - None
Public Safety - None
Community Services - None

VIII. HELD ITEMS:
1. Right-Of-Way Transfer on Mott’s Lane  Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition  LaFountain
3. Smoke Free Policy for all Town Facilities  Bilow

IX. Old Business

X. New Business

XI. Executive Session - Real Estate, Litigation, and Human Resource Matters

XII. Adjournment
Town Board Work Session Minutes
June 24, 2015
7:00 PM

I. Call to Order

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

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 6/10/15
CM Quinn moved for the approval of the Minutes of June 10, 2015, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – 7:00 PM

• Bill Vendel, 1271 Fairport Nine Mile Pt. Road – Valentine

Mark Valentine introduced Bill Vendel who is working with PRC and BME Associates on a proposal for 1271 Fairport Nine Mile Pt. Road. Valentine submitted a proposal showing a cluster plan of development to the Board for its review, also included is a plan that shows the number of lots allowed under conventional zoning. A stub was left during the development of Abbington Place, as this parcel was considered for development at that time. Abbington Place lots that abut Mr. Vendel’s property were required to be larger during the approval process in preparation for additional development in the area.

Councilwoman Kohl inquired about the parcel and how much will be developed.

Bill Vendel stated he intends to retain five (5) acres and sell the back 12 acres for development.

Valentine interjected that Vendel is interested this evening in getting the Board’s feedback on this potential development. Valentine submitted PRC’s comments to the Board for its review. The comments pertain to stormwater management and traffic impacts of the development.
Under conventional zoning RA-2, the parcel would yield 7 lots plus a farm stand. Vendel is looking for incentive zoning similar to what was offered for Abbington Place.

Kohl asked if this proposed development would be tied to Abbington Place.

Valentine said yes, there is a stub from Abbington Place that connects to the property line. The infrastructure is all located at the property line.

Jim Costello stated that bringing the infrastructure to the property line was a condition of approval for Abbington Place.

Councilwoman Metzler said PRC’s comments are general concerns that are discussed with any new development.

Councilman Moore asked if the development will be patio homes.

Vendel said yes.

Moore asked what size the lots would be.

LaFountain said the lots that abut Abbington are 160’ x 70’, and on the south side the lots are 100’ x 200’.

Valentine added that the southern lots were made larger as a request of the original approval.

Metzler asked if there would be access through the stub road.

Valentine said no, the stub would become a cul-de-sac and a connection would be made through one of the parcels to the west.

Metzler asked if there would be direct access to NYS RTE 250.

Valentine said no, there will not be access to NYS RTE 250, the farm market will remain on that portion of the parcel.

LaFountain added that there are 27 proposed lots on the back 12 acres of the parcel.

Metzler stated that the farm market will be a nice buffer and is aesthetically pleasing.

LaFountain asked what parcels border the project in addition to Abbington Place.
Vendel said Falvo Funeral Home and land owned by Cleary and Barry. Vendel added that he is not sure if Falvo is interested in developing any of their property.

Costello said Falvo originally submitted a concept plan for three (3) lots, but there has been no interest since that concept was proposed.

LaFountain asked Vendel if there had been any discussion regarding the incentive.

Valentine said initially he is interested in doing what Abbington Place did. Vendel wanted to present the proposal to the Board first, and will discuss incentives at a later date if this moves forward.

LaFountain asked Vendel if he will be developing this property himself.

Vendel said he intends to sell the parcel to a developer. As the property is currently zoned there is no interest in developing it. Vendel hopes by changing the zoning, the parcel will be more marketable.

LaFountain asked if there are any unique environmental or sensitive features on the parcel.

Valentine said there may be Federal wetlands on the southwest corner; they would need to be delineated.

Metzler asked what the Comprehensive Plan says about this area.

Costello said it calls for higher density, similar to Abbington Place. Vendel wants to continue the farm market and five (5) acres is required to do so. A variance may be required for the remaining 12 acres because it is 1/10 acre short under current Town code. Costello added that PRC is currently working on a potential list of Incentive Zoning needs.

