



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA

Wednesday, August 7, 2013, 7:30 PM

Supervisor R. Anthony LaFountain, presiding

-
- I Call to Order - Pledge of Allegiance - Roll Call
- II Public Hearing #1 - To Allow a Chocolate Shop at 1865 Penfield Road, in the Four Corners (FC) Zoning District
- Public Hearing #2 - To Allow a 225 Boat Slip Expansion to Southpoint Marina and a 2700 Sq. Ft Clubhouse and Pool on 13.28 Acres at 1384 and 1420 Empire Blvd., in the LaSalle's landing Development (LLD) Zoning district
- III Communications and Announcements
- IV Public Participation
- V Additions and Deletions to Agenda
- VI Approval of Minutes – June 19, 2013
- VII Petitions
- VIII Resolutions by Function
- Law and Finance
- 13T-159 2013 Budget Amendment – General Reserve Fund, and highway and Sewer Reserve Funds
- 13T-160 Appointment of School Tax Collector for the 2013-2014 School Year for the Wayne Central School District
- 13T-161 Setting a Public Hearing for a Conditional Use Permit for Preliminary and Final Site Plan Approval to Allow a 64 Square Foot Addition for Ice Cream Service and a 120 Square Foot Deck Addition at 1794 Penfield Road (Penfield Hots)
- 13T-162 Approval of Issuance of a Conditional Use Permit to Allow a Carpet & Flooring Office at 1788 Penfield Road
- Public Works – None
- Public Safety – None
- Community Services
- 13T-163 Authorization for Supervisor to Sign Recreation Contracts
- IX Old Business
- X New Business
- XI Public Participation
- XII Adjournment



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

LEGAL NOTICE

PLEASE TAKE NOTICE, that at a Regular Meeting of the Penfield Town Board held at the Town Hall, 3100 Atlantic Avenue, Penfield, New York, on Wednesday, July 17, 2013 a resolution setting a Public Hearing was adopted:

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 chocolate shop at 1865 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT

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

RESOLVED, that the subject application is determined to be a Type II action pursuant to the requirements of the State Environmental Quality Review Law; 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 7, 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 chocolate shop at 1865 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.

Dated: July 18, 2013

**Amy M. Steklof, RMC
Town Clerk
Town of Penfield**



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

LEGAL NOTICE

PLEASE TAKE NOTICE, that at a Regular Meeting of the Penfield Town Board held at the Town Hall, 3100 Atlantic Avenue, Penfield, New York, on Wednesday, July 17, 2013 a resolution setting a Public Hearing was adopted:

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III-3-10, III-3-94, IV-4-25 and IX-9-2 of the Code to allow a 225 boat slip expansion to the Southpoint Marina and an accessory 2,700 square foot clubhouse and pool, on 13.28 acres, at 1384 and 1420 Empire Blvd., located in the LaSalle's Landing Development (LLD) zoning district; and

WHEREAS, 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

WHEREAS, the subject application is determined to be a Type I action pursuant to Section 617.4 of the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on August 7, 2013, 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 Conditional Use Permit, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III-3-10, III-3-94, IV-4-25 and IX-9-2 of the Code to allow a 225 boat slip expansion to the Southpoint Marina and an accessory 2,700 square foot clubhouse and pool, on 13.28 acres, at 1384 and 1420 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.

Dated: July 18, 2013

**Amy M. Steklof, RMC
Town Clerk
Town of Penfield**

BY: Andy Moore Law and Finance COMMITTEE

NAME: 2013 Budget Amendment- General Reserve Fund, and Highway and Sewer Reserve Funds

WHEREAS, the Town Board has set up the General Reserve Fund for the replacement of essential vehicles for the Parks and Facilities Department, and the Renovations for the Town Facilities for major repairs, and

WHEREAS, during 2013, the Town Board authorized the Town Comptroller to transfer \$100,000 from unappropriated funds in 2013, 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 2013 Budget Amendment be approved for the General Fund as follows:

General Fund Revenue:

Descriptions	Amount	Revised Amount
Appropriated Surplus		
01-1000-6000-0000	<u>\$100,000</u>	<u>\$100,000</u>
Total	<u>\$100,000</u>	<u>\$100,000</u>

General Fund Appropriations:

Transfer to General Reserve Fund		
01-9950-0009-9003	<u>\$100,000</u>	<u>\$100,000</u>
Total	<u>\$100,000</u>	<u>\$100,000</u>

WHEREAS, during 2013, the Director of Public Works received from the sale of trucks and vehicles from the recent auction a total of \$85,736, and

