Town Board Work Session Agenda
January 13, 2016
7:00 PM

I. Call to Order

II. Approval of Minutes – December 9, 2015

III. Monthly Reports - December

IV. Public Hearing – None

V. Guests – 7:00 PM
   • Mr. Rudy Neufeld – Discussion of Revision to the Abbington Place Subdivision
   • Dr. Robert Fallone – Discussion of Development Plan for 2146 Frpt. Nine Mile Point Rd.

VI. ACTION ITEMS

   Law and Finance
   1. Williams, Giesselman and Garbeck - Mowing Contract Summary and Path Forward
   2. 20 Hilltop Drive, Waiver of Local Law #1 of 2003 - LaFountain

   Public Works
   1. Hold Harmless, Fence in Sewer Easement, 9 Grace Marie Drive – Valentine
   2. Grade and Fill Two Ponds, 2735 Penfield Road – Valentine
   3. Villas at Easthampton Roadway Dedication – Valentine

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Update of applications for Conditional Use Permits in Four Corners - Costello

   Public Works
   1. Sidewalk Policy Review – LaFountain

   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. Sidewalk Waiver, 1445 Jackson Road – Valentine
   4. Mixed Use Development Hearing Date – Valentine
   5. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road –
      Costello
   6. Possible Use of Camp Haccamo Property - 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
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 12/9/15
CM Quinn moved for the approval of the Minutes of December 9, 2015, CW Metzler seconded the motion.

III. Monthly Reports – Reports for December are in except for Building/Zoning/Fire Marshal, Justice Courts and Personnel which are expected by the end of the week.

IV. Public Hearing – None

V. Guests – 7:00 PM
- Rudy Neufeld – Discussion of Revision to the Abbington Place Subdivision

Jim Costello stated he had been meeting with Rudy Neufeld as there has been some discussion regarding Incentive Zoning for the Abbington Place Subdivision. The lots on the south side that back up to the potential Vendel Subdivision were requested to be a larger size in anticipation of Vendel requesting a larger lot size. Mr. Vendel has now submitted the proposal for his subdivision and is requesting smaller lots. Neufeld is now requesting that the lots on the south side be reduced to match the size of the Vendel lots and the rest of Abbington Place. Nine (9) lots were approved and Neufeld is requesting an additional three (3) lots.

Costello directed the Board to view maps showing the existing approval with the requested additional lots on an overlay. A map of the Vendel property was also displayed to show how lots in both subdivisions would line up. Costello continued to say Neufeld has paid $3,250 in Incentive Zoning and is willing to pay additional incentive for the three (3) additional lots.

Councilwoman Kohl asked if PRC had submitted any comments.
Costello said no, there is nothing of significance as the reduced size lots will be the same as the rest of the subdivision.

Councilwoman Metzler confirmed the incentive is still pending Town Board approval.

Councilman Moore asked if there are any legal requirements.

Costello said yes, Neufeld will be coming in later this year requesting approval for the second to last phase of the Abbington Subdivision.

Supervisor LaFountain said the Board needs to decide if it is appropriate to have a Public Hearing to hear feedback from both neighbors and anyone else interested in the project.

The Board discussed and agreed to move forward with a Public Hearing.

LaFountain asked Neufeld to work with Costello to schedule a Public Hearing.

Neufeld added that in Section III there are five (5) 100 foot wide lots that are not selling. Reducing the size of the lots to 80 to 85 feet will make them more marketable.

Metzler suggested Neufeld bring that up at the Public Hearing.


Jim Costello introduced Dr. Robert Fallone who has received preliminary and final approval for three (3) businesses at 2150 Frpt. Nine Mile Pt. Rd. Fallone has also requested approval for the Reese property, but changed the concept so as not to lose the incentive.

