August 9, 2010

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting Work Session, to be held on Wednesday, August 11, 2010 at 6:30 PM in the first floor board room. This meeting will be an Executive Session to discuss a legal matter and any other business that may come before the Board.

R. Anthony LaFountain
Town Supervisor

Cc:  Town Board
     Town Clerk
     Media
Town Board Work Session Agenda
August 11, 2010
7:00 p.m.

I. Call to Order

II. Approval of Minutes
4/28/10

III. Monthly Reports

IV. Public Hearing

V. Guests
1. Rudy Neufeld – Concept Plan for 2014 Five Mile Line Road

VI. ACTION ITEMS:

Law and Finance
1. Sign Ordinance Next Steps (Costello/Morehouse)
2. Wind/Solar Ordinance Consideration (All)

Public Works – None

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS:

Public Safety – None

Community Services - None

Law and Finance
1. Review of Development Projects – Benway
2. Update of Development Projects – Costello
3. Open Space Easements (Evans/Costello)

Public Works

VIII. HELD ITEMS:
1. Recreation Facilities Update – Cooper
2. Garage Sales – Costello
3. Pond Ownership – Staff
4. Parking Lot Signage – Fletcher/Costello
5. Arbor Ridge Expansion – Evans

IX. Old Business

X. New Business

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

XII. Adjournment
I. Call to Order

Supervisor LaFountain called the Work Session to order at 7:00 p.m.

Present:

Supervisor LaFountain  
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Quinn

Absent:

Councilman Moore

Also Present:

James Costello  
Katie Evans  
Donna Masters  
Harold Morehouse  
Andy Suveges

II. Approval of Minutes - 4/28/10

Councilwoman Metzler moved for the approval of the Minutes of April 28, 2010, Councilwoman Kohl seconded the motion and all present voted “Aye”.

III. Monthly Reports

Supervisor LaFountain reported that all department reports are in with the exception of the Local History Room.

IV. Public Hearing - None

V. Guests

1. Rudy Neufeld – Concept Plan for 2014 Five Mile Line Road – K. Evans sent an e-mail to the Town Board regarding a concept sketch plan (2) that was received from Mr. Neufeld. This parcel is 3.4 acres and is zoned R-1-15/single family residence known as the Aken property. There are two (2) plans submitted; one is a conventional plan which shows 6 units and an incentive zoning sketch plan for 12 units for the 55+ population. Three (3) 4-unit blocks could be sold as fee simple units featuring a private road with a homeowners association. Katie further advised that the six (6) lots meet setback and zoning requirements. This does not include the 3.4 acre Aken parcel that has been for sale for several years.

Supervisor LaFountain inquired of incentives that would be offered for the good of the community?

Peter Vars, Engineer, BME Associates, said that the primary incentive would be cash for the extension of Motts Lane.

CW Kohl asked about the school district interest in the property?

J. Costello said that they decided not to purchase the property.
Supervisor LaFountain also said that there are some drainage concerns in this area especially to the south and east and along High School Drive; this would not add to it but would certainly be there.

Peter Vars noted several concerns made by the Town Board; the first being the control volume of runoff, a green infrastructure design in lieu of the standard pond which would be used in this development. This plan is a low impact development.

Supervisor LaFountain advised everyone present that no final decision will be made tonight, but we will come back to this in two (2) weeks.

J. Costello added that this item will be discussed at the PRC Committee meeting next week.

VI. ACTION ITEMS:

Law and Finance
1. Sign Ordinance Next Steps – Supervisor LaFountain advised that comments were received from the public information meeting. Out of 26 sections within the Ordinance, 14 of these sections saw some review with three (3) major areas that were addressed. We are not going to sit on this another year or two. Tonight we want to ensure that everyone is comfortable. If so, we will move forward and schedule a Public Hearing.

J. Costello said that commercial and freestanding signage will not change. A-frame and political signs were focused upon with the understanding that NO SIGNS SHALL BE IN ANY RIGHT-OF-WAY. Political signs are allowed on properties, with owner permission, but not in a right-of-way. A-frame signs will be allowed but not in the right-of-way and must be taken down at 11:00 p.m. Attorney Horwitz will receive a copy of this on Friday.

J. Costello advised that Article II has a definition of “sign”. CM Moore said that we do need some additional definitions. CW Metzler said she will look through and highlight what may need some clarification. J. Costello referenced Section 4-26; General Provision, however, this was in conflict with what we are doing concerning identification information.

Supervisor LaFountain said that the intent was not to use addresses, but instead, to refer to this particular section.

CM Quinn said that he will stop by the Building Department and talk with them regarding addresses.

Supervisor LaFountain said we look to having a Resolution prepared for the September 1, 2010 Legislative meeting. A Public Hearing can then be held on an off Town Board meeting night. We will have this online ahead of time to give people the opportunity to view this in draft form. We would like to adopt this by sometime in October. He thanked staff for all of their work on this Ordinance.

2. Wind/Solar Ordinance Consideration – Supervisor LaFountain provided a brief history and background on this topic. He advised that the Energy and Environmental Advisory Committee has discussed this and their interest in making sure we are not faced with a lot of these and how to manage. The Committee would refer to New York State criteria. Currently there is nothing in our Ordinance for do’s and don’ts. We need to do a better job in our Ordinance for designing wind and solar items.

