Town Board Work Session Agenda
September 11, 2013
7:00 PM

I. Call to Order

II. Approval of Minutes – August 28, 2013

III. Monthly Reports - August

IV. Special Meeting – 7:30 PM - 2014 Tentative Budget Presentation – LaFountain/Beedon

V. Guests – None

VI. ACTION ITEMS

Law and Finance - None

Public Works
1. Parkview/White Village Status Update– DiFrancesco
2. Fill Permit – 1650 Plank Road, Ronald Morse – Benway
3. Abbington Place, Section III, Letter of Extension - Costello

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Expansion at Southpoint Marina, 1384 and 1420 Empire Blvd., EAF Review – Costello
2. 1865 Penfield Road, Special Permit - Costello

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

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
Dick Horwitz (Arrived at 7:20 PM)

II. **Approval of Minutes – 8/28/13**

CM Quinn moved for the approval of the Minutes of August 28, 2013, CW Metzler seconded the motion.

III. **Monthly Reports – Reports for August have been coming in.**

Planning, Building and Zoning, Finance, Fire Marshal, Local History Room, PCTV, Personnel, Receiver of Taxes and Recreation are still outstanding.

IV. **Special Meeting – 7:30 PM – 2014 Tentative Budget Presentation – LaFountain/Beedon**

Supervisor LaFountain led the Pledge of Allegiance.

Supervisor LaFountain then asked everyone to remain standing for a moment of reflection in remembrance of those that lost their lives September 11th.

Supervisor LaFountain and Town Comptroller Bob Beedon presented the 2014 Tentative Budget to the Town Board and the Penfield Residents.

The Proposed Budget of $15.8 million is less than the 2013 budget. Major impacts on 2014 expenses include the full funding of retirement cost at 20% of salary, a 12% increase in workers compensation cost, a 12.5% increase in medical cost, and a 10% increase in general liability insurance cost.

The Town tax rate will remain flat at $2.64 per $1,000 of assessed property value, marking the fifth consecutive year at the $2.64 level. Penfield’s property tax rate remains one of the lowest in Monroe County. The Town of Penfield receives
approximately $.08 of each tax dollar. Moody’s Investor Service has given the Town of Penfield the top credit rating of Aa2, which is one of the highest in the county and state. This rating allows Penfield to secure low-interest financing for capital projects and assists with cash flow throughout the year.

Copies of the 2014 Tentative Budget will be available September 12, 2013 at the Penfield Library, the Town Clerk’s Office, the Town Comptroller’s Office and the Town Website at www.penfield.org.

The public comment period is open until October 9, 2013. The Public Hearing for the 2013 Preliminary Budget will be held on October 2, 2013. The Final Budget will be adopted on October 16, 2013.

V. Guests - None

VI. ACTION ITEMS

Law and Finance - None

Public Works
1. Parkview/White Village Status Update – DiFrancesco

Mark DiFrancesco stated that he had emailed the Board information regarding the SEQR process and review prior to this meeting. Also included was the Engineering Report, Phase 1A review from Deuel Archeology and correspondence received from the DEC. He went on to review the EAF and key points which include impacts to land, water, air, plants and animals. There is no agricultural resource impact and the esthetic impact will be in short duration and will be remediated upon completion of the job.

DiFrancesco continued to discuss the historic/archeological impact, which could potentially be large and is required to be addressed in Part 3 of the EAF. The project is located in an archeologically sensitive area as categorized by the State Historic Preservation Office (SHPO.) The archeological survey was completed in Phase IA. Phase IB will require a subsurface field investigation which requires shovel test pits every 50 feet along the proposed sewer line. According to Jim Peet from MRB and Deuel Archeology, the area is in a subdivision and ROW and therefore it is doubtful there will be any archeological findings.

Supervisor LaFountain asked if this is because the area has been previously disturbed with utilities and the roadway is in the ROW?

DiFrancesco said yes, 1/3 of the project area has been previously disturbed and 2/3 of the project area is eligible for shovel testing. If an artifact is found, the area must be dug around, documented and put in the final report. When Phases IA and IB are completed, SHPO will issue a no impact letter to DEC. DEC
will then be able to issue the permit to clear the project for construction. If an artifact is uncovered, construction is stopped and the contractor is relocated to another portion of the site. An investigation in the location of the find is started. There is a documented process and as long as we follow those guidelines this project should receive a Negative Declaration of environmental significance.

