



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD MEETING AGENDA

Wednesday, June 20, 2012

Supervisor R. Anthony LaFountain, presiding

I Call to Order – Pledge of Allegiance – Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes – May 16, 2012

VI Petitions

VII Resolutions by Function

Law and Finance

12T-145 Authorization for Town Clerk to Attend the 2012 Cornell Municipal Clerks Institute (CMCI)

12T-146 Authorize the Supervisor to sign Lease Agreement with the Penfield Symphony Orchestra

12T-147 2012 Budget Amendment – Modify Parks Dump Truck

12T-148 Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant and Outdoor Dining at 1778 Penfield Road-T Bones Steakhouse

12T-149 Approval of Issuance of a Special Permit to Allow Mathematics Learning Center at 1802 Penfield Road – Mathnasium

12T-150 Setting a Public Hearing for a Special Permit to Allow a Sit-down Restaurant with Outdoor Dining at 1785 Penfield Road – Chef's Recipe

12T-151 Setting a Public Hearing for the Issuance of a Special Permit to Allow the Construction of a 6,000 +/- Square Foot Office Building at 30 Sanders Farm Drive and 2041 Penfield Road

Public Works

Public Safety

Community Services
12T-152 Authorization for Supervisor to Sign Penfield Community
Television Contract
12T-153 Authorization for Supervisor to Sign Recreation Contracts

- VIII Old Business
- IX New Business
- X Public Participation
- XI Adjournment

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE: June 20, 2012

BY: Councilman Moore

Law & Finance COMMITTEE

NAME: Authorization for Town Clerk to Attend the 2012 Cornell Municipal Clerks Institute (CMCI)

WHEREAS, the Cornell Municipal Clerks Institute (CMCI) is a premium educational opportunity provided by a partnership of several professional Clerk Associations; and

WHEREAS, the CMCI program serves to promote the continued education and professional development of Municipal Clerks to enable Clerks to better serve their Boards and Committees and perform as competent professionals; and

WHEREAS, Town Clerk, Amy M. Steklof applied for a scholarship through the New York State Town Clerk's Association, Inc to further her education while saving tax payer dollars, and

WHEREAS, the Association has found it fit to award a \$500.00 scholarship to Town Clerk Steklof to put towards her educational goals;

NOW, THEREFORE, BE IT

RESOLVED, that Town Clerk Steklof is hereby authorized to attend the Cornell Municipal Clerks Institute from July 8-12, 2012 in Ithaca, New York. The balance of the cost will be allocated from the 2012 departmental conference budget line.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____ DATE: June 20, 2012

BY: Cm Moore Law and Finance COMMITTEE

Name: Authorize the Supervisor to sign Lease Agreement with the Penfield Symphony Orchestra

WHEREAS, the Town of Penfield desires to continue a Lease Agreement with The Penfield Symphony Orchestra to provide office space in the Don Mack Building, 1587 Jackson Road, Penfield;

NOW BE IT RESOLVED, that the Supervisor is authorized to sign a Lease Agreement with the Penfield Symphony Orchestra for Office Space located in the Don Mack Building, 1587 Jackson Road, Penfield beginning on January 1, 2011 and ending on December 31, 2012.

Moved: _____

Seconded: _____

Vote:

Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

BY: Andy Moore Law and Finance COMMITTEE

NAME: 2012 Budget Amendment- Modify Parks Dump Truck

WHEREAS, the Town Board has decided to modify an existing dump truck to include a transmission, a plow and spreader, and

WHEREAS, the equipment to be modified on the existing truck consist of one transmission for a cost of \$23,500 and one plow and salt spreader for \$25,920 which will be purchased on the state contract, and

WHEREAS, the Highway Department expenditures are to be funded from the Highway Capital Reserve Fund which is subject to Permissive Referendum, and,

BE IT RESOLVED, that the following Budget Amendment be approved as follows:

Highway Fund Revenues:

Description	Amount	Revised Amount
Highway Capital Reserve	\$49,420	\$82,820
02-1000-6000-0001		

