Town Board Work Session Agenda
May 9, 2012
7:00 PM
REVISED

I. Call to Order

II. Approval of Minutes  April 25, 2012

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests - None

VI. ACTION ITEMS

   Law and Finance
   1. 1830 Penfield Road, Grocery Store – Costello
   2. Chapter 18 Status Update – Benway

   Public Works
   1. License Agreement Request – 126 Jackson Road Extension – Dr. Alan Litvinov – DiFrancesco
   2. R G & E Soil Removal (Fill on Harris Road, Penfield Center Road) – Benway

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Proposed Improvements to 1837 Penfield Road – Costello
   2. Proposed Restaurant 1778 Penfield Road – Costello
   3. Proposed Improvements to 1823 Penfield Road – Costello

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS

   1. Pond Ownership – Staff
   2. Hydrofracking Petition to Consider a Moratorium – Town Board/Horwitz
   3. Dedication of Blue Ridge Road, Cloister Lane and Jomanda Way – Benway
   4. Oak Ridge Knolls Pond Modifications - 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 Metzler
Councilman Moore
Councilman Quinn

Also Present:
Geoff Benway
Jim Costello
Mark DiFrancesco
Lisa Grosser

Absent:
Councilwoman Kohl

II. Approval of Minutes - 4/25/12
CW Metzler moved for the approval of the Minutes of April 25, 2012, CM Moore seconded the motion.

III. Monthly Reports - None

IV. Public Hearing - None

V. Guests - None

VI. ACTION ITEMS

Law and Finance
1. 1830 Penfield Road, Grocery Store - Costello
Jim Costello stated that he has met with Ahmed Rashid regarding items discussed at the Public Hearing on May 2, 2012. The discussion included hours of operation, dumpster needs and deliveries to the site. Mr. Rashid submitted a proposed map of the interior of the store, and photographs of the property.

Costello said that he has spoken to former Fire Marshal Pat Morris regarding deliveries at the site previously when it was utilized as a restaurant. The delivery truck would park on Penfield Road and deliver kegs between 9:30 AM to 11:00 AM. The kegs were slid down a ramp to the basement via the west side entrance. Mr. Rashid is looking to have two (2) types of deliveries for both beer and bread. The beer will be both bottles and cans and he is looking to have those delivered one (1) to two (2) times per week.
Mr. Rashid went on to say that his cooler will only have five (5) doors, so his inventory would not be substantial. He is also looking to have bread delivered. All other food supplies will be purchased from a wholesaler and brought to the site by Rashid in a van which he has recently purchased.

Councilman Moore inquired about Rashid’s other store; where is that located?

Rashid said 990 Monroe Avenue, at the corner of Harwood Street.

Councilwoman Metzler asked if the operations of this site will be similar to your Monroe Ave. store?

Rashid said yes, they would be the same.

Jim Costello stated that when deliveries are scheduled they should be scheduled to avoid peak rush hour between 7:00 AM and 9:00 AM.

Rashid said he can select delivery times to be later in the morning.

Costello spoke regarding the need for a dumpster on site, there may be issues getting trucks to and from the site. When speaking to the prior Fire Marshal, he was advised that the dumpster was previously located at the end of the driveway. A smaller truck could come in and lift the dumpster and empty it. There is now a fence located at the end of the driveway. The current tenant is utilizing plastic totes. If totes were allowed for this store, they could be rolled out to the street to be emptied.

Rashid said he currently has four (4) totes.

Councilman Quinn asked if totes are acceptable to the Department of Health?

Costello said he believes there is not a requirement to use dumpsters. The Health Department only states that the refuse cannot cause a public health hazard. Dumpsters would be required for food waste materials. Costello went on to suggest that totes be used for waste, and a tote could be dedicated for cardboard only.

Councilwoman Metzler said she does not support the use of totes in the Four Corners area. The dumpster should be enclosed which has been a requirement for all other businesses in the Four Corners area.

Costello referred to the photographs that had been submitted, the Masonic Lodge uses totes, and they do have a kitchen which yields food waste.
Metzler said that all recent approvals in the Four Corners Zoning District have been required to have enclosed dumpsters.

Costello said Rashid is showing a smaller dumpster as an option. His requirement would depend on the volume of material generated. The question is where to place a dumpster. We do not want a dumpster immediately adjacent to the building or on neighboring property. We do not want to block parking. Any dumpster on the property would be enclosed.

Quinn asked if there are any restaurant/commercial businesses in the Four Corners that do not have a dumpster?

Costello said no, not to my knowledge.

Costello went on to say the permitted hours of operation in the Four Corners District are 6:00 AM to Midnight. They could be inside stocking shelves, but not open for business. Mr. Rashid will have to decide what hours he would like to be open that are compliant with the code requirements.

Quinn inquired about traffic on Penfield Road.

Geoff Benway said the County completed a traffic study in 1983. The State completed a traffic count at Five Mile Line Road in 2006.

Metzler said traffic has increased in the area due to the development east of Penfield. Do we have any idea how much those traffic counts could have changed?

Benway said normal growth is 1% to 2% per year.

Quinn inquired about signage.

Costello said Rashid is looking to have signage similar to the photography studio nearby.

Supervisor LaFountain asked where would handicapped parking be located, and how would those individuals enter the store?

Costello said there is parking available in the back. There are also three (3) apartments upstairs, and parking would also need to be available for those residents. There is a hallway on the side of the building which is handicapped accessible.

