Town Board Work Session Agenda  
March 13, 2013  
7:00 PM  

I. Call to Order  

II. Approval of Minutes  
February 27, 2013 both Work Session and Public Hearing  

III. Monthly Reports - February  

IV. Public Hearing – None  

V. Guests – Christine Papp – Acupuncture Office at 2130 Five Mile Line Road  

VI. ACTION ITEMS  

Law and Finance  
1. Rosey’s Italian Café, 2135 Five Mile Line Road - Costello  
2. Tom Amore Restaurant, 1830 Penfield Road – Costello  
3. Phase II and III Abbington Place Subdivision – Costello  
4. Southpoint Marina Expansion Application – Costello  

Public Works  
1. Blue Ridge Road Proposed Roadway Dedication – Benway  

Public Safety - None  

Community Services - None  

VII. INFORMATIONAL ITEMS  

Law and Finance  
1. LWRP Update - Costello  
2. Recreation Master Plan Next Steps – Bilow  

Public Works - None  

Public Safety - None  

Community Services - None  

VIII. HELD ITEMS  
1. Pond Ownership – Staff  
2. Sherwood Forest Pump Station Evaluation - 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:
Councilwoman Kohl
Councilwoman Metzler
Councilman Quinn

Also Present:
Geoff Benway
Chris Bilow
Jim Costello
Lisa Grosser

Absent:
Supervisor LaFountain
Councilman Moore

II. Approval of Minutes - 2/27/13
CM Quinn moved for the approval of the Public Hearing and Work Session Minutes of February 27, 2013, CW Kohl seconded the motion.

III. Monthly Reports - All reports for February have been submitted.

IV. Public Hearing - None

V. Guests - Christine Papp - Acupuncture Office at 2130 Five Mile Line Road
Withdrawn by the applicant.

VI. ACTION ITEMS

Law and Finance
1. Rosey’s Italian Café, 2135 Five Mile Line Road - Costello
Deputy Supervisor Metzler stated that the Public Hearing was held on March 6, 2013 and the Board has a copy of the application packet.

Jim Costello stated that the Town will require the applicants to take down the State Farm Insurance sign to be in compliance. The restaurant currently has 25 seats and they propose to add 24 seats which will total 49. 50 seats and over would require a sprinkler system and they want to stay under that requirement. The applicants will need to obtain building permits for the remodel. Costello will also verify that the dumpsters are enclosed. If there is an issue with the dumpsters, it will be a condition of approval on the Resolution.
The Board agreed and Costello will prepare a Draft Resolution for review. The final Resolution will be submitted for the next Legislative Session on March 20, 2013.

2. Tom Amore Restaurant, 1830 Penfield Road – Costello
Deputy Supervisor Metzler stated that the Public Hearing was held on March 6, 2013 and the Board has a copy of the application packet.

Jim Costello stated that the applicant has addressed all of the Boards concerns and everyone is comfortable with the parking situation. Costello reviewed that there are 13 parking spaces on Penfield Road. Additional parking is available at the fire hall and the public parking area on Five Mile Line Road.

Costello continued to say we need to ensure that deliveries are received at non-peak periods. The building is handicapped accessible. Costello has received letters from both the dumpster company and Baker Commodities regarding contracted services with Amore.

Costello submitted a photo of the building to the Board for its review. There is concern regarding the condition of the exterior. The siding on the front does not match the sides. The windows are hazing and look old. The landscaping in the front of the building needs to be cleaned up and made attractive. There is a tree that blocks the existing restaurant sign. We will review to see if the trees need to be removed, but moving the sign east will give it better visibility. The exterior lighting should be downward lit.

Deputy Supervisor Metzler said the condition of the building requires a significant face lift to conform with the rest of the Four Corners District.

Costello asked the owner of the property Markos Skrombolas, what he proposes for the building?

Mr. Skrombolas stated he has secured an architect and he will set up a meeting with Costello.

Costello said a condition of approval will be meeting with the architect. He asked Skrombolas who the architect is.

