PENFIELD TOWN BOARD ORGANIZATIONAL MEETING AGENDA

Wednesday, January 7, 2015  7:00 PM

Supervisor R. Anthony LaFountain, 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 – December 3, 2014

VI Petitions

VII Resolutions by Function

Law and Finance
15T-001 Adoption of Town Board Rules of Procedure for 2015
15T-002 Adoption of Wage and Salary Schedule and Appointment of Officials and Employees for 2015
15T-003 Bonding of Town Officials and Employees
15T-004 Authorization for the Town Comptroller to Attend the Annual Meeting and the Board of Governors Meeting
15T-005 Banking Arrangements for the Town of Penfield for 2015
15T-006 Appointment to Zoning Board of Appeals
15T-007 Appointment of Chair – Zoning Board of Appeals
15T-008 Appointments to the Planning Board
15T-009 Appointment of Chair to the Planning Board
15T-010 Town Membership in Various Organizations in 2015
15T-011 Setting Rate for Reimbursement of Mileage
15T-012 Filing Annual Financial Report
15T-013 Authorization for Contract with Counsel to Town Attorney
15T-014 Continuation of Petty Cash Funds
15T-015 Setting 2015 Salary for Chairs and Members of the Planning, Zoning, Conservation and Historic Preservation Boards
15T-016 Monthly Reports to Town Board
15T-017 Setting Holidays for Employees for 2015
15T-018 Appointment of 2nd Deputy Receiver of Taxes
15T-019 Authorization for Workers Compensation Coverage 2015
15T-020 Authorization to Sign Contracts with Court Stenographer
15T-021 Authorization for Supervisor to Re-new the Agreement with the North East Quadrant Advanced Life Support, (NEQALS), Inc.
15T-022 Designation of Official Newspaper for 2015
15T-023 Adopting and Certifying the Findings Statement for the Southpoint Marina Expansion Project
15T-024 Granting Conditional Use Permit, Expansion to a Pre-existing Non-conforming Use, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit Pursuant to Articles III-3-10, III-3-94, IV-4-15, IV-4-25 and IX-9-2 of the Code to Allow a 176 Boat Slip Expansion to the Southpoint Marina and an Accessory 3,750 Square Foot Clubhouse/Restaurant and Pool, on 13.28 acres at 1384 and 1420 Empire Blvd.
15T-025 Authorization for Supervisor to sign a Contact with Employee Network, Inc. (ENI)

Public Works
15T-026 Naming of Landscape Consultant to the Town of Penfield
15T-027 Naming of a Planning Consultant to the Town of Penfield
15T-028 Setting Sewer Entrance Fees for 2015
15T-029 Sewer Rental and Debt Service Rates for 2015
15T-030 Appointments to Energy & Environmental Advisory Committee
15T-031 Appointments to the Watershed Management Committee
15T-032 Appointments to Conservation Board
15T-033 Re-Appointment of Chair – Conservation Board
15T-034 Appointment to Historic Preservation Board
15T-035 Appointment to Historic Preservation Board
15T-036 Appointment of Chair to Historic Preservation Board

Public Safety
15T-037 Appointments to the Transportation Committee
15T-038 Authorization of Temporary Assignment of Judges
15T-039 Court Enforcement Officer Appointments
15T-040 Appointment of Town Veterinarian
15T-041 Authorization for Supervisor to Sign Penfield Community Television Contact

Community Services
15T-042 Authorization for Supervisor to Sign Contract for Dayton’s Corners School Coordinator
15T-043 Appointments to the Library Board
15T-044 Appointment of Local History Room Advisory Committee

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
WHEREAS, pursuant to New York State Law, the Town Board has the ability to establish Rules of Procedure for their meetings;

NOW, BE IT RESOLVED, that the Rules of Procedure annexed hereto are hereby adopted, and

BE IT FURTHER RESOLVED, that a copy of the Rules of Procedure be available to the public on request from the Town Clerk, and that the Town Clerk will have available prior to each Town Board meeting a copy of the Rules of Procedure for review and inspection.

Moved: ___________
Seconded: ___________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-002 DATE January 7, 2015

BY Cm Moore Law & Finance COMMITTEE

NAME Adoption of Wage and Salary Schedule and Appointment of Officials and Employees for 2015

BE IT RESOLVED, that the Town Board hereby adopts the Wage and Salary Schedules effective January 1, 2015. A listing of all Town Board approved positions for 2015, appointed officials, employees and their salaries is available in Personnel office.

Moved: ___________
Seconded: ___________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
BE IT RESOLVED, that the following be bonded as to form, amount and sufficiency as to the surety for the year 2015.

- Supervisor: $500,000
- Deputy Supervisor: $500,000
- Receiver of Taxes and Deputy Receiver of Taxes: $500,000
- Town Comptroller: $500,000
- Town Clerk and Deputy Town Clerk: $100,000
- All other Town employees and officials: $100,000
- Blanket coverage per claim: $400,000

AND, BE IT FURTHER RESOLVED, that the Supervisor is authorized and directed to insure that this coverage is in force with the carrier currently engaged by the Town.
PENFIELD TOWN BOARD RESOLUTION NO. 15T-004     DATE  January 7, 2015

BY  Cm Moore                          Law & Finance       COMMITTEE

NAME    Authorization for the Town Comptroller to Attend the

________ Annual Meeting and the Board of Governors Meeting

WHEREAS, the Town Comptroller is a member of the New York State
Government Finance Association, and

WHEREAS, the annual meeting will benefit the Town of Penfield,

NOW, BE IT RESOLVED, that Robert P. Beedon, Town Comptroller, be
hereby authorized to attend the NYS Government Finance Officers
Association Conference in Albany, New York. All reasonable expenses
will be reimbursed upon submission of proper voucher with supporting
documents. Funds have been budgeted in the 2015 budget.

