Town Board Work Session Agenda
December 9, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – November 10, 2015

III. Monthly Reports - November

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Bangz! Hair Salon/Spa – 2105 Five Mile Line Road, Sign Package – Costello
2. AT&T, Hair Zoo and Moe's Southwest Grill, 2150 Fairport Nine Mile Pt. Rd. – Costello

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. 20 Hilltop Drive, Waiver of Local Law #1 of 2003

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
7. Possible Use of Camp Haccamo Property - 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  
December 9, 2015  
7:00 PM

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 – 11/10/15  
CM Quinn moved for the approval of the Minutes of November 10, 2015, CW Metzler seconded the motion.  

III. Monthly Reports – Reports are due tomorrow; Town Clerk, Public Works, Personnel, Justice Court and Finance are still outstanding.  

IV. Public Hearing – None  

V. Guests – None  

VI. ACTION ITEMS  

Law and Finance  
1. Bangz! Hair Salon/Spa – 2105 Five Mile Line Road, Sign Package  
   - Costello  
Jim Costello introduced Mark Glaze, who is here on behalf of Tammy Allen, owner of Bangz! Salon. Costello reviewed that a Public Hearing was held on October 21, 2015 and a Conditional Use Permit was granted. The sign package was presented consisting of three (3) signs on the building, plus a freestanding sign to be located at the corner of Five Mile Line Road and Liberty Street. The location is within the Historic Preservation District. The applicant has gone before the Historic Preservation Board and they have indicated they approve of the freestanding sign and would issue a Certificate of Appropriateness if the Town Board approves the proposed freestanding sign.  

Costello continued to say the request is for three (3) signs; a 30 sq. ft. sign on the east, a 35 sq. ft. sign on the north and a 10 sq. ft. sign on the south side of the building. Based on the building size, the applicant is allowed 80 sq. ft. of signage and this request is for 75 sq. ft. of signage. The freestanding sign is proposed at 24” x 36”, which is less than the 20 sq. ft. size allowed.
Supervisor LaFountain confirmed the applicant is requesting a total of four (4) signs, three (3) attached and one (1) freestanding. LaFountain added this is not a typical request, would Mr. Glaze be able to modify the request to two (2) attached signs and one (1) freestanding sign?

Mark Glaze stated that though the address of the property is Five Mile Line Road, it is accessed from Liberty Street. The additional signage is necessary for visibility.

Councilwoman Metzler asked if the freestanding sign would have an arrow directing customers toward Liberty Street.

Glaze said yes, a sign will also be placed on the south side of the building for patrons to see from Penfield Road.

Councilwoman Kohl asked if there will be an awning or sign in the window on the front of the building, then an additional sign may not be needed on the building.

Glaze stated that Yotini had signs on both the North and South sides of the building.

Kohl asked if Glaze would consider removing the sign on the front of the building.

Glaze said yes he would consider it.

Metzler stated that it may be too busy to have a sign on the building, an awning, and a sign in the window.

Costello said the awning could be black with the colors of the signs, but could not have letters or symbols which would constitute a sign.

Metzler confirmed there are no constraints for what is placed in the window.

Costello stated that the south side of the building is visible from the bank, which shouldn’t be the main direction of access.

Councilman Moore asked if there are limitations as to what can be placed in the window.

Costello said a sign is allowed as long as it is not a blinking or flashing light.

Moore stated that he is okay with the freestanding sign at the corner which would address any issues with the physical location. Moore also feels two (2) signs on the building are sufficient and the applicant can decide which two (2) sides to place the signs. Adding lettering to the window in the front was also suggested, and he is okay with that.
Metzler stated that the applicant could request a permit for banners as needed for special events. The Board needs to be consistent with two (2) signs. The addition of the freestanding sign is reasonable, because we don’t want to detract from the building.

Costello reiterated the awning could have corporate colors, but not include any wording.

The Board discussed and agreed. LaFountain said the applicant can have the signs in any combination for the best exposure. Two (2) building mounted signs and one (1) freestanding sign. Glaze can work with Costello to determine which sides of the building the signs should be located on.

Councilman Quinn inquired, by approving two (2) building mounted signs and one (1) freestanding sign, we are still over the typical allotment.

Costello said all businesses are allowed A-frame signs for business identification, but not for advertising specials. The A-frame sign should be placed out during business hours only.

