Town Board Work Session Agenda

REVISED

April 24, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes - April 10, 2013

III. Monthly Reports - None

IV. Public Hearing – 7:30 PM
   To Consider Adopting a Penfield Five Year Parks and Recreation Master Plan

V. Guests – None

VI. ACTION ITEMS

   Law and Finance
   1. Landscaping Office at 1739 Penfield Road – Costello
   2. Sit-down Restaurant with Outdoor Dining, 2084 Five Mile Line Road – Costello
   3. Ashlyn Rise Sign Placement on Town Property – Costello
   4. License and Hold Harmless Agreement, 35 Autumn Trail – Costello
   5. Southpoint Cove Apartments, Building Modification – Costello

   Public Works
   1. GIS Services Contract – Benway

   Public Safety - None

   Community Services - None

VII. INFORMATIONAL ITEMS

   Law and Finance
   1. Proposed Dog Grooming Operation at 1850 Penfield Road – Costello
   2. Proposed Change in Operatorship of Restaurant at 1794 Penfield Road – Costello
   3. Proposed Day Spa at 1788 Penfield Road - Costello

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS
   1. Special Improvement Districts/Pond Ownership Information Brochure – Staff

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 – Arrived at 7:10 PM
Councilman Quinn

Also Present:
Geoff Benway
Jim Costello
Lisa Grosser
Mark Valentine

II. **Approval of Minutes – 4/10/13**

CW Metzler moved for the approval of the Minutes of April 10, 2013, CW Kohl seconded the motion.

III. **Monthly Reports – None**

IV. **Public Hearing – Minutes to follow**

#1 – To Consider Adopting a Penfield Five Year Parks and Recreation Master Plan

V. **Guests – None**

VI. **ACTION ITEMS**

Law and Finance

1. Landscaping Office at 1739 Penfield Road – Costello

Jim Costello stated that the Public Hearing was held on April 17, 2013. On March 6, 2013 PRC gave the applicant a list of concerns regarding the property at 2343 Penfield Road. The applicant has been making progress on this list. With regards to the property at 1739 Penfield Road, the signage will be in the ROW not on private property and the applicant has received permission from the NYSDOT. There will be landscaping and any exterior remodeling would need Town Board approval. This location will be a standard office operation and there will be no equipment or vehicle storage on site. There is no dumpster on site.

Supervisor LaFountain asked regarding the dumpster, will there be any requirements beyond the standard residential tote?

Blake Miller said this will be an office only, a standard residential tote and recycling would be sufficient. The landscaping display will not be like the current location at 2140
Penfield Road. He has spoken with NYSDOT and landscaping put in the ROW will be seasonal in potted plants that can be moved quickly.

Costello asked about signage.

Miller said it will be similar to the previous location.

Costello asked will there be signage for other tenants?

Miller said only one (1) main sign with mounting brackets for signs of the other tenants.

Councilwoman Kohl expressed concern with the size of the sign, it appears very significant for the new location. It looks like it will dwarf other signs in the area.

Miller said the sign and landscaping near the sign will showcase the type of work we do. The new sign does not need to be as grand as the original sign.

Councilman Quinn asked if the sign meets the requirements of the NYSDOT?

Costello said yes, they are using the space of the existing sign on the property. The sign will be moved closer to the building away from the road. He asked Miller how far will the sign be off the macadam surface.

Miller said 18 to 20 feet.

Costello stated that the sign will need to be front lit.

Quinn asked if there are any site line issues.

Benway said no, there are not.

Miller said the NYSDOT requires the signs on the road in the same site line for safety purposes.

Quinn said he is concerned the sign may dwarf other signs in the area. He would like to see a sketch of the sign and the landscaping before the permit is issued.

Miller said the sign will be stone for utility and upkeep. The landscaping near the sign will be seasonal.

LaFountain stated he would like the scale of the sign to match the area. The Board would like to see a sketch before approval. Start with the hardscape and include the dimensions of the sign.

Miller said he would like to see other sign permits that have been issued in the Four Corners area.
Costello asked Miller to forward a sketch of the sign to him and he will forward it to the Board for approval. He will forward information to Miller regarding neighboring signs.

LaFountain asked Miller to include the dimensions of the existing sign as compared to the dimensions of the proposed sign.

The Board agreed and LaFountain instructed Costello to prepare a Resolution for the next Legislative Session on May 1, 2013. Include the sign as a condition of approval.

Quinn asked about neighbor complaints regarding the 2343 Penfield Road site.