Highway Fund Appropriations \$49,420 \$49,420

Modify exiting equipment
02-5130-0002-2528

NOW THEREFORE BE IT RESOLVED, the Director of Public Works be, and hereby is authorize to purchase said modified equipment from the New York State Contract, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the adoption of that portion of this resolution with respect to the Expenditure from the Highway Capital Reserve Fund is subject to a permissive referendum and the Town Clerk be, and hereby is , directed to publish and post a notice in the manner prescribed by law.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 20, 2012

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant and
Outdoor Dining at 1778 Penfield Road – 139.05-2-27 – T Bones Steakhouse - Collard

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 6, 2012, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road, in the Four Corners (FC) zoning district and the public hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a restaurant at this location.
2. The applicant shall comply with the occupancy requirements for both indoor and outdoor dining that have been established by the Penfield Fire Marshal in accordance with the New York State Building Code and obtain any/all necessary permits from the Building Department Specifically, that the restaurant and bar area is permitted occupancy for 80 and the deck is permitted occupancy for 32 patrons.
3. Adequate on-site and shared off-site parking shall be available at all times to accommodate the applicant's business. At no time shall adjacent property owners nor Liberty Street or Penfield Road be adversely impacted by those patronizing this business.

4. The applicant shall obtain a sign permit for the replacement of the existing freestanding signs on Penfield Road and Liberty Street as well as the building mounted sign from the Building Department and pay the appropriate fee.
5. The applicant shall ensure that the primary use of the property remains as a sit-down restaurant and that the sale of alcohol is secondary and incidental to the sale of food.
6. The applicant shall apply for and receive a Liquor License for the State of New York and comply with any/all conditions pertaining to the issuance of that License.
7. The second floor of the building may continued to be utilized as an apartment.
8. The existing dumpster enclosure shall be properly maintained and the dumpster and grease container shall be closed at all times.
9. The applicant has repaired the fence along his easterly property line at the request of the adjacent owner. The applicant shall be required to maintain the said fence to provide adequate buffer between his property and the adjacent property as long as he operates his proposed business at this location.
10. The applicant shall be responsible for the continuous maintenance of the hood and exhaust system and at no time shall odors or noise emanate from the system that may cause a nuisance to area property owners. Further, said system shall be inspected by the Penfield Fire Marshal prior to the opening of the restaurant.
11. The applicant shall ensure that the HVAC system serving the site shall be maintained and not cause any adverse noise impacts to the adjacent property owner at any time.
12. The applicant shall not be permitted to have any type of live entertainment within the restaurant or on the deck. The applicant shall only be permitted to have "piped" background music within the restaurant and on the deck. In no case shall the music exceed the boundaries of the property.
13. The applicant proposes to conduct business between the hours of 11:00 a.m. and 12:00 a.m. from Tuesday to Sunday. Lunches will be served from 11:00 a.m. to 4:30 p.m. and dinners served from 4:30 p.m. and the business shall be closed at 12:00 a.m. The applicant will conduct off site catering in the future and there is no pickup or delivery proposed with this operation. The catering component shall be secondary to the sit-down restaurant and shall not cause any adverse impact to the restaurant.

14. The applicant shall be responsible for ensuring that the site is be properly maintained and landscaped at all times.
15. This operation shall comply with all Federal, State, County and Town Codes.
16. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the applicant's proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review of this application shall be required.

The Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicant is proposing to operate a sit-down restaurant with accessory outdoor dining at 1778 Penfield Road.
2. The site has been previously utilized as a sit-down restaurant and is fully equipped for that purpose.
3. The applicant proposes to have the same indoor occupancy as the previous two restaurants that operated for this site, that being 80 persons, in addition to the existing 32 seats previously approved which are located on a patio located on the west side of the restaurant.
4. There are adequate parking facilities on site and adjacent to the site through mutual access and parking agreements required by the Town of Penfield in previous applications pertaining to this and the adjacent sites previously known as Penfield Place to accommodate this business. These facilities have historically accommodated the previous restaurants that have operated from this site.
5. The applicant proposes to sell alcohol at this location in conjunction with the restaurant and must apply for and receive a Liquor License from the State of New York prior to the sale of any alcohol on the premises.
6. The applicant does not propose to have any live entertainment on the premises at any time and the Board has required that no live music be permitted on site without it granting a Special Permit for such entertainment. The applicant proposes the use of "piped" background music both within the restaurant and on the deck as was permitted for previous operators at this location.

