Town Board Work Session Agenda – REVISED *
February 24, 2016
7:00 PM

I. Call to Order

II. Approval of Minutes – February 10, 2016

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests
   • Paula Catalano - Discussion of Outdoor Music at 2126 Five Mile Line Road
   • Ryan Caster - Requesting a Fence Installation within a Drainage Easement at 135 Galante Circle
   • Randy Peacock – Requesting Modifications to the Southpoint Grill at 1400 Empire Blvd.
   • Bob Fallone – Update of Discussion of Development of 2146 Frpt. Nine Mile Point Road

VI. ACTION ITEMS

   Law and Finance
   1. Results of Bid for Recreation Brochure – Bilow
   2. Catalog Company, 1807 Penfield Road – Costello
   3. Art Store and Art Lessons, 1822-26 Penfield Road - Costello
   4. Current Phone System Discussion – Kreckman *

   Public Works
   1. Jeff Luce, 1357 Marchner Road – Out of District Sewer – Valentine

   Public Safety - None
   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Moratorium Committee Framework – LaFountain

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

VIII. HELD ITEMS
1. Jomanda Way, Expanding No Shooting Petition – LaFountain
2. Sidewalk Waiver, 1445 Jackson Road – Valentine
3. Mixed Use Development Hearing Date – Valentine
4. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
5. Sable Oaks Roadway Dedication - Valentine

IX. Old Business – None
X. New Business – None
XI. Executive Session – Real Estate, Litigation and Human Resource Matters
XII. Adjournment
*REVISED
I. Call to Order

Present:  
Supervisor LaFountain  
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Moore  

Also Present:  
Jim Costello  
Amy Steklof  

Absent:  
Councilman Quinn  

II. Approval of Minutes – 2/10/16  
CW Metzler moved for the approval of the Minutes of February 10, 2016, CW Kohl seconded the motion.  

III. Monthly Reports – None  

IV. Public Hearing – None  

V. Guests – 7:00 PM  
- Paula Catalano – Discussion of Outdoor Music at 2126 Five Mile Line Road  
  Jim Costello stated Paula Catalano sent in a letter requesting the Town Board to consider outdoor music on the patio in front of the Cha Cha’s Restaurant. Paula Catalano would like to begin providing music on the patio once a week. Currently, they provide three (3) hours of light indoor music in the restaurant.  
  Councilwoman Kohl asked how many performers usually play?  
  Ms. Catalano stated she only has room for duos or trios and the music usually consists of a keyboard player, singer and guitar player.  
  Councilman Moore inquired what time would the music typically be provided?  
  Ms. Catalano stated the music is usually played from 6:00 PM to 9:00 PM.  
  Kohl asked if the music would be amplified?  
  Ms. Catalano stated that the musicians do have a speaker, but the restaurant stops serving at 10:00 PM so noise should not be a problem.
CM Moore asked whether there is a particular night Ms. Catalano is looking to provide the music?

Ms. Catalano stated that music would be provided on a Thursday, Friday or Saturday. She also stated that music may not be provided every week depending on the number of people that are at the restaurant. She went on to say that if the outside patio is full, she would like the option to move the music outside.

Kohl asked where Ms. Catalano would envision the music to be set up?

Ms. Catalano stated that the music would be set up in one of the patio corners.

CM Moore asked Mr. Costello to explain the next steps of the proposal.

Mr. Costello stated that he had wanted Ms. Catalano to present her proposal at this Work Session so that the Town Board could review the proposal and then set up a Public Hearing early enough for Cha Cha’s to have the opportunity to be ready for the outdoor season.

Supervisor LaFountain asked Mr. Costello if he has had the opportunity to discuss with Ms. Catalano the permit options she has?

Mr. Costello stated he has gone over the options and that the Town’s Code Compliance officer has done so as well.

Supervisor LaFountain stated the Town Board will proceed with a Public Hearing.

CW Kohl asked when would Ms. Catalano like to start providing outdoor music on the patio?

Ms. Catalano said probably not before Memorial Day, depending on the weather.

Mr. Costello asked how many people usually sit on the patio?

Ms. Catalano stated approximately 24 people.

- Ryan Caster – Requesting a Fence Installation within a Drainage Easement at 135 Galante Circle

Jim Costello stated he recently had met with Julie Caster’s husband, Ryan and that their property at 135 Galante Circle has a drainage ditch at the back of their property. They would like to fence the drainage easement in for the purpose of keeping their children safe. The Caster’s do have an easement on their property. He went on to say that PRC has reviewed the proposal
and do have some concerns. He stated it is a deep ditch that will be very difficult to fence in and not block water.

