



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA  
Wednesday, September 18, 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 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
  
- Public Hearing #2 - To Allow the Construction of a 1,280 Square Foot Office Building at 2041 Penfield Road, in the Planned Development (PD) Zoning District
  
- Public Hearing #3 – To Consider Final Subdivision and Site Plan Approval for the Development of 10 Residences in Phase I-D of the Abbington Place Subdivision at 1229 Fairport Nine Mile Point Road in Rural Residential 1 (RR-1) Zoning District
  
- III Communications and Announcements
  
- IV Public Participation
  
- V Additions and Deletions to Agenda
  
- VI Approval of Minutes – August 7, 2013
  
- VII Petitions
  
- VIII Resolutions by Function
  
- Law and Finance
  
- 13T-175 2013 Budget Amendment – Community Development Block Grant Fund
- 13T-176 2013 Budget Amendment – Repair and Renovation Reserve Funds
- 13T-177 Re-Appointment of Town Assessor
- 13T-178 Setting a Public Hearing for a Conditional Use Permit to Allow an Apartment at 1865 Penfield Road – 139.06-4-14 – Octay Ozen
- 13T-179 Authorization to Maintain Properties and Assess the charges to the 2014 Property Tax Bills
- 13T-180 Establishing Lead Agency relating to the proposed Parkview Drive/White Village Drive Area Sewer Project

- 13T-181 Authorization for Deuel Archaeology to conduct a Phase -1B (Subsurface Field Investigation) in relation to the Parkview/White Village Drive Area Sewer Project
- 13T-182 Adopting a Negative Declaration of Environmental Significance related to the proposed Parkview Drive/White Village Drive Area Sewer Project
- 13T-183 Setting a Public Hearing for the Establishment of Extension 56 to the Penfield Consolidated Sanitary Sewer District – Parkview Drive/White Village Drive Area Sewer Project

Public Works – None

Public Safety – None

Community Services

- 13T-184 Authorization for Supervisor to Sign Contract for Dayton’s Corners School Coordinator
- 13T-185 Authorization for Supervisor to Sign Recreation Contracts

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

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE September 18, 2013  
BY: Andy Moore Law and Finance COMMITTEE

NAME: 2013 Budget Amendment- Community Development Block Grant Fund

WHEREAS, the Town Board authorized sidewalks along Empire Blvd during 2012 and \$50,000 funds were received from the Community Development Office in fiscal year 2013, and

WHEREAS, the total cost of the project exceeded the Community Development Block Grant, 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 Budget Amendment be approved as follows:

**Community Development Revenues:**

Description	Increase Amount	Revised Amount
Transfer from sidewalk escrow account 03-1000-2801-0000	\$33,200	\$83,200

**Community Development Appropriations:**

Empire Blvd Sidewalk Project 03-8662-0004-4001	\$33,200	\$83,200
---	----------	----------

Moved: \_\_\_\_\_  
Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_  
LaFountain \_\_\_\_\_  
Metzler \_\_\_\_\_  
Moore \_\_\_\_\_  
Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE September 18, 2013  
BY: Andy Moore \_\_\_\_\_ Law and Finance COMMITTEE

NAME: 2013 Budget Amendment- Repair and Renovation Reserve Funds

WHEREAS, during 2013, the Sewer Department did undertake various improvement/repair projects which were not included in the 2013 Sewer Operating Budget, and

WHEREAS, the total cost of the projects resulted in \$25,000 district expenses for pump station repairs, and

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

NOW THEREFORE, BE IT RESOLVED that the following Budget Amendment be approved as follows:

**Sewer Fund Revenues:**

Description	Increase Amount	Revised Amount
Appropriated Reserve Funds 13-1000-6000-0001	\$25,000	\$25,000

**Community Development Appropriations:**

Pump Station Repairs 13-8120-0003-3001	\$25,000	\$25,000
---	----------	----------

BE IT FURTHER RESOLVED: that this 2013 budget transfer is subject to a 30-day permissive referendum.

