Town Board Work Session Agenda
August 10, 2016
7:00 PM

I. Call to Order

II. Approval of Minutes – July 27, 2016

III. Monthly Reports - July

IV. Public Hearing – None

V. Guests – Michelle Ladd – Request for Relocation of Real Estate Office at 1854 Penfield Road

VI. ACTION ITEMS
1. Request for Out-of-District User status for property at 1271 Fairport Nine Mile Point Road – Valentine
2. Request for Approval of Outdoor Dining Deck and Signage at 1778 Penfield Road, DaPice – Costello

Public Works
1. Mary Cariola Request for Sidewalk Waiver at 1146-B State Road – Costello
2. Willow Pond Outfall Modification Bid Award - Valentine

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Creation of Barclay Park Sanitary Sewer District - Valentine
2. Creation of Windsor Ridge Sanitary Sewer, Sidewalk and Special Improvement Districts - Valentine
Public Works
1. Allens Creek Erosion Control Improvements - Valentine

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. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
4. Jeff Luce, 1357 Marchner Road – Out of District Sewer – Valentine
5. Review from Informal Discussion for Pet Hotel, 125 Panorama Creek Drive – Costello
6. Sign Ordinance Update – Costello/LaFountain
7. Request for Sidewalk Waiver at Barclay Park 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
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 7/27/16
CM Quinn moved to hold the Minutes for revisions requested by CW Metzler, CW Kohl seconded.

III. Monthly Reports – Reports for July have started coming in.
Planning, Zoning/Fire Marshal, Justice Court, Personnel and Public Works are outstanding and expected by the end of the week.

IV. Public Hearing – None

V. Guests – Michele Ladd – Request for Relocation of Real Estate Office at 1854 Penfield Road

Jim Costello introduced Michele Ladd and explained that she has been operating her real estate office in Penfield for three (3) years. She is interested in relocating to 1854 Penfield Road and is proposing a sign that is 13.5 ft. per face, which is 6.5 ft. per face less than entitled by code.

Michele Ladd explained that she worked for Nothnagle Realtors for 14 years. Her son served in Iraq twice and she was inspired to develop a program which gives back 25% of commission to customers who buy or sell property. Ladd stated that she started her own business, Ladd Realtors, six (6) years ago. She has five (5) agents, one full time agent and one part time administrator. Over the last six (6) years she has given back $300,000 in commissions. The program is called Heroes Home Advantage, which consists of over 1,000 realtors in 40 States. The program serves military, law enforcement, firefighters, health care, emergency personnel and teachers. Ladd stated office hours are by appointment only and there will be no more than two (2) people in the office at any time. There will also be one (1) to two (2) meetings in the office per week. Ladd added that this is a full service real estate brokerage firm and there will be no recruitment of new agents.
Councilwoman Kohl asked if there will be any work done on the building.

Ladd said the exterior is being scrapped and painted, additional landscaping, and a new sign installed. Ladd continued to say inside she will be removing three (3) sinks.

Supervisor LaFountain inquired about the square footage.

Ladd said 1,000 sq. ft. of office space, there are also two (2) apartments in the back.

LaFountain asked about parking.

Ladd said there are two (2) tenants and 15-20 parking spots.

Councilwoman Metzler stated that the proposed sign has a lot of words, it may be hard for people to read as they go by, but the final decision is up to you.

Supervisor LaFountain said as a suggestion you may want to review your sign before it is completed.

Costello added the design of the sign is up to Ladd’s discretion. Costello continued to say a permit will be required for the interior remodel. Whether you or the landlord apply for that permit is up to you.

The Board discussed and agreed to approve the business through the streamline process.

Supervisor LaFountain directed Costello to prepare a letter detailing tonight’s conversation to Ladd.

VI. **ACTION ITEMS**

**Law and Finance**

1. **Request for Out-of-District User status for property at 1271 Fairport Nine Mile Point Road – Valentine**

Mark Valentine reviewed that a request had been received from Bill Vendel for his farm market property. Two (2) sewer lines were put in as part of the Abbington development. Vendel has already connected his home, and is now requesting to connect Welch’s farm market.

