Town Board Work Session Agenda
May 13, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – April 22, 2015

III. Monthly Reports - April

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. American Legion, 1707 Penfield Road Right-of-Way and Fill and Grade Permit – Valentine
2. Setting Operational Permit & Periodic Inspection Fees – Tette
3. Cha Cha’s Outdoor Dining, 2124-2126 Five Mile Line Road – LaFountain
4. Town of Penfield Fire Sprinkler Law – Tette
5. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Pt. Road - LaFountain
6. Incentive Zoning, Dublin Road – LaFountain

Public Works
1. 36 Meadows End, Release a portion of a Drainage Easement - Valentine

Public Safety - None

Community Services - None

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
2. Jomanda Way, Expanding No Shooting Petition – LaFountain
4. Garage Addition, 2041 Penfield Road – Costello
5. Smoke Free Policy for all Town Facilities - Bilow

IX. Old Business - None

X. New Business - None

XI. Executive Session – Real Estate, Litigation and Human Resource Matters

XII. Adjournment
Town Board Work Session Minutes
May 13, 2015
7:00 PM

I. Call to Order

Present:
Supervisor LaFountan
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also
Present:
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 4/22/15
CM Quinn moved for the approval of the Minutes of April 22, 2015, CW Metzler seconded the motion.

III. Monthly Reports – All reports for April have been received.

IV. Public Hearing – None

V. Guests - None

VI. ACTION ITEMS

Law and Finance
1. American Legion, 1707 Penfield Road Right-Of-Way and Fill and Grade Permit - Valentine
Mark Valentine submitted a proposal to repair the right-of-way near the American Legion driveway to the Board for its review. Valentine met on site with the representatives from the American Legion. Bob Moore of the Department of Public Works has prepared a proposal based on the condition of the road and the concern about the slope of the road. The estimate includes extra material to fill in the dip of the roadway and raise the grade for better site distance when entering and exiting the American Legion. The estimate includes removing the bollards, striping the right-of-way, top soil and seeding.

Supervisor LaFountan stated that these improvements would give the best site distance based on the contour of the area.

Councilman Moore asked if this work would be done by Town employees.

Valentine said yes, the estimate is based on our employees doing the work. The striping is being added to align the entrance of the American Legion and make it easier to enter and exit.
Supervisor LaFountain added once approved by the Board the funds are in the 2015 budget. The work will be done in the Town right-of-way over the next month or so.

Councilwoman Metzler asked if releases will be required.

Valentine said no; and added this will be a two (2) day job.

Councilwoman Metzler asked how long would this improvement last and what future improvements would be needed.

Valentine said typically paving lasts 1 to 2 years per inch of asphalt. Only crack sealing would be required in the future. This improvement would increase the life of the road; it is not a heavily traveled road.

LaFountain added that the majority of the traffic is residential.

The Board discussed and agreed to approve the improvements to the right-of-way.

Valentine stated an application has also been submitted for a Fill and Grade permit. Enclosed in the packet to the Board is a sketch of the area. Fill would need to be brought in to stabilize the area, then topsoil would be added and seeded. The concern is drainage must be maintained with no impact to the apartments nearby. The area will be used as a lawn area and for overflow parking. The area abuts the State right-of-way and there is a fence line.

LaFountain asked if additional fill would be needed, or just topsoil and seed.

Rick Gough, Commander of the Braman Post 1229 said there has been some erosion and some additional fill would be required to stabilize the area before the topsoil and seeding is completed.

Jerry, an American Legion member said he had spoken with Bob Moore of the Department of Public Works. Moore said there is fill available behind the Highway Garage, but Supervisor LaFountain would have to authorize the use of it.

LaFountain said he had also spoken with Bob Moore, and asked what is the estimated time frame for completion?

Gough said our next meeting is May 28, 2015, once approved we would like to move forward immediately.

LaFountain asked Gough to close the loop back to the Town Board after the May 28th meeting. LaFountain suggested having the fill completed, before the work on the right-of-way is started. LaFountain said Gough could contact Bob Moore and Rick Giesselman, of the Department of Public Works when the topsoil is completed, we will then schedule the right-of-way improvements.
The Board discussed and agreed to move forward.

