



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

**PENFIELD TOWN BOARD MEETING AGENDA**  
**Wednesday October 2, 2013 7:30 PM**  
**Supervisor R. Anthony LaFountain, presiding**

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- I Call to Order - Pledge of Allegiance - Roll Call**
- II Public Hearing – 2014 Preliminary and Special Districts Budget**
- III Communications and Announcements**
- IV Public Participation**
- V Additions and Deletions to Agenda**
- VI Approval of Minutes – August 21, 2013**
- VII Petitions**
- VIII Resolutions by Function**

**Law and Finance**

- 13T-186 Authorize the Town Comptroller to attend the PERMA Board Meeting**
- 13T-187 Authorizing Sale of Town Owned Property at 1589 Penfield Road to Ellison Heights LLC**
- 13T-188 Approval of Issuance of 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**
- 13T-189 Approval of Issuance of a Special Permit to Allow the Construction of a 1,280+/- Square Foot Office Building at 2041 Penfield Road**
- 13T-190 Approval of an Incentive Zoning Application and Final Subdivision and Site Plan Approval to Allow 10 Single Family Homes on 5.6 acres at 1229 Fairport Nine Mile Point Road known as Abbington Place Phase I-D**

**Public Works**

- 13T-191 2013/2014 Snow and Ice Removal for Town owned Roads**
- 13T-192 2013/2014 Snow and Ice Removal for Town owned Parking Lots and Town owned Facilities Public Safety -None**

**Community Services**

- 13T-193 Authorization for Supervisor to Sign Recreation Contracts**

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

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE: October 2, 2013

BY: Andy Moore \_\_\_\_\_ Law and Finance \_\_\_\_\_ COMMITTEE

NAME: Authorize the Town Comptroller to attend the PERMA Board meeting.

Whereas, the Town Comptroller is on the Board of Directors for the workers compensation carrier, Pubic Employers Risk Management Association, and

Whereas, the PERMA Board Meeting will be held on October 23, 2013 located in Latham, New York and will be paid fully for mileage and hotel expenses by PERMA, and

**Now Be It Resolved**, that the Town Comptroller attend the PERMA Board Meeting on October 23, 2013.

MOVED: \_\_\_\_\_

SECONDED: \_\_\_\_\_

VOTE:	Kohl	_____
	LaFountain	_____
	Metzler	_____
	Moore	_____
	Quinn	_____

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

DATE October 2, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Authorizing Sale of Town Owned Property at 1589 Penfield Road to Ellison

Heights LLC – SBL# 123.20-2-56.1

WHEREAS, The Town Board has determined that the Town owned property at 1589 Penfield Road, consisting of 1.28 +/- acres is surplus and not required for Town activities; and

WHEREAS, the Town of Penfield has had an appraisal prepared by Midland Appraisal Associates to determine a fair market value for said property, that being \$7,000; and

WHEREAS, the adjacent property owner, Ellison Heights, LLC has offered to purchase said property for \$7000; 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 be it further

RESOLVED, that the subject action is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has determined that the sale of the subject property will not create an adverse impact to the environment;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to sign a Purchase and Sale Contract submitted by Ellison Heights, LLC for the sale of property at 1589 Penfield Road in the amount of \$7,000 and subject to all requirements as prescribed by the Town Attorney.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_



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

DATE October 2, 2013

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of 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;

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 September 18, 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 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 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 a 64 square foot addition for ice cream service and a 120 square foot deck addition at 1794 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 tenant of the proposed office building shall be required to apply for and obtain a **SPECIAL PERMIT** from the Town Board to operate a commercial use other than that proposed by the applicant.
2. The applicant proposes to construct a 64 square foot (8' x 8') addition on the south side of the structure for the purpose of serving ice cream to walk up customers and a 120 square foot (10' x 12') deck on the north side of the structure to provide outdoor dining which will be displaced with the construction of the 64 square foot addition. Said area shall not exceed the setbacks on the north and east sides of the existing structure.