Moore asked if any builders had already approached Vendel, or are you looking to get this approved and then try to market the parcel.

Vendel said he has not been approached by any developers yet, and Rudy Neufeld had shown some interest.

Metzler asked that a copy of PRC comments be given to Vendel.

LaFountain said this will be a held item and he asked Vendel to stay in touch.
Jeff Reddish, 2164 Fairport Nine Mile Pt. Road – Costello

Jim Costello introduced Julie Earnhart who is interested in obtaining Temporary Recreation Permits to have acoustical music during happy hour. Costello added these type of permits have been issued to T Bones and the Humphrey House in the past.

Julie Earnhart said they want to try three (3) events as a test run and see if a crowd is drawn. They are not sure if the event will be inside or outside of the restaurant.

Supervisor LaFountain asked if they will offer three (3) events this year and if successful look to have more in 2016?

Earnhart said yes, they have similar events at their other locations and they have been successful.

Councilman Moore asked if it would be acoustic music only.

Earnhart said yes, guitar only and the music will not be amplified.

Costello advised Earnhart that a permit is not required to have music inside. What hours do you plan to have music on the patio?

Earnhart said during Happy Hours between 4:00 PM and 6:00 PM or 4:00 PM and 7:00 PM.

Councilwoman Kohl asked what is the status of the patio awning?

Earnhart said they are still working on it, we have recently received drawings.

Costello advised Earnhart that State Code requires the awning have a sprinkler system. Costello believes that Reddish is losing interest in a permanent awning.

Moore suggested that Jeff Reddish review the pros and cons of adding the awning as a permanent structure and make a business decision.

Earnhart said there is an alternative to add a temporary awning that can be taken down in the winter months.

Costello suggested Earnhart contact the building department as a temporary awning may have different requirements.
LaFountain asked Earnhart to work with Costello to obtain the Temporary Recreation permits. We can then have a broader discussion for 2016. The Board will continue to review the request for extended hours of operation on the patio.

Costello said three (3) Temporary Recreation Permits will be issued, if a permanent change is required it will have to go to a Public Hearing.

VI. ACTION ITEMS

Law and Finance
1. Southpoint Cove Pump Station Agreement – Valentine
Mark Valentine stated he received a letter from Passero Associates requesting a modification to the original agreement regarding the pump station. The upgrade of the pump station is a requirement of the project prior to starting construction of building 6. The applicant is requesting to change the agreement to state the Certificate of Occupancy will not be issued until the pump station is completed. They want to begin construction on building 6, which is located near the eagles nest. The agreement states the construction of building 6 must take place during the months of July to December, when the eagles nest is empty. They have agreed that there will be no flow to the pump station prior to receiving the Certificate of Occupancy for building 6. A Letter of Credit will be issued for the pump station. Passero has provided a sample copy of the agreement, which is being reviewed by Town Attorney Horwitz.

Councilwoman Kohl said it is a good idea to work around the eagle.

Valentine stated that the pump station is in process, they are working with the bank on a Letter of Credit estimate.

Kohl asked if there is any down side.

Valentine said no, no one will move into the buildings until the pump station is completed.

LaFountain asked that the modification also include that no Temporary Certificate of Occupancy be issued.

The Board discussed and agreed. Once the agreement has been approved by the Town Attorney, the Supervisor will sign the revised agreement.

2. Parkview/White Village Construction Stakeout – Valentine
Mark Valentine explained that the original resolution for the contract was approved by the Board for a not to exceed amount. Construction stakeout services were listed as an additional service. Stakeout services are quoted at $15,950. Some of the work that was listed as additional services can be done in house.
to save costs, but the stakeout must to be contracted out. A resolution is required to authorize the additional services.

Supervisor LaFountain stated that in the original approval November of 2012, an amount not to exceed was approved. This was quoted under additional services. Engineering has reviewed and determined that this proposal is reasonable.