Moved: \_\_\_\_\_  
Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_  
LaFountain \_\_\_\_\_  
Metzler \_\_\_\_\_  
Moore \_\_\_\_\_  
Quinn \_\_\_\_\_



PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE September 18, 2013

BY Councilman Moore

Law & Finance Committee

NAME Setting a Public Hearing for a Conditional Use Permit to Allow an Apartment at  
1865 Penfield Road – 139.06-4-14 – Octay Ozen

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 an apartment 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 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 October 16, 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 an apartment 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.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

**PENFIELD TOWN BOARD RESOLUTION NO.** \_\_\_\_\_

**DATE** September 18, 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 1399 Creek Street, SBL #093.19-2-18, 41 Daytona Avenue, SBL #093.19-2-38, 1603 Hermance Road, SBL #095.04-2-47 and 87 Ross Brook Drive, SBL #123.08-1-49 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. \_\_\_\_\_

DATE September 18, 2013

BY: Councilman Moore

Law & Finance COMMITTEE

NAME: Establishing Lead Agency relating to the proposed Parkview Drive / White Village Drive Area Sewer Project.

WHEREAS; in compliance with 6 NYCRR Part 617 and the SEQR Act the Town Board as project sponsor, has authorized the preparation of a Full Environmental Assessment Form and has listed this action as a Type I, and

WHEREAS; in accordance with SEQR Act Penfield Town Board has solicited all involved agencies for concurrence as to Lead Agency status; and after the required 30 day comment period the Town Board received no objection to their acting as Lead Agency in this action, and

NOW, THEREFORE, BE IT RESOLVED; that the Penfield Town Board after receiving no objection hereby designates itself as Lead Agency in the proposed action known as Parkview Drive / White Village Drive Area Sewer Project.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_



PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_

DATE: September 18, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Authorization for Deuel Archaeology to conduct a Phase-1B (Subsurface Field Investigation) in relation to the Parkview / White Village Drive Area Sewer Project.

WHEREAS; the Parkview / White Village Drive Area Sewer Project has been identified as an area of general archaeological sensitivity according to the State Historic Preservation Office (SHPO), and

WHEREAS; based on this determination (SHPO) has requested a Phase 1 Archaeological Survey, of which a Phase 1A (Literature Search) has been completed by Deuel Archaeology, which identified various of archaeological sites of historic significance within 1 mile of the project area, and

WHEREAS; the Town will now need to undertake a Phase-1B – (Subsurface Field Investigation), to complete the original (SHPO) request, and

WHEREAS; the Phase-1B – (Subsurface Field Investigation) requires conducting shovel test pits at 50 intervals over the proposed route of the sewer excavation as outlined by (SHPO) criteria, and

WHEREAS; Deuel Archaeology has previously concluded that 1/3 of the project area could be considered previously disturbed and not worthy of subsurface field investigation, and

WHEREAS; Deuel Archaeology has submitted a proposal, dated 5/23/2013 to conduct the Phase 1B (Subsurface Field Investigation) comprising of shovel test pits, logging and report in the amount of \$15 / shovel test pit, and

NOW THEREFORE BE IT RESOLVED; that the Town of Penfield desires to complete the Phase 1 Archaeological Survey as originally requested by the State Historic Preservation Office (SHPO),

BE IT FURTHER RESOLVED; the Town Board hereby accepts the proposal presented by Deuel Archaeology, dated 5/23/2013 to conduct the Phase 1B (Subsurface Field Investigation) in the amount of \$15 / shovel test pit, including logging and report, and

BE IT FURTHER RESOLVED; that the Town Supervisor be and hereby is authorized to sign and accept this proposal from Deuel Archaeology.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION No. \_\_\_\_\_

DATE September 18, 2013

BY: Councilman Moore

Law & Finance COMMITTEE

NAME: Adopting a Negative Declaration of Environmental Significance related to the proposed Parkview Drive / White Village Drive Area Sewer Project.