Skrombolas said the architect is Mohammed Razek.

Metzler asked to include the movement of the sign in the architectural design.

Skrombolas said a sign could be placed in the window.

Councilwoman Kohl said you can include information regarding parking in your sign.
Costello said he will meet with the architect and bring that information to the Board for its review. It will be a condition of approval to submit plans for the exterior improvements. A time frame will be given to complete the improvements.

Councilman Quinn stated that Tom has done a good job addressing the Board’s concerns. Tom has worked diligently with the Fire Department to obtain additional parking. This is one of the highest profile vacancies in Town and it is important that the improvements are made to the exterior.

3. Phase II and III Abbington Place Subdivision – Costello Geoff Benway stated that the Public Hearing was held on March 6, 2013. Bill Vendel had three (3) comments and Marianne Goff expressed concern regarding dust from top soil sales. Benway said he had received calls from Goff in the past. The Town code allows construction from 7:00 AM to 7:00 PM. There is a total of 8,000 cubic yards of top soil remaining. Mr. Neufeld requires 2,000 cubic yards for additional home construction. The 6,000 cubic yard balance will need to be screened and sold. This is approximately a four (4) month supply. Benway inquired if the material could be screened in advance and was told that as the material sits it starts to clump and becomes undesirable.

Deputy Supervisor Metzler asked when will top soil sales begin?

Benway said sales will begin by the end of this month and go through July.

Rudy Neufeld stated that top soil sales are dependent on the weather, but usually pick up by April 15th.

Benway said he met with Bill Vendel today and he will run two (2) lines; one (1) will go to the garden store and one (1) to the house. The line size of 1 1/2” to 2” is ideal for a force main.

Costello asked what would happen if Bill Vendel sold or developed his property?

Benway said he would have to fill the property to be able to get sewer service to the area. A sewer extension to Vendel’s property would be a natural progression.

Costello said PRC had expressed concerns regarding the road between lots 49 and 50.

There is a road with catch basins at the line between the development and Vendel’s property. There is also a row of trees that buffer the farm property.

Metzler asked if the road will be noticed by the residents?

Benway said yes, it is clear to those that will purchase a home that a road is going in.
Quinn asked if Whitespire Lane is completed?

Benway said yes, the road is completed, but a few more houses will be going in. Whitespire Lane is not part of this phase.

Quinn asked if the vehicle access for Whitespire Lane will then be through Cranberry Cove?

Benway stated that is correct.

Metzler asked if all of Mr. Vendel’s concerns have been addressed?

Mr. Vendel said yes.

Metzler asked if a condition of approval could be added to state that the top soil screening must stop by June 30th?

Benway said we can reduce the hours from 8:00 AM to 5:00 PM for screening, but that may extend the time frame beyond June 30th.

Councilwoman Kohl said the only thing that will satisfy the residents is if the screening is completed by Summer.

Councilman Quinn asked if this is similar to the complaint we had regarding the development on Creek Street?

Benway said we had a lot of complaints about dust last year because it was dry. Some of the problem is the screening of the soil, but the dryness of the summer also contributes. We had the same problems with dust at Windham Woods and Carolina Court.

Quinn asked what modifications were made?

Benway said we visited the site daily, require they wet the ground and put calcium chloride down. We can try to reduce the dust. Benway reviewed the locations for top soil screening over the past seven (7) years and initially it was near Mrs. Goff’s home, but each year it has moved further away.

Metzler asked what happens if material is left at the end of the season?

Mr. Neufeld said then we will sell top soil again next year. We have tried to be a good neighbor to residents and have swept the roads and cleaned windows.

Costello suggested top soil sales are allowed to continue until June 1st and then have Mr. Neufeld report back to the Board regarding what material is left.

Benway suggested the hours for top soils sales be reduced to end at 5:00 PM.
Metzler said she would like to hold on a decision tonight and would like to give Councilman Moore and Supervisor LaFountain an opportunity to weigh in. Metzler suggested this item will be tabled for final wrap up.

