Town Board Work Session Agenda
November 09, 2011
7:00 PM

I. Call to Order

II. Approval of Minutes  October 26, 2011

III. Monthly Reports - October

IV. Public Hearing – None

V. Guests - 7:00 PM  Steve Orsini – Amphitheater Season Debrief
- 8:30 PM  Christopher Krajbor – Interview

VI. ACTION ITEMS

- Law and Finance
  1. Revision to Article 5 – LaFountain/Benway
  2. Sidewalk Waiver 1439 Plank Road – Valentine
  3. Condominium Conversion Law – LaFountain
  4. Rezoning Penfield Road/Fairport Nine Mile Point Road – Costello

- Public Works
  1. Extension 53 to the Penfield Consolidated Sewer District (Caroline Court) – DiFrancesco
  2. Sidewalk District #15 (Caroline Court) - DiFrancesco

- Public Safety - None

- Community Services
  1. Fee schedule updated recommendations for Park Lodges, Cancellation Fees and PCC Room Permit Fees – Cooper

VII. INFORMATIONAL ITEMS

- Law and Finance - None

- Public Works
  1. Proposal for Design and Permitting Services- Restoration of Allen’s Creek – Benway
  2. Heron Landing Subdivision Proposal – DiFrancesco

- Public Safety - None

- Community Services - None

VIII. HELD ITEMS

- Pond Ownership – Staff
- Bay Breeze Section III Right-Of-Way – Costello

IX. Old Business - None

X. New Business - None
XI. Executive Session – Real Estate, Litigation and Human Resource Matters

XII. Adjournment

Town Board Work Session Minutes
November 9, 2011
7:00 PM

I. Call to Order

Present:

Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:

Geoff Benway
Mike Cooper
Jim Costello
Mark DiFrancesco
Lisa Grosser
Steve Orsini

II. Approval of Minutes – 10/26/11

CW Kohl moved for the approval of the Minutes of October 26, 2011, CW Metzler tabled the motion with changes. The Minutes will be held for the next Work Session on November 30, 2011.

III. Monthly Reports – October

Supervisor LaFountain stated that all reports are in except for the Local History Room, Developmental Services and Sewer.

IV. Public Hearing – None

V. Guests – 7:00 PM Steve Orsini – Amphitheater Season Debrief

Steve Orsini reviewed the Amphitheater attendance history. Attendance has been averaging 4,000 people over the season. The weather was good for most of the events. Revenue with the business partnerships has been down for the past few years, and this year fell short $2,000 from our projections.
Supervisor LaFountain asked if Orsini felt the economy had played a role.

Orsini said yes, but some of the larger business sponsors did not participate this year. We may need to discuss some strategies with regards to business partners. He is looking into a 501c3 to offset costs.

Supervisor LaFountain asked if there would be a scope change to different programs in 2012?

Orsini said the committee will be getting together at the end of November. They are specifically reviewing the “Taste of Penfield.” The event draws a good crowd, but we have missed the market. People seem to be coming just for dinner. This may be moved to a week night and involve non-profits. We will discuss increasing the ticket price to a $10 - $15 donation to benefit a non-profit.

Supervisor LaFountain said we can discuss this at a future Work Session. How do we select a non-profit and not show favoritism? We can discuss this after the committee meeting at the December 14, 2011 Work Session meeting.

Supervisor LaFountain inquired about the change in lodge cancellation policy. He said that some people are taking advantage of the system. Dates are booked and then released at the last minute and the facility is not re-booked.

Orsini stated that the current policy is a 14 day cancellation. Year-to-date we have had 36 cancellations for the Dolomite Lodge and Harris Whalen Lodge. We are proposing a $50 non-refundable deposit, for enclosed lodges only. 60 days out there is no refund. We will charge a $5.00 fee to transfer the date. Currently Webster charges a 20% cancellation fee and Monroe County charges a 15% handling fee.

Councilwoman Metzler asked if there is a way for residents to contact the Recreation Department if there is a cancellation?

Orsini said yes, they can be put on a waiting list.

Councilman Moore asked how many of the Dolomite Lodge cancellations were re-booked?

Orsini said he did not know.

The Board agreed with the changes. A Resolution will be prepared for the December 7, 2011 Legislative meeting.
Supervisor LaFountain asked about the additional proposed changes Orsini had submitted to the Board.

