



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA

Wednesday, June 19, 2013 7:30 PM

Supervisor R. Anthony La Fountain, 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 15, 2013
- VI Petitions
- VII Resolutions by Function
 - Law and Finance
 - #13T-143 Authorization for Deuel Archaeology to Provide a Cultural Resource Investigation (Phase I A) – for the Parkview Drive/White Village Drive Sewer Project Area
 - #13T-144 Authorization for Town Clerk to Receive Notice of Claims Served Upon the Secretary of State
 - #13T-145 Authorization to Maintain Properties and Assess the Charges to the 2014 Property Tax
 - #13T-146 Setting a Public Hearing for a Conditional Use Permit to Allow a Carpet and Flooring Office at 1788 Penfield Road
 - #13T-147 Granting a Reduction in Area of a Conservation Easement at 28, 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail in Phase III of the Windham Woods Subdivision
 - #13T-148 Granting Issuance of a Conditional Use Permit to Allow the Sale of Concessions on Irondequoit Bay Based From 1350 Empire Blvd.
 - Public Works - None
 - Public Safety - None
 - Community Services
 - #13T-149 Authorization for Supervisor to Sign Recreation Contracts
- VIII Old Business
- IX New Business
- X Public Participation
- XI Adjournment

BY Councilman Moore

Law & Finance COMMITTEE

NAME Authorization for Deuel Archaeology to provide a Cultural Resource Investigation

(Phase I A) – for the Parkview Drive / White Village Drive Sewer Project Area.

WHEREAS; the Town Board previously authorized final design and engineering services in connection with the Parkview Drive / White Village Drive Sewer Project, and

WHEREAS; in support of this work and to comply with the SEQRA, the Town Board desires to retain the service of Deuel Archaeology to perform a Cultural Resource Investigation for the project area, and

WHEREAS; Deuel Archaeology has a great deal of documented experience in this type of archaeological investigation and work with the NY State Office of Historic Preservation (SHPO), and

WHEREAS; Deuel Archaeology has submitted a proposal, dated 5/23/2013, for the (Phase I A), Cultural Resource Investigation, portion of the work in an amount not to exceed \$2,395.

NOW THEREFORE BE IT RESOLVED; that based on documented experience of Deuel Archaeology with Cultural Resource Investigations and their work with the NY State Office of Historic Preservation (SHPO), the Town Board hereby approves their proposal, dated 5/23/2013, for the (Phase I A) Cultural Resource Investigation in an amount not to exceed \$2,395, and

BE IT FURTHER RESOLVED; that the Town Supervisor be and hereby is authorized to sign and accept the proposal of Deuel Archaeology dated 5/23/2013.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-144 **DATE** June 19, 2013

BY Councilman Moore

Law and Finance **Committee**

NAME Authorization for Town Clerk to Receive Notice of Claims Served Upon the Secretary of State

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address of an officer or person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield, County of Monroe designates Amy M. Steklof, RMC in her capacity as Penfield Town Clerk to receive notices of claims served upon the Secretary of State by mail at 3100 Atlantic Avenue, Penfield, NY 14526 and email at steklof@penfield.org.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Moved: _____

Vote: Kohl _____

Seconded: _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-145 DATE June 19, 2013

BY Councilman Moore

Law and Finance Committee

NAME Authorization to Maintain Properties and Assess the Charges to the 2014 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 2069 Five Mile Line Road, SBL #139.06-1-11, 31 Grace Marie Drive, SBL #094.03-3-9, 32 Jacaranda Court, SBL #139.12-2-14, 1892 Penfield Road, SBL #139.06-3-52, 506 Plank Road, SBL #093.19-1-50, 60 Seabury Boulevard, SBL #093.02-2-67 and 4 Tilsit Way, SBL #094.01-2-68 have failed to maintain the lawns 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 Fire Marshal & Building/Zoning & Code Compliance Supervisor 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 2013 season also be charged to the 2014 property tax bill for the subject properties.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-146 DATE June 19, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for a Conditional Use Permit to Allow a Carpet and
Flooring Office at 1788 Penfield Road – SBL# 139.05-2-23.103 – Chris Wembley –

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Article III-3-97 of the Code to allow a carpet and flooring office at 1788 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 July 17, 2013 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 Conditional Use Permit to allow a carpet and flooring office at 1788 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. 13T-147

DATE June 19, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Granting a Reduction in Area of a Conservation Easement at 28, 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail in Phase III of the Windham Woods Subdivision - Cloverland Properties LLC

WHEREAS, a request has been received by the Penfield Town Board to a reduction in the area of a Conservation Easement at 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail in Phase III of the Windham Woods Subdivision; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on May 15, 2013, at 7:30 PM on said date, to consider the request for a reduction of width of a Conservation Easement on the rear of properties located at 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail in Phase III of the Windham Woods Subdivision to hear all persons interested on the question said request; and