The Board discussed and agreed to approve. A Resolution will be submitted at the next Legislative Session on August 17, 2016.
2. Request for Approval of Outdoor Dining, Deck and Signage at 1778 Penfield Road, DaPice - Costello

Jim Costello reviewed that a Public Hearing was held on August 3, 2016. Mr. DaPice proposes adding a deck on the front of the property, patio improvements including fire pits, re-siding, fencing, and additional signage. Costello continued to say Betty Perkins-Carpenter expressed concern about having patrons in her driveway. Costello said he met with Perkins-Carpenter and DaPice at her residence and is also proposing a sign 2’ x 4’ to be located at the corner of her property, which will be visible as you travel east to west. The total proposed signage is in excess of what is allowed by code, which is a maximum of 76.58 sq. ft. Costello then reviewed the proposed signage which totals 93 sq. ft. of freestanding signage and 9.6 sq. ft. of wall mounted signage. This total does not include signage that will be added on two (2) awnings.

Supervisor LaFountain stated the requested signage is a little heavy. He asked Costello to advise the applicant not to have the signs made until he receives approval.

Councilwoman Metzler stated she agrees with LaFountain and asked if there is a reason for the overage of signage requested, that the applicant advise of those circumstances.

Councilwoman Kohl asked if we can approve everything but the signage?

Costello said we can do that and table the signage for now. Costello said he would like to spend some time with the applicant reviewing the signage.

LaFountain said he agrees with Councilwoman Kohl, the issue with the neighbors has been worked out and applicant would like to begin the decking.

Costello added, the applicant will install a fence around the patio to buffer the neighbor in addition to the previously discussed sign.

LaFountain said the siding has been started. With approval the applicant can begin on the fencing, new roof and gutters, new deck and some work on the parking lot. Piped in music had been previously approved. The hours of operation are the same and DaPice may add heaters on the patio to extend fall outdoor dining.

Costello added that DaPice will add awnings on the deck to buffer the Perkins property. The sign discussion will be held.

The Board discussed and agreed, a Resolution will be submitted for the next Legislative Session on August 17, 2016.
Public Works
1. Mary Cariola Request for Sidewalk Waiver at 1146-B State Road

Costello

Supervisor LaFountain reviewed that a Public Information meeting was held with representatives from Mary Cariola and two (2) neighbors from the west of the project were supportive of the project. A letter of support, from the Town, regarding the project was sent to Mary Cariola as a requirement of the Mental Hygiene Law.

Jim Costello said the applicant will have to go before the Planning Board for Site Plan approval. As part of a Town Law 278 development this property cannot be subdivided out. The property is seven acres of which 3.11 can be utilized for development purposes. Costello continued to say he met with Rob regarding a previous Condition of Site Plan Approval on the property that require sidewalks be installed along the frontage of both State and Jackson Roads. The installation of sidewalks is a cost issue for Mary Cariola. Costello introduced Rob Vigdor, Attorney who is on the Board and Anna-Lynn Brink, the Director of Community Services.

Rob Vigdor explained that the current property at 2575 Atlantic Avenue was built in 1951 and was acquired in 1979. The building has repair, parking and traffic issues due to the age and layout of the structure. Vigdor continued to say we have done the best we can do with the space, but need another site. 1146-B has been on the market for quite some time, it is a left over parcel from the Oakmonte development. The parcel has unique issues and Mary Cariola is under contract for the land now with both a 60 day and environmental contingencies.

Vigdor stated the property has a sidewalk easement from 2005 which stated when three (3) or more acres were developed sidewalks are required to be installed. Vigdor asked that the total requirement for sidewalks be waived due to expense. He can install sidewalks from the curb cut on State Road to tie into the subdivision. There are not existing sidewalks north on Jackson Road or west on State Road. Vigdor would like to use the funds that would be necessary to install sidewalks on equipment that can be used within the home for the children. Vigor added construction costs are up and State funds are used for the operation of the home. Vigdor added that there are currently six (6) Mary Cariola homes in the County and they are very expensive to build to meet State requirements. Vigdor said the length of required sidewalks on State Road is 1,075 feet and on Jackson Road is 356 feet. At current construction costs this would cost a total of $46,000. Vigdor added there is a 60 day window based on the contingencies for the site plan, environmental and sidewalks.

LaFountain said he appreciates the organization staying in Town. The Board is supportive of this relocation.
Councilman Quinn asked where are the existing sidewalks nearby?

Mark Valentine explained sidewalks on State Road go past Oakmonte, along Alpine and Tuscany and stop just west of the Villas at Easthampton.

Costello said every development that has occurred along State Road has been required to install sidewalks. There are also gaps on State Road which we will be looking to fill as time goes on.

Valentine added there are no sidewalks north on Jackson Road to the Webster property line and south there are sidewalks at the D’Angelo development.

Quinn asked if there are sidewalks on the east side of Jackson as you head towards Webster?