Moved:    __________
Seconded: __________

Vote: Kohl  ______________________
LaFountain ______________________
Metzler  ______________________
Moore  ______________________
Quinn  ______________________
BE IT RESOLVED, that the various accounts and other banking arrangements as listed below be continued:

CHECKING ACCOUNTS

General Consolidated Account (including amounts for other funds)        #9840346283  M&T Bank
Trust and Agency Account                                                  #9840346291  M&T Bank
Debt Service Fund & Capital Account                                       #9840346275  M&T Bank
Town Clerk Account                                                        #9840346267  M&T Bank
Town Clerk Account #2                                                     #9840346259  M&T Bank
Receiver of Taxes Account                                                 #9848617263  M&T Bank

SAVINGS ACCOUNTS

F.P. Hagreen Bequest                                                     #15004211816804  M&T Bank
Town of Penfield Money Market                                             #15004211816812  M&T Bank
Town of Penfield Money Market                                             #587659947      First Niagara

Moved:  ___________  
Seconded: ___________ 
Vote:  
Kohl  ____________________  
LaFountain  ____________________  
Metzler  ____________________  
Moore  ____________________  
Quinn  ____________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-006   DATEJanuary 7, 2015
BY  Cm Moore                      Law and Finance      COMMITTEE
NAME   Appointment to Zoning Board of Appeals

BE IT RESOLVED, that Michael Belgiorno, 11 Mountain Road, Penfield, NY be appointed to the Zoning Board of Appeals for a three year term expiring December 31, 2017, at an annual salary as established by the Town Board.

Moved:   ___________
Seconded: ___________

Vote:   Kohl  _________________
       LaFountain  _________________
       Metzler  _________________
       Moore  _________________
       Quinn  _________________
BE IT RESOLVED, that Daniel DeLaus, 105 Guygrace Lane, Penfield, NY, be appointed Chair of the Zoning Board of Appeals, for the year 2015 at an annual salary as established by the Town Board.

Moved: ______________
Seconded: ______________

Vote: Kohl
LaFountain
Metzler
Moore
Quinn
BE IT RESOLVED, that Allyn Hetzke, Jr, 14 Silver Fox Drive, Penfield, Bill Bastian, 68 Hillcrest Drive, Penfield, and Terence Tydings, 11 Scarborough Park, Penfield be appointed to the Penfield Planning Board, for a three year term expiring December 31, 2017 at an annual salary as established by the Town Board.

Moved: ___________  
Seconded: ___________

Vote: Kohl______________________________ 
      LaFountain_________________________ 
      Metzler____________________________ 
      Moore_____________________________ 
      Quinn_____________________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-009 DATE January 7, 2015

BY Cm Moore Law and Finance COMMITTEE

NAME Appointment of Chair to the Planning Board

BE IT RESOLVED, that Allyn Hetzke, Jr. 14 Silver Fox Drive, Penfield, be appointed Chair of the Planning Board for the year 2015, at an annual salary as established by the Town Board.

Moved: ___________
Seconded: ___________

Vote: Kohl ______________________
LaFountain ______________________
Metzler ______________________
Moore ______________________
Quinn ______________________
BE IT RESOLVED, that the following memberships for the Town of Penfield are hereby authorized for 2015 at the current annual dues:

1. Alliance for Community Media - Northeast, New York and US (ACM)
2. American Association for State & Local History
3. American Planning Association
4. American Public Works Association
5. American Society of Civil Engineers
6. Association of Public Historians of New York State
7. Association of Watershed and Stormwater Professionals
8. Cooperative Extension of Monroe County
9. Cornell Municipal Clerks Institute
10. Electrical Association of Rochester, Inc.
11. Finger Lakes Building Officials Association
12. Genesee Valley Parks and Recreation Society
13. Institute Management of Accountants
14. International Association of Assessing Officers (IAAO)
15. International Institute of Municipal Clerks
16. International Erosion Control Association
17. Landmark Society of Western New York
18. Monroe County Assessors Association
19. Monroe County Association of Town Clerks, Tax Receivers and Collectors
20. Monroe County Association of Town Superintendents of Highways
21. Monroe County Court Clerks Association
22. Monroe County Fire Marshals and Inspectors Association
23. Monroe County Historians Association
24. Monroe County Magistrates Association
25. Monroe County Supervisors Association
26. Monroe County Town Finance Association
27. National Animal Control Association
28. National Association of Telecommunications Officers and Advisors
29. National Government Finance Association
30. National Public Employees Labor Relations Association
31. National Fire Protection Association
32. National Recreation and Parks Association
33. National Trust for Historic Preservation
34. New York Conservation Officers Association
35. New York State Assessors Association (NYSAA)
36. New York State Association of Tax Receivers and Collectors
37. New York State Association of Town Highway Superintendents
38. New York State Association of Towns
39. New York State Building Officials Conference
40. New York State Court Clerks Association
41. New York State Fire Marshals and Inspectors Association
42. New York State Historical Association
43. New York State Institute of Assessing Officers (IAO)
44. New York State Government Finance Officers Association
45. New York State Magistrates Association
46. New York State Recreation and Park Society
Moved: __________
Seconded: __________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
BE IT RESOLVED, that pursuant to Town Board Resolution #288 of May 1, 1978, which sets a policy regarding reimbursement to Town officials and employees who travel by private vehicle on Town business, that the rate of reimbursement for 2015 be .575 per mile, which is consistent with current Internal Revenue Service guidelines, with tolls and parking in addition to mileage allowance.