Dr. Robert Fallone reiterated he has approval for a 6,000 sq. ft. building on the Farash property and approval for a 4,000 sq. ft. building on the Reese property, plus an office building in the back, next to the medical building. Fallone has been approached by Mr. Trau to sell the back portion of his property. Fallone is working with Goodwill for a location at this site. Fallone continued to say he has been speaking with Mavis Tire and/or Dunn Tire to go into an 8,000 square foot building in the area zoned General Business. Fallone added he has also been approached by Jeff Gold to sell Buckmans Car Wash. If Fallone purchases this additional parcel he could move the automotive business closer to NYS RTE 250 and away from the neighbors in the back. The car wash would remain the same, with exterior modifications to match the other buildings in the area. The building that houses Mavis/Dunn Tire would also have 2,400 sq. ft. for regular retail. This acquisition would gain Fallone additional property for the tire store. The access points from NYS RTE 250 would remain the same.
Councilman Quinn asked what would the plan be for the back property that is already zoned General Business?

Fallone said by moving the tire store to the front of the parcel he would be able to keep the existing vegetation and a 100 foot buffer. The building in the back could then be used for regular retail.

Costello added that the property with the 4,000 sq. ft. building approved, has a portion that is not in the Incentive Zoning package. The question is, if this proposal was going to be reviewed, would the Board want to do it as a portion under Incentive Zoning and the balance under regular site plan approval? Would you want to have the Planning Board do a portion of it, or have a joint meeting with the Planning Board?

Councilwoman Kohl said if anything develops in this area, further down you would want the Planning Board involved.

Costello added a portion of this parcel encroaches the Trau property. The land would be resubdivided into the parcel, the lines would be removed and additional buffer would now be available for the neighbors.

Quinn asked what is the buffer requirement for the parcel zoned General Business?

Costello said 100 feet.

Supervisor LaFountain suggests a joint meeting of the Town Board with the Planning Board at some point down the road. Initially the concept proposal would need to be reviewed. Does the Town Board feel the proposal is reasonable for the neighborhood?

Metzler asked if this would go to a Public Hearing.

Costello said if the incentive is included there would be a Public Information meeting first, and then go to a Public Hearing.

Metzler added that Dr. Fallone has been mindful of the neighbors with this development.

Councilman Moore stated he is not supportive of a Mavis or Dunn Tire in this area, but he is okay moving forward with the Public Information meeting.

LaFountain asked what type of retail Fallone is reviewing for the building in the back?
Fallone said a mattress store and restaurant. Fallone added he can keep the 4,000 sq. ft. building as approved and not take the car wash. He could then go before the Planning Board to have the tire store approved.

LaFountain stated that the Planning Board may not approve the tire store as a use for this area.

Fallone said that is why he is suggesting moving the tire store near the car wash to keep it away from the neighbors.

The Board discussed and agreed to move forward with the Public Information meeting.

Costello suggested the applicant take photos of other buildings, similar in nature to this proposal and bring those to the Public Information meeting.

Metzler also suggests including a sound study.

Costello said it is early for a sound study, but not unrealistic. It would be good to see what occurs at other tire store sites. Costello added it may also be beneficial to do a sound comparison of a tire store versus a muffler repair shop; it may not be as noisy.

LaFountain asked Fallone to take a copy of the map showing the proposed buildings and clearly identify the structures on the property showing proposed setbacks from the neighbors.

Costello advised Fallone to also include photos from the neighbor’s perspective. If this project does move forward, we would have the photos available to review during the approval process.

LaFountain added that both the Planning Board and the Town Board should be included in the process. LaFountain advised Fallone to work with Costello and Valentine to prepare for the Public Information meeting.

VI. ACTION ITEMS

Law and Finance
1. Williams, Giesselman and Garbeck – Mowing Contract 2015 Summary and 2016 Path Forward
Supervisor LaFountain stated that this will be held for the next Work Session on January 27, 2016.

