Town Board Work Session Agenda  
January 25, 2012  
7:00 PM

I. Call to Order

II. Approval of Minutes  January 11, 2012

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – 7:00  Daniele Family – Empire Boulevard Property

VI. ACTION ITEMS

Law and Finance
1. Draft Articles V and VI Environmental Protection, Excavation and Mining Next Steps - Benway

Public Works
1. Authorization for Supervisor to sign Brighton Agreement for Collingsworth Drive Project – DiFrancesco
2. R G & E Station 124 Expansion Harris Road, Driveway Waiver from Design Criteria – Benway

Public Safety
1. Property Maintenance 2012 Proposals – Suveges

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Browncroft Plaza/Blossom Road Drainage – DiFrancesco
2. Drainage Update 2011/2012 – Benway

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. 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
I. Call to Order

Present:

Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:

Geoff Benway
Jim Costello
Mark DiFrancesco
Lisa Grosser
Harold Morehouse

II. Approval of Minutes – 1/11/12

CM Quinn moved for the approval of the Minutes of January 11, 2012, CM Moore seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests 7:00 PM Daniele Family – Empire Boulevard Property

John Caruso, Passero Associates and Alan Knauf, Upstate Brownfield Partnership explained that they are interested in a joint venture with Upstate Brownfield Partnership, Morgan Management and the Daniele Family for development at 1440 Empire Boulevard.

John Caruso went on to explain that he has been involved for two (2) years developing this project at the south end of the bay. The project proposes 325 luxury apartments. Special attention has been paid to this environmentally sensitive area. A coastal erosion plain, and federal wetlands area have been identified. The project avoids a 100 foot buffer from Department of Environmental Conservation wetlands and a 300 foot arc area for the eagle on the property. The Town’s Environmental Protection and Steep Slope requirements have been addressed. Zoning requirements such as density, setback and parking standards have been met. The apartments are three (3) storey and four (4) storey with underground parking. SEQR has been followed to minimize impacts to sewer and water. A traffic study was completed and a turning lane would be added on Empire Boulevard.
to access the project area and include two (2) exit lanes from the project onto Empire Boulevard. The development is clustered and the land has already been cleared. There is a small wedge of land that is Town owned and a purchase offer has been submitted.

Supervisor LaFountain explained that the piece of land was County owned, had been transferred to the Town and the purchase offer is now being reviewed by Town Attorney Horwitz.

Alan Knauf explained that an additional benefit of approving this project would be that the Brownfield Project could be completed. Additional financing would allow the cap of the project and close it according to Department of Environmental Conservation standards. They would like to acquire additional land for park land and additional improvements.

Caruso explained that this is a separate project from what the Daniele’s had proposed for additional docks and marina upgrades.

Knauf said that the residential portion of the Daniele project has been shelved for now.

Councilwoman Kohl expressed concerns regarding the increased traffic on Empire Boulevard.

Caruso said we have completed a traffic study and the turning lane is a result of that study. We have been working with the Department of Transportation for over one (1) year and a traffic light may need to be added. We are utilizing the existing curb cuts and will not be adding any additional curb cuts.

Councilman Quinn inquired if there would be on site amenities such as retail or restaurants?

Caruso said there will be no commercial use. We will be following the LaSalle’s Landing Development District Zoning.

Knauf said we would like to include a walkway or boardwalk to the existing County Park. He also expressed that he would like the Town to be the lead agency on this project.

Supervisor LaFountain said this is a sketch plan concept only at this time. The Board will get some feedback to you in writing. He reiterated that the Daniele’s concept is on the back burner for now. This partnership proposes housing only, the Daniele’s dock and marina would be a separate stand alone project.

Jim Costello said he has been working with Paul D’Amato from the Department of Environmental Conservation. The LWRP is not completed yet and we will not address docking until that is completed.

Councilwoman Kohl said she would like to see a 3D model of the project.
Caruso said he could put together some additional graphics that would show the tiering of the project.

Costello said according to the LWRP, this project meets the requirement of minimal blockage of the view of the bay.

Caruso said he would include how this project would fit into the current zoning in his presentation at the Public Hearing.

Costello asked how would you utilize the PILOT program?