LaFountain said the Board needs to have a broader discussion regarding A-frame signs. Code Enforcement has had many issues with the number of A-frame signs. This needs to be reviewed in 2016 and the Board needs to tighten up the requirements. We also need to take into consideration the residential character of the neighborhood on Liberty Street.

Quinn said he is okay with two (2) building mounted signs and a freestanding sign but not an A-frame sign.

Costello said A-frame signs are allowed only during business hours.

Metzler stated she is okay with the two (2) building mounted signs and a freestanding sign, but would discourage the use of an A-frame sign. Liberty Street is residential, and we need to be mindful of the neighbors.

Councilwoman Kohl stated that A-frame signs are good to identify a new business, but should be discouraged for long term use.

The Board discussed and agreed to allow two (2) building mounted signs and a freestanding sign. LaFountain directed Costello to prepare a Resolution for the Board to review.

2. AT&T, Hair Zoo and Moe’s Southwest Grill, 2150 Fairport Nine Mile Pt. Rd. - Costello
Supervisor LaFountain reviewed that the Public Hearing was held on December 2, 2015. Jim Costello has been working with Dr. Robert Fallone to identify trash haulers. There are currently
two (2) different trash haulers for the area. Dr. Fallone wanted try to consolidate trash haulers, and is still working on it.

Jim Costello said Fallone is working on a sign package and requested clarification. Based on the size of the buildings he is allowed 200 sq. ft. of signage. Does the Board agree, or because this is a two sided building will 400 sq. ft. of signage be allowed. Costello added that at the Public Hearing residents also expressed concern about the illumination of signs. Fallone has offered to not have illumination on the side of the building that faces the neighbors. If 200 sq. ft. of signage is allowed, for six (6) signs this yields 33.33 sq. ft. per sign. If 400 sq. ft. of signage is allowed, this yields 66 sq. ft. per sign.

Councilwoman Kohl stated that large signs are not needed on the back of the building, the front is more important.

Costello said the larger signage would be on the NYS RTE 250 side, smaller signs with no illumination for the rear of the building.

Councilman Moore said the signs on NYS RTE 250 must be proportional and symmetrical to the other business signs in the area. The signage on the back should be small and not lit. The signs need to be aesthetically pleasing and complement the signs for Panera Bread and Jeremiah’s Restaurant.

Costello said we will review the sign package in scale with the other businesses. He suggested Fallone work with his designer and submit a sign package to the Board for review.

LaFountain asked if the NYS RTE 250 side will be the main entrance for the businesses?

Fallone said no, the main parking lot will be in the rear, near the neighbors. The front of the building will look like an entrance, but will be for deliveries.

Councilman Quinn asked if there will be any parking on the NYS RTE 250 side?

Fallone stated yes one row will be parking would be for employees.

The Board discussed and agreed to allow 200 sq. ft. of signage, plus the directory sign.

Costello said we will work within the total allowance and have the designer put together a sign package and bring it back to the Board for review.
LaFountain said 200 sq. ft. of signage is key, no illumination for the signs in the back. LaFountain suggested Fallone work with the tenants to have larger signs on the NYS RTE 250 side and smaller signs in the back. Total signage should not exceed 200 sq. ft., how that is used is up to Fallone’s discretion.

Costello stated as landlord, Fallone can decide how large the sign for each specific tenant should be.

Quinn asked if there would be exterior lighting in the rear of the building?

Fallone said there would be cone style building mounted lights that shine both up and down. The signs on the NYS RTE 250 side will be backlit.

Quinn said he just wants to make sure as you approach the building at night, there is visibility.

LaFountain stated that the store front would be lit.

Quinn asked if employees are to park on the NYS RTE 250 side, how much parking is available.

Costello said there is a total of 31 parking spots.

Quinn stated that there are 20 employees maximum, is there cross access with the other parcels?

Costello said there is shared parking among all property owners.

The Board discussed and agreed. LaFountain asked Costello to prepare a Resolution for the Board to review. The sign package would be a Condition of Approval and will be reviewed when it is completed. The Resolution will be submitted at the next Legislative Session on December 16, 2015.

Public Works - None

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. 20 Hilltop Drive, Waiver of Local Law #1 of 2003
Supervisor LaFountain stated he has reviewed the file from Code Compliance Officer, Andy Suveges regarding the storage and parking of commercial vehicles in a residential neighborhood. LaFountain continued to say Mr. David Carley has been issued a ticket to appear in court regarding this matter. The judge has asked for the Board to review before he rules on a final decision.
LaFountain continued to say in January of 2010 a letter was sent to the Board and the request was reviewed at the March 10, 2010 Work Session. The Board decided they would not consider a waiver from Local Law #1 of 2003. Since that time Mr. Carley has continued to park his truck in the driveway.

