SPECIAL TOWN BOARD LEGISLATIVE AGENDA

Wednesday, June 14, 2017, 7:00 PM

Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Communications and Announcements
III. Public Participation
IV. Additions and Deletions to Agenda
V. Approval of Minutes – None
VI. Petitions
VII. Resolutions by Function

Law and Finance


Public Works - None

Public Safety - None

Community Services - None

VIII. Old Business
IX. New Business
X. Public participation
XI. Executive Session
XII. Next Meeting: (June 21, 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. Question regarding video coverage contact Penfield TV at (585) 340-8661.
PENFIELD TOWN BOARD RESOLUTION NO. 17T-131   DATE:       June 14, 2017

BY: Councilman Moore     COMMITTEE: Law and Finance

NAME: **Acceptance of Financial Statements and Independent Auditor’s Reports for 2016**

Whereas, the Town of Penfield engaged the services of Bonadio & Co., LLP to prepare financial statements and an independent auditor’s report for the fiscal year 2016, and

Whereas, the Town Board has reviewed said statements and reports and finds all information to be in order,

**Now Be It Resolved**, the Town Board hereby accepts the financial statements as prepared by Bonadio & Co., LLP for 2016.

Moved:  
Seconded:  

Vote:  
Kohl  
LaFountain  
Metzler  
Moore  
Quinn  

I. **Call to Order**

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

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

**Absent:**  
Councilman Quinn

II. **Approval of Minutes – 5/24/17**  
CW Metzler moved for the approval of the Minutes of May 24, 2017, CW Kohl seconded the motion.

III. **Monthly Reports** – Most of the reports for May have been submitted, the balance are expected by the end of the week.

IV. **Public Hearing** – None

V. **Guests**  
a. Beth Cross, Requesting Streamline Process for Lotus Blossom Yoga Studio at 2132 Five Mile Line Road – Costello  
Jim Costello introduced Beth Cross who is interested in opening a yoga studio in the Trendz building, second floor, suite 2. A portion of this location was previously a gymnasium.

Beth Cross explained that her classes would specialize in seniors in early stages of dementia, and have a maximum of four (4) participants. The hours of operation would be by appointment only, four days a week, mostly daytime hours and possibly on weekends. As she scales back her primary business over the next few years, her focus on this studio will increase. She will update the business name on the existing freestanding sign, and she will be the only employee. There is sufficient parking and there will be no retail sales. The size of the studio is 610 sq. ft. and she would like to open as soon as possible.

The Board discussed and agreed to approve the yoga studio through the streamline process.
Costello asked Cross to have the Fire Marshal inspect the property and work with the building department on a sign permit. There will be a one (1) time fee for a Conditional Use Permit.

VI. ACTION ITEMS

a. Vision Dodge Additional Parking, 920 Panorama Trail – Valentine

Supervisor LaFountain reviewed that the representatives of Vision Dodge met with this board in the fall of 2016.

Mark Valentine gave a brief history stating that this project came before the Planning Board for a sketch plan review. The Planning Board had concerns regarding tree clearing that was done on the property and had the Code Enforcement Officer issue a violation letter. The violation occurred in a steep slope area and the project was put on hold for review by the Town Board. The project will require additional review by the Planning Board after the Town Board makes a determination on the Steep Slope impacts. Valentine submitted documentation received today from the Walter Baker, D.S.B. Engineers and Architects, PC on behalf of Vision Dodge. Also in attendance is Mark Ledtke, General Manager and Dan Edwards, Owner of Vision Dodge.

Walter Baker explained that the property extends up the hill into the woods, adjacent to the Hampton Inn. The topography of the site is similar to the Hampton Inn. An access point is proposed near the southwest corner of the property. The goal is to take inventory of Jeeps from offsite storage and park them on the property. The Conservation Board had requested a profile of the section. Baker continued to say the area is one (1) on two (2) coming up through the steep slope area. The land then flattens out to 5% +/- of the area through the center. It is a distance away from the bluff which looks down to Irondequoit Creek. The trees that were removed were in the center of the property and photos were submitted that illustrate growth. There is no erosion from the tree removal which occurred in October 2016, and included fallen trees and some tree thinning. No trees were removed from the EPOD steep slope area. Baker added that Vision Dodge is interested in parking between 40 – 50 cars, which is reduced from the original request of 92 cars. The original request also included a retaining wall which has been eliminated. Baker would like to proceed with the Planning Board and he will hire a Geotech Engineer to make sure there is no impact to the steep slope. Baker added that the Hampton Inn has agreed to allow access for emergency vehicles.