Orsini said we would like to add Friday to the weekend rate. This would add approximately $4,200 in additional revenue. The Town of Webster just changed their policy to include Friday at a weekend rate.

The Board agreed.

Orsini said we are also interested in adding a permit fee for groups that use the Community Center. Currently the groups are not-for-profits such as scouts and sporting groups. On average 30 permits per month are issued. Proposed permit fee of $10 for a single use, and $40 for a blanket use.

Supervisor LaFountain said he doesn’t think that incremental amount is justified. If we have the space, why not allow the groups to use it. If there is a problem with damage to the facility we can handle that on an individual basis. We don’t want to punish all of the not-for-profits by charging this fee.

Councilwoman Metzler feels that the fee would not cover the administrative costs for staff to manage the facility usage.

Orsini said the current program cancellation fee is $5.00, we would like to raise that to $10.00 and include a transaction fee of $5.00.

The Board agreed that is reasonable.

Summer camp registration is in January. This year we had 110 cancellations. He is unsure how many of those positions were filled, but refunding money creates administrative work. They are proposing a $25.00 non-refundable fee for Summer Camp cancellation.

Councilwoman Metzler asked if we are increasing the lodge cancellation fee to $50.00, why not make the summer camp cancellation fee $50.00 also?

Supervisor LaFountain said $25.00 is reasonable.

Councilman Quinn asked about the proposed increase in lodge and shelter fees.

Orsini said there is a proposed increase of 10% which would bring the on-line registration fee up to the regular price. The majority of the bookings are taken on line where a discount is offered.
Councilman Quinn asked what percentage of the lodges and shelters are full?

Orsini said Dolomite Lodge is booked 80% of the weekends and 65-70% of the weekdays. He will run reports and submit them to the Board showing percentage of bookings for all Town facilities.

Supervisor LaFountain asked that Orsini e-mail the Board with the summaries and prepare a Resolution for the December 7, 2011 Legislative Session.

Guests
- 7:30 Anthony Daniele – Empire Boulevard Property

Supervisor LaFountain explained that the Danieles came in two and half weeks ago to discuss their property near Bazil’s Restaurant. Mario, Anthony and Danny Daniele are here to make the Board aware of their interests.

Danny Daniele said his family purchased the Bounty Harbor property in 2000. The building was removed, marina area cleaned up and lighting, parking and landscaping were added to the area. They are here tonight to ask for permission for an application. They are interested in starting a project to add docks to the marina, a pool, a clubhouse/cabana, food/ice cream, public access trails, a natural playground, additional parking and a residential complex. They are interested in obtaining the adjacent property, owned by Randy Hare. They are allowing a 350 foot buffer for the eagle that lives on the property. There is an on-going lawsuit against the Department of Environmental Conservation brought forth by the adjacent property owner and the Danieles. This buffer would cover the area mentioned in the lawsuit, but allow them to move forward with construction and not disturb the eagle.

Councilman Moore inquired about the distance from the eagle buffer to the proposed residential structures.

Daniele said it is 300 feet from the outside of the buffer circle.

Councilman Quinn asked how many additional boat slips will you be requesting?

Daniele said approximately 200 boat slips, half of which would be for use of the proposed residential properties.

Quinn asked are your docks all currently being used?
Daniele said we are currently maxed out, all boat slips are booked by mid-May.

Quinn asked if the pool and clubhouse would be for residents or people using the marina.

Daniele said the pool area would not be public. We may look into a club fee for people who have a boat slip.

Daniele went on to say the LWRP and Harbor Bay Management Plan are outdated. They were created in 1988 and have not been updated since.

Daniele also said they would be adding floating aluminum boat docks that could be removed at a later date and would not have the long term impact of wooden docks. They have dredged the bay and should not have to dredge it again for 20-30 years.

Councilman Quinn asked how deep is the bay near your property?

Daniele said the high level is 9-11 feet deep and the low level is 5-7 feet deep. The location is good, not only because of the depth of the water, but because the bay is calm in that area. Southpoint Marina is the most expensive in the area. If they had additional docks they could lower the price. There is sufficient parking and enough land to add parking if necessary. Following the LWRP they would also like to add a small craft launching area.

Quinn asked in your master plan do you intend to add restaurants?

Daniele said no, we want to focus on the waterfront and are not interested in retail.

Quinn asked if you have spoken to the State Department of Transportation regarding the traffic impact?

