



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD MEETING AGENDA

Wednesday, April 18, 2012 7:30PM

Supervisor R. Anthony La Fountain, presiding

- I Call to Order - Pledge of Allegiance - Roll Call
- II Public Hearing #1 – To Allow a Sports Apparel Shop at 2118 Five Mile Line Road, Located in the Four Corners (FC) Zoning District

Public Hearing #2 – To Consider Incentive Zoning and Preliminary and Final Subdivision and Site Plan Approval for one Single Family Residence and six Duplex Units at 2014 Five Mile Line Road
- III Communications and Announcements
- IV Public Participation
- V Additions and Deletions to Agenda
- VI Approval of Minutes –March 21, 2012 (TB meeting and work session);
-April 5, 2012 (Informal Discussion)
- VII Petitions
- VIII Resolutions by Function

Law and Finance
#12T-100 Adopting Changes to Article 5; Fill and Excavation Permits
#12T-101 Adopting Changes to Article 6; Mining and Topsoil Sales
#12T-102 Approval of Issuance of a Special Permit to Allow an All State Insurance Agency at 1822 Penfield Road
#12T-103 Approval of Incentive Zoning Application and Preliminary and Final Subdivision and Site Plan to Permit the Construction of 36 Single Family Homes on 29.7 Acres; 85 Fellows Road and 2353 Penfield Road – Ashlyn Rise Subdivision

Public Works
#12T-104 Authorization to attend the 2012 NYS Geographic Information Systems (GIS) Conference
#12T-105 Proclamation to Support National Public Works Week in the Town of Penfield
#12T-106 Maintenance of Enclosed Drainage System Along Empire Blvd.

Public Safety - None

Community Services
#12T-107 Authorization for Supervisor to Sign Penfield Community Television Contract
#12T-108 Authorization for Supervisor to Sign Recreation Contracts
- X New Business
- XI Public Participation
- XII Adjournment

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE April 18, 2012

BY Councilperson Metzler

Public Works COMMITTEE

NAME Proclamation to Support National Public Works Week in the Town of Penfield

WHEREAS, public works services in our community are an integral part of our citizens' everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as sanitary sewers, street and highways, public buildings, parks, sidewalks, stormwater drainage systems, and the protection of our valuable water resources, and

WHEREAS, the health, safety, comfort, and quality of life of the Town of Penfield greatly depends upon these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependant upon the efforts and skill of our public works professionals, and

WHEREAS, the Town of Penfield values the role public works professionals play in keeping our community safe and functioning smoothly, and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff our public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby proclaims that the week of May 20 to May 26, 2012 as **National Public Works Week** in the Town of Penfield and we call on all citizens and civic organizations to acquaint themselves with the issues in providing our public works and to recognize the contributions which the public works officials make every day to our health, safety, comfort, and quality of life.

Moved:

Seconded:

Vote:	Kohl	_____
	LaFountain	_____
	Metzler	_____
	Moore	_____
	Quinn	_____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE April 18, 2012

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow an All State Insurance Agency

At 1822 Penfield Road – 139.06-2-53–Bradley Quataert

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 All State insurance agency at 1822 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 March 28, 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 an All State insurance agency at 1822 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 boutique at 1822 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicants 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 that have been established by the Penfield Fire Marshal in accordance with the International Building Code and obtain any/all necessary permits.
3. The applicant shall ensure that he has the ability to utilize both on-street and public parking facilities in close proximity to the site, without adversely impacting the other on-site business and surrounding businesses that depend on those facilities. Neither the applicant nor his clients shall be permitted to utilize any private parking facilities in the area without expressed written consent of the property owner(s) allowing him to do so. Said consent shall be submitted to the Town Board for its approval to ensure that those private facilities can continue to accommodate the businesses they are intended to serve without adversely impacting them.

4. The applicant shall be required to adequately screen any dumpsters or refuse totes servicing the business if they are proposed to be stored to the exterior of the building. The appropriate screening shall be reviewed and approved by the Director of Developmental Services.
5. The applicant shall be responsible for installing and continuously maintaining landscaping in the garden beds in front of his business.
6. The applicant shall comply with the signage requirements for this site set forth in the Penfield Zoning Ordinance.
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 Article XI-11-14 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 additional environmental review concerning this proposal shall be required.

