TOWN BOARD WORK SESSION AGENDA

Wednesday, September 13, 2017, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order

II. Approval of Minutes – August 23, 2017

III. Monthly Reports - August

IV. Public Hearings - None

V. Guests
   a. Mary Wynne for a Discussion Regarding the Use of the Residence at 2567 Browncroft Blvd.
   b. Mike D'Amico for a Discussion Regarding the Timing of Paving for the Windsor Ridge Development

VI. Action Items
   a. Allens Creek Erosion Design Estimate from Barton and Loguidice - Valentine
   b. 2328 Old Browncroft Boulevard - Glendoveers - Valentine
   c. Request for Area Variance to allow Storage Shed at 2074 Five Mile Line Road - Costello
   d. Request for Conditional Use Permit to Allow Outdoor Entertainment at 2164 Fairport Nine Mile Point Road - Costello

VII. Informational Items
   a. (NONE)

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 Revision - Costello/LaFountain
   d. KFC, 2146 Fairport Nine Mile Point Road, Incentive Zoning - Costello

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting:- September 27, 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:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. **Approval of Minutes – 8/23/17**
CM Quinn moved for the approval of the Minutes of August 23, 2017, CW Metzler seconded the motion.

III. **Monthly Reports** – Most August reports have been submitted the balance should be in by the end of the week.

IV. **Public Hearing** – None

V. **Guests**

a. **Mary Wynne for a Discussion Regarding the Use of the Residence at 2567 Browncroft Blvd.**

Jim Costello introduced Bob and Mary Wynne who recently purchased the Forster home. The home was originally a single family home and has been remodeled in the past and used as both a two (2) and three (3) family home. The property has since fallen into disrepair. The Wynnes have met with Costello to discuss options for the future of the property. This property is located next to the Mary Cariola property which will also be up for sale soon and may also be looking for rezoning. The Wynnes have gone before the Historic Preservation Board for historical designation with New York State. The Wynnes have invited Staff, Historic Preservation Board and Town Board members to view the house on September 21, 2017 at 9:00 AM. Costello added that the historical designation would be a requirement to move forward with any changes to the property.

Mary Wynne explained that she lives next door to this property. Wynne owns several properties in New England and showed a photo to the Board of one of the properties which has been converted into studio apartments. Wynne is interested in converting this property to studio apartments which would be rented to professionals typically on a short term lease.
Wynne explained that the building is intact, basically in its original state. She has spoken to a company about restoring the original windows. The house was built in 1830, and through remodeling, there is a house within a house. There are two (2) front entrances and multiple exterior entrances. The original house layout would lend itself nicely to convert to studio apartments with very little remodeling. The National Registry requires that the home be called its original name, “Ross Farm.”

Supervisor LaFountain asked how many units would there would be?

Wynne explained she is planning on four apartments (4) in the front, four (4) upstairs and two (2) in the back. She is working with Architect, Dan Pope and there should be a total of 10 or 11 apartments.

Councilman Quinn asked if there would be any exterior changes.

Wynne said she would be replacing the existing garage. She will work with Pope on creating a new garage that will work for the residents of the apartments.

LaFountain reviewed that this property is in a residential zone and has been both single and multi-family over the years. Browncroft Blvd. is a four (4) lane highway. The Mary Cariola property next door will also be sold soon and will not go back to a single family residence.

Costello reviewed that a letter has been received from New York State in favor of designating the property. Costello also stated that a memo has been received from the Historic Preservation Board supporting the designation and stating they would have to review the specific details of the proposal. Costello then reviewed the zoning map. The intent is to keep these parcels residential and avoid an undesirable commercial, retail or office change in the area.

Wynne stated she needs to submit her draft to the State by October 1, 2017. A Hearing on the designation would take place in December in Albany.

Costello stated we will work on plans after the designation is complete and then begin the process to issue a Special Permit.