Costello said the PRC memo addressed those concerns and Miller is working with staff. The DOT permit is in place and the plantings are in. Miller will be working with Benway to obtain a permit for the top soil screening business. The area that needs to be cleaned up is where the sanitary sewers for Ashlyn Rise will be going in. Miller will continue to work to get this site in compliance.

Mike Cavalcanti confirmed the sewers for Ashlyn Rise will be going in this year.

Quinn asked if getting the property at 2343 Penfield Road in compliance can be a condition of approval for the 1739 Penfield Road site?

Costello said Miller has been meeting with staff weekly and is trying to get the site in compliance.

The meeting adjourned at 7:30 PM for the Public Hearing

The meeting reconvened at 7:58 PM.

2. Sit-down Restaurant with Outdoor Dining, 2084 Five Mile Line Road – Costello

Jim Costello said the Public Hearing was held on April 17, 2013. The Fire Marshal had identified concerns and all have been corrected. The applicant is interested in outdoor dining on the front porch of 4 to 6 tables. In the future they may add a patio on the back with an additional 3 to 4 tables. The Historic Preservation Board has looked at the sign proposal and it has been redesigned to look similar to the Dr. Pignato sign that is in place. On April 4, 2013 approval was given for the sign, subject to Town Board approval.

Costello continued to say the dumpster on site must be enclosed and the applicant can work with Dr. Pignato and the other tenants on that. The applicants will be applying to NYS for a liquor license and that will need to be submitted to the Town Clerk 30 days prior to serving alcohol. All of the properties are owned by Dr. Pignato and he intends to sell them. Cross access and
parking agreements would need to be added as a condition of approval to purchasing the property. The applicants have an agreement with the Charles Finney School to utilize some of the student parking lot for their staff.

Salvatore Aquino and Jennifer Henry asked if they could allow customers to bring their own alcohol until the liquor license is obtained.

Supervisor LaFountain said that has been done by some restaurants in the past, but you would need to verify the requirements with NYS.

Councilman Moore said the parking has been adequately addressed and he is comfortable giving approval.

Councilwoman Kohl asked about having tenants upstairs?

Costello said they cannot have tenants until a second means of egress can be added.

Henry said they won’t have tenants this year, but maybe sometime in the future. She asked if customers can utilize the Public Parking area near Dr. Hermann’s office.

Costello said yes, the public parking can be used.

The Board agreed and a Resolution will be prepared for the next Legislative Session on May 1, 2013.

3. Ashlyn Rise Sign Placement on Town Property – Costello  
Jim Costello said he had met with Michael Cavalcanti and he is interested in putting a subdivision sign in the ROW. PRC is supportive of creating a Special Improvement District for maintenance of the sign. If there is not a Special Improvement District, PRC does not support this sign in the ROW. If there is no district the sign would have to go on private property and if the neighbors do not take care of it, the Town can obtain an easement to remove it.

Supervisor LaFountain said he doesn’t like subdivision signs. They look great now, but when maintenance is required the residents don’t want to pay and they turn to the Town to take care of it. If a Special Improvement District is created the Town collects money from the residents and then takes care of maintenance. Districts like this are utilized for ponds and drainage and he doesn’t feel the Town should step outside of this into signs.

Costello asked Cavalcanti what is the rationale for putting the sign on this property?

Cavalcanti said the sign needs to be visible from North to South due to the traffic flow.
Councilman Moore questioned the necessity for putting this sign on this property? He feels a completed home is a better advertisement than a sign. He does not want the Town to take any responsibility for a sign.

Cavalcanti said the whole package sells the homes; the home, the landscaping and the identification of the subdivision. There are many nice subdivision monument signs in the Town and he hasn’t seen any in disrepair. He feels a Special District should be formed similar to Lighting and Sidewalk Districts.

LaFountain said we don’t want to approve this without a complete discussion. The Board doesn’t want to leave a mess for future generations.

Moore questioned the process to create a Special Improvement District; a fee is collected per property owner?

Benway said it would be handled like the Lighting Districts. A fee would be put on the tax roll based on use. The Town could get a bid for work and put it on the tax bill. 100% of the cost would be distributed between the homes in that subdivision.

Costello said in Winchester Woods and Glenbrook Subdivisions the Town has an access easement for the sign. If the sign falls into disrepair, the Town would take it down. In the past homeowners have met and gathered funds to repair the sign versus having the sign removed by the Town.