7. The Board received testimony for the adjacent resident at the public hearing held on June 6, 2012 who supports the reopening of a restaurant at this location. The resident expressed concern that the fence along the property line has not been properly maintained by the property owner and should be repaired. The Board and the applicant agree with the neighbor and repairs will be completed prior to the opening of the restaurant.
8. The applicant's proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district in that her business is scaled to other businesses operating in this area of Penfield.

The Board bases its findings to APPROVE this application on the following:

1. An application form dated May 3, 2012.
2. A letter of intent dated May 3, 2012.
3. Details of the proposed freestanding and building mounted signs dated May 3, 2012.
4. Submissions and oral testimony of the applicant and the adjacent resident at the public hearing on June 6, 2012.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 20, 2012

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow Mathematics Learning

Center at 1802 Penfield Road – SBL# 139.06-1-27.1 – Aline Nguyen - Mathnasium

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow mathematics learning center at 1802 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 6, 2012 at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a mathematics learning center at 1802 Penfield Road, in the Four Corners (FC) zoning district and the public hearing was closed.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow a mathematics learning center at 1802 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a business at this location.
2. The applicant shall comply with the occupancy requirements as established by the Fire Marshal, consistent with the requirements of the New York State Building Code.
3. The applicant shall comply with any/all Monroe County Health Department requirements that may be applicable to the proposed operation.
4. The applicant shall comply with all of the requirements of the Sign Ordinance for this site; specifically that the sign package submitted by the applicant and reviewed by the Board is installed upon obtaining a Sign Permit from the Building Department.
5. No food service is proposed for the site with the exception of a small break room for employees.

6. The owner shall ensure that this business does not adversely impact the parking facilities that serve this as well as the other businesses that operate from this location since it is understood that the majority of students will be dropped off and picked up by their parents so parking, although adequate for the business, will not be necessary other than for staff.
7. This operation shall comply with all Federal, State, County and Town Codes.
8. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the applicant's proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review for this application is required.

The Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicant proposes to lease approximately 2,000 square feet of area at 1802 Penfield Road to operate a math learning center. The site was previously occupied by Mud About You which was a retail/hobby/entertainment venue. The applicant proposes to start the business with between five to ten students, but anticipates that she will have between 125 and 150 students coming to the site after the first year. The site will also be used for summer camps, chess competitions and other math related events to encourage children to learn mathematics.
2. The business will be open at 10:00 a.m. for office hours however; the children will come to the site after school during the week between 3:00 and 7:00 p.m. and on Saturday's for 3-4 hours. Friday and Sunday will be closed. Students from second grade through high school will be accepted. Students from elementary and middle school will make up 90% of the enrollment.
3. The business will employ one full-time manger (the applicant), with two instructors. Additional instructors will be added as enrollment increases.
4. The majority of students will be dropped off and picked up by their parents so parking, although adequate for the business, will not be necessary other than for staff.
5. The owner does not propose any interior alterations other than painting and laying a new carpet.

6. This business will provide an educational experience for to the residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 20, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for a Special Permit to Allow a Sit-down Restaurant With Outdoor

Dining at 1785 Penfield Road – SBL# 139.09-1-16.1 – Chef’s Recipe 0703 LLC

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 1785 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT

RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, that the Town Board of the said Town of Penfield shall hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on July 18, 2012, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant with outdoor dining at 1785 Penfield Road, in the Four Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 20, 2012

BY Councilman Moore

Law & Finance Committee

NAME Setting a Public Hearing for the Issuance of a Special Permit to Allow the

Construction of a 6,000 +/- Square Foot Office Building at 30 Sanders Farm Drive and