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

BE IT RESOLVED, that the following 2013 Budget Amendment be approved for the Highway Fund as follows:

Highway Fund Revenue:

Sale of Equipment	Amount	Revised Amount
02-1000-2665-0000	<u>\$68,236</u>	<u>\$68,236</u>
Total	<u>\$68,236</u>	<u>\$68,236</u>

Highway Fund Appropriations:

Transfer to Highway Reserve Fund		
02-9901-0009-9001	<u>\$68,236</u>	<u>\$68,236</u>
Total	<u>\$68,236</u>	<u>\$68,236</u>

BE IT FURTHER RESOLVE, that the following 2013 Budget Amendment be approved for the Sewer Fund as follows:

Sewer Fund Revenue

	Amount	Revise Amount
Sale of Equipment		
13-1000-2655-0000	<u>\$17,500</u>	\$17,500
Total	\$17,500	\$17,500

Sewer Fund Appropriations:

Transfer to equipment Reserve		
13-9901-0004-4001	<u>\$17,500</u>	<u>\$17,500</u>
Total	\$17,500	\$17,500

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-160 DATE: August 07, 2013

BY: Councilman Moore

LAW & FINANCE COMMITTEE

NAME: Appointment of School Tax Collector for the 2013-2014 School Year for the Wayne Central School District

WHEREAS, Section 37 of the Town Law of New York State provides that collection of school taxes in first class towns is the duty of the Town's Receiver of Taxes & Assessments unless a Resolution is adopted by the Town Board to convey this responsibility to the tax collector appointed by the Board of Education, and

WHEREAS, Penfield is one of six first-class townships within the boundaries of Wayne Central School District, and

WHEREAS, the tax receiver as appointed by the Wayne Central School District as the school tax collector for the Wayne Central school District portion of the Town of Penfield for the 2013-2014 school year,

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby approves the appointment of Mrs. Cathy Herzog as School Tax Collector for the Wayne Central School District portion of properties in the Town of Penfield.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

xc: Wayne Central School District

PENFIELD TOWN BOARD RESOLUTION NO. 13T-161 DATE August 7, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 64 Square Foot Addition for Ice Cream Service and a 120 Square Foot Deck Addition at 1794 Penfield Road – SBL# 139.05-2-23.101 – Gary Brockler/Penfield Hots

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 and Article IX-9-2 of the Code to allow a 64 square foot addition for ice cream service and a 120 Square Foot deck addition at 1794 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 September 4, 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 64 square foot addition for ice cream service and a 120 Square Foot deck addition at 1794 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-162 DATE August 7, 2013

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Conditional Use Permit to Allow a Carpet & Flooring

Office at 1788 Penfield Road – SBL# 139.05-2-23.103 – Carpet & Flooring International

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 1739 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 July 17, 2013, at 7:30 PM on said date, to consider the application and 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 the public hearing was closed.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant's request for a CONDITIONAL USE PERMIT to allow a carpet and flooring office at 1788 Penfield Road 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. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE 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 submit a sign package for the business for the Town Board's review and approval. Upon receiving approval from the Town Board, the applicant shall obtain a Sign Permit from the Building Department and pay the appropriate fee prior to the installation of any signage.
4. This operation shall comply with all Federal, State, County and Town Codes.

5. 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) and no additional environmental review concerning this proposal shall be required.

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

1. The applicant proposes to lease approximately 900 square feet in the building at 1788 Penfield Road for the purpose of installing the office component of his residential and commercial carpet and flooring business. This site will be used for office purposes only and will be occupied by 1 or 2 employees in addition to the applicant. The applicant stated that he would eventually like to lease additional area from the owner and then install a showroom to exhibit his products. The applicant shall be required to obtain a Conditional Use Permit from the Town Board prior to the installation of a showroom at this site.
2. The site has adequate parking facilities to accommodate his business and the other tenants operating from this site as the parking lot is sized to accommodate all of the businesses operating in this area. Further, the applicant proposes to operate on an appointment only basis. The applicant does not propose to store any vehicles overnight at any time, nor are any materials proposed to be delivered to this site.
3. The Town Board has requested the applicant to submit a sign package for the property to ensure that all proposed signs are compatible with the sign package approved for this site. Upon review and approval of the sign package, the applicant will be permitted to obtain a Sign Permit from the Building Department and install signage as approved.
4. The applicant proposes to utilize the existing enclosed dumpster on the site. The dumpster shall be maintained by the applicant, as well as all other users at all times in accordance with the Penfield Zoning Ordinance.
5. This proposed 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.