WHEREAS; relating to the above stated action and in compliance with 6 NYCRR Part 617 and the SEQRA Act the Town Board has authorized the preparation of a Full Environmental Assessment Form and has listed this action as Type I, and

WHEREAS; the Town Board had also authorized the preparation of an Engineering Report (MRB Group, PC, 2/2013) and a Phase 1A – Cultural Resource Investigation (Deuel Archaeology, 9/2013), and

WHEREAS; after soliciting all involved agencies for concurrence as to Lead Agency status; and receiving no objection to their acting as Lead Agency, the Town Board has established itself as Lead Agency in this action, and

WHEREAS; the Town Board has given careful review and consideration to potential environmental impacts outlined in Parts 1, 2 & 3 of the project EAF, Correspondence from NYS DEC, Engineering Report and (Phase-1A) Cultural Resource Investigation; and has also consulted with Town Council and Town Staff.

NOW, THEREFORE, BE IT RESOLVED; that having given careful review and consideration of potential environmental impacts related to this action, review of pertinent documents and consultation with Council & Staff, the Penfield Town Board acting as Lead Agency has determined that this action will not have a significant environmental impact and will not require the preparation of an Environmental Impact Statement, as is fully detailed in the Negative Declaration of Environmental Significance incorporated herein by reference, and

BE IT FURTHER RESOLVED; that the Penfield Town Board hereby authorizes Town Staff to file this Negative Declaration of Environmental Significance with all involved agencies, the Town Clerk and the Environmental News Bulletin (ENB).

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION No. \_\_\_\_\_

DATE September 18, 2013

BY: Councilman Moore

Law & Finance COMMITTEE

NAME: Setting a Public Hearing for the Establishment of Extension 56 to the Penfield Consolidated Sanitary Sewer District - Parkview Drive / White Village Drive Area Sewer Project.

WHEREAS; a written Petition has been received by the Penfield Town Board duly dated and verified and containing 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 56 to the Penfield Consolidated Sanitary Sewer District, located in the Town of Penfield, New York as more particularly to be bounded and described within said Petition, and

WHEREAS; the improvements proposed consist of sewer pipes, lines, pumping facilities, hardware and all necessary and usual appurtenances thereto for the purpose of constructing said sewer lines solely at the cost of Penfield Consolidated Sewer District as extended, and

WHEREAS; the maximum amount proposed to be expended for said improvements as stated in the petition is \$2,440,000, and

WHEREAS; the cost to a “typical residence” within said extension are estimated to be as follows:

Town of Penfield	
<b>Debt Service</b>	<b>\$79.56 annually</b> (2014 Budget Year Estimate)
<b>Operation &amp; Maintenance</b>	<b>\$39.79 annually</b> (2014 Budget Year Estimate)
Monroe County Pure Waters	
<b>Operation &amp; Maintenance</b>	<b>\$1.29/ 1,000 gals.</b> water consumption
	(\$90.30/yr. based on water usage estimate of 70,000 gals. of annual water consumption)
<b>Capital Charge</b>	<b>\$27.39 annually</b>

Sewer Entrance Fee – A one time Sewer Entrance Fee of \$500 shall be charged to a “typical residence” within said extension upon connection to the sewer system.

