

Town Board Work Session Minutes
Wednesday June 23, 2021
7:00 PM

I. Call to Order

Present:

Supervisor LaFountain
Councilwoman Drawe
Councilwoman Kohl
Councilman Ockenden

Councilman Moore Absent

Also Present:

Mark Valentine	Town Engineer/Director of Planning
Jim Costello	Director of Developmental Services
Eric Tait	Director of Public Works
Tim Masterton	Parks Foreman
Sue Scheidt	Deputy Town Clerk

Supervisor LaFountain read a brief statement into the record. "Due to the Public Health and Safety Concerns related to Covid-19, this meeting is being conducted remotely pursuant to the Governor's Executive orders including Executive order 202.1. "The meeting is being recorded and broadcast live on the Town of Penfield website at www.Penfield.org and the Town's Government Access channel 1303" and on streaming media device: ROKU, Apple TV, and Amazon Fire. Search "Penfield TV" in your device's app store, it is free. The meeting will be later transcribed. Questions regarding video coverage please contact Penfield TV at (585)340-8661.

II. Approval of Minutes -

Councilwoman Drawe moved for the approval of the Minutes of June 9, 2021, Councilwoman Kohl seconded. All present voted "Aye".

III. Monthly Reports - All reports are in

IV. Public Hearing - None

V. Guests

a. Andrew Spencer, review of disc golf proposal at Shadow Pines - Costello

Supervisor LaFountain gave a brief introduction of Andrew Spencer of BME Associates, his role in the Shadow Pines Master Plan and tonight's disc golf presentation.

Mr. Spencer introduced the team of The Greater Rochester Disc Golf Club (GRDGC) as Dave Kopp, Jason Phelps and Tim Bayer.

Mr. Spencer stated he had invited several individuals to meet and walk the Shadow Pines property to get a better understanding of the layout including Mr. Dave Thomas, who presented his disc golf plan to the board on April 14, 2021. Mr. Spencer stated that Mr. Thomas has since decided to step away from this project.

Mr. Spencer stated he has been working with the club team to design an 18 hole disc golf course, using the recommendations of the Shadow Pines conceptual plan as a starting point.

Dave Kopp, president of the club gave a brief overview of the organizations growth, member fees, and fundraising efforts. The team spoke of other area courses and how they compare with regard to levels of play, course design and different types of products used in the design.

Club member Jason Phelps did a presentation of the design process.

Mr. Tim Bayer stated he has taught disc golf for several years. He runs a putting league and participates in national tournaments on a regular basis.

The overall intent of the club is to create a challenging and enjoyable course for all levels of play.

Mr. Spencer did a quick update of the on-going Shadow Pines design project. Mr. Spencer stated he is working with staff in putting together the next level of the conceptual plan of the northern area which includes the field play area and pickle ball courts. Mr. Spencer stated he expects to meet with staff for an initial review of the plan in the next couple of weeks. Mr. Spencer stated all aspects of the design is an on-going process and open to ideas and feedback.

Supervisor LaFountain went over next steps.

b. Mesut Vardar, for a discussion regarding the rezoning of a portion of 1423 Empire Blvd.

Mr. Costello stated in 1996 when the LaSalle's Landing zoning district was created, it was brought through the property at 1423 Empire Blvd., causing two zoning districts within the same property.

This is a 9.94 acre parcel, most of which is undevelopable because of the elevations and challenging topography. Mr. Costello stated the applicant appeared before the Comprehensive Plan Update Committee in late 2018 for a re-zoning recommendation to allow for townhomes on this site.

Mr. Vardar joined the meeting via Zoom. A simple drawing of the proposed plan was presented. The design represents 30-35 townhomes.

Supervisor LaFountain recommends further discussion after the review process with PRC (Project Review Committee) for a sense of how the proposed drawing might fit into the topography.

Supervisor LaFountain went over next steps.

