Town Board Work Session Agenda  
November 10, 2015  
7:00 PM

I. Call to Order

II. Approval of Minutes – October 28, 2014

III. Monthly Reports - October

IV. Public Hearing – None

V. Guests
   • Mr. Dick Hochreiter – Request for Release of a Portion of an Access Easement, 1790-1794 Penfield Road - Costello
   • Mr. Dan Scorza - Request for Grade and Fill Permit, 1700 Baird Road - Costello
   • Ms. Bridgette Marsh – Discussion of Garage Expansion, 1750 Penfield Road - Costello
   • Mr. Frank Imburgia – Discussion Regarding the Possible Use of Camp Haccamo Property - Costello

VI. ACTION ITEMS  
   Law and Finance
   1. Bangz! Hair Salon/Spa - 2105 Five Mile Line Road, Sign Package – Costello

   Public Works

   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 – Valentine/Costello
   2. Jomanda Way, Expanding No Shooting Petition – LaFountain
   3. Sidewalk Waiver, 1445 Jackson Road – Valentine
   4. Villas at Easthampton Roadway Dedication – Valentine
   5. Mixed Use Development Hearing Date – Valentine
   6. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello

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
November 10, 2015
7:00 PM

I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Metzler
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser

Absent
Councilwoman Kohl
Councilman Moore

II. Approval of Minutes – 10/28/15
CM Quinn moved for the approval of the Minutes of October 28, 2015, CW Metzler seconded the motion.

III. Monthly Reports – Supervisor LaFountain stated that most of the Monthly reports have been submitted and any outstanding reports will be in by the end of the week.

IV. Public Hearing – None

V. Guests –
• Mr. Dick Hochreiter – Request for Release of a Portion of an Access Easement, 1790-1794 Penfield Road – Costello
Jim Costello introduced Dick Hochreiter who is a partner with Dr. Steve Damelio and owns several of the properties at the Penfield Place location. Costello continued to say originally this was one parcel and it has been subdivided into several parcels. At the time it was subdivided, the Planning Board required a cross access agreement for the public to access each of the properties for shopping.

Costello submitted a map to the Board for its review. The map shows the existing easement and the proposal. There may be future development of the rear portion of the parcel adjacent to the Ribiero building which includes Hong Wah. Mr. Ribiero owns the property to the dead end which meets the easement. Costello continued to say Hochreiter is requesting to eliminate that portion of the easement, and will provide a cross access easement. In the future Hochreither will come back to the Board for Site Plan approval and to create another easement to tie back to the front of the property, if necessary.
Dick Hochreiter stated that the existing traffic flow is based on how Mr. Ribiero’s property was originally developed. Mr. Ribiero is in agreement with the easement changes.

Costello said access will have to be provided to the Ribiero property and will tie into the Dunkin Donuts drive-thru. If a small building is developed in the back, the Board could require additional cross access agreements.

Supervisor LaFountain confirmed that two (2) areas will be eliminated, and details for the new access area will be discussed at some point in the future.

Costello stated that the additional cross access will be added immediately and completed at the time of the release of easement.

Councilman Quinn inquired about the timeline.

Costello said we want to set up the access easements so that the property can be utilized in the future.

Councilwoman Metzler confirmed that the existing easement pre-dated the Hong Wah building. She has no opposition and the conditions are based on the future possibility of tweaking the easements. Metzler asked if there are any other easements on the property?

Costello said no, it will remain as originally proposed.

The Board discussed and agreed to allow the release of a portion of the access easement and include an additional cross access easement. Costello will prepare a Resolution for the next Legislative Session on November 18, 2015.

- Mr. Dan Scorza – Request for Grade and Fill Permit, 1700 Baird Road – Costello

Jim Costello introduced Dan Scorza who is requesting a Grade and Fill Permit to fill in his property for ease of maintenance.

Councilwoman Metzler asked if Mr. Scorza wants to build up any areas?

Dan Scorza stated that this is a follow up of the Baird Road extension. Mr. Scorza purchased culvert pipe and the Town installed it for him. He would like to extend the Storm Sewers to the north. He is able to obtain soil from the White Village sewer project.

Costello asked Scorza if he knows how much cubic yardage he will need?

Scorza said he wants to be able to drive a lawn mower over the area.
Costello suggested Scorza work with Town Engineer Mark Valentine to determine how many cubic yards of fill is needed.

Supervisor LaFountain reviewed that a Grade and Fill Permit was issued in 2013, and again in 2014. The permit was pulled because we needed to gain an understanding of the requirements and have a better plan.

Scorza stated that he is interested in developing seven (7) lots in the future, three (3) of which will be for his children.