Knauf said as part of COMIDA we could leverage some of the tax dollars for improvements and land acquisition. A portion of the land that is not being developed could be taken by the Town or County and turned into a nature preserve. Some of the money could be used to develop a nature trail or boardwalk, pay for improvements to Empire Boulevard and the infrastructure.

Supervisor LaFountain inquired about the pump station in the area. Based on zoning would this be inclusive of a full build out, or a full build out of this magnitude?

DiFrancesco said the district calculations for sewer load were based on the Waterfront Development District, a mix of commercial use, not residential use. There is some additional usage set aside for residential properties on Wilbur Tract Road that has not been utilized. The Waterfront Development use would be less intensive, as far as water consumption, than residential. He would have to look at the overall design for District 12.

Caruso said if improvements to the pump station were a requirement of the development, we would take care of that.

Costello said he would gather additional information for the Board’s review prior to the next Work Session on February 8, 2012.

VI. ACTION ITEMS

Law and Finance
1. Draft Articles V and VI Environmental Protection, Excavation and Mining - Next Steps - Benway

Supervisor LaFountain said that feedback on the Articles had been submitted to Geoff Benway from both the Energy and Environmental Advisory Committee and Town Board members.

Benway said the latest revision was placed in Board members mail boxes this evening. He made some additional changes and simplified language. He has also added some information regarding recreational ponds on residential property.
Supervisor LaFountain said the new requirement for a Grade and Fill Permit is 50 to 200 cubic yards approved internally through staff. Requirements of over 200 cubic yards are approved at a Public Hearing before the Board.

Benway said a permit will be issued for three (3) months and then the applicant must reapply. This will increase the fees collected, and prevent the project from dragging on too long.

Supervisor LaFountain asked if agriculture operations are exempt?

Benway said yes, unless they are filling in wetlands or floodplains, then they would have to come before the Town for approval.

LaFountain said Horwitz is reviewing the revisions. The Board agreed and a Resolution will be submitted for the February 1, 2012 Legislative Session. A Public Hearing will be scheduled for a Work Session night in February.

Public Works
1. Authorization for Supervisor to sign Brighton Agreement for Collingsworth Drive Project – DiFrancesco

Mark DiFrancesco said the project will be started within the next month. This is an expansion of our existing agreement stating that Brighton has the option to connect to the project in the future. There is some offset pertaining to the operation costs of the pump station and offsetting our normal charges that we pay for use of their sewer system. Currently four (4) of the six (6) residents are ready to sign a Petition and they may be forming a district shortly. If this does happen, we would handle it as a change order to our contract and we will detail how those charges are billed.

Supervisor LaFountain asked DiFrancesco to have the agreement ready for review by Town Attorney Horwitz on Friday morning.

The Board agreed and a Resolution will be submitted for the February 1, 2012 Legislative Session.

2. RG & E Station 124 Expansion Harris Road, Driveway Waiver from Design Criteria – Benway

Mike Schaffron, LaBella Associates and Girish Behal, SNC-Lavalin, were present to discuss the RG & E project.

Geoff Benway explained that there is an 800 ft. long by 10 ft. wide driveway to the RG & E Station. They are requesting a waiver from the 20 ft. wide requirement in the Design Criteria. The back half of the driveway is through a designated wetland area. The use falls under a Miscellaneous Group U classification under the New York State Building Code. Group U requires a fire hydrant to be within 600 ft., the nearest hydrant would need to be extended 200 ft. to the roadway. Wayne Cichetti, Acting Fire Marshal has been out to review the site. He would like to hold
to the Section 5-11 requirements which require a 12 ft. width with turnarounds not in excess of 500 ft. The next step is to review these plans with the Fire Department, which he has not yet been able to do.

Supervisor LaFountain said the driveway is currently 10 ft. wide and wet on both sides. What would be the issues to extend the driveway an additional two (2) feet?

Benway said they would have to fill wetland on the back half, and that would be difficult. There is an existing 12” culvert under the road that is below water level. The culvert would have to be extended and it would involve dewatering.

Mike Schaffron said there are buried subsurface electrical conduits under the roadway, and that is why the culvert was installed so low.

LaFountain asked is the pipe underneath the electrical?  

Schaffron said yes and these are oil cooled lines, not flexible cable. It would be a major operation to do anything with these lines.

Benway said currently there is a 110 ft. by 35 ft. turn around area.