Quinn said he is not a fan of monument signs and he is not in favor of putting it in the ROW where it becomes the Town’s problem. He supports having an easement for the Town to remove the sign if it falls into disrepair. Quinn continued to say we should have ongoing discussions regarding Special Improvement Districts and how they would be structured.

Cavalcanti asked about the Barbato sign, how is that maintained?

Costello said they have a Homeowner’s Association that maintains the sign. He asked if Cavalcanti had received a quote for the proposed sign.

Cavalcanti said it has been quoted at $10,000.

Councilwoman Metzler said I can see having a sign to identify the subdivision, but why would we allow this on Town property?

Costello said he doesn’t believe this has ever been done before.

Councilwoman Kohl asked if the sign could be moved back to private property?
Benway said there is only a 6-8 foot area where the sign could be placed.

LaFountain said Lighting and Sidewalk Districts are clearer to define. He is concerned about the management of Special Improvement Districts.

Costello said this is going to be an ongoing request with any new subdivision. We could discuss a Town Wide Special Improvement District.

Cavalcanti said he needs a sign. Eight (8) homes have already been sold. He would like to take care of this before he closes on the lots.

LaFountain asked staff if they had polled any other communities.

Benway said the City of Rochester has a similar district and it is funded through taxes.

Quinn asked how is Abbington handled?

Benway said the developer is taking care of it right now. Next year the Town will start collecting fees.

Costello said we will sit down with the developer and determine a cost and divide it by lot.

Moore asked if the Abbington residents realize this is coming down the road?

Benway said he has created a flier for the developers to distribute to homeowners.

Costello said we need a year to work through and establish costs, this becomes an accounting issue.

Quinn confirmed that there are existing models to follow.

Benway said Mark DiFrancesco maintains the Lighting Districts and he said he could maintain Special Improvement Districts in a similar manner.

Costello said the first year when the Town takes over from the developer can be used to determine the requirements. We would then have contractors bid for the work.

Quinn said the issue is putting the sign on Town owned land.

LaFountain said we need Town Attorney Dick Horwitz to weigh in.

Costello said we can have Mark DiFrancesco and Ann Buck come to the next meeting and discuss how to set a Special Improvement District up.
LaFountain said we will discuss this at the next Work Session on May 8, 2013.

Costello said he will do some research and see if there are any additional properties like this. He asked when the lots in the subdivision will be sold.

Cavalcanti said they will close the first or second week in June.

Benway said it is possible to create the district without having all the details ironed out.

4. License and Hold Harmless Agreement, 35 Autumn Trail – Costello
Jim Costello said Herb Pfuhl has a 20 year old deck with a corner that is in a storm sewer easement. The storm sewer discharges to a ravine that goes to Irondequoit Bay. The Town needs to maintain the easement to have access. Mr. Pfuhl is also on the Board of Directors for the Homeowners Association. The Town needs additional easement area for future use and he has agreed to this.

The Board agreed and a Resolution will be prepared for the next Legislative Session on May 1, 2013.

Mark Valentine added that Mr. Pfuhl is going before the Planning Board tomorrow night.

5. Southpoint Cove Apartments, Building Modification – Costello
Jim Costello said John Caruso mentioned that they are reducing the number of buildings when we came before the Board to discuss the docks. The project will still house 358 apartments in 9 buildings instead of 10 buildings as originally proposed. Costello said the project application will be submitted next week. He asked if the Board would like to include this item with the Public Hearing for the application.

Supervisor LaFountain stated that this should be discussed at a Public Hearing.

Councilman Quinn said he has questions regarding the change; does this change the density or the cost?

Councilwoman Metzler said all changes including structures and docking should be discussed at the Public Hearing.

LaFountain said we can have one (1) Hearing for both components.

Costello said the application will be submitted next week and the Hearing will be scheduled in June or July.
Public Works

1. GIS Services Contract – Benway

Geoff Benway stated that Julie Tolar left in November of 2012. The lack of attention is starting to show in our GIS mapping. He obtained quotes from three (3) firms to take care of the GIS services. He received quotes for services from Barton and LoGuidice, MRB Group and Fisher Associates. Benway and Zach Nersinger met with all three (3) firms and suggest going with MRB Group.

Councilman Quinn announced that he has taken a job with MRB Group and he will abstain from giving input on the selection of an engineering firm. He also said he has confidence that the remaining members of the Town Board will do their due diligence and make a decision that is in the best interest of the Town.

Councilman Moore asked if there is any support from Monroe County for any of these services?