BE IT FURTHER RESOLVED, mileage will only be reimbursed in instances where a Town vehicle is not available and with pre-approval of the Town Supervisor.

Moved: ___________
Seconded: ___________
Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
WHEREAS, Town Law requires that the Supervisor file an annual financial report within sixty days after expiration of each fiscal year with the Town Clerk, and

WHEREAS, the Town Board is required to dispense with such filing,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby empowered to file the Annual Financial Report for 2014 with the State Comptroller on or before March 1, 2015, with a copy for the Town Clerk, and

BE IT FURTHER RESOLVED, that within ten days following the submission of such report, the Town Clerk shall publish notice that the Annual Report is available for inspection in her office.

Moved: ____________
Seconded: ____________
Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
WHEREAS, the Town desires to continue with the law office of McConville, Considine, Cooman & Morin (Joseph A. Platania, Esq. of Counsel) as Counsel to the Town Attorney and to pay his office a retainer for the duties specified and to pay an additional hourly fee for representing the Town in actions against various Town Boards, Officials and Employees,

NOW, BE IT RESOLVED, that the Supervisor is authorized to sign a contract with Mr. Joseph A. Platania for 2015 under the following conditions:

1. To be covered by a retainer to be paid in equal monthly installments:
   a. Attend Planning Board and Zoning Board of Appeals meetings.
   b. Prepare/assist in preparation of resolutions of the Planning Board and Zoning Board of Appeals.
   c. Handle first three hours of all court actions assigned by the Town Attorney.
   d. Assist at the request of the Town Attorney in ordinance and local law preparation and review.
   e. Render legal advice to the Planning Board, Zoning Board of Appeals, Historical Preservation Board and Conservation Board.
   f. Assume all duties of the Town Attorney in his absence.

2. Additional work may be assigned by the Town Board and/or the Town Attorney and will be paid per hour after the first three hours of any case. Cases may include tax certiorari, civil service, labor, Article 78/Declaratory Judgement and all court action against Town Boards and Employees.

Moved: _____________
Seconded: _____________
Vote: Kohl  ______________________
       LaFountain ______________________
       Metzler ______________________
       Moore  ______________________
       Quinn  ______________________
BE IT RESOLVED, that the following petty cash funds are authorized in 2015 as follows:

- Town Supervisor $200.00
- Recreation Department $250.00
- Director of Public Works $200.00
- Town Clerk and Receiver of Taxes $200.00

AND, BE IT FURTHER RESOLVED, that the policy established by the Town Board Resolution #66 of February 4, 1980 and last revised April 23, 2003 continues to apply and all persons affected should have a copy of that Policy so they may be familiar with it to insure compliance.

Moved: __________
Seconded: __________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
BE IT RESOLVED, that the following annual salaries to be paid in twelve (12) equal monthly installments be in force for 2015:

- Chair, Planning Board: $3,439
- Member, Planning Board: $2,544
- Chair, Zoning Board: $2,913
- Member, Zoning Board: $2,018
- Chair, Conservation Board: $1,783
- Member, Conservation Board: $868
- Chair, Historic Preservation Board: $1,379
- Member, Historic Preservation Board: $481

Moved: ___________
Seconded: ___________

Vote: Kohl ________________
      LaFountain ________________
      Metzler ________________
      Moore ________________
      Quinn ________________
BE IT RESOLVED, that all Department Heads, including the Town Attorney, shall submit a written monthly report to the Town Board by the 10th of each following month. Reports should summarize progress in accomplishing approved priorities and goals and identify areas that may warrant special attention by the Town Board. Reports should also include a brief summary of major activities.

Moved: 
Seconded:

Vote: Kohl 
LaFountain 
Metzler 
Moore 
Quinn
BE IT RESOLVED, that the following dates are to be observed as holidays in 2015 for regular employees in accordance with the policy on holidays as written in the Employee's Handbook.

Thursday, January 1, 2015  New Year's Day  
Monday, January 19, 2015  Martin Luther King, Jr. Day  
Monday, February 16, 2015  President's Day  
Friday, April 3, 2015  Good Friday  
Monday, May 25, 2015  Memorial Day  
Friday, July 3, 2015  Independence Day  
Monday, September 7, 2015  Labor Day  
Monday, October 12, 2015  Columbus Day  
Wednesday, November 11, 2015  Veteran's Day  
Thursday, November 26, 2015  Thanksgiving Day  
Friday, November 27, 2015  Thanksgiving Floater  
Friday, December 25, 2015  Christmas Day  

BE IT FURTHER RESOLVED, that the extra floating holiday will be observed on Thursday, December 24, 2015 except for labor/operative employees. Highway employees will observe extra floating holiday on Monday, July 6th and all other labor/operative will observe extra floating holiday on Friday, September 4th.