Councilwoman Metzler motioned to proceed with the application process, Councilwoman Kohl seconded and all voted “Aye.”

b. Mike D’Amico for a Discussion Regarding the Timing of Paving for the Windsor Ridge Development

Jim Costello introduced Mike D’Amico, Combat Construction and Eric Schaaf, Marathon Engineering.
Eric Schaaf explained that this development is currently under construction. Section 1 is completely sold and many are built. Section 2A and 2B have been approved for a total of 65 lots, all of which are being constructed at this time. The top coat of pavement will be completed for Section 1 and some of the binder coat for Section 2 by October 15. There is still about six (6) weeks of work remaining for Section 2B and they may have difficulty meeting the November 15 Town required deadline. Schaaf requests a three (3) week extension and will have the work completed by December 5. This extension would allow us to avoid the installation of a temporary turn around for school buses and snow plows. During construction we have run into a lot of bedrock which has slowed down the process.

Schaaf continued to explain that D’Amico has found a supplier who has heated trucks. This will be the binder coat only, the top coat won’t be put on until next spring. Schaaf added if there are any issues with the binder coat, it could be resolved next year when the top coat is added.

Supervisor LaFountain stated that the Town Specifications are in place. He understands that other circumstances arise, but believes we need to stick to the specified time line. LaFountain added if the Board is favorable to offer an extension, he would suggest an extension on the bond to protect the Town and residents.

Mark Valentine stated that we have allowed an extension in the past, but it is weather dependent. The specifications state that it must be 45 degrees and rising on the day of placement. If the weather turns cold early, the asphalt plants will close early. Valentine said we can allow the extension as long as the applicant adheres to the temperature specifications.

Councilman Quinn asked if we have ever granted an extension this far in advance?

Valentine said no, but the applicant is getting ahead of it. It is in the applicant’s best interest to have the work completed by the specified time frame; it is cheaper and easier to get the paving done without an extension.

Quinn asked if the original plan was to have all three (3) sections completed this year?

Valentine said yes, Sections 2A and 2B were approved at the same time.

Costello asked when the asphalt plants typically close.

Mike D’Amico stated the plants close December 5th.
Councilwoman Metzler stated we need assurances, this will be a Town dedicated road, and she agrees with Supervisor LaFountain to extend the bond time.

Quinn asked why is construction behind schedule?

D’Amico said rain and blasting have slowed up construction. We may be able to have everything completed by the November 15th deadline, but he is concerned about it.

Schaaf stated there will be temperature specifications regardless of the date of installation. He reiterated that this will be the binder coat only.

Councilman Moore asked who inspects the road?

Valentine stated Town staff from either Public Works or Engineering.

Councilwoman Kohl stated she supports the extension, as long as the temperature specifications are met.

Metzler stated there needs to be an extension on the bond.

Valentine said we usually take a two (2) year bond and could extend it to a three (3) year bond.

Moore suggests tabling this to the next Work Session on September 27th and see how much progress has been made.

Quinn stated if an extra three (3) weeks are given, the applicant will likely take an extra three (3) weeks. He feels it is too early to agree to an extension.

Schaaf stated we just wanted to get ahead of it. We can come back before the Board in two (2) or four (4) weeks.

Supervisor LaFountain stated he appreciates the applicant being proactive.

Councilman Moore motioned to table the request to the October 11th Work Session, Councilman Quinn seconded and all voted “Aye.”

VI. ACTION ITEMS

a. Allens Creek Erosion Design Estimate from Barton and Loguidice - Valentine

Mark Valentine submitted a Stream Restoration proposal from Barton and Loguidice to the Board for its review. Valentine then reviewed the proposal which includes design, permitting, bid documents and post-construction monitoring. The quote is $82,300 which excludes construction management. Valentine then reviewed the proposed timeline which estimates completion September 2018.
Valentine feels completion may be closer to Spring of 2019. Funds for the project are in the 2017 budget and could be encumbered for the 2018 budget.

Councilman Quinn asked if there could be fund reimbursement if a State grant is obtained.

Valentine said we are working on that. Grants are due in the January/February time frame and we are also working with the Town of Brighton. Valentine continued to say this proposal was shared with the Watershed Management Committee. The creek continues to widen and there is erosion both on the hill side and resident’s yards.

Quinn asked when was the last Town effort on the creek?

Valentine said there has not been one, we band aided the erosion. Valentine added that we have worked with D’Amico to obtain rocks from the Windsor Ridge Subdivision so those will not have to be purchased.

Councilwoman Metzler motioned to proceed with the proposal, Councilman Quinn seconded and all voted “Aye.”