Ms. Caster asked if the easement line is considered where the creek is?

Costello stated that the easement line is approximately 20 feet from the creek area.

CW Metzler asked where they would like the fence?

Mr. Costello stated there is a creek in the back of the Caster’s yard and they would like a fence placed in front of the creek.

Mr. Costello stated he has told the Caster’s that they would be responsible in taking the fence down when the Town needs to provide maintenance work in the area and then they would have to put the fence back up when the work is done. Mr. Costello went on to say that the ditch will need to be monitored to make sure the water flows properly with no back up. It is a major drainage pattern for that area.

CW Metzler asked if PRC has noted any erosion in the area that could be caused by a fence being installed there.

Mr. Costello said no, but that is not the issue. The issue is the possibility of water backing up in the neighbors’ yards.

Mr. Costello stated that if the Town needs to do any work on the property, they will come back to grade and seed the area as it was prior to working on the site.

Supervisor LaFountain asked if the concern pertains to the depth of the ditch versus a swale.

Mr. Costello stated yes.

Ms. Caster stated they would like to put the fence in next month.

Supervisor LaFountain suggested a site visit and then have the Caster’s come to the next Work Session on March 9th. He also stated that during the site visit the Town will be able to see if additional work will need to be done in that area.

Mr. Costello stated that the swale is so deep that children could go under the fence if they wanted to.

Ms. Caster stated they want the fence to be in front of the area, not over the swale. She also stated that when they purchased the property they were told that the property extended beyond the creek.

Mr. Costello stated he has mapping that shows the ditch is on the Caster’s property.
Ms. Caster stated they would like to place the fence two (2) feet in front of the ditch.

The Town will visit the property and then make recommendations to the Town Board for discussion on March 9th.

- Randy Peacock – Requesting Modifications to the Southpoint Grill at 1400 Empire Boulevard

Randy Peacock has indicated to the building inspector that they would like to modify the interior of the Southpoint Grill, however, they since have discovered that the project will cost much more than they had realized. One of the items they had looked at to increase their income out of the project was to glass in the porch so that they could make use of the porch year round. However, that was not approved during the original proposal.

Mr. Peacock stated that during the original application process the Town Board was told that there would be 100 seats in the interior and 40 seats on the patio, but in reality there are 20 seats at the bar and 86 at the tables, equaling 106 seats. He also stated they have a plan that shows 48 seats on the patio and that there is an open area on the patio that they could eventually add eight (8) more seats at tables which would put them 22 seats over the original estimate for the project. He went on to say that the enclosure does not change the amount of space to be used by the restaurant, but makes the space usable all year round. It should not be a problem as it relates to traffic or parking due to less traffic in the area during that time of year.

Jim Costello reminded the Town Board that the weather drives the process.

Councilman Moore asked if the enclosure would be open during the summer months?

Mr. Peacock said yes.

CM Moore asked if the space will be well insulated?

Mr. Peacock said yes.

CM Moore stated he is fine with the proposal.

Supervisor LaFountain stated the Town Board should discuss whether this application would require another Public Hearing.

Mr. Costello stated there will be no expansion to the area, so another Public Hearing will not be necessary. Mr. Costello stated a letter will be put together that explains the modification.
Supervisor LaFountain suggested the proposal be discussed at a PRC meeting and to include the Fire Marshal during the discussion. The applicant would like to open in April.

- Bob Fallone – Update of Discussion of Development of 2146 Fairport Nine Mile Point Road

Jim Costello stated that this is an ongoing process with Dr. Fallone and that the last time they met the Town Board asked Dr. Fallone to present a design and sound study to the Town Board. A plan was handed out that showed the doors to the project would be facing north.

Supervisor LaFountain stated that Dr. Fallone had submitted materials from AVL Design as it relates to noise that was made part of the record. He went on to say that the materials show a comparison of noise and frequency as it relates to traffic versus noise from the nearest residential property line.

Supervisor LaFountain asked Dr. Fallone to clarify that the proposal calls for a portion of the building to be used for Dunn Tire and the rest would be used for other retail.

Dr. Fallone stated that is correct and that 80% of the building would be used for Dunn Tire and 20% would be for other retail.

Supervisor LaFountain stated that he envisions a retail focus for the area instead of heavier commercial retail. He does recognize there is an existing car wash there, but anything else that they have attempted to develop in the area has been restaurants or office space type operations.

Councilman Moore stated that he had expressed his concern a couple weeks ago when the proposal was brought to the Town Board. He does not see it as a good vision for that area and does not support Dunn Tire in that location.

Councilwoman Metzler agreed. Both Councilman Moore and Councilwoman Metzler stated they like what Dr. Fallone has done in the past.

