TOWN BOARD WORK SESSION AGENDA

Wednesday, November 13, 2019 7:00 PM

Supervisor R. Anthony LaFountain, presiding

I. Call to Order

II. Approval of Minutes – October 23, 2019

III. Monthly Reports - October

IV. Public Hearings - None

V. Guests
   a. Richard Thyne, Requesting a Streamline Approval to Convert a Former Dental Office to an Apartment at 1854 Penfield Road - Costello

VI. Action Items
   a. Bed and Breakfast at 1883 Penfield Road - Costello
   b. Request for the Abandonment of Easements - 777 Panorama Trail - Valentine
   c. Hold Harmless Agreement, 74 Bentbrook Circle - Valentine
   d. Low Pressure Sewer Systems - NYSDEC Regulation Update - Valentine

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. 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

IX. Old Business – (NONE)

X. New Business

XI. Executive Session

XII. Next Meeting: December 11, 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
Councilman Moore
Councilman Quinn

Also Present:
Jim Costello
Lisa Grosser
Eric Tait
Mark Valentine

Absent:
Councilwoman Metzler

II. Approval of Minutes – 10/23/19
CM Quinn moved for the approval of the Minutes of October 23, 2019, CW Kohl seconded the motion.

III. Monthly Reports – Most of the reports for October have been submitted. Any outstanding reports will be submitted by the end of the week.

IV. Public Hearing – None

V. Guests

a. Richard Thyne, Requesting a Streamline Approval to Convert a Former Dental Office to an Apartment at 1854 Penfield Road – Costello

Jim Costello introduced Richard Thyne, who is a partner/owner of the building and submitted his letter of intent to the Board for its review. The building has been painted and the existing two (2) apartments have been rented. Mr. Thyne is interested in turning the office portion of the building into a third apartment.

Richard Thyne explained he purchased the property in July, did some repairs and rented the existing two (2) apartments. Thyne continued to say he tried to rent the remaining portion of the building as commercial. During the 90 days the property was listed there was no interest as a commercial use. Thyne feels it may be better to convert the area to a residential apartment and rent it.

Supervisor LaFountain asked how big is the area that you want to convert?
Thyne said the existing apartments are 700 sq. ft. each and the office area is 1,000 sq. ft. The conversion will include keeping the supporting walls, gut the interior, new drywall, paint and new flooring. The area will be converting into a two (2) bedroom one (1) bathroom apartment.

Costello asked how much parking is available.

Thyne said three (3) spaces in the front, and eight (8) spaces in the rear of the property.

Councilman Quinn asked if the entrance would be modified.

Thyne said no, he would utilize the existing entrance. Thyne added he would like to have the remodel complete and rent the additional apartment within 60 days.

Councilwoman Kohl moved to approve the conversion through the streamline process, Councilman Quinn seconded and all present voted “Aye.”

Costello said the Four Corners District allows up to four (4) apartments per property, so this request is in compliance. Costello asked Thyne if there will be any signage, dumpster or refuse tote.

Thyne said there will be no signage and totes are being used for refuse collection.

LaFountain directed Costello to draft a letter to the applicant memorializing this discussion.

VI. ACTION ITEMS

a. Bed and Breakfast at 1883 Penfield Road – Costello
Jim Costello read an email received November 5, 2019 from the applicant Deborah Lindenau withdrawing her request to open a Bed and Breakfast at the above referenced property.

b. Request for the Abandonment of Easements, 777 Panorama Trail – Valentine
Mark Valentine displayed a site map of the property showing the existing utility easement and pedestrian access easement. The alignment of the road was shifted and the cul-de-sac moved. Valentine suggests abandoning the previously filed easements and refiling both as modified.

Councilman Quinn moved to approve the abandonment of both easements, Councilwoman Kohl seconded and all present voted “Aye.” A resolution will be submitted at the next Legislative Session on November 20, 2019.
c. Hold Harmless Agreement, 74 Bentbrook Circle – Valentine
Mark Valentine stated that the documents have not yet been received from the applicant, and this request will be held for the next Work Session December 11, 2019.

