Town Board Work Session Agenda
April 11, 2012
7:00 PM

I. Call to Order

II. Approval of Minutes March 28, 2012

III. Monthly Reports - March

IV. Public Hearing – None

V. Guests - 7:00 PM David Topian – Townhouse development at 1200 Empire Blvd.

VI. ACTION ITEMS

Law and Finance
1. Article V & VI Revised Documents – Benway
2. Ashlyn Rise Subdivision Draft Resolution – Costello
3. Review of Resolution of Approval – Allstate Insurance 1822 Penfield Road – Costello

Public Works
1. Dedication of Blue Ridge Road - Benway
2. Release of Easements – Camden Park Subdivision – Section III – DiFrancesco
3. 1220-1226 Shoecraft Road Drainage (Polkowski) - Benway

Public Safety
1. Update on Motts Lane – Costello/Benway

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Allen’s Creek Update – Benway

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Bay Breeze Section III Right-of-Way – Costello
2. Hydrofracking Petition to Consider a Moratorium – Town Board/Horwitz

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

II. Approval of Minutes – 3/28/12
CM Quinn moved for the approval for both Work Session and Public Hearing Minutes of March 28, 2012, CW Metzler seconded the motion.

III. Monthly Reports – Not all of the reports have been received yet.

IV. Public Hearing – None

V. Guests – 7:00 PM David Topian – Townhouse development at 1200 Empire Boulevard

Supervisor LaFountain stated that 1200 Empire Boulevard was formerly known as Captain Jack’s.

David Topian said this project area is across the street from MacGregor’s Restaurant. The original concept was for 16 high end homes. They have reviewed the project and determined that the best layout includes a reduced home size from 3,500 sq. ft. to 2,400 sq. ft. The home will include a two (2) car garage, first and second floor living area and a third floor, crows nest area with roof access that could be used as a third bedroom or office area. They are proposing 24 units, each with an additional two (2) parking spots in front of each unit. Concepts include 2½ bathrooms and 3-4 bedrooms. There will be two (2) retention areas for storm sewer at the end of the development. There will be a pervious walkway around the property, which will lead to the gazebo. Also included with the project are 24 boat slips that will be available for purchase or rent in conjunction with the project to the east of this property at the South Pointe Marina if additional docking is permitted.
Councilman Quinn inquired about the boat slips, is this project on hold?

Jim Costello said yes, we are still working on the LWRP.

Councilman Moore inquired if the retention ponds will be maintained by the Association.

Topian said yes, the Town will not be responsible for the retention ponds. Most of the properties will have a water view, with five (5) properties on the waterfront. He intends to include a nautical theme in the development, and the walkway will be installed on top of existing barrels to maximize space.

Councilwoman Kohl asked if there will be a community or common area.

Topian said no, all townhomes are individual, and this will be a gated community.

Kohl asked if the pathway to the gazebo will have public access.

Topian said yes, the public can use the walkway from Empire Boulevard to access the gazebo.

Councilman Quinn asked if there are sidewalks in the area.

Jim Costello said there are sidewalks in front of Bazil’s Restaurant and the Town park immediately to the west of this location.

Councilwoman Metzler asked what is the price point of these townhomes?

Topian said cost would start at $359,000.

Councilman Moore asked if Topian had spoken with the New York State Department of Transportation?

Costello said we are going to be setting up a meeting with the State DOT regarding this and some other things that are going on in the area.

Topian said we have been working to obtain permits through the Department of Environmental Conservation.

Supervisor LaFountain inquired about density?

Topian said the original plan was for 16 units at a starting cost of $600,000. We have modified this to 24 units at a starting cost of $359,000, and this is what we need to make the project viable.
Costello asked what is the height of the buildings from grade to peak?

Topian said the height is approximately 28 - 30 feet.

Costello asked what is your time frame for the project?

Topian said we are currently working with the architect and the engineering firm. We would like to start before winter. There is a lot of interest in this project.

Councilman Moore said he likes the nautical style, and would like to see some additional improvement on that.

Supervisor LaFountain said the Board will follow up with a letter to Mr. Topian.

VI. ACTION ITEMS

Law and Finance

1. Article V & VI Revised Documents - Benway

Geoff Benway submitted the latest revisions to the Board for their review. The changes were in response to the Public Hearing and Jim Costello’s notes from the last Work Session. Benway went on to say he has changed the numbering system to follow that of General Code.

Supervisor LaFountain inquired about Article V, Page 4, Paragraph 2 regarding topsoil removal. How is this covered in Article 6, so that it is not a conflict?

Benway said new developers that are selling top soil receive a separate permit, not a fill and grade permit.

Jim Costello suggests that during the site plan review process a developer can advise if he is interested in selling top soil. If we address this at that time, all the interested parties would be present.