2041 Penfield Road – SBL#’s 139.08-2-001.121 and 139.08-2-001.11– Lalit and

Surekha Shah

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-49-C of the Code to allow the construction of a 6,000 square foot office building at 30 Sanders Farm Drive and 2041 Penfield Road, located in the Planned Development (PD) zoning district; and

WHEREAS, the subject application is determined to be classified as an Unlisted Action pursuant to of the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on July 18, 2012 at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow the construction of a 6,000 square foot office building at 30 Sanders Farm Drive and 2041 Penfield Road, located in the Planned Development (PD) zoning district; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) day before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____ DATE June 20, 2012

BY: Linda Kohl

COMMITTEE: Community Services

NAME: Authorization for Supervisor to Sign Penfield Community Television Contract

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the following contract for videographer services:

Stephen Phillips
1726 Jackson Road
Penfield, New York 14526

BE IT FURTHER RESOLVED, that the fee is \$17.00 for each consecutive hour as determined by the Cable Coordinator and staff.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 12T _____ DATE 06/20/12

BY LINDA KOHL _____ COMMUNITY SERVICES COMMITTEE

NAME AUTHORIZATION FOR SUPERVISOR TO SIGN RECREATION CONTRACTS

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following recreation contracts:

Young Explosives Corporation, PO Box 18653, Rochester, New York 14618, to provide fireworks display Saturday June 30, 2012 for a fee of \$10,000. Voucher to be submitted on 6/20/12.

Dr. Allan O'Grady Cuseo, 228 Fitzhugh St. South , Rochester, New York 14608 program facilitator for senior Play Reading Series June 12, 19, 26 for a fee of \$60. Voucher to be submitted on 6/20/12.

JR Premo, 1185 Severn Ridge Rd, Webster, NY 14580, Director of 6under Soccer, 06/25/12 – 08/10/12, for the fee of \$30.00 per session. Vouchers to be submitted 08/01/12.

The following persons to officiate soccer games for the in-house Penfield Recreation Soccer League, 6/4/2012 -8/3/2012, for the fees of: \$13.50 per 8/under game, \$15.50 per 10/under game, \$17.50 per 12/under game, \$19.50 per 15/under game - returning officials to receive an additional .25 per game for each summer season they have officiated with the Penfield Recreation League on a regular basis, up to a maximum of \$2.00 per game:

Ed Doyle, 4 Pipers Meadow Trail, Penfield, NY 14526
Eric Mascadri, 1891 Baird Road, Penfield, NY 14526
Nicholas Hancock, 1 Chevhill Circle, Penfield, NY 14526
Eddie Doyle, 4 Pipers Meadow Trail, Penfield, NY 14526
Enzo Miceli, 31 Angels Path, Webster, NY 14580
Sarah Hettel, 87 Hampton Way, Penfield NY 14526
Dave Coin, 280 Liberty Avenue, Rochester, NY14622

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

The Regular meeting of the Penfield Town Board was held on Wednesday, June 20, 2012 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:	R. Anthony LaFountain	Supervisor
	Linda Kohl	Councilwoman
	Paula Metzler	Councilwoman
	Andrew Moore	Councilman
	Robert Quinn	Councilman

Also

Present:	Amy Steklof	Town Clerk
	Richard Horwitz	Town Attorney

Supervisor LaFountain called the meeting to order - Pledge of Allegiance

Communications and Announcements

1.

Public Participation

Additions and Deletions to Agenda

Approval of Minutes

May 16, 2012

Petitions

Resolutions by Function

Law and Finance

#12T-145 Authorization for Town Clerk to Attend the 2012 Cornell Municipal Clerk Institute (CMCI) by Moore

WHEREAS, the Cornell Municipal Clerks Institute (CMCI) is a premium educational opportunity provided by a partnership of several professional Clerk Associations; and

WHEREAS, the CMCI program serves to promote the continued education and professional development of Municipal Clerks to enable Clerks to better serve their Boards and Committees and perform as competent professionals; and

WHEREAS, Town Clerk, Amy M. Steklof applied for a scholarship through the New York State Town Clerk's Association, Inc to further her education while saving tax payer dollars, and

WHEREAS, the Association has found it fit to award a \$500.00 scholarship to Town Clerk Steklof to put towards her educational goals;

NOW, THEREFORE, BE IT RESOLVED, that Town Clerk Steklof is hereby authorized to attend the Cornell Municipal Clerks Institute from July 8-12, 2012 in Ithaca, New York. The balance of the cost will be allocated from the 2012 departmental conference budget line.

