



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA

Wednesday, June 6, 2012, 7:30 PM

Supervisor R. Anthony LaFountain, presiding

-
- I Call to Order - Pledge of Allegiance - Roll Call
 - II Public Hearing #1 - To Allow a Restaurant with Outdoor Dining at 1778 Penfield Road, Located in the Four Corners (FC) Zoning District

Public Hearing #2 – To Allow a Mathematics Learning Center at 1802 Penfield Road, Located in the Four Corners (FC) Zoning District

Public Hearing #3 - To Allow the Development of a 358 Unit Apartment Complex
and
3,500 Square Foot Clubhouse and Pool at 1420 and 1440 Empire Blvd.
 - III Communications and Announcements
 - IV Public Participation
 - V Additions and Deletions to Agenda
 - VI Approval of Minutes – May 2, 2012
 - VII Petitions
 - VIII Resolutions by Function

Law and Finance

12T-134 Appointment to the Library Board

12T-135 Authorization for Insurance Coverage 2012-2013

12T-136 Approval of Issuance of a Special Permit to Allow a Birding/Nature store and Energy Engineering Office at 1807 Penfield Road

#12T- 137 Authorize the Supervisor to Sign an Intermunicipal Agreement with the County of Monroe

#12T- 138 Authorizing Supervisor to Advertise a Request for Proposals for the Purpose of Contracting with a Consultant for the Preparation of the Route 250 Transit Supportive Mixed Use Development District and Supporting Documentation

#12T- 139 Support for the Acceptance of the Genesee Transportation Council
UPWP Grant for the Preparation of the Route 250 Transit Supportive
Mixed Use Development District and Supporting Documentation

#12T- 140 Appointment of Penfield Town Clerk, Amy M. Steklof, as Marriage
Officer

Public Works

#12T-141 Rejecting Bids for New Heavy Duty Hydraulic Track Excavator

Public Safety

#12T-142 Authorization to Post Temporary NO PARKING Signs

Community Services

12T-143 Authorization for Supervisor to Sign Recreation Contracts

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

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 6, 2012

BY Councilman Moore

Law & Finance Committee

NAME Appointment of Penfield Town Clerk, Amy M. Steklof, as Marriage Officer

WHEREAS, Pursuant to Article 3, Section 11-c of the New York Domestic Relations Law, a Public Official may be appointed as a Marriage Officer by the governing body of any Village, Town or City; and

WHEREAS, Penfield Town Clerk, Amy M. Steklof has had requests to perform marriage ceremonies from residents and others who do not want a member of the clergy or the courts to solemnize a marriage; and

WHEREAS, the Town Board of the Town of Penfield would like to offer the greatest flexibility to our residents and their families; and

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of such Section 11-c of the Domestic Relations Law, Amy M. Steklof, Town Clerk is hereby appointed a Marriage Officer for the Town of Penfield; and be it further

RESOLVED, that this appointment shall take effect on June 7, 2012, through December 31, 2013; and

BE IT FURTHER RESOLVED, that Town Clerk Steklof shall receive no additional salary for said position, however, she may accept remuneration up to \$75.00 per ceremony at any ceremony at which she officiates in accordance with Article 3, Section 11-c of the New York Domestic Relations Law provided the ceremony is not performed during normal Town business hours.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE: June 6, 2012

BY: Councilwoman Metzler

Public Works COMMITTEE

NAME: Rejecting Bids for New Heavy Duty Hydraulic Track Excavator.

WHEREAS, sealed proposals were sought and requested in the manner prescribed by law to furnish the Highway Department with a heavy duty hydraulic track excavator, and

WHEREAS, on Thursday, April 18, 2012 at 11:00 AM local time, the following sealed bids were received, opened, and read publicly by the Town Clerk:

George & Swede	Hyundai	\$165,435.00
Vantage Equipment LLC	Volvo 210C	\$175,913.00
Anderson Equipment Co.	Komatsu 200LC-8	\$198,729.00

WHEREAS, the Town Board reserves the right to reject all bids,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby rejects all the bids received.

BE IT FURTHER RESOLVED, that resolution shall also serve as Notice to Proceed subject to submission and approval of appropriate liability insurance, performance and material payment bonds.

