TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

Town Board Work Session Agenda
October 26, 2016
7:00 PM

I. Call to Order

II. Approval of Minutes – September 28, 2016

III. Monthly Reports -September

IV. Public Hearing – None

V. Guests – Derek Darling – Requesting Streamline Process for Art Gallery at 1822-26 Penfield Road

VI. ACTION ITEMS

Law and Finance
1. 2017 Property Maintenance Contract - Suveges

Public Works
1. 839 Belvedere Heights, Additional Curb Cut on Prospect Street – Tait
2. 85 Sovran Drive, Approval of the Proposed Use -Valentine
3. 31 Corral Drive, Sewer Easement Abandonment - Valentine

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Discussion of Possible Revisions to Code Regarding Electricians Insurance Requirements - Costello

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Jomanda Way, Expanding No Shooting Petition – LaFountain
2. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
3. Sign Ordinance Update – Costello/LaFountain
4. Ron LaMagna, Permit Requirements for Fences – Costello/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  
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Moore  
Councilman Quinn  

**Also Present:**
Jim Costello  
Lisa Grosser  
Eric Tait  
Mark Valentine

II. **Approval of Minutes – 9/28/16**  
CM Quinn moved for the approval of the Minutes of September 28, 2016, CW Metzler seconded the motion.

III. **Monthly Reports – None**

IV. **Public Hearing – None**

V. **Guests – Derek Darling – Requesting Streamline Process for Art Gallery at 1822-26 Penfield Road**

Jim Costello introduced Derek Darling who is interested in opening an art gallery in the remaining portion of the former Masonic Lodge. Mr. Darling is interested in opening as soon as possible, and if the Board decides a Public Hearing is required, that could delay opening until late December or early January.

Derek Darling explained that the area he will be using is just under 1,000 square feet. His gallery will promote local artists from across Western New York, including paintings, crafts and jewelry. Mr. Darling will be modeling this location based on a gallery he visited in Louisville, Kentucky.

Supervisor LaFountain verified that Darling’s gallery will consist of works by various artists and sold on consignment. Darling will manage the gallery and products will be changed up regularly.

Darling said he will bring in lots of different artist’s works and there will be a large variety to meet different likes and needs.

Councilwoman Kohl asked if Darling is currently involved with a gallery.
Darling said no, this will be more of a retail environment. Hours of operation will be 10:00 AM to 7:00 or 8:00 PM.

Kohl asked what will be the name of the gallery?

Darling said “Whitman Works Company.”

LaFountain asked Darling if he is an artist.

Darling said yes, and may include some of his own works in the future. The price point for items being sold will be mid-range.

Kohl asked if Darling would offer both paintings and prints?

Darling said yes, it will be all Western New York focused items.

LaFountain asked how many artists will be represented?

Darling said between 20 to 30 artists.

Kohl asked about signage.

Darling said he would utilize window signage. The previous owner’s overhanging sign has been relocated for The Art Stop. Darling may be interested in adding a similar sign in the future.

LaFountain confirmed Darling’s patrons will utilize the parking in front of the store, additional parking is available in the public parking lot around the corner.

Darling said 13 parking spots are more than adequate. Darling added for any special occasions he would direct people to park in the lot or work with neighboring businesses to utilize shared parking.

Councilwoman Metzler asked what type of special events or parties will be planned?

Darling said the front of the business will be set up in a retail style manner. The back will be a more traditional gallery setting for a featured artist and he may host openings.

Kohl asked when Darling would like to open.

Darling said his lease starts November 1, 2016 and would like to be operating by November 22 when The Art Stop has a Grand Opening.

The Board discussed and agreed to approve the business through the streamline process.
Jim Costello said he would have the approval to Darling by next week. Costello asked if there will be any structural changes to the building.

Darling said he will be removing a drop ceiling and a partition wall and add hardwood floors.

Costello stated that Darling should have the Fire Marshal/Building Inspector visit and verify no permits are required.

LaFountain directed Costello to prepare a letter for Darling confirming tonight’s conversation, include details regarding parking, including that employees will utilize the public parking, and signage.

Costello asked Darling if he will be making any improvements to the exterior of the building?

