TOWN BOARD WORK SESSION AGENDA

Wednesday, August 8, 2018 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order

II. Approval of Minutes – July 25, 2018

III. Monthly Reports - None

IV. Public Hearings - None

V. Guests
   a. Brad and Kyle Kennedy to Discuss Outdoor Music Event - Costello

VI. Action Items
   a. Mary Wynne - Special Permit at 2567 Browncroft Blvd. - Costello
   b. Release of Easement and Property Maintenance Agreement at 1651-B Five Mile Line Road - Costello
   c. Ted Pittinaro - Request to Install Driveway into Mott's Lane - Costello

VII. Informational Items
   a. (NONE)

VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
   c. YMCA Roadway Dedication - Valentine

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting: August 22, 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.
I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilman Moore

Also Present:
Jim Costello
Lisa Grosser

Absent:
Councilwoman Metzler
Councilman Quinn

II. Approval of Minutes – 7/25/18
CW Kohl moved for the approval of the Minutes of July 25, 2018, CM Moore seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests

a. Brad and Kyle Kennedy to Discuss Outdoor Music Event – Costello
Jim Costello introduced Kyle Kennedy who submitted photographs of a newly added beer garden to his facility. Kennedy is requesting outdoor entertainment through a Special Permit on August 19, 2018. He has submitted a Letter of Intent to request outdoor entertainment on a permanent basis.

Kyle Kennedy stated that he has added 9 picnic tables, installed a fence and cut into the hill to create an amphitheater for his beer garden. The nearest residential neighbor is 1,000 feet up the hill. He has done sound testing and the traffic on Empire Boulevard reaches 100 decibels. The music would be acoustic/easy listening only and not be more than 100 decibels. The music would play from 7:00 PM to 10:00 PM.

Costello said that Kennedy is requesting a Special Permit for one (1) time only. He is interested in continuing outdoor music in the beer garden and a Public Hearing is scheduled for September.

Councilwoman Kohl asked what type of music would be played.

Kennedy said acoustic only, and he would not charge a cover fee.
Kohl asked if Kennedy has had bands inside his building in the past.

Kennedy said yes, weekly or monthly based on the musician’s availability.

Costello asked if the outdoor music would be amplified.

Kennedy stated, very little amplification. The music would be acoustic guitar only, no electric guitars or drum sets. The music we have had inside would be the same outside. Currently we have more patrons outside utilizing the beer garden than inside.

Kohl stated that the one-time event would be a good test. There have been issues with outdoor music in the area in the past because the sound carries up the hill to the neighbors.

Kennedy stated the band wouldn’t be loud enough for the neighbors to hear. Kennedy added he will take decibel readings during the August 19th event.

Kohl said she is supportive of this one-time event.

Moore stated he is okay with acoustic music, as long as there are no plug-ins. Moore suggested Kennedy go up the hill during the event to confirm the sound isn’t carrying into the neighborhood.

Councilwoman Kohl moved to allow the one-time outdoor music event on August 19, 2018 from 7:00 PM to 10:00 PM, Councilman Moore seconded and all present voted “Aye.”

Supervisor LaFountain asked Costello to use specific wording in the resolution as was used in past approvals such as Cha Cha’s and Jeremiah’s. He instructed Costello to send a letter of approval to the applicant.

VI. ACTION ITEMS

a. Mary Wynne - Special Permit at 2567 Browncroft Blvd. - Costello

Jim Costello introduced Mary Wynne and stated nothing has been received since the last meeting.

Supervisor LaFountain recapped that the Public Hearing was held on June 6, 2018 and then the application was tabled. Wynne proposed 12 apartment units. Staff has researched and found a 2/7/64 letter from the Town of Penfield to Eleanor Ludwig, the owner of the property, stating that the residence can be used as a three (3) family home. There is also a 1/12/60 variance granted by the Zoning Board of Appeals approving the single family home to be used as a three (3) family dwelling. In 1987 the Forester family received a letter from the Town confirming the property could be sold and appraised as a three (3) family home. The Town Assessor has information on file consistent with
the 1964 letter stating it is a three (3) family home. The Board has discussed and determined that 12 apartment units are excessive.