Markos Skrombolas, the owner of the property said there is a 30 foot wide area in the rear for parking.

Rashid said he has already contacted Time Warner and has requested two (2) phone lines. The intent is to have customers call ahead for orders and simply come in to pick them up.
Costello said Rashid has requested inside seating of four (4) tables with two (2) chairs each. He is also requesting outdoor seating at the west side of the building.

LaFountain asked how much outside seating will you be requesting?

Rashid said he would like an additional two (2) tables and two (2) chairs each outside for the summer months only.

Costello asked during what months would you like to offer outside seating?

Rashid said May through August or September.

Supervisor LaFountain said the Board will review this. He asked Rashid to stay in touch with Costello. The Board members will walk the site and discuss the areas of concern which are traffic, parking and hours.

2. Chapter 18 Status Update – Benway

Supervisor LaFountain said we have been reviewing Chapter 18 as it refers to park land and recreation land.

Geoff Benway said he has been reviewing the wording for town park land and town owned land, such as ponds. He has thought about separating the two because a pond is for stormwater control not for recreational use. Bob Ainsworth suggested we keep the two (2) pieces the same, but merge them into one (1) chapter. Benway has also tried to clarify what is Town owned land for example the right-of-way. He continued to say he has learned as a result of the Stormwater Coalition, that if a 20 ft. strip around the pond is left natural and not cut, the geese will stay away and the water will remain cleaner. He has changed the wording of the ordinance to state that grass is not to be cut within 18 ft. of the pond.

LaFountain said he would be meeting with Town Attorney Horwitz on Friday and will review the revisions of Chapter 18 and have a draft back to the Board for review.

Public Works
1. License Agreement Request – 126 Jackson Road Extension – Dr. Alan Litvinov – DiFrancesco

Mark DiFrancesco said he had received a request for a sign, from a sign company, on behalf of this family dentistry business. The request is for the sign to be placed in storm/sanitary easements in the right-of-way. The size of the sign is 3 ft. by 5 ft. and will have 4” by 4” posts. Dr. Litvinov is looking for permission for the sign to be installed with approval from the Zoning Board of Appeals.

Jim Costello said Dr. Litvinov would have to obtain an Area Variance from the Zoning Board of Appeals.
Supervisor LaFountain said the business has been on site for 20 years and the doctor resides on site. LaFountain continued to say that Dr. Litvinov previously had a smaller sign. This is a substantial sign and would have to meet setback and size requirements.

Councilwoman Metzler said she feels this should be tabled until the Zoning Board of Appeals can review it.

Councilman Moore asked why does he need a sign that large? A smaller sign would be better.

Metzler said we do not want to send a message to the Zoning Board of Appeals by approving the location of the sign that the Town Board approves of the size of the sign. Dr. Litvinov should meet with the ZBA first, the neighbors need to be notified that this is under review.

Supervisor LaFountain said this should remain a held item. Dr. Litvinov should work with the Zoning Board of Appeals first for approval of the sign.

Costello said he would check to see where the Zoning Board of Appeals is in the process with this sign.

2. RG & E Soil Removal (Fill on Harris Road, Penfield Center Road) – Benway
Geoff Benway said with the expansion of the RG & E site they will be removing three (3) feet of soil. There are three (3) applicants for a fill permit that will be accepting soil: Chris Toomey (3,000 Cu. Yd.), Cannarozzo’s (2,000 Cu. Yd.) and Dave Woodward (3,000 Cu. Yd.) Benway continued by saying this will not affect drainage and there will be no impact to septic.

Jim Costello asked if there are any concerns about the wetlands.

Benway said there is a 500 year flood plain over the ditch.

Mark DiFrancesco asked if RG & E will be grading the soil.

Benway said yes, and the residents receiving the soil will be responsible to do their own seeding.

Supervisor LaFountain asked if there is any need to test the soil for contamination before it is transferred.

Dave Woodward said a soil analysis was done in the late 90’s after an expansion. He took some of that soil, and at that time there were no concerns. This soil is located on the outside of the fenced area.

Benway said it is a good idea to have RG & E test the soil. We will keep the results on record. He will contact RG & E to have the soil tested.
Woodward inquired if there would be a fee as his requirement is agricultural.

LaFountain said there would be no application or fee because this use would be considered normal agricultural.

The Board agreed and the approval for the fill will be granted. The Board thanked the residents for volunteering to take soil. A letter will be sent to each resident receiving soil.

Public Safety - None
Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Proposed Improvements to 1837 Penfield Road - Costello
Jim Costello showed proposed exterior improvements to the location formerly known as the Penfield Liquor Store. This was recently sold to the Thompson Family, who also owns the State Farm Insurance Business on Five Mile Line Road. They intend to move the insurance business to this location. They will be refurbishing the exterior of this building as well as some interior remodeling.

2. Proposed Restaurant 1778 Penfield Road - Costello
Jim Costello said he has been contacted by Christofer Collard who is interested in re-opening Le Bon Vie as a steak house and will rename the business T-Bones.

3. Proposed Improvements to 1823 Penfield Road - Costello
Jim Costello showed proposed exterior improvements to the location formerly known as the Penfield Hardware Store. Mr. Baroody and his architect have already come before the Historic Preservation Board with these designs and they have been approved.

Public Works - None
Public Safety - None
Community Services - None

VIII. HELD ITEMS
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4. Oak Ridge Knolls Pond Modifications - 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 8:01 PM.