Jim Peet, MRB Group, consultant for the project, said the area of sensitivity is categorized as such because of sites nearby, but not in the project area. We won’t know if there is something of significance in this area until the trenching is completed. SHPO has developed a process to shovel test and we should be able to proceed without complication.

DiFrancesco said the draft Negative Declaration will then be filed with involved agencies: Monroe County Pure Waters, DEC and NYS DOT and the Town Board. The Town Board would then be appointed Lead Agency next week.

The Board discussed and agreed they are satisfied.

LaFountain said the difference with this project is the archeological component. Everything else is consistent with what has been done in the past. Work authorized in Phase I satisfies all interested/concerned agencies.

DiFrancesco added that he had reviewed the information with Town Attorney Horwitz; he agreed everything was in order and we could proceed with the Board’s approval.

Four (4) Resolutions will be prepared for the next Legislative Session on September 18, 2013. First authorizing the Board as Lead Agency, second authorizing Phase IB study, third adoption of Negative Declaration and fourth setting the Public Hearing for October 16, 2013. DiFrancesco added that the original time line has shifted and construction will start May 2014.

Councilman Quinn abstained from the discussion and the decision.

2. Fill Permit 1650 Plank Road, Ronald Morse – Benway

Geoff Benway submitted an aerial map of 1650 and 1654 Plank Road for the Board’s review. This property has had a long standing history of drainage problems. The pond at 1654 Plank Road was dug to assist with the drainage issues and Mr. Morse now wishes to fill in the pond. The property is located east of Salt Road and will require 36 cubic yards of material.

Benway continued to say the pond was dug in 1998 and the area continues to flood. There are no storm sewers in the area. Mr. Morse is working with his neighbors and even after filling in the pond the area will remain wet.
Councilman Quinn asked if any of the original excavating materials remain on site?

Ronald Morse said there is old land tile with a French drain that runs along the border. The Watson property opened up in the last five (5) years, this opens up drainage northward which has helped. He would like this area to be part of the French drain system.

Quinn asked if the filled in area will have any other planned uses?

Morse said only as a flower garden.

Supervisor LaFountain asked why there are two (2) separate tax account numbers?

Morse said he purchased the two (2) parcels separately.

Benway recommends we support this request with the standard conditions.

Councilman Moore asked if there are any issues with the neighbors at 1660 Plank Road?

Morse said no, the home has been sold and filling will not affect the property. Morse added that his property will still be lower than the neighbor’s property.

LaFountain asked about the elevation difference between his property and his neighbors.

Morse said approximately two (2) feet.

The Board agreed and the permit will be issued. Supervisor LaFountain instructed Benway to draft a letter to the applicant with the standard conditions.

3. Abbington Place, Section III, Letter Of Extension – Costello

Jim Costello said the original approval was March 20, 2013 and he has received a request for an extension. The plans have not yet been signed off. The applicant is requesting 90 days to get the plans signed and recorded. PRC recommends approving this request.

Supervisor LaFountain asked if there is any additional information from PRC?

Costello said not at this phase of development. There are no neighbor concerns. The soil screening has been relocated and a berm was added to minimize noise and dust. There will be a Public Hearing on September 18, 2013 for Phase 1D.

The Board agreed and the extension for 90 days will be granted.
The Work Session recessed for the Special Meeting on the Tentative Budget Presentation at 7:25 PM.

The Work Session reconvened at 8:00 PM.

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Expansion at Southpoint Marina, 1384 and 1420 Empire Boulevard, EAF Review – Costello

Jim Costello stated we have been working to prepare Parts 2 and 3 of the EAF. The applicant met today with DEC regarding both land side and water side issues that were brought up at the Public Hearing. If those issues are re-addressed, Part 1 of the EAF will have to be redone and subsequently, Parts 2 and 3 of the EAF would also have to be rewritten to address those changes. We would have to determine if the issues are significant enough to hold another Public Hearing.

Councilwoman Metzler reviewed that the Conservation Board met last night and discussed the application. They reviewed the September 6, 2013 letter from DEC and Mr. Caruso’s presentation at the Public Hearing held in August. They also reviewed their role as an Advisory Board to the Town Board. Several concerns were sited. The DEC has concluded that there is a significant impact. The Conservation Board will weigh in throughout the process. The Conservation Board will be making an addendum to their report and will submit it to the Town Board for review.