Moved: Moore

Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

#12T-146 Authorize the Supervisor to sign Lease Agreement with the Penfield Symphony Orchestra by Moore

WHEREAS, the Town of Penfield desires to continue a Lease Agreement with The Penfield Symphony Orchestra to provide office space in the Don Mack Building, 1587 Jackson Road, Penfield;

NOW BE IT RESOLVED, that the Supervisor is authorized to sign a Lease Agreement with the Penfield Symphony Orchestra for Office Space located in the Don Mack Building, 1587 Jackson Road, Penfield beginning on January 1, 2011 and ending on December 31, 2012.

Moved: Moore
Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

#12T-147 2012 Budget Amendment - Modify Parks Dump Truck by Moore

WHEREAS, the Town Board has decided to modify an existing dump truck to include a transmission, a plow and spreader, and

WHEREAS, the equipment to be modified on the existing truck consist of one (1) for a cost of \$23,500 and one (1) plow and salt spreader for \$25,920 which will be purchased on the state contract, and

WHEREAS, the Highway Department expenditures are to be funded from the Highway Capital Reserve Fund which is subject to Permissive Referendum, and,

BE IT RESOLVED, that the following Budget Amendment be approved as follows:

Highway Fund Revenues:

Description	Amount	Revised Amount
Highway Capital Reserve	\$49,420	\$82,820
02-1000-6000-0001		

Highway Fund Appropriations	\$49,420	\$49,420
Modify exiting equipment		
02-5130-0002-2528		

NOW THEREFORE BE IT RESOLVED, the Director of Public Works be, and hereby is authorize to purchase said modified equipment from the New York State Contract, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the adoption of that portion of this Resolution with respect to the expenditure from the Highway Capital Reserve Fund is subject to a Permissive Referendum and the Town Clerk be, and hereby is, directed to publish and post a notice in the manner prescribed by law.

Moved: Moore
Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

#12T-148 Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant and Outdoor Dining at 1778 Penfield Road - T Bones Steakhouse by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 6, 2012, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a restaurant at this location.
2. The applicant shall comply with the occupancy requirements for both indoor and outdoor dining that have been established by the Penfield Fire Marshal in accordance with the New York State Building Code and obtain any/all necessary permits from the Building Department. Specifically, that the restaurant and bar area is permitted occupancy for 80 and the deck is permitted occupancy for 32 patrons.
3. Adequate on-site and shared off-site parking shall be available at all times to accommodate the applicant's business. At no time shall adjacent property owners on Liberty Street or Penfield Road be adversely impacted by those patronizing this business.
4. The applicant shall obtain a sign permit for the replacement of the existing freestanding signs on Penfield Road and Liberty Street as well as the building mounted sign from the Building Department and pay the appropriate fee.
5. The applicant shall ensure that the primary use of the property remains as a sit-down restaurant and that the sale of alcohol is secondary and incidental to the sale of food.
6. The applicant shall apply for and receive a Liquor License from the State of New York and comply with any/all conditions pertaining to the issuance of that license.
7. The second floor of the building may continued to be utilized as an apartment.
8. The existing dumpster enclosure shall be properly maintained and the dumpster and grease container shall be closed at all times.
9. The applicant has repaired the fence along his easterly property line at the request of the adjacent owner. The applicant shall be required to maintain the said fence to provide adequate buffer between his property and the adjacent property as long as he operates his proposed business at this location.
10. The applicant shall be responsible for the continuous maintenance of the hood and exhaust system and at no time shall odors or noise emanate from the system that may cause a nuisance to area property owners. Further, said system shall be inspected by the Penfield Fire Marshal prior to the opening of the restaurant.
11. The applicant shall ensure that the HVAC system serving the site shall be maintained and not cause any adverse noise impacts to the adjacent property owner at any time.