Moved: ____________  
Seconded: ____________  

Vote:  
Kohl ______________________  
LaFountain ______________________  
Metzler ______________________  
Moore ______________________  
Quinn ______________________
NOW, THEREFORE, BE IT RESOLVED, that The Town of Penfield wishes to appoint M&T Bank, 255 East Avenue, 3rd Floor Rochester, NY 14604 as 2nd Deputy Receiver of Taxes for the Town of Penfield.

NOW, THEREFORE, BE IT RESOLVED, that this resolution appoints M&T Bank 2nd Deputy Receiver of Taxes effective January 1st 2015.

Moved: ________________
Seconded: ________________

Vote: Kohl ________________
      LaFountain ________________
      Metzler ________________
      Moore ________________
      Quinn ________________
Whereas, the Town Board requested that workers compensation insurance proposals be obtained so that selection could be made for January 1, 2015 to December 31st 2015 insurance year, and

Whereas, the Municipal Insurance Consulting Services Inc., acting as consultant to the Town has evaluated the five proposals for our workers compensation insurance coverage’s for the 2015 insurance year on our Workers Compensation Insurance, and

Whereas there were five request for proposals from five vendors, Public Employers Risk Management Association, the New York State Municipal Workers’ Compensation Alliance, the State Insurance Fund Safety Group #497-Association of Government, The NYSIF Safety Group #496-NYS Public Entities and the Upstate NY Municipal WC, and

Whereas the lowest request was from the Public Employers Risk Management Association, and

Now, Be It Resolved that the insurance quote of $298,368 from the Public Employer Risk Management Association, Inc. is approved as they met all the specifications for the Town of Penfield’s workers compensation needs for the 2015 insurance year.

Moved: _________________

Seconded: _________________

Vote:

Kohl _________________

Metzler _________________

La Fountain _________________

Moore _________________

Quinn _________________
BE IT RESOLVED, that the Supervisor is hereby authorized to sign a contract with Edie Forbes as Court Stenographer for Bench and Jury Trials effective January 1, 2015 to December 31, 2015, unless earlier terminated by either of the parties. Form of contract to be acceptable to Town Attorney. Funds are appropriated in the 2015 Budget.
NAME: Authorization for Supervisor to Re-new the Agreement with the North East Quadrant Advanced Life Support, (NEQALS), Inc.

BE IT RESOLVED, that the Town Board of the town of Penfield hereby authorizes the Supervisor to sign an Agreement with the North East Quadrant Advanced Life Support, Inc., (NEQALS), that reflects the current interests of the involved parties, a copy of which is on file with the Town clerk.

Moved: ________________

Seconded: ________________

Vote: Kohl ________________

LaFountain ________________

Metzler ________________

Moore ________________

Quinn ________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-022    DATE January 7, 2015

BY Cm Moore                          Law and Finance COMMITTEE

NAME Designation of Official Newspaper for 2015

BE IT RESOLVED, that the Penfield Post be designated as the official
newspaper for the Town of Penfield for publication of notices, resolutions,
local laws and ordinances.

Moved: ____________
Seconded: ____________

Vote: Kohl ________________
      LaFountain ________________
      Metzler ________________
      Moore ________________
      Quinn ________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-023        DATE January 7, 2015

BY Councilman Moore             Law & Finance COMMITTEE

NAME Adopting and Certifying the Findings Statement for the Southpoint Marina Expansion Project

WHEREAS, the Town Board of the Town of Penfield has been designated as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) regarding the proposed Southpoint Marina expansion project; and

WHEREAS, the Town Board completed a public review of the Draft Environmental Impact Statement (DEIS) and held a public hearing held on September 3, 2014 to allow the public to address both the DEIS and modifications to the project; and

WHEREAS, during the public comment and review of said DEIS, comments were made orally at the hearing and submitted in writing prior to the close of said public comment period on September 19, 2014; and

WHEREAS, the Town Board has considered all comments made and has prepared responses as appropriate, as contained in the Final Environmental Impact Statement (FEIS) which it accepted on November 19, 2014; and

WHEREAS, the Town Board finds that the proposed project avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

NOW, THEREFORE, BE IT

RESOLVED, that the Penfield Town Board acting as Lead Agency, and having complied with SEQRA, hereby adopts the Findings Statement, attached hereto as Schedule A; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Supervisor to Certify said Findings Statement.
Moved:  
Seconded:  

Vote:  Kohl  
       LaFountain  
       Metzler  
       Moore  
       Quinn
State Environmental Quality Review

FINDINGS STATEMENT

Pursuant to Article 8 of the New York State Environmental Conservation Law 6 NYCRR Part 617.1 et seq. (collectively the “State Environmental Quality Review Act” or “SEQRA”) and the Penfield Town Code, the Penfield Town Board, as Lead Agency, makes the following Findings:

Application No.: N/A
Date: January 7, 2015
Name of Action: Southpoint Marina Expansion

Description of Action:
The owners of the Southpoint Marina propose to install 176 boat slips in addition to 186 existing slips and also propose the construction of a 3,750 sf footprint two story structure to act as a marina clubhouse on the first floor and small restaurant on the second floor. The structure will also be served by an in-ground swimming pool.