2. 20 Hilltop Drive, Waiver of Local Law #1 of 2003 - LaFountain Supervisor LaFountain stated that this had been discussed at the December 9th Work Session. He has discussed this with the Town Attorney and it does not fall under grandfathering, or pre-existing non-conforming. The original law was in 1962, updated in 1981 and then again in 2003.
Councilwoman Metzler asked if Mr. Carley would have been in violation under the law prior to the 2003 update?

Costello said yes, originally the law stated no vehicles greater in size than one ton, in 2003 the law was updated to include the type of truck.

LaFountain confirmed Mr. Carley’s court date was moved to February 10th at 5:00 PM. He asked what Mr. Carley has done since our last meeting?

David Carley said he is out of ideas and doesn’t know who to ask at RG & E for access to their parking area.

Metzler asked if Carley had spoken with his employer.

Carley said no, if he parks at the shop he is 25 miles from his home.

LaFountain asked Carley to have a conversation with his employer and RG & E.

Carley said it won’t happen. His employer used to be able to park a truck that delivered nitrogen at the RG & E site and that was taken away and now needs to be parked at the office.

LaFountain asked Carley if he is willing to speak to RG & E about using either the Plank Road site or the Whitney Road site.

Carley said yes, he would.

LaFountain said we have the complaint log back to 2008 and supporting documentation from the neighbors. We want to make sure we explore all options. If this Board exempts you, we need to be able to justify why. LaFountain continued to say we welcome feedback from you, your employer and RG & E. He asked Carley to include any supporting documentation in writing back to the Board for the file.

Metzler asked Carley if any of his co-workers drive similar vehicles.

Carley said yes, but many of them live south of the area; there are people in Greece, Avon and Lakeville/Livonia.

Metzler stated she had checked local code and no towns in Monroe County allow Mr. Carley’s size of vehicle to be parked in a residential driveway.

LaFountain advised Carley to speak with his employer and get the response in writing for the file.
Carley said his employer may want to give him a smaller truck, but he may have difficulty fitting in all of his equipment.

Metzler asked Carley to see what types of vehicles his employer has available.

Costello suggested Carley meet with Andy Suveges, Code Compliance Officer, he will be able to show you what type of vehicles would be allowed. There are options out there that may serve your needs.

LaFountain asked Carley if he would be available to meet with Suveges and Costello during office hours.

Carley said it would have to be after 4:00 PM.

LaFountain asked Carley to get all of his information together and we will discuss this again at the next Work Session on January 27, 2016.

Public Works
1. Hold Harmless, Fence in Sewer Easement, 9 Grace Marie Drive – Valentine
Mark Valentine introduced Nikolaos Vassiliou, and submitted a copy of his letter of intent to the Board for its review. Mr. Vassiliou is interested in installing a fence around his property which would be located in a sewer easement. He is interested in installing a four (4) foot fence in the front of his property, and would have to go before the Zoning Board of Appeals for a variance.

Valentine added this was discussed at PRC and their only comment was that the fence should not be installed over the manholes. Vassiliou understands that if the Town needed to access the sewer pipe, it would be his responsibility to replace the fence including any associated costs.

Councilwoman Metzler asked if there are any other fences in Vassiliou’s neighborhood located in the easement.

Valentine said no, there are no fences in front yards in an easement.

Councilman Moore said he is okay as long as Vassiliou understands that the fence may have to come down if the Town needs to access the sewer easement. Moore also added that it is the ZBA’s responsibility to determine if the fence will be allowed in the front yard.

Vassiliou stated he understands, he wants the fence in the front yard to make his home more appealing. He wants to keep his grandkids safe and keep the deer from eating his flowers.
The Board discussed and agreed to allow the fence to be located in the sewer easement. Vassiliou will now go before the ZBA to have the location in the front yard approved. If the Zoning Board approves the fence location and height, a resolution will be put in for the Board to authorize the Supervisor to sign a Hold Harmless Agreement for the fence to be located within a sanitary sewer easement.