12. The applicant shall not be permitted to have any type of live entertainment within the restaurant or on the deck. The applicant shall only be permitted to have "piped" background music within the restaurant and on the deck. In no case shall the music exceed the boundaries of the property.
13. The applicant proposes to conduct business between the hours of 11:00 AM and 12:00 AM from Tuesday to Sunday. Lunches will be served from 11:00 AM to 4:30 PM and dinners served from 4:30 PM and the business shall be closed at 12:00 AM. The applicant will conduct off site catering in the future and there is no pickup or delivery proposed with this operation. The catering component shall be secondary to the sit-down restaurant and shall not cause any adverse impact to the restaurant.
14. The applicant shall be responsible for ensuring that the site is properly maintained and landscaped at all times.
15. This operation shall comply with all Federal, State, County and Town Codes.
16. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant's proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review of this application shall be required.

The Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicant is proposing to operate a sit-down restaurant with accessory outdoor dining at 1778 Penfield Road.
2. The site has been previously utilized as a sit-down restaurant and is fully equipped for that purpose.
3. The applicant proposes to have the same indoor occupancy as the previous two (2) restaurants that operated from this site, that being 80 persons, in addition to the existing 32 seats previously approved which are located on a patio located on the west side of the restaurant.
4. There are adequate parking facilities on site and adjacent to the site through mutual access and parking agreements required by the Town of Penfield in previous applications pertaining to this and the adjacent sites previously known as Penfield Place to accommodate this business. These facilities have historically accommodated the previous restaurants that have operated from this site.
5. The applicant proposes to sell alcohol at this location in conjunction with the restaurant and must apply for and receive a Liquor License from the State of New York prior to the sale of any alcohol on the premises.
6. The applicant does not propose to have any live entertainment on the premises at any time and the Board has required that no live music be permitted on site without it granting a Special Permit for such entertainment. The applicant proposes the use of "piped" background music both within the restaurant and on the deck as was permitted for previous operators at this location.
7. The Board received testimony for the adjacent resident at the Public Hearing held on June 6, 2012 who supports the reopening of a restaurant at this location. The resident expressed concern that the fence along the property line has not been properly maintained by the property owner and should be

repaired. The Board and the applicant agree with the neighbor and repairs will be completed prior to the opening of the restaurant.

- 8. The applicant's proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district in that her business is scaled to other businesses operating in this area of Penfield.

The Board bases its findings to APPROVE this application on the following:

- 1. An application form dated May 3, 2012.
- 2. A letter of intent dated May 3, 2012.
- 3. Details of the proposed freestanding and building mounted signs dated May 3, 2012.
- 4. Submissions and oral testimony of the applicant and the adjacent resident at the Public Hearing on June 6, 2012.

Moved: Moore
Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

#12T-149 Approval of Issuance of a Special Permit to Allow Mathematics Learning Center at 1802 Penfield Road - Mathnasium by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow mathematics learning center at 1802 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 6, 2012 at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a mathematics learning center at 1802 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow a mathematics learning center at 1802 Penfield Road is hereby GRANTED subject to the following conditions:

- 1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a business at this location.
- 2. The applicant shall comply with the occupancy requirements as established by the Fire Marshal, consistent with the requirements of the New York State Building Code.
- 3. The applicant shall comply with any/all Monroe County Health Department requirements that may be applicable to the proposed operation.
- 4. The applicant shall comply with all of the requirements of the Sign Ordinance for this site; specifically that the sign package submitted by the applicant and reviewed by the Board is installed upon obtaining a Sign Permit from the Building Department.

- 5. No food service is proposed for the site with the exception of a small break room for employees.
- 6. The owner shall ensure that this business does not adversely impact the parking facilities that serve this as well as the other businesses that operate from this location since it is understood that the majority of students will be dropped off and picked up by their parents so parking, although adequate for the business, will not be necessary other than for staff.
- 7. This operation shall comply with all Federal, State, County and Town Codes.
- 8. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant's proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review for this application is required.

