



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA

Wednesday, July 18, 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 1785 Penfield Road, Located in the Four Corners (FC) Zoning District

Public Hearing #2 – To Allow the Construction of a 6,000 Square Foot Office Building at 30 Sanders Farm Drive and 2041 Penfield Road in the Planned Development (PD) Zoning District
 - III Communications and Announcements
 - IV Public Participation
 - V Additions and Deletions to Agenda
 - VI Approval of Minutes – June 6, 2012
 - VII Petitions
 - VIII Resolutions by Function

Law and Finance

#12T-154 - 2012 Budget Transfers – Tennis Court at Harris Whalen Park

#12T-155 - Authorization to Maintain Properties and Assess the Charges to the 2013 Property Tax Bills

#12T-156 – Setting a Public Hearing to Consider Authorization and Approval of Improvements to Jomanda Way for the Purpose of Roadway Dedication to the Town of Penfield

#12T-157 – Setting a Public Hearing for a Special Permit to Allow a State Farm Insurance Office and a Second Story Apartment at 1833 Penfield Road – SBL #139.06-4-6 – Christin Kirkwood – Thompson

#12T-158 – Setting a Public Hearing for the Establishment of Extension No. 55 to the Penfield Consolidated Sanitary Sewer District – Ashlyn Rise Subdivision

#12T-159 – Setting a Public Hearing for a Special Permit to Allow a Sit-down Restaurant with Outdoor Dining at 1857 Penfield Road – SBL #139.06-4-12 – Jose Abarca – Itacate Inc.

#12T-160 Setting a Public Hearing for a Special Permit and Preliminary and Final Site Plan Approval to Allow the Development of Twenty-Four (24) Townhouses to be Constructed on 2.05 Acres at 1200 Empire Blvd. – SBL #108.05-2-4 – Ireland USA Bay, LLC

Public Works

#12T- 161 Authorization to Auction Surplus Equipment
#12T- 162 Authorization to sign Contract with the Greater Rochester Chapter of the American Red Cross to Store one Disaster Equipped Trailer at 1607 Jackson Road

Public Safety – None

Community Services

#12T-163 Authorization for Supervisor to Sign Recreation Contracts

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

PENFIELD TOWN BOARD RESOLUTION NO. _____ DATE July 18, 2012

BY: Andy Moore Law and Finance COMMITTEE

NAME: 2012 Budget Transfers- Tennis Court at Harris Whalen Park

WHEREAS, during 2012, the Town Board authorized the resurfacing of the Tennis Courts at the Harris Whalen Park, and

WHEREAS, the Town Board desires to have an up to date budget in relation to current income and expenditures,

NOW BE IT RESOLVED, that the following 2012 Budget Transfer be approved for the General Funds as follows:

General Fund Appropriations:	From	To
Descriptions	Amount	Amount
Fuel Oil and Gas-Parks department 01-7110-0004-4135	\$13,000	
Harris Whalen Tennis Court Project 01-7110-0003-3006		\$13,000
Total	\$13,000	\$13,000

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE July 18, 2012

BY Councilman Moore

Law and Finance Committee

NAME Authorization to Maintain Properties and Assess the Charges to the 2013 Property Tax Bills

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled “Property Maintenance”; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owners of 1319 Five Mile Line Road, SBL #094.03-1-28, 1932 Jackson Road, SBL #124.15-1-78, 42 Pen-Web Park, SBL#093.15-3-19 have failed to maintain the lawn and exterior areas at the subject properties which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

WHEREAS, the town staff has continually requested the property owners to maintain at these locations with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building and Zoning Administrator to have the properties appropriately maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2012 season also be charged to the 2013 property tax bill for the subject properties.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE July 18, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing to Consider Authorization and Approval of Improvements to

Jomanda Way for the Purpose of Roadway Dedication to the Town of Penfield

WHEREAS, a petition dated July 13, 2012 has been duly presented to the Town Board of the Town of Penfield, New York, according to law, proposing that the said Town Board authorize and approve the improvement of Jomanda Way by the construction of roadway, and other improvements, including culverts as necessary, and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the petition is \$165,000.00, it is

ORDERED, that the Penfield Town Board shall meet and hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on the 8th day of August, 2012 at 7:30 P.M. EDT to consider the petition and hear all persons interested in the subject thereof concerning the same, and it is further

ORDERED, 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 well as conspicuously in five (5) public places along Jomanda Way in the time and manner as prescribed by Law.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE July 18, 2012

BY Councilman Moore

Law and Finance COMMITTEE

NAME Setting a Public Hearing for a Special Permit to Allow a State Farm Insurance Office and a Second Story Apartment at 1833 Penfield Road – SBL# 139.06-4-6– Christin Kirkwood –Thompson