Councilwoman Kohl stated she is not anti-Dunn Tire, but does not feel it is a good fit for that area.

Jim Costello stated that the PRC did not find any technical issues.

Supervisor LaFountain asked Dr. Fallone what are some other options he is exploring for this area?

Dr. Fallone stated he is exploring other restaurants and less intense retail.

Dr. Fallone asked if there is an issue with the size of the building?
Supervisor LaFountain stated that technically there is no issue.

Supervisor LaFountain stated this would be one of the times the Town Board would look to hold a joint meeting with the Planning Board to minimize the number of times Dr. Fallone would have to present before the Town. The reason for the joint meeting is because a portion of the building deals with Incentive Zoning and the remainder of the property is a standard site plan approval which is conducted by the Planning Board.

Supervisor LaFountain stated the property is a deep parcel and extends back to a residential area.

Dr. Fallone asked when would the joint meeting be held?

Mr. Costello stated that once Dr. Fallone is ready to present another proposal he will sit down with him and then he will bring the information back to the Town Board. He then stated that once everyone is comfortable with what Dr. Fallone is proposing, then a determination will be made of which Board he will go before or when a joint meeting will be held.

VI. ACTION ITEMS

Law and Finance
I. Results of Bid for Recreation Brochure – Bilow
Chris Bilow, Director of Recreation, stated that the Seasonal Recreation Brochure bid opening occurred on February 11, 2016 and five (5) bids were submitted. One bid was disqualified for not submitting the appropriate specs. They narrowed it down to two (2) bids, Webster Printing Corp. and Penny Lane. The lowest bid in all categories/alternates was submitted by Webster Printing Corp. Their bid is what we are currently paying. 18,000 copies are to be submitted which is a direct mailing of 17,000 pieces, 1,000 pieces of which are delivered to the Town. The Recreation Department has worked with Webster Printing in the past and are very comfortable in working with them. Mr. Bilow recommends accepting the Webster Printing bid.

Supervisor LaFountain stated that the Recreation Department can submit a resolution accepting the bid and have the resolution placed on the March 2, 2016 Town Board agenda.

Mr. Bilow stated that the brochure will be ready by April 1, 2016.

Councilman Moore inquired how many programs were offered in 2015?

Mr. Bilow stated that it is over 1,000 programs. He also stated there are other programs provided that do not go through the registration system such as hikes and concert series which can be added to that number.
2. Catalog Company, 1807 Penfield Road – Costello
The Hearing was held last Wednesday, Supervisor LaFountain gave a recap of the application.

Councilman Moore thanked the applicant for choosing to set up his business in the Town Of Penfield. He hopes the business will be successful.

The Town Board gave their support for the business.

Jim Costello will prepare a resolution for the March 2, 2016 agenda.

Supervisor LaFountain welcomed Mike Hoyser and stated he looks forward to his business in the Town of Penfield.

3. Art Store and Art Lessons, 1822-26 Penfield Road – Costello
Supervisor LaFountain stated that the Town Board did not see any major issues or concerns pertaining to the application. He gave a recap of the proposal.

Jim Costello stated that the applicant is looking to bring in an LLC to the site and also will provide plans to the Building Department to help determine how it applies to the State code. Mr. Costello stated that the applicant will be taking up most of the first floor. She plans to lease the vacant area at the east end of the building which was formerly a photography studio.

Mr. Costello will prepare a resolution to be placed on the March 2, 2016 agenda.

4. Current Phone System Discussion – Kreckman
Jim Kreckman provided a discussion on the Town’s current phone system. Mr. Kreckman asked the Town Board to move forward in updating the communication system for the Town of Penfield. Mr. Kreckman gave a handout to the Town Board that outlined his proposal.

Councilwoman Metzler asked Mr. Kreckman to give a snap shot of how the system would be different from what the Town has now?

Mr. Kreckman stated that the current system is of 1990’s vintage and is a discontinued system which has become very difficult to get parts for. He stated he feels the Town has gotten its monies worth and as technology forges on, the Town consistently has problems with the current system.

Councilman Moore asked Mr. Kreckman if he would go for an RFP or go out for bid?

Mr. Kreckman stated he would look at what is available on the New York State contract as well as consider an RFP.
Supervisor LaFountain stated the Town has a tech team that periodically reviews the Town’s overall technology. Because of some of the problems being experienced and assistance is needed from Verizon, it takes time to solve. He went on to say that Mr. Kreckman will explore whether the Town will need to bring in a consultant to help assist in the matter. He will also look at available specs as part of the State bidding process. Failures have occurred with the equipment and has been difficult to replace.

