TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

Town Board Work Session Agenda
September 12, 2012
7:00 PM

I. Call to Order

II. Approval of Minutes  August 22, 2012 (both Work Session and Public Hearing)

III. Monthly Reports - August

IV. Public Hearing – None

V. Guests –7:00 PM - Scott Thompson 2855 Penfield Road

VI. ACTION ITEMS

Law and Finance
1. Selection of Consultant for Development of Mixed Use Zoning District – Valentine
2. Moratorium on Hydro-Fracking Proposed Local Law #1 – Costello
3. Ashlyn Rise Subdivision Sidewalk District – DiFrancesco

Public Works
1. Sherwood Forest PS Capacity Evaluation – DiFrancesco
2. Sparrow Pointe Subdivision, Sidewalk Ext. 17 & Special Improvement District – DiFrancesco

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Setting Public Hearing Martial Arts Studio 1782 Penfield Road – Costello
2. Setting Public Hearing Angus Steak House 2126 Five Mile Line Road – Costello
3. Southpoint Cove Apartments – Costello
4. Jomanda Way Update - Costello

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership – Staff
2. Dedication of Cloister Lane – Benway
3. License Agreement Request – 126 Jackson Road Ext. – Dr. Alan Litvinov – DiFrancesco

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  
Mark Valentine  

II. **Approval of Minutes** – 8/22/12  
CM Quinn moved for the approval of both sets of Minutes for the Work Session and the Public Hearing of August 22, 2012, CM Moore seconded the motion.

III. **Monthly Reports** – All reports for August have been submitted.

IV. **Public Hearing** – None

V. **Guests**  
7:00 PM – Scott Thompson -2855 Penfield Road  
Supervisor LaFountain introduced Scott Thompson and explained the location is on the south side of NYS Route 441, just west of County Line Road. Mr. Thompson has been speaking with Geoff Benway and Jim Fletcher regarding a fill permit that was issued March 22, 2011.

Benway submitted a map of the project area for the Board’s review. He explained the property is west of Watson/Hulburt Road. Mr. Thompson intends to move the driveway and add a storage building and berm on the property. A permit needs to be received from the New York State Department of Transportation to connect a catch basin. There is concern about erosion control. Engineered drawings will need to be submitted to the State DOT for the permit. Mr. Thompson wants to restore the property and level the site. He is relocating the driveway which will improve the grading and site distance.

Supervisor LaFountain confirmed the second driveway will move the access point farther east, which will be better. He also asked Mr. Thompson how much more fill will be needed?
Mr. Thompson stated he needs enough top soil to seed. On the south side of the property he needs to push the piles over, as the fill is still exposed.

LaFountain asked about the NYSDOT permit.

Mr. Thompson said it is still in process. It should not be a problem to obtain the permit; it is required to connect the catch basin.

LaFountain asked if the property will drain to the south?

Mr. Thompson confirmed that, the drainage is all set he just needs to connect the catch basin and the property will drain south.

Benway said the NYSDOT is not asking the Town to take dedication of the catch basin. Jim Willard has not expressed the need for dedication because this is a private residence, not a Town project.

LaFountain asked if Mr. Thompson will be connecting to the State catch basin, or if the State will be connecting to his catch basin?

Mr. Thompson said there is an existing box culvert and he will tie his catch basin into that.

LaFountain confirmed this will take drainage from the road base out. What is the expected timeline?

Mr. Thompson said he is expecting to connect the catch basin in October. Then he will need to seed with grass. His existing fill permit has expired, and he only needs top soil.

LaFountain asked how much top soil will be needed?

Mr. Thompson said approximately 20 truckloads, as it is a large area. This would be approximately 15 six (6) wheeled trucks or 10 ten (10) wheeled trucks, it depends on who he has do it.

Benway said the top soil is needed to cover all of Thompson’s property and a berm.

LaFountain expressed concern that this has been an active site for an extended period of time. The Board is extremely sensitive to the fact that others may take liberties with the site being open for such a lengthy time.

Mr. Thompson said he has already caught someone dumping on his property and he asked him to remove it.

LaFountain stated this is why we have recently changed the ordinance. We are watching these areas more closely and it is in
everyone’s best interest to wrap this up and get the property seeded.

Mr. Thompson inquired if he would need to obtain another Fill Permit?

LaFountain instructed Benway to work on providing a two (2) month extension to the existing fill permit. He also asked Benway to follow up back to the NY State DOT regarding the permit for the catch basin.