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

1. The applicant proposes to lease the 850 +/- square feet of the area previously leased by the Simply Fabulous Boutique.
2. The applicant proposes to utilize the site as an All State insurance agency.
3. The applicant proposes to have himself and two full-time employees but propose on site at any given time.
4. The site has 14 on-street parking spaces along its property frontage on Penfield Road to accommodate this business. The applicant also intends to have his employees and him utilize the 26 space public parking lot located north of the site which the Board believes will adequately support this and the other businesses operating from the site, as well as other area businesses that depend on those off-site parking facilities.
5. This use is properly scaled to accommodate the site with respect to use and parking needs. It will provide a needed service to the residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

6. The applicant has requested and received a Certificate of Appropriateness from the Historic Preservation Board to allow him to install the sign which this Board reviewed at the public hearing and may have said sign installed upon obtaining a sign permit and paying the appropriate fee.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE: April 18, 2011

BY: Councilperson Metzler

Public Works COMMITTEE

NAME: Authorization to attend the 2012 New York State Geographic Information Systems (GIS) Conference

WHEREAS, the Town Board supports the continued professional development of Town staff; and

WHEREAS, it is in the best interest of the Town of Penfield to provide for adequate training and educational opportunities for staff members to maintain high standards and keep up-to-date on current methods & technologies; and

WHEREAS, the GIS Certification Institute requires all GIS Professionals (GISPs) to obtain training prior to recertification; and

WHEREAS, the NYS GIS Conference is one of the leading statewide events for GIS training and exposure to new technologies; and

NOW, THEREFORE, BE IT RESOLVED, that the Town GIS Analyst is hereby authorized to attend the New York State GIS Conference to be held from May 15-16, 2012 for a cost not to exceed \$175 for registration and travel expenses. Funds for this conference have been included in the 2012 Engineering Department budget.

Moved: _____

Seconded: _____

Vote:	Kohl	_____
	LaFountain	_____
	Metzler	_____
	Moore	_____
	Quinn	_____

PENFIELD TOWN BOARD RESOLUTION NO. _____
BY: Councilman Moore

DATE April 18, 2012
Law & Finance Committee

NAME: Approval of an Incentive Zoning application and Preliminary & Final Subdivision and Site Plan to permit the construction of 36 single family homes on a lot totaling 29.7 acres. The parcel is located at 85 Fellows Road and 2353 Penfield Road and is to be known as Ashlyn Rise Subdivision. The property is now or formerly owned by Samuel & Elisa Trapani and is zoned RR-1. Application # 11P-0004, SBL#140.01-01-065 and SBL#140.02-01-058.2

WHEREAS, the Town Board received an application for Incentive Zoning on October 21, 2010 for the construction of 36 single family homes on two parcels totaling 29.7 ± acres; and

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action and the Town Board hereby determines that this action will not result in a significant adverse environmental impact; and

WHEREAS, the Town Board approved resolution number 11T-087 thereby setting a public information meeting on March 16, 2011 to consider the conceptual plan and to hear all persons interested on the question of the possible construction of up to 36 single family homes and other associated improvements on two lots totaling 29.7 +/- acres; and

WHEREAS, on November 2, 2011, in Resolution No. 11T-089 the Town Board adopted of a Findings Report for the Incentive Zoning Application for the proposed 36 single family homes and other associated improvements on two lots totaling 29.7 +/- acres; 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 February 15, 2012, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of Incentive Zoning Approval and Preliminary and Final Site Plan and Resubdivision Approval to allow 36 single family homes on 29.7 +/- acres, and the public hearing was closed and decision was reserved; and

WHEREAS, the Town Board received input from the Conservation Board within a report dated April 5, 2011 and the from the Planning Board within a memo dated March 10, 2011; and

WHEREAS, the Town Board determined that the lots along the future extension of Lynx Court should be enlarged to be more consistent with lots already approved, to provide a more appropriate transition to the proposed development lots to the south, known as Fox Hill subdivision; and

WHEREAS, on February 2, 2011, the Town Board adopted the Town of Penfield 2010 Comprehensive Plan, which was the subject of a Generic Environmental Impact Statement Review; and

WHEREAS, following the environmental review, the Town Board acting as Lead Agency, prepared and adopted a Findings Statement, certifying that the Comprehensive Plan identified the potential impacts associated with its adoption, balanced all issues and found that the potential impacts associated with the Plan's adoption were mitigated to the maximum extent practicable; and

WHEREAS, additional density in this area of Penfield was discussed in the Draft and Final EIS and the Findings Statement, establishing thresholds for additional development within this general area of Penfield; and

WHEREAS, the application for the Ashlyn Rise subdivision has been reviewed by the Town Board and determined to be within the thresholds of additional density discussed, availability of infrastructure can support such increase in density; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Preliminary and Final Site Plan and Resubdivision approval, be and the same are hereby APPROVED subject to the following conditions:

