Town Board Work Session Agenda
May 25, 2016
7:00 PM

I. Call to Order

II. Approval of Minutes – May 11, 2016

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests
   • Jennifer Aquino – Discussion of Improvements to 2084 Five Mile Line Road
   • Mark Landon – Discussion of Vape Shop at 1832 Penfield Road
   • Marc Brown Esq. – Discussion of Construction of Press Box at C. G. Finney School
   • Nick Meli – 1385 Empire Boulevard Review

VI. ACTION ITEMS
   Law and Finance
   1. Review of Informal Discussion for Pet Hotel, 125 Panorama Creek Drive – Costello
   2. 1789 Penfield Road, 600 Sq. Ft. Addition – Costello

   Public Works
   1. Proposed Modification to the Town Sidewalk Policy – Valentine
   2. Hold Harmless Agreement for Fence in Sewer Easement, 4 Pond Valley Circle – Valentine
   3. Sable Oaks Roadway Dedication – Valentine
   4. Retaining Wall Repairs – Cost Revision – Geisselman
   5. Review Bids for Street Lighting Repair – Kreckman

   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. Jomanda Way, Expanding No Shooting Petition – LaFountain
2. Sidewalk Waiver, 1445 Jackson Road – Valentine
3. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
4. Jeff Luce, 1357 Marchner Road – Out of District Sewer – Valentine
5. Sign Ordinance Update – Costello/LaFountain
6. Request for Sidewalk Waiver at Barclay Park Subdivision – Costello
7. Oak and Apple Cidery – LaFountain

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 (arrived at 7:10 PM)
- Councilwoman Kohl
- Councilwoman Metzler
- Councilman Moore
- Councilman Quinn

Also Present:
- Jim Costello
- Lisa Grosser
- Zach Nersinger
- Mark Valentine

Councilman Quinn read a statement regarding an e-mail received from Jerry Goldman, Attorney for the Pet Hotel, which was received late this afternoon, requesting the item be tabled until the June 8, 2016 meeting.

II. **Approval of Minutes – 5/11/16**

CW Metzler moved for the approval of the Minutes of May 11, 2016, CM Moore seconded the motion.

III. **Monthly Reports** - None

IV. **Public Hearing** - None

V. **Guests**
- Jennifer Aquino – Discussion of Improvements to 2084 Five Mile Line Road

Jim Costello introduced Jennifer Aquino who is interested in having an event on the Fourth of July at her restaurant. She has already utilized her three (3) temporary recreation permits this year. Costello added she is interested in adding additional outdoor dining, she already serves patrons on the porch. She would like to add some tables and chairs on the grass area during the summer months.

Jennifer Aquino stated that the Fourth of July parade goes by her restaurant. She didn’t realize by having an Easter banner that she would not be able to obtain a Fourth of July banner. Aquino added that her “God Bless America” banner should be exempted because it is her religious belief.

Costello said if it were a flag, it would be allowed. The banner use must follow the Town code which only three (3) are allowed per year. Costello added that Aquino is utilizing the banners to draw customers to her business.
Aquino stated, people know me and know I’m patriotic, I should be able to put up a God Bless America banner.

Costello stated the banner use must follow the Town code, which only three (3) are allowed per year. He suggested Aquino utilize a window for additional signage.

Aquino stated other area restaurants are allowed more signage than I am.

Costello said, as explained in the past, the other restaurant owners have come before the Town Board for approval of those additional signs. Costello added, Aquino also has an opportunity to request additional signage. Banners are not approved by the Town Board, they are approved internally up to three (3) per year.

Aquino stated she wants to put up her banner on Memorial Day and leave it up through the Fourth of July.

Costello said you had a Happy New Year Banner, a Happy Easter Banner and you are utilizing these banners to draw customers to your business. Costello added that the Town Code guidelines must be followed.

Councilman Quinn asked if Aquino went through the formal process for approval of the banners.

Costello said yes, and she has already utilized her three (3) banners.

Quinn confirmed that Aquino is asking for approval for the fourth event.

Costello said yes, a banner is allowed up to three (3) times per year for up to one (1) week per banner. The Town Code does not allow for approval of a fourth banner without Town Board authorization. Costello added that he wants to make sure the Town Board recognizes if a fourth banner is allowed, every retailer in town could request additional banners. Costello also advised Aquino that she can apply to the Board for additional signage for her restaurant.

The Board discussed and agreed to allow the fourth banner.

Costello asked Aquino to discuss the tables and chairs on the grass area.

Aquino stated that she has additional customers on weekends. She wanted to put in a patio, but the building owner will not allow that. She would put four (4) - two (2) tops on each side of the walkway.
Quinn asked if the tables would be left out overnight.

Aquino said she would keep them on the porch, or inside.

Costello added that Aquino must follow the guidelines from the New York State Liquor Authority to determine whether or not alcohol can be served at the outdoor dining.