Location: 1384 and 1420 Empire Boulevard, Penfield, New York 14609

Agency Jurisdiction: The Penfield Town Board is acting as Lead Agency

Date Final EIS Filed: November 19, 2014
The Town of Penfield has carefully studied and planned for the development of its waterfront. The Local Waterfront Revitalization Plan (“LWRP”) and Irondequoit Bay Harbor Management Plan (“IBHMP”) each address the need for future improvements and the unique constraints of developing the areas near Irondequoit Bay. The proposed Project meets many of the stated goals, and the Applicant has agreed to undertake and comply with as integral parts of the Project, promote the public interest and mitigates any potential adverse environmental impacts, namely:

**Increased Public Access**

The IBHMP strongly encourages increased public access to the water without impacting landside resources. The project will increase public access to the waterfront by providing new publicly available facilities, viewing points, and walkways. Furthermore, the project does not impact land resources. As most of the project will be an expansion of pre-existing dock facilities adjacent to a pre-existing restaurant, only 0.5 acres of land will be used for the new development.

The LWRP strongly encourages utilization and improvement of existing waterfront resources. In particular, a portion of Empire Boulevard, which includes the project site, was identified as underutilized waterfront. The property is currently a restaurant and marina. The new landside improvements, however, will be built on land that is currently asphalt millings, which is clearly underutilized. Moreover, the project will expand public access to the existing waterfront facilities with new walkways, viewing areas, and parking.

**Public Boat Access to Irondequoit Bay**

The 2003 IBHMP encouraged development of additional boat docking facilities on Irondequoit Bay to promote public access to the water and economic development in addition to meeting the current and future increased demand for boat slip access. Several specific areas, including the “North Harbor” area near Sea Breeze, the “Central Harbor” near the Newport Marina, and the Glen Edith, were identified as sites for additional slips. Since the IBHMP was drafted, however, no additional marina space has been developed in these areas and in fact, these areas are no longer viable harbor areas as they have been redeveloped for residential development, and are no longer eligible for marina use.

The project site is a suitable alternative to the areas identified in the IBHMP, which will promote public access to the water and economic development, with little to no impact on Irondequoit Bay’s natural resources. Expansion of municipal marinas was considered as an alternative to the project, but there are no current funds or municipal sponsors for such additional slips.

**Lands in Public Domain**

Unlike the neighboring Towns of Irondequoit and Webster, the Town of Penfield has a small area of waterfront lands. The Town maintains part of this limited space adjacent to Irondequoit Bay in the public domain with its LaSalle’s Landing Park and the County of Monroe with the larger Abraham Lincoln Park, which take up a significant percentage of the Town’s total
Bay frontage. This project, will not remove waterfront resources from the public domain, but rather will provide greater accessibility to those facilities as well as the waterfront itself through new pedestrian easements and the construction of a public overlook. The area of the Bay where additional boat slips are proposed provides access to the adjacent cove for boaters, kayaking, canoeing, fishing and bird watching. In addition to the new public access to the water that the project will provide, the marina expansion will not encroach on the littoral rights of any other property owners. Moreover, as much of this area’s waterfront property is already in the public domain, the additional public spaces proposed for this project do not materially alter the character or use of the waterfront.

Landside Support

The IBHMP encourages the development of waterfront resources in conjunction with adequate landside support. The goal is useful waterfront development: property adjacent to Irondequoit Bay should provide access to the water and support water dependent uses. The project clearly meets this goal and is primarily water dependent. In addition to easy vehicular accessibility to the marina from Empire Blvd., in addition to the new docking facilities, the project will include a clubhouse, restaurant and pool that will encourage patrons to use the marina. The restaurant, parking areas, public trails and viewing area will further provide public access to this property which does not currently exist. Visitors will be attracted to the property to dine by the water, enjoy the vistas, and take part in the range of boating activities provided by the marina.

Road Improvements

A Traffic Impact Study of the area was conducted in 2012 to determine the impact of the proposed Southpoint Cove Apartment Homes and expansion of the current marina. The study assumed that 358 apartment units and 224 additional boat slips would be added to the area. The study concluded that there would be no deterioration in the level of service for the intersections studied. Since the 2012 study, the size and scope of both the apartment project and the marina expansion have decreased. 339 multifamily units are now under construction at Southpoint Cove Apartments, and 176 slips are proposed for this project. As part of the Southpoint Cove Apartments project, significant improvements to Empire Boulevard were undertaken. The current marina proposal will therefore not have a significant adverse impact on traffic.

Harbor Management Law

The Town’s Harbor Management Law prohibits marinas in Resource Protection Areas (“RPA”), which contain specific unique marine resources. The existing marina is within a RPA as shown on the Water Surface Usage Map, which is incorporated into the Harbor Management Law and the IBHMP. The existing marina and structures were built prior to the adoption of the Harbor Management Law, however, and is therefore a legal pre-existing non-conforming use.

The Harbor Management Law allows expansion of pre-existing non-conforming uses upon proper authority under Penfield Code § 4-15. The Penfield Town Board has traditionally exercised authority under this section to allow expansion of non-conforming uses. In this case, studies conducted by Dr. James Haynes showed that the project area contains no specific uniqueness and
should not be classified as a RPA. The Town may exercise its proper authority to allow expansion of the legal pre-existing non-conforming use as a marina which provides for greater compliance with the provisions of the existing town regulations and does not adversely impact adjacent conforming uses.