VI. ACTION ITEMS

Law and Finance
1. Selection of Consultant for Development of Mixed Use Zoning District – Valentine

Mark Valentine said the Advisory Committee recently completed the process of interviewing candidates. We received six (6) RFP’s and the committee scored the candidates and interviewed the top two (2). Sand County Studios has the most experience and the committee recommends using them.

Valentine went on to say that we have received a $25,000 grant from GTC and have $12,000 in the 2012 budget. We have requested $13,000 from the 2013 budget. The quote from Sands County is as follows: Tier 1, which is for NYS Rte 250 only for $34,000 and staff would have to run the meetings, Tier 2, which is for NYS Rte 250 only for $37,000 and Sands County Representatives would run the meetings, and Tier 3, which includes NYS Rte 250, Manitou Lake, LaSalle’s Landing and Four Corners, all four (4) areas, website and SEQRA for $69,000. To accept the Tier 3 quote we would be $19,000 short although there may be an opportunity we could resubmit to GTC for additional grant funding. Valentine continued to say there is also a possibility we could extend the project and spread the expense out to utilize the 2014 budget.

Councilwoman Kohl said the Four Corners and LaSalle’s Landing could be pulled out to save expenses; these two (2) districts are already Mixed Use Zoning.

Valentine said we could, but we are just looking to enhance and tweak existing zoning in those two (2) areas.

Councilman Moore is concerned that by trying to look at all four (4) areas it may be too distracting. The group needs to concentrate on the NYS Route 250 area. This area will take the most time and effort. We don’t want to lose focus by trying to do too much at one time.

Valentine said the NYS Route 250 area is our priority.

Moore said the original interest was for the NYS Route 250 area. We may need different focus groups for the Four Corners and the LaSalle’s Landing areas.
Valentine said we could phase the work. We could create four (4) separate groups with constituents from each area.

Councilwoman Kohl asked what is the timing?

Valentine stated it will take approximately one (1) year.

Councilwoman Metzler stated she feels we should look at areas one at a time. She hesitates to have one (1) consultant working on all four (4) areas at once. What if we are not satisfied with the consultant? We may have opportunity for future grant availability if we show success in one (1) area.

LaFountain said he feels we should concentrate on the NYS Route 250/NYS Route 286 area and Manitou Lake area. LaSalle’s Landing and the Four Corners areas already have the framework. The other areas have more potential for development. We could have a representative from the Board for each area. We could look at the areas with the consultant. Create two (2) separate groups with an advisory committee and tailor the needs to each specific area.

Valentine said the quotes are for NYS Rte 250 or all four (4) areas. Valentine said he could go back and have re-quoted to include just NYS Route 250/NYS Route 286 and Manitou Lake.

The Board agreed and Supervisor LaFountain advised Valentine to proceed with the re-quote.

LaFountain went on to say he participated in the interviews for the consultant with the committee and there was no comparison; Sands County is the best and has the most experience.

Councilman Moore confirmed they would be working with MRB Group.

Valentine said yes. Valentine will resubmit the request for quote and get the revised price to the Board for review. If the Board agrees we can have a Resolution for the October 3, 2012 Legislative Session.

2. Moratorium on Hydro-Fracking Proposed Local Law #1 - Costello Supervisor LaFountain stated that this item will be held until the next Work Session on September 26, 2012 as the comment period is open until Friday, September 14th.

3. Ashlyn Rise Subdivision Sidewalk District - DiFrancesco Mark DiFrancesco stated that the Public Hearing was held on September 5, 2012. He would like to submit the Resolution establishing the district at the next Legislative Session on September 19, 2012.

The Board agreed.
Public Works

1. Sherwood Forest PS Capacity Evaluation – DiFrancesco

Supervisor LaFountain reviewed that we had our last conversation regarding this on August 22, 2012.

Mark DiFrancesco resubmitted the August 8, 2012 memo to the Board showing RFP’s to confirm our analysis of capacity and perform an analysis to extend the capacity. This area has had significant growth in the past 10 to 15 years. DiFrancesco recommends selecting Barton and Loguidice and transferring funds from the 2012 budget to cover the expense.

The Board agreed and a Resolution will be submitted at the next Legislative Session on September 19, 2012.

Supervisor LaFountain asked when can the Board expect to see the report?

DiFrancesco stated it would be approximately four (4) weeks after the contract is signed.

Councilman Quinn asked if residents would see any disruption of service?

DiFrancesco said no, this is a desktop analysis. They may only go to the site to perform a draw down test to see if we are hitting the pump curves where we should. We want to observe the flow out of the station.

