I. Call to Order
II. Approval of Minutes – February 8, 2017
III. Monthly Reports - None
IV. Public Hearings - None
V. Guests
   a. (NONE)
VI. Action Items
   a. Review Recreation Brochure Bid Quotes for Award of Contract - Bilow
   b. Dental Office at 2105 Five Mile Line Road - Costello
   c. K2 Brewery at 1221 Empire Blvd. - Costello
   d. Public Golf Course Moratorium Extension - LaFountain
   e. Hold Harmless Agreement for Loading Dock in Easement at Baytowne Plaza - Valentine
   f. Oak and Apple - Conservation Board Review of Planning Board and Conservation Board Memos - LaFountain
   g. Oak and Apple - Out of District Sewer Agreement and Sidewalk Waiver - Valentine
VII. Informational Items
   a. Proposed Ordinance Revisions (DPW, sewer units, noise, Conditionally Permitted Uses) - Costello
VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
   c. Sign Ordinance Update - Costello/LaFountain
   d. Ron LaMagna, Permit Requirements for Fences - Costello/LaFountain
   e. Vision Dodge Additional Parking, 920 Panorama Trail - Valentine
   f. Outside Storage of Tires at 1821 Penfield Road - Costello
   g. Mixed Use DGEIS Discussion - Valentine
IX. Old Business – (NONE)
X. New Business
XI. Executive Session
XII. Next Meeting:- March 22, 2017
XIII. Adjournment

This meeting will be video recorded and broadcast live via the town’s website www.penfield.org and the Town’s Government Access Cable channel 12, digital 5.12. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
Town Board Work Session Minutes  
February 8, 2017  
7:00 PM

I. Call to Order

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

Also Present:  
Jim Costello  
Bob Garbeck  
Rick Geisselman  
Lisa Grosser  
Andy Suveges  
Eric Tait  
Mark Valentine

II. Approval of Minutes – 1/25/17
CW Metzler moved for the approval of the Minutes of January 25, 2017, CM Quinn seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests

• Dag Lindquist – Requesting Streamline Approval for Dog Grooming at 805 Liberty Street
Jim Costello introduced Dag and Carol Lindquist who are interested in opening a dog grooming business at 805 Liberty Street, which has been abandoned for a couple of years. The property was rezoned and had been used as a Mary Kay training center and a church administrative office. The property owner has given permission to the Lindquists to open a dog grooming business. Costello continued to say the Town Board would have to authorize a Conditional Use Permit for this business to open in the Four Corners District. The dog grooming business also falls under the category of Customary Home Occupation in a residential district.

Carol Lindquist explained that she has worked as a dog groomer for the past 12 years, and for the last year she has been renting space out of another groomer’s facility. She would be the only employee and operating hours would be 8:30 AM to 7:00 PM, Tuesday through Saturday.

Councilwoman Metzler asked about parking.
Lindquist said there are two (2) to three (3) parking spots, and she will only have one (1) customer at a time. Lindquist added, she hopes to walk to work and will not utilize a parking space for herself.

Metzler asked if there would be any changes to the interior of the building?

Lindquist said she will add some half walls and gates.

Dag Lindquist stated he would be installing tubs which will require plumbing, adding electricity and a washer/dryer.

Metzler asked about garbage, what is done with the hair?

Lindquist said she shop vacs it up, bags it and will take it home to her residential refuse collection.

Councilwoman Kohl asked about signage.

Lindquist said she is working on a name for her business. She added she does not need signage for advertising, her business has grown by word of mouth. The sign would be a locational only.

Costello said a 2 sq. ft. per face sign is allowed under Customary Home Occupation, which could be free standing and an additional sign could be placed on the building, at the entrance.

Metzler asked if a sandwich board sign would be used also?

Costello confirmed that the church office did have a sandwich board sign, but Lindquist is not entitled to one as a Customary Home Occupation. The decision to allow one, would be up to the Board’s discretion.

Councilman Quinn said any sign in the front yard would not be encouraged. Signs in the front become a site line problem for anyone pulling out of the property.

Costello said he will work with the applicant to come up with a free standing sign that is in compliance with code.

Quinn asked for clarification on the hours of operation.

Lindquist said Tuesday through Saturday. Saturday 8:30 AM to 5:00 PM, she would prefer to close at 3:00 PM. Lindquist added she would only be open one (1) or two (2) nights by appointment only.

Metzler asked if this would be a streamline approval?

Costello said it could be based on the intensity of the scope, there is only one (1) employee and it is a Customary Home Occupation in a residential zone.
Costello asked about the exterior of the building, is there any intent to clean up the property.

