Town Board Work Session Agenda
July 22, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – June 24, 2015

III. Monthly Reports - June

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance

Public Works
1. Villas of Easthampton Roadway Dedication – Valentine
2. Sidewalk and Easement Waiver, 2775 Penfield Road - Valentine
3. License and Hold Harmless Agreement, 14 Cobblestone Crossing – Valentine
4. Sidewalk Waiver, 1445 Jackson Road – Valentine
5. Request for Top Soil Screening Permit at 2195 Penfield Road – Costello

Public Safety - None

Community Services - None
1. Smoke Free Policy for all Town Facilities – Bilow

VII. INFORMATIONAL ITEMS

Law and Finance

Public Works - None

Public Safety - None

Community Services - None
VIII. **HELD ITEMS**
1. Right-of-Way Transfer on Mott’s Lane – Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition – LaFountain
3. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Pt. Road – Costello
4. Incentive Zoning, 1271 Fairport Nine Mile Pt. Road – Costello
5. Incentive Zoning, 1080 and 1092 Penfield Road – Costello
6. Amended Zoning, 730 Linden Ave. – 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:
Chris Bilow
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes - 6/24/15
CM Quinn moved for the approval of the Minutes of June 24, 2015, CW Metzler seconded the motion.

III. Monthly Reports - All reports for June have been received.

IV. Public Hearing - None

V. Guests - None

VI. ACTION ITEMS

Law and Finance - None

Public Works

1. Villas of Easthampton Roadway Dedication - Valentine
Mark Valentine introduced Mark Welker, developer for the Villas of Easthampton. He submitted letters from the Homeowners Association and Rick Giesselman of the Public Works Department to the Board for its review. They are requesting the private roadway be dedicated. Valentine stated that our Engineering Department was on site when Welker had core samples taken of the existing road. The road does meet Town standards. Welker is interested in having the main loop dedicated. The development is located off State Road and connects to Camden Park. Valentine continued to say PRC has reviewed the request and has no concerns regarding the roadway, but the homes were built to a private standard and land would have to be taken for the right-of-way. Valentine then reviewed Giesselman’s comments which include concerns that the road would have to be topped, gutters would need to be replaced, mailboxes would need to be moved, and there would be limited snow storage and an inability to coordinate snow plow removal with the private contractors who plow driveways.
Jim Costello asked if the water service is private or has it been
dedicated.

Welker stated it has been dedicated.

Costello said the sanitary system is handled by the Town, we
would also have to take over the storm system.

Valentine stated the existing pond would remain private.
Valentine added that pavers on the culvert would have to be
removed to meet Town standards.

Supervisor LaFountain stated that the information received from
Public Works would require additional review before a decision
could be reached.

Councilman Moore said if the private road becomes a dedicated
road, the private development becomes public, which may change
the dynamics of the development.

Councilwoman Metzler added that the private road signage would
have to be removed.

Costello said there is a secondary access road to the development
to the east which would need to be maintained for emergency
access. Costello added that there is a gate at the property
line, which is on HOA owned property. This area would need to
remain open.

Councilman Quinn asked if the access road would meet Town
standards.

Valentine said no, it is more like a driveway.

Costello said Mark Welker has been trying to keep this area open
for us.

Metzler asked when was the development started.

Welker said early 2007, or late 2006.

Councilwoman Kohl asked if the residents want to have the roadway
dedicated?

Welker said the residents are unanimously in favor. There has
been a concern about safety during the winter because there has
been limited salting.

Metzler asked if the HOA is prepared to cover the costs to bring
the road to Town standards before coming to the Board for
approval?

Welker said yes, they realize it makes sense in the long term.
Costello asked if residents have concerns about loss of property for the right-of-way?

Welker said it would not impact resident’s enjoyment of the property.

Supervisor LaFountain inquired about the total number of units in the development.

Welker said 124 units.

Moore said there are items that need to be flushed out before a decision can be reached. We should have a Public Information meeting to make sure residents understand everything that will change, including that privacy will be removed.

Metzler added that residents also need to understand in advance that there may be snowplowing issues based on the original design of the development.

Kohl asked who would estimate the costs to bring the roadway to Town specifications?

Valentine stated that he would work with Welker on obtaining that information.

Welker added that some of the improvements would be his responsibility as the developer. The HOA, and the residents are looking for a list of what will need to be done to have the roadway dedicated.

LaFountain asked if the setbacks had been discussed at PRC.

Valentine said yes, some of the property would have to be taken for the right-of-way and that could impact anyone who has a mortgage. We will also have to review snow storage, public access, utilities, the storm system would have to be inspected, review the road and culvert crossing.

