I.  Call to Order

II. Approval of Minutes  April 11, 2012

III. Monthly Reports - March

IV. Public Hearing – None

V. Guests – Mr. Putthy Ho – Discussion of new ownership of NQ Nails at 1825 Penfield Road

VI. ACTION ITEMS

Law and Finance
1. 2305 Penfield Road - Gabrielle – Follow up from Informal Discussion - Valentine
2. Sparrow Pointe Subdivision – 1813 & 1817 Baird Road – Valentine
3. 1463 Empire Boulevard Sale – Costello
5. 2014 Five Mile Line Road Subdivision – Benway/Costello
6. Articles V and VI Revisions - Benway

Public Works
1. Oak Ridge Knolls Pond modifications – Benway
2. Cloister Lane Dedication - Benway
3. Fill & Excavation Permit for 1865 Penfield Road - Benway
4. 2012 Drainage Update – Benway

Public Safety - None

Community Services
1. Panorama Plaza Park - Benway

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

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
4. Dedication of Blue Ridge Road – Benway

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 Quinn

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser
Mark Valentine

Absent:
Councilman Moore

II. Approval of Minutes – 4/11/12

CM Quinn moved for the approval of the Minutes of April 11, 2012, CW Metzler seconded the motion.

III. Monthly Reports – All reports for March are in except for Building/Zoning, Fire Marshal and Parks.

IV. Public Hearing – None

V. Guests – Mr. Putthy Ho – Discussion of New Ownership of NQ Nails at 1825 Penfield Road

Jim Costello introduced Mr. Putthy Ho the new owner of NQ Nails; the business name will be changing to Upscale Nail and Spa. Mr. Ho intends to operate the business as it was originally approved. The Board approved the business with a certain number of employees and Mr. Ho is currently in compliance as the business was originally approved in 2006.

Mr. Ho said he intends to operate the business as it was previously run. He would be the owner and will have two (2) employees, his wife and one (1) additional employee. His wife had been an employee of the previous owner.

Costello asked if there would be a receptionist.

Mr. Ho said there will only be two (2) employees.

Councilwoman Kohl asked if the business had closed, before Mr. Ho had taken ownership.
Mr. Ho said no, we transitioned from the previous owner without closing the business.

Councilwoman Metzler asked if they would be providing any other services other than nails.

Mr. Ho said no, it will be nails only.

Supervisor LaFountain inquired about the hours of operation.

Mrs. Ho said Monday through Friday from 10:00 AM to 7:00 PM, Saturday from 9:00 AM to 5:00 PM and during the summer only they would like to include Sunday from 11:00 AM to 5:00 PM.

Costello stated if these hours are approved now, there will not be a need to come before the Board at a later date to add the Sunday shift. The hours of operation meet the code for this district.

Councilwoman Kohl asked if the customers will be parking behind the building and sharing the spaces with the sushi restaurant.

Mr. Ho said yes, the employees will park away from the building and leave the closest parking for customers.

Costello said that additional parking is available in the public parking area. He also advised Mr. Ho that the Board would have to approve any changes in the sign, and he would also be required to obtain a sign permit from the Building Department.

Kohl asked if Mr. Ho will be sharing the dumpster with any other businesses.

Costello said the dumpster would be shared by other properties owned by Ron Baroody.

The Board approved and LaFountain instructed Costello to prepare a letter for the Board to review detailing the sign, hours of operation, number of employees, parking and dumpster requirements.

Costello advised Mr. Ho that we may need to work together in the future to accommodate additional parking in the area.

VI. ACTION ITEMS

Law and Finance
1. 2305 Penfield Road – Gabrielle – Follow up from Informal Discussion – Valentine
Supervisor LaFountain said this is a follow up from the recently held Informal Discussion, and asked staff if any additional materials had been received.

Jim Costello said no, nothing additional has been received.
Councilwoman Metzler said she had been contacted by residents who said they heard a rumor that an apartment complex is coming in. She is unsure to what extent residents have been made aware of what is happening. She did her best to clarify where we are, with Mark Valentine’s help. She expects more neighbors will come forward as we continue to proceed with this project.

Councilman Quinn asked if there is anything additional on the progress of the State owned home.