Daniele said yes, we are working with Passero Associates.

Anthony Daniele said this is a general concept. In the past we have done quality work. This project must make financial sense to us. The expansion of the marina would be Phase I. The current LWRP doesn’t fit with what we are proposing. It could take 6-12 months to adopt an updated LWRP. If the Board accepts this application, we can then move forward with the Department of Environmental Conservation and do the required studies. He would like to
see this go to a Public Hearing by the end of 2012 and start construction in 2013. If this application is not accepted that could push the project out to 2014.

Councilwoman Kohl asked if this would be compatible with the LaSalle’s Landing Plan?

Jim Costello said variances would be required with the revised LWRP. For discussion purposes, the Department of Environmental Conservation wanted to evaluate the entire project first, not only the first phase. A traffic study would also be required. Costello would like to meet with Doug Fox to review the SEQR process. The DEC is not uncomfortable with the request, the LWRP, which has already been revised, can be submitted after being reviewed by the State’s legal staff. We want to wait for the response from the state on the LWRP. I am concerned they are going to come back and say that the LWRP is not consistent with the Harbor Bay Management Plan and Harbor Management Law.

Costello continued to say that there may be other development projects on the bay who need dock space that would be interested in working with the Danieles. The adjacent wetlands are not being impacted, and an agreement can be made with the DEC that there will be no more dredging.

LaFountain asked if you currently have 180 docks why are you proposing an additional 200? Does this depend on the number of residential units you add?

Danny Daniele said we can add between 90-300 docks; the proposal includes 12 for restaurant use, 4 for public use, 64 for housing development, 26 public retail marina uses and 86 for the expansion of the marina, which total 192.

Councilwoman Metzler asked do the docks come before the housing?

Daniele said yes. If we went to 330 residential units the building would be four (4) stories high. The density is 10-11 units per acre for 12 acres with 35-37 acres total.

Anthony Daniele said if we obtain the adjacent property we could build up to 400 units and still meet the town density standards.

Supervisor LaFountain said we need to meet with Doug Fox. He asked Anthony Daniele to send a summary of the development to Jim Costello and he could expect correspondence back from the Board after the Thanksgiving Holiday.
Mario Daniele asked if the Board thinks this is a reasonable request?

Councilwoman Metzler said the project is intriguing.

Councilman Moore said he likes it and the Daniele’s deserve a lot of credit. He would like additional information on docking and buildings.

Councilwoman Kohl said she likes this application over retail development. We need to coordinate with the Department of Environmental Conservation.

Anthony Daniele asked if the Town would like to be the Lead Agency on the project?

Supervisor LaFountain agreed that the Town could be the Lead Agency.

Councilwoman Kohl said it would be good if you can partner with the neighboring properties, the Department of Environmental Conservation may be more favorable toward the project.

- 8:30 PM Christopher Klajbor – Interview
Supervisor LaFountain and the Board adjourned at 8:35 PM for the interview and reconvened at 9:15 PM for the remainder of the meeting.

VI. ACTION ITEMS

Law and Finance
1. Revision to Article 5 – LaFountain/Benway
Supervisor LaFountain referenced the Browncroft Boulevard property that was discussed last meeting. The permit was issued in good faith and developed into something bigger than expected. There was a meeting after the Watershed Management Committee meeting, we are in the process of updating the Article and a Public Hearing will follow. This should remain as a held item for the next Work Session.

Geoff Benway said he has been researching the local codes and needs time to submit a draft.

Supervisor LaFountain said the goal is to have the Board play a more active role. An administrative permit could be used for small fills and large fills would require a Public Hearing before a permit could be issued.

2. Sidewalk Waiver 1439 Plank Road – Valentine
Geoff Benway said there are no sidewalks near this property, it is one (1) lot and PRC agreed with allowing a waiver.
The Board agreed, the waiver fee of $500 will be collected and an easement will be obtained.

3. Condominium Conversion Law – LaFountain
Supervisor LaFountain said we had a Public Hearing on November 2, 2011 and no one spoke.

The Board agreed and a Resolution will be submitted for the November 16, 2011 meeting.