**Biological Resources**

Birds, fish, and terrestrial species and habitats in the project area have been closely studied. As part of the Town’s environmental review process, Dr. James Haynes conducted surveys of birds (both wetland and terrestrial species), mammals, fish, and amphibians in the project area. Fewer species and lower populations of fish were found in the project area than in Irondequoit Bay as a whole. Few amphibians were found in the area, and none of them are classified as protected species. The project will be built in an area with the lowest diversity and abundance of fish, and a minimal population of amphibians, which will not be affected by the marina expansion.

The 2014 Dr. Haynes surveys did not reveal any mammals or reptiles in the project area. There are known to be 43 mammalian species in Irondequoit Bay. None of the reptile or mammal species living in the Bay, however, is unique to the area.

Over 40 bird species were surveyed as part of the Town’s environmental review process, all of which are common to Irondequoit Bay and have remained in the area after decades of ongoing marina operations. Although there is currently a Bald Eagle nest on the property, no construction or disturbance will take place within 645 feet of the nest. Moreover, there have been numerous other construction projects nearby and the constant flow of over 24,000 daily vehicles traveling by on Empire Boulevard, which have not disturbed the nest since it was discovered in 2007. Further, the applicant has agreed to place a conservation easement, over the remaining portion of 1384 Empire Blvd. where the eagle’s nest is located; said easement shall ensure that the property remains in an undisturbed state and shall not be the subject of any activity that alters the character of that portion of the property. Said easement shall be in a form mutually agreeable to the applicant and the Town Attorney and shall be in effect until such time as the eagle’s nest is no longer occupied.

The biological resource surveys conducted as part of this environmental review process also demonstrated that there will be no negative impacts to vegetation. Much of the ground cover in the area is an invasive species, and none of the native species will be disturbed. Samples of sediment taken from the shoreline revealed no evidence of aquatic plant growth. The project will therefore not have an impact on biological resources.

**Stormwater Quality**

The project will implement all necessary stormwater management practices in accordance with New York State Department of Environmental Conservation regulations and the required SPDES Permit. A bio-retention pond will be located outside of the 100 foot adjacent area to limit impacts. A rip rap channel will also be constructed to address any unforeseen stormwater overflow. Currently, stormwater discharges from the site untreated in to Irondequoit Bay. The project’s stormwater management practices will therefore be an improvement for the area.
Erosion

The project’s proposed buoys and speed limit restrictions will adequately address any erosion concerns. The marina expansion will include new marker buoys along the shoreline to ensure that boats do not travel too close to the shoreline. A “No Wake” zone will also be established to prevent boats from creating waves near the shoreline, which could cause erosion. It is important to note, however, that the shoreline is currently protected by a dense stand of cattails, with no sign of erosion despite the presence of the existing marina.

Dredging

The project site is in naturally deep waters and will not require dredging. The areas of the proposed marina expansion are actually deeper than the existing marina. Dredging of the current marina and boat channel was required in 2009 due to silt deposits from Irondequoit Creek, not from disturbance by boats. The marina expansion area, however, is naturally deep, was not dredged in 2009, and is not anticipated to require dredging.

Alternative configurations of the new boat slips were considered. The proposal is the only site and configuration that would not encroach on shallow water, which could require dredging or create navigational issues for other user of the Bay.

The Action

The action that is the subject of this environmental review is the construction of 176 boat slips and a two story structure with a swimming pool. The currently under construction Southpoint Cove residential project and the proposed marina expansion are two separate and distinct projects. The two projects are under separate ownership and are not in any way dependent on each other. The required SEQRA process was properly completed for the Southpoint Cove residential project. A full environmental review was also completed for the current action, which is no less protective of the environment.
CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft and Final EIS and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;

2. Consistent with social, economic, and other essential consideration, from among the reasonable alternatives thereto, the action is one which minimizes or avoids potential adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and

3. Consistent with social, economic, and other essential considerations, to the maximum extent practicable, potential adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigating measures which were identified as practicable.

Penfield Town Board
Name of Agency

R. Anthony LaFountain, Town Supervisor
Name and Title of Responsible Official

____________________________            January 7, 2015
Signature of Responsible Official           Date

3100 Atlantic Avenue, Penfield, New York 14526
Address of Agency
WHEREAS, Rochester Waterfront Properties LLC ("Applicant"), 2740 Monroe Avenue, Rochester, New York 14618, has filed an application ("Application") with the Town Board ("Town Board") of the Town of Penfield ("Town") for the issuance of a Conditional Use Permit, an Expansion to a Pre-existing, Non-conforming Use, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III–3-10, IV-4-15, IV-4-25, III-3-92, VIII-8-2 and IX-9-2 of the Code to allow an additional 176 boat slips, a 3,750 square foot clubhouse and restaurant and an in-ground swimming pool with accessory parking (the "Project"), on an approximately 13.28-acre site ("Site") on Empire Blvd. in the LaSalle’s Landing Development (LLD) zoning district; and

WHEREAS, the Southpoint Marina expansion project (collectively, the “Project”) consists of the installation of 176 boat slips to the existing 186 boat slips in the waters of Irondequoit Bay, in addition to the construction of a 3,750 square foot, two story building, with a swimming pool. The first floor of the building will be dedicated as a marina clubhouse, along with an in-ground swimming pool, both of which will exclusively serve the needs of the membership of the Southpoint Marina. The second floor of the building will be used as a restaurant with outdoor dining which will be open to the general public and other such improvements, all as shown on the drawings prepared by Passero Associates (collectively, the Plans) and submitted by the Applicant; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its implementing regulations (collectively, SEQRA) the Project was classified as a Type I action. Pursuant to SEQRA Type I action requirements, a coordinated review was required, and thereafter, the Town Board was duly declared lead agency for the Project; and