Lindquist said she will power wash the exterior, paint the window trim and clean up the bushes.

Kohl asked when she would like to open.

Lindquist said March 1.

Costello added, a plumbing permit and an electrical inspection will need to be obtained and he will work with the applicants on this.

The Board discussed and agreed to approve the business.

Supervisor LaFountain asked Costello to draft a letter to the applicant summarizing tonight’s discussion. A Conditional Use Permit will be issued and there is a fee associated.

- Ryan Morse – Discussion of Possible Expansion of Metal Roof Outlet at 1467 Empire Blvd.

Jim Costello introduced Ryan Morse and reviewed that he was issued a Conditional Use Permit from the Zoning Board of Appeals to operate his business at 1513 Empire Blvd., which is located in the Limited Business zoning district. Currently he has a showroom, office space and minor storage. He is interested in acquiring an adjacent property to expand his business. The location of the adjacent parcel is in the LaSalle’s Landing District. Costello continued to say Morse would like to manufacture some roof components, but this is not a permitted use within the district. The property also abuts the Stoneyard Pub.

Ryan Morse explained that he has outgrown his current space which supplies residential metal roofs. This is the fastest growing roofing business in the country. He is interested in offering an indoor school/training facility to educate and demonstrate installation. He would also like more office space and a larger showroom. Morse continued to say he would take down the existing house and put up a new building. He would also like to add a pole barn for the training facility and additional storage. He will not be manufacturing on site. Most of the materials ship from the manufacturer to the job site. Morse added he would only need storage for the stone coated steel which is currently stored in a garage.

Councilwoman Metzler asked if Morse intends to expand his business from residential to commercial?

Morse said no, less than 5% of his business is commercial and he doesn’t do anything larger than a store front.

Councilman Quinn asked what size structure Morse plans to build.
Morse said he hasn’t finalized that yet, he needs to work within the property which has a steep slope.

Quinn stated he would need additional information before he could make a decision. What does Morse plan to do with ingress/egress, parking and lighting; what distance will the building be from the steep slope? Quinn stated he would like more information regarding the intensity of the business.

Morse stated he would do what he is allowed. Morse added this location would be safer; he would use the existing entrance and the driveway of the new property would be an additional entrance. The building would be set back off the road so the driveway could loop. Morse added he is also looking at a property in Webster, and that building is 7,000 sq. ft. which would be suitable.

Costello asked what would be done with the existing building?

Morse said that the Stoneyard Pub has asked about renting parking space on the weekends and they may be able to use the building as office space and storage. Morse added he would rent the property to the Stoneyard Pub.

Costello asked what would be different in the proposed operation compared to what you are doing today?

Morse said it would be safer for deliveries, which occur once or twice per month. With a larger building he would not have to store anything outside. The training is a different division of the business.

Councilwoman Metzler said the challenge is that the location is in the LaSalle’s Landing District and this is not a permitted use. Metzler added she also has concern for neighbors in the area.

Costello reviewed that in the past Empire Boulevard was an industrial area, the change to the LaSalle’s Landing District was an effort to make the area more of a destination for recreational and residential uses. Costello added that there are still some businesses operating under pre-existing non-conforming use. When those businesses close, they will be converted into other uses.

Supervisor LaFountain stated through the Local Waterfront Revitalization Program the area has become more of a destination and residential and less industrial.

Costello added that Morse’s operation is a good one, but not allowed in this district. If the Board makes an exception, we would have to allow others the same opportunity. Costello said if we do this we could be back to where we were 40 years ago.
LaFountain stated that this use does not fall within the district guidelines and the Board is not looking to make an exception. LaFountain suggested Morse meet with Costello to review what uses are permitted within the district.

- **Chris Holzschuh - Discussion to Allow Outside Storage of Tires at 1821 Penfield Road**

Jim Costello introduced Chris Holzschuh who has been cited for outside storage of tires. Holzschuh is requesting relief from the Conditional Use Permit which states outside storage is not allowed. Costello added that Holzschuh’s predecessor had outside storage at this site.

Chris Holzschuh explained that since the fire last August at the Lockport recycling facility there has been an issue getting rid of tires.

Costello said he spoke with the property owner DiPrima and he has agreed to provide a fence to enclose the area.

Holzschuh said that a tree was removed and that opened up the visibility of the tires. Holzschuh added he is concerned about adding a fence because it would block traffic from going around the building.

Councilwoman Metzler suggested fencing just around the tires and the drums.

Supervisor LaFountain read the approval resolution from October 2009, item #7 states that there is no outside storage on the site, all materials must be enclosed based on approval of the Fire Marshal and the Director of Developmental Services. LaFountain stated that he also verified with the approval resolution for Duffy’s. The September 2008 resolution states all outside storage should be enclosed to the rear of the building requiring approval from the Fire Marshal and Director of Developmental Services.

