TOWN BOARD WORK SESSION AGENDA

Wednesday, April 25, 2018 7:00 PM

Supervisor R. Anthony LaFountain, presiding

I. Call to Order
II. Approval of Minutes – April 11, 2018
III. Monthly Reports - None
IV. Public Hearings - None
V. Guests
   a. (NONE)
VI. Action Items
   a. DPW Pole Barn - Tait
   b. Abbington Place Subdivision - Section VI - Costello
   c. Albano - Conditional Use Permit at 1802 Penfield Road - Costello
   d. Building/Tenant Proposal for 2146 Fairport Nine Mile Pt. Rd. - Costello
   e. Hold Harmless Agreement for 1525 Creek Street - 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. Citizen’s Climate Lobby - LaFountain
    e. Tree Preservation Guidelines - Valentine
    f. Starbucks Relocation to 1798 Penfield Road - Costello
IX. Old Business – (NONE)
X. New Business
XI. Executive Session
XII. Next Meeting: May 9, 2018
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 1303.
Questions regarding video coverage contact Penfield TV at (585) 340-8661.
Town Board Work Session Minutes
April 25, 2018
7:00 PM

I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore

Also Present:
Jim Costello
Lisa Grosser
Eric Tait

Absent:
Councilman Quinn

II. Approval of Minutes – 4/11/18
CW Metzler moved for the approval of the Minutes of April 11, 2018, CW Kohl seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

a. DPW Pole Barn – Tait
Eric Tait submitted a photo and map of the existing and proposed area to the Board for its review. Tait explained that a State Grant was obtained through Senator Funke to purchase a new pole barn. The existing red barn in front of the highway garage has aged and needs to be replaced. Pavement will be removed which will help with stormwater. Some of the area will be repurposed and utilities already exist.

Councilman Moore asked how the barn will be used.

Tait said the barn will be used to house vehicles that are currently being stored outside. This will keep the vehicles out of the elements which may help to extend their life.

Tait continued to say the grant funds are based on the estimated cost from a few years ago. This item will go out for bid, and there may be a slight increase in the cost.

Councilwoman Metzler asked for confirmation of the grant amount of $129,000.
Tait said that is correct, and the grant should cover most if not all of the expense.

Councilman Moore asked Tait is he was looking for approval to move forward

Supervisor LaFountain stated that Tait has been looking for the best location. We wanted to make sure we didn’t underutilize or cause a circulation problem on site. Several locations on the site were reviewed. The old building has been patched up to make it safe, but will be demoed and removed. This will clean up the front entrance and improve curb appeal. The barn will be 60 ft. by 100 ft., cold storage only and will have lights. The north and south ends of the barn will have overhead doors.

Moore stated he is supportive and appreciates Senator Funke’s assistance in obtaining the Grant.

Councilwoman Metzler motioned to move forward with the bid process, Councilwoman Kohl seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on May 2, 2018.

Supervisor LaFountain added that this will be bid mid-May, and awarded the first week in June. All paperwork has been submitted to the State and has been accepted. We still need to advise the State of the exact location on the site.

b. Abbington Place Subdivision – Section VI – Costello
Jim Costello introduced Rob Neufeld and reviewed that the Public Hearing was held March 7, 2018. This is the last phase of Abbington Place and will consist of 14 lots. The pond has been constructed and would have to be reviewed by staff. A stub road is proposed to go south into the property owned by Bill Vendel. PRC requested that the stub road be put in place before Phase 6 is completed. There are currently 6,000 to 8,000 cubic yards of soil that will be screened on site and sold. In the past, neighbors to the north have had concerns with the soil screening, noise and hours of operation. Controls will be put in place pertaining to days and hours screening will be allowed. Also, a time limit will be placed on the soil screening process.

Costello added Neufeld has spoken to Bill Vendel and he has not expressed any concern. Other neighbors have not yet been notified, but this was discussed at the Public Hearing.

Supervisor LaFountain stated that at the Public Hearing it was discussed to pull from the south side of the development and leave on the north side. This will act as a buffer by exiting on NYS RTE 250.
Rob Neufeld said there will be a section left in the front that has 2 to 3 feet of grass. This will help with erosion and aid in buffering noise. Neufeld added, as discussed, we are away from any homes that are occupied.

Costello asked if there is a hedge row to the south near the Vendel property.

Neufeld said yes, and it is untouched and pretty thick there.