WHEREAS, in accordance with New York General Municipal Law Section 239-m, the Project was duly referred to the Monroe County Department of Planning and Development for the required review under such section of the General Municipal Law which resulted in comments issued by the Monroe County Department of Planning and Development under referral #PN13-19ZS, dated June 7, 2013; and
WHEREAS, on December 18, 2013, by resolution 13T-228, the Board, acting as lead agency pursuant to SEQRA, adopted Parts 2 and 3 of the EAF long form and issued a positive declaration indicating the Project may result in a potentially significant adverse impact and therefore, required the preparation of an Environmental Impact Statement (EIS); and

WHEREAS, on February 19, 2014, by resolution 14T-063 the Board received the Applicant’s proposed scoping outline, and the Board determined it would conduct a public scoping process on the draft outline, and comments were accepted in writing by the Board via mail, hand delivery, fax, and email to the Penfield Planning Department between February 20, 2014 and March 21, 2014 at 5:00 p.m. The Board, on April 23, 2014, by resolution 14T-083, approved the final scoping outline; and

WHEREAS, in connection with the Project, the Applicant submitted numerous materials, including a Draft Environmental Impact Statement (DEIS) with supplements, dealing with identified environmental issues associated with the Plan; and

WHEREAS, on August 6, 2014, by resolution 14T-142, the Board declared the Draft EIS adequate for public review, set a public hearing, and officially opened a public comment period; and

WHEREAS, on September 3, 2014, the Board conducted a public hearing addressing proposed modifications to the original Plan, specifically addressing an increase in the size of the building from 2,700 square feet to 3,750 square feet and a modification in the use of the second floor from a tiki bar to a sit-down restaurant, and a second public hearing to address the Draft EIS for the Project pursuant to SEQRA at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York at 7:30 p.m. where the facts supporting the Project were presented and where citizen input was received (the “SEQRA Public Hearing”); and

WHEREAS, following the SEQRA Public Hearing and continuing until September 19, 2014 at 5:00 p.m., the Board accepted additional written comments via mail, hand delivery, fax, and email to the Planning Department on the Project in connection the Draft EIS; and

WHEREAS, upon receipt of comments during said comment period, the Board determined that the majority of comments received were substantive and required the preparation of a Final Environmental Impact Statement (FEIS), which it accepted as complete by resolution 14T-193, on November 19, 2014; and

WHEREAS, on January 7, 2015, by resolution 15T-023, the Board adopted its Findings Statement (the “Town Board Findings Statement”) and determined that all of the alternatives considered during the review process for the Project, that the Project approved best provided a balance of all interests and mitigated potential adverse environmental impacts to the maximum extent practicable, as more fully set forth in the Town Board Findings Statement; and

WHEREAS, the Town Board found that the following measures that the Applicant has offered and agreed to undertake and comply with as integral parts of the Project, promote the public interest and mitigate any potential environmental adverse impacts of the project, namely:
Increased Public Access

The 2003 Irondequoit Bay Harbor Management Plan (IBHMP) strongly encourages increased public access to the water without impacting landside resources. The Project will increase public access to the waterfront by providing new publically available facilities, viewing points, and walkways. Furthermore, the Project does not impact land resources. As the majority of the Project will be an expansion of pre-existing dock facilities adjacent to an existing restaurant, only 0.5 acres of land will be used for the new development.

The Local Waterfront Revitalization Program (LWRP) strongly encourages utilization and improvement of existing waterfront resources. In particular, a portion of Empire Boulevard, which includes the Project Site, was identified as underutilized waterfront. The property is currently being utilized for a restaurant and marina. The new landside improvements, however, will be built on land that is currently asphalt millings, which is clearly underutilized. Moreover, the Project will expand public access to the existing waterfront facilities with new walkways, a viewing area, and additional parking.

Public Boat Access to Irondequoit Bay

The 2003 Irondequoit Bay Harbor Management Plan (IBHMP) encouraged development of additional boat docking facilities on Irondequoit Bay to provide safe refuge, promote public access to the water and economic development in addition to meeting the current and future increased demand for boat slip access. Several specific areas, including the “North Harbor” area near Sea Breeze, the “Central Harbor” near the Newport Marina, and the Glen Edith, were identified as sites for additional slips. Since the IBHMP was drafted adopted, however, no additional marina space has been developed in these areas and in fact, these areas are no longer viable harbor areas as they have been redeveloped for residential development, and are no longer eligible for marina use.

The Project Site is a suitable alternative to the areas identified in the IBHMP, which will provide safe refuge, promote public access to the water and economic development, with little to no impact on Irondequoit Bay’s natural resources. Expansion of municipal marinas was considered as an alternative to the Project, but there are no current funds or municipal sponsors for such additional slips.

