TOWN BOARD WORK SESSION AGENDA

Wednesday, March 22, 2017, immediately following Legislative Session

Supervisor R. Anthony LaFountain, presiding

I. Call to Order

II. Approval of Minutes – February 8, 2017

III. Monthly Reports - February and March

IV. Public Hearings - None

V. Guests - None

VI. Action Items
   a. Mixed Use DGEIS Discussion - Valentine
   b. Hold Harmless Agreement for Loading Dock in Easement at Baytowne Plaza - Valentine
   c. 24 Miyah Drive - Hold Harmless Agreement for a Fence in a Sanitary Sewer Easement - Valentine
   d. Dental Office at 2105 Five Mile Line Road - Costello
   e. K2 Brewery at 1221 Empire Blvd. - Costello

VII. Informational Items
   a. Proposed Ordinance Revisions (DPW, sewer units, noise, Conditionally Permitted Uses and Electrical Ordinance) - 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. Rob 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. Public Golf Course Moratorium Extension - LaFountain
   h. Oak and Apple - Conservation Board Review of Planning Board and Conservation Board Memos - LaFountain
   i. Oak and Apple - Out of District Sewer Agreement and Sidewalk Waiver - Valentine

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting: April 12, 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.
I. Call to Order

Present:
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

Absent:
Supervisor LaFountain

II. Approval of Minutes – 2/8/17
CW Metzler moved for the approval of the Minutes of February 8, 2017, CM Quinn seconded the motion.

III. Monthly Reports – February reports are all in and any outstanding March reports will be submitted shortly.

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
a. Mixed Use DGEIS Discussion – Valentine
Mark Valentine submitted a timeline to the Board for its review. A response document has been prepared which addresses questions that came up during the original scope. Valentine stated he has been working with Doug Fox, Planning Consultant and the MRB Group, our SEQR consultant to complete the document. The response document will be available on the Town website and a paper copy will be available at the Penfield Library and the Town Clerk’s office, for review and public comments can be submitted.

Councilwoman Metzler asked if public comments can be submitted online.

Valentine said yes.

Councilman Moore stated that recommendations for the Mixed Use District were presented by a voluntary citizen committee comprised of residential property owners, both in the area and surrounding properties.
Valentine added that we did get support from Monroe County and the Genesee Transportation Council on this, and our process can be used a model for other communities.

The Board discussed and agreed to move forward.

Valentine will prepare a resolution for the next Legislative Session on April 5, 2017 scheduling a Public Hearing for May 3, 2017.

b. Hold Harmless Agreement for Loading Dock in Easement at Baytowne Plaza – Valentine

Mark Valentine submitted a site plan to the Board for its review. This application is on the Planning Board agenda for April 13, 2017. Valentine continued to say the applicant is planning to renovate the old Walmart building and add a new façade and new tenants. The applicant intends to add a centrally located loading dock in the back of the building for use by multiple tenants. The proposed location for the dock is over a sanitary sewer main. The applicant proposes to replace the main and sleeve it for easy access in the future. The site plan is pending approval from the Planning Board.

The Board reviewed that this had been a consideration in the approval for the new Walmart. The Board agreed to issue the Hold Harmless Agreement.

Valentine said he will prepare a Resolution for Town Attorney Dick Horwitz’s review. The resolution will be submitted at the next Legislative Session on April 5, 2017.

c. 24 Miyah Drive – Hold Harmless Agreement for a Fence in a Storm Sewer Easement – Valentine

Mark Valentine introduced Karen Reza who owns the property with her daughter Jamie Leibowitz. Valentine also submitted photos and a map of the Abbington Place subdivision.

Valentine stated that there is a Town dedicated storm sewer along the rear property line at 24 Miyah Drive. Ms. Reza is interested in installing a fence parallel to the 20 foot easement. Valentine stated that the storm sewer is a two (2) foot deep pipe and he is concerned about the pipe becoming punctured or having drainage blocked. He suggests a four (4) to five (5) foot offset from the property line for installation of the fence. Valentine added that Ms. Reza understands she would be responsible to remove the fence if the Town had to access the storm sewer.

Ms. Reza stated she would work with Valentine and her contractor to determine the proper location for the fence.

The Board discussed and agreed to allow the Hold Harmless Agreement. Valentine will submit a resolution at the next Legislative Session on April 5, 2017.
Jim Costello reviewed that the Public Hearing was held on March 1, 2017. The sidewalk requirement and the height of the building were discussed. The applicant has agreed to bring the building down some to reduce the exposed foundation wall. A cross access/parking agreement will be a Condition of Approval.