Valentine said no. A representative from the State attended the Informal Discussion, but we have not had any additional conversations.

Supervisor LaFountain asked the Board if they had any comments regarding density.

Board members stated they are okay with the density, and think we need to move forward with public input.

LaFountain said the next step is to have a Public Hearing. The applicant will need to submit more detailed plans. LaFountain feels 12 units is too ambitious for this site. He is sensitive to the applicant that if we move forward, he will need to submit more detailed plans and his expenses will increase. He went on to say, if a decision had to be made tonight, he would be voting no.

Metzler said she feels we need to hear from the residents.

Valentine said the next step would include website notification, legal notice and notification on PCTV. Postcards would be mailed to residents once a Public Hearing is scheduled. He asked CW Metzler if she hears anything more from residents, to direct them to our office.

LaFountain said next a formal application will need to be prepared. He instructed Valentine to prepare a letter for the Board to review and we will get this letter to the applicant by early next week.

2. Sparrow Pointe Subdivision – 1813 & 1817 Baird Road – Valentine

Supervisor LaFountain said a letter had been received from the engineer for the project requesting the Town Board consider several items:

1. Accept dedication to the Town for common areas created to preserve an existing woodland, facilitate the stormwater management system and associated landscaping near the subdivision entrance. This is desirable to avoid having these areas with a specific long term purpose to be located on a private homeowner’s property.
2. Create an embellishment district for the maintenance of the stormwater management area, woodland area, entrance landscaping and signage. This will provide a consistent maintenance program supported by the residents of this subdivision.

3. Waive the requirement to the Town’s sidewalk policy for the internal subdivision street. This will reduce the hard surface and provide more green area. The developer will comply with the sidewalk reimbursement policy.

4. Waive the Town’s requirements to connect downspouts to drain to the yards and infiltrate naturally into the soil.

Mark Valentine stated that the application is going before the Planning Board tomorrow night. Geoff Benway is waiting on the drainage report. The plan has been submitted for 23 lots with a looped driveway on four (4) acres. The road and the pond have been shifted. PRC recommends removing the island at the entrance.

The Board discussed and decided:

1. They do not want it to become Town owned property. The Pond would be a Town owned lot, but would be incorporated into a Special District. Once the revised plans are received, Valentine will bring that in for PRC to review.

2. See Item 1

3. Sidewalks will be required on one (1) side and we will collect sidewalk fees for the other side.

4. We will waive the Design Criteria and not require the downspouts to be connected.

Jim Costello asked if the Board is supportive of eliminating the island at the entrance, as PRC had suggested.

The Board agreed to eliminate the island at the entrance.

Valentine said he would share this information with the Planning Board tomorrow evening.

3. 1463 Empire Boulevard Sale – Costello

Jim Costello said in 2003 this parcel was adjacent to two (2) properties owned by two (2) different parties. The property has been sitting dormant, and one (1) of the owners is now out of the picture. This parcel is under consideration for South Point Marina, and the Town Board will be reviewing an apartment complex shortly. In 2003 Monroe County discharged a 1.67 acre parcel to the Town of Penfield. This is not usable property. Resolution #219 of 2003 stated that the parcel be listed for sale to determine the value, and at that time it was determined to be worth $7,000.

Costello continued by saying the two (2) entities that are trying to develop the property have requested to purchase the land from
the Town as one (1) entity. Supervisor LaFountain requested that the property be re-appraised and it is now valued at $8,000. Costello asked the Board if they are comfortable with selling the property to the entity for this upcoming project. They would like to use the property for set back purposes from the right-of-way.

The Board agreed, Supervisor LaFountain said we need to speak with Town Attorney Horwitz regarding timing. A Resolution will be prepared authorizing the Supervisor to sign a release for purchase of the property.

4. Sports Apparel Shop - 2118 Five Mile Line Road - Costello
Jim Costello said we recently had a Public Hearing, and he had submitted a draft Resolution to the Board for review. Mary Kay Cummings intends to hire three (3) employees, but will only have one (1) person on staff at any time. If the Board approves this as written and at the Christmas season she decides she needs more employees working, she would have to come before the Board for approval.

Councilwoman Kohl suggested the Resolution be rewritten to say no more than three (3) employees at any given time.