Benway said we use interns from the County and receive grants. Most of our GIS requirements are Town specific.

Mark Valentine said much of what is done at Town level is project by project and not included on the County mapping system.

Councilwoman Metzler asked if this would be a one (1) year contract?

Benway said yes, the funding is coming from the salary line of his budget. We have enough funding to pay for 20 hours per week. The maps can be updated on an as needed basis. We need to devote time to fix the web portal. The ARC GIS software has been having problems and we do not have the tools necessary to fix this. We recommend selecting MRB Group because they have the most knowledge, good ideas and we have an existing relationship. One suggestion MRB Group made was to utilize the ARC GIS online in cloud format. Our current costs to maintain the software is $6,000 per year. By using a consultant the cost to maintain it on the cloud the cost would be $2,500 per year. We have a large resource of information and we need to keep it current.

Metzler asked if this would be an ongoing expense?

Benway said yes, we will use the next six (6) months to estimate the annual need.

Metzler stated any budget balance not used in 2013 can be carried over to 2014.

Valentine said we have had issues with getting updated information on our website. Many of the new approved rezonings are not on the website.

Benway said our priority is to get the website up to date.
Supervisor LaFountain asked what are the estimated costs for 2013?

Benway said $20,000. He continued to say Nersinger called surrounding towns and Pittsford is the only one who has a dedicated GIS person. Other towns utilize staff members from other departments to get the work done.

The Board agreed, excluding Quinn who decided to abstain. A Resolution will be prepared for the next Legislative Session on May 1, 2013.

Supervisor LaFountain asked that Town Attorney Horwitz review the Resolution before it is submitted.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Proposed Dog Grooming Operation at 1850 Penfield Road - Costello
   Jim Costello said this is the old Deliciously Different location. A Resolution has been submitted scheduling a Public Hearing on May 15, 2013.

2. Proposed Change in Operatorship of Restaurant at 1794 Penfield Road - Costello
   Jim Costello said the Public Hearing is scheduled for May 15, 2013. He has been contacted by Dominic Sprague who has had a problem with the value of the business. This application may be withdrawn and Costello will advise the Board.

3. Proposed Day Spa at 1788 Penfield Road - Costello
   Jim Costello said the Public Hearing is scheduled for June 5, 2013 for this location which is between Edward Jones and Associates and Salon Enza. He will verify the applicant has the required NYS license to operate.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Special Improvement Districts/Pond Ownership Information Brochure - Staff

IX. Old Business - None
X. **New Business** - None

XI. **Executive Session** - Real Estate, Litigation and Human Resource Matters – The Board went into an Executive Session regarding a personnel matter.

XII. **Adjournment** – Supervisor LaFountain adjourned the Work Session at 9:10 PM.
Penfield Town Board, April 24, 2013

A Public Hearing was held before the Penfield Town Board on Wednesday, April 24, 2013 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
Linda Kohl Councilwoman
Paula Metzler Councilwoman
Andy Moore Councilman
Robert Quinn Councilman

Also Present: Lisa Grosser Deputy Town Clerk
Chris Bilow Director of Recreation

Absent: Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by RJ from Boy Scout Troop 9.

Public Hearing #1 To Consider Adopting a Penfield Five Year Parks and Recreation Master Plan (See Resolution #13T-102)

The Deputy Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on April 11, 2013 and was posted on the Town Clerk Bulletin Board and Website.

Supervisor LaFountain stated that he had spoken with Town Attorney Horwitz and he advised that this Public Hearing is properly before the Board.

Chris Bilow, Director of Recreation read the following Executive Summary:

The Town of Penfield Recreation Department created a Recreation Master Plan update Committee in April 2012. This volunteer committee was comprised of Town staff, Town Board members, and residents with a familiarity of the programs and services the recreation department provides. The committee kicked off the update process in May of 2012 with a goal of completing the plan within one year. The focus of the committee was to update the existing Recreation plan without the aide of a professional consultant. This process saved the Town a significant expense and the mission to create a workable plan was still obtained. The committee members met a minimum monthly and worked diligently to complete the update in a timely and efficient manner.

The objective of the update was to provide The Town of Penfield with an accurate, usable plan to guide its actions and decisions concerning the recreation programs and parks system. The update is organized into five components:

1. Program Inventory and Analysis
2. Parks Inventory and Analysis
3. Community Stakeholders Information
4. Community Resources
5. Appendix including maps, survey tools and survey results

The Recreation Master Plan committee created four (4) sub committees and members were assigned a committee based on their interest and knowledge. The sub committees met regularly during the update process to create an accurate overview of the area assigned. The sub committees were:

- Town Parks and Amenities
- Recreation Programs
- Community Resources
- Community Stakeholders
Resident feedback was actively sought to make the update as accurate as possible regarding the needs and desires of the Penfield residents. Input for this update was gathered using several different methods.