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 Wednesday October 16, 2013 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 then twenty (20) days before the date set for said hearing as aforesaid, and 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 September 18, 2013

BY Councilman Kohl \_\_\_\_\_ Community Services COMMITTEE

NAME Authorization for Supervisor to Sign Contract for Dayton's Corners School  
Coordinator

BE IT RESOLVED, that the Town Supervisor be authorized to sign a contract with Barbara Quinn, 68 Harwood Circle, Rochester, New York 14625 as Coordinator of the Dayton's Corners School from September 1, 2013 through December 31, 2013 at a monthly fee adopted in the 2013 budget.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE 9/18/2013

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 Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Euchre, Beginning Pickleball classes 10/21 – 12/2/13 and 10/21 -11/25/13 for a fee of 70% of total program revenue. Voucher to be submitted on 11/20/13

Usah Shah, 688 East Ave. Apt. 7c, Rochester, NY 14607, Instructor for Healing Power of Meditation Using Sound Energy 9/30 -11/4/13 and The Four Agreements Book Discussion 9/30 -11/4/13, for a fee of 70% of total program revenue. Vouchers to be submitted on 10/16/13

Donovan Shilling, 1765 Five Mile Line Rd., Penfield, NY 14526, Instructor for the Marvels and Myths of Rochester Series on 9/11, 10/2, 11/13, 12/11/13 for a fee of 70% of total program revenue. Vouchers to be submitted at the end of each month

Amy Coppola, 30 Tyburn Way, Rochester, NY 14610, Instructor for An Intro to Irish Dance 10/7 -11/4 for a fee of 70% of total program revenue. Voucher to be submitted on 10/16/13

Joyce Bossard, 841 Corwin Rd. Rochester, NY 14610, Instructor for Beginning Knitting on 10/21 -12/2/13 for a fee of \$7.00 per registered student. Voucher to be submitted on 11/20/13

Joseph Meli, 2600 Dewey Avenue Apt. 3, Rochester, NY 14616, Guest Speaker for Lecture series World War I on 10/17/13, for a fee of \$35. Voucher to be submitted on 10/02/13

Jane June, 641A Preservation Trail Webster NY 14580, Instructor for 3 Dimensional Figure Felt class 9/24/ – 10/15/13 for a fee of 70% of total program revenue. Voucher to be submitted on 10/2/13

Karen Noske, 626 Adeline Dr. Webster NY 14580, Facilitator of Hollywood Makeover Programs on 9/24 and 9/28/13 for a fee of \$25 per registered participant. Voucher to be submitted 10/2/13

Lifetime Assistance, 1900 S. Clinton Ave. Rochester NY 14618, Facilitators of the Matter of Balance Program 9/26 – 11/14/13, for a fee of \$20 for each registered participant. Voucher to be submitted on 11/06/13

Edith Lank, 240 Hemingway Dr. Rochester, NY 14620, Guest Speaker for the Thursday Lecture Series on 10/24/13 for a fee of \$60. Voucher to be submitted on 10/16/13

Christopher Bensch, One Manhattan Square, Rochester, NY 14607, Guest Speaker for Thursday Lecture series on 10/10/13 for a fee of \$75. Voucher to be submitted on 10/02/13

Rosemary Irwin, 10 Blossom Circle West, Rochester, NY 14610, Facilitator for Secrets of Sleep Science 9/16 – 11/18/13 for a fee of \$160. Voucher to be submitted on 11/06/13

Dorothy Brenneis, 28 Woodside Dr., Penfield, NY 14526, Instructor for A Harvest of Healthy Fun, 09/13 - 09/27/13, for a fee of 70% of total revenue. Voucher to be submitted on 10/02/13.

Mark Vogt, 3217 Pine View Dr., Walworth, NY 14568, Co-Instructor for Sports ABCs for Tots, 10/05 - 10/26/13, for a fee of 35% of total revenue. Voucher to be submitted on 11/06/13.

Ed Porto, 97 Keyel Dr., Rochester, NY 14625, Co-Instructor for Sports ABCs for Tots, 10/05 - 10/26/13, for a fee of 35% of total revenue. Voucher to be submitted on 11/06/13.

Cathy Downs, 2120 Clover St., Rochester, NY 14618, Instructor for Sporty Sprouts, 9/19 – 10/24/13 & 10/31 – 12/19/13 for a fee of 70% of program revenue per session. Vouchers to be submitted on 11/6/13 and 12/18/13.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:  
Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