LaFountain stated that Town Attorney Horwitz is reviewing the revisions, if there are any corrections he will advise Benway. The Board approved and a Resolution will be submitted for the next Legislative Session on April 18, 2012.

Benway said regarding Article VI, he has also made revisions and changed the formatting so it is similar to the General Code format.

LaFountain questioned the hours of operation as stated on Page 4, Paragraph 1, are those realistic?

Benway said he will correct the hours to be the same as Article V.
LaFountain said Town Attorney Horwitz is also reviewing these revisions. The Board approved and a Resolution will be submitted for the next Legislative Session on April 18, 2012.

2. Ashlyn Rise Subdivision Draft Resolution – Costello
Jim Costello said Mark Valentine has prepared a Draft Resolution and submitted it to the Board for its review.

Costello said Mr. Cavalcanti called asking for clarification on the Incentive Zoning portion. The Findings Statement from October 2011 stated a $3,500 per lot fee for the 7 lots above the standard zoning. Also included are the sidewalk waiver fees that were discussed at our Work Session in March, those will not exceed $115,500.

Councilman Quinn expressed concern regarding the alignment of the roads. Has a cost been obtained to move the pole?

Geoff Benway said cost would be approximately $15,000. Instead, the road has been offset 24 feet and this should not cause any traffic problems.

Supervisor LaFountain said the change in alignment is a safer design.

The Board agreed and a Resolution will be submitted for the next Legislative Session on April 18, 2012.

3. Review of Resolution of Approval – Allstate Insurance 1822 Penfield Road – Costello
Jim Costello reviewed the terms of the Resolution. The Board agreed and a Resolution will be submitted at the next Legislative Session on April 18, 2012.

Public Works
1. Dedication of Blue Ridge Road – Benway
Geoff Benway said this road is approximately 700 feet long, built in 1976 and is used by 68 townhomes. There is a Homeowner’s Association, and they have requested dedication of this roadway. Benway said the standard 60 foot right-of-way would not be possible here; we would have to go with a 40 foot right-of-way. There may already be utility easements and variances will be required. The Homeowners Association will be responsible for expenses to bring the road up to the Town’s Design Specifications. Costs involved would include additional mapping and verification of proper drainage.

Councilwoman Kohl asked if the Highway Department has reviewed this?

Benway said no, it is only a request at this point.
Councilman Quinn said he doesn’t feel the Town should accept dedication without hearing the Highway Department’s opinion first.

Supervisor LaFountain said the Association should have core samples taken first. This may help in the decision to move forward or not. The Association should be able to have this done at little or no cost. He also asked Benway to contact the Highway Department and have them weigh in on the situation. This item will be held until the next Work Session on April 25, 2012.

2. Release of Easements – Camden Park Subdivision – Section III – DiFrancesco
Supervisor LaFountain said this discussion is a continuation of previous discussions we have had regarding release of easements for Camden Park Subdivision. The pump station has been eliminated.

Mark DiFrancesco stated that in August 2011 a drainage easement, and a portion of a sanitary sewer easement were released. The sanitary sewer for Alpine Drive has now been re-routed and tied into the sewer for Camden Park. This is phase II of those releases, and we would like to have the remaining two (2) easements released.

The Board agreed and a Resolution will be submitted at the next Legislative Session on April 18, 2012.

3. 1220-1226 Shoecraft Road Drainage (Polkowski) – Benway
Supervisor LaFountain stated that a letter had been received by the Board from Vicki Polkowski regarding drainage on her property.

Geoff Benway said he has revised the original plan and moved a retention pond back and re-routed storm sewer drainage to Bentbrook Circle. Jim Fletcher has visited the site and spoke with Vicki Polkowski after the letter had been received by the Board.

Supervisor LaFountain said the home was built over 10 years ago. He asked Benway if he had any record of drainage complaints.

Benway said no, he has not received any complaints.

Public Safety
1. Update on Motts Lane – Costello/Benway
Geoff Benway said he and Jim Costello had recently met with Arnold DiPietro. In addressing DiPietro’s concerns, the alignment of Mott’s Lane has changed. This change requires a purchase of a small triangle piece of property from DiPietro at a cost of approximately $3,000.
Supervisor LaFountain said that the State Department of Transportation requires the road and the right-of-way to be Town owned property.

Benway said engineering is making the changes and he sent a letter to DiPietro to sign off.

**Community Services** - None

VII. **INFORMATIONAL ITEMS**

**Law and Finance** - None

**Public Works**
1. Allen’s Creek Update – Benway
   Geoff Benway said the survey is done and they are working on Phase II of the work which is data collection.

**Public Safety** - None

**Community Services** - None

VIII. **HELD ITEMS**
1. Pond Ownership – Staff
2. Bay Breeze Section III Right-of-Way – Costello
3. Hydrofracking Petition to Consider a Moratorium – Town Board/Horwitz

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 8:18 PM.