The Town Board, in granting the Special Permit, does so based on its following findings:

- 1. The applicant proposes to lease approximately 2,000 square feet of area at 1802 Penfield Road to operate a math learning center. The site was previously occupied by Mud About You which was a retail/hobby/entertainment venue. The applicant proposes to start the business with between five to ten students, but anticipates that she will have between 125 and 150 students coming to the site after the first year. The site will also be used for summer camps, chess competitions and other math related events to encourage children to learn mathematics.
- 2. The business will be open at 10:00 AM for office hours however; the children will come to the site after school during the week between 3:00 and 7:00 PM and on Saturday's for 3-4 hours. Friday and Sunday will be closed. Students from second grade through high school will be accepted. Students from elementary and middle school will make up 90% of the enrollment.
- 3. The business will employ one (1) full-time manger (the applicant), with two (2) instructors. Additional instructors will be added as enrollment increases.
- 4. The majority of students will be dropped off and picked up by their parents so parking, although adequate for the business, will not be necessary other than for staff.
- 5. The owner does not propose any interior alterations other than painting and laying a new carpet.
- 6. This business will provide an educational experience for to the residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

Moved: Moore
 Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

#12T-150 Setting a Public Hearing for a Special Permit to Allow a Sit-down Restaurant with Outdoor Dining at 1785 Penfield Road - Chef's Recipe by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 1785 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as "lead agency" pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on July 18, 2012, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant with outdoor dining at 1785 Penfield Road, in the Four Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

Public Works - None

Public Safety - None

Community Services

#12T-152 Authorization for Supervisor to Sign Penfield Community Television Contract by Kohl

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the following contract for videographer services:

Stephen Phillips
1726 Jackson Road
Penfield, New York 14526

BE IT FURTHER RESOLVED, that the fee is \$17.00 for each consecutive hour as determined by the Cable Coordinator and staff.

Moved: Moore
Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

#12T-153 Authorization for Supervisor to Sign Recreation Contracts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Young Explosives Corporation, PO Box 18653, Rochester, NY 14618, to provide fireworks display Saturday June 30, 2012 for a fee of \$10,000. Voucher to be submitted on 6/20/12.

Dr. Allan O'Grady Cuseo, 228 Fitzhugh St. South, Rochester, NY 14608, program facilitator for senior Play Reading Series June 12, 19, 26 for a fee of \$60. Voucher to be submitted on 6/20/12.

JR Premo, 1185 Severn Ridge Rd, Webster, NY 14580, Director of 6 under Soccer, 6/25/12 - 8/10/12, for the fee of \$30.00 per session. Vouchers to be submitted 8/01/12.

The following persons to officiate soccer games for the in-house Penfield Recreation Soccer League, 6/4/2012 - 8/3/2012, for the fees of: \$13.50 per 8/under game, \$15.50 per 10/under game, \$17.50 per 12/under game, \$19.50 per 15/under game - returning officials to receive an additional \$.25 per game for each summer season they have officiated with the Penfield Recreation League on a regular basis, up to a maximum of \$2.00 per game:

- Ed Doyle, 4 Pipers Meadow Trail, Penfield, NY 14526
- Eric Mascadri, 1891 Baird Road, Penfield, NY 14526
- Nicholas Hancock, 1 Chevhill Circle, Penfield, NY 14526
- Eddie Doyle, 4 Pipers Meadow Trail, Penfield, NY 14526
- Enzo Miceli, 31 Angels Path, Webster, NY 14580
- Sarah Hettel, 87 Hampton Way, Penfield, NY 14526
- Dave Coin, 280 Liberty Avenue, Rochester, NY 14622

Moved: Moore
Seconded: Kohl

Vote:	Kohl	Aye	LaFountain	Aye
	Metzler	Aye	Moore	Aye
	Quinn	Aye		

Adopted

Old Business

New Business

Public Participation

Adjournment

Amy Steklrof
Town Clerk