TOWN BOARD WORK SESSION AGENDA
Wednesday, September 25, 2019 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order
II. Approval of Minutes – September 11, 2019
III. Monthly Reports
IV. Public Hearings - None
V. Guests
   a. Lori Kennedy for a Discussion for a Seasonal Tent Installation at the K2 Brewery at 1221 Empire Blvd. - Costello
VI. Action Items
   a. 3 Pen-Web Park - Request for the Abandonment of a Drainage Easement - Valentine
   b. RFP for Shadow Pines Conceptual Master Plan - Costello
VII. Informational Items
   a. Mixed Use Development District Discussion - Town Board
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. Conditional Use Permit and Site Plan Approval for Apartment Building at 1384 Empire Blvd. - Costello
   e. Low Pressure Sewer Systems - New MCDOH and NYSDEC Regulations - Valentine
IX. Old Business – (NONE)
X. New Business
XI. Executive Session
XII. Next Meeting: October 23, 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 (left meeting at 8:00 PM)
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 9/11/19
CM Quinn moved for the approval of the Minutes of September 11, 2019, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests

a. Lori Kennedy for a Discussion for a Seasonal Tent Installation at K2 Brewery at 1221 Empire Blvd.
Jim Costello introduced Lori Kennedy and submitted an aerial photo and tent spec book to the Board for its review. Kennedy is interested in installing two (2) tents on her property, one (1) to cover the beer garden and the other to cover the corn hole court.

Lori Kennedy explained that they are trying to extend the summer season and would like to install the tents from November to the beginning of March. They are working with Hank Parker and the tent will consist of steel beams, solid walls, glass walls and doors. The tent will cover a portion of the beer garden and a second connected tent will cover the corn hole court.

Costello stated he is asking the Board to review this request to determine if this should go to a Public Hearing.

Supervisor LaFountain confirmed the size of the tents are 33’ x 66’ and 30’ x 30’.

Councilwoman Metzler asked if this structure could be considered a tent.
Kennedy stated it is a moveable structure that can go up and down and has a canvas top, the specification book refers to it as a canopy.

Councilman Quinn asked if there were any similar structures located in Town.

Costello said, not like this, but there are several tents that are located adjacent to dining areas. We may want to request specifications and materials from the vendor for review.

Metzler asked what is considered a tent compared to a 3 season room.

Councilwoman Kohl asked how will patrons access the area?

Kennedy said it will be located 10 feet from the building, and a hallway/tunnel structure will be added to access the tent from the building.

Kohl asked how will it be kept warm?

Kennedy said they have researched a heater and submitted the spec sheet to the Board for review.

Quinn asked if this type of a structure is permissible by fire code.

Costello added the Fire Marshal will have to review both the tent structure and the heating system.

Councilman Moore stated that if this request was for a true tent he would be more agreeable. He doesn’t feel this structure fits the definition of a tent. He is concerned about setting a precedent for future requests.

Metzler, referring to the spec book, noted the manufacturer Irmarfer Structures, and the page Ms. Kennedy tagged describes the structures as “Refugee’s camp in Dusseldorf” and an “Industrial unit in Marmande.” The heater spec sheet states it is a gas heater that will service a 4,000 sq. ft. area. This is a solid structure with glass doors, heat vents, duct work and a garage door.

Kennedy said the tent she is proposing is not that large. Kennedy showed the Board a cell phone photo of the actual tent she is proposing.

Moore stated he is still concerned if this structure can be considered a tent.

Metzler asked if there is a similar structure in the area that the Board could see in person.
Kennedy said she is proposing this type of structure due to the weight of the snow load and safety. A regular tent is much cheaper and has aluminum poles. This is the type of structure that was recommended by Hank Parker. This structure is considered a tent, and can be installed in six (6) hours.

Metzler stated we need to review how a structure is considered a tent. Is it due to its temporary nature, or based on structure materials.

Costello asked if the manufacturer could add a brace system to support the potential snow load.

Kennedy said this is the tent we were recommended to get as the safest option.

Metzler stated we need more information and feels the Fire Marshal needs to weigh in on this request.

Quinn added he is concerned about the length of time of the request. Adding a structure likes this changes the nature of the business entity by doubling the square footage. This is a modular unit and he is concerned about setting a precedent.

Kennedy stated that Agway, which is located next to her property, has 2-3 visible tents up most of the year. She added that her tents will be hidden behind the building.