Costello added controls the Board has put in place in the past include the contractor must have water on site. The hours of operation will be no later than business hours, and there will be no screening on weekends. A specific deadline date will also be included.

LaFountain said the area to the north had a topsoil pile two (2) years ago. The Board and staff worked with the applicant on the criteria and notification of neighbors. LaFountain proposes the same wording be used on this approval.

Costello stated he would prepare the resolution and forward it to the Board for review. The applicant would have to obtain a permit as part of the site plan review process.

LaFountain asked what the estimated time frame would be.

Neufeld said it should be completed by September. He is working with Bill Boyce and will post signs throughout the neighborhood stating 5 to 10 mph maximum for trucks. Neufeld said he will also clean the roads.

LaFountain asked if a couple thousand cubic yards of soil will remain on site for use within the development.

Neufeld stated yes.

Costello said all comments will be incorporated on the final resolution.

Councilwoman Kohl motioned for the approval of Section VI and the topsoil screening and sales, Councilman Moore seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on May 2, 2018.

c. Albano - Conditional Use Permit at 1802 Penfield Road – Costello

Supervisor LaFountain introduced Aimee, Anthony and their son Zachary Albano. LaFountain reviewed that the Public Hearing was held on March 21, 2018. Details of the operation include a 1,100 plus 500 square foot facility, approximately 600 clients, parking is sufficient, hours of operation will be Tuesday through Sunday, closed on Monday. There will be some skin care services by
appointment only. Signage will be similar to the existing signs, there will be 9 employees and some retail. The nail stations will be vented as per the New York State requirement.

Costello asked what the start time for business would be, and asked if the applicants will be leaving their existing site.

Aimee Albano said 10:00 AM will be the daily start time and they will be leaving their current site, which they have had for the last five (5) years.

Costello said he would prepare a draft resolution for the Board to review.

Councilman Moore stated he is supportive of the operation, and appreciates the Albanos keeping their business in Penfield.

LaFountain asked when they would like to open.

Anthony Albano said he hopes to open June 15th. He has spoken to the landlord and will be hiring a contractor to remove temporary walls, install new tile flooring, paint, vent the work stations, plumbing and electrical.

Costello added that a building permit has already been obtained for the interior work. Costello said he has received a sign proposal and will forward that to the Board for its review.

Councilwoman Kohl motioned to grant the Conditional Use Permit, Councilwoman Metzler seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on May 2, 2018.

d. Building/Tenant Proposal for 2146 Fairport Nine Mile Pt. Rd. – Costello

Jim Costello reviewed that Dr. Fallone has already received preliminary overall approval for three (3) buildings. Referring to the map, the building on the bottom has already been constructed and houses, Moe’s, AT & T and the new Chen restaurant. The third office building in the back, is proposed to be a 4,500 sq. ft. Genesee Valley Physical Therapy building. The second building, in the front, is proposed to be a 4,000 sq. ft. and tenants will be Metro Mattress and Pizza Hut. The Board had requested some additional information regarding the two (2) proposed businesses. Costello added Dr. Fallone is working with Jim Kreckman on the lighting issue discussed at the last Work Session.

Dr. Fallone submitted a summary listing the proposed businesses, total number of employees, number of employees on site at any time, average number of customers per day and hours of operation.
Costello said there is not a current application, Dr. Fallone is here for discussion purposes and to gather the Board’s comfort level with the proposal.

Councilwoman Metzler asked if this is a relocation for Genesee Valley Physical Therapy.

Costello said yes, they are currently on Penbrooke Drive in the old Seeler building.

LaFountain went over the details listed on the handout received from Dr. Fallone.

Councilwoman Kohl asked if Pizza Hut would have tables or booths.

Dr. Fallone said booths.

LaFountain asked if Pizza Hut would have a drive-thru.

Dr. Fallone said no.

Kohl said she would like to see what the proposed buildings will look like.

Dr. Fallone said they would look like the existing building that currently houses AT & T and Moe’s. Fallone added Pizza Hut would resemble Moe’s.

Costello added that when the application is submitted for final approval we will have the architectural drawings of the buildings.

LaFountain asked for confirmation of the size of the buildings.

Dr. Fallone said the front building would be 4,500 square feet, the building in the back would be 4,000 square feet.

Kohl added that there was a concern with signage for the previous application.

Dr. Fallone said the building in the back will block the lights from the neighbors.