3. The applicant shall be permitted to have outdoor dining until 10:00 p.m. on a nightly basis.
4. The applicant shall comply with the occupancy requirements for outdoor dining to be established by the Penfield Fire Marshal in accordance with the New York State Building Code. The applicant shall also obtain any/all necessary permits from the Building Department prior to construction.
5. Adequate on-site and off-site parking shall be available at all times to accommodate the applicant's business. At no time shall adjacent property owners or tenants of the Penfield Place complex be adversely impacted by those patronizing this business.
6. The applicant shall not be permitted to have any type of entertainment or music to the exterior of the restaurant.
7. The applicant will be responsible for constructing a dumpster enclosure on the property that is properly sized to enclose the dumpster, cardboard container and grease container. The location, design and size of said enclosure shall be approved by the Director of Developmental Services. The dumpster enclosure shall be installed in conjunction with the construction of the proposed deck and ice cream window. No Certificate of Compliance shall be issued by the Building Department for said construction until the dumpster, cardboard container and grease container are properly enclosed to the satisfaction of the Building Inspector.
8. This operation shall comply with all Federal, State, County and Town Codes.
9. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use 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 regarding this proposal is necessary.

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

1. The applicant has operated a sit-down restaurant from this site for approximately 20 years and now proposes to add the sale of ice cream where patrons can walk up to a service window on site. He also proposes to construct a deck to accommodate that portion of the outdoor dining area that will be lost with the construction of the ice cream walk up window.

2. The applicant also proposes to maintain handicapped accessibility to the building, the deck and ice cream window.
3. The applicant has demonstrated that there are adequate parking facilities on site as there is a shared parking agreement for all tenants of the Penfield Place complex, which was required by the Town at the time the complex was subdivided into separate lots.
4. The applicant has maintained compliance with all applicable codes and regulations pertaining to the operation of a sit-down restaurant during the time he has operated at this location.
5. The applicant's proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district.
6. The applicant shall be permitted to have outdoor dining until 10:00 p.m. on a nightly basis. Although the applicant has pre-existing non-conforming hours of operation in the Four Corners, those extended hours apply to the restaurant itself as it was the only entity that existed at the time of the adoption of the Four Corners zoning district.
7. The applicant has not had nor does she propose to have any music or other form of entertainment on the premises at any time and the Board has required that no music or other entertainment be permitted on site without approval by it.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

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

DATE October 2, 2013

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow the Construction of a 1,280+/- Square Foot Office Building at 2041 Penfield Road – SBL# 139.08-2-001.11– Lalit and Surekha Shah

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WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-49-C of the Code to allow the construction of a 1,280+/- square foot office building at 2041 Penfield Road, located in the Planned Development (PD) zoning district;

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 September 18, 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 Special Permit to allow the construction of a 1,280+/- square foot office building at 2041 Penfield Road, in the Planned Development (PD) zoning district and the public hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow a the construction of a 1,280+/- square foot office building at 2041 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 tenant of the proposed office building shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a commercial use other than that proposed by the applicant.
2. The applicant shall comply with the conditions set forth by the Planning Board in its resolution granting site plan approval, dated September 26, 2013,
3. The applicant shall comply with the occupancy requirements to be established by the Penfield Fire Marshal in accordance with the International Building Code and obtain any/all necessary permits from the Building Department.
4. Adequate on-site parking shall be available at all times to accommodate the businesses that are proposed to operate from this site. At no time shall adjacent property owners be adversely impacted by those working at or patronizing this site.



5. The applicant shall comply with the requirements of the Planning Board and Town Engineer to ensure that this proposal satisfactorily addresses concerns raised by neighbors relating to drainage and buffering.
6. The applicant shall be required to obtain a permit from the New York State Department of Transportation for the purpose of removing one of the horseshoe driveway curbcuts onto Penfield Road (NYS Route 441).
7. The applicant shall be required to construct a sidewalk along his property frontage on the east side of Sanders Farm Drive and shall submit a sidewalk easement, in the Town's format, acceptable to the Town Attorney.
8. This site shall comply with all Federal, State, County and Town Codes.
9. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special 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 an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA). The Planning Board, acting as the lead agency has determined that this proposal will not have a significant effect on the environment and prepared a determination of non-significance for the action of granting preliminary and final site plan approval as more particularly set forth in its resolution of approval dated September 25, 2013.

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

1. The applicant owns the subject parcel on which he operates his tax preparation business. His intent is to construct a 1,280+/- square foot office building to provide space for his son to allow him to conduct his tax preparation and law businesses at this site.
2. The applicant satisfactorily demonstrated that the traffic volumes to and from the site will be minimal as they will generally be by an appointment only basis.
3. The applicant proposes to construct adequate parking facilities on site to accommodate the existing building at 2041 Penfield Road as well as the proposed 1,280 square foot office building and the previously approved 6,000 square foot office building at 30 Sanders Farm Drive.