John Page, the project architect explained that the proposed elevation of the first floor of the building was based on existing site conditions. Page explained that he was able to drop the first floor 6 to 12 inches and keep within the parameters of accessibility from the parking area and work with the shared driveway. Page continued to say Dr. Merkley is trying to take advantage of natural daylight for additional light in the basement. A coating will be added to the foundation so it is not exposed and additional landscaping will further mitigate the exposed foundation above the grade.

Councilman Quinn asked if the proposed landscaping will include the large trees as shown.

Page explained they will plant crab apple trees, but they will not be that large when planted.

Councilwoman Metzler stated that the landscaping plan was reviewed by the Town’s landscaping consultant.

Quinn said he is concerned about trees being planted in the right-of-way and becoming a future sight line problem.

Metzler stated that this application has also been reviewed by the Historic Preservation Board.

Costello added that the current plan is the end product from an evolution of review and feedback. The Historic Preservation Board wanted to make sure the building was not just a rectangular box. The applicant has added architectural features including scalloped siding on the gable ends, and modified the roof line and eaves. The Historic Preservation Board likes the design of the building. The Board also requested double hung windows, which has been modified. The Historic Preservation Board is comfortable with this revision.

Councilwoman Kohl asked about signage.

Costello said Dr. Merkley is entitled to a wall mounted sign and a directory sign. The signs will require both Historic Preservation Board and Town Board approval, and Costello will work with the applicant on this. Costello asked Dr. Merkley why the additional lighting is necessary for the basement.
Dr. Merkley explained that he will use the basement as an auxiliary lab. The area will be lit, but the additional natural light is beneficial.

Costello stated sidewalks are required with new construction under Town policy. PRC recommends sidewalks along the property line extending to the driveway. Costello continued to say comments were received from the Monroe County PRC, and a permit is required to tie the sidewalks into the existing sidewalks on Five Mile Line Road because a portion is in the County right-of-way. All comments received were from the Department of Transportation.

Scott Harter, site engineer, stated that he prefers not to include sidewalks. Harter submitted a photograph to the Board for its review and stated that a sidewalk is shown on the north side of the street.

Bob Lindsay, property owner said if sidewalks are required along the south side of Liberty Street and continue to the access entry way, it will not go all the way down the street. Lindsay continued to say it becomes a public safety concern having people standing on the corner between two (2) entry ways. Lindsay continued to say he feels it would be safer to have sidewalks on the north side of Liberty Street.

Councilwoman Metzler asked what PRC recommends.

Mark Valentine stated that in the Four Corners walkability is important. Valentine continued to explain that sidewalks should go along the property line to the first driveway, not all the way to Canandaigua National Bank at this time, but should be completed in the future.

Councilwoman Metzler stated sidewalks are essential in the Four Corners District.

Quinn stated he is in favor of the sidewalks; this a commercial property and we are framing the businesses in the area.

Councilwoman Kohl stated we want connectivity and walkability in this district. Kohl asked if any additional comments had been received.

Costello said Mindy MacClaren has been critical of new construction in the district, he forwarded her email to the Board. Costello added that the applicant is legally permitted to develop the site.

Councilman Moore added that Dr. Merkley’s business currently exists in the Four Corners District and is simply moving it to a new location.
Metzler asked Costello to address the comment received regarding vacancies in the Four Corners.

Costello explained that the Four Corners District is currently at 93% to 94% capacity. Some of this is dependent on relationships with tenants and their landlords. There are a couple of vacant buildings and we are working on new re-development and improvement.

Kohl asked the applicant about garbage pick-up.

Lindsay stated that he will review that.

Costello added that it is not just the frequency of the pick-up, but the time garbage is being picked up.

Metzler requested the Historic Preservation Board be updated with the latest rendering, including proposed landscaping.

The Board discussed and agreed to allow the dental office. A resolution will be submitted at the next Legislative Session on April 5, 2017.

e. K2 Brewery at 1221 Empire Blvd. - Costello

Jim Costello introduced Kyle and Brad Kennedy and reviewed that the Public Hearing was held on March 1, 2017. Costello submitted a photograph of the property showing the proposed area for outdoor dining and music, which is an existing landscaped area. The area would be fenced with a white vinyl fence and include 10 picnic benches and tables. The area is 3,200 square feet and meets New York State requirements for outdoor seating.