1. Compliance with or agreements reached on all of the requirements that may be raised by the Project Review Committee including, but not limited to those raised in their memos dated October 3, 2011, and March 9, 2012. The applicant shall obtain the signature of the Town Engineer on the final site plan which shall indicate compliance with this requirement.
2. Compliance with or agreements reached on the recommendations of the Penfield Planning Board memo dated March 10, 2011. The applicant shall obtain the signature of the Planning Department Head on the final site plan which shall indicate compliance with this requirement.
3. Compliance with or agreements reached on the recommendations of the Penfield Conservation Board's report dated April 5, 2011. The applicant shall obtain the signature of the Planning Department Head on the final site plan which shall indicate compliance with this requirement.
4. The signature blocks shall be provided on the subdivision plat and site plan as required by Section 1.1 of the *Town of Penfield Development Regulations and Specifications*, with the exception that the Planning Board Chairperson's signature block shall be replaced with the Town Supervisor's signature.
5. Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised April 14, 2010.
6. The amenities warranted by this Incentive Zoning application have been determined by the Town Board and shall be furnished as follows:
 - a. \$24,500 shall be paid to the Town of Penfield prorated by lot at the time of building permit issuance.

- The developer shall provide cash contribution payments of \$3,500 per lot above the RR-1 conventional yield of the property, that being 7 lots, totaling \$24,500, which will be utilized by the Town Board for future open space preservation purposes.
- The Town Board has granted a partial waiver for the development from the Town Sidewalk Policy. The developer shall be required to install sidewalks on one side of all internal roadways and both sides of the portion of Lynx Court. The developer shall also work with the Town Engineer to develop a trail access to Penfield Road. This shall be accomplished through a mix of hard surface, stone dust and elevated platforms, starting between lots 218 and 217 off of Ashlyn Rise, continuing behind these lots over the proposed sanitary sewer alignment and then along the west side of Tax Map Parcel 140.01-01-65 to Penfield Road. The total cost of sidewalks and trails shall not exceed a total value of \$115,500 as shown on the “Sidewalk Waiver Analysis” spreadsheet provided by the Town Engineer on March 28, 2012.

Further, the furnishing of such amenities described above in paragraph a. shall be provided and/or secured by a Letter of Credit and/or agreement which shall be acceptable in form and substance to the Town of Penfield and the Town Attorney, and shall be executed prior to obtaining the signature of the Town Supervisor on the final plans.

7. Limits of disturbance as identified on the final site plan shall be strictly enforced throughout site and building construction at the direction of the Town Engineer. Further, the limits of disturbance shall be shown on the site, grading, utility and landscaping plans. Areas to be preserved especially the wetland and wetland buffer areas, as noted on the site plan are to be protected by an above ground orange construction fence per the approval of the Town Engineer and shall be installed prior to any disturbance. Protection measures shall continue until the site is stabilized or the issuance of a Notice of Termination for the development has been issued. The Town Engineer may grant adjustments to the designated tree preservation areas to allow for the removal of a tree designated for retention. The owner or developer will need to demonstrate that there are special conditions that could not have been anticipated at the time the plan was submitted that create unreasonable hardships or practical difficulties that affect sight distance, drainage, utilities, or tree health viability. The Town Engineer may also defer such adjustments to the Town Board, in the event that proposed adjustments may impact the approved buffer of the approved project. The Town Engineer may require additional conditions deemed necessary in the course of construction to fulfill the intent of this Board’s original preservation plan, including additional plantings.
8. The final site plan shall contain proper notations regarding the probable presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall the field tile be permitted to exist in close proximity to foundations. The Building Inspector may require some home foundations to be constructed with both interior and exterior footer drains to minimize the impacts associated with high ground water levels.
9. The applicant shall be responsible for the placement of a permanent conservation easement containing a restrictive covenant prohibiting development over the wetland areas to be preserved on the subject property. The Conservation easement shall ensure that said wetland

areas are preserved and that no future development is permitted within the limits of the conservation easement.