H. Morehouse said that during November 2009, windmills were approved for a property on Salt Road. Also, criteria must be met for site plan approval for these; we have two (2) right now.
K. Evans added that one problem for this type of review is that no development standards exist for consideration within this portion of the Ordinance.

CW Kohl suggested looking at other towns for more information.

Supervisor LaFountain added that A. Suveges and H. Morehouse will head this up. Also, Bob Brumbaugh and Bob Kanauer are willing to help out.

CM Quinn and CM Moore as well as CW Kohl and CW Metzler all agree that we look into this and stay in front of it. J. Costello suggested that we look at other towns/counties and check everything. We should also check with General Code Company to see what they have relative to this subject.

Public Works – None

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS:

Public Safety – None

Community Services – None

Law and Finance

1. Review of Development Projects – J. Costello advised of the Letter of Credit for Mario Daniele (Bazil’s) grading project next to his restaurant. This is the area along the road and we will walk the site. However, some brush and tree stumps were left behind and we will work to have this cleaned up before we release the Letter of Credit.

Supervisor LaFountain asked about dredging of the bay.

J. Costello said that this is all done.

2. Update of Development Projects – J. Costello provided the following updates:
   - 120 Rosebud Trail – this faces Five Mile Line Road and is up on a hill and the lower portion faces the pond area. A portion of their deck is within an easement and we are requesting to allow a Resolution to be prepared for a License and Hold Harmless Agreement. The owner has indicated they are willing to sign this. They can then install an above ground pool on their property. Attorney Horwitz will review as well and then it will go on to Supervisor LaFountain for his signature.
   - Los Amigos – this property is being transferred and another restaurant will be coming in soon to see J. Costello for a Special Permit.
   - Public Hearings coming up in September – Joe McCall/Connors Café – request for a separate party house and catering operation.
   - Sugar Shack – wedding cake operation
   - Yoga Studio – will locate in the former sandwich shop in Dunkin Donuts Plaza
   - Cleaning Authority – Dean Rudy is working out the details for parking
   - Hunting Horn – they are still at this location now with three (3) less parking spaces (no Public Hearing for this, just an informational item)
   - Ozzie’s – CW Kohl asked J. Costello to please have them do something. J. Costello said they began the primer process on the exterior and are now waiting for cooler weather. We still have to see a landscaping plan for the outside. We will still work with them.

3. Open Space Easements – K. Evans advised that a decision will have to be made for renewal notices coming up which are about to expire in the fall. She spoke with Attorney Horwitz today and the Local Law is legal, he said this is a great tool for a nice piece of property that
can be purchased that has development pressure, this Law can then be utilized. K. Evans did state that the formula used is not within the Local Law.

CW Kohl said that we should keep it, but we should be more discerning with applications coming in and have input from the Planning Board and Town Board. She said that this is a good tool.

Supervisor LaFountain said that the wording in the Local Law gives direction and also determines findings.

CW Metzler said she is comfortable with it; the Preamble portion regarding development and findings has a catch all factor.

J. Costello said that we should review the ones that have come in.

K. Evans said that the two (2) open space easements that are coming up are:
   2701 Penfield Road, Couch property, 36.3 acres
   2000 Harris Road, Miller property, 22.84 acres (vacant)

CW Metzler suggested that a briefing or summary be prepared when these are coming up, such as a factoid sheet. This way, a renewal could be renewed just as we would with a new easement with an explanation of why or why not we would consider renewing each one.

Public Works - None

VIII. HELD ITEMS:
1. Recreation Facilities Update – Cooper – Not discussed
2. Garage Sales – Costello – Not discussed
3. Pond Ownership – Staff – Not discussed
4. Parking Lot Signage – Fletcher/Costello – Not discussed
5. Arbor Ridge Expansion – Evans – Not discussed

IX. Old Business - None

X. New Business - None

Not on tonight’s agenda:

Supervisor LaFountain advised of a request from the Monroe County Sheriff’s Department regarding the Gurundawara Church located at 2041 Dublin Road. They are going to hold a significant event on Sunday, 11:00 a.m. – 2:00 p.m., for several hundred people. Due to lot size and parking, could we put up temporary “No Parking” signs? Attorney Horwitz is aware of this and is fine with it and J. Fletcher, Highway Superintendent, now has this information. The signs would be placed on Dublin Road/Cascade Drive on the south side of the road. There will be enforcement on the scene. The Town Board briefly discussed this and acknowledged that they are comfortable with it. Supervisor LaFountain will communicate with the residents and a vote was recorded as follows:

Moved: CW Metzler
Seconded: CW Kohl

Vote: Kohl       Aye
      LaFountain  Aye
      Metzler    Aye
      Moore      Aye
      Quinn      Aye

Five (5) Aye votes recorded
White Village/Collingsworth Drive – M. DiFrancesco advised that the dollar amount for MRB Group to prepare an engineering report will not exceed $6,300. The Town Board members were fine with this figure and a Resolution will be prepared for the next Legislative Session.

Open House – K. Evans advised the Town Board that on Saturday and Sunday, August 14-15, from 12:00 – 2:00 p.m., there will be an Open House at the Redman/Dolomite Plant, Old Penfield Road as well as a planned sailing regatta. Mr. John Odenbach invited the Town Board members and some developers that are interested in this property.

XI. Executive Session – Real Estate, Litigation and Human Resource Matters – No Session held this evening.

XII. Adjournment

Supervisor LaFountain adjourned the Work Session at 8:40 p.m.