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 the relocation of the State Farm Insurance Agency from 2131 Five Mile Line Road to 1833 Penfield Road and to allow the continuation of an apartment on the second floor at 1833 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 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 August 8, 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 relocation of the State Farm Insurance Agency from 2131 Five Mile Line Road to 1833 Penfield Road and to allow the continuation of an apartment on the second floor at 1833 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 July 18, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME: Setting a Public Hearing for the Establishment of Extension No. 55 to the Penfield Consolidated

Sanitary Sewer District – Ashlyn Rise Subdivision

WHEREAS, a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signatures, and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Extension No. 50 to the Penfield Consolidated Sanitary Sewer – Ashlyn Rise District Subdivision, and

WHEREAS, the improvements proposed consist of sewer pipes, lines, hardware, and all the necessary and appurtenances thereto, for the purpose of constructing said sewer lines as shown on the map and plan attached to and made a part of the petition and filed in the office of the Clerk of said Town, and

WHEREAS, the entire cost of the improvements to be constructed in said sewer district extension shall be borne by the developer of said extension;

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 8th day of August, 2012 at 7:30 p.m. on said date, to consider said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE July 18, 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 1857 Penfield Road – SBL# 139.06-4-12 – Jose Abarca – Itacate Inc.

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 sit-down restaurant with outdoor dining at 1857 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 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 August 15, 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 1857 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 July 18, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for a Special Permit and Preliminary and Final Site Plan Approval to _____

Allow the Development of Twenty-Four (24) Townhouses to be Constructed on 2.05 Acres at 1200 Empire

Blvd. – SBL# 108.05-2-4 – Ireland USA Bay, LLC

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit and Preliminary and Final Site Plan Approval pursuant to Articles III-3-94 and IX-9-2 of the Code to allow the development of twenty-four (24) townhouses on 2.05 acres, at 1200 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, acting as lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) has determined the subject application to be an Unlisted action pursuant to Section 617.4 of 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 August 15, 2012, at 7:30 PM on said date, to consider said application and to hear all persons interested on the question of the issuance of a Special Permit and Preliminary and Final Site Plan Approval pursuant to Articles III-3-94 and IX-9-2 of the Code to allow the development of twenty-four (24) townhouses on 2.05 acres, at 1200 Empire Blvd., in the LaSalle’s Landing Development (LLD) 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: July 18, 2012

BY: Councilwoman Paula Metzler Public Works COMMITTEE

NAME: Authorization to Auction Surplus Equipment

BE IT RESOLVED, that the following equipment be declared surplus;

DEPARTMENT OF PUBLIC WORKS.

Waste Oil Tank- 250 gallon

Fuel Tank w/Pump- 500 gallon

Fuel tank w/Pump- 1,000 gallon

Passenger Seats- Ford Econoline Van (4 cloth seats)

BE IT FURTHER RESOLVED, that the Director of Public Works be authorized to enter into a contract with Roy Teitsworth, Inc., to auction said equipment.

AND BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and sale of these pieces of equipment be credited to the appropriate Fund.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. _____ DATE: July 18, 2012

BY: Councilwoman Paula Metzler _____ Public Works COMMITTEE

NAME: Authorization to sign a contract with the Greater Rochester Chapter of the American Red Cross to store one disaster equipped trailer at 1607 Jackson Road.

WHEREAS, the Town of Penfield and the Greater Rochester Chapter of the American Red Cross enter into a one-year agreement to store one disaster trailer designated to support the residents of Penfield and northeast side of Monroe County area; thereby increasing disaster preparedness and response for residents in the Town of Penfield.

Now, Therefore Be It Resolved, that the Director of Public Works is authorized to sign a one-year contract with the Greater Rochester Chapter of the American Red Cross, located at 50 Prince Street, Rochester, New York.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 12T

DATE 7/18/12

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:

The following persons to provide service as Boys Soccer Camp Instructors, 6/25/12 – 6/29/12, for the fee of \$22.50 per day: Voucher to be submitted 7/18/12.