VI. ACTION ITEMS

a. 64 Timber Glen trail tree reimbursement - Drawe

Councilwoman Drawe stated that the removal of dead trees along Rte. 250 behind Timber Glen Trail has left neighbors seeking more privacy.

Mr. Tait stated a portion of the area in question is considered wet land and that new plantings may not survive. Mr. Tait stated the area will fill in naturally with scrub growth over time on its own. Mr. Tait stated the homeowner of 64 Timber Glen Trail has taken it upon themselves to plant new trees on the town owned property behind their residence.

The homeowner is seeking reimbursement of all or part of the cost involved.

Councilwoman Kohl stated she doesn't support the request for reimbursement.

Councilwoman Drawe moved to table this item for further review. Seconded by Councilwoman Kohl. All present voted "Aye".

b. RIT Tait Preserve - sidewalk waiver request - Valentine

LaBella Associates and RIT representatives joined the meeting via Zoom.

Mr. Valentine stated the team is requesting a sidewalk waiver as part of the planning approval process. Mr. Valentine stated the board approved a residential sidewalk waiver for this property several years ago. However since that time the property has been converted to an institutional use, and fees and policies have been updated.

Mr. Valentine stated it is staff's recommendation to grant the waiver taking the steep grade changes on the North side of Old Penfield Road into consideration.

Kathleen Bennett, Attorney for RIT, asked the board to take into consideration when determining the waiver fee, that RIT is a non-profit. The property will be used for educational purposes and technically not commercial use.

Mr. Valentine stated the waiver fee is typically based on the cost of construction. Mr. Valentine stated the maximum fee is \$5000 for residential and \$10,000 for commercial.

Councilwoman Kohl stated there is no fee schedule for non-profit or institutional. She stated maybe there should be an additional category.

Supervisor LaFountain moved to impose a \$5000 sidewalk waiver fee on RIT. Seconded by Councilman Ockenden. Those present voted 3 "Aye", 1 "No".

Councilwoman Kohl stated we have to realize we are setting a precedence by imposing a waiver fee on an institutional property, equal to that of a residential property.

c. Tree Removal - 12 & 14 Treetop Dr. - Tait

Mr. Tait stated he was contacted by the homeowners of 12 & 14 Treetop Dr. regarding the condition of the trees behind their homes on town owned property. Mr. Tait confirmed the trees are dead ash trees. He has received signed consent and release forms from the homeowners understanding the expectations that the trees will be taken down, however the debris and stumps would not be removed, nor will the trees be replaced.

Councilman Ockenden moved to go forward with tree removal behind 12 & 14 Treetop Dr. as presented. Seconded by Councilwoman Drawe. All present voted "Aye".

d. Tree Removal - 37 Pewter Rock - Tait

Mr. Tait stated he was contacted by the homeowner of 37 Pewter Rock regarding a dead Ash tree on town owned property behind their home. Mr. Tait stated a limb fell from the tree hitting the homeowner's son. Fortunately he was not injured.

Mr. Tait stated the homeowner has signed a consent form to remove the tree with the understanding that the tree will be taken down however the stump would remain and the tree will not be replaced. Mr. Tait stated in this case the debris would be removed from the property. Mr. Tait stated this tree can safely be removed by town staff.

Councilwoman Kohl moved to approve the request. Seconded by Councilwoman Drawe. All present voted "Aye".

e. Tree Removal - Rosebud Trail - Tait - WITHDRAWN

f. Tree Removal - 47 Miyah Dr.

Mr. Tait stated he was contacted by the homeowner of 47 Miyah Dr. concerning several dead Ash trees on town owned property to the south of their property. The homeowner understands what to expect of the town to remove the trees but leave the stumps. The homeowner is also in agreement that the debris will be left as well, unless it's determined that it may cause future drainage issues of the nearby pond. Mr. Tait stated he has been in contact

with the homeowner. He will have written consent from the homeowner before moving forward.