Darling said yes, there is a lot of work to be done. He will do whatever he can to make the building more uniform.

VI. ACTION ITEMS

Law and Finance
1. 2017 Property Maintenance Contract - Suveges
Supervisor LaFountain reviewed that there was only one (1) bid received and it was from Boon and Sons who we have been using for a number of years. LaFountain stated that the pricing is very reasonable and the bid was verified for accuracy. LaFountain added that Andy Suveges, Code Compliance Officer, recommends that the contact be awarded to Boon and Sons.

LaFountain continued to say the bid is broken down into a 1 and a 3 year contract. LaFountain asked if the Board is interested in awarding a three (3) year contact.

Councilwoman Metzler asked if there is a price increase over last year and are there additional increases over the three (3) year period?

LaFountain said in some cases pricing is locked in and in others there is an increase; the increase is due to landfill charges.

Councilman Moore confirmed that the contract is for having work done on private residences and then it is added to the property tax bill and ultimately paid for by the property owner or bank.

Councilwoman Kohl asked if a one (1) year contact would be sufficient.

LaFountain said Boon and Sons has been the contractor for 10 years and the only one to bid this year.
Moore confirmed that the Building department has been satisfied with the work done by Boon and Sons and they have responded within the time frame required.

Metzler stated if we lock in for a three (3) year period, it would save staff from advertising for bids annually.

Moore asked if a failure to perform clause is included in the contract.

LaFountain said yes, Boon and Sons would have to give the Town a 30 day notice to void the contract, and the Town can terminate immediately if necessary.

The Board discussed and agreed to award the bid to Boon and Sons for a three (3) year period. A resolution will be submitted at the next Legislative Session on November 2, 2016.

Public Works
1. 839 Belvedere Heights, Additional Curb Cut on Prospect Street - Tait
Eric Tait stated that he was contacted by Mr. Bissell who is interested in changing the access to his property from Belvedere Heights, which is a private drive to Prospect Street. Mr. Bissell will be replacing his garage, which will be facing south to Prospect Street and he would like to make it his primary entrance. Tait continued to say when the project is completed, the access to Belvedere Heights would be eliminated.

Councilwoman Kohl asked if this change would impact any of the neighbors?

Tait said no.

Councilman Quinn asked if Bissell would be requesting an address change?

Mr. Bissell said yes.

Quinn asked how this change would impact plowing.

Tait said there are six (6) trees which would need to be removed that are located near the proposed new driveway on Prospect Street. Three (3) are privately owned and three (3) are in the right of way.

Quinn asked if this is a cul-de-sac?

Tait said no, it is a dead end street and the two (2) driveways at the end of the street are utilized by the plow for turning around. Tait added the removal of the trees would yield more space for snow storage. Tait continued to say the trees are not in good shape and are covered in poison oak.
Kohl asked if the tree removal would impact the neighbors?

Tait said no.

Quinn asked if there would be a financial impact to the Town for the tree removal or work on culverts?

Tait said that only if the Town has to hire someone to take down the trees.

Costello asked if the “Dead End” sign would need to be relocated.

Tait said he would like to move the sign back four (4) feet to get the plows closer.

Quinn said he feels the tree removal should be the responsibility of the homeowner, unless there is an impact to the roadway.

LaFountain asked, from an engineering standpoint, if there are any concerns with an elevation change.

Tait said there are no issues or concerns. The resident may need to bring in fill otherwise the driveway may slope a little.

LaFountain confirmed there is one house beyond this property to the east, is there an access easement on Belvedere Heights?

Bissell stated there is a road agreement, which covers plowing and maintenance, and everyone pays a fee.

Costello said this modification will change the neighborhood, should neighbors be notified?

LaFountain said yes.

Bissell said he has spoken with a couple of the neighbors and they agree the change will be okay.

The Board discussed and agreed to the new access.

LaFountain advised Bissell to work with Tait to coordinate the project. LaFountain said neighbor notification is a good idea and staff can help you with that. LaFountain asked Bissell when he would like to start construction?

Bissell said there is a lot to do, remove the trees and hire a contractor for the garage and driveway.

LaFountain added that Bissell should contact the Assessor’s office regarding the address change.