10. All site work is to be in compliance with the standards of Chapter 29 – Article V of the Code.
11. Compliance with all requirements of any Federal, State, County or local agency having jurisdiction in the development of this site.
12. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas and other applicable measures deemed appropriate and acceptable to the Town Engineer. The Town Board is not supportive of relocating the topsoil stockpile off of the approved development area for screening and sales.
13. The finished ground level adjacent to each building foundation wall shall be graded in such a manner as to provide positive drainage away from the structure and shall be subject to the approval of the Town Engineer and Building Inspector.
14. The applicant shall petition the Town Board for extension of the Consolidated Sanitary Sewer District to serve this property.
15. Furnishing the Town with a letter of credit in an amount to be approved by the Town Engineer. Said letter of credit shall insure that: (1) all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield; and (2) that the above described Incentive Zoning amenity payment(s) should be paid in accordance with the terms and conditions of this resolution.
16. Submission of all easements, roadway dedication documents, petitions and covenants to implement the approved plan. Said documents shall be submitted in the Town's format and accompanied by the required filing fees prior to obtaining the signature of the Planning Department Head on the final site plan. This shall include an inspection easement for all stormwater management facilities.
17. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.
18. Submission of a plan for internal sidewalks to be approved by the Town Engineer. The plans shall show sidewalks on one side of the road from Fellows Road to the cul-de-sacs of Elaina Drive and Ashlyn Rise. There shall be sidewalks on both sides of the road along the Lynx Court extension. The applicant shall also be responsible for petitioning the Town Board for the creation of an Intensified Sidewalk District.
19. All sanitary sewer connections are to be approved by the Superintendent of Sewers, the Town Engineer and the Monroe County Health Department.

20. The residual acreage of Tax Map Parcel No. 140.01-01-65 and Tax Map Parcel No. 140.02-01-58.2, totaling 10.06 Acres shall be deeded and resubdivided into the lands of Blake Miller, Tax Map Parcel No. 140.01-01-64 at the time the plat map is recorded.
21. The stormwater treatment pond is to be dedicated to the Town of Penfield at such time that the entire development is complete; the pond is cleaned and restored to the original design capacity and functionality.
22. Construction is to begin within one (1) year from the date of this resolution.
23. The approved subdivision plat must be properly recorded in the Monroe County Clerk's Office prior to the issuance of a building permit.
24. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location and time frame for mailbox rack installation.
25. Compliance with the Penfield Town Board's policy of payment of a Recreation Fee per lot at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.
26. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY AND CONTAINED ON AT LEAST ONE SHEET WITHIN THE SITE PLAN SET.
27. Compliance with all of the requirements of the Planning Department Head regarding this matter.

AND BE IT FURTHER RESOLVED, that the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Planning Department.

The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

Subdivision Approval: Factors for Consideration

1. Character of the land, including topography and watercourses. – *Stormwater runoff has been accommodated to the satisfaction of the Town Engineer. The Board is satisfied with the overall layout of the project.*
2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. – *This project is consistent with the Town of Penfield Comprehensive Plan 2010.*
3. Current Development Regulations and Specifications – *The applicant shall comply with all current requirements. See condition No. 5, above.*

4. Street layout and design – *The Board has reviewed the proposed street layout and design. The road design complies with the Town’s Design Criteria for distance and design.*
5. Street Names – *Street names will be reviewed and found acceptable by Monroe County 911 and the Penfield Fire Marshal.*
6. Arrangement of lots. – *The lot and building arrangement is acceptable to the Town Board.*
7. Drainage improvements – *Drainage improvements have been designed to mitigate the project’s impacts on drainage. A pond will be installed and the design reflects input from the Town Engineer. The pond will be owned and maintained by the Town of Penfield upon completion of the subdivision and restoration of the pond to its original design condition and functionality.*
8. Utility, sidewalk, pedestrian access and conservation easements. – *Pedestrian patterns have been considered and will utilize sidewalks within the project site. The applicant is proposing an interior pedestrian sidewalk and an offsite trail system to provide access to all areas of the development for its residents.*
9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. – *The project will preserve several acres of natural features on the site, including woods and federal wetlands. The open spaces will be owned and maintained by a private individual, with a Conservation easement over these areas.*
10. Density Calculation – *The density calculation results in a density of 1.2 units per acre. The overall density is comparable to an R-1-20 or lower density, which encompasses a substantial portion of western Penfield and provides a transition from the more heavily developed, higher density areas to the west of Fellows Road to the RR-1 and RA-2 areas, north and east of the project site.*
11. Special benefited districts required including, but not limited to, lighting sewer, water, ponds, parks, or other improvements. – *Specially benefited district formation will be required for a Sewer District extension and the Intensified Sidewalk District. The applicant is familiar with the Town’s process to establish said districts.*
12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department’s criteria as well as the Ordinance. – *The site will be serviced by sanitary sewers. No on-site sewage disposal systems (septic systems) are proposed.*
13. Documents required for dedication of public improvements. – *Sanitary sewers and roadways are proposed to be dedicated to the Town and extension of the water system will be dedicated to the Monroe County Water Authority. The preparation of petitions and ultimate dedication of the facilities to each agency will be required.*

Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. – *The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks & trails are proposed. The project's roadways comply with the Town's Design Criteria for residential development.*
2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. – *The applicable factors have been found to be acceptable by the Board.*
3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. – *The Board has had discussions and finds that the approved project provides a reasonable balance between the proposal and the existing homes in the area. Buffering will include the clustering of structures and road placement in areas with little to no mature vegetation as well as the preservation of existing vegetation, where practical and effective.*
4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. –*This project does not involve apartments or multiple family dwellings.*
5. Adequacy of storm water, sanitary waste disposal, and public water facilities. – *The Board has reviewed the applicant's Engineering Report and has received input from the Town Engineer and other Staff regarding the adequacy of these facilities. Sanitary sewer capacity is available through the Town of Perinton for 17 lots (Phase 1) and from a Dublin Road sewer for the remaining 19 lots of Phase 2.*
6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. – *As this project will be a single family development adjacent to existing single family homes, no significant negative impacts have been presented. Buffering and setbacks were considered in the review of this project.*
7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. – *All environmentally sensitive areas are proposed to be protected and the plans were designed to avoid development in these sensitive areas.*
8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, Irondequoit Bay Plan (IBP), Local Waterfront Revitalization Program (LWRP) and any others. – *Of those documents, plans, laws, acts and reports listed, the following are applicable:*

- a. Ordinance – *The Town Board, under Local Law No. 2 of 2003 is empowered to modify the Town’s Zoning Ordinance through the Incentive Zoning application process. All applicable Ordinance sections are complied with and the Town Board has superseded the Ordinance through the use of Incentive Zoning, for density, setbacks, lot area, among others, as more fully explained in the Findings Report dated November 2, 2011.*
 - b. Master Plan – *The Town Board has determined that this project, as proposed and herein approved, is consistent with the Town of Penfield Comprehensive Plan 2010.*
 - c. Design and Construction Specifications – *See Condition No. 5, above.*
 - d. SEQRA– *The environmental review of this action is consistent with SEQRA.*
 - e. *The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay.*
9. Provisions for adequate drainage away from walls or structures. – *See Conditions Nos. 8 and 13, above.*
 10. Maintenance agreements, easements and other required legal documentation shall be approved by the Town Attorney. – *See Condition Nos. 9 and 16, above.*
 11. The impact of the proposed use on adjacent land uses. – *As this project will be a single family development adjacent to existing single family homes, no significant negative impacts have been presented for the adjacent land uses. Buffering and setbacks were considered in the review of this project. The project also provides green space around the perimeter of the project along Fellows and Penfield Road.*
 12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of the recreation fee shall be noted on the plat.

AND BE IT FURTHER RESOLVED, that Section 276 of the Town Law states that “Conditional Approval of the final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as complete”.

AND BE IT FURTHER RESOLVED, that this section also states that “The Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if in its opinion such intention is warranted by the particular circumstances thereof, not to exceed two additional periods of ninety (90) days each”.

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

1. Submissions, written and electronic, as well as oral testimony of the applicant and the public.
2. Town Board Resolution No. 11T-241 wherein the Town Board adopted a Findings Report for the Incentive Zoning Application on November 2, 2011.

3. Historic Resources Survey for the Town of Penfield (Spurgeon C. King, September, 1991)
4. Input from other agencies, including but not limited to:
 - a. Penfield Project Review Committee comments dated October 3, 2011 and March 9, 2012.
 - b. Penfield Planning Board comments dated March 10, 2011.
 - c. Penfield Conservation Board report dated April 5, 2011.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____
BY Councilperson Moore

DATE April 18, 2012
Law & Finance COMMITTEE

NAME Adopting Changes to Article 6; Mining and Topsoil Sales

WHEREAS, the Penfield Town Board requested that Article 6 (Mining & Topsoil Sales) be revised to provide for protective measures for mining operations and topsoil sale operations, and

WHEREAS, the Town desires to protect its citizens and the environment from the detrimental impacts of mining operations, and

WHEREAS, the Town desires to provide safeguards for the proper permitting and operations of topsoil sales, and

WHEREAS, the proposed changes and additions have been reviewed by the Town Attorney, and

WHEREAS, a public hearing was held on March 7, 2012 at the Town of Penfield to solicit comments from the citizens.