The Board discussed and agreed.

Supervisor LaFountain directed Valentine to prepare a Resolution for the July 1, 2015 Legislative Session.

LaFountain added that construction of the project will begin in July.

3. Incentive Zoning, 1080 and 1092 Penfield Road – Costello
Supervisor LaFountain stated that PRC comments have been received and submitted to the Board for its review.

Jim Costello stated that PRC agreed that this project would be a nice transition from B-NR to the Town Property. Costello added that the proposal presented to the Board two (2) weeks ago is different than what was originally discussed. The setback was reduced to five (5) feet from the rear of the town homes to the Town property line. Costello continued to say it was suggested to remove an additional house to yield a better layout. Stormwater management will also have to be addressed. The number of units may need to be reduced as the property in the front has a 14 foot setback from Penfield Road. The project needs to be reconfigured to fit the site better.

Mark Valentine said PRC comments have not yet been shared with the applicant. The setbacks should be adjusted. Town Code requires an 80 foot setback and a five (5) foot setback seems excessive. The Town Open Space needs to remain open.

LaFountain stated that PRC comments are not unreasonable. He asked that Costello send the comments to the applicant and ask him to review and make changes to the proposal. Please include that the Board is not looking for a formal proposal, just a layout with fewer lots.

Costello said he will convey that to the applicant.

4. Amended Zoning, 730 Linden Avenue – Costello
Jim Costello stated that PRC has reviewed the application and have minor concerns which are similar to the concerns the Board expressed. Concerns include access around the building and emergency access. The buffer was discussed and the applicant said he would add a big white fence, landscaping will also need to be discussed. Costello continued to say the displacement of the residents needs to be discussed further. The other park that the applicant owns is in a different school district. There may
be some vacancies in the Harper Park and the applicant should work with Mr. Harper as his park is in the same school district. Costello added that this is not spot zoning and is a good transition to other zoning in the area. The proposal may warrant a Public Hearing.

Supervisor LaFountain asked that the PRC comments be shared with the applicant. We are not ready for the next step, there needs to be more review of the project at the next Work Session.

Councilman Quinn asked that the applicant discuss moving residents to Harper Park and get that feedback to the Board.

This will be discussed at the next Work Session on July 8, 2015.

5. E-Z Pass On-the-Go Program – Steklof
Supervisor LaFountain reviewed that Town Clerk Steklof had proposed offering EZ Pass sales in her office as a service to residents that would yield a small revenue.

Councilman Quinn stated that the potential revenue would not outweigh the burdens to staff which could also include complaints. The Town Clerk’s office could become a complaint line for EZ Pass. EZ Pass is a non-essential, non-mandated service and staff has enough to keep them busy.

Councilwoman Metzler said that she reviewed the need with Town Clerk Steklof. Steklof stated that she had three (3) inquiries. Metzler said she doesn’t see a need, this is not a convenience as EZ Pass is available in many other locations in Penfield and online.

Supervisor LaFountain stated we will not move forward with the sale of EZ Pass based on the availability at other locations.

6. Operational Permit and Fire Inspection Fees – Tette
Supervisor LaFountain stated that Fire Marshal Tette had proposed two (2) items. First, an increase in the Operational Permit fee from $50.00 to $75.00. The Board has decided to keep the fee at $50.00. Secondly, the wording states Operational Permit fee and it should be expanded to read Operational Permit/Fire Safety Inspection fee to be consistent with the New York State Uniform Code.

The Board discussed and agreed. A resolution will be submitted at the next Legislative Session on July 1, 2015.

Public Works - None

Public Safety - None

Community Services - None
VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane – Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition – LaFountain
3. Smoke Free Policy for all Town Facilities – Bilow
4. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Pt. Rd. – 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 regular Work Session at 7:45 PM.

Lisa Grosser, RMC
Deputy Town Clerk