Costello said Ms. Cummings agrees to meet the guidelines established for parking.

Supervisor LaFountain inquired about dumpsters.

Costello said the property owner uses a tote that is next to the building, she did not want dumpsters. We can put something in the Resolution stating that if a dumpster is added, it must be enclosed or she will arrange to have garbage taken off site. Costello will confirm these changes with Ms. Cummings.

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

5. 2014 Five Mile Line Road Subdivision - Benway/Costello
Supervisor LaFountain reviewed that this application is for six (6) duplexes on a 3.4 acre parcel.

Jim Costello said the area residents have been well informed regarding the site and drainage. There are no technical issues, but we do need to make sure there is adequate landscaping to buffer the needs of the residents. Mr. Chapman expressed concerns regarding landscaping and buffering.

Costello continued by saying landscaping will be added along the north property line near Atria, which will pick up a lot of the drainage issues. Some wooded area will be preserved. There is a water main running across the north property line. There will be grading and storm sewers installed. A fence is proposed along the north property line.
Councilman Quinn asked if there would be rear lighting that may impact the residents of Atria.

Costello said no, there would only be yard lamps with downward lighting.

Quinn inquired if there had been discussions regarding the drainage along Five Mile Line Road.

Geoff Benway said a 25 foot, 8” pipe at Five Mile Line Road will be replaced with a 12” pipe. The pond will reduce the rate of flow and increasing the pipe size will improve the outflow.

Councilman Quinn asked if there would be any work on High School Drive.

Benway said there will be repair on the shoulder, but this should not disrupt school traffic.

Councilwoman Metzler said she is satisfied with the landscaping, the developer has responded to the residents concerns.

Costello said we may need to review the landscaping of the pond near Mr. Pfeiffer’s property, as it may be needed when the pond is created.

Supervisor LaFountain said a question was raised at the Public Hearing regarding an easement. Should this easement remain as it was originally established, or does it need to be changed?

Costello said we will work with the owner regarding the catch basin and pipe going to High School Drive. BME reviewed and the existing easement doesn’t cover the pipe, we will work with Mr. Pfeiffer to get this resolved.

Supervisor LaFountain said Ed Lindskoog has requested a gate in the fence near the high school. This gate is a concern as it may be an opportunity for students to exit school property and go into the development.

Costello said, the fence is owned by the School District and permission would be needed from the District. After the project is developed we could have a conversation with the School District.

LaFountain asked if there was any additional input from PRC since the April 10th response letter was received.

Mark Valentine said no nothing additional has been received.

Costello said we need to be vigilant with the drainage of this project. The residents were supportive because drainage improvements in the area were promised.
Rudy Neufeld said he had submitted suggested street names to 911 and is waiting for a response.

Costello said another suggested name would be McKinstry Court, he was the first Town Supervisor and a land agent for Daniel Penfield.

The Board approved and a Resolution will be submitted at the next Legislative Session on May 2, 2012.

6. Articles V and VI Revisions – Benway

Supervisor LaFountain said Benway had submitted revisions to the Board for review. During the Energy and Environmental Advisory Committee meeting some additional changes were suggested. We will have a final review with LaFountain, Benway and Horwitz on Friday.

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

Public Works

1. Oak Ridge Knolls Pond Modifications – Benway

Geoff Benway said the developer has one (1) lot he cannot sell because the backyard is in a pond. The developer would like to extend the pond east towards the Town of Penfield Property. The Department of Environmental Conservation did not want anything in the buffer and that resulted in the current location of the pond. This would be done at no cost to the Town of Penfield.

Valentine said there is a 100 ft by 100 ft easement in the corner leading to Rothfuss Park. There is not a formal path to the park.

Supervisor LaFountain asked is this something we could do to formalize the path as part of this?

Valentine stated that the Trails Committee intends to connect trails and sidewalks from Veteran’s Memorial Park to Rothfuss Park.

Councilman Quinn asked the distance to connect.

Valentine said the offset gap is 9 feet.

Costello asked what can the developer do to help us create that trail.

Valentine said they can use machinery to clear out the property, and if any rocks are uncovered they can be used along the property lines.

Quinn suggested we review and come up with some ideas similar to the Ashlyn Rise project. He suggests having PRC and staff review...
and try to maximize this trail. They could include a formal entrance/exit from Rothfuss Park.