Lands in Public Domain

Unlike the neighboring Towns of Irondequoit and Webster, the Town of Penfield has a small area of waterfront lands. The Town maintains part of this limited space adjacent to Irondequoit Bay in the public domain with its LaSalle’s Landing Park and the County of Monroe with the larger 182 acre Abraham Lincoln Park, which has approximately 2,000 linear feet of bay frontage. There are 12,960 linear feet of bay frontage in the Town of Penfield. This Project, will not remove waterfront resources from the public domain, but rather will provide greater accessibility to those facilities as well as the waterfront itself through new pedestrian easements and the construction of a public overlook. In addition to the 3.1 acres of water surface devoted the existing boat slips, the water surface area of the bay where the additional boat slips are proposed has been reduced from
the original proposal of 4 acres to 2.49 acres and provides more than adequate access to the adjacent cove for boaters, kayaking, canoeing, fishing and bird watching. In addition to the new public access to the water that the Project will provide, the marina expansion will not encroach on the littoral rights of any other property owners, as all of shoreline in this area is owned by the Applicant. Moreover, as much of this area’s waterfront property is already in the public domain, the additional public spaces proposed for this Project do not materially alter the character or use of the waterfront.

**Landside Support**

The 2003 IBHMP encourages the development of waterfront resources in conjunction with adequate landside support. The goal is useful waterfront development: property adjacent to Irondequoit Bay should provide access to the water and support water dependent uses. The Project clearly meets this goal and is primarily water dependent. In addition to easy vehicular accessibility to the marina from Empire Blvd., in addition to the new docking facilities, the Project will include a clubhouse, restaurant and pool that will encourage patrons to use the marina. The restaurant, parking areas, public trails and viewing area will further provide public access to this property which does not currently exist. Visitors will be attracted to the property to dine by the water, enjoy the vistas, and take part in the range of boating activities provided by the marina.

**Road Improvements**

A Traffic Impact Study of the area was conducted in 2012 to determine the impact of the proposed Southpoint Cove Apartment Homes and expansion of the current marina. The study assumed that 358 apartment units and 224 additional boat slips would be added to the area. The study concluded that there would be no deterioration in the level of service for the intersections studied. Since the 2012 study, the size and scope of both the apartment project and the marina expansion have decreased. 339 multifamily units are now under construction at Southpoint Cove Apartments, and 176 slips are proposed for this Project versus the originally proposed 225 boat slips. As part of the Southpoint Cove Apartments project, significant improvements to Empire Boulevard were undertaken. The current marina proposal will therefore not have a significant adverse impact on traffic.

**Harbor Management Law**

The Town’s Harbor Management Law (adopted in 2008) prohibits marinas in Resource Protection Areas (“RPA”), which contain specific unique marine resources. The existing marina is within a RPA as shown on the Water Surface Use Map, which is incorporated into the Harbor Management Law and the IBHMP. The existing marina and structures were approved and built prior to the adoption of the Harbor Management Law, however, and are therefore a legal pre-existing non-conforming use.

The Harbor Management Law allows expansion of pre-existing non-conforming uses upon proper authority under Penfield Code §4-15. The Penfield Town Board has authority under this section to allow expansion of pre-existing non-conforming uses within the LaSalle’s Landing District. In
In this case, studies conducted by Dr. James Haynes showed that the Project area contains no specific uniqueness and should not be classified as a RPA. The Town may exercise its proper authority to allow expansion of the legal pre-existing non-conforming use as a marina, which provides for greater compliance with the provisions of existing town regulations and does not adversely impact adjacent conforming uses.

**Biological Resources**

Birds, fish, and terrestrial species and habitats in the Project area have been closely studied. As part of the Town’s environmental review process, Dr. James Haynes conducted surveys of birds (both wetland and terrestrial species), mammals, fish, and amphibians in the Project area. Fewer species and lower populations of fish were found in the Project area than in Irondequoit Bay as a whole. Few amphibians were found in the area, and none of them are classified as protected species. The Project will be built in an area with the lowest diversity and abundance of fish, and a minimal population of amphibians, which will not be affected by the marina expansion.

The 2014 Dr. Haynes surveys did not reveal any mammals or reptiles in the Project area. There are known to be 43 mammalian species in Irondequoit Bay. None of the reptile or mammal species living in the Bay, however, is unique to the Project area.

Over 40 bird species were surveyed as part of the Town’s environmental review process, all of which are common to Irondequoit Bay and have remained in the area after decades of ongoing marina operations. Although there is currently a Bald Eagle nest on the property, no construction or disturbance will take place within 645 feet of the nest. Moreover, there have been numerous other construction projects nearby and the constant flow of over 24,000 daily vehicles traveling by on Empire Boulevard, none of which have disturbed the nest since it was discovered in 2007. Further, the applicant has agreed to place a conservation easement, over the remaining portion of 1384 Empire Blvd. where the eagle’s nest is located; said easement shall ensure that the property remains in an undisturbed state and shall not be the subject of any activity that alters the character of that portion of the property. Said easement shall be in a form mutually agreeable to the applicant and the Town Attorney and shall be in effect until such time as the eagle’s nest is no longer occupied.

The biological resource surveys conducted as part of this environmental review process also demonstrated that there will be no negative impacts to vegetation. Much of the ground cover in the area is an invasive species, and none of the native species will be disturbed. Samples of sediment taken from the shoreline revealed no evidence of aquatic plant growth. The Project will therefore not have an impact on biological resources.

**Stormwater Quality**

The Project will implement all necessary stormwater management practices in accordance with New York State Department of Environmental Conservation regulations and the required SPDES Permit. A bio-retention pond will be located outside of the 100 foot adjacent area to limit impacts. A rip rap channel will