Mary Wynne stated that since she purchased the property she has received historical designation from both Rochester and Albany. When the landmark society visited the property, it was recommended she restore the white house that had been used as an outhouse. Wynne continued to say she put in a new foundation and rebuilt the white house and it now adds to the total square footage of the property. Wynne requests permission to make the white house a one (1) bedroom apartment, as it is a separate structure. The work on the white house was permitted and there are structural drawings. It also has a porch and is not part of the original red house.

Councilwoman Kohl stated that for 60 years the home has been a three (3) family home, and it makes sense to keep it that way.

Wynne added the three (3) family home was approved in the 60’s, but the neighborhood has become more commercial since then. Wynne would like to cover the expenses of remodeling and updating the property.

Councilman Moore stated he is okay with the three (3) family residence, but did not expect to discuss the white building as additional rental space.

Kohl asked Wynne if she could use the white house for storage.

Wynne said no, she doesn’t want that responsibility. Wynne added she will work to make the property a three (3) family home.

Councilman Moore moved for the approval of the three (3) family home, Councilwoman Kohl seconded and all present voted “Aye.”

Supervisor LaFountain asked Costello to prepare a resolution for review by the Board, referencing the 1964 and 1987 approvals. Include appropriate permits and inspections will be required. The resolution will be submitted at the next Legislative Session on August 15, 2018.

Costello asked, during the site plan review process the Planning Board identified garages to be constructed. He asked Wynne if she intends to add garages.

Wynne said yes, she would like to add garages.

LaFountain asked that the Town Board review the proposal for the garages before the permits are issued.

Costello said he will get the garage layout to the Board for its review.
b. Release of Easement and Property Maintenance Agreement at 1651-B Five Mile Line Road – Costello
Jim Costello stated that in 2002 there was an application for a site plan review for this property to be used as a child care center, as it was subdivided from R G & E property. The subdivision site plan approval required that a Property Maintenance Agreement and a pond maintenance inspection easement be filed. There are also a hiking easement, a sanitary easement and a sewer easement, which will be maintained. The project was never built and the Property Maintenance Agreement and the pond inspection easement can be released.

Councilwoman Kohl moved for the approval to allow the Supervisor to sign a release of PMA and pond inspection easement, Councilman Moore seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on August 15, 2018.

c. Ted Pittinaro – Request to Install Driveway into Mott’s Lane – Costello
Jim Costello stated that Mr. Pittinaro has met with Planning, Engineering and Highway representatives and has decided to connect to Mott’s Lane. Costello submitted a photo of the proposal to the Board for its review. Costello added staff reviewed the site and identified a location for the connection 15 feet from the trees. The area will be staked out to verify utilities will not be affected. Pittinaro will work with the highway department and obtain permits to tie his property into Mott’s Lane.

Supervisor LaFountain asked if a bond or letter of credit would be obtained.

Costello said we will request a letter of credit or certified check to ensure the work is properly completed.

Councilwoman Kohl moved to allow the installation of the driveway connection to Mott’s Lane, Councilman Moore seconded and all present voted “Aye.”

Costello added that he will get an updated plan from Costich Engineering.

VII. INFORMATIONAL ITEMS

a. None

VIII. HELD ITEMS

a. Jomanda Way, Expanding No Shooting Petition – LaFountain
b. Sign Ordinance Updates/Proposed Ordinance Revision – Costello/LaFountain
c. YMCA Roadway Dedication – Valentine
IX. **Old Business** - None

X. **New Business** - None

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

XII. **Next Meeting** - August 22, 2018

XIII. **Adjournment** - Supervisor LaFountain adjourned the regular Work Session at 7:35 PM.

Lisa Grosser, RMC
Deputy Town Clerk