Sal Aquino stated that he can level the grass area if necessary, to keep the tables stable.

Jennifer Aquino said the outdoor tables would only be utilized on Friday, Saturday and Sunday.

The Board discussed and agreed to allow the outdoor dining on the grass area.

Costello added that the outdoor dining on the patio had been previously approved. Costello will draft a letter to Aquino detailing everything that was approved this evening.

- Mark Landon – Discussion of Vape Shop at 1832 Penfield Road
  Mark Landon was not in attendance; this item will be held.

- Marc Brown, Esq. – Discussion of Construction of Press Box at C.G. Finney School
  Jim Costello introduced Marc Brown, Esq., and John Sciarabba, Land Tech Surveying and Planning. Costello stated that neighbors were notified of this meeting and 22 postcards were sent. Costello added that he was contacted by Lauri Bilak, 56 Devonshire Drive who is supportive of the application, but would like some additional information, and he will follow up with her. No additional calls or contacts have been received regarding this application.

  Marc Brown, Esq. stated that LaBella will be the architectural firm and Nichols Group will be the general contractor. Brown explained that the school has very limited green space, and all sports teams share the same field. They have never had a press box, score board, sound system and have limited concessions. The addition of the press box is to improve the student experience.

  Brown continued to say the press box will be a two-story building, 22’ x 16’, there will be a roof platform 26 foot high for video-taping, concessions and storage, there will be no lights (only for safety and security), a modest sound system and bleachers on either side with a maximum capacity of 400 people.

  Councilman Moore asked if the sports schedule will continue as it is now.

  Brown said the modification is to the structure only, no changes to the field at this time. The end zone has a seven (7) foot drop and we would like to correct this in the future.
Costello asked when will you fix the grade of the field?

Brown said they cannot get everything completed by the fall sports season. They want to do the press box first and then maybe next spring do the work on the field. School ends June 9th and we would like to start immediately.

Councilwoman Kohl asked about the lighting.

Brown said lighting would be for security purposes. There would be uplighting on the roof deck. We do not anticipate any night games. Brown added lights were rented for a night game once, and it didn’t work out.

Costello asked how many times per week is the field used.

Brown said last year there was only one home football game. This year five (5) home games are scheduled. The soccer teams will use the field more frequently.

Costello stated we must go through the SEQR process for this application. Adjacent to this property is 1862 Penfield Road, the Baptist Church which has State designation as a historic site, this pushes the application to a Type I Action under SEQR. There will be no other agencies involved in the permitting process other than the Town Board, so they will be the Lead Agency. There are requirements to identify this as a Type I Action and declare a negative declaration. We will also have to do a findings statement. The application has been sent to Monroe County Planning Department and we have not received a response yet. Costello recommends we move forward with a formal resolution after the County response has been received.

Brown asked if the package that was submitted to the County, should be modified now that the field work will not be taking place at the same time.

Costello stated that the Board should review the grading modification along with the Department of Environmental Conservation. The Town Board can approve as a two (2) stage process, but the findings should all be incorporated into one document. Costello added that the permit process will allow the applicant one year to complete the work.

Mark Valentine asked if there are utilities for the concession stand.

Brown said there will be no water, and there is an existing pole for the electric.

Costello suggested Brown submit a drawing of the scoreboard to the Board for review.
Brown said he should have a drawing tomorrow.

The Board discussed and agreed, Costello will submit a resolution for the June 1, 2016 Legislative Session.

- Nick Meli – 1385 Empire Boulevard

Jim Costello introduced Steve Beikirch, who is Nick Meli’s grandson. Costello stated Meli is trying to maximize the use of the property. There are three (3) components to the property, there is a portion in the LaSalle’s Landing District, a second portion down the hill which has a construction oriented business, and is zoned industrial, and the third portion is zoned R-1-20. Meli obtained a use variance to utilize the residentially zoned portion for mini storage. Meli went through the Site Plan approval process and four (4) buildings have been completed, the permit has been issued for the fifth building. Approval is for up to 18 buildings. The back of the parcel is used by Birchcrest Tree and Landscape, who will have to go before the Zoning Board of Appeals for a variance as their business moved back due to the development of the mini storage business.

Steve Beikirch explained that he wants to use the front parcel (formally 1387 Empire Boulevard) for storage of boats and campers or selling material, something that would go along with the current business. There are neighbors in the area that already use their property for boat storage.

Costello explained in 1981 the zoning in the area was changed to allow for certain commercial business. Businesses that were already established in the area were allowed to remain as pre-existing non-conforming. In 1996 the zoning was changed to the LaSalles Landing District and the intent was to create a destination point. All commercial operations were allowed to remain in place, but could not expand. The intent was to make this more of a tourist destination. Costello continued to say there are uses that are conditionally permitted, we can work with the neighbors to find a compatible use that fits within the code.