LaFountain stated it will probably be a 6-9 month process which will bring the system to another year old. It is important to upgrade prior to a major failure with the system. Supervisor LaFountain commended Mr. Kreckman for being proactive with this issue.

Public Works
1. Jeff Luce, 1357 Marchner Road - Out of District Sewer - Costello

Jim Costello stated that Mr. Luce had approached Mark Valentine, Town Engineer and had mentioned that he possibly would like to run a two (2) inch forcemain from his site to Colten Court in the Abbington Place Subdivision.

Mr. Costello handed out maps to the Town Board of the area in question that show the environmental sensitivities in the area. He stated there is a large area where a septic system could be placed.

Mr. Costello asked Jeff Luce if he has done any testing to determine if a septic system can function on the site.

Mr. Luce stated he has met with the County. He stated he would need to put a raised bed system which is expensive and shrinks the footprint of the house.

Mr. Luce would like guidance on whether the Town Board would consider this or if he should move back towards a marginal septic system.

Mr. Luce stated that Mr. Valentine had mentioned the possibility of moving farther north of NYS RTE 250 and crossing and tying into the newer Crosstown development.

Mr. Costello stated it would be less expensive to just go straight across, than to go north.

Mr. Luce stated the overall length is the same.

Mr. Costello stated that the PRC has reviewed this and had found possible maintenance issues. Also, if it is in the right of way, it would be costly to maintain. Mr. Luce stated it could be dedicated to the Town, but would require crossing the creek.
Mr. Costello stated that the PRC questioned whether the Town would be comfortable having only part of the area sewered, recognizing that there could be future expansion. He did point out that the issue is it could initiate growth in the area.

Mr. Luce stated if a pump station was added he would not object to diverting and tying into the pump station.

Mr. Costello stated that if that occurred the Town would possibly have to take ownership of the pump station.

Supervisor LaFountain stated the Town Board would need to review this some more. He recapped that 1357/1361 Marchner Road are Mr. Luce’s properties and that on the provided map it shows a tie in to Fairport Nine Mile Point Road.

Supervisor LaFountain recommended that the Town Board hold this proposal for a couple of weeks. He stated that Councilwoman Kohl has pointed out that the goal is to provide as much sewer availability for residents to help avoid potential reoccurring costs with septic systems. Also, with discussion pertaining to the Town’s Comprehensive Plan it is necessary to look at what development is planned for that overall area. He suggested that Mark Valentine provide more information to the Town Board. He also said a question that comes to mind is the capacity in the Town of Webster. He would like Mark Valentine to follow up on the matter.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Moratorium Committee Framework - LaFountain
Regarding the Moratorium, close to 80 people have indicated an interest to serve on the committee. He would like the Town Board to consider keeping the committee to 20 in size and that approximately 11 of the 20 be made up of “directly impacted” neighbors, 6 members of the committee be made up of residents from across the Town and have a representative from the School District and a member from the Conservation Board and the Historic Preservation Board. He would encourage the Town Board to review the list and structure their recommendations to him. The plan is to put together a committee that provides the broadest representation possible.

Supervisor LaFountain also encouraged the Town Board to think about a 12 month Moratorium versus a six (6) month Moratorium and stated it is important to get that information out before the March 2, 2016 Public Hearing so that the sellers, potential buyers and residents understand the direction the Town Board plans to take.
Councilwoman Kohl inquired whether an amendment to the Public Hearing notice will be made at the March 2, 2016 Public Hearing?

Supervisor LaFountain stated that since it is under Law and Finance, he suggests Councilman Moore amend the Public Hearing notice and then to get input from the residents either for or against the proposed Moratorium.

Councilwoman Metzler stated that as the Town Board proceeded with the process and saw how many were interested in the committee and Town Attorney Horwitz and she had done some research, they found it is risky to go beyond a year, but there is a lot to look at which gives justification to extending the Moratorium to 12 months.

Supervisor LaFountain stated he is working with our Communications team and a quick link has been put up on the Town’s website where residents can find information and register their support and comments. All comments will be collected and given to the committee once it is formed.

Supervisor LaFountain also stated that although the Public Hearing for the Moratorium is a Town wide process the Town will send out neighborhood post card notification.

Supervisor LaFountain also said that beyond the 20 member committee the Town Board will look for input from the State and County Department of Transportation and Town Staff members.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Jomanda Way, Expanding No Shooting Petition – LaFountain
2. Sidewalk Waiver, 1445 Jackson Road – Valentine
3. Mixed Use Development Hearing Date – Valentine
4. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
5. Sable Oaks Roadway Dedication – Valentine

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 8:26 PM.

Amy Steklof, RMC/CMC
Town Clerk