Councilman Ockenden moved to approve the request with the condition of prior written approval from the homeowner. Seconded by Councilwoman Drawe. All present voted "Aye".

g. Harris Whalen tennis court resurfacing bid results - Tait

Mr. Tait stated 3 bids were received for the Harris Whalen tennis court resurfacing project.

The project would include resurfacing, repair cracks, replace posts and restripe. Mr. Tait stated the lowest bid was Super Seal Sealcoating LLC. (See attached summary)

Mr. Tait stated Super Seal is a local company, has done projects within the town in the past and comes highly recommended. Mr. Tait stated, he and park foreman Tim Masterton are comfortable working with Super Seal Sealcoating on this project.

Supervisor LaFountain stated he believes it's been more than 15 years since the last resurfacing of the tennis courts.

Councilwoman Kohl moved to award the project to Super Seal Sealcoating LLC. Seconded by Councilman Ockenden. All present voted "Aye".

Mr. Tait will prepare a resolution.

h. RG&E request for a gas easement and regulator station at 1164 Whalen Road - Tait

Supervisor LaFountain stated this item was discussed at the last work session meeting on June 9, 2021. Mr. Tait was going to take a second look at a couple items. The original easement area was 25'x 60' closer to 1174 Whalen Road.

Mr. Tait stated he had further discussion with Britni Tait of RG&E. A natural opening, in the treed area to the west, might accommodate the substation better. This location will minimize tree removal and leave a larger buffer between 1174 Whalen Road.

Mr. Tait stated this location is also less likely to be at risk of flooding or interfere with the drainage pond maintenance.

Supervisor LaFountain stated he noticed the area is mowed as part of the special district of Country Club Plaza.

Mr. Tait stated an above ground unit at this location would be buffered quite well on all sides.

Supervisor LaFountain reminded the group that this substation would be replacing one further down Whalen Road and would offer better service overall.

Councilmembers agree this area is a better fit with less impact to the environment.

Councilman Ockenden stated he would prefer a below ground unit.

Mr. Tait stated he doesn't know if it would be feasible to install a below ground structure in this area because of the water levels.

Mr. Valentine stated additional plantings for better screening could be decided later.

Councilwoman Kohl moved to approve the request at the revised location. Seconded by Councilwoman Drawe. All present voted "Aye".

Mr. Tait will prepare a resolution to include wording that additional buffered plantings may be required at a later time.

i. Request to install a fountain in town pond adjacent to 43 Miyah Dr. - Valentine

Mr. Valentine apologized to the homeowner, Mr. Miller, who was unable to join the meeting tonight due to a technical issue.

Mr. Valentine stated Mr. Miller has some concern that the town owned drainage pond behind 43 Miyah Dr. doesn't flow quickly and the pond is beginning to be murky.

Mr. Valentine stated Mr. Miller is requested approval to install a fountain or bubbler at his expense and electric to keep the water moving and from becoming stagnant.

Mr. Valentine stated if approved, certain insurance requirements would have to be met.

Supervisor LaFountain questioned the depth of the pond.

Mr. Valentine stated the depth is approximately 5 feet deep. Mr. Valentine stated more vegetation grows if the ponds are less deep.

Councilman Ockenden questioned if the town has any similar agreement with a town owned pond.

Mr. Valentine answered we do not.

Councilwoman Kohl moved to table this item, since the homeowner was unable to connect with the meeting. Seconded by Councilman Ockenden. All present voted "Aye".

VII. INFORMATIONAL ITEMS - None

VIII. HELD ITEMS

- a. DPW facility - LaFountain/Tait
- b. Private pond maintenance - Valentine
- c. Hold harmless agreement - 143 Farm Brook Dr. - Valentine
- d. Street Light upgrade proposal - Tait
- e. Timber harvesting application for 1385, 1387-B and 1423 Empire Blvd. - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - None

XII. Next Meeting - July 14, 2021

XIII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 9:22 PM

Sue Scheidt
Deputy Town Clerk