4. Rezoning Penfield Road/Fairport Nine Mile Point Road – Costello
Supervisor LaFountain said drafts were prepared by Jim Costello and received by the Board. LaFountain said he had noted his comments and asked if there were any additional recommendations from the Board. He continued, with regards to the Penfield Road area, we want to make sure there is architectural consistency, a smooth transition from commercial to residential to school. We can review comments for the next Work Session on November 30, 2011 and have a Resolution for the December 7, 2011 Legislative Session.

LaFountain asked that the Board send all comments to Jim Costello and copy all Board members.

Costello said he would enter the comments on the document, track changes and forward changes back to everyone.

Supervisor LaFountain said regarding Fairport Nine Mile Point Road, he has just started to review that document. He will get the comments to Costello for updating. We will have a final review at the November 30, 2011 Work Session and the Resolution for the December 7, 2011 Legislative Session.

Councilwoman Metzler asked if Costello could include in his e-mail a summary of how detailed the Resolution needs to be regarding the stylistic/structure requirements.

Costello said it does not need to be that detailed because the Planning Board has the Design Criteria to follow. He will forward the Design Criteria to the Board for review. He asked is the Board still supportive of limiting the size of the structures?

Councilwoman Kohl said it depends on the use.

Councilwoman Metzler said it could be a compromised of two (2) options.

Costello said think about it as you are reading through the Resolution, and we can discuss it.
Supervisor LaFountain said we need to have a discussion with points and comments. Our sensitivity is that this is a commercial area and needs to be balanced with the residential area and the school. We want something with more character, innovative, a mixture of materials and more transitional.

Councilwoman Metzler said by obtaining a copy of the Design Criteria we can be sure we are delivering properly, regardless of how the vote comes down.

Costello asked that the Board forward information to him for updating the Resolution.

Public Works
1. Extension 53 to the Penfield Consolidated Sewer District (Caroline Court) – DiFrancesco
   Discussion combined with Sidewalk District below.

2. Sidewalk District #15 (Caroline Court) – DiFrancesco
   Mark DiFrancesco said Petitions were received for both the Sewer and the Sidewalk Districts and he would like to set Public Hearings.

   Supervisor LaFountain asked that DiFrancesco update the Board on where they are with this project.

   DiFrancesco said the Caroline Court Subdivision is located on Creek Street, it is the old ostrich farm. The subdivision has received Planning Board approval and we are in the process of reviewing mylars now.

   LaFountain asked once the mylars are signed, when will they break ground?

   DiFrancesco said at PRC they discussed re-subdividing the property and are working on it. We are in agreement with sewer connection points. Signatures should be completed after Thanksgiving, and ready to break ground after the first of the year.

   Resolutions scheduling Public Hearings for both Sewer and Sidewalk Districts will be submitted for the November 16, 2011 Legislative Session.

   DiFrancesco said he will advise when the Public Hearings can be scheduled.

Public Safety - None

Community Services
1. Fee Schedule updated Recommendations for Park Lodges, Cancellation Fees and PCC Room Permit Fees – Cooper
Discussed with Guest Steve Orsini at the beginning of the meeting.

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
I. Proposal for Design and Permitting Services - Restoration of Allen’s Creek - Benway

Supervisor LaFountain asked Geoff Benway to provide the Board with an update.

Geoff Benway said he spoke with the project representative and the data collection is complete. The conceptual design is a one (1) year process. He will present it to the Department of Environmental Conservation for approval. If we look at it with a phased approach, over the next year the cost would be $33,000 for engineering expenses. We can pick the pieces to act on, and stretch the project over two (2) budget years.

Councilman Moore asked if we had the funding in the 2012 budget?

Benway said he recommends that this comes out of the Drainage Levy Funds.

Supervisor LaFountain said this would be similar to the Commission Ditch project. It is a large expense and there is a lot of money invested in engineering.

Councilwoman Metzler said should we pay the upfront costs when there will be potentially no money to go ahead with the project?

Jim Costello said we need to discuss the project with the Town of Brighton and the upstream effects.

Benway said this was discussed at the Watershed Management Committee meeting with Mike Guyon, Brighton Town Engineer. They have a couple of projects pending; with the current water quality and quantity regulations, Brighton is putting in some kind of mitigation to reduce those numbers. He will sit in on the meetings with the developer when they get into the hydrologic design, they can model those new projects into it and come up with reasonable flow. There is no ponding in the Brighton area, but when you get to Penfield there is steep slope and quantities which are causing the problems. He also suggested we contact the New York State Environmental Facilities Corporation as they have funded similar large projects and we may be able to obtain additional funding.
LaFountain said that is encouraging, but we don’t want to rely on additional funding. What do you recommend as next steps?

