TOWN BOARD WORK SESSION AGENDA

Wednesday, May 22, 2019 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order
II. Approval of Minutes – May 8, 2019
III. Monthly Reports
IV. Public Hearings - None
V. Guests
   a. Megan Bourque - Requesting Streamline Process for Massage Therapy at 1801 Penfield Road - Costello
   b. Dr. Greg Merkley - Requesting Modifications to the Approved Landscaping Plan at 2099 Five Mile Line Road - Costello
VI. Action Items
   a. Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a Restaurant with Outdoor Dining and Outdoor Music at 1300 Empire Blvd. - Costello
   b. Private Storm Pipe Agreement, 88 Stoneledge Way - Valentine
   c. 1068 Plank Road - Farmstead Area and Grade & Fill Permit - Valentine
VII. Informational Items
   a. Development of Apartment Building, 1384 Empire Blvd. - Costello
VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
   c. Community Choice Aggregation, Penfield CCA Resident's Committee - LaFountain
   d. 143 Farm Brook Drive, Hold Harmless Agreement - Valentine
   e. Greenlight Fiber Underground Installation, Cranberry Cove - LaFountain/Valentine
IX. Old Business – (NONE)
X. New Business
XI. Executive Session
XII. Next Meeting: June 12, 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.
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Town Board Work Session Minutes
May 22, 2019
7:00 PM

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 – 5/8/19
CM Quinn moved for the approval of the Minutes of May 8, 2019, CW Metzler seconded the motion.

III. Monthly Reports – All have been submitted except for one (1) and that will be in by the end of the week.

IV. Public Hearing – None

V. Guests

a. Megan Bourque – Requesting Streamline Process for Massage Therapy at 1801 Penfield Road – Costello
Jim Costello introduced Megan Bourque who is interested in opening a massage therapy business in the Lankford Optician building. She will add her business name to the existing free standing sign in front.

Megan Bourque explained that her business, Respite Massage, will take a portion of the rear of the building. She has been a massage therapist for three (3) years and will be the only employee. She will offer Swedish massage, deep tissue, hot stone massage, myofascial release, prenatal massage, oncology massage and chair massage. She will see clients by appointment only and will not be open on weekends. Lankford Opticians are still cleaning out the front portion of the building and another business will occupy that in the future.

Jim Costello explained that there will be a second applicant coming to the next Work Session on June 12 for approval. Lisa Scala will be sharing the space with Bourque and offering a facial and foot spa. Neither applicant intends to expand to the front portion of the building. The two (2) applicants will share the rear portion of the building, but have separate rooms for treatment. Both businesses will see clients by appointment only.
Supervisor LaFountain asked if Bourque anticipates expanding in the future.

Bourque said no, she will remain the only employee.

Costello explained if the Board approves this application through the streamline approval process, she will be issued a Conditional Use Permit and charged a $100.00 fee.

LaFountain asked Costello to include the square footage of the space that will be occupied in the approval letter.

Councilman Quinn moved to approve the issuance of a Conditional Use Permit through the streamline approval process, Councilman Moore seconded, and all present voted “Aye.”

LaFountain instructed Costello to forward a letter of approval, detailing the conditions discussed this evening, to the applicant. LaFountain also asked that the sign package for both applicants be brought to the Board at a future Work Session.

b. Dr. Greg Merkley – Requesting Modifications to the Approved Landscaping Plan at 2099 Five Mile Line Road – Costello

Jim Costello introduced Dr. Merkley and explained that approval was given in 2017, and the building structure is complete. Costello submitted the previously approved landscaping plan, along with a plan of proposed changes to the Board for its review. Also included is a memo from PRC with comments regarding proposed changes. Costello explained that Town Landscape Consultant, Bruce Zaretsky reviewed the original request and made some revisions, the new proposal includes those changes. Costello added the landscaping is extensive due to the fact that the poured concrete foundation is above the grade. The goal is to hide the foundation, but not block the window wells.

Dr. Greg Merkley explained that he would like to keep the window wells clear for light to reach the basement. Debris also gathers at the wells and space is necessary to clean them out. The air conditioning units will be located in the front, and he would like the plants moved out to allow access to the units for maintenance.

