Town Board Work Session Agenda  
October 24, 2012  
7:00 PM

I. Call to Order

II. Approval of Minutes - October 10, 2012

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – Thomas Amore – Potential Restaurant at 1830 Penfield Road

VI. ACTION ITEMS

Law and Finance
1. Two vs. One Apartment at 1833 Penfield Road – Costello
2. Ashlyn Rise Request for 90 Day Extension – Costello
3. Update on Four Corners Parking Plan – Costello
4. Request for Special Permit – Angus Steak House 2124-2126 Five Mile Line Road – Costello
5. Baytowne Rezoning Application – Valentine
6. Sparrow Point Subdivision Special Improvement and Sidewalk (#17) Districts – DiFrancesco

Public Works
1. Villas at East Hampton – Basement Request – Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Discussion of Proposed Pergola over Outdoor Dining Area – Bazil’s Restaurant - Costello

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

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

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser
Mark Valentine

Absent
Councilman Quinn

II. Approval of Minutes - 10/10/12
CW Metzler moved for the approval of the Minutes of October 10, 2012, CW Kohl seconded the motion.

III. Monthly Reports - None

IV. Public Hearing - None

V. Guests - Thomas Amore - Potential Restaurant at 1830 Penfield Road
Jim Costello introduced Thomas Amore who is interested in leasing 1830 Penfield Road and opening up a restaurant. Costello reviewed the history of this property and the most recent application for a small grocery store at this location. Costello has also shared with Mr. Amore the concerns the Board has had with respect to this location.

Thomas Amore submitted a letter to the Board which summarized his business application. He intends to offer valet parking which he feels will eliminate any parking concerns.

The Board questioned Amore’s plan for valet parking and it was determined that he intends to use an A-Frame sign and advertising to advise that valet parking is offered. He intends to utilize on street parking in front of the location for customers to turn their car over to the valet. Amore also is in discussions with Mark’s Pizzeria to utilize an additional parking lot on Five Mile Line Road.
Councilwoman Metzler stated that the Board is consistent with all applicants. She continued to say after reviewing Amore’s letter this application is identical to the application that was previously denied at this location. She added that she would be hard pressed to encourage this application based on the fact that the previous similar application had been denied. She added that Mr. Amore’s challenge is the property not his business.

Supervisor LaFountain reviewed that the area has significantly changed since this location was a restaurant in the 1970’s and 1980’s. Traffic on NYS RTE 441 has doubled. The Board is currently working on a public parking plan behind the former Kam Wah restaurant which will be utilized by businesses on that side of the street and would not have additional parking for Amore’s proposed restaurant.

Amore continued and asked if he can resolve parking issues will the Board approve this location for a restaurant.

LaFountain stated that the Board is interested in many issues, not just parking, as it relates to that location.

Councilwoman Metzler said some of the issues with that property cannot be rectified.

LaFountain said that last time the Board spoke regarding this property concerns were raised regarding both parking and deliveries and how that would effect traffic on NYS RTE 441. LaFountain continued to say this is a challenging site. The Board has discussed alternative uses, such as an office, which would be less intense and not require deliveries or parking.

Amore continued to press the Board for agreement. He stated he would only require deliveries for opening day. He would then pick up and deliver his own supplies through the back entrance.

Metzler said she agrees with Supervisor LaFountain, we have been discussing a different type of use for this property. She added that we do not want to waste more of your time.

LaFountain stated that there is a high likelihood that this site would not be a restaurant. The Board would love to see you in this Town, just not at this location. We don’t want to approve a business that does not have ample parking. We want you to be successful.

Amore said that he plans to buy the building and eliminate the tenants. If he can secure additional parking on the Five Mile Line Road lot, would that satisfy the Board’s concern for parking?

LaFountain said we could have a conversation. There are a number of concerns regarding parking, safety, deliveries, getting the
building to code, dumpster location, grease containers and having sufficient parking and access for the tenants.

Metzler added that the Fire Marshal has a concern with emergency vehicle access in the rear of the property.

LaFountain stated that the Board isn’t saying yes to anything this evening. There are a lot of concerns with the property. The Board doesn’t want you to spend money, just to have the application denied. If you believe you can find alternate parking and address the other issues and want to come back to the Board to discuss this, then you can. The next step is to have additional conversations regarding parking. You cannot count on parking in front of the location. Public parking is on a first come first serve basis. If Mark’s Pizzeria wants to submit a letter showing how they will handle the additional parking requirements we can discuss it. Delivery and safety on NYS RTE 441 will also need to be addressed.

VI. ACTION ITEMS

Law and Finance
1. Two vs. One Apartment at 1833 Penfield Road – Costello
Jim Costello stated that Paul Thompson emailed Andy Suveges regarding the apartment proposed for this property. During the remodeling a middle beam was removed. They are interested in making two (2) small apartments instead of one (1) large apartment as previously approved.

Supervisor LaFountain said that the footprint and square footage of the building isn’t changing. We wanted to make the Board aware if this change.

Councilman Moore asked if this would impact parking.

Costello said the parking requirement would be two (2) cars per unit. They would need four (4) spaces for this change and they have sufficient.

The Board agreed and Costello will submit a letter to the applicant, and copy the Building Department, allowing two (2) apartments for this site.