Schaffron said currently approximately one (1) vehicle per week is utilizing the road. The station has been there since the late 1960’s and there have been no issues. The area is not subject to fires and they do not want to extend the hydrant. The local Fire Department would not access the area if there was a fire until RG & E had secured the property. We have been working with the Department of Environmental Conservation and the Army Corps of Engineers to obtain a permit to fill a portion of the wetland. There will also be offsite mitigation for improvements. If a turn around is required in the wetland area, the permit process would have to be renewed to include the additional area.

DiFrancesco asked if the asphalt road would need to be reinforced to handle the large equipment that is being brought in?

Schaffron explained that they use a specialized vehicle that would distribute the load. At the completion of the job, they would overlay the existing road.

Supervisor LaFountain said he would like to see the input from the Fire District and Wayne Cichetti before making a decision. We also need to determine if additional permits will be required based on the location of the turnaround.

Schaffron will advise if the area for the turnaround would be in the wetlands or the wetland buffer. He also said he would be willing to meet with Cichetti at the site.
Supervisor LaFountain said this item will be held until the next Work Session on February 8, 2012.

Public Safety
1. Property Maintenance 2012 Proposals – Suveges
Harold Morehouse said only one (1) bid was received from Boon and Sons. They had received the award the last time this was bid and they are holding their current prices. Andy Suveges has been pleased with their services they have been timely and efficient.

The Board agreed and a Resolution will be submitted for the February 2, 2012 Legislative Session.

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Browncroft Plaza/Blossom Road Drainage – DiFrancesco
Mark DiFrancesco explained that in the back of the plaza along Blossom Road there is a storm manhole that had been installed by the plaza owners. The water discharges to Thomas Cove Road and a large sink hole had developed around the manhole which caused drainage problems. There is no easement on the property. After a conversation with William Viele, 1820 Blossom Road it was discovered that the previous owner Adams had an easement to Jablonski, the owner of the plaza. The plaza owns the pipe and it was tied into our drainage system. When the pipe is brought up to Town standards we could take dedication of the manhole and pipe. This manhole does relieve some of the drainage from the highway. The owner of the plaza will petition the Town at a future date. The manhole has been repaired and is up to Town standards. They are still working on repairing the pipe and bringing it up to Town standards.

Councilman Quinn explained that he had been contacted by a member of the church, and had been advised that they had reached out to the Senator’s office. This individual felt it was the Town’s responsibility to take an active role in repairing the manhole. Quinn then contacted Supervisor LaFountain regarding the situation. The Town is now working with the land owner to get the manhole and pipe up to Town standards.

Supervisor LaFountain said the Town may accept dedication in the future.

2. Drainage Update 2011/2012 – Benway
Supervisor LaFountain stated that Geoff Benway had submitted a year-to-date review of drainage expenses for 2011 with his Monthly Report.
Benway said we had funded projects and are still waiting for some invoices to come in. It was a very productive year working on ditch cleaning, ponds and some small neighborhood drainage problems.

Supervisor LaFountain asked for an update on the Willow Pond dam.

Benway said the information for declassification has been submitted and we are waiting on a response from the Department of Environmental Conservation. He does not know when we will get that response.

Supervisor LaFountain also said we need to review the next steps for the Allen’s Creek project.

Geoff Benway said he has been putting together a photo log of the area.

LaFountain said he will be meeting with the new Brighton Supervisor in February and will discuss what potential role the Town of Brighton may have in the project.

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Bay Breeze Section III Right-Of-Way – Costello

IX. Old Business - None

X. New Business
1. 1 Terrace Hill Drive
Supervisor LaFountain said a letter had recently been received from a closing attorney regarding 1 Terrace Hill Drive. There is an encroachment of approximately 4 inches into an easement from the corner of the garage.

DiFrancesco said they cannot close the sale without a License Agreement from the Town.

Supervisor LaFountain asked Harold Morehouse to verify if the garage is the original structure or an addition. As long as this is part of the original structure, have a Resolution for the February 1, 2012 Legislative Session.

2. 1439 Plank Road
Geoff Benway said he has received an application for an Excavation Permit under Article V-5-5. It is for 780 cubic yards of material.

Supervisor LaFountain asked that this be put on the next Work Session Agenda, February 8, 2012.
XI. Executive Session - Real Estate, Litigation and Human Resource Matters - No Session tonight

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 8:19 PM