Town Board Work Session Agenda
August 28, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes – August 14, 2013

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Amendment to Perinton Sewer Use Agreement – DiFrancesco

Public Works
1. Parkview/White Village Status/Next Steps – DiFrancesco
2. Sidewalk Waiver – 2050 Watson Hulburt Rd. – Costello

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Review Upcoming Public Hearings – Costello
   • 2041 Penfield Road, Special Permit for Office Building
   • 1794 Penfield Road, Conditional Use Permit for Deck and Ice Cream Addition
   • 1229 Fairport Nine Mile Point Road, Final Sub. And Site Plan Approval, Abbington Place Phase 1-D

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership – Benway
2. Mavis Tire – 2146 Fairport Nine Mile Point Road – Costello
3. Expansion at Southpoint Marina, 1384 and 1420 Empire Blvd, EAF Review – 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
Councilman Quinn

Also Present:
Jim Costello
Mark DiFrancesco
Lisa Grosser

II. Approval of Minutes – 8/14/13
CW Metzler moved for the approval of the Minutes of August 14, 2013, CW Kohl seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Amendment to Perinton Sewer Use Agreement – DiFrancesco
Mark DiFrancesco stated that an agreement was signed with The Town of Perinton in 2009. This agreement allowed for 106 sewer units from the Fellows Road area. These were allocated to Arbor Ridge, Ashlyn Rise and existing homes.

DiFrancesco continued to say Ashlyn Rise Section II did not have any allowed units under the original agreement with Perinton. Mike Cavalcanti obtained a sanitary sewer easement from Blake Miller to allow sewer access through his property to provide sewer service to Section II of Ashlyn Rise. This route is 1,500 linear feet offsite sewer, which meets Town Standards but would prove challenging for future maintenance.

DiFrancesco went on to say Mr. Cavalcanti, due to the cost for the offsite sewer, hired Costich Engineering to perform a sewer flow study. The study showed based on actual water consumption data that townhomes have a lower water consumption than single family homes. The water consumption was documented through the Monroe County Water Authority. It was then proposed to the Town of Perinton that the original flow estimates allowing 106 units
could also include an additional 19 units from Ashlyn Rise Section II. The Town of Perinton agreed with the conclusions drawn in the study. The Board also agreed with this modification to the original agreement and authorized DiFrancesco to draft an agreement for both Town councils to review.

Councilwoman Metzler asked if this revised decision was based on the additional data from development and usage?

DiFrancesco stated that the Costich study evaluated the sewer flow from a townhouse versus a single family home. The delta of 19 units is based on the lower water consumption regularly observed required for a townhouse. When this original agreement with Perinton was done, we did not have established flow rates from Arbor Ridge Subdivision.

Councilman Quinn asked if this closes out the area? Does Perinton have any properties outstanding that could be developed and require additional sewer units?

DiFrancesco stated Jim Barbato had Perinton set aside seven (7) or eight (8) acres in this basin within Perinton, to allow for the additional capacity for the Section III of Arbor Ridge. In the future Barbato may also petition the Town of Perinton to release this acreage for development also based on the Costich report. DiFrancesco said there is still a surplus of units based on the report.

Jim Costello asked if Blake Millers’ property will still be served by sanitary sewers?

DiFrancesco said, no it will not.

Supervisor LaFountaine said the easement was granted, but now will not be used.

Costello stated if the sewer does not go through Blake Millers’ property as originally proposed and he does not receive this benefit, is there any Town liability?

DiFrancesco said that the agreement that Cavalcanti made with Blake Miller to obtain the easement was a two (2) party private agreement to which the Town had no part in.

Metzler said if Blake Miller chooses not to access the sewer that is one thing, but is there still potential to use it?

DiFrancesco said no.

Costello asked if the Town can be held liable for any part of the agreement?
DiFrancesco said the agreement was between Blake Miller and Mike Cavalcanti. When Miller hears that the easement is no longer necessary, he may be disappointed and ask for more information pertaining to the revision in the Perinton Agreement.

LaFountain stated there were three (3) scenarios for Ashlyn Rise Section II sewer units:

A) Perinton originally said no and the allowed units were split between Barbato and Cavalcanti.

B) Fedyk would not agree to sharing sewer units.

C) Cavalcanti reached an agreement with Blake Miller for an easement. The Town did not require the easement.

LaFountain continued to say Plan A ended up working out and the easement can be released.

Costello asked how was the easement approved by the two (2) parties if it is being granted to the Town of Penfield?

DiFrancesco said the plans for Arbor Ridge Section II were not signed until the easement was obtained from Blake Miller. DiFrancesco continued to say an amended utility plan may now be required. Plan A is now in effect and the easement can be abandoned.

The Board agreed and LaFountain directed DiFrancesco to prepare a Resolution authorizing himself to sign an agreement with Supervisor Smith of Perinton.

DiFrancesco asked if there should be any specific language in the amendment?

LaFountain said Town Attorney, Dick Horwitz will have to review the agreement and the Resolution. Approval will also be required from the Perinton Town Board and Perinton Town Attorney. LaFountain asked DiFrancesco to include in the Resolution that approval by both Town Boards will be required and he is to work with Dick Horwitz on the Resolution. If approved by Town Council the Resolution to amend the current agreement can be submitted at the next Legislative Session on September 18, 2013.

Public Works
1. Parkview/White Village Status/Next Steps – DiFrancesco
Supervisor LaFountain stated that this item will be held until the next Work Session on September 11, 2013.

2. Sidewalk Waiver – 2050 Watson Hulburt Road – Costello
Jim Costello stated an application to build a house at 2050 Watson Hulburt Road had been received. The Board granted a sidewalk waiver to a neighbor at 2030 Watson Hulburt Road last year. There are no sidewalks within 5,000 feet of this property.
The Board agreed and a letter will be written granting the waiver.

Supervisor LaFountain instructed Costello to draft the letter to be consistent with what has been done in the past. Include the $500 sidewalk waiver fee and the grant of a sidewalk easement for future use, if necessary.

Public Safety - None
Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Review Upcoming Public Hearings - Costello
   • 2041 Penfield Road, Special Permit for Office Building
   Jim Costello reviewed that there is an upcoming Public Hearing for the Shah property. They are looking for site plan approval for a 1,200 square foot building, adjacent to the pond, behind his father’s building. Information has been forwarded to both the Town Board and the Planning Board. No variances will be required. The building may not be visible from Penfield Road.

   Costello continued to say they have been marketing the larger, previously approved building, but have not had any offers yet.

   • 1794 Penfield Road, Conditional Use Permit for Deck and Ice Cream Addition
   Jim Costello reviewed there is also an upcoming Public Hearing for Gary Brockler’s property to add a 10’ x 12’ deck and an 8’ x 8’ area for ice cream sales.

   • 1229 Fairport Nine Mile Point Road, Final Sub. And Site Plan Approval, Abbington Place Phase I-D
   Jim Costello reviewed there is another upcoming Public Hearing for Phase I-D of Abbington Place which includes the cul-de-sac on Whitespire Lane.

   All of the above Hearings will be held on September 18, 2013.

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

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership - Benway
2. Mavis Tire - 2146 Fairport Nine Mile Point Road - Costello
3. Expansion at Southpoint Marina, 1384 and 1420 Empire Blvd., EAF Review - Costello
IX. Old Business - None

X. New Business - None

XI. Executive Session - The Board went into an Executive Session regarding a legal matter.

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 7:16 PM.