Quinn asked if Agway has tents or greenhouses.

Mark Valentine stated Agway would be allowed greenhouses under agriculture use.

Kennedy stated the tent would encompass six (6) or seven (7) picnic tables and we would add table tops to the existing fire pits.

LaFountain asked if the tents would be put on the grass.

Kennedy said yes.

Metzler inquired if the corn hole structure is the same as the beer garden structure, just smaller.

Kennedy said yes.

Valentine asked if the tents would be anchored to the ground?

Kennedy said yes, they would be anchored with a concrete anchor blocks.

Valentine said this would be similar to the installation of the Amphitheatre. The footers would be permanent to withstand wind and snow.
LaFountain suggested PRC review the proposal and added the Board would like to visit the site of a similar tent.

Kennedy added we are looking at this length of time due to the Rochester winter. The tent would be installed before the snow hits and then removed when the snow is gone.

Metzler stated if the request is for a standard tent, this does not need to go to a Public Hearing. However, if it is a structure as proposed, we would definitely need a Public Hearing.

Costello said you propose to remove the tent the beginning of March, what happens if there is still snow on the ground.

Kennedy stated the tent would be removed as soon as the conditions are safe.

LaFountain stated we would also like feedback from Hank Parker regarding tents and snow load.

Costello added he has an 86 page document with specifics for the proposed structure. He will ask Hank Parker to attend the PRC meeting and offer information comparing the proposed structure and a basic tent and will report back to the Board.

Moore said Hank Parker may be able to suggest a way to strengthen a normal tent to accommodate the snow load.

Metzler added we want to make sure this type of structure is allowed under the permitting process.

Councilman Quinn moved to table the request, Councilman Moore seconded and all present voted “Aye.”

VI. ACTION ITEMS

a. 3 Pen-Web Park – Request for the Abandonment of a Drainage Easement – Valentine

Mark Valentine submitted a survey map of the property showing several easements. Valentine explained that the original 1965 drainage easement ran along the creek. Drain pipes were added and additional easements were granted. A portion of the original easement can be abandoned only on this property.

Councilwoman Metzler moved to allow the abandonment of the drainage easement, Councilwoman Kohl seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on October 2, 2019.

b. RFP for Shadow Pines Conceptual Master Plan – Costello

Supervisor LaFountain stated proposals were requested by September 20, 2019. A summary of the five (5) proposals was submitted to the Board for its review. LaFountain then reviewed
the next steps which would be to award the RFP at the next Legislative Session on October 2, 2019. The Final Conceptual Master Plan to be completed by November 22, 2019.

The Board requested time to review the proposals. A Special Work Session will be held October 2, 2019 at 6:00 PM.

Councilman Quinn moved to table the request for review at the October 2, 2019 Work Session, Councilwoman Kohl seconded and all present voted “Aye.”

VII. INFORMATIONAL ITEMS

a. Mixed Use Development District Discussion – Town Board
Councilman Quinn stated as the Mixed Use Development District comes on line over the next several years, based on the size and scope and the long term effects over the next few years he feels that the oversight should be on the Town Board, not the Planning Board. This would be similar to the Four Corners Zoning District, and the precedent is already set.

Councilwoman Kohl stated as transparency grows it makes sense for the decisions to fall in line with the elected officials. The elected officials have more accountability. This has already been done in the Four Corners and LaSalle’s Landing Districts. As we plan for a future district the accountability should be with the elected officials.

Councilwoman Metzler stated the merit should fall to the Town Board to meet with the true intent of the district moving forward.

Supervisor LaFountain said this would have to be set up as a district that requires Town Board approval. The Town Ordinance would have to be modified. A Public Hearing would have to be scheduled and a resolution could be adopted at the October 2, 2019 Legislative Session. The Public Hearing could be held in November. We will work with Town Attorney Horwitz to review the changes and amendments.

Councilman Quinn moved to change the review and approval of the Mixed Use Development District to the Town Board from the Planning Board, Councilwoman Kohl seconded. The vote was three (3) “Ayes” and one “Nay.”

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. Conditional Use Permit and Site Plan Approval for Apartment Building at 1384 Empire Blvd. – Costello
e. Low Pressure Sewer Systems – New MCDOH and NYSDEC Regulations – Valentine

IX. Old Business - None

X. New Business - None

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

XII. Next Meeting - October 23, 2019

XIII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 8:10 PM.

Lisa Grosser, RMC
Deputy Town Clerk