Valentine said no.

Costello said it is not imperative to have sidewalks. There is nothing to tie into now, but the gap to the driveway, which is 50 to 100 feet and should be completed to give Mary Cariola connectivity.

Quinn asked if waivers had previously been requested by any developers.

Costello said no, they installed sidewalks.

Councilwoman Metzler said the provided connectivity would be an enhancement for the residents. Metzler added she supports the installation of sidewalks at Mary Cariola’s discretion.

Vigor said we can put sidewalks from our curb cut along State Road to the existing sidewalks.

Metzler added we do not want the property to be land locked.

Anna-Lynn Brink said seven (7) of the eight (8) residents use wheelchairs and would be able to utilize some sidewalks.

LaFountain asked why the existing sidewalks stop where they did? There should be connectivity to the Mary Cariola property line, this should not be their responsibility. LaFountain continued to say the Town will work and coordinate to get the sidewalks to the Mary Cariola property line and they can pick up from there. No sidewalks will be required on State or Jackson Roads.

The Board discussed and agreed to grant the waiver.

LaFountain directed Costello to draft a letter to the applicant allowing the waiver. LaFountain asked Vigdor the time frame for construction.
Vigdor said we are looking for occupancy sometime between late summer to early fall.

2. Willow Pond Outfall Modification Bid Award – Valentine
Mark Valentine reviewed the history of the project, and submitted a summary of the bids to the Board for its review. Two (2) bids were received and Keeler Construction was the low bidder, which actually came in below estimate. Valentine spoke with Mark Keeler to confirm the bid price was correct. Keeler confirmed and would be ready to start the project mid-September once approval is received. Funds are allocated in the Drainage budget.

Councilman Quinn asked about the itemized pricing under Unclassified Excavation and Disposal. Why is there such a discrepancy between the two (2) bids?

Valentine speculated that Keeler may have a place to dispose of material and Villager would have to pay a fee to dispose of material. Valentine added that he would advise neighbors before the work begins.

The Board discussed and agreed to award the project to Keeler Construction. A Resolution will be submitted at the next Legislative Session on August 17, 2016.

Councilman Moore stated this is an unfunded mandate in which the State is forcing the Town to spend $193,000 to make improvements.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Creation of Barclay Park Sanitary Sewer District – Valentine
Mark Valentine stated the Petitions have been received along with the maps and descriptions. We would like to schedule the Public Hearing to create the district. Valentine added this is a private road funded by a Homeowner’s Association.

The Board discussed and agreed. A Resolution will be submitted on August 17, 2016 scheduling the Public Hearing on September 21, 2016.

2. Creation of Windsor Ridge Sanitary Sewer, Sidewalk and Special Improvement Districts – Valentine
Mark Valentine stated that this is a public road in which the neighbors in the area will fund the districts.

The Board discussed and agreed. A Resolution will be submitted on August 17, 2016 scheduling the Public Hearing on September 21, 2016.
Public Works

1. Allens Creek Erosion Control Improvements – Valentine

Supervisor LaFountain reviewed that the Draft Report, from Barton and Loguidice, was received in November of 2012. All Board members have walked the area. We need to layout the next steps over a year period. We will be working with other agencies, including the Town of Brighton.

Mark Valentine said he had recently spoke with neighbors in the area, and three (3) trees have recently fallen which are blocking the stream. There is significant erosion in the area. Valentine continued to say this is a large project in which we need to layout the schedule and refine the plan. Next year we will work on design and get a schedule in place to allocate funds. Valentine added residents have been contacting him looking for a plan forward.

LaFountain said we will get together with the Brighton Supervisor, his engineering team and Monroe County Pure Waters to make sure there is no impact to the County Interceptor sewer. Based on the 2012 estimates there were three (3) alternatives: 1) Full restoration, 3,000 feet, would cost $1.2 million. 2) Full restoration with limited reach, 2,400 feet, would be just under $1 million. 3) Restoration of the channel process and stabilization of stream banks was approximately $700,000. We need to plan for this over the next several years.

Public Safety - None

Community Services - None

VIII. HELD ITEMS
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4. Jeff Luce, 1357 Marchner Road – Out of District Sewer – Valentine
5. Review from Informal Discussion for Pet Hotel, 125 Panorama Creek Drive – Costello
6. Sign Ordinance Update – Costello/LaFountain
7. Request for Sidewalk Waiver at Barclay Park 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 regular Work Session at 8:12 PM.

Lisa Grosser, RMC
Deputy Town Clerk