LaFountain said the station has been there quite a while. There are still lots that could be built on. We want to have the most updated data. At a future Work Session we will review the report and determine the next steps.

2. Sparrow Pointe Subdivision, Sidewalk Ext. 17 and Special Improvement District – DiFrancesco

Mark DiFrancesco stated that this development is part of an existing Sewer District and only requires the Sidewalk District and Special Improvement District.

The Board agreed and a Resolution will be submitted at the next Legislative Session on September 19, 2012. A Public Hearing will be held on October 17, 2012.

Public Safety - None

Community Services - None
VII. INFORMATIONAL ITEMS

Law and Finance

1. Setting Public Hearing Martial Arts Studio – 1782 Penfield Road – Costello

Jim Costello said he was just notified that there is a for sale sign on this property located behind Salon Enza. The Fire Marshal has given his approval. Costello will verify this project is still and go and would like to submit a Resolution at the next Legislative Session on September 19, 2012. A Public Hearing would follow on October 17, 2012.

The Board agreed.

2. Setting Public Hearing Angus Steak House – 2126 Five Mile Line Road – Costello

Jim Costello stated that he and Supervisor LaFountain have been working with neighbors in the area. He would like to submit the Resolution for the next Legislative Session on September 19, 2012 and hold a Public Hearing on October 17, 2012.

Councilman Quinn expressed concern about the sign that is on the property. He said based on previous applicants and neighbors concerns he doesn’t want people to think the restaurant has already been approved.

Costello said he would speak with the applicant about removing the sign.

The Board agreed and the Resolution will be submitted.

3. Southpoint Cove Apartments – Costello

Jim Costello stated he would like to move forward with the preparation of the Negative Declaration. Once this has been completed we can then move forward with the approval Resolution for the project. The sewer issue held up the project. The applicant is offering to improve and add an additional lift station before the sixth building is built. This will allow an improved sewer district for additional potential development in the area.

Costello continued by saying Geoff Benway’s memo listing 33 issues has been addressed and the developer has met with Passero Associates. The New York State Department of Environmental Conservation needs to review the process and issue an Article 24 permit because there is going to be a discharge pipe adjacent to wetlands. This permit cannot be issued until the Negative Declaration has been adopted.

Costello also went on to say the applicant now has a working plan for the remedial action. Matt Gillette from the NYSDEC is comfortable but the NYSDEC in Albany has to approve it. Most of the material will be relocated on site. There will be guidelines
stating if the material reaches a certain ppm it will have to be removed from the site. There are memos from both the Conservation Board and the Planning Board, which Costello will get to the Town Board for review.

The Board agreed and Costello will prepare the Negative Declaration. He will have a draft to the Board to review by tomorrow. Costello continued to say after the SEQRA process is completed we can move forward with an approval Resolution.

Councilman Quinn inquired about the Planning Board memo.

Mark Valentine said the memo contains the standard Planning Board comments in support of the project.

Costello said one issue that was brought up was noise impacts. It was not clear if the concern was noise during construction or post construction. Costello will address both instances. There will be a maintenance agreement listing permitted activity and specific times activities are allowed, such as refuse hauling.

Costello continued to say the NYSDOT has reviewed the plans. Benway’s suggestion to extend the taper and include Bazil’s driveway will be included as a condition of approval.

4. Jomanda Way Update – Costello
Jim Costello stated that all eight (8) deeds have been signed and the Resolution has been passed for the Supervisor to accept $32,000 from the Homeowners Association. The agreement has been signed by all residents and he will meet with the Supervisor to sign the agreement tomorrow. The Homeowners Association has delivered the check to the Town. Town Attorney Horwitz will finalize the agreement. Costello spoke with Ron Williams, Director Public Works and construction will begin on September 24, 2012. He would like to have a meeting with all of the residents to explain the process completely. The residents are extremely pleased so far.

Geoff Benway stated that CP Ward will be doing the shoulder work.

Supervisor LaFountain said Williams needs to assign a highway contact for the project.

Costello said the highway contact should be included in the meeting with the residents and he will share all of the resident’s contact information.

Councilman Moore also suggested that a representative from CP Ward also be included in the meeting with the residents.

LaFountain suggested setting up the meeting at the site, over the next week or so, at 6:30 PM.

Public Works - None
Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership - Staff
2. Dedication of Cloister Lane - Benway
3. License Agreement Request - 126 Jackson Road Ext. - Dr. Alan Litvinov - DiFrancesco

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 7:56 PM.