Thomas Szatko, 18 Thorntree Circle, Penfield, NY 14526
Samuel Tiffany, 317 County Line Rd, Penfield, NY 14526
Chris Sergeant, 56 Canterbury Trail, Penfield, NY 14450
Paul Lentine, 24 Thomlinson Circle, Penfield, NY 14526
Jordan Wolf, 48 Woodlyn Way Penfield, NY 14526
Zach Andrews, 5 South Village Trail, Fairport, NY 14450
Christian Amering, 140 N Landing Rd, Rochester, NY 14625
Evan Orlando, 5 Tree Top Drive, Penfield, NY 14526
Keith Langdon, 2108 Dublin Rd, Penfield, NY 14526
Ian Masters, 50 Random Knolls Dr, Penfield, NY 14526
Jonathan Spaan, 20 Split Rail Run, Penfield, NY 14526
Misha Shikhman, 8 Jacaranda Ct., Penfield, NY 14526

John Cotsonas, 224 West Ave, East Rochester, NY 14445 Director of Penfield Recreation Boys Youth Soccer Camp, 6/27/12-6/29/2012, for the fee of \$325.00 plus \$1.00 per participant (\$2.00 per participant for camps with enrollments exceeding 59). Voucher to be submitted 7/18/12

Tom Westbrook, 6328 Murphy Dr, Victor, NY 14564, Assistant Director, Boys Soccer Camp, 6/25/12 – 6/29/12, for the fee of \$41.00 per day. Voucher to be submitted 7/18/12.

The following persons to provide service as Volleyball Instructors, 6/25/12 – 6/29/12, for a fee of \$24.00 per day plus an additional \$1.00 per day for each year previously working camp: Vouchers to be submitted 7/18/12.

Corey Witkowski, 114 Jackson Rd. Ext., Penfield, NY 14526
Emily Richards, 581 Beaver Creek, Macedon, NY 14502
Rebecca Doser, 14 Summer Glen Drive, Penfield, NY 14526
Ellis Walsh, 606 N. Figueroa St., Los Angeles, CA 90012
Stephanie Groff., 2186 Rte 96, Clifton Springs, NY 14432
Katherine Kowalczyk, 99 Commodore Pkwy, Rochester, NY 14625
Jennifer Ford, 28 Meadow Dr., Webster, NY 14580
Sam Bittker, 37 Scarborough Park, Rochester, NY 14625
John Sprague, 2709 Penfield Rd., Fairport, NY 14450

Mike Fusare, 6 Chamberlain Rd., Honeoye Falls, NY 14472, Director, Volleyball Camp, 6/25/12 – 6/29/12, for a fee of \$345.00 plus \$1.00 per paid participant, (\$2.00 per participant for any camp exceeding 59 participants). Voucher to be submitted 7/18/12

The following persons to provide service as Jazzy Dance Camp Instructors, 7/9 – 7/12/12 and/or 8/13 – 8/16/12, for the fee of \$22.50 per day: Voucher to be submitted 7/18 and 8/15/12.

Michelle Yesersky, 141 Guygrace Lane, Webster, NY 14580
Alyssa Bileschi, 7 Rutherford Lane, Rochester, NY 14625
Katie Keller, 35 McKenna Trail, Penfield, NY 14526

The following persons to provide service as Cheerleading Camp Instructors, 7/23 – 7/26/12, for the fee of \$22.50 per day: Voucher to be submitted 8/1/12.

Meghan Haight, 1938 Jackson Road, Penfield NY 14526
Aviana Catarisano, 27 Fairpoint Drive, Fairport NY 14450
Courtney Nist, 3742 Deer Meadow Run, Macedon NY 14502
Maria Sabik, 3759 Deer Meadow Run, Macedon NY 14502
Sam Orlando, 3378 Heather Brook, Macedon NY 14502
Jenifer Mack, 1725 Creek Street, Rochester NY 14625

Wayne Smith, 80 Wheelock Road, Penfield, NY 14526, Co-Director of Little Tykes Lacrosse, 7/9/12 - 7/13/12, for the fee of 40% of the program revenues, (voucher to be submitted 7/18/12) and Director of Girls Lacrosse Camp, 7/23/12 – 7/26/12, for the fee of \$260.00 plus plus \$1.00 per participant. Voucher to be submitted 8/1/12.

Heidi Rasmussen, 1865 Gloria Drive, Fairport, NY 14450, Co-Director of Little Tykes Lacrosse, 7/9/12 - 7/13/12, for the fee of 40% of the program revenues. Voucher to be submitted 7/18/12.

Cathy Downs, 4 Elmbrook Dr. Pittsford, NY 14534, Director Summer Sporty Sprouts Program, 07/19/12-07/18/12 & 08/20/12-08/29/12 for a fee of 80% of program revenue per session. Voucher to be submitted 08/01/12 & 09/05/12.

Nicole Gonzalez, 721 Westwood Trail, Macedon, NY 14502, Soccer For 5's Instructor, 7/9/12 – 7/13/12 & 8/6/12-/8/10/12, for the fee of \$20.00per session. Voucher to be submitted 8/15/12.

Ed Porto, 97 Keyel Drive, Rochester, NY 14625, Director of Wrestle Camp, 7/09/12 – 07/13/12, for the fee of \$175.00. Voucher to be submitted 7/18/12

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____