4. The applicant has demonstrated that he will comply with all applicable codes and regulations. In addition, the applicant proposes to address existing drainage concerns raised by adjacent owners to the south and buffering concerns to the west of this site.
  
5. The applicant's proposed office is a specially permitted use within the Planned Development (PD) zoning district. The Board finds this proposal to be properly scaled to both the adjacent residences and other businesses operating in this area of Penfield.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_



BY Councilman Moore

Law & Finance COMMITTEE

NAME Approval of an Incentive Zoning Application and Final Subdivision and Site Plan Approval to

Allow 10 Single Family Homes on 5.6 acres at 1229 Fairport Nine Mile Point Road Known as

Abbington Place Phase I-D. The property is owned by Nine Nile Point Road, LLC and is zoned

RA-2 - SBL# 095.01-1-51.1

WHEREAS, on May 4, 2011, the Town Board granted approval of an incentive zoning application under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law for the Abbington Place Subdivision and also granted Preliminary Overall Subdivision and Site Plan approval for a 99 lot single family residential subdivision on 49.1 acres and Final Subdivision and Site Plan Approval for 29 single family lots in Phase I of the project, subject to conditions set forth in it resolution 11T-125 of 2011; and

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 10 residences in Phase I-D of the Abbington Place Subdivision under Articles VIII-8-2 and XI-9-2 of the Code on 5.6+/- acres in the Rural Residential 1 (RR-1) zoning district at 1229 Fairport Nine Mile Point Road; and

WHEREAS, the Town Board has received an application requesting Final Subdivision and Site Plan Approval for 10 lots in Phase I-D of the subdivision subject to the requirements of Town Board resolution 11T-125; 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 September 18, 2013, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of granting Final Subdivision and Site Plan Approval to allow 10 single family homes on 5.6 acres, located at 1229 Fairport Nine Mile Point Road, and the public hearing was closed and decision was reserved; and

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) had classified this proposal as an Unlisted Action prior to granting Preliminary Overall Subdivision and Site Plan Approval and Final Subdivision and Site Plan Approval for the project and issued a Negative Declaration determining that this action will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Final Subdivision and Site Plan approval for 10 lots in Phase I-D of the development, be and the same are hereby APPROVED subject to the following conditions; and

1. The applicant shall be responsible for providing the outstanding amenities outlined in the Town Board’s Findings Statement Resolution No. 10T-198 dated September 1, 2010. which identified them as follows:

- Necessary financial support and participation in the proposed relief sewer within the Town of Webster as identified in the sewer capacity study prepared by BME Associates, December 2003 and subsequent preliminary cost data prepared by Schultz Engineering for Visca Homes in the Town of Webster dated August 2009, both on file with the Penfield Engineering Department. The applicant shall be required to submit an amount of \$500 per lot at the time a building permit is requested and prior to its issuance.
  - The developer shall provide cash contribution payment of \$3,250 per each lot above the RA-2 conventional yield of the property, that being 10 lots, totaling \$32,500 for the specific purpose of designating funds to the Town's drainage fund and to the Town's highway fund to provide the Highway Department the ability to address public works projects that benefit the Town residents as deemed necessary.
2. Compliance with or agreements reached on the recommendations of the Penfield Project Review Committee's memo dated September 11, 2013, except as otherwise provided herein. Obtaining the signature of the Town Engineer indicates compliance with this requirement.
  3. Compliance with or agreements reached on all of the engineering requirements with the Town Engineer and obtaining his signature on the plan indicates compliance with this requirement.
  4. Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised April 14, 2010.
  5. Submission of all easements to implement the approved plan. Easements shall be submitted in the Town's format and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.
  6. Compliance with the Town of Penfield's Street Tree Planting Policy and Sidewalk Policy.
  7. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas, construction sequence, and other applicable measures deemed appropriate by the Town Engineer.
  8. The finished ground level adjacent to each home foundation wall shall be graded in such a manner as to provide positive drainage away from the structure and shall be subject to the approval of the Town Engineer.
  9. Furnishing the Town with a letter of credit, in an amount to be approved by the Town Engineer. Said letter of credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.
  10. The applicant shall remove all debris, broken limbs, and deleterious growth from proposed Phase I-D to the satisfaction of the Town Engineer. This work shall be covered in the letter of credit.

11. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.
12. The final site plan for these phases shall contain proper notations regarding the possible presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall field tile be permitted to exist near home foundations.
13. The submission of all the required documents for roadway dedication, all to be in the Town's format, accompanied by the proper filing fees and acceptable to the Town Attorney, prior to obtaining the signature of the Director of Developmental Services on the final plans.
14. The dedication of land to the Town of Penfield shall be subject to the acceptance by the Penfield Town Board, for those parcels identified on the plat map. This shall take place upon completion of the final phase of development and after sediment resulting from construction activity is removed from said areas as directed by the Town Engineer and in a format acceptable to the Town Attorney.
15. A notation shall appear on the plat map "Town owned lands are intended to remain in a natural undisturbed condition and shall not be routinely Town maintained."
16. Permanent markers are to be placed at the boundary of Town owned lands and easements in locations and designs subject to the satisfaction of the Town Engineer. Said markers are to be placed after general site grading is completed and prior to the issuance of Certificate of Occupancy for each affected lot. This item shall be included in the developer's letter of credit.
17. All sanitary sewer connections are to be approved by the Town Engineer, the Town of Webster and the Monroe County Health Department. All funds for such improvements shall be covered in the letter of credit.
18. Compliance with the Town's Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; specifically that a single access to this property shall be provided from Route 250 until such time as the project is connected to an adjacent property to the east or to the south of this subdivision to provide alternate means of ingress and egress for this project.
19. The applicant shall work with the Building Inspector to establish street addresses for all proposed buildings. Any new street names must be approved by Monroe County 911 and the Town of Penfield.
20. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location and time frame for mailbox installations.
21. A notation shall be placed on each corner lot with the subdivision stating that: "Any modification in the placement of a home from the location shown on the site plan, must be submitted in writing to the Building Inspector prior to application for a building permit for

review and approval for compliance with the minimum setback requirements as set forth on the approved Site Plan.”

22. No walkout basements shall be permitted without the approval of the Town Engineer. In the event that walkout basements are approved, basements that are substantially exposed shall have siding compatible with the main structure installed to within 24” of ground level in order to provide an attractive appearance from all sides.
23. The applicant shall pay a recreation fee for each proposed structure on the site at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.
24. All site work is to be in compliance with the standards of Chapter 29 – Article V of the Code.
25. Compliance with all requirements of any Federal, State, County or local agency.
26. Construction is to begin within one (1) year from the date of this resolution.
27. The approved subdivision plat must be properly filed in the Monroe County Clerk’s Office prior to the issuance of a building permit.
28. The approved site plan must be properly filed in the Town Clerk’s Office prior to the issuance of a building permit.
29. Compliance with all of the requirements of the Director of Developmental Services regarding this matter. Furthermore, the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.
30. Upon completion of all phases of development of this project, the applicant shall be required to submit an overall final subdivision plat which combines all lands to be dedicated to the Town of Penfield. Upon obtaining the signature of the Town Supervisor, the applicant shall be required to have said subdivision plat recorded in the Monroe County Clerk’s Office.

AND BE IT FURTHER RESOLVED, that The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

**Subdivision Approval: Factors for Consideration**

1. Character of the land, including topography and watercourses. – *The site is well suited for development. There is no designated watercourse flowing through the property, however the applicant has modified the project layout to address the collection of storm water and reduction of volume of flow leaving the site prior to it discharging to Four Mile Creek. One of the two storm water management facilities have been constructed on the site to mitigate storm water concerns voiced by area neighbors and is properly functioning as proposed. The Town Board is satisfied with the overall layout of the project.*
2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. – *This project is consistent with the Town of Penfield 2010 Comprehensive Plan which recommended higher densities for this area of Penfield.*