Ken Andrews, Adjutant for the Braman Post 1229, thanked Valentine for his work on this project. The work will improve safety for the members of the American Legion.

2. Setting Operational Permit & Periodic Inspection Fees – Tette

Supervisor LaFountain stated this will be held until the next Work Session on May 27, 2015.

3. Cha Cha’s Outdoor Dining, 2124-2126 Five Mile Line Road – LaFountain

Supervisor LaFountain reviewed that the Public Hearing was held on May 6, 2015. We need confirmation of the number of tables and chairs on the patio. Also the Fire Marshal requested another means of egress, or a gate on the patio.

Andrew Hintenach, Architect for the project said the patio will have 8 tables with 4 chairs each for a total of 32 seats.

Councilwoman Kohl asked if the only way to access the patio is through the restaurant?

Hintenach said that there are several feet between the building and the patio entrance. Also there is a 10 foot opening in the gate on the restaurant side between the building and Five Mile Line Road to enter the patio.

Councilwoman Metzler asked how patrons would be seated on the patio.

Hintenach said they would enter the restaurant and see the hostess who would seat them on the patio. Hintenach showed the Board a sketch of the patio design.

LaFountain said during the Public Hearing, it was unclear if the gate would be attached to the restaurant. The Fire Marshal requested an extra gate because he thought the only way to exit the patio was to go back through the restaurant.

Hintenach said the fence is only 3 feet high, in case of an emergency a patron could hop the fence. There is a 10 foot opening along the restaurant side, the fence is not attached to the building.

Quinn asked if traffic flow would be modified to wrap around the building. Would traffic be changed to in only on the south side of the building?

LaFountain stated as agreed in the access easement, the south side would need to be maintained as both in and out. The north side has the width for both in and out access.
Sam DiPrima, the owner of the building, said the access on the south side is only one car width.

Councilwoman Kohl advised that there will be no private parking in the rear of the building and the signs would have to come down.

Councilman Moore asked DiPrima for verification that this is a permanent structure and parking will be eliminated in front of the restaurant.

DiPrima agreed yes, the patio remain even if the restaurant changes.

Kohl asked if the hours of the outdoor dining area are until 10:00 PM, how late patrons would be served on the patio.

DiPrima said 9:30 PM.

LaFountain added that included in the conditions of approval are that there will be no outdoor music, or bands. LaFountain stated that he will follow up with the Fire Marshal on the question of additional access from the patio. LaFountain asked if there was more detail on the landscaping design.

Hintenach said we are discussing hanging baskets on the fence in lieu of the cedar boxes that were discussed at the Public Hearing.

Kohl asked how long you expect to use the outdoor patio.

DiPrima said as long as the weather is nice, there are no plans for outdoor heaters.

LaFountain asked once approved, what is your plan to move forward.

DiPrima stated that they are ready to go. DiPrima added that he did speak with the Fire Marshal and he is looking for egress only off the north side. If this is necessary, he will do it. DiPrima asked if this will still be required now that it’s been clarified that the fence is open on both sides?

Supervisor LaFountain stated he would confirm the requirement with the Fire Marshal.

The Board discussed and agreed to allow the patio for outdoor dining.

Supervisor LaFountain said a resolution will be prepared for the next Legislative Session on May 20, 2015.
4. Town of Penfield Fire Sprinkler Law – Tette
Supervisor LaFountain reviewed that the Public Hearing was held on May 6, 2015 and no comments were received.

The Board discussed and agreed to amend the Fire Sprinkler Law.

LaFountain stated that a resolution will be prepared for the next Legislative Session on May 20, 2015.

5. Jeremiah’s Extended Outdoor Dining Hours, 2164 Fairport Nine Mile Point Road – LaFountain
Supervisor LaFountain reviewed that a Public Hearing was held on April 15, 2015. Additional emails have been received from concerned residents and a proposal from the engineer was received regarding the cover for the patio area. Jim Costello had also stated that the applicant would have additional information on sound proofing the patio area.