Moved by: _____

Seconded by: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 6, 2012

BY: Councilman Rob Quinn

Public Safety COMMITTEE

NAME: Authorization to Post Temporary NO PARKING Signs

WHEREAS, it is the Town of Penfield’s responsibility to promote and maintain public safety on roads within the Town of Penfield and.

WHEREAS, Pursuant to New York State Vehicle & Traffic Law, Section 1660, the Town Board is granted the authority to authorize the establishment of traffic control devices on Town highways within the Town of Penfield and,

WHEREAS, The Town of Penfield wishes to keep the neighborhoods around the Town’s Independence Day Celebration, parade route and festivities at Harris Whalen Park accessible to emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and establishes that “NO Parking” will be established along both and/or one side of all and/or parts of the following streets, for the duration of the Town’s Independence Day Celebration, parade and festivities at Harris Whalen Park; Baird Road (north of Penfield Road), Peachtree Road, Hotchkiss Circle, Wheelock Road, Kenmont Drive, Henderson Drive, Avonmore Way, Hidden Meadow, Hillrise Drive, Lazy Trail, Valley Green Drive, Valley Green Circle, Maple Hill Farm Road, Maple Leaf Circle, and,

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Director of Public Works to post said temporary “NO PARKING” signs along both and/or one side of said streets;

Moved by: _____

Seconded by: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE: June 6, 2012

BY: Councilman Moore

Law & Finance COMMITTEE

NAME: Appointment to the Library Board

BE IT RESOLVED, that Dorothea Y. Sanchez, 8 Piccadilly Square, Penfield NY, be appointed to the Penfield Library Board for a term expiring December 31, 2012.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 6, 2012

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow a Birding/Nature Store and
Energy Engineering Office at 1807 Penfield Road – 139.09-1-23 – Conley

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 birding/nature store and energy engineering office at 1807 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 May 16, 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 birding/nature store and energy engineering office at 1807 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 birding/nature store and energy engineering office at 1807 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 that have been established by the Penfield Fire Marshal in accordance with the International Building Code and obtain any/all necessary permits.
3. Adequate parking shall be available at all times to accommodate the proposed businesses, as well as the existing businesses that operate from this site.
4. Prior to occupancy, the owner of the site shall enclose the existing dumpster in a location satisfactory to the Fire Marshal.
5. The applicant will submit a final sign package for the Board's review and approval prior to the issuance of a sign permit for the business.
6. This operation shall comply with all Federal, State, County and Town Codes.

7. 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 additional environmental review of this application is required.

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

1. The applicant proposes to operate a birding and nature store in the one story structure at 1807 Penfield Road with no additional employees. The business will include children's nature programs, hiking programs and nature talks. In addition, she proposes to lease an area to her father for the purpose allowing him to conduct his energy engineering business at this location. He will be the only person involved in the business and will occupy approximately 64 square feet of area.
2. The applicant is leasing approximately 936 square feet of space at the subject location. In addition to retail sales, the applicant proposes to conduct scheduled nature hikes along the Honey Creek Trail which is adjacent to the site and will have nature oriented birthday parties and general nature programs. There is more than adequate parking on the site and in the adjacent public parking lot to accommodate the proposed businesses, as well as the other businesses that currently operate at this location.
3. This use will continue to provide a needed service 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 6, 2012

BY Andy Moore Law and Finance COMMITTEE

NAME Authorization for Insurance Coverage 2012-2013

Whereas, the Town Board requested that insurance quotes be obtained so that selection could be made for June 1st 2012 to May 31st 2013 insurance year, and

Whereas, the Municipal Insurance Consultants. Inc., acting as consultant to the Town has evaluated proposals for our insurance coverage's for the 2012-2013 insurance year on our Penfield Property and Liability insurance renewal June 1, 2012, and

Now, Be It Resolved that the insurance quote of \$112,358 from the First Niagara Risk Management Company for coverage with Houston Casualty and the Hartford Insurance Co. is approved as they met all the specifications for the Town of Penfield's insurance needs for the 2012-2013 insurance years as follows:

INSURANCE TYPE	INSURANCE CARRIER	AMOUNT
Property	Houston Casualty	\$112,358
General Liability	Houston Casualty (Included in the Property)	
Automobile	Houston Casualty (Included in the Property)	
Contractors	Houston Casualty (Included in the Property)	
Boiler	Houston Casualty (Included in the Property)	
Public Officials	Houston Casualty (Included in the Property)	
Umbrella	Houston Casualty (Included in the Property)	
Crime	Hartford Insurance Co.	\$ 3,516
OCP (2)	Houston Casualty	\$ 1,000
Other Fees	NYS Motor Vehicle Fee	\$ 670
	NYS Fire Fees	<u>\$ 169</u>
	Total	\$117,713