LaFountain stated that we wanted to verify that work will be done with approved plans.

Scorza stated that there are seven (7) laterals on Baird Road, and it is possible to have another four (4) or five (5) laterals on Atlantic Avenue. Scorza said it may be possible to have a group home on the portion of Atlantic Avenue.

LaFountain asked about the original grading plan.

Scorza said there are no approvals yet, this is a concept plan only.

Costello asked Scorza how long it will take to complete filling the area.

Scorza said he would like it completed before the snow starts this year.

Costello said Scorza will meet with Mark Valentine and get a calculation of the total fill required to the Board for approval.

Scorza said he will be back filling the culvert pipe, there is a six (6) foot hole between Baird Road and his property.

LaFountain stated that Scorza needs to review the grade and fill requirements with Mark Valentine before work can begin.

- Ms. Bridgette Marsh – Discussion of Garage Expansion, 1750 Penfield Road – Costello

Jim Costello introduced Bridgette Marsh who is in the process of getting her father’s property cleaned up. Marsh would like to request a Conditional Use Permit from the Town Board for a garage expansion and is seeking input from the Board prior to making an application. Marsh submitted photos of the yard to the Board for its review. The existing garage was torn down two and a half weeks ago. Marsh added that the garage addition will be smaller than the previous garage.

Supervisor LaFountain stated the addition will be added to the existing garage and will include a three (3) bay garage.

Councilman Quinn asked if the previous garages were connected?
Marsh said no, one of the previous garages has been rebuilt on the original foundation. The new structure will contain three (3) bays because storage is needed for antique cars which her father collects. Marsh added the shed will also be moved.

Quinn asked if the garage expansion will be for residential use?

Marsh said yes, her father may tinker with his cars. Marsh added she is working with Comfort Windows and Doors for new siding and gutters, which will begin mid-November. She has also replaced the furnace, water heater and the roof.

Costello asked Marsh to explain her hardship.

Marsh said the garage expansion is a key component to the cleanup of the property. There are cars located in the back woods which need to be stored. Her father is currently spending $1,000 per month to store vehicles offsite.

LaFountain asked if the vehicles that require storage are all currently on site?

Marsh said her father will get rid of some of the cars, all non-drivable cars will be relocated to the garage. Her father will retain two (2) cars in the driveway for regular use.

LaFountain stated that the property is deep, Marsh intends to have a landscape company clean up the brush in the back of the property to make it more usable.

The Board discussed and agreed to allow her to make an application for the garage expansion.

LaFountain asked Marsh when she anticipates construction will begin?

Marsh said she is busy with the other home improvements now, and would like to start the garage next spring.

LaFountain advised Marsh to work with Costello to obtain all the required permits, a Public Hearing will need to be scheduled.

- Mr. Frank Imburgia - Discussion Regarding the Possible Use of Camp Haccamo Property - Costello

Jim Costello introduced Frank Imburgia, FSI General Contractors, Jerry Goldman, Woods, Oviatt Gilman, and Mark Costich, Costich Engineering.

Jerry Goldman explained that the project location is behind the industrial building, located on Panorama Creek Drive. There are remaining buildings and trailers that will be eradicated. Frank Imburgia is the property owner and has control of the site.
Goldman continued to say we are interested in developing a high end dog/pet hotel and spa. Goldman referred to a concept plan and submitted photos to the Board for its review. The hotel/spa will also include a training area, grooming area, play area, and pool. There will be three (3) wings off the main building, which include individual rooms for dogs who will be housed by size. The dogs will be moved outside of the structure only for room cleaning.

Goldman added the property is currently zoned Light Industrial, and there are hotels in the area. The parcel is 11 acres, the building would be located in the middle of the site and there is significant buffering available.

Costello stated there is a concern for noise to neighboring properties. In our previous meeting it was stated that dogs would not be left in outside kennels for extended periods of time.

Frank Imburgia stated that the facility would be self-contained. The dogs will remain inside and will not see each other. Any nuisance dogs would be contained in a controlled area. Imburgia added that access to the outside would only be utilized when a kennel is being cleaned. Dogs will be walked outside by handlers. The play area is not connected to the housing area.

Councilwoman Metzler asked where do facilities like this exist now.

Imburgia said in large cities like Chicago and Los Angeles; this is just starting in the northeast. Imburgia added there are trails on the property, and a field on top which may be used for training. Imburgia added that there will also be a veterinarian on site.

Metzler inquired as to the maximum occupancy.

Imburgia said the maximum would be 80 dogs, other kennels in the area serve 40 to 60 dogs. Imburgia added that dogs would be dropped off and owners would select amenities for their pets. The dogs would have greenery over the kennels, and there would be television monitors to view the dogs. This is a high end prototype facility, it would be self-contained and supervised 24 hours a day, seven days a week.