Supervisor LaFountain asked Valentine to reach out to the applicant to ensure documents are received.

Valentine said our Code Compliance Officer is working with the applicant to get the property into compliance, and he will follow up.

d. Low Pressure Sewer Systems – NYSDEC Regulation Update – Valentine
Mark Valentine submitted an email from Michele Vincent, Engineer from the NYSDEC and the legal description of a sewage works corporation to the Board for its review.

Supervisor LaFountain explained that staff met with the NYSDEC and the NYSDOH regarding the request for 72 grinder pumps in a proposed development at Jackson and Plank Roads.

Valentine said the result of that meeting was that either the Town agree to inspect and maintain the grinder pumps, or that the HOA form a sewage works corporation and become responsible for the inspection and maintenance of the grinder pumps and wet wells connected to the low pressure sanitary sewer. If a corporation was formed, the Town would have to accept the establishment of the HOA and require a five (5) year bond for the maintenance. Valentine continued to say if the HOA fails the responsibility would go back to the Town. The applicant will form the HOA and provide generators for each home.

Councilman Quinn asked if the HOA fails, what would happen.

Valentine explained that the HOA would stop collecting fees from the residents. This has happened and the HOA stopped paying the taxes. The County ended up taking back the commonly owned property that was held by the HOA. In this instance, the Town would be responsible for the inspection and maintenance of the grinder pumps.

Councilman Moore stated that the developer doesn’t have a stake in making sure the HOA is successful. He does not support this scenario.

Valentine stated that the developer would be legally bound to create the HOA. Valentine continued to say he did speak with other communities, Webster has 120 low pressure sanitary sewers and will discourage the development of any additional in the future, given these new requirements by the NYSDEC and the MCDOH, requiring town ownership and maintenance.
Perinton does not have any low pressure sewer systems and would not support any. Brighton does not have any, and Henrietta has industrial/commercial based only.

Eric Tait explained that the Town Design Criteria will need to be updated based on the Board’s decision. Tait continued to say regarding the existing development with low pressure sanitary sewers; the Town is responsible for the right-of-way and the resident is responsible for the pump. If there were any new developments that request low pressure sanitary sewers, we would have to follow this new guideline. The existing development that has low pressure sanitary sewers would fall under pre-existing non-conforming and not be subject to this new criteria.

Quinn asked if low pressure sewers tax the system more than a regional pump station.

Valentine said there is more of an initial cost for a regional pump station for the developer. If a regional pump station were developed it would not be for just the 72 home development, we would look to include the area around it.

Quinn suggested we have the Town Attorney review our options before updating the Town Design Criteria.

Valentine said the current applicant has a December 2, 2019 deadline for their next payment.

LaFountain asked if the 72 units could be gravity fed to a regional pump station.

Valentine said the developer was looking into it, but hasn’t presented it yet.

LaFountain said it would be better if the developer could feed to a collection system, then a regional pump station and the nearest interceptor. It is not favorable for the Town to get involved in a grinder pump situation based on these new guidelines. LaFountain added he would support gravity fed sewers that feed to a regional pump station.

Councilman Moore said we need to send a clear message to the applicant that we would not accept the low pressure sanitary sewers.

Quinn moved to advise the developer that the Town will not own or support HOA owned grinder units, Councilwoman Kohl seconded and all present voted “Aye.” The applicant will have to explore the option of a regional pump station subject to Town specifications.

Valentine said he will come back to the Board at a future date with the updates to the Town Design Criteria.
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. Community Choice Aggregation, Penfield CCA Resident’s Committee - LaFountain
   d. Conditional Use Permit and Site Plan Approval for Apartment Building at 1384 Empire Blvd.

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - The Board went into an Executive Session regarding a personnel matter.

XII. Next Meeting - December 11, 2019

XIII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 7:37 PM.

Lisa Grosser, RMC
Deputy Town Clerk