Councilman Quinn asked Holzschuh if he could use an L shaped, two-sided fence?

Holzschuh said a fence would prevent traffic from going around his building.

Metzler asked if the tire storage is an issue with the fire code?

Costello said no, it is more for aesthetics, the tires are only visible now that the tree has been removed.

Councilwoman Kohl asked how many tires are stored before they are picked up?

Holzschuh said up to 20, they get picked up monthly. There is a minimum for pick up and they pick up areas based on location.
Kohl asked if the fence can be reduced to fit Holzschuh’s needs?

Holzschuh said the property is a wedge shape and not very wide, any fence is going to restrict access.

Quinn suggested we review the site and plan a fence that works with your property.

Holzschuh said the area is tight and if there are 15 tires stacked, he won’t be able to use the door.

Metzler said she had seen a fiberglass shed used for tire storage.

Holzschuh said fiberglass would not be durable enough to throw tires in.

Metzler asked about the drums.

Holzschuh stated he is required to accept waste oil, he has a burner, but will not burn anything but his own material.

Costello said the fence won’t be installed until spring, we can review the site and come up with a solution that works for both you and the Town.

LaFountain added we want to make sure we are being consistent. We will have PRC review both this property and Duffy’s. This will be a held item.

VI. ACTION ITEMS

a) 2017 Turf Mowing Bid Review - Giesselman

Rick Giesselman submitted a summary of the bids received to the Board for its review. The outsourcing was bid two (2) ways, to outsource everything, Rochester Lawn Care bid $112,098.50, and Brockman Tree and Lawn Care bid $178,710.00. 2016 DPW expense to mow the Town Hall, Harris Whalen and Rothfuss Park totals $40,400.00. The second option was outsourcing everything excluding the Town Hall property. Rochester Lawn Care bid $78,728.20 and Brockman Tree and Lawn Care bid $123,485.00. The estimated expense to keep the Town Hall property in house is $20,000 to $25,000.

Supervisor LaFountain stated that during the bid opening it was discovered that Rochester Lawn Care was missing the Non-Collusive Bid Certificate. Dick Horwitz, Town Attorney verified that in New York State non-compliance can be waived if it is a non-material defect or irregularity. The test is whether it is in the best interest of the Town to waive the defect. Does the waiver give the bidder a substantial competitive edge, or impact the integrity of the bidding process? Rochester Lawn Care was the lowest bidder, and once notified of the missing document, submitted it. It is in the best interest of the Town to make a
determination because the failure of the bidder to include the non-collusive bid certificate, which is a non-material irregularity, can be waved. LaFountain continued to say the certificate was submitted to the Town and the bidder was given no competitive edge and there is no impact to the integrity of the bid. This decision is based on prior case law.

LaFountain asked the Board if they have a concern regarding the missing document.

The Board stated no, because the missing document was submitted.

LaFountain asked do we want to award the bid to outsource everything, or everything excluding the Town Hall?

Councilman Quinn asked if current equipment will be liquidated?

Geisselman said we would like to hold on to the equipment for one (1) year, and then send it to auction.

Bob Garbeck added we need to keep one mower in case of an emergency.

Geisselman stated at auction we should get $65,000 to $70,000 for the large mower.

Metzler asked Geisselman to review the effect of oursourcing the mowing on the Department of Public Works as a whole.

Geisselman stated we were able to complete more parks projects, work with the highway group, and were able to free up people for pruning and flowers.

Metzler added the previous year drainage projects were completed. This change gets our skilled workers off mowers.

Garbeck added that 80% of the mowing work is done by seasonal labor.

LaFountain reviewed that some employees retired and others left for other work. The open positions were filled internally.

Metzler asked if any complaints had been received.

Eric Tait said no, not that he is aware of.

LaFountain verified if we do not include the Town Hall the price is $78,728.20 and our expense to do the Town Hall is $20,000 to $25,000, which is less than the inclusive bid of $112,098.50.
Quinn stated there is a short fall, but if we sell the equipment at auction for $65,000 that is eliminated. Quinn continued, the question is in five (5) years, once the equipment is gone, are we setting ourselves up? If we decide to move the work back in house we will have to purchase all new equipment.

Councilman Moore said the difference in awarding all of the work to keeping the just the Town Hall is relatively small. There is more of a value using skilled labor for what they are trained to do. Moore added there is also a value to getting drainage and parks projects completed.

Councilwoman Kohl asked if $78,728 will be the price for all five (5) years?