2. Grade and Fill Two Ponds, 2735 Penfield Road - Valentine Mark Valentine introduced Joseph DiPrima and Mr. Schultz, the engineer for the project. DiPrima will be submitting an application to subdivide his property to the Planning Board. Survey work for this application showed he has two (2) ponds on his property and a grade and fill permit is required. The survey also shows that the ponds are on neighboring properties. This needs to be brought into compliance, before DiPrima moves forward with his Planning Board application. He will also have to come back before this Board because the road length is longer than 1,100 feet.

Valentine continued to say the property is isolated and on top of a hill. The creation of the ponds will not affect drainage and will not impact the neighbors.

Councilman Moore asked if there were any DEC issues?

Valentine said no, there are no wetlands in the area, the back of the property was used for farming.

LaFountain asked if both ponds are on private property.

Valentine said yes.

LaFountain asked if the adjacent neighbors have been notified.

Valentine said yes, they came to the Public Hearing before the Planning Board.

Schultz added that DiPrima is willing to purchase property that the ponds are on, file an easement, or fill in the ponds.

LaFountain asked if any DEC permits are required.

Valentine said no.

LaFountain said the subdivision will need to be reviewed and approved by the Planning Board before any work is done; will a Letter of Credit be required?

Valentine said no, we will monitor it if the pond needs to be filled in, but there is no impact to drainage or the wetlands nearby.

The Board discussed and agreed.
LaFountain directed Valentine to draft a letter to DiPrima allowing the grade and fill. He asked when will the application be going before the Planning Board?

Valentine said this was a sketch plan review and the Planning Board submitted their comments back to the applicant.

Schultz stated the informal meeting with the Planning Board and went well.

LaFountain asked how many lots will be proposed.

DiPrima said nine (9) new lots, plus the existing house.

3. Villas at Easthampton Roadway Dedication - Valentine Supervisor LaFountain reviewed that this was discussed at an earlier Work Session. The project is on a private drive and the Homeowners Association is interested in having the Town take dedication of the road. There are concerns regarding setback and the use of Town plows for snow removal. Core samples have been taken and the road does meet Town specifications.

Mark Valentine reviewed that PRC and DPW both had a list of concerns which include the locations of the buildings near the right-of-way, setbacks, the Town would have to take some private property for the right-of-way and also take dedication of the storm sewer system.

Councilman Quinn asked if the homeowners have approved the Town taking property for the right-of-way.

Valentine said we are not there yet.

Quinn asked how many properties would have to turn over land for the right-of-way.

Valentine said mostly the corner parcels, possibly six (6) in total.

Quinn inquired, are the residents still in favor of the Town taking dedication of the road.

Mark Welker stated that the residents are in favor. There is a Homeowner’s Association meeting next Tuesday with a newly elected Board.

Councilwoman Metzler asked Valentine to review the DPW concerns.

Valentine said the standard setback is 50 feet from the right-of-way, these homes would be at zero or a negative setback. Any snow begin thrown could end up on landscaping or possibly up to the building. Valentine added with the acquisition of 60 feet
for the right-of-way, the Town would have to take some of the private property.

Quinn asked what has this Board done in the past with regards to expanding the right-of-way into people’s properties?

Supervisor LaFountain reviewed that Beacon Hills Drive wasn’t quite to Town Specifications and the setbacks were tight. This Board denied their request. Jomanda Way had much larger lots and the homeowners paid to have the road brought to Town Specifications.

Metzler asked if the DPW has any experience plowing roads similar to this.

Valentine said no, nothing with houses this close.

Welker stated that residents have asked if the Town can take dedication of the road, and homeowners still pay to have the road plowed by a private contractor.

Valentine said, no we cannot do that.

Councilman Moore stated he has mixed emotions. Once the road becomes dedicated, it becomes a public road. There is also a noise concern, the plow trucks would be very close to the houses and salt and sand would end up on the grass and shrubbery. There are multiple issues involved. The residents may not be prepared for the changes, because this has always been a private road.