Costello said a U-Haul business, would have to go into the commercial zoning area and would have to go before the Planning Board or Zoning Board of Appeals for approval. The business must comply with the existing code. The property has never had a use and is not covered under pre-existing non-conforming. Meli put stone down to use the area for parking, and this is a violation. Meli would not be able to obtain a use variance. Costello continued to say Meli could sell or lease the property for a use within the code. Costello suggested meeting with the neighbors as all three (3) parcels would have to work together because only one (1) access point would be allowed.

Beikirch agreed to a meeting with the neighbors.

Costello said he would set a meeting up after the holiday to try and come up with a solution.
VI. ACTION ITEMS

Law and Finance

1. Review of Informal Discussion for Pet Hotel, 125 Panorama Creek Drive – Costello

Supervisor LaFountain stated that this item will be held, per Councilman Quinn’s statement at the beginning of the meeting.

2. 1789 Penfield Road, 600 Sq. Ft. Addition – Costello

Jim Costello introduced Andrew Hintenach, Architect for the project, and Sam DiPrima, property owner. Costello stated that the Public Hearing was held on May 18, 2016. No comments have been received, but a letter was received which addresses the use of Mott’s Lane as the only means of ingress/egress.

Councilman Quinn inquired about the curb cut, were these two (2) parcels ever one (1) parcel?

Costello said no, not to his knowledge. Hintenach wants to shift the curb cut.

Quinn asked if the curb cut spans both parcels.

Costello said yes, these were originally single family residences and probably shared the driveway.

Supervisor LaFountain said the ingress/egress covers both properties, even with the adjustment, both parcels are owned by the same individual. If the curb cut is shifted to the east, it will still span both properties.

Quinn stated that he is not in favor of adding any curb cuts, and is a proponent of removing curb cuts if possible. We follow the LUAMP Plan for NYS RTE 441 and NYS RTE 250, how does this differ if it still effects the traffic flow in the Four Corners. Why wouldn’t we want to eliminate the curb cut on Penfield Road?

Costello said there is only one in and one out for this parcel. The exit from Mott’s Lane only allows a right turn on Penfield Road. Costello added it is difficult to get out of Mott’s Lane at Five Mile Line Road during peak traffic times. This curb cut has less impact to the Four Corners than forcing all of the traffic out through Mott’s Lane.

Quinn asked what if it was exit only on Penfield Road and entry only from Mott’s Lane?

Andrew Hintenach stated that we would like to maintain the entrance from Penfield Road, if it is removed it could negatively impact the business. Hintenach added both driveways are narrow, to meet current NYS DOT standards the ROW would have to be expanded. The proposal expands the driveway from 12 feet wide to 16 feet wide.
Quinn stated if these two (2) parcels are combined in the future, we could then look at ingress and egress. If the buildings are demolished and a new structure rebuilt we could look at one in and one out.

The Board discussed and agreed. Costello will prepare a resolution for the June 1, 2016 Legislative Session.

Public Works
1. Proposed Modification to the Town Sidewalk Policy – Valentine
Mark Valentine reviewed PRC’s proposal to modify the Town Sidewalk Policy which was discussed at the last Work Session on May 11, 2016.

Supervisor LaFountain said after the proposal was presented, the Board requested some time to review. One data point was that the Town of Greece uses 80% as a calculation.

Councilman Quinn asked if the Town of Perinton defines mainlines, where sidewalks would be required.

Valentine said they are major roads, our sidewalk policy defines those as well.

Quinn asked if PRC had discussed which areas in Town may have future sidewalk requirements. Quinn suggested a better definition of trunk line be determined. We need to map out where we intend to put sidewalks, so a resident is not burdened by expense where we will never have sidewalks. Quinn added the waiver should also be unique for single family residence versus developer, he continued to say he is more likely to issue a waiver to a resident versus a developer.

Valentine said we can also allow partial waivers.

Jim Costello suggested we box out areas on a Town map where we do not intend to put sidewalks.

Quinn stated the map displayed two (2) weeks ago showed red lines where sidewalks currently exist, this would give us a sense of where to add sidewalks in the future.

Supervisor LaFountain advised that we have to decide on a current waiver fee. Once determined it will stay in place for a number of years.

Costello suggested we review a tiered approach for waivers.

Valentine will work on a proposal and present it at the next Work Session on June 8, 2016.
2. Hold Harmless Agreement for Fence in Sewer Easement, 4 Pond Valley Circle – Valentine

Mark Valentine introduced Eric and Vera Tannous who are requesting a Hold Harmless Agreement to allow a fence in a Sewer Easement.

Eric Tannous explained that he had the lot surveyed because he wants to make sure the fence does not cross over on to the neighbor’s property. He wants to place the fence so that he does not have to maintain it on the neighbor’s side. Tannous submitted a copy of his survey map to the Board with a detailed drawing of placement, and height of the fence.