Jeff Reddish stated that the enclosure on the patio area would be a permanent structure and would reduce sound going out to the parking lot. Armstrong panels could be added to the inside of the canopy. These panels are already in use inside the restaurant to deaden sound.

LaFountain added that the panels are similar to a drop ceiling. There have been ongoing concerns from residents regarding noise, and this is consistent with what we heard at the Public Hearing. The additional emails were received from Susan Wilson regarding concern for the extended hours and Michael Young with concerns regarding noise.

Councilwoman Metzler stated that she had requested the original approval documents for Don’s Original, which is open until Midnight daily, and she has not received that information yet.

Councilwoman Kohl said based on the email from Mr. Young regarding speaker sound; could the speakers be turned off so they are not heard in the neighborhood?

Reddish asked when Mr. Young heard the speakers.

Councilman Moore added that Mr. Young said he doesn’t hear it all the time. This may be a wind issue, because the concern is not on a consistent basis.

Kohl asked Reddish if a PA system is utilized.

Reddish said no, also there is no sound on the televisions.

Kohl asked when the canopy is being installed.

Reddish said the canopy will be installed as soon as the Building Permit is issued; we have been working with Harold Morehouse.
Moore asked what type of clientele enjoys the outdoor seating. Reddish said between 7:00 PM and 9:00 PM it is typically couples and families. After 9:00 PM it tends to be a middle aged crowd.

Metzler said the weather was good this past weekend. Did you have a standard set up and were the speakers on.

Reddish said yes, he was actually a patron on Friday night, the weather was great and the patio was full.

Metzler stated no complaints were received this weekend the patio was busy.

Kohl asked for confirmation that they stopped serving food on the patio at 10:00 PM.

Reddish said yes, but we serve food inside until Midnight.

Kohl asked what is the latest you have had people on the patio and do you have to ask patrons to move inside?

Reddish said yes, we ask patrons to move inside and explain that it is a Town requirement and we are trying to have hours extended.

LaFountain asked how late were they open Friday night?

Reddish said we served food in the restaurant until 1:00 AM.

Metzler asked when was last call?

Reddish said 2:00 AM. During the winter, and during snow storms they have closed at Midnight, but usually it is 2:00 AM.

LaFountain said we will wait to obtain the information from Jim Costello regarding the approval resolution for Don’s Original. We will gather any additional feedback from residents and discuss this again at the May 27, 2015 Work Session.

6. Incentive Zoning, Dublin Road - LaFountain
Supervisor LaFountain said recently he received a request from Steve Philippone to have the discussion withdrawn. This property is no longer under contract.

Public Works
1. 36 Meadows End, Release a portion of a Drainage Easement - Valentine
Mark Valentine stated that this property is located in the Silverwoods neighborhood and has been listed for sale. There is a storm sewer down the property line with a basin in the back. 1.6 ft. of the house is located in the existing 20 foot easement. Valentine suggests abandoning the portion of the easement the
house is located on and maintain the 20 foot easement in the front and rear of the property.

The Board discussed and agreed to allow the abandonment of the two (2) foot portion of the easement which the house is located on.

The Board discussed and agreed to release a portion of the easement. A resolution will be submitted at the next Legislative Session on May 20, 2015.

Public Safety - None
Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None
Public Works - None
Public Safety - None
Community Services - None

VIII. HELD ITEMS

I. Right-of-Way Transfer on Mott’s Lane
Supervisor LaFountain asked Mark Valentine to meet with Jim Costello to discuss the right-of-way transfer on Mott’s Lane that remains as a held item. Please advise at the next Work Session if this will move forward or be removed.

2. Jomanda Way, Expanding No Shooting Petition - LaFountain
3. 1223 Fairport Nine Mile Pt. Rd., Neufeld - Costello
4. Garage Addition, 2041 Penfield Road - Costello
5. Smoke Free Policy for all Town Facilities - Bilow

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - The Board went into an executive session regarding a legal matter.

XII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 7:48 PM.

Lisa Grosser, RMC
Deputy Town Clerk