- Residents of Penfield had an opportunity to take a survey online or complete a hard copy with questions ranging from program opportunities to park amenities. The results of that survey are included in the appendix of the Master Plan.
- A community input session was offered to allow the residents an opportunity to talk to the committee members and Town staff in person. The open house style input session was offered at the Penfield Community Center in November of 2012.
- A Community Stakeholders event was conducted in October of 2012 where organizations within Penfield were invited to attend and asked to share via a survey their organizations current status and future plans. This information will allow the recreation department an opportunity to identify and partner with various community organizations in the future as program development are identified and occur.

After careful consideration of the information gathered during the update period the committee identified five (5) recommendations for the Town of Penfield and the Recreation Department to focus on in the next five (5) years. These recommendations have a strong emphasis on program development and an importance on working together with other community organizations.

1. Maximize Program Offerings to residents of Penfield
2. Increase Marketing and Strengthen Communication with Residents. Continue with the branding effort of the Recreation Department being wellness oriented.
3. Formation of Community User Focus Group
4. Enhancement and/or Acquisition of Parks, Recreation and Open Space Sites
5. Creation of Non-profit Status within the Recreation Department and increase Alternative Funding Sources.

The Update committee views this Recreation Master Plan update as an attainable and realistic instrument to allow the Recreation Department the ability to proceed in the next five (5) years. The identified goals will be the basis to the department goals for the next five (5) years. As department goals are identified each year they will have a direct relationship with the Master Plan.

An overall theme to the Town of Penfield has been on Wellness. It’s been this theme that the Recreation Department has identified as its driving influence on programs and services. The importance of wellness will be seen in all of the future plans the department undertakes.

In closing as the Director for the Recreation Department, I would like to personally thank those individuals who served on the update committee, the Town staff and also to the residents of Penfield who took the time to share their opinions and views on the programs and services we provide. It has been a pleasure to work with a committed group of individuals who realize the benefit the Recreation Department provides the residents of Penfield.

Chris then recognized Committee Members, Linanne Conroy, Bob Garbeck, Linda Kohl, Rob Quinn, Tom Cummins, Laura Bourcy, Heidi Rasmussen, Bob Brumbaugh and Wayne Smith.
Chris explained the difference between the previous Master Plan and this new plan. The previous plan had a focus on facilities and this plan has a focus on programs. This included an extensive audit of programs which gave us a direction for future programs. Through the Community Stakeholders we have identified partnerships that are available to us now. Also included was an audit of our park systems. This Master Plan also aided in planning our department goals for the year.

Supervisor LaFountain recognized the Committee Members who are present at tonight’s meeting. The Board appreciates their efforts as it was a savings to have this plan prepared in house.

Councilman Quinn stated that Chris Bilow’s leadership with this project was fantastic. He continued to say that his first position with the Town was on the Parks and Recreation Advisory Board. This is a testament to your service, where the community is best served. The Master Plan five (5) years ago focused on what we didn’t have. This plan focuses on what we do have. Quinn said he is impressed with the comments received from residents and they are listed in the appendix. These comments were used throughout the process. Residents appreciate value and this new plan will serve both immediate and future needs.

Councilwoman Metzler stated that updates to this Master Plan are done so that the Town can obtain additional funding and grants. It was recommended that the Town start a 501(C)(3) so that more funding will be available. This was an objective look at the future and the Town will be able to do more with less as the State requires more unfunded mandates on the Town.

Councilwoman Kohl said this Master Plan will be available on our website. She stated she has been involved with the Master Plan in the past and a lot of money and time was spent on consultants. This new Master Plan was done within the parameters of the recreation staff and social media was utilized. We now have a clear picture and achievable goals for the future. This is a very well put together document.

Bilow stated the key piece was that the committee focused on the task and wanted to make the plan attainable.

Supervisor LaFountain reviewed the next steps. This will be discussed at the next Work Session on May 8, 2013. The plan will be available on the website for review, and residents can submit comments. The plan will then be adopted at the May 15th Legislative Session.

Public Participation - None

Hearing closed at 7:55 PM.

Lisa Grosser,
Deputy Town Clerk