Moved: _____

Seconded: _____

Vote: Kohl _____

LaFountain _____

Metzler _____

Moore _____

Quinn _____

PENFIELD TOWN BOARD RESOLUTION NO. 13T-163

DATE 8-07-13

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 Girls Soccer Camp Instructors, 6/29/13 – 8/2/13, for a fee of \$22.00 per day plus \$1 per day for each year previously working camp. Vouchers to be submitted 8/07/13.

Jamie Forken, 12 Pipers Meadow Trail, Penfield NY 14526

Emma Willer, 183 Lazy Trail, Penfield NY 14526

Tess Pullano, 79 Lazy Trail, Penfield NY 14526

Megan Parmalee, 18 Terrace Hill Drive, Penfield NY 14526

Leslie Howlett, 799 Somerset Drive, Webster, NY, 14580, Girls Field Hockey Camp Director, 7/29/13 – 8/2/13, for the fee of \$215.00, plus \$1.00 per registered participant. Voucher to be submitted 8/07/13.

Jeff Rogers, 14 Helmsford Way, Penfield, NY 14526, Boys Basketball Camp Director, 7/29/13 – 8/2/13, for the fee of \$350.00, plus \$1.00 per participant (\$2.00 per participant for camps with enrollment exceeding 59 participants). Voucher to be submitted 8/07/13.

JJ Schembri, 18 Winterset Drive, Rochester, NY 14625, Director of Boys Lacrosse Camp, 7/22/13 – 7/25/13, for the fee of \$300.00 plus \$1.00 per participant (\$2.00 per participant for camps with enrollment exceeding 59 participants). Voucher to be submitted 8/7/13.

Wayne Smith, 80 Wheelock Road, Penfield, NY 14526, Co-Director of Little Tykes Lacrosse, 7/9/13 - 7/18/13, for the fee of 40% of the program revenues, (voucher to be submitted 8/07/13) and Director of Combo Sports Camp, 7/22/13 – 7/26/13, for the fee of \$800.00. Voucher to be submitted 8/7/13.

Mark Vogt, 3217 Pine View Drive, Walworth, NY 14568, Director Combo Sports Camp, 7/22/13 - 7/26/13, for the fee of \$800.00. Voucher to be submitted on 8/7/13.

Megan Malloy, 100 Timberbrook Lane Penfield NY 14526, Asst Director Combo Sports Camp, 7/22/13 - 7/26/13, for the fee of \$200.00. Voucher to be submitted on 8/7/13.

Sheila Nesselbush, 42 Chippenham Drive Penfield NY 14526 Asst Director
Combo Sports Camp, 7/22/13 - 7/26/13, for the fee of \$200.00. Voucher to be submitted
on 8/7/13.

The following persons to provide service as Girls Combo Camp Instructors,
7/22/13 – 7/26/13, for a fee of \$22.50 per day. Vouchers to be submitted 8/07/13

- Shannon Nesselbush, 42 Chippenham Drive Penfield NY 14526
- Sandra Catanzaro, 31 Scarborough Park Rochester NY 14625
- Alexa Bartosiewicz, 4 Scarborough Park Rochester NY 14625
- Sophie Loewenguth, 30 Random Knolls Drive Penfield NY 14526
- Emma Powlin, 23 Saybrooke Drive, Penfield NY 14526
- Jamie Forken, 12 Pipers Meadow Trail Penfield NY 14526
- Jill Vacanti, 152 Willow Bend Drive Penfield NY 14526
- Margot Hetzke, 14 Silver Fox Drive Fairport NY 14450
- Lucy Covley, 21 Fox Hill Drive Fairport NY 14450

Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 3 Edmar Ct.,
Rochester, NY 14467, to provide officials for the HS Basketball League, 6/24/13-
8/02/13, for the fee of \$26.50 per official per game. Vouchers to be submitted 8/07/13.

Heidi Rasmussen, 1865 Gloria Drive, Fairport, NY 14450, Co-Director of Little Tykes Lacrosse,
7/9/13 - 7/18/13, for the fee of 40% of the program revenues. Voucher to be submitted 8/7/13.

Reinhold M. Spath, SRA, 27 Cottage Grove Circle, North Chili, NY 14514-1257,
Women's Fall Soccer League, 9/7-11/2/13, for a fee of \$4.00 per game. Voucher to be
submitted 9/4/13.

Moved: _____

Seconded: _____

Vote:

- Kohl _____
- LaFountain _____
- Metzler _____
- Moore _____
- Quinn _____