NOW, THEREFORE, BE IT RESOLVED that the Penfield Town Board hereby adopts the changes and additions to Article 6, and

BE IT FURTHER RESOLVED, these changes will become effective upon the adoption of this resolution.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____
BY Councilperson Moore

DATE April 18, 2012
Law & Finance COMMITTEE

NAME Adopting Changes to Article 5; Fill and Excavation Permits_____.

WHEREAS, the Penfield Town Board requested that Article 5 (Fill and Excavation Permits) be revised to encourage the efficient use of the land through proper regulation of the installation of fill material and land excavations, and

WHEREAS, the Town desires to protect the environment from the adverse impacts of land disturbances, and

WHEREAS, the Town desires to ensure an accurate and permanent record of the placement of fill materials, and

WHEREAS, the proposed changes and additions have been reviewed by the Town Attorney, and

WHEREAS, a public hearing was held on March 7, 2012 at the Town of Penfield to solicit comments from the citizens.

NOW, THEREFORE, BE IT RESOLVED that the Penfield Town Board hereby adopts the changes and additions to Article 5, and

BE IT FURTHER RESOLVED, these changes will become effective upon the adoption of this resolution.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

BY: Councilwoman Paula Metzler

Public Works COMMITTEE

NAME: Maintenance of Enclosed Drainage System along Empire Blvd. (NYS Route 404).

WHEREAS, the Town of Penfield has obtained funding for a sidewalk and associated drainage improvements on Empire Blvd. between Daytona Ave. and Smith Rd, as shown on the Empire Blvd Sidewalk improvements plans as prepared by the Town of Penfield, dated 8/18/10, and

WHEREAS, the State of New York will only allow the sidewalk and drainage improvements if the Town of Penfield accepts responsibility for all maintenance and repairs, and

WHEREAS, the Town of Penfield has identified Empire Blvd. as a high priority location for sidewalks, and

WHEREAS, the proposed drainage improvements are required for the installation of sidewalks along Empire Blvd, and

WHEREAS, all costs of the new sidewalks and storm sewer system is bourne by the Town of Penfield through a Community Development Block Grant.

NOW THEREFORE, BE IT RESOLVED, that the Town of Penfield petitions the New York State Department of Transportation as follows:

PETITION 1. That the Town of Penfield agrees to maintain and repair the sidewalks and enclosed drainage system.

PETITION 2. That this resolution shall take effect immediately.

PETITION 3. That the Town Clerk of the Town Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York 14623, Attn: Dave Goehring, Regional Traffic Engineer.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute all necessary agreements on behalf of the Town of Penfield, with the New York State Department of Transportation approving the above requested and authorized work and providing for the municipalities participation in the maintenance costs thereof.

Moved: _____

Vote: Kohl _____

Seconded: _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____ DATE April 18th, 2012

BY Linda Kohl Community Services COMMITTEE

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:

Shelby Cook
35 Shagbark Way
Fairport, New York 14450

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 04/18/12

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:

Dick Stacey, 87 Chappel Hill Dr, Rochester, NY 14617, to direct the Penfield Pops Band, 4/1/12-3/31/12 for a fee of \$75.00 per service. Voucher to be submitted every two months beginning 4/4/12.

Chris Magee, 233 Hampton Way, Penfield, NY 14526 to provide break week program Super Hero Training Camp, 4/9/12 & 4/11/12 for a fee of 75% of program revenues. Voucher to be submitted on 4/18/12.

Ed Porto, 97 Keyel Drive, Rochester, NY 14625, Co-Director of Sports ABC's for Tots Program, 7/30/12 – 8/3/12, for the fee of 35% of program revenues after all expenses have been deducted. Voucher to be submitted 8/1/12.

Mark Vogt, 3217 Pine View Drive, Walworth, NY 14568, Co-Director of Sports ABC's for Tots, 7/30/12 – 8/3/12, for the fee of 35% of program revenues after all expenses have been deducted. Voucher to be submitted 8/1/12.

Teresa Stango-Listrani, 508 South Drive, Rochester, NY 14612, Science Camp Animals and Nature Program Instructor, 6/19/12 – 6/22/12, for the fee of 75% of the program revenue after all supply costs have been deducted. Voucher to be submitted 6/20/12.

Jarmila Haseler, 4274 St. Paul Blvd., Rochester, NY 14617, Instructor for Backyard Food, 5/15/12 – 7/10/12, for a fee of 70% of program revenues. Voucher to be submitted on 7/5/12.