Geoff Benway said we could also review the Master Plan for Rothfuss Park.

Supervisor LaFountain said a meeting is scheduled with the Trails Committee on May 7, 2012. This would be a good time to discuss this application also.

Item held until next Work Session on May 9, 2012.

2. Cloister Lane Dedication – Benway
Geoff Benway stated that this is a townhouse development at the corner of State and Jackson Roads. The top of the road is not in place yet, but they are planning on doing that this year. There is a 60 foot right-of-way and existing easements. The Home Owners Association is requesting dedication.

Benway continued by saying there is a grass section at the end of the cul-de-sac and the Homeowner's Association would have to agree to take care of that.

The Board discussed and agreed.

Supervisor LaFountain instructed Benway to have the Homeowner’s Association begin by having core samples taken to determine if the road meets Town Specifications.

3. Fill & Excavation Permit for 1865 Penfield Road – Benway
Geoff Benway said we are currently working on a Storm Sewer Project along Honey Creek. The area is already being disturbed by the storm sewer work and they would like to bring in additional material to extend the parking area. The storm sewer project will also clean up the area.

LaFountain asked Costello to review the neighbor component.

Jim Costello said the owner of 1867 Penfield Road has been working on some major improvements to her building. She will be paving the parking lot and adding a barrier between her property and 1865 Penfield Road. Terry Williams, the owner of 1861 Penfield Road, has agreed to an access easement on his property. He intends to move an Aspenleiter Vacuum business to this address.

Councilman Quinn asked if the barrier would go the length of the property?

Costello said yes, the barrier would go the length of the property. The fill in this area and the creation of additional parking would provide adequate parking for this business and any future businesses.
The Board approved and the Fill and Excavation Permit will be issued.

Supervisor LaFountain said we would like to work towards creating parking in two (2) or three (3) areas instead of having individual parking for each business. Ideally we would like to connect all properties, but that isn’t going to happen. We can try to collect a few groups over time.

Costello said he would like to make sure the neighbors around the area are aware.

LaFountain said we could meet on site with the neighbors. The next Watershed Management Committee meeting on May 7 at 6:00 PM, will be our site tour at that location.

4. 2012 Drainage Update – Benway
Geoff Benway reviewed that the pond cleaning has come in under budget and he is now getting quotes for the landscaping of Silver Woods. He has also recently received additional requests for ditch cleaning from the Department of Environmental Conservation.

Willow Pond should be reclassified to Class B, this will save us money on the spillway design.

LaFountain said we still have approximately $5,000 to $10,000 worth of work to be done in the area for the spillway.

Benway said we have obtained easements, releases and will begin projects as soon as the weather dries up.

Allen’s Creek and additional localized drainage projects are also budgeted for.

Public Safety – None

Community Services
1. Panorama Plaza Park – Benway
Geoff Benway said we received funding from a Community Development Grant of $40,000. This is a unique site behind Tops Supermarkets that backs up to Allen’s Creek Valley. The County interceptor sewer runs through the area. Two (2) chlorination buildings have been demolished in the area. There currently exists some trails, we are looking to add a gazebo and benches. The trail will be connected to existing trails heading north. There will also be a canoe launch and some additional landscaping.

Councilman Quinn inquired if this trail will be connected to the trail heading east to Channing Philbrick Park.

Benway said yes.
Supervisor LaFountain suggested we look at a structure similar to what we currently have in Rothfuss Park. He would like to see a building that has a roof but no sides; something for people to sit under to get out of the sun.

Councilman Quinn asked if it would be a named park.

Mark Valentine said yes, we had to use this name to apply for the grant. There will be a more formal name upon completion.

Quinn asked what steps have been taken to take the trail and extend it west out of the parking lot.

LaFountain said he believes that is the ultimate intent. This is something the Trails Committee may look into. We may need to obtain an access easement and apply for an additional grant.

Quinn asked if signage, historical markers could be added if funded allows.

Benway said, yes we will look into that.

LaFountain said Benway and Fletcher will be meeting with the Trails Committee and will work out additional details.

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

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
4. Dedication of Blue Ridge Road - Benway

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 8:50 PM.