Imburgia continued to say there are similar facilities farther east. This type of facility is needed for the Penfield demographic. The access to NYS RTE 441 is beneficial and there is potential future development in the nearby area. The facility will be at least 500 feet from any neighbors, and it will be buffered.

Metzler asked if the facility has been named?
Imburgia said Green Valley Canine, LLC.

Goldman advised you could review similar facilities and offered amenities at www.poochhotel.com.

Supervisor LaFountain inquired about existing infrastructure for sewer and storm water.

Mark Costich said the facility would have less impervious surface than it does now and they would stay away from the creek. There is a trunk sewer which they would stay out of, and the new development would be where the previous development was. There is an access easement across the site and we are working to improve that.

Costello asked Imburgia to confirm that the existing buildings on the site will be demolished in January 2016.

Imburgia said yes, he is prepared to move forward and can have applications for demolition completed in the next month or so.

Costello confirmed the size of the parcel is 11 acres. Costello said this parcel would have to be rezoned, along with the adjacent parcel. Both properties are on the same track and we can look at rezoning them together as General Business. The applicant will have to go before the Planning Board for Site Plan approval.

Quinn asked how the hotel will be licensed, as a kennel or as an animal shelter?

Costello said it would have to be considered an elaborate kennel because it includes a veterinarian and grooming. The other applicant is in the same situation and it would be beneficial to rezone both properties at the same time. This parcel ties into Popeye’s Restaurant property which is zoned General Business.

Mark Costich stated there may be a concern with SEQR, but we will be lowering the potential use of the property in many ways.

Goldman stated that this could fit with existing zoning, and he is concerned about holding this up for the development of the adjacent parcel. Goldman said we need to discuss this further and figure out how to best do this. Tying this in with another use may bring in more issues that may inhibit our ability to move forward.

LaFountain stated that this is not a common use. We will review the zoning with Town Attorney Horwitz. LaFountain continued to say this is an intriguing proposal with existing infrastructure and acreage. We will speak with the other Board members and staff and have Town Attorney review.

VI. ACTION ITEMS
Law and Finance
I. Bangz! Hair Salon/Spa – 2105 Five Mile Line Road, Sign Package – Costello
Supervisor LaFountain stated that information has been provided to the Town Board and the Historic Preservation Board for review.

LaFountain continued to say that we need time for the other Board members to review. This will be held for the next Work Session on December 9, 2015.

Public Works
1. Binder Pavement Extension – Ralph Antetomaso, Watersong Sub Phase 4B – Costello
Jim Costello submitted a letter to the Board for review from Ralph Antetomaso.

John Antetomaso stated that this request is for an extension of the last phase from Homearama. The road is currently under construction and is scheduled to have the pavement completed by November 23.

Supervisor LaFountain advised that the Town Specification requires pavement to be completed by November 15. LaFountain asked if the road box has been started?

Antetomaso said the road will be boxed on November 14, the gutters completed on November 18, stone down on November 19 and the begin paving November 20 with a completion date of November 23. Antetomaso said the work is scheduled through Dan Carini and is weather permitting.

Costello said the requirement is for the temperature to be at least 40º and rising.

LaFountain said November 15th has been a hard date. He suggests additional insurances be given to the Town such as a two year bond instead of the standard one year bond. LaFountain continued to say any damaged gutters would be the responsibility of the builder. There is a dependency on the weather and the asphalt plants will be closing. LaFountain stated he will only support this with the inclusion of a two year bond and all other criteria must be met.

Councilman Quinn said if the weather pushes this back it becomes very risky.

LaFountain said it is possible the asphalt plant will close.

Quinn asked Antetomaso what is the reason to risk this?

Antetomaso said he would like it completed this year and they are trying to get Homearama again next year.
LaFountain stated the risk is on the developer. The Town will get a two year bond and the asphalt plant may close unless they get a State job. The following week is Thanksgiving, the developer may have to go back and do re-work next year.

The Board discussed and agreed to allow the extension. Supervisor LaFountain stated the Town has the Letter of Credit on file and he will instruct Mark Valentine to get a letter to Antetomaso for his records.

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 - Valentine/Costello
2. Jomanda Way, Expanding No Shooting Petition - LaFountain
3. Sidewalk Waiver, 1445 Jackson Road - Valentine
4. Villas at Easthampton Roadway Dedication - Valentine
5. Mixed Use Development Hearing Date - Valentine
6. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - 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 8:05 PM.

Lisa Grosser, RMC
Deputy Town Clerk