TOWN BOARD WORK SESSION AGENDA

Wednesday, March 27, 2019 7:00 PM

Supervisor R. Anthony LaFountain, presiding

I. Call to Order
II. Approval of Minutes – February 27, 2019
III. Monthly Reports
IV. Public Hearings - None
V. Guests
   a. Dr. Greg Merkley, Discussion Regarding Sign Proposal for 2099 Five Mile Line Road - Costello
   b. Britni Tait (RG&E), Discussion Regarding an Easement Request for 1070 Penfield Road - Valentine
   c. Paul Habeck, Request for a Grade and Fill Permit for 1740 Salt Road - Valentine
VI. Action Items
   a. John Diamantopoulos, Request for Outdoor Live Music at Murphy's Law, 1400 Empire Blvd. - Costello
   b. Special Permit at 2567 Browncroft Blvd., Wynne - Costello
   c. 11 Panorama Trail - Request for the Abandonment of a Portion of a Sanitary Sewer Easement - Valentine
VII. Informational Items
   a. Southeast Bible Baptist Church 5K Race for Nancy - Costello
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: April 10, 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.
Town Board Work Session Minutes  
March 27, 2019  
7:00 PM

I. Call to Order

Present:
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Moore

Also Present:
Jim Costello  
Lisa Grosser  
Eric Tait  
Mark Valentine

Absent:
Supervisor LaFountain  
Councilman Quinn

II. Approval of Minutes – 2/27/19
CW Metzler moved for the approval of the Minutes of February 27, 2019, CW Kohl seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests

a. Dr. Greg Merkley, Discussion Regarding Sign Proposal for 2099 Five Mile Line Road – Costello
Jim Costello introduced Dr. Merkley and reviewed that approval of the building was given April 5, 2017. The building is complete, and the Certificate of Occupancy will be issued shortly. There was previously a sign on the property for Bangz! Salon which was approved to remain on site. A sign package was presented to the Board for review. Dr. Merkley is allowed a total of 57 square feet of signage. A free standing sign is proposed which would include signage for Bangz! Salon. A wall mounted sign (Liberty Street side) and eventually a small sign on the Five Mile Line Road side. All three (3) signs total 45 square feet which is less than what is allowed by code. The sign package will be presented to the Historic Preservation Board at their next meeting on April 4, 2019.

Costello said he will have a letter sent back to the Board with comments after the Historic Preservation Board meeting. The building will be ready to open in two (2) weeks.

Councilwoman Metzler moved to approve the sign package, Councilwoman Kohl seconded and all present voted “Aye.”
b. Britni Tait (R G & E), Discussion Regarding an Easement Request for 1070 Penfield Road – Valentine

Mark Valentine introduced Britni Tait and submitted a copy of the original request from R G & E including photos of the site. Valentine explained they are looking for an easement on Town owned property next to Gentles Farm Market. The current gas infrastructure is right on the sidewalk, and the sidewalk was jagged to go around it. The land was purchased with Open Space funds and it has been verified with Town Attorney Horwitz that granting the easement would not be an issue. R G & E has offered to re-align the sidewalk in exchange for granting the easement.

Britni Tait said the existing location of the infrastructure is not optimal, and R G & E would like to move it out of the right-of-way.

Councilman Moore asked what is the benefit to allowing this easement?

Eric Tait said a re-aligned sidewalk would be better for snow and ice removal. The existing gas infrastructure includes a bollard guard rail along the edge of the sidewalk that is rusting. R G & E will remove this and replace it with a stainless structure that would be maintenance free.

Councilwoman Metzler asked if shrubbery could be added to buffer the structure.

Britni Tait said one (1) side would need to be accessibly to open, one (1) side is obstructed by existing pines and the structure would only be visible from one (1) direction.

Metzler said she would like a buffer to be considered.

Valentine added three (3) or four (4) arborvitaeas could be added along the open area on the east side of the new structure.

Councilwoman Kohl moved to allow the easement, Councilwoman Metzler seconded and all present voted “Aye.”

Valentine said he will have the resolution reviewed by Town Attorney Horwitz and then submitted at the next Legislative Session on April 3, 2019.

c. Paul Habeck, Request for a Grade and Fill Permit for 1740 Salt Road – Valentine

Mark Valentine introduced Paul Habeck who has lived in the area for 35 years. Habeck has built two (2) homes and recently purchased property across the road to subdivide into two (2) five (5) acre lots. Habeck will be building a new home on one (1) of the lots. The property doesn’t drain well and Habeck would like to bring in fill. If necessary Habeck will also add drain tile
Valentine added the application to split the lot is currently before the Planning Board. Habeck will need 2,000 cubic yards of fill which requires Town Board approval. The property currently drains to the front.