Costello stated the three (3) trees that were proposed at the corner of Liberty Street and Five Mile Line Road could impact the clear vision zone for cars at the intersection. A tree is proposed where there is a sidewalk, and the approved signage would be blocked. PRC recommends the use of lower shrubs in place of trees.
Costello continued to say Dr. Merkley has requested the large window well on the north side be removed, but PRC strongly recommends that the window well is installed. The window well will provide continuity in grading along Liberty Street. The purpose of this landscaping was to hide the exposed concrete. The window well will serve this process as well as maintain the grade along the exposed wall.

Dr. Merkley stated the large window well is an egress window and asked if there is a safety issue if debris or snow gathers in front of the window. Dr. Merkley added as long as the Fire Marshal is ok with this situation, he is ok.

Councilwoman Metzler moved to allow the changes to the approved landscape plan per PRC recommendations, Councilwoman Kohl seconded and all present voted “Aye.”

VI. ACTION ITEMS

a. Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a Restaurant with Outdoor Dining and Outdoor Music at 1300 Empire Blvd. - Costello

Jim Costello introduced Mark DiSantis and Michele Russo and explained that the Public Hearing was held May 1, 2019. At that time the Board requested paint chips for proposed exterior changes as well as the proposed sign package. This documentation was submitted to the Board for its review. Costello added that the requested signs are replacing the approved signage from the previously approved business, LaSalle’s Landing. The applicant would like signage on the front, as well as, on both the east and west sides of the building. The exterior paint will be light blue on the base with dark blue trim.

Supervisor LaFountain asked if a variance is required to approve three (3) signs.

Costello included the 2006 approval for LaSalle’s Landing and explained that the third sign in the front of the building was approved because there is no space in the right-of-way for a free standing sign. Costello added the front of the building has holes from the previous sign and the applicant would like to cover the holes with a new sign. The total square footage of all three (3) signs is under the allowance per the Sign Ordinance.

LaFountain asked if the Board is okay with the request for outdoor dining.

Councilwoman Kohl said yes, the previous applicant had outdoor dining.
LaFountain stated there has been an issue in the area with outdoor music in the past. The music carries over the water and can be heard by nearby residents. In the past the Board has required applicants to open for a period of time, and come back at a future Work Session to request outdoor music.

Michele Russo asked if radio through speakers would be considered outdoor music.

LaFountain said yes.

Councilwoman Metzler added piped in music is a good way to start.

Councilman Moore said we need to be consistent with the past precedent. Piped in music on low to create ambiance is okay. After time come back to the Board for approval of live music.

Costello stated the applicants are entitled to obtain up to three (3) temporary recreation permits for outdoor music annually.

Metzler added businesses usually appreciate the time to review and modify their request.

DiSantis said he is okay with piped in music for now.

Costello stated in 2006 there were site plan issues and the applicant installed a hiking path along the back of the property.

DiSantis said he has already cleaned up the path for future use.

Kohl asked DiSantis when he hopes to open.

DiSantis said July 1, the roof has been repaired and he is working on the liquor license.

Councilwoman Kohl moved to approve the Conditional Use Permit and Final Site Plan approval to allow the restaurant, including the conditions discussed this evening, Councilman Quinn seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on June 5, 2019.

b. Private Storm Pipe Agreement, 88 Stoneledge Way – Valentine Mark Valentine reviewed at the last Work Session the Board requested a number of residents that may be interested in having a private storm pipe. Valentine submitted the subdivision landscape plan and noted that this was reviewed with the grading plan. There have been three (3) residents who have requested private storm pipe agreements and there is potential for five (5) additional requests. Valentine also submitted a potential agreement for the Board to review. The agreement will be filed at the resident’s cost and would run with the land. The resident accepts the liability of the pipe, and would be responsible for maintenance.
Councilman Quinn stated the benefit is the Town is aware the pipe exists. Quinn thanked Valentine for providing this additional information. Quinn is comfortable with this agreement. He added the agreement is signed, reviewed by the Town Attorney and filed with the County before any work is done.