2. Ashlyn Rise Request for 90 Day Extension – Costello
Jim Costello stated that they have exceeded the originally approved 90 days. The request would need to be approved to allow them to continue. PRC was okay with this request.

The Board agreed and the 90 day extension will be granted.

3. Update on Four Corners Parking Plan – Costello
Geoff Benway presented two (2) preliminary concept plans for modifications to public parking in the Four Corners. The first sketch shows 126 spaces and the second sketch shows 108 spaces.
Benway reviewed the first sketch which moves the main traffic flow to the north and adds an additional 19 parking spaces near the adjacent businesses on Penfield Road. The plan creates a two-way access between Pattaya Restaurant and Guida’s Pizza. This provides two (2) access points on Penfield Road and three (3) access points on Five Mile Line Road. This new access will alleviate the cut through concerns of the businesses.

Jim Costello said we have been working with the business owners in that area and have agreement from many, but not yet all of them.

Benway said we are looking at removing some existing access points which could create a landscaped walkway.

LaFountain said this walkway could be tied into the Honey Creek Trail for walking.

Benway reviewed the second plan which has fewer parking spaces. Some of the owners reviewed this layout and had some reservations about the details of this plan.

LaFountain stated that we want to get as many spaces as possible. This is the closest we have been in many years to coming to an agreement regarding public parking in the Four Corners.

Costello said we now have all the right players; they have the right mind set. The key is the design which best suits everyone’s needs. He will follow up with the Board as we move forward.

4. Request for Special Permit – Angus Steak House 2124-2126 Five Mile Line Road – Costello

Jim Costello reviewed that a Special Permit had been received for this restaurant location in the Four Corners.

Councilwoman Kohl stated that parking is a concern.

Costello said that there is a parking agreement in place that goes with the site to use Grand Vie’s parking lot from 11:00 AM to 7:00 PM. The location is also 155 feet from the public parking area.

The Board agreed and asked that Costello begin preparing the Draft Resolution. Costello will have Town Attorney Horwitz review the Resolution prior to submission.

5. Baytowne Rezoning Application – Valentine

Supervisor LaFountain stated that this item is held.
6. Sparrow Point Subdivision Special Improvement and Sidewalk (#17) Districts – DiFrancesco

Geoff Benway stated that this is a standard approval, the Public Hearings were held on October 17, 2012 and no comments were received.

The Board agreed and approval was given.

Mark Valentine stated that Mark DiFrancesco has begun preparing the Resolutions for the November 7, 2012 Legislative Session.

Public Works
1. Villas at East Hampton – Basement Request – Benway

Geoff Benway said he has not had any further feedback from Town Attorney Horwitz. Mr. Horwitz has not found anything in the approval documentation for this application.

Benway continued to say that he and Costello had met with Town Attorney Horwitz and there is nothing specific in the Approval Resolution stating that basements should not be allowed.

Supervisor LaFountain confirmed nothing new has been submitted from staff or the applicant. We are in receipt of Mr. Welker’s letter requesting basements in two (2) buildings, and water table data. Previously, Mr. Welker has agreed to add special pumps and floor drains.

Councilman Moore said liability is still the issue. If the building is built to code and residents have problems, they point fingers.

Benway said this is not the best location because of the ground water and the location close to the creek. Any home being built on rock would have issues. The regulations do not allow an emergency power supply outside. The Board can add additional requirements to this approval.

Costello feels a poured concrete structure would be better than block.

Metzler asked if a higher quality product could be mandated to reduce problems.

Benway said yes, but a sump pump can only drain from the pipe under the slab. The sump pump continues to run and turn off and then back on. By adding holes and additional stone under the slab you can drain more water from a larger area and the pump will run longer.

Metzler said she doesn’t want to set up a resident for a problem.

LaFountain stated that he wasn’t in favor of this before. The additional information that has been provided doesn’t warrant the
change. The project was originally approved for a design on slab and feels that should continue.

The Board agreed and this request will be denied.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance

1. Discussion of Proposed Pergola over Outdoor Dining Area - Bazil’s Restaurant - Costello

Jim Costello stated that Mr. Daniele came into the Building Department to obtain a permit. The size of the structure would be 44’ x 8’ x 15.5’ and will cover some of the existing outdoor dining on the west side of the building facing the water. It would be a wood frame structure.

Danny Daniele said the wood would be stained and sealed, the top would be tan tin the same color crème as the top molding on the tower.

Mark Valentine asked if there would be lighting.

Daniele said yes, this pergola would be similar to the existing one inside and have festival lights which are strung on the pergola. The bulbs are full 20 watt bulbs which give a Tuscan look.

Costello asked about sides to the pergola to protect diners from the rain.

Daniele said he is working with Awnings Plus in Buffalo and fabric will be added to the sides that can come down if needed.

The Board gave its approval for the structure.

Costello asked Daniele to forward photos of the color scheme. He will then forward those to the Board and the Building Department.

Public Works

1. Allen’s Creek Update - Benway

Geoff Benway said he recently received the draft report and will review it with the Board at the next meeting.

Public Safety - None

Community Services - None
VIII. HELD ITEMS
1. Pond Ownership - Staff
2. Bay Breeze Section III Right-of-Way - Costello
Costello stated that the President of the Association has lost interest in this application. He asked that this item be removed as a held item as it is not going to happen.

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 8:08 PM.