Benway said these are lump sum numbers and he will bill us on a time and materials basis. The Town can provide in-kind services such as surveying the property. The Watershed Management Committee is in favor of this project. If we do not move forward more trees will be falling, and there will be loss of land. It is a sensitive area and it will continue eroding. He suggests approving a Resolution for $34,000 for Phase I and the first item of Phase II.

Councilman Quinn asked what was the start date of this project?

Benway said this has been a problem for 25 years. The Study was started 1 ½ years ago at a cost of $12,000.

Supervisor LaFountain asked what would happen if we do nothing?

Benway said continued erosion and potential loss of property.

Councilwoman Metzler asked do the Brighton projects give us reason to hold off and wait to see what will happen from their end?

Councilman Quinn said maybe we could have a dialogue with the new Brighton administration and discuss the potential impact to both communities.

Benway said Mike Guyon has been willing to participate and keep us updated on their projects. He reviewed the size and scope of those projects with the Watershed Management Committee. We can incorporate that development into Phase I. We then can see if the hydraulic demands are within our reach. We won’t gain anything by waiting.

Jim Costello asked if the Brighton residents are having any problems.

Benway said no, our residents have steeper properties and Brighton is not as residential, mostly park.

Councilman Moore said he is not prepared to move forward. What is the difference if we move forward today, or a year from now?

Supervisor LaFountain said more sediment will move and there will be potential for more loss of banks.
Moore said he would be willing to meet with Benway to get additional information.

Benway said he could schedule a tour of the site with the Watershed Management Committee, Brighton Officials and the Town Board.

Supervisor LaFountain said he could reach out to the new Supervisor, we can put something on the calendar.

2. Heron Landing Subdivision Proposal – DiFrancesco
Mark DiFrancesco reviewed the summary sheet he submitted to the Board regarding the Sherwood Forest Relief Sewer. (History and Data) The Pump Station was originally designed for 31 homes. Additional connections from the Winchester Woods Subdivision and Shoecraft Road area has brought this pump station to near capacity. Sherwood Forest Pump Station is now servicing 185 properties. 10 State standards and Monroe County Health Department requires two (2) hours of storage volume at 2 ½ times the average flow rate. When you compute the impact of the additional properties you have 79 minutes of additional storage versus the recommended 120 minutes. Only 66% of the required storage is available.

Supervisor LaFountain reviewed that Heron Landing Subdivision was originally approved for 12 lots, the developer is asking for 16 lots over approval for a total of 28 lots.

DiFrancesco said the additional lots would cover the expense of $201,285 to connect the current location to the Crowne Point sewer and reduce the demand on the Sherwood Forest Pump station. He also calculated the public value of this work to be estimated at $237,300.

The developer has a NYS DEC Wetlands Permit which has been renewed twice and indications are it will not be renewed again. An easement would also need to be obtained from a private property owner.

Supervisor LaFountain asked can the Sherwood Forest Pump Station be eliminated?

DiFrancesco said in the future it is possible, it would be very expensive and easements would have to be obtained.

Jim Costello said at the original Public Hearing residents in the area were against the original development of 12 lots. He isn’t sure residents understand the repercussions of the pump station failing.

Councilwoman Metzler asked if she could see the original approvals and a background summary.
Costello said he would gather that information for the Board to review, along with the Minutes from the Public Hearing.

Councilman Moore asked would we be looking at incentive zoning for this project?

LaFountain said that would likely be the case. He also asked what is the size of the property?

Michael D’Amico, Combat Construction said total area is 35 acres, but most of it is wetlands.

LaFountain asked Costello to provide the approved plan from the Board at the time Heron Landing was originally approved.

D’Amico said the original approval included connection at Sherwood Pump station. He went on to say if we experienced another ice storm and the power was out for a week, residents in the area would see sewage back up into their homes.

LaFountain asked Costello to provide the prior approval information to the Board. This will be discussed again at the November 30, 2011 Work Session.

Public Safety - None

Community Services - None

VIII. HELD ITEMS

1. Pond Ownership - Staff - Not discussed
2. Bay Breeze Section III Right-of-Way - Costello - Not discussed

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - No Session tonight

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 9:21 PM.