Habeck added he will put in a road which will minimize any mud being tracked while the fill is being delivered.

Councilwoman Metzler asked what the time frame would be.

Habeck said he will be bringing in soil from time to time over the course of the summer.

Councilwoman Metzler moved to approve the Grade and Fill permit, Councilwoman Kohl seconded and all present voted “Aye.”

VI. ACTION ITEMS

a. John Diamantopoulas, Request for Outdoor Live Music at Murphy’s Law, 1400 Empire Blvd. - Costello

Jim Costello introduced John Diamantopoulas and reviewed that the Public Hearing was held March 6, 2019 requesting live music Friday and Saturday nights between 5:00 PM and 10:00 PM, and Sunday afternoons. He would also like to have music weekdays for holidays and special events. There will be minimal amplification and no impact to the neighbors. Staff would monitor the sound levels during the events. He would like to have music May through Labor Day. Costello said the resolution of approval would be similar to K2 Brewery’s approval for outdoor music.

Councilwoman Metzler added Diamantopoulas submitted three (3) letters of support from neighbors at the Public Hearing. No concerns were raised at the Public Hearing.

Costello stated that Mr. Diamantopoulas will send a representative to the neighborhood areas to make sure the music cannot be heard.

Councilman Moore suggested Diamantopoulas be proactive, not reactive with the neighbors and monitor the sound levels closely.

Diamantopoulas said the music will be in the pool area only.

Councilwoman Kohl moved to approve the request for outdoor music, Councilwoman Metzler seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on April 3, 2019.
b. Special Permit at 2567 Browncroft Blvd., Wynne – Costello

Jim Costello stated at the last Work Session on February 27th, the Board agreed to allow 11 units and requested that a resolution be prepared. Costello has been working on the resolution with Town Attorney Horwitz, Supervisor LaFountain and the Wynnes. The draft resolution has been submitted to the Board for its review. A Schedule “A” will be included with the resolution which will be a sample lease from the Wynnes. Costello continued to say the site still has to be finalized through the Site Plan review process and architectural details worked out with the Historic Preservation Board.

Councilwoman Kohl confirmed that the Planning Board would be responsible for approving the garage.

Valentine said the Planning Board will be reviewing the garage, parking and stormwater treatment.

Costello clarified that the Historic Preservation Board does not have a problem with a fence being required. They want the fence to keep with the historic nature of the property, but did not require a stockade fence. Costello submitted photos of the property showing existing fencing to the Board for its review. Costello said the Historic Preservation Board may be okay with a different design for the fence. Costello submitted photos of other types of fencing available from the supplier the Wynnes used for the fence on their property. He will submit this for review at the next Historic Preservation Board meeting on April 4, 2019.

Councilwoman Metzler added she would like a fence required as a conditional of approval.

Costello said there is an existing swing set from a neighboring property that may need to be moved to install a fence. Costello said the Building Department will move forward with approvals for interior work. The Historic Preservation Board is still waiting for renderings of exterior work that will be completed. The Planning Board still needs to sign off on a twelfth unit that will be approved for storage only, with a condition that the Wynnes cannot ask for additional storage on the property.

Metzler suggested Wynne review a composite material for fencing, and asked that a fence along the south property line be required as a condition of approval.

Councilwoman Metzler moved to approve the Special Permit, Councilwoman Kohl seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on April 3, 2019.
c. 11 Panorama Trail – Request for the Abandonment of a Portion of a Sanitary Sewer Easement – Valentine
Mark Valentine submitted a survey map of the property to the Board for its review and stated the house was built in the 1950’s and then connected to the sanitary sewers in the 2000’s. There is a 20 foot sewer easement over the house, of which a portion of it would need to be abandoned for the sale of the property.

Councilwoman Kohl moved to abandon a portion of the easement, Councilwoman Metzler seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on April 3, 2019.

VII. INFORMATIONAL ITEMS

a. Southeast Bible Baptist Church 5K race for Nancy – Costello
Jim Costello explained that this is a race that has occurred for the past several years. There have been no complaints and they use off duty police officers to assist during the event. They will be sending notification to the neighbors. The race goes for 1 1/2 hours, and a permit will be issued.

Councilman Moore asked that the church notify ambulance, fire and the sheriff in advance of the race.

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 – April 10, 2019

XIII. Adjournment – Deputy Supervisor Moore adjourned the regular Work Session at 7:35 PM.

Lisa Grosser, RMC
Deputy Town Clerk