2. 85 Sovran Drive, Approval of the Proposed Use – Valentine Mark Valentine submitted a copy of the February 1994 approval resolution for rezoning the property to the Board for its review.
One of the requirements of the resolution states that any future use must be approved by the Town Board. The property has been broken up since 1994 and now Uncle Bob’s Storage, Nolan’s Party Rental and Bernie’s Bouncer are located nearby. The applicant will be going before the Planning Board for a sketch plan review. The application is for a warehouse facility to store restaurant materials including a small prep kitchen. Valentine continued to say this application keeps with the General Business Zoning.

Supervisor LaFountain asked if the applicant is a caterer.

Valentine said he owns Hooligan’s Restaurant and also does some catering. Valentine added the project will have up to 1,000 square feet for kitchen prep work.

Councilman Quinn asked if they would be serving any food on site?

Valentine, said no, it would be employees only.

The Board discussed and agree to allow the proposed use.

LaFountain stated that we will put together something for the Planning Board so that they can move forward.

3. 31 Corral Drive, Sewer Easement Abandonment – Valentine

Mark Valentine stated that he was contacted because the resident would like to put a fence on his property and there is an existing sewer easement between 29 and 31 Corral Drive. Valentine stated that the original intent was for future access to Embury Road, since that time sewers have been installed and this access is no longer required. Valentine continued to say the line was reviewed and there is no active sewer line.

Supervisor LaFountain confirmed the stub goes southwest and is capped off.

Councilman Quinn, referring to the submitted map, inquired about the same easement between 33 and 35 Corral Drive.

Valentine stated that may have been obtained with the same intent.

Eric Tait stated that the easement between 33 and 35 was established for future sewers on Robert Road. The sewers have since been installed on Robert Road and flow to Scribner Road. Tait added that they did not verify the existence of the pipe between 33 and 35 as they had done between 29 and 31.

Supervisor LaFountain asked that Tait make that verification. If there is nothing located there, both portions should be included in this abandonment.
The Board discussed and agreed to approve the sewer easement abandonment. A resolution will be submitted at the next Legislative Session on November 2, 2016.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works

1. Discussion of Possible Revisions to Code Regarding Electricians Insurance Requirements - Costello

Jim Costello submitted materials to the Board for its review, including a summary of the requirements of other towns. Costello stated he received a letter from Fritz Gunther, who represents the New York State Electrical Inspection Agency, stating that the Town Of Penfield’s insurance requirements are higher than other communities within Monroe County. We surveyed towns in the area and asked Jim Kreckman to verify and he concurred. Most towns require $3 to $5 million insurance, with $5 million being the maximum. Kreckman recommends changing to a $5 million insurance requirement. Costello reviewed that in 1959 the electrical code was established based on the fact that the inspections were done by Town employed building inspectors. In 1975 the Town no longer did the inspections and agencies took over. In 2000 the code was revised to increase the requirement to $10 million and there have been no modifications since. Costello added to revise the code a Public Hearing would be required.

Supervisor LaFountain stated that of the 21 entities reviewed Gates, Greece, Perinton and Canandaigua all require $5 million, Clarkson $3 million, Rush $2 million, Irondequoit requires a $5,000 bond and many towns are listed as undefined. LaFountain added that he spoke with Town Attorney Horwitz and confirmed that $5 million would be sufficient.

The Board discussed and agreed to reduce the requirement to $5 million of insurance. Originally the requirement was put in place to protect Town employees who no longer do the inspections.

Councilman Quinn asked if we have made any other revisions to the code.

LaFountain said we have not made any this year, but there are a couple of items we could bundle with this revision. LaFountain continued to say the Assessor took over the sewer use calculations and found some inconsistencies. There are also one (1) to two (2) administrative items that need to be cleaned up.

Quinn suggested this be done annually for future revisions.
Public Safety - None

Community Services - None

VIII. HELED ITEMS
1. Jomanda Way, Expanding No Shooting Petition - LaFountain
2. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
3. Sign Ordinance Update - Costello/LaFountain
4. Ron LaMagna, Permit Requirements for Fences - Costello/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 7:42 PM.

Lisa Grosser, RMC
Deputy Town Clerk