WHEREAS, during the public hearing, an additional request for reduction of the Conservation Easement was made by the owners of 28 Willow Bridge Trail to create consistency along all the rear property lines of Willow Bridge Trail where the easement is located; and

WHEREAS, after the public hearing was closed and the Board reserved its decision based on the applicant meeting with the involved neighbors and directing the Town Engineer to confer with the Town's Landscape Consultant to address criteria for the installation of a row of trees within the Conservation Easement to create additional buffer;

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 Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, that the Town Board of the Town of Penfield hereby GRANTS the applicant's request to reduce the width of the existing Conservation Easement from twenty-five (25) feet to twelve and one half (12.5) feet subject to the following conditions:

1. The applicant shall be required to meet with the Town's Landscape Consultant and involved property owners on both Crossbow Drive and Willow Bridge Trail to determine the types of trees to be planted within the revised 12.5 foot Conservation Easement. Said trees, once identified, shall be planted at the direction of the Landscape Consultant at an interval of no more than 10 feet along the

rear properties of 28, 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail. The applicant, even though the Conservation Easement is not located on that lot has also offered to install plantings on the rear of the property at 24 Willow Bridge Trail to maintain consistency along the rear property line as well, resulting in additional plantings on lots 306 through 312 as shown on the "Conservation Easement Adjustment Sketch" prepared by Costich Engineers reviewed by the Board on this date. The exact placement of the trees is subject to agreement of the immediate neighbors, fully respecting any existing, mature trees on their properties. Placement of the new trees will be wholly within the 12.5 ft easement. This will ensure the long term preservation of the new plantings. The exact specie of trees is subject to negotiation between the Town and the Developer with the objective of maximizing the visual barrier.

2. The applicant shall be responsible for the care and maintenance of said trees until such time as the lot on which they are planted is sold.

3. The applicant shall be responsible for the preparation of a new legal description and map identifying the revised boundaries of the Conservation Easement and shall execute a Release of Easement in a form acceptable to the Town Attorney. The costs associated with the recording of said Release of Easement shall be borne by the applicant.

4. The applicant shall ensure that positive drainage is maintained to the rear of the properties on Willow Bridge Trail and Crossbow Drive subject to the requirements of the Town Engineer; and be it further

RESOLVED, that the Board bases its decision on its findings that:

1. The applicant has requested a 50% reduction in the width of the existing Conservation Easement in order to provide additional usable space to the rear of the residences on properties located at 32, 36, 40, 44, 48, 64 and 68 Willow Bridge Trail. The lots are shallow without the easement and the inability of potential purchasers to install swimming pools, sheds and other amenities without encroaching upon the existing Conservation Easement made the lots undesirable.

2. The majority of vegetation remaining between the properties on Crossbow Drive and Willow Bridge Trail does not effectively buffer the neighbors from each other. The applicant proposes to install a more effective year around buffer within the reduced 12.5 foot Conservation Easement, subject to Town Board approval. The Board believes that the applicant's proposal will result in a visually effective buffer that would not exist without his proposal to reduce the size of the Conservation Easement.

3. All of the neighbors involved in the review process are supportive of the applicant providing additional landscaping to supplement the existing vegetation between their properties.

4. The applicant's proposal preserves the existing mature vegetation within the existing Conservation Easement as the majority of it is situated in the 12.5 portion that will remain as Conservation Easement area.

5. The applicant's proposal also makes the properties within his subdivision more marketable and provides additional personal recreation space on the subject lots.

6. The owners of 28 Willow Bridge Trail who have recently purchased that property and had requested inclusion in the reduction of the Conservation Easement also benefit from applicant's proposal as the Board has included their property in the reduction to provide continuity within the neighborhood. They will also benefit from the reduction in that they will have additional recreation area and additional buffering from their neighbors on Crossbow Drive.

7. The properties located at 64 and 68 Willow Bridge Trail are heavily buffered as there is a designated wetland adjacent to those sites. The applicant will not be required to install any additional landscaping on those properties.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-148 DATE June 19, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Granting Issuance of a Conditional Use Permit to Allow the Sale of Concessions on Irondequoit Bay Based From 1350 Empire Blvd.– SBL# 108.05-2-7 – Ryan Chapell

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Article III-3-94 of the Code to allow the sale of concessions on Irondequoit Bay based from 1350 Empire Blvd., located in the LaSalle's Landing Development (LLD) 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 5, 2013, at 7:30 PM on said date to consider the said application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow the sale of concessions on Irondequoit Bay based from 1350 Empire Blvd., in the LaSalle's Landing Development zoning district and the public hearing was closed and decision was reserved.