Costello added that this property is not part of the Incentive Zoning. The directory sign, near Jeremiah’s, will have to be reviewed to see if these new businesses can be added to the sign. If they cannot be added to the existing sign, this is a separate parcel, and will be allowed a directory sign.

Dr. Fallone stated he will add a connecting road behind the car wash.

Costello asked if Pizza Hut will offer delivery.
Dr. Fallone said yes.

Costello said there will have to be a specified location for the delivery driver to park.

Dr. Fallone inquired about the road between Cornerstone Restaurant and the car wash.

Costello said it is a private road, and we have a maintenance agreement for a portion of it.

LaFountain added the condition of the road is bad, there is a dirt pile and building debris on it. The dirt has been there for over one (1) year.

Dr. Fallone said a landscaper has been using the Trau property, he has spoken with him and told him he will take care it. The debris will be removed and the dirt will be transported away.

LaFountain asked when this would be completed.

Dr. Fallone said he would take care of it over the next couple of weeks.

Costello said the plans for 2146 Fairport Nine Mile Point Road need to be prepared, we have to advertise for a Public Hearing and send the plans to the County. The minimum time to complete this would be 30 to 45 days. The first a Public Hearing could be scheduled would be June 6, 2018.

Metzler added then the issue of the dirt/debris pile is a moot point.

LaFountain said he thought the dirt pile would have been cleaned up prior to receiving this application.

Dr. Fallone said he is still moving dirt on site because the topography is so off. The properties grade to the east, except the car wash. The car wash property is flat and the parking lot is higher than the road will be.

Costello added if you are having grading issues work with Mr. Trau to realign the road. This is going to take time and the project engineer will need time to prepare the documents.

Councilwoman Metzler motioned to move forward with the proposal and make an application for two (2) buildings, Councilwoman Kohl seconded and all present voted “Aye.”

Costello said there is a change in grade where the house was located, and he doesn’t expect him to remove all the dirt from the site if he has to work on the grading. He asked Fallone to have the junk and debris removed from the site.
LaFountain suggested putting up no dumping signs and maybe add some fencing to eliminate the dumping.

e. Hold Harmless Agreement for 1525 Creek Street – Costello
Jim Costello introduced Alexander Fassanella who recently purchased the property, and submitted a packet to the Board for its review. Costello said the property is located on the south corner of Crestview Drive. The applicants have a small child and wish to add a fence along the rear property line. The sanitary sewer runs along the property line, near a hedge row of trees and along the right-of-way. The applicant would like to install a four (4) foot fence, and is considering going before the Zoning Board of Appeals to install closer to the right-of-way. He intends to keep the fence behind the tree line. Costello continued to say there are currently two (2) fences, one on his property, and one on the other property that run along the south property line over the existing easement. Fassanella would like to request approval to keep that fence in place, subject to the Hold Harmless agreement. Fassanella would like to encroach into the 20 foot easement area and connect his new fence to the existing fence. Costello added that a previous shed has been removed and Fassanella would also like to add a shed. The sewer line is 9 feet deep at that location and there is no danger of puncturing it.

Councilwoman Metzler verified that Fassanella is aware that if the Town needs to get to the sewer line that the fence would need to be taken down.

Councilman Moore asked if Fassanella has spoken with his neighbors.

Fassanella said yes both at 1529 Creek Street and 16 Crestview Drive, neither have any concerns.

Councilman Moore encourages Fassanella to keep his neighbors advised of what he is doing.

Costello said he would advise the Zoning Board of Appeals that the Town Board is supportive of the encroachment.

Eric Tait said he has reviewed the sewer line and discussed the fence with Mr. Fassanella. This sewer was put in as part of the Creek Street improvements and he sees no issues.

Councilwoman Metzler motioned to allow the hold harmless agreement, Councilwoman Kohl seconded, and all present voted “Aye.” A resolution will be submitted for the May 2, 2108 Legislative Session.

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. Citizen’s Climate Lobby – LaFountain
   e. Tree Preservation Guidelines – Valentine
   f. Starbucks Relocation to 1798 Penfield Road – Costello

IX. Old Business – None

X. New Business – None

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

XII. Next Meeting – May 9, 2018

XIII. Adjournment – Supervisor LaFountain adjourned the regular Work Session at 7:52 PM.

Lisa Grosser, RMC
Deputy Town Clerk