Costello said restricted top soil sales should be a condition of approval for Abbington Place Subdivision Phase II and III.

Metzler said a Draft Resolution can be submitted and if changes are required we can amend the Resolution.

Costello said he would like to make sure Mr. Neufeld has reviewed the top soil changes with Bill Boyce.

Mr. Neufeld asked if top soil sales and Phase II and III could be two (2) separate issues?

Costello said no, we will prepare a Draft Resolution with restricted hours for top soil sales of 8:00 AM to 5:00 PM, Monday through Friday and Saturday from 8:00 AM to 1:00 PM. He asked Mr. Neufeld to speak with Bill tomorrow and verify he will be comfortable with these changes.

The Board agreed and a Resolution will be submitted for the next Legislative Session on March 20, 2013.

4. Southpoint Marina Expansion Application – Costello

Jim Costello said the current LWRP, which does not allow additional docking on the south end of the bay, will be superceded by the LWRP updated document which will be adopted this year. We have been in the process of updating the LWRP. As we were going through the process it came to our attention that the Harbor Management Plan should also be reviewed. The Harbor Management Plan was last updated in 2003 and it is recommended to be revised every ten years. It will take us several months to update this plan, and it will be completed this year. The Harbor Management Plan lists the Newport House and Glen Edith as major harbor areas and both have come offline and are now privately owned.

Costello continued to say Supervisor LaFountain, Mr. Daniele and himself have met with the State DOS. The revised Harbor Management Plan was submitted to the State DOS and we received back minimal comments. There is a mandatory 60 day review period for the public. The Army Corps of Engineers, along with other State Agencies will also review and provide comments back.

Costello continued to say the plans will be submitted to the DEC and the Department of General Services. The Department of General Services has no environmental or physical concern for the process. The DEC cannot move forward until the lead agency is established. He asked if the Board is comfortable accepting an
application. We can then move forward with all of the State agencies.

The Board agreed they are satisfied.

Daniele asked when the 60 day review period would begin.

Costello said he would prepare a Resolution for the next Legislative Session on March 20, 2013. The Resolution would be sent to the State on March 21st after it is approved. Costello said the DEC wants to issue comments, but cannot do so until the lead agency is established. During the 60 day review period we can have the applicant come back to review the proposal. The applicant will be at the March 27, 2013 Work Session. The Public Hearing will be held in April.

Public Works
1. Blue Ridge Road Proposed Roadway Dedication – Benway

Geoff Benway submitted a summary of the private drives in the Town. There are currently 71 private drives.

Deputy Supervisor Metzler asked if we had received any feedback from the Homeowner’s Association?

Robert Keiffer said he had not received anything formal. The other roads within the Beacon Hills Homeowners Association are not candidates for dedication.

Jim Costello asked for clarification, would residents still be members of the Homeowner’s Association?

Keiffer said they would still be members, but the fees may be pro-rated down. There are no units with fronts on Blue Ridge Road, they all have individual private drives. Everyone in the Association will benefit from the dedication of Blue Ridge Road.

Metzler said we need more information before a decision can be made. We need to verify the conditions are acceptable with the Town Attorney.

Councilman Quinn suggested the President of the Homeowner’s Association be present at the next meeting.

Costello reviewed the process to move forward with this project. We will discuss this again at the next Work Session on March 27, 2013 and ask that the President of the Homeowner’s Association attend.

Public Safety - None

Community Services - None
VII. INFORMATIONAL ITEMS

Law and Finance
1. LWRP Update - Costello
Jim Costello said this was discussed earlier with Southpoint Marina and a Resolution will be prepared for the next Legislative Session on March 20, 2013.

2. Recreation Master Plan Next Steps - Bilow
Deputy Supervisor Metzler stated that the park section of the Master Plan is complete. Bob Garbeck is reviewing it and we are waiting for approval.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Pond Ownership - Staff
2. Sherwood Forest Pump Station Evaluation - DiFrancesco

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - No Session tonight

XII. Adjournment - Deputy Supervisor Metzler adjourned the Work Session at 8:13 PM.