LaFountain said the bid specs state that the fee can be increased annually based on the Northeast CPI.

The Board discussed and decided to outsource all of the mowing and award the bid to Rochester Lawn Care. A resolution will be submitted at the next Legislative Session on February 15, 2017.

b) 1661 Empire Blvd. – Parking in Right-of-Way and Request for Sidewalk Waiver – Valentine

Mark Valentine introduced Eric Ferri, who is here on behalf of Salvatore Fantauzzo. Fantauzzo is interested in moving his corporate headquarters to this parcel. There will be upgrades to the exterior of the building. This application is going before the Planning Board for a Sketch Plan Review. Parking will abut Rossman Drive and a garage will be added in the rear with living space upstairs. Variances will have to be granted from the Zoning Board of Appeals, and a sidewalk waiver is required.

LaFountain asked if PRC had reviewed the parking situation?

Valentine said parking in the right-of-way is not their first choice, but a precedent is set across the street by the hair salon which already has this type of parking. Valentine added PRC is supportive of the office use and rebuilding the building in the back, but several variances will be needed.

LaFountain asked how many parking spaces are required.

Eric Ferri said 15 are required, and only 8 are proposed.

LaFountain asked about the accessory use for the building in the back. It will be a four (4) bay garage, each bay two (2) cars deep with a 1,500 sq. ft. apartment above.

Ferri said Fantauzzo will be using the apartment as his primary living space.

Quinn asked if the 15 parking space requirement is based on square footage of the building?
Valentine said yes, he will be going before the ZBA for a variance because he doesn’t need all 15 spaces.

LaFountain asked what other variances will be requested?

Valentine said variances for lot coverage and setback for the garage.

LaFountain asked about the sidewalk waiver.

Valentine said the waiver is needed along Rossman Drive, there are currently no sidewalks. Valentine added that Fantauzzo currently owns the property and has been working on it.

LaFountain advised that the ZBA may not allow all of the variances that will be requested, and that they may need to reduce the size of the garage.

The Board discussed and agreed to allow the sidewalk waiver and parking in the right-of-way.

LaFountain stated that the Planning Board and Zoning Board of Appeals still have to weigh in on their requests.

c) Sidewalk Waiver Request – 1327 Penfield Center Road, Jamie Edell – Valentine
Mark Valentine said this is a single family residence next to the former hydroponics building and is pending an administrative approval. The location is east of NYS RTE 250 and there are no sidewalks in the area.

The Board discussed and agreed to allow the waiver. Valentine will send a letter confirming tonight’s discussion to the applicant.

d) Fill and Grade Permit – 1267 Fairport Nine Mile Point Road – Bill Vendel – Valentine
Mark Valentine explained that this parcel is south of Abbington Place and more than 50 cubic yards of fill are requested. This will take place over time and we will help him with erosion control.

Bill Vendel said the filling will take place over the next five (5) to ten years.

Valentine added a couple of feet of material is needed and the property will benefit from the filling, for either farming or future development.

Supervisor LaFountain asked Vendel if he will be filling one (1) to two (2) acres at a time?
Vendel said yes, he will strip, fill and regrade. The area is dished out, and the Abbington development is five (5) feet higher and by adding soil Vendel will be able to channel drainage along the shared property line.

Valentine added a formal ditch can be created along the farmlands northern boundary.

LaFountain asked where Vendel will get the fill?

Vendel said, the Town of Webster has some, he can pick and choose based on availability.

The Board discussed and agreed to allow the fill and grade. Mark Valentine will issue the permit.

e) Mixed Use DGEIS Discussion - Valentine
Mark Valentine stated that the draft was received last week and staff is still reviewing with the consultant. Once the review is completed the document will be reviewed with the Board before a Public Hearing is scheduled.

VII. INFORMATIONAL ITEMS
a) Request to Cancel February 15th Public Hearing for Nail Salon at 1802 Penfield Road - Costello
Jim Costello stated that the applicant has found another location and withdrawn his request.

VIII. HELD ITEMS
a) Jomanda Way, Expanding No Shooting Petition - LaFountain
b) Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
c) Sign Ordinance Update - Costello/LaFountain
d) Ron LaManga, Permit Requirements for Fences - Costello/LaFountain
e) Vision Dodge Additional Parking, 920 Panorama Trail - Valentine
f) Oak and Apple - Conservation Board review of Planning Board and Conservation Board Memos - LaFountain

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - None

XII. Next Meeting - February 22, 2017

XIII Adjournment - Supervisor LaFountain adjourned the regular Work Session at 8:39 PM.

Lisa Grosser, RMC
Deputy Town Clerk