David Carley stated that he had spoken with Councilman Moore and Moore told him he would take care of it. Carley said he is on call 24/7 and the truck is required for his livelihood.

Councilwoman Metzler asked if there had been any changes since March of 2010.

Carley said no, because Councilman Moore said he would take care of it, he dropped it.

LaFountain asked if Carley has any other alternatives to parking the truck in his driveway?

Carley said no, you can only see the front of the truck from the road. This is a 2015 truck, it is not junk. Carley submitted a photograph of the truck in his driveway, drawing of his neighborhood and a list of signatures he had received from his neighbors stating they are okay with the truck being parked in his driveway. Carley continued to say, he has been parking a truck in his driveway since the 1980’s before the law went into effect.

Councilman Moore stated to clarify, he does not recall promising Carley that he would take care of it; he may have stated he would look into it.

Metzler asked Carley if he spoke with Moore before or after the 2010 ruling?

Carley stated he doesn’t recall, but it was close to that time. Carley added his office is 25 miles from his home, he needs his truck at his house to respond in a timely manner. Carley offered a list of contacts for RG&E, Time Warner and Frontier who contact him for emergency services.

Moore stated that Carley was parking the truck in his driveway before the Local Law was established, is there a clause for grandfathering.

Metzler asked how long Carley has owned his home.

Carley said since the 1980’s.

Metzler asked how long have you parked the truck there?

Carley said since the 1980’s.
Costello asked why has this become an issue?

Carley said there was a complaint in 2008. Carley added he believes the complainant wasn’t allowed to park his truck in his driveway and complained because it wasn’t fair.

LaFountain said typically we are made aware of situations due to a neighbor complaint. The Code Enforcement Officer then goes out to make a determination.

Carley said none of my neighbors object.

Metzler said people will often tell you to your face that they don’t have a problem, when in fact it is they who made the original complaint.

Councilman Quinn suggests keeping this as a held item. We need time to review the issue of Grandfathering, or a time provision. Has this Board ever granted a waiver?

LaFountain said no.

Metzler asked is there an option to obtain a different vehicle from your employer?

Carley said he has been thinking about that, with a smaller vehicle he wouldn’t be able to carry all of the equipment he needs.

Costello asked if Carley drove a different vehicle in 2008?

Carley said in 2008 it was a similar size vehicle, but it was red.

LaFountain asked if the vehicle has dual wheels?

Carley said yes, he uses his truck to haul machines to job sites.

Metzler stated that we have to be consistent throughout the Town. We have to look at how this decision may affect other residents in Town.

Moore asked when the court date is scheduled?

LaFountain said court is scheduled for January 13, 2016 at 5:30 PM. This is the same night as our next Work Session. LaFountain will contact the court to extend the date one (1) or two (2) weeks and will confirm with Carley.

Moore asked if a different weight truck would be allowed according to the Ordinance.
LaFountain stated that he does not have the complete Ordinance with him. We need to review with Town Attorney Horwitz to see if this falls under pre-existing/non-conforming.

LaFountain asked if the truck would fit in Carley’s garage?

Carley said no.

LaFountain stated that RG&E has sites in Town that are gated. Maybe they would allow Carley access to park his truck overnight.

Carley said the RG&E sites are restricted, and he does not have a key.

LaFountain stated he is looking for alternatives.

Metzler asked if there are other individuals who report to the emergencies with Carley.

Carley said yes, I usually pick up the other person, because I am the lead guy.

LaFountain said we could see if the RG&E substation is a place you could have access to. If you’re working for RG&E they may allow you access, that may be an alternative.

Carley asked what if the RG&E area isn’t plowed in the winter; I know my driveway will be plowed.

Metzler explained we have to be consistent. If we allow you to park your truck in the driveway, we have to allow others to do so. This request was denied in 2010 and the circumstances have not changed since then.

LaFountain stated this will be a held item. He will speak to courts and have the date moved back a week or two. The Board will review at the next Work Session on January 13, 2016.

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
7. Possible Use of Camp Haccamo Property – 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 8:15 PM.

Lisa Grosser, RMC
Deputy Town Clerk