TOWN BOARD WORK SESSION AGENDA
Wednesday, February 27, 2019 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order

II. Approval of Minutes – February 13, 2019

III. Monthly Reports

IV. Public Hearings - None

V. Guests
   a. (NONE)

VI. Action Items
   a. Capstone Subdivision Special Improvement District - Valentine
   b. John Deere 210G excavator - Tait
   c. Special Permit at 2567 Browncroft Blvd., Wynne - Costello
   d. Airosmith Development Telecommunications Antennas at Harris-Whalen Park - LaFountain/Valentine

VII. Informational Items
   a. Community Choice Aggregation (CCA) Update - LaFountain

VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
   c. Private Storm Pipe Agreement, 88 Stoneledge Way - Valentine
   d. Development of Apartment Building - 1384 Empire Blvd. - Costello

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting: March 13, 2019

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
Councilwoman Metzler
Councilman Moore (arrived at 7:25 PM)
Councilman Quinn

Also Present:
Lisa Grosser
Eric Tait
Mark Valentine

II. Approval of Minutes - 2/13/19
CM Quinn moved for the approval of the Minutes of February 13, 2019, CW Metzler seconded the motion.

III. Monthly Reports - None

IV. Public Hearing - None

V. Guests
a. None

VI. ACTION ITEMS

a. Capstone Subdivision Special Improvement District - Valentine
Mark Valentine reviewed that the Public Hearing was held on February 6, 2019. The proposed subdivision sign will be included in the Special Improvement District. Through the Special Improvement District costs and maintenance will be paid by the 17 residents in the neighborhood. The district will appear as a line item on their property tax bills. Nearby residents brought up questions regarding drainage, which were not related to this district formation.

Valentine then presented photos and specifications of the proposed sign to the Board for its review. The sign will have a stone and brick look and will include a wrought iron gate that was recovered from the existing house on the property. In Town Code we do not have specifications for a location of a subdivision sign. A business sign would be required to have a 20 foot setback. The proposed sign will have a 20 foot setback from Creek Street, and a 10 foot setback from the right-of-way which would require Town Board approval.
Supervisor LaFountain asked the square footage of the sign.

Valentine said he would have to verify with Andy Suveges, Building and Code Compliance Inspector, that the design meets code.

Councilman Quinn stated he wants to make sure the sign does not interfere with the right-of-way or the visibility to enter/exit the site.

Valentine said the proposed sign was discussed with PRC and they are okay with it. It will be located out of the right-of-way.

Eric Tait stated that he has visited the site and the location of the sign will not impact snow removal or sight distance.

LaFountain stated that there were no neighbor concerns at the Public Hearing regarding the formation of the district.

Councilwoman Metzler asked if there is a release of liability put in place if the Town plow damages the sign.

Valentine said the sign is located out of the right-of-way and should not pose an issue with snow removal.

Councilwoman Metzler moved to approve the Special Improvement District, including the size, content and location of the sign. Councilman Quinn seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on March 6, 2019.

Quinn asked if Town Code should be reviewed to include this type of sign application.

Valentine said Jim Costello will be reviewing that in Town Code.

LaFountain said there will be updates to Town Code in April 2019.

b. John Deere 210G excavator – Tait

Eric Tait reviewed our current excavator was purchased as a rental/lease for drainage projects. The usage hours are getting high and the warranty has just expired. The old equipment can be sold at auction for more than trade-in value. A new unit can be purchased with a full seven (7) year warranty, 3,500 hours.

Supervisor LaFountain said based on age, hours and condition we can get between $120,000 to $130,000 for the old equipment at auction. Funds are available in the drainage budget for the difference to purchase the new equipment.

Tait said we need to move on this quickly as we have pending projects with DEC permits that will expire and we don’t want to have any issues. The new equipment with a full warranty will cost $207,300, less the trade-in our net cost would be $75,000.
LaFountain said the new equipment can be purchased out of the drainage budget and when the old equipment is sold the funds can be refunded into the drainage budget.

Tait pointed out that the Spring Auction isn’t until May 2019.

Councilwoman Metzler moved to approve the purchase of the excavator equipment, Councilwoman Kohl seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on March 6, 2019.

c. Special Permit at 2567 Browncroft Blvd., Wynne - Costello
Supervisor LaFountain reviewed that at the last Work Session, Ms. Wynne submitted additional information for the board to review. Wynne has also given the board a sample lease to review. During past meetings the board has agreed with the August 1964 approval to allow the building to have three (3) separate units. The discussion has been the number of bedrooms for the project.

Mary Wynne stated she had originally proposed 12 bedrooms, but has re-designed to 11 bedrooms. Wynne added she has also received approval for a 12 unit garage, but she would not need 12 garages if she has fewer units in the building.

Councilwoman Kohl asked if only eight (8) units were approved, what would you do?

Wynne said I would have to have larger units. Wynne added renovations to the basement and windows of the building have been completed. Wynne reviewed revised drawings which will create a better flow within the property. A common area in the back of the building has been added with access for all residents. If only 10 units are approved, one unit would have two (2) bedrooms.

Kohl asked about security, will everyone have the same access.

Wynne explained she uses a key code system which everyone would have the code for the main entrance. The private apartments would have their own lock with an additional code.

Supervisor LaFountain asked Wynne to review the common area.

Wynne, referring to the drawings, pointed out that the changes are only on the first floor; there will also be a courtyard with a grill for residents to comingle.