Welker said most of the residents have come from homes that were on public owned roads.

Quinn stated his concerns are safety, liability and logistics. He doesn’t think the residents really understand what could happen to their property.

Costello said we should speak to the HOA to discuss the issues at hand.

LaFountain stated if this development was being built today, it would be done differently. This is a self-created hardship. He is happy to have a conversation with the HOA, but tends not to support action.

Metzler said when this was developed, this was all foreseeable. It was an option to be a public road, but a conscious decision was made to make it a private road.

Valentine added if this was a dedicated road, the density would be less.
Quinn stated he is not in favor, but if the residents are still interested, he thinks they should fully understand why this is being denied. He asked if the new elected Board would be interested in meeting with the DPW to discuss what the potential impact would be.

Welker said he will meet with the HOA and discuss the concerns. He will put a presentation together for the HOA detailing the discussed issues. He will then get back to Valentine and LaFountain.

Quinn suggests have the HOA view this meeting online.

LaFountain added to advise that any associated costs would be borne by the HOA.

Valentine added that some of the characteristics of the neighborhood would be changed by the removal of the entrance tower and removal of the bridge pavers in order to make it compliant for a dedicated road. All of these costs would be borne by the HOA.

LaFountain stated we will discuss this again at the next Work Session on January 27, 2016.

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS

Law and Finance
I. Update of applications for Conditional Use Permits in Four Corners – Costello
Jim Costello reviewed upcoming applications:

- 1807 Penfield Road, the former Barn Owl location, will be submitting a request for a catalog shop. The applicant will be selling vintage replicas of gas station globes. The resolution will be submitted in February.
- Cindy Corrigan is submitting a request at the former Masonic Lodge to open an art shop and to offer art lessons.
- In late February Joey’s Pasta House will be requesting a building addition. They are preparing the mapping and proposing to move the driveway to the east. When this is complete Costello will bring it in for the Board’s review.

Public Works
I. Sidewalk Policy Review – LaFountain
Supervisor LaFountain stated currently the Sidewalk waiver fee is $500 per lot and is outdated.
Mark Valentine said we accepted a partial waiver for the D’Angelo subdivision. Currently the county sidewalk bid price is $36.75 per lineal foot. PRC had a preliminary discussion today and suggests using that cost as an estimate and then charge the property owner half of the cost of installation as the sidewalk waiver. For example the cost for 1445 Jackson Road, which is 668 wide, would be $24,500 to install sidewalks and we would charge $12,250 for the sidewalk waiver. In comparison the D’Angelo development has 530 feet of frontage and the total cost would be $19,000. There is also 1,500 feet of internal sidewalks at a cost of $57,000. D’Angelo paid a $500 waiver for 11 lots totaling $5,500, plus the cost to install the sidewalks on Jackson of $19,000 would total $24,500. Full costs to install all sidewalks would be $76,000, a waiver of half price would be $38,000.

Supervisor LaFountain asked Valentine to work with PRC and prepare a formal proposal for the Board to review at the next Work Session on January 27, 2016.

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane - Valentine/Costello
   Jim Costello explained that Ted Pittinaro purchased the property to the west of Mott’s Lane. He had expressed an interest in trading property with the Town for the right-of-way for a future expansion of Mott’s Lane. Mike O’Connor had prepared an equal trade of square footage, but Pittinaro has decided to withdraw his request.

2. Jomanda Way, Expanding No Shooting Petition - LaFountain
3. Sidewalk Waiver, 1445 Jackson Road - Valentine
4. Mixed Use Development Hearing Date - Valentine
5. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
6. Possible Use of Camp Haccamo Property - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - The Board went into an Executive Session to discuss a personnel matter and a legal matter.

XII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 8:47 PM.

Lisa Grosser, RMC
Deputy Town Clerk