LaFountain said additional inspections will need to be done. A Public Information meeting will be held in the future.

Quinn asked what is the intent with the cut through? Would that also be dedicated, and does that also need to meet Town Specifications?

Costello said the cut through was designed for emergency access only. The HOA is responsible for maintaining it; and it is primarily used for pedestrian access.

Quinn asked if signs could be added at either side of the access road stating that it is private property.
Welker agreed signs could be added.

LaFountain said this will be a held item. Engineering will continue to review. He asked Welker if a neighborhood meeting is planned.

Welker said he will schedule a meeting to make sure all residents are on board.

2. Sidewalk and Easement Waiver, 2775 Penfield Road – Costello

Jim Costello submitted a request from Peter Romeo, Architect to the Board for its review. A request for a one (1) lot site plan approval has been submitted and they are requesting a waiver for sidewalk installation. Costello added that PRC supports allowing the waiver as there are no sidewalks in close proximity to this site. Costello continued to say that the barn is in the right-of-way of NYS RTE 441 (Penfield Road.) PRC suggests the easement be granted up to the barn and if the barn is removed in the future, ask for the balance of the easement during the demolition process. The applicant is asking for the sidewalk and easement waiver, and will pay the $500 fee.

The Board discussed and agreed to allow the waiver.

Supervisor LaFountain added that this is consistent with what has been done with others in the past. LaFountain directed Costello to contact the developer and to proceed.

3. License and Hold Harmless Agreement, 14 Cobblestone Crossing – Valentine

Mark Valentine stated that he is waiting for additional information from the property owner and asked that this item be held.

4. Sidewalk Waiver, 1445 Jackson Road – Valentine

Mark Valentine submitted a letter from Adam Freeman, Engineer requesting a sidewalk waiver for 1445 Jackson Road. A single family residence is planned on the west side of Jackson Road. They will have 665 feet of frontage. The current cost to install sidewalks is $36/foot and the cost would total nearly $24,000 for the property. This property is located 5/10 of a mile north of the D’Angelo development.

Costello added that the D’Angelo property has 515 feet of frontage and sidewalks were waived for the internal properties, but required on Jackson Road.

Supervisor LaFountain stated the Town is making our way north with sidewalks on Jackson Road.

Councilwoman Metzler reviewed that the applicant’s request states the nearest sidewalks are 3,600 feet from Penfield Center Road and more than one mile from State Road.
Valentine said the D’Angelo development isn’t referenced, because it isn’t built yet.

LaFountain said he has mixed feelings, it is one (1) residence with 665 feet of frontage. As sidewalks progress this is the next logical area to continue. If the Town receives the $500 waiver, down the road it will cost taxpayers over $23,500 to install sidewalks. Should there be more consideration than $500?

Councilwoman Kohl said it doesn’t make sense to grant a waiver, we want the sidewalks to continue in that area.

Costello suggested additional time be given to the applicant to install sidewalks, possibly up to two (2) years.

LaFountain recommends we table this discussion, we need more time to review and weigh the consequences. A better balance needs to be determined.

Councilman Quinn asked if there is a list of sidewalk priorities and where does this area fall on that list?

Councilman Moore asked if the Board would be meeting soon to discuss the overall sidewalk needs of the Town.

Valentine stated that he has discussed this with Supervisor LaFountain. There is grant money going to a targeted area for sidewalk needs. Valentine added that the $500 waiver fee also needs to be reviewed as it is out of date and doesn’t cover current costs.

Supervisor LaFountain asked Valentine to put together a synopsis of where the Town is with sidewalk needs to present at the next Work Session on August 12, 2015. This application will remain a held item.

Metzler stated she would like to review sidewalk priorities as this area does not jump out as a priority for sidewalks. She is in favor of granting the waiver as the cost for the sidewalks is too burdensome for the homeowner. Metzler added, the potential of sidewalk connection is speculative at this point.

5. Request for Top Soil Screening Permit at 2195 Penfield Road – Costello

Jim Costello submitted a letter requesting a top soil permit from Robert Fallone, Jr., also included were photos of the property for the Board to review. Costello continued to say 5,000 cubic yards of material is on site and he anticipates it will take two (2) to three (3) months to get through all of the material. No material is needed for the site and it will be sold or used for other jobs. Costello added that there is a good buffer for residents to the east, screening will take place on the west side of the property. The applicant would comply with standard hours of operation.
Supervisor LaFountain asked if he anticipates working five (5) or six (6) days a week for two (2) to three (3) months.

Costello said yes, up to six (6) days a week. Once the pile is screened it will remain on site until it is sold.

LaFountain asked if he plans to screen the material all at once.