Councilman Moore asked what would be the rate to rent a one-bedroom furnished apartment.
Wynne said in Vermont we charge $860/month for a furnished studio apartment, including utilities. We think this will fit with the cliental in Rochester which will be interns, contract workers or those recently relocated. Wynne added she has also had an inquiry from a couple looking for summer residence. Wynne added she prefers to have a one-year lease, and if there is interest in a shorter term, the client would have to pay a higher rate. Wynne said she prefers the design with 11 units.

Councilwoman Metzler said she is okay with the proposal, but feels the approval should have conditions which if not met would allow the special permit to be pulled.

LaFountain asked about fencing.

Wynne stated the Historic Preservation Board would only allow a stockade fence, and she is not interested in that because it requires maintenance. Wynne suggests putting in arborvitae to create a natural buffer along the rear property line. Wynne added the life expectancy of an arborvitae is longer than a stockade fence.

Moore asked if this is a Conditional Use permit, what jurisdiction does the board have if there is a problem?

LaFountain said there can be a condition if something is changed the board could revisit the approval.

Quinn asked if this would include change of ownership of the property.

LaFountain said yes.

Moore said the parameters should meet the requirements of a residence in Penfield.

LaFountain added there are additional restrictions on this property because it has historical designation.

Metzler said we want to make sure the approval document protects the neighbors and future owners, and is clear what the expectations are to Ms. Wynne.

Wynne said she would like to offer, one bedroom, furnished apartments, no pets, no smoking and no candles.

Moore asked what was the original layout of the 1964 approval for the three (3) units?

Wynne said the design was very chopped up, hallways, closets and bathrooms are in strange places.

Bob Wynne added we are the closest neighbor and take pride in our investment.
Moore said we want the conditions to protect you, future owners and neighbors. We also want to preserve the historical nature of the property.

Metzler agrees less altering of the original structure preserves the original brick and mortar of the property.

Wynne asked what type of safeguards would be put in place.

Councilman Moore stated that Jim Costello will draft up the conditions, we would also like to include that noise and lighting does not extend the property.

LaFountain said some of the conditions are listed in the lease. We can have Costello prepare a draft resolution with conditions pertaining to neighbors and noise.

Metzler added Ms. Wynne should also be allowed to review those conditions. We want to make sure that the precedent we are setting will also apply to future properties.

Wynne asked what are the restrictions on apartment buildings?

Kohl stated that would be different zoning and depend on what district it is located in.

Quinn said when Wynne no longer owes the property he feels the board should have an opportunity to pull the permit if necessary. If something changes in the future, we are concerned about the long term use of the property. Quinn added he is not in favor of approving the proposal without a fence. The neighbors should be isolated and not be subject to the car lights from a number of people coming and going.

Kohl stated she is okay with arborvitae as a buffer.

LaFountain said we will work with Jim Costello to prepare a draft resolution. This will be reviewed at the next Work Session on March 13, 2019.

Metzler said she is okay allowing 11 units.

LaFountain added 11 units will be listed in the draft resolution.

Metzler asked LaFountain to ask Costello what type of review this board can have over the Historic Preservation Board’s decision regarding the type of fence.

This item will be held until March 13, 2019.
d. Airosmith Development Telecommunications Antennas at Harris-Whalen Park – LaFountain/Valentine
Supervisor LaFountain reviewed that Councilman Quinn and Councilman Moore were absent at the last Work Session when this was discussed. The provided materials have been reviewed and the permit is being held by the Building Department pending our approval. LaFountain reviewed that the application is to replace equipment on the tower and in the shed to improve speed and service to A T & T customers.

Councilwoman Kohl moved to approve the request, Councilman Quinn seconded and all present voted “Aye.”

Valentine will advise Jim Costello to prepare a letter of approval for the applicant and copy the Building Department.

VII. INFORMATIONAL ITEMS

a. Community Choice Aggregation (CCA) Update – LaFountain
Supervisor LaFountain submitted an overview/fact sheet of Community Choice Aggregation to the Board for its review. LaFountain discussed where we are and the next steps. LaFountain suggests inviting the CCA to present benefits to the residents. There has to be a determination that at the end of the day there is a cost savings. Currently R G & E has one of the lowest rate structures over all of the ESCO’s surveyed. Before moving forward we want to confirm that the residents would realize a cost savings. When contracts are signed, it is set for a period of time and would have to be re-negotiated at the end of the period. Everyone would be automatically put in the CCA and would have to individually opt out if they don’t want to participate. We will plan a public outreach, informational meeting and feedback/input would be received back to the board before any decision is made. LaFountain added Supervisor Smith from the Town of Pittsford has begun this review process. This process have been outstanding and would give us a model to follow. This will be discussed at a future Work Session, and continue to be discussed with the EEAC.

VIII. HELD ITEMS

a. Jomanda Way, Expanding No Shooting Petition – LaFountain
b. Sign Ordinance Updates/Proposed Ordinance Revision – Costello/LaFountain
c. Private Storm Pipe Agreement, 88 Stoneledge Way – Valentine
d. Development of Apartment Building – 1384 Empire Blvd., – Costello

IX. Old Business – None

X. New Business – None

XI. Executive Session – Real Estate, Litigation and Human Resource Matters – None
XII. **Next Meeting** - March 13, 2019

XIII. **Adjournment** - Supervisor LaFountain adjourned the regular Work Session at 8:32 PM.

Lisa Grosser, RMC
Deputy Town Clerk