Councilwoman Metzler stated that she would like PRC to review the information that was submitted this evening before a decision is rendered.

Supervisor LaFountain asked Mark Valentine to share the information with PRC at their next meeting June 21, 2017. This item will be discussed after that review at the next Work Session on June 28, 2017.
b. Revision to Bay Landing Subdivision, 1185 Empire Blvd. – Costello

Supervisor LaFountain reviewed that this Board met with Dr. Howitt at the May 10, 2017 Work Session. During the discussion a concern was raised regarding traffic safety and discussion of donation of land to the County. The project has been modified to 33 townhouses and two (2) apartment buildings, one (1) building with 21 units and the other with 15 units.

Jim Costello said, during our last meeting Dr. Howitt explained that the cost of infrastructure for the project was more excessive than expected to build the townhomes. A small portion of the area is zoned R-1-20 and, if the Town Board proposes to move forward with the project, the staff recommends rezoning the property to LaSalle’s Landing zoning. It is also suggested that the Town Board include the Vella property which is under a pre-existing/non-conforming property. The current owners of that property are unable to rent/sell it because it is zoned residential. Costello added that he has also spoken with neighbors Ralph Meleo, who supports the project and Keith McPhail, who has some concerns, but is pleased that a portion of the property will be donated to the county to include in the park property.

Councilwoman Kohl asked if the residents understand that this request is to revert back to the original plan, which was previously denied.

Mark Valentine stated that the development of 33 townhomes is currently being reviewed by the Planning Board under an earlier application. The original request for three (3) apartment buildings has been scaled back. Originally the residents were concerned about the look of the project and the Planning Board is still working with the applicant on that.

Kohl asked if this request would go to a Public Hearing.

Valentine said yes, there would be a Public Hearing before the property could be rezoned.

Costello reviewed that the prior request from Richard Gollel was for three (3) apartment buildings. Dr. Howitt has been working with the Planning Board to reduce the size of the buildings to preserve the view for the residents.

Councilman Moore asked what is the size of the land that will be donated to the County?

Dr. Howitt said a little more than four (4) acres.

Valentine added that LaSalle’s Landing zoning prevents development of single family homes.
Costello said staff was concerned about emergency access, and the residents don’t want the area to be used as a cut through. Dr. Howitt will add a geogrid area, that looks like grass, and will be gated for emergency access only and the residents are supportive of this.

LaFountain stated, if this were to go to a Public Information meeting, it would give the residents an opportunity to review the project and speak to it at no additional cost to the applicant.

Moore asked if there were renderings of the project.

Costello said yes, and displayed the floor plan and elevation of the project.

Moore asked if there would be surface parking

Costello said yes.

Kohl asked if PRC had reviewed this expanded project yet.

Costello said no they have not, they will have comments pertaining to the delineation of wetlands, stormwater management, improvements to Wilbur Tract Road and preservation of the steep slopes. The project of 33 townhomes is currently tabled before the Planning Board. If we have a Public Information meeting, we can review the two (2) apartment buildings with associated parking, rezoning some of the parcel to LaSalle’s Landing zoning and the donation of land to Monroe County for an addition to Lucien Morin Park.

Dr. Howitt added that he has spoken with the Associate Director of the County Parks and he would be happy to have that additional land for the park.

The Board discussed and agreed to schedule a Public Information meeting with the residents.

Moore added that he has reservations about the project, Kohl agreed, but they believe the neighbors should have an opportunity to see what is proposed.

Costello continued to say staff is also recommending creating a Land Use and Access Management Plan (LUAMP) district for traffic management. Property owners in the area are interested in creating a district which would fund a middle turn lane for Empire Boulevard. The NYSDOT is also looking to do improvements to Empire Boulevard.