Councilman Moore asked if more information was received from the DEC?

Costello said the applicants want to respond to the DEC and there will be a reactionary period for the applicant to get materials back to the DEC.

Moore said he feels the Board should hold on a decision regarding the determination of significance/non significance until we receive a response from the DEC regarding today’s meeting.

Supervisor LaFountain said work has been done on Parts 2 and 3 of the EAF by staff and the Town Board, we do not want to do this work twice. The September 6 letter from the DEC listed potential impacts and alternatives that may need to be addressed in the DEIS. Additional information may also be needed to modify Part 1.
Metzler added that the Conservation Board had concerns regarding the leaf off/leaf on dates. There are discrepancies between Mr. Caruso’s presentation and the DEC report. The boat traffic in May could be very high which could be a disturbance to both the eagles and the cove area. There is also a concern regarding boat traffic east of the dock.

LaFountain asked the applicant to brief the Board on today’s discussion with DEC.

Anthony Daniele stated that they had received the September 6, 2013 letter from the DEC. They then called and spoke with the DEC representatives and requested a meeting. The issues mentioned in the September 6th letter were new issues that had not been previously discussed. After the meeting, we now feel we have a better understanding of what the DEC is looking for. With some slight modifications he feels they can appease the DEC. Through the SEQR process an Article 24 permit will be required. We can make some minor modifications to the plans and keep out of the 100 ft. buffer zone, with exception to the public access point. We may reduce the number of docks and reduce the encroachment into the cove area. The original application included a partial impact study. The DEC recommends a Positive Declaration, which would require a full impact study. Daniele’s hope is that by revising the plan the DEC will come back with fewer comments and more positive feedback. He will also speak to staff to address the Conservation Board’s concerns. We want to be sure to address all concerns and mitigate all issues. He doesn’t feel the DEC understands the Harbor Management Plan; there will be an environmental impact to any areas where docks are placed. Additional docks are part of the Master Plan and we can review other options for public access to the water.

Jim Costello said the Impact Statement provides information to the DEC regarding alternative designs. There is an option for no build, full build and then they will also look at other designs which may help to mitigate or eliminate impacts. The Lead Agency can then write its findings after reviewing all alternatives.

Daniele said an Impact Statement process would be lengthy and costly. We completed several studies prior to submitting the application. We know that this is a sensitive project that has impacts and we need to address alternatives.

LaFountain asked if there is a timeline?

Daniele stated that he intends to submit revisions and comments back to the DEC within a week. He will also submit those updates to Jim Costello for comments and to determine if there will be any changes to Phase I. The DEC then will have 30 days to respond.
LaFountain said this will then remain a held item for the September 25, 2013 Work Session. We will only discuss this if new information is received. We will plan to discuss this again at the October 9, 2013 Work Session.

Costello asked Daniele about the issue of the apartments; how will you deal with traffic? You must show a safe ingress/egress into your property. Caruso stated at the Public Hearing that there would be no ROW improvements until the apartment complex went in.

Daniele stated that the apartments will be started first.

Costello asked Daniele to advise the DEC and the Board of any changes to ingress/egress with this project.

Councilwoman Metzler asked, on behalf of the Conservation Board, what is the status of the remediation project? She asked that staff advise the Conservation Board of any updates.

Geoff Benway said currently we are reviewing schedules to set up the pre-construction meeting with the DEC.

LaFountain asked if an amount for the Letter of Credit has been determined?

Benway said no, it has not been established yet.

LaFountain asked Benway to advise the Board when a meeting is scheduled for the Brownfield clean up.

Costello added that he will contact the Federal Fish and Wildlife Bureau to see if there is a protocol as it relates to this project.

2. 1865 Penfield Road, Special Permit - Costello

Jim Costello stated as staff was reviewing the application for the Chocolate Shop, we inspected the site and found an apartment on site that was never memorialized as an approved use on the site. The owner bought the property with the existing apartment and there are State building code issues. A waiver will be required for the ceiling height. The Fire Marshal and the States Codes Bureau are reviewing the applicant’s request for a waiver. The apartment has been in existence for 28 years and is not to code, an alternative access will be required. We want to make sure there is a safe environment; this is a permitted use within the district. A Special Permit will be required to protect the current resident and property owner. The property owner will be making a presentation at the Public Hearing on October 16, 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

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 8:26 PM.