Costello said yes, the operation will have to be managed. They should not screen on windy days and some watering may be required.

LaFountain asked who is the contractor?

Costello stated that it is Angelo Affronti.

Councilwoman Kohl asked when do they plan to start?

Robert Fallone said he would like to start in three (3) weeks, during the month of August.

LaFountain confirmed the worst case scenario would be the operation takes place August through November 1, 2015.

Costello suggested we put limits on the time frame.

LaFountain said the last big top soil screening operation we had was Abbington Place. Initially there were several complaints. After controls were put in place the complaints were significantly reduced.

Costello asked if the contractor would be opposed to not working on Saturdays.

Fallone said he will be using American Top Soil, the screening could all be done in two (2) weeks, or three (3) phases over three (3) months.

LaFountain suggested limiting the operation to Monday through Friday, no Saturdays or Sundays. Work could take place during normal construction hours. Controls should include utilizing watering and avoiding windy days.

Costello said current hours are 7:00 AM to 7:00 PM, he asked Fallone if he would be willing to limit those hours to 7:00 AM to 5:00 PM.

Fallone said yes, he would be willing to work 8:00 AM to 5:00 PM. Fallone asked if he can load trucks on Saturday and Sunday, but not do any sifting.

Costello said trucks could be loaded on Saturday under normal construction guidelines.
LaFountain asked what access will be used.

Costello said they are closer to Penfield Road, or the entrance on Fairport Nine Mile Point Road would be a straight shot out.

The Board discussed and agreed.

LaFountain said to issue the permit with constraints including hours of 8:00 AM to 5:00 PM, include restrictions of wind, watering and mud. A stone pad could be required to knock the mud off before the trucks get on the road. LaFountain added that the permit will be issued through the end of October. If it is required beyond that time the applicant will have to come back to the Board. LaFountain directed Costello to write a letter to Fallone confirming the items that have been discussed.

Public Safety - None

Community Services
1. Smoke Free Policy for all Town Facilities - Bilow

Chris Bilow reviewed that a survey was given back in April and a summary of the results was submitted to the Board for its review. Bilow continued to say the results were good, we received 566 responses in seven days. 75% of the responses were from Penfield residents. The number one ranked area, with 80% support, is to eliminate smoking on playgrounds within Town facilities. Second was 73% support to eliminate smoking in entry ways to Town facilities and 72% support to eliminate smoking in general for all parks, trails, fields, entry ways to Town facilities, and playgrounds. Bilow stated based on feedback from residents he suggests establishing no smoking in stages. Bilow referenced Public Health law §13E-1399-0-I, which states there will be no smoking from dusk to dawn in the presence of children 12 and under. Bilow stated that this law can be amended to enhance our policy. Bilow stated we would initiate with no smoking at Town playgrounds and place signage around the playground. We would monitor this for the next four to six months and review feedback. We would then revisit and look at other areas to expand no smoking.

Councilman Quinn asked if there is a standard definition of playground, and the distance that would encompassed?

Bilow said that the term playground would be defined by an improved area designed for play of six or more children. The playgrounds have wood chips and we would place signs around the perimeter of the playground.

Councilman Moore inquired about the playground at Rothfuss Park, would the restriction also include the nearby pavilion.

Bilow said no, only the wood chipped area. The designation would have to be where the signage is placed.
Councilwoman Metzler added that we can be more restrictive than the State Law.

Councilwoman Kohl said this is a good idea and a great way to start implementing a no smoking policy.

Bilow said the legislation includes sign specifications. Our current playgrounds are currently well defined.

The Board discussed and agreed.

Supervisor LaFountain said we will start with a designation for playgrounds and look to move beyond that after a reasonable time frame. We will next look to include Town facilities, typically smokers finish in their vehicle before they get to the Town Hall and are not utilizing our ash trays. The playgrounds are a great place to start with implementation of a no smoking policy.

Councilman Moore asked how many playgrounds will be impacted?

Bilow answered five (5). Bilow continued to say we will lay out some terminology for signage and submit to the Board and Town Attorney Horwitz to review and also include a list of playgrounds.

Supervisor LaFountain said this information will be reviewed over the next month or so.

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Right-of-Way Transfer on Mott’s Lane – Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition – LaFountain
3. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Point Road – Costello
4. Incentive Zoning, 1271 Fairport Nine Mile Point Road – Costello
5. Incentive Zoning, 1080 and 1092 Penfield Road – Costello
6. Amended Zoning, 730 Linden Ave. – Costello

IX. Old Business - None

X. New Business – None
XI. Executive Session - Real Estate, Litigation and Human Resource Matters - None

XII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 8:06 PM.

Lisa Grosser, RMC
Deputy Town Clerk