LaFountain advised Dr. Howitt that all documents that have been submitted are sufficient for the Public Information meeting. LaFountain directed Costello and Valentine to set up the Public Information meeting over the next couple of months.
c. Mishra, Conditional Use Permit at 1771 Penfield Road – Costello
Jim Costello reviewed that the Public Hearing was held on June 7, 2017. There will be two (2) employees, open seven (7) day a week, hours of operation will be 11:00 AM to 6:00 PM and there will be approximately 20 – 30 patrons daily. Costello added that the applicant will meet with Valentine and Mike O’Connor to redevelop the parking area. The owner will also have to obtain a DOT permit to upgrade the driveway. There will be one (1) sign on the building and one (1) sign out front which meets Town code. Costello continued to say staff is working on trading a portion of the land for a connection to Mott’s Lane and to turn over the right-of-way to the applicant.

The Board discussed and agreed to issue the Conditional Use Permit, a resolution will be submitted at the next Legislative Session on June 21, 2017.

Costello added that he will submit the final design of the parking area to the Board for its review.

d. Murphy’s Law, Conditional Use Permit, 1387 Empire Blvd. – Costello
Jim Costello stated that he met with the applicant and he is also concerned about safety. The applicant has stated that he is not having issues with current parking as boat traffic has decreased due to the restrictions on the bay. The applicant has decided not to move forward with this request.

VII. INFORMATIONAL ITEMS
a. Town Design Criteria – Low Pressure Sewers – Valentine
Mark Valentine stated they are currently reviewing details of the Town Design Criteria and code. Low Pressure Sewers are becoming more popular. Low Pressure Sewers are an individual unit that can be put in place in lieu of a septic system. We currently have one (1) system in Town. Valentine added that staff met with MRB and Wayne County representatives to discuss issues and concerns. Valentine stated that we are currently running out of area to utilize gravity sewers.

Eric Tait stated that the unit is similar to an exterior sump pump and submitted a drawing of the Environment One unit to the Board for its review. We have one low pressure sewer system in Town and have had no problems and it is being used on a small scale. Wayne County utilizes Low Pressure Sewers to help clean up the bay and reduce pollution. We could use this as an alternative to provide sewers in areas that don’t have gravity sewers as an option.

Valentine said we are looking at a standard to offer developers in the future.
Costello said in R-1 zoning this could be used instead of septic systems. This could also be used for infill properties such as the Jackson Road/Plank Road area. This is an opportunity to meet code requirements on smaller lots.

Supervisor LaFountain then reviewed the Jackson Road/Plank Road scenario. This is 50 acres that requires one (1) acre zoning. Each home would have a unit that they are responsible for, similar to a furnace or hot water heater. What is the cost to replace the unit?

Tait explained that the cost is $5,000 for the pump and the enclosure. The pump has a 10 year life span and replacement cost is $1,800. There may also be an option to rebuild a pump in disrepair.

Valentine said the developer would have to install a forcemain and tie into existing sewer line. The resident would be responsible for the lines from the clean out to the home and the Town would be responsible from the clean out to the sewer connection, and the forcemain to the gravity sewer tie-in.

Valentine added that the Board would have a final review before the Design Criteria is changed.

LaFountain asked if there are any additional concerns.

Valentine said we would include a standard external connection for a generator, if there was a power outage the pump would not work. There can also be a concern about odor if the pump has a low flow or used only seasonally. There is an additive that can be added to the system to reduce odors. Overall there has been very little maintenance on these type of systems required by the Town.

b. 2164 Fairport Nine Mile Pt. Rd. (Jeremiah’s) Request for Music

Jim Costello stated that Jeremiah’s has requested a permit for outdoor music. Two (2) temporary recreation permits were requested in 2016. The hours for the music are between 4:00 PM and 7:00 PM. No complaints have been received and the music is acoustic only with no amplification.

Costello said we would like to hold a Public Hearing on July 19, 2017 and will notify neighbors of the Hearing.

The Board discussed and agreed to have the Public Hearing scheduled.
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 Updates/Proposed Ordinance Revisions – Costello/LaFountain
   d. Outside Storage of Tires at 1821 Penfield Road – Costello
   e. Allen’s Creek Erosion – Valentine

IX. Old Business – None

X. New Business – None

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

XII. Next Meeting – June 28, 2017

XIII. Adjournment – Supervisor LaFountain adjourned the regular Work Session at 8:08 PM.

Lisa Grosser, RMC
Deputy Town Clerk