Councilwoman Metzler added that the outdoor area is on the opposite side of the building farther away from residential neighbors.

Costello stated that Kathleen McGrail spoke at the Public Hearing and he measured the distance from the edge of this property to the cul-de-sac on Old Westfall Road is 951 feet, and the distance to Ms. McGrail’s property is 3,100 feet.

Costello added that there was also a concern regarding traffic safety and movement. This property is on a privately owned road, the applicants will have a right of access to it. PRC is looking at having “No Parking” signs installed along the private road. The Kennedys plan to contact the owner of the Agway property to see if it is possible to create an additional stone parking area on the Agway parcel. Costello said the Kennedy’s property has 51 parking spaces. There is an access area to the Town owned pump station, but parking is not allowed there. Costello said the Fire Marshal has reviewed the property, and per New York State code the building can have up to 120 seats. However, if seating is over 99 seats an additional sprinkler system is required. The Kennedy’s are not interested in allowing seating over 99 seats.
Costello said they will utilize the existing sign. Town Staff has discussed creating a new LUAMP district for traffic safety on Empire Blvd. We hope to have the culverts widened by the NYS DOT, with the LUAMP funding we should be able to continue the middle turn lane down Empire Blvd. to the Town line.

Mark Valentine stated that Dr. Howitt also supports funding a LUAMP district. This district would benefit all businesses in the corridor.

Costello stated that we are working with R G & E on getting the area cleaned up that was disturbed as part of a utility installation. The Kennedy’s have offered to help with the clean-up. Permission is required from the NYS DOT to work within right-of-way and permission is needed from Dr. Howitt to work outside the right-of-way.

Metzler advised the Kennedys to be a good neighbor to the residents and suggested sending post cards introducing themselves and maybe inviting them to a “soft opening.”

Councilwoman Kohl asked what type of food will be served.

Brad Kennedy said they will have a small kitchen and offer soup, salad, sandwiches and pizza. Kennedy said there are many restaurants in the area, and they are not interested in competing with them.

Metzler asked Kennedy if his parents intend to live on site.

Kennedy said yes.

Kohl asked what the hours of operation will be.

Kennedy stated Wednesday and Thursday 2:00 PM to 10:00 PM, Friday and Saturday, 2:00 PM to Midnight and closed Monday and Tuesday. They plan to open late August/early September.

Costello suggested the Kennedy’s hold off on the request for music. He suggests waiting a year until they can get a handle on their business. Costello asked the Board their thoughts on the outdoor dining piece.

The Board discussed and agreed to allow the outdoor dining.

Metzler suggested the applicants come back to the Board after one (1) year if they are still interested in adding music.

Kennedy added that the privacy fence may cut down on noise from Empire Blvd.
Costello said the fence must be enclosed per NYS Liquor Authority requirements, however the Fire Marshal will probably require an access gate.

Costello said the prior property owner has done a good job maintaining the exterior of the property keeping good sight distance. He requested the Kennedys continue with this maintenance.

The Board discussed and agreed to allow the business.

A Resolution will be submitted for the next Legislative Session on April 5, 2017.

VII. INFORMATIONAL ITEMS

a. Proposed Ordinance Revisions (DPW, sewer units, noise, Conditionally Permitted Uses and Electrical Ordinance) - Costello

Jim Costello stated that staff has been working on Code revisions including DPW, electrical code insurance requirements, sign issues and some technical corrections. A review is being prepared and should be completed over the next month or two (2). If possible the Ordinance will be updated for the Mixed Use District at the same time. Additional information will be forwarded to the Board as soon as it is available.

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. Rob LaMagna, Permit Requirements for Fences - Costello/LaFountain
ej. Vision Dodge Additional Parking, 920 Panorama Trail - Valentine
f. Outside Storage of Tires at 1821 Penfield Road - Costello
g. Public Golf Course Moratorium Extension - LaFountain
h. Oak and Apple - Conservation Board Review of Planning Board and Conservation Board Memos - LaFountain
i. Oak and Apple - Out of District Sewer Agreement and Sidewalk Waiver - Valentine
IX. **Old Business** - None

X. **New Business** - None

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

XII. **Next Meeting** - April 12, 2017

XIII. **Adjournment** - Councilwoman Kohl adjourned the regular Work Session at 8:25 PM.

Lisa Grosser, RMC
Deputy Town Clerk