NOW, THEREFORE BE IT RESOLVED that the applicant's request for a Conditional Use Permit to allow the sale of concessions on Irondequoit Bay based from 1350 Empire Blvd. is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a Conditional Use Permit from the Town Clerk and pay the appropriate fee.
2. The applicant shall comply with all requirements of the Monroe County Health Department regarding the handling and sale of food to the public. In addition, the applicant shall ensure that wastewater and oils associated with this business are properly stored and at no time shall such materials be permitted to be discharged to the waters of Irondequoit Bay.
3. The applicant shall comply with the requirements of the Monroe County Planning and Development Department memo PN13-22Z dated June 3, 2013.
3. The applicant shall comply with any and all requirements of the Monroe County Sheriff's Department's Marine Unit and the U.S. Coast Guard to ensure that the operation is safe and maintains compliance with the requirements of those agencies.
4. The applicant is permitted to utilize no more than one (1) pontoon boat to be based at 1350 Empire Blvd. to conduct this business. Any intent on the applicant's part to expand the operation shall require an approval from the Town Board.

5. This operation shall comply with all Federal, State, County and Town Codes.
6. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use 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). The Town Board, acting as lead agency for this proposal has determined that this proposal will not have a significant effect on the environment based on its following findings:

1. The applicant proposes to sell food from a 16 foot pontoon boat with and 18 hp outboard motor on Irondequoit Bay, on a daily basis, throughout the summer months. The boat, all employees and food products will be based at the Bayside Boat and Tackle business at 1350 Empire Blvd.
2. The applicant has partnered with Penfield Hots, located at 1794 Penfield Road, to provide the food products that will be sold on the Bay. The applicant proposes to utilize all portions of the Bay to sell his products.
3. The applicant's employees have completed the Monroe County Health Department L1 and L2 Food Service Training Program and are aware of the Health Department's requirements pertaining to this type of business.
4. The applicant is also aware of the environmental concerns raised by the Monroe County Health Department relating to preservation of the water quality of Irondequoit Bay and knows that all materials, products and refuse associated with this operation shall be self contained on the boat and has indicated that at no time will any such materials be discharged to Irondequoit Bay. All refuse will be removed from the boat on a daily basis and disposed of in the dumpster at 1350 Empire Blvd.
5. The applicant has stated that he will work with the Monroe County Sheriff's Marine Unit and the U.S. Coast Guard to ensure that his vessel and employees maintain compliance with the requirements of those agencies.
6. The applicant has demonstrated that his base of operation has adequate landside support to conduct the business as proposed in that it has adequate parking and toilet facilities for his employees. While no cooking will be done on site, there is adequate storage for materials that support the operation without compromising the existing businesses that currently operating at 1350 Empire Blvd. Further, all refuse associated with this business will be removed from the pontoon boat on a daily basis and placed in the dumpster at 1350 Empire Blvd. In addition, the applicant is proposing to provide each patron with a refuse bag to properly dispose of the waste generated by the sale, as

well as any waste on board the patrons' boats in an effort to keep Irondequoit Bay free of junk and debris.

7. The applicant has complied with the requirements of the Irondequoit Bay Harbor Management Plan in applying for and meeting the standards necessary for the issuance of a Conditional Use Permit to conduct the proposed operation on the waters of Irondequoit Bay.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-149 DATE 6-19-13

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 Jazzy Dance Camp Instructors, 7/15 – 7/18/13 and/or 8/12 – 8/15/13, for the fee of \$23.50 per day: Voucher to be submitted 7/17 and 8/21/13.

Alyssa Bileschi, 7 Rutherford Lane, Rochester, NY 14625

Lindsey Ruff, 35 Pond Valley Circle, Penfield, NY 14526

Megan Parmelee, 18 Terrace Hill Dr, Penfield, NY 14526, Soccer Instructor, 7/8/13 – 8/09/13, for the fee of \$22.00 per session. Voucher to be submitted 07/17/13.

The following persons to provide service as Cheerleading Camp Instructors, 7/8 – 7/11/13, for the fee of \$23.50 per day: Voucher to be submitted 7/17/13.

Aviana Catarisano, 27 Fairpoint Drive, Fairport NY 14450

Lauren Klintworth, 22 Golf Stream Drive, Penfield NY 14526

Meagan Catalfamo, 15 Braunston Drive, Fairport, NY 14450

Rayanna Eckman, 1126 Whalen Road, Penfield NY 14526

Brittany Gibbs, 25 Blossom Circle East, Rochester NY 14610, britty796@yahoo.com

Northeastern Productions Systems, Inc. P.O. Box 23199, Rochester, NY 14692, provide stage, sound, lighting, engineering and crowd control stage barriers for the Town of Penfield Independence Holiday Celebration, June 29, 2013 for a fee of \$3,770.00. Voucher to be submitted on 6/19/13.

Young Explosives Corporation, PO Box 18653, Rochester, New York 14618, to provide fireworks display Saturday June 29, 2013 for a fee of \$11,000. Voucher to be submitted on 6/19/13.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____