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 12T _____

DATE 06/06/12

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:

Coupe de Villes Inc., 134 Twin Oak Dr. Rochester, N.Y. 14606 to provide musical entertainment Coupe De Villes Saturday July 21, 2012 Amphitheater Music Program for a fee of \$850.00 voucher to be submitted on 6/20/12.

Teresa Stango-Listrani, 508 South Drive, Rochester, NY 14612, Awesome Art Camp Instructor, 08/20/12-08/23/012, and Science and Nature Jr. Explorers Camp Instructor, 08/27/12 – 08/30/12, for the fee of 75% of the program revenue after all supply costs have been deducted. Voucher to be submitted 09/05/12.

Ed Porto, 97 Keyel Drive, Rochester, NY 14625, Co-Director of Sports ABC's for Tots Program, 08/20/12 – 08/24/12, for the fee of 35% of program revenues after all expenses have been deducted. Voucher to be submitted 09/05/12.

Mark Vogt, 3217 Pine View Drive, Walworth, NY 14568, Co-Director of Sports ABC's for Tots, 08/20/12 – 08/24/12, for the fee of 35% of program revenues after all expenses have been deducted. Voucher to be submitted 09/05/12.

Amend Resolution #12T- 108 to read: Dick Stacey, 87 Chappel Hill Dr. Rochester, NY 14617, to direct the Penfield Pops Band, 1/1/12 -12/31/12, for a fee of \$75.00 per service. Voucher to be submitted every two months beginning 04/04/12.

The Hit Men Brass Band, c/o David Martin, 7149 Hertfordshire Way, Victor, NY 14564, Independence Day Parade, 6/30/12, for a fee of \$850. Voucher to be submitted 6/6/12.

Moved: _____

Seconded: _____

Vote:

Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE June 6, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Authorizing Supervisor to Advertise a Request for Proposals (RFP) for the

Purpose of Contracting with a Consultant for the Preparation of the Route 250 Transit

Supportive Mixed Use Development District and Supporting Documentation

WHEREAS, on July 1, 2009 the Town Board adopted the Route 250 Corridor Land Use Analysis and Traffic Study which were also the subjects of a Generic Environmental Impact Statement Review; and

WHEREAS, on February 2, 2011, the Town Board adopted the 2012 Comprehensive Plan; and

WHEREAS, Both the Route 250 Corridor Study and the 2010 Comprehensive Plan recommended the creation a mixed use zoning district for the Route 250 area; and

WHEREAS, the Town Board desires to commence the process of developing a zoning ordinance and associated design criteria for the recommended mixed use zoning district; and

WHEREAS, the Town of Penfield has received a grant from the Genesee Transportation Council to hire a consultant to prepare said zoning district and associated design criteria; and

WHEREAS, the Town Board is interested in obtaining quality services at the most affordable rate;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to advertise a Request for Proposals (RFP) for the purpose of selecting a consultant for the purpose of preparing a mixed use zoning district and associated design criteria as shown in Schedule A attached hereto.

Moved: _____

Seconded: _____

Vote: Kohl _____

 LaFountain _____

 Metzler _____

 Moore _____

 Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. ____

DATE June 6, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Support for the Acceptance of the Genesee Transportation Council UPWP Grant
for the Preparation of the Route 250 Transit Supportive Mixed Use Development District
and Supporting Documentation

WHEREAS, the Genesee Transportation Council has granted the Town of Penfield \$25,000 for the preparation of a proposed Route 250 Transit Supportive Mixed Use Development District; and

WHEREAS, the Town of Penfield seeks to have prepared a mixed use zoning district and supporting documentation as proposed in its Unified Planning Work Program (UPWP) grant application; and

WHEREAS, the proposed mixed use zoning district and supporting documentation to said district were recommendations of the 2010 Comprehensive Plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Penfield Town Board hereby fully supports the Genesee Transportation Council's UPWP \$25,000 grant for the preparation of the Route 250 Transit Supportive Mixed Use Development District and its supporting documentation.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____