Councilman Quinn asked what are standard requirements for fences?

Jim Costello said the fence must not be placed in the right-of-way. 20 feet from the road he can have a maximum height of four (4) feet and up to six (6) foot in the rear of the property.

Quinn asked if there are any concerns with the location of the fence.

Valentine said he would visit the site to verify location of the fence is acceptable. Valentine added the resident understands that if the fence needs to come down for the Town to access the sewer it is at his expense.

The Board discussed and agreed to allow the Hold Harmless Agreement.

Supervisor LaFountain stated that Valentine will visit the site and verify the location of the fence. He asked Valentine to make sure he addresses any questions from the neighbor.

A resolution will be submitted at the next Legislative Session on June 1, 2016.

3. Sable Oaks Roadway Dedication – Valentine

Mark Valentine reviewed that this had previously been discussed at a Work Session in January. The Department of Public Works reviewed the street and had no issues. Valentine added that he had recently been contacted by the developer for the lower parcel that will connect. They are ready to move forward on the new development and have scheduled the pre-construction meeting and are ready to issue a Letter of Credit.

Quinn asked if the new development will also be a private road.

Valentine said no, but it will connect to Sable Oaks as access to Penfield Road.

Supervisor LaFountain stated to move forward the homeowners would have to test borings and are responsible for any associated costs. LaFountain added that the Town Attorney has no concerns.
Once the depth of the top coat has been verified, as long as the base meets Town Specifications, we can take dedication.

Moore asked to verify that the residents realize they will lose their privacy if the Town takes dedication of the road.

Valentine stated they understand, they are already losing their privacy due to connectivity to the new development. There will be multiple points of access and the new portion will be a dedicated road. Valentine continued to say the residents of Sable Oaks understand that any costs to bring their road up to Town Specifications will be incurred by them.

Supervisor LaFountain directed Valentine to draft a letter to the residents of Sable Oaks detailing the next steps.

4. Retaining Wall Repairs – Cost Revision – Giesselman
Supervisor LaFountain stated this will be held until the next Work Session on June 8, 2016.

5. Review Bids for Street Lighting Repair – Kreckman
Supervisor LaFountain stated in the past the work has been done by Livingston Light and Power. The bid is for maintenance, repairs and replacement of street lights. Three (3) quotes were obtained: Livingston Light and Power at $19,900, Murch Electric at $15,388 and Caccamise Electric at $33,924. It is recommended to go with Murch Electric as they are the lowest bidder, and meet all specifications.

The Board discussed and agreed, a resolution will be submitted for the next Legislative Session on June 1, 2016.

Zach Nersinger reviewed that the Public Hearing was held May 4, 2016. This project will have to go through the SEQR process and MRB has prepared an outline of the list of next steps. The public comment period remained open, and only 1 – 2 additional comments were received.

Supervisor LaFountain stated that the comment period has now closed.

Nersinger introduced Tom Fromberger and Shaun Logue from MRB Group. MRB has submitted a draft outline project schedule to the Board for its review.

Shaun Logue explained that the draft outline and project schedule are based on statutory requirements. Logue then went over the outline including actions to be taken at upcoming Town Board meetings.

Mark Valentine said some of these can be put online and handled electronically.
Logue continued to say this will be a Type I Action through SEQR and a Generic Environmental Impact Statement will have to be completed.

Tom Fromberger added that he now has a more defined scope for the Traffic Study.

Valentine said there have recently been traffic studies completed by GTC for the NYS 250 Corridor and the YMCA, for the traffic light installation on the State DOT.

LaFountain noted the first potential trigger point would be a Public Hearing on June 15, 2016.

Jim Costello said a resolution will be required for the Town Board to declare a Type I Action under SEQR. The following step would be to declare the Town Board as Lead Agency. Costello continued to say we need to review this time line, consolidate and determine what can be done electronically.

Valentine added as we move forward and begin the SEQR process we start with the scoping process and the GEIS. Data collection would include the traffic study and Mark DiFrancesco had completed the sanitary sewer study. The Comprehensive Plan puts the bench marks in place.

Costello advised that the Lead Agency needs to be declared, before we can begin the scoping outline.

Supervisor LaFountain requested that a copy of the presentation be submitted to Town Attorney Horwitz for his review. After review we can start a dialogue with MRB and begin moving forward. LaFountain stated that we will meet with Horwitz Friday morning, May 27, 2016.

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. Jomanda Way, Expanding No Shooting Petition - LaFountain
2. Sidewalk Waiver, 1445 Jackson Road - Valentine
3. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
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6. Request for Sidewalk Waiver at Barclay Park Subdivision – Costello
7. Oak and Apple Cidery – LaFountain

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 8:45 PM.

Lisa Grosser, RMC
Deputy Town Clerk