Town Board Work Session Agenda  
September 10, 2014  
7:00 PM

I. Call to Order  

II. Approval of Minutes – August 27, 2014  

III. Monthly Reports - August  

IV. Public Hearing – None  

V. Guests – None  

VI. ACTION ITEMS  

Law and Finance  
1. Review of Revised Panera Bread Sign Package – Costello  
2. Request for Pool Encroachment into Conservation Easement at 21 D'Angelo Drive – Costello  
3. Five Mile Café – Signage/Music - Costello  

Public Works - None  

Public Safety - None  

Community Services  

VII. INFORMATIONAL ITEMS  

Law and Finance  
1. Request for Consideration of RV Park at 1234 Northrup Road and 1271 Plank Road - Costello  

Public Works - None  

Public Safety - None  

Community Services - None  

VIII. HELD ITEMS - None  

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
Lisa Grosser

II. Approval of Minutes – 8/27/14
CM Quinn moved for the approval of the Minutes of August 27, 2014, CW Metzler seconded the motion.

III. Monthly Reports – Reports for August have been received except for Engineering, Public Works, Recreation and Local History Room which are expected by the end of the week.

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Review of Revised Panera Bread Sign Package – Costello
Jim Costello reviewed that the proposed sign package had been rejected as drive thru signs are not permitted on the buildings, and the additional signage was larger than allowed by code. Costello submitted the revised specifications to the Board for its review. The total square footage has been reduced to 143.33 square feet. The directory signage is as permitted and all revisions now meet Town specifications.

Councilwoman Metzler inquired about the drive thru signs.

Costello said there will now be freestanding signs similar to the enter/exits signs.

The Board discussed and approved the revised sign package.

Supervisor LaFountain instructed Costello to close the loop back to the applicant giving approval of the sign package stating that the total square footage is permitted by code.
2. Request for Pool Encroachment into Conservation Easement at 21 D’Angelo Drive – Costello

Jim Costello introduced the property owner Michael Lingle who purchased the residence in the 90’s. This parcel is part of the Alden Glen Subdivision, Section 2 Phase 2. Mr. Lingle came to the Town to obtain a permit for an in-ground pool and landscaping. While completing his application, it was discovered that there is a Conservation Easement on the subdivision plat that was established at the time the subdivision was approved. An aerial photograph of the subdivision, showing the highlighted Conservation Easement, was also submitted for the Board to review. Costello continued to say the Conservation Easement was not filed with the Monroe County Clerk’s office and is only identified on the subdivision plat. The Town owns an adjacent parcel and there is a Drainage Easement on Mr. Lingle’s parcel. There is no rationale for the Conservation Easement.

Supervisor LaFountain inquired as to the amount of encroachment requested.

Costello said it would be minimal encroachment, 20 feet at most.

Lingle asked if the easement could be moved to the tree line. He doesn’t have the final design for his pool and landscaping yet, and wouldn’t want to have to come back to the Board for additional approvals.

Councilwoman Metzler asked what is behind the tree line.

Costello said the tree line buffers the Town owned property.

Councilwoman Kohl asked if a fence would be installed near the tree line.

Lingle stated that the fence would be installed closer to the pool.

LaFountain asked if Costello had found any reference to the Conservation Easement in the Board minutes.

Costello said no, there are no references and no documents filed. The Drainage Easement would be maintained. Costello said he intends to speak with the Project Engineer, Bob Kieffer to determine why the easement was necessary.

Metzler stated that she supports maintaining the tree line for both conservation and drainage.

Costello stated that all residents encumbered by the Conservation Easement need to be contacted prior to abandoning the easement.

Metzler asked if the trees are located in the drainage easement.
Costello said some of the trees are in the drainage easement. The drainage easement transverses the property and there is another drainage easement that comes to the rear of the property and the two (2) easements come together.

LaFountain asked Lingle when he intends to start the project.

Lingle said he hopes to start by the end of September.

Metzler said she is satisfied that there is no record to support the Conservation Easement, and it can be abandoned. The Drainage Easement supports the Town’s needs.

LaFountain asked Costello to check with Kieffer and review the deed in the Assessor’s office to verify there is no reference to the Conservation Easement. If there is no reference on record, review with PRC and if there is no purpose for the easement, we will look into having it released.

Costello added that PRC did review and no one understands why the Conservation Easement was obtained. He will speak to Kieffer and also contact the seven (7) property owners who surround the easement to see if they are supportive of releasing the easement. If there is support, the easement will be released as a reference point on the Subdivision Map.

LaFountain asked Costello to make sure the Drainage Easement is not violated. He then asked Costello to submit a letter back to the resident and look to do a border abandonment of the easement.

Costello stated that he will contact the neighbors to make them aware of what is happening.

3. Five Mile Café – Signage/Music – Costello
Jim Costello submitted sign information and photographs to the Board for its review. The applicant is requesting additional signage, because she feels that with the existing signage, their business isn’t getting enough visibility. Costello continued to say initially they were looking to add an additional free standing sign, but this would create a problem with the existing signs. If an additional sign was added, it would block the other free standing signs in the area. The applicant has requested to repaint the existing sign so that it will stand out better. Southpaw Designs has also designed an additional building mounted sign that is 1.5’ by 16.6’ totaling 24.9 square feet which meets the code requirements for the building. Costello added that the information has also been submitted to the Historic Preservation Board and they support the sign and will discuss at their upcoming October meeting. The Historic Preservation Board has requested more specifics regarding the colors of the new design.

Supervisor LaFountain asked Costello to verify that the existing sign, plus the new sign will be within Town code.
Costello stated that they are allowed 25.2 feet of freestanding signage, based on previous Board approval.

The Board discussed and agreed to approve the signage.

Supervisor LaFountain asked Costello to discuss the request for music.

Costello stated the applicant has requested outdoor acoustical music. The Board has not granted approval for any exterior music in the Town. Costello recommends approving interior music only at this time.

Councilwoman Metzler said based on the location, traffic noise could impact exterior music.

Costello said there is seating inside for approximately 20 customers, he suggests trying interior music first.

The Board discussed and agreed to allow acoustical music inside only.

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

VII. INFORMATIONAL ITEMS

Law and Finance
1. Request for Consideration of RV Park at 1234 Northrup Road and 1271 Plank Road - Costello

Supervisor LaFountain stated that Jim Costello had submitted materials to the Board for its review.

Jim Costello said the ordinances he sent were from municipalities that have RV Parks in their towns. Most of the ordinances were from out west. He did include an ordinance from Deer Park, NY which is located in Orange County. Costello asked the Board to review the materials and determine if they are comfortable with this type of project and we can discuss this further at a future meeting.

LaFountain asked Costello to reach out to the Deer Park community and submit a link or map to the Board so they can see how the park is laid out.

Councilwoman Metzler added that she has done some research online and found that it is a KOA site and the topography is different than the Town of Penfield; the site is located near a river.

Costello said we want to make sure that if the RV Park is allowed it remains temporary and doesn’t become a mobile home park.
LaFountain said the Board needs to do its due diligence. We do not want to rush or drag this out; we want to give the applicant proper direction.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS - None

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 Work Session at 7:28 PM.

Lisa Grosser, Deputy Town Clerk