Councilman Quinn moved to allow the private storm pipe agreement through an administrative approval, Councilwoman Kohl seconded, and all present voted "Aye."

Valentine added he is also in discussions with a resident on Cali Ridge through PRC. This request may also be single and could be handled administratively. If there is a future, more neighborhood wide request, it will be brought back to the Board for approval.

c. 1068 Plank Road – Farmstead Area Grade and Fill Permit – Valentine

Mark Valentine submitted the letter of intent from Evan Schutt along with the easement map and site plan showing the proposed relocation of the farmstead and proposed stone parking lot. Valentine also reviewed the past application process of Oak and Apple and Wickham Farms, where it was handled with the Board at a Work Session and the agreement was issued through a resolution. The request by Wickham Farms for their new parking lot was handled with a grade and fill permit. There was no Public Hearing for the relocation of the Wickham Farms or Oak and Apple farmsteads.

Supervisor LaFountain stated we want to be consistent with previous applications.

Evan Schutt stated the proposed area for the parking lot is not a good growing area. Schutt also stated there is no water access on that side of the property and he is working with the MCWA to add water to irrigate crops in the future. Schutt added this is a small farm and he needs to maximize use.

Councilman Moore asked if there is an intent to eliminate customers parking on Plank Road.

Schutt he is hoping to, and is trying to make the farm more efficient. He will also be adding another donut fryer to increase production. He is looking to grow the business with U-Pick opportunities, and hopes to move the barn in the future. He is working on improving parking capacity.

LaFountain asked if Schutt anticipates tree damage from the U-Pick operations.
Schutt stated yes, there may be some damage. It is easier to hire a picker, but he wants to sell the experience. He will be adding fencing to restrict customer access, and hire employees to monitor the U-Pick operations. Schutt stated he has a new business approach and will offer “Adopt a Tree” for a year. The family will own the tree for the year, and the family name is put on it.

LaFountain stated the Board appreciates Schutt’s interest and energy in the business and there is a favorable impact on the community.

Councilwoman Metzler added these changes keep with the original intent of the easement.

Councilwoman Metzler moved to approve the relocation of the farmstead area and the approval of the grade and fill permit, Councilman Quinn seconded and all present voted “Aye.”

Mark Valentine will send a letter of approval to the applicant and follow up with the filing of the modification to the existing agreements.

VII. INFORMATIONAL ITEMS

a. Development of Apartment Building, 1384 Empire Blvd. – Costello

Jim Costello submitted proposed plans to the Board for its review. Costello reviewed that the Daniele’s intend to demolish the Mario’s Restaurant building and replace it with an apartment building. The new building will be similar to the Water’s Edge apartment buildings. The building will be four (4) story and include 95 units. The base story will be a parking garage for 73 cars. The apartments will include studios, one, two and three bedrooms. The existing parking area in front of the building will remain. There will be no change to the right-of-way or existing curb cut. The impervious surface will remain the same. PRC has started their review of the application.

Councilwoman Kohl asked how the new structure will impact the vista.

Costello said the building will be lower than the Water’s Edge buildings, and should not affect the neighboring properties view.

Supervisor LaFountain suggests the Board have time to review the information that has been submitted.

Councilman Quinn asked how the apartment building will be managed.

Costello said it will be privately managed, separately from Water’s Edge. All apartments will be rentals.
Costello added that Murphy’s Law will remain for two (2) more years, if they do not renew the lease the Daniele’s will relocate Mario’s to that space.

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

VIII. HELD ITEMS
a. Jomanda Way, Expanding No Shooting Petition - LaFountain
b. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
c. Community Choice Aggregation, Penfield CCA Resident’s Committee - LaFountain
d. 143 Farm Brook Drive, Hold Harmless Agreement - Valentine
e. Greenlight Fiber Underground Installation, Cranberry Cove - LaFountain/Valentine

IX. Old Business - None

X. New Business - None

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

XII. Next Meeting - June 12, 2019

XIII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 8:05 PM.

Lisa Grosser, RMC
Deputy Town Clerk