3. Current Development Regulations and Specifications – *The applicant shall comply with all current requirements.*
4. Street layout and design – *The Board has reviewed the proposed street layout and design.*
5. Street Names – *the street name have been reviewed and found acceptable by Monroe County 911.*
6. Arrangement of lots. – *The lot and building arrangement remains exactly as that approved by the Town Board in its Preliminary Overall Subdivision and Site Plan Approval on May 4, 2011 in resolution 11T-125.*
7. Drainage Improvements – *Drainage improvements were installed for previous phases of the project and have significantly reduced and mitigated drainage impacts to area property owners. Additional improvements in the form of a bio-retention facility in conjunction with this phase will further reduce and mitigate drainage impacts to adjacent property owners.*
8. Utility Sidewalk and Pedestrian access and conservation easements. – *Pedestrian patterns have been considered and will utilize sidewalks both within the proposed subdivision as well as a trail to provide pedestrian accessibility for those residents residing on the proposed Whitespire Lane. Said pedestrian access will be constructed with an impervious, durable material as directed by the Town Engineer.*
9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. – *The project required the construction of two storm water management facilities that area intended to revert back to their natural states, which will be owned by the Town of Penfield and maintained through a Special Improvement District which was created at the time Phase I of this project was approved.*
10. Density Calculation – *The density calculation was established in Resolution No. 10T-198 of 2010 and approved in resolution 11T-125 of 2011 and remains the same.*
11. Special benefited districts required including, but not limited to, sidewalks and trails, lighting, sewer, storm water management facilities, parks, and other embellishments. – *a specially benefited district for the overall subdivision was created for each listed amenity as a condition of Phase I of the project.*
12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department's criteria as well as the Ordinance. – *The site will be serviced by a dedicated sanitary sewer system. No on-site sewage disposal systems (septic systems) are proposed.*
13. Documents required for dedication of public improvements. – *Sanitary sewers, roadways and storm water management facilities are proposed to be dedicated to the Town and extension of the water system will be dedicated to the Monroe County Water Authority. The preparation of petitions and ultimate dedication of the facilities to each agency will be required.*



## Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. – *The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks are proposed to provide pedestrian access throughout the project. The project's roadways are designed to connect to the adjacent properties to the south and west of the site to provide for multiple means of ingress and egress as development occurs on those properties as requested and considered during the application review.*
2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. – *The applicable factors have been found to be acceptable by the Board.*
3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. – *There are few trees in the areas of proposed development. Trees will be installed as a condition of site plan approval, in compliance with the Town's Street Tree Policy.*
4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. – *Not applicable.*
5. Adequacy of storm water, sanitary waste disposal, and public water facilities. – *The storm water management facility that services these phases of development was constructed in conjunction with the development of phase I-A of the project and is functioning as designed.*
6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. – *The Board has worked with the applicant and his site contractor to limit the number of hours per week and have established a timeframe that top soil will be screened on the site to provide a quieter environment to the existing and proposed property owners in the neighborhood.*
7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. – *There are no EPOD's on this site.*
8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, IBP, LWRP and any others. – *Of those documents, plans, laws, acts and reports listed, the following are applicable:*
  - a. Ordinance – *The Town Board, under Local Law No. 2 of 2003 is empowered to modify the Town's Zoning Ordinance through the Incentive Zoning application process. All applicable Ordinance sections are complied with and the Town Board has superseded the Ordinance through the use of Incentive Zoning.*

- b. Master Plan – The Town Board has determined that this project, as proposed and herein approved, is consistent with the Town of Penfield 2010 Comprehensive Plan, for density and use.*
  - c. Design and Construction Specifications – As previously noted the plan complies with all requirements of the Specifications with the exception of the Town Board waiver for road radii requirements to minimize filling on the site.*
  - d. SEQRA– The environmental review of this action is consistent with SEQRA.*
  - e. The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay. All storm water flows to Four Mile Creek which directly flows to Lake Ontario.*
9. Provisions for adequate drainage away from walls or structures. – *the applicant is required to comply with the requirements of the Town’s Specifications and Design Criteria which requires positive drainage away from all structures.*
10. Agreements, easements and other required legal documentation shall be approved by the Town Attorney. – *No construction will be permitted for this project until such time as all legal documentation has been reviewed and approved by the Town Attorney and appropriate staff members.*
11. The impact of the proposed use on adjacent land uses. – *The adjacent land uses include agricultural lands surrounding the site. Those lands are also subject to development pressure based on their accessibility to sanitary sewers. It is anticipated that said properties will be similarly developed as the subject property over the next several years. The adjacent property owners to the west of the site requested that the Town Board require the developer to provide road access to their easterly property line to allow future development on their property to tie into said proposed road. The Board did so and the applicant complied. The applicant to the south of this site requested the Town Board to provide a right of way to his property along with access to a sanitary sewer for the future development of his site as well as providing sanitary access to his residence. The Board did so and the applicant complied. Finally the owner to the south requested that the Town Board require the applicant to install an earthen berm along the common property line to prevent drainage from the project from entering onto his site. At the applicant’s request, the Board did so and the applicant complied. The Town Board, in granting the neighbor’s request is doing so to the extent that the Town is honoring his request. The town assumes no liability in the event that the berm prevents storm water from positively draining from the adjacent property. The Town Board was concerned that since the Town has no drainage easement over the lands immediately east of Route 250 that there may be an adverse impact to the properties to the west of Route 250 in the event that positive drainage was not maintained east of Route 250. The applicant secured a letter from the property owner on the east side of Route 250 allowing the Town access to his property to resolve any drainage issues in emergency situations. The applicant proposes to install an additional bio-retention facility in this phase of development to address drainage issues on the west side of the property. These actions resolved the Board’s issue.*
12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a subdivision,

shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of the recreation fee shall be noted on the plat. *See condition #25.*

AND BE IT FURTHER RESOLVED, that Section 276 of the Town Law states that “Conditional Approval of the final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as complete”.

AND BE IT FURTHER RESOLVED, that this section also states that “The Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if in its opinion such intention is warranted by the particular circumstances thereof, not to exceed two additional periods of ninety (90) days each”.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE: 10/2/13

BY: Councilwoman Paula Metzler Public Works COMMITTEE

NAME: 2013/2014 Snow and Ice Removal for Town owned Roads

BE IT RESOLVED, that the Town of Penfield Department of Public Works be authorized to advertise in the manner prescribed by law for sealed proposals to furnish the Town of Penfield with the following:

Bid to perform Snow and Ice Removal services for Town owned Roadways.

BE IT FURTHER RESOLVED, that the 2013/2014 Snow and Ice Removal services covered by such sealed proposals are in accordance with the specifications prepared by the Director of Public Works, and on file with the Town Clerk. The sealed proposals are to be submitted to the office of the Town Clerk until 11:00 am local time on Thursday, October 24, 2013 and then and there be opened and read publically.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE: 10/2/13

BY: Councilwoman Paula Metzler \_\_\_\_\_ Public Works COMMITTEE

NAME: 2013/2014 Snow and Ice Removal for Town owned Parking Lots and Town owned Facilities

BE IT RESOLVED, that the Town of Penfield Department of Public Works be authorized to advertise in the manner prescribed by law for sealed proposals to furnish the Town of Penfield with the following:

Bid to perform Snow and Ice Removal services for all Town owned Parking Lots and Town owned facilities.

BE IT FURTHER RESOLVED, that the 2013/2014 Snow and Ice Removal services covered by such sealed proposals are in accordance with the specifications prepared by the Director of Public Works, and on file with the Town Clerk. The sealed proposals are to be submitted to the office of the Town Clerk until 11:00 am local time on Thursday, October 24, 2013 and then and there be opened and read publically.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE 10-2-13

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 officiate soccer games for the Penfield Recreation Women's Fall Soccer League, 9/28/13 - 11/2/13, for a fee of \$38.00 per game:

Gordon Cruickshank, 83 Woody Lane, Rochester NY 14625

Voucher to be submitted 10/16/13.

Lifespan of Greater Rochester Inc., 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.

Lifespan of Greater Rochester Inc., 1900 S. Clinton Ave. Rochester NY 14618, / c/o Ann Marie Cook, provide Eldersource Care Management for Town of Penfield residents in the 2013 calendar year for a fee of \$700.00. Voucher to be submitted on 10/2/13.

SORA, 3 Edmar Court, Henrietta NY 14467, Provide umpire services, team registration and league softballs for Summer Softball League, 5/30/13 - 08/22/13. Registration fee \$25 per team, softballs \$38.00 per dozen, \$26.00& \$37.00 for umpire services (single/double games). Invoice submitted at conclusion of 2013 league, voucher to be submitted 10/16/13.

Mike Kornrich, 59 Culver Parkway, Rochester, New York 14609, provide musical entertainment October 18<sup>th</sup> for Halloween event for a fee of \$200.00 and provide a Trio for the Christmas Holiday event December 6<sup>th</sup> for a fee of \$400.00. Vouchers to be submitted 10/2/13 and 11/20/13.

Sherry Murray, 76 Chippenham Dr. Penfield NY, 14526, Instructor for youth Pre School Adventures 9/20/13 – 11/22/13, for a fee of 75% of class revenues. Vouchers submitted on 10/2/13 and 11/6/13.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_