Supervisor LaFountain said a resolution will be submitted at the next Legislative Session on October 4, 2017.

b. 2328 Old Browncroft Blvd., Glendoveers – Valentine Mark Valentine introduced Randy BeBout, T.Y. Lin. This application has been before the Zoning Board of Appeals and has been tabled waiting for the Planning Board. The Planning Board has reviewed the preliminary and final sketch plan and is waiting on the County. The applicant proposes grading in the Town right-of-way, which requires Town Board approval. Valentine added the trail access will be maintained to Lucien Morin Park.

Supervisor LaFountain asked if the Board does not allow the work in the right-of-way, would T.Y. Lin would then work on a redesign?

Valentine said yes, PRC has reviewed the application and we are trying to find a balance. There is also concern about the environmental impact and the bridge pre/post construction. If the Town Board said no to the right-of-way work, a redesign would have to be brought before the Planning Board.

Councilwoman Metzler asked that a formal PRC review to be prepared for the Board’s review.

Councilman Quinn asked what is proposed for the right-of-way?
Randy BeBout explained there would be grading in the right-of-way, vegetation would be removed, and the berm would be maintained to separate Old Browncroft Road and parking. If we did not go into the right-of-way, parking would be reduced by 16 spaces from 37 spaces. A retaining wall 10 feet high, 100 feet long would have to be built. This option would be expensive and difficult to justify for the minimal increase in parking. The project requires excavation of the slope which will narrow the top of the hill. The retaining wall would have to be placed near the property line if work is not allowed in the right-of-way.

Costello asked if work is allowed in the right-of-way, what would be the height and width of the berm?

BeBout said the berm would vary in height from one (1) to two (2) feet and up to five (5) to six (6) feet from the roadside. The top width would be 8 to 10 feet from the parking lot side.

Valentine suggests PRC get more specifics and table this until the September 27th Work Session.

Quinn asked to see a topographic map today, and as proposed.

Councilman Moore asked that photos of the site be included.

Supervisor LaFountain suggests Board members visit the site.

Councilman Moore motioned to table the request to the September 27 Work Session, Councilman Quinn seconded and all voted “Aye.”

c. Request for Area Variance to allow Storage Shed at 2074 Five Mile Line Road - Costello

Jim Costello reviewed that the Public Hearing was held on September 6. This parcel is in the Four Corners District, which requires a 50 foot buffer. Wayne Richardson has met with the Fire Marshal, and the shed will abut the building with a 38 foot buffer and require a 12 foot variance. No comments have been received from neighbors. There was discussion about a color scheme and Richardson has agreed to match the earth tone school building colors, and will not block the access points.

Costello suggested Richardson pick some colors and send them in for review before purchasing, he will review the colors with Supervisor LaFountain.

Councilwoman Metzler motioned to grant the area variance, Councilman Quinn seconded and all voted “Aye.”

A resolution will be submitted at the next Legislative Session on October 4, 2017.

d. Request for Conditional Use Permit to Allow Outdoor Entertainment at 2164 Fairport Nine Mile Point Road, Jeremiah’s Restaurant - Costello
Jim Costello introduced Kristy Swanson and reviewed that the Public Hearing was held on September 6.

Councilman Moore said the applicant is open to compromise. He would like to propose allowing acoustical music, not amplified music, on Thursday, Friday and Saturday from 11:00 AM to 11:00 PM.

Kristy Swanson stated that this proposal would fill the bulk of the busy times. She said we can revisit in the future when we have proven that this is not a detriment to residents nearby.

Councilman Moore motioned for approval of a Conditional Use Permit for the days/hours he has proposed, Councilwoman Kohl seconded and all voted “Aye.”

A resolution will be submitted at the next Legislative Session on October 4, 2017.

VII. INFORMATIONAL ITEMS
   a. (NONE)

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 Revision – Costello/LaFountain
   d. KFC, 2146 Fairport Nine Mile Point Road, Incentive Zoning – Costello

IX. Old Business – None

X. New Business – None

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

XII. Next Meeting – September 27, 2017

XIII. Adjournment – Supervisor LaFountain adjourned the regular Work Session at 8:13 PM.

Lisa Grosser, RMC
Deputy Town Clerk