Hugh Brodsky, 1153 South Winton Road, Rochester, NY 14618, Accompanist, Penfield Players Melodrama Production, performance dates – May 4, 5, 11, 12, 18, and 19, 2012 for a total fee of \$200.00. Voucher to be submitted 5/2/12.

Nic Hambas, 16 Stark Rd, Pittsford, NY 14534, Director, Penfield Players Melodrama Production, performance dates – May 4, 5, 11, 12, 18, and 19, 2012 for a total fee of \$200.00. Voucher to be submitted 5/2/12.

Jack Simel, 11 Rundel Park, Apt B, Rochester, NY 14607, Stage Manager, Penfield Players Melodrama Production, performance dates – May 4, 5, 11, 12, 18, and 19, 2012 for a total fee of \$100.00. Voucher to be submitted 5/2/12.

Jeffrey Moon, 110 Calhoun Avenue, Rochester, NY 14606, Producer, Penfield Players Melodrama Production, performance dates – May 4, 5, 11, 12, 18, and 19, 2012 for a total fee of \$100.00. Voucher to be submitted 5/2/12.

Penfield Racquet Club, 667 Panorama Trail W, Rochester, NY 14625, Swim Lessons - 6 month - Age 3, Pre-Natal Aqua & Exercise, Boot Camp with Phil, Noontime Workout, Personal Training Package, and Yoga Sculpt, 5/21-8/21/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 6/6, 7/18, and 8/15/12.

Penfield Art Center, 2131 Five Mile Line Road, Penfield, NY, 14526, Drawing Your Dreams – 8/6-8/8/12 and Introduction to Pen and Ink – 7/21/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 8/1 and 8/15/12.

Penfield High School Robotics, 25 High School Drive, Penfield, NY 14526, Robotics LEGO Camp, 7/27 and 8/17/12, for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 8/1 and 8/15/12.

Carolyn Valenti, 84 Mahogany Run, Pittsford NY 14534, Cheerleading Camp Director, 7/23-7/26/12, for a fee of \$250.00 plus \$1.00 per paid participant (\$2.00 per participant for any camp with enrollment exceeding 59 participants). Voucher to be submitted 8/1/12.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics Camp, 8/6-8/24/12 for a fee of 70% of the total program revenue. Vouchers to be submitted 8/15 and 9/5/12.

Way Farm, 2009 Harris Road, Penfield NY 14526, Horse Camp, 7/16 - 8/10/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 8/1 and 8/15/12.

Danielle Staversky, 626 Cranberry Lane, Macedon, NY, 14502, Jazzy Dance Camps Director, 7/9-8/16/12, for a \$275.00 for Dance Camps, plus \$1.00 per participant (\$2.00 per participant for camps with enrollments exceeding 59). Vouchers to be submitted 7/18 and 8/15/12.

Big Oak Driving Range, North Washington Street, PO Box 430, East Rochester, NY 14445, Jr. Golf, 7/9-7/19/12 for a fee of \$50.00 per paid participant. Voucher to be submitted 7/18/12.

Therese Bason 172 D Serene Park, Webster, NY 14580, Kids Yoga, 8/2-8/30/12, for a fee of 75% of the total program revenue for 10 or less registrants or a fee of 70% of the total program revenue for over 10 registrants. Vouchers to be submitted 8/15 and 9/5/12.

Maureen Ward, 46 Reynolds Road, Webster NY 14580, Kid-Themed Birthday Cards, 6/26/12 for a fee of 70% of the total program revenue. Voucher to be submitted 7/5/12.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Painting and Drawing, 6/18-8/13/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 6/20 and 7/18/12.

Kathryn Boone, KB Dog Training, 28 Landing Park, Rochester, NY 14625, Dog Obedience Classes, 6/11-7/30/12, for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 6/20 and 8/1/12.

Marilyn Kerstjens, 42 Peaceful Harbor Lane, Webster NY 14580, Active Yoga, 5/7-7/30/12 for a fee of 70% of the total program revenue. Vouchers to be submitted 6/6 and 7/18/12.

Lara Haase, 87 City View Drive, Rochester NY 14625, Cardio Hoop, 5/9-8/1/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 6/6 and 7/18/12.

Carrie Herscovici, 17 Watchet Lane, Fairport NY 14450, Gentle Yoga, 6/15-8/31/12, for a fee of 75% of the total program revenue for 10 or less registrants or a fee of 70% of the total program revenue for over 10 registrants. Vouchers to be submitted 6/20, 7/18 and 8/15/12.

Anne Freitas, 85 Harwood Circle, Rochester, NY 14625, Get Fit with Fun, 6/5-7/26/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 6/6, 6/20, and 7/18/12.

Rhonda Flint, 1036 Pondbrook Point, Webster, NY 14580, Pilates Mat Class, 6/19-8/21/12 for a fee of 75% of the total program revenue per class for 10 or less registrants or a fee of 70% of the total program revenue per class for over 10 registrants. Vouchers to be submitted 7/5, 8/1 and 8/15/12.

Sandra Sanzotta, 911 Lothario Circle, Webster NY 14580, Low Impact Aerobics, 6/16-8/4/12 for a fee of 70% of the total program revenue. Vouchers to be submitted 6/20 and 7/18/12.

Glenda Bondy, 16 St. Ebbas Drive, Penfield NY 14526, Zumba Gold, 6/20-8/15/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 7/5 and 8/1/12.

Mary Lynne DiFolco, 1213 Shoecraft Road, Webster, NY 14580, Golf - Sharpen your Short Game, Beginner Golf, and Intermediate Golf, 5/31-8/8/12, for a fee of 70% of the total program revenue. Vouchers to be submitted 6/6, 7/5, & 8/1/12.

Marcia Orlandini, 11 Brookside Drive, Fairport, NY 14450, Volleyball Co-ed Play, 6/14-8/16/12, for a fee of \$25.00 per class. Vouchers to be submitted 7/5 and 8/1/12.

Rosemary Irwin, 10 Blossom Circle West, Rochester, NY 14610, Instructor for End Game 5/3/12 – 5/17/12 for a fee of 70% of total revenue. Voucher to be submitted on 5/2/12.

Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Euchre, and Beginning Pickleball classes for 2012 for a fee of 70% of total program revenue. Voucher to be submitted on 6/6/12.

Donovan Shilling, 1765 Five Mile Line Rd., Penfield, NY 14526, Instructor for the Marvels and Myths of Rochester Series for 2012 for a fee of 70% of total revenue. Vouchers to be submitted at the end of every month.

Joseph Meli, 2600 Dewey Ave. Apt. 3, Rochester, NY 14616. Guest lecturer for Thursday lecture series on 5/10/12 and 6/14/12 for a fee of \$40 per lecture. Voucher to be submitted 5/2/12 and 6/6/12.

Doris Adamek, 2500 East Ave., Rochester, NY 14610, Guest speaker for 2012 Spring Lecture Series on 5/31/12 for a fee of \$35 per lecture. Voucher to be submitted on 5/16/12.

Amy Coppola, 30 Tyburn Way, Rochester, NY 14610, Instructor for Intro to Irish Dance ages 3-5, Intro to Irish Dance ages 6-14 5/3/12 -6/21/12 for a fee of 70% of total revenue. Voucher to be submitted on 6/6/12.

Joyce Bossard, 841 Corwin Rd., Rochester NY 14610, Instructor for Refresher Knitting Course 5/7/12 - 6/11/12 for a fee of \$7.00 per registered student. Voucher to be submitted on 6/6/12.

Joe Callan, 1410 Harris Rd., Webster NY 14580, Instructor for Fly Tying Flies 5/3/12 – 5/24/12 for a fee of 70% of total revenue. Voucher to be submitted on 5/16/12.

Debbie Stein, 91 Spruce Lane, Rochester NY 14622, Instructor for Beginning Drawing 5/8 - 6/12 for a fee of 70% of total revenue. Voucher to be submitted on 6/6/12.

Terry Lehr, 52 Parkwood Lane, Penfield NY 14526, Instructor for Detective Work Without the Danger on 5/2/12 - 6/18/12 for a fee of 70% of total revenue. Voucher to be submitted on 6/6/12.

The Friends of Mount Hope Cemetery, PO Box 18713, Rochester, New York 14618-0713. Guest speaker for Thursday Lecture Series on 5/3/12 for a fee of \$50. Voucher to be submitted 5/2/12.

David Puls, 271 Westfield Rd. Rochester, NY 14610, Basic Animation Instructor for three classes 8/20, 8/21, and 8/24/12 for a fee of \$35 for each registered participant. Voucher to be submitted 8/15/12.

Lora Downie, 84 Skyview Lane, Rochester, NY 14625, Instructor for Healthy and Delicious Cooking 6/1/12 - 6/22/12 for a fee of 70% of total revenue. Voucher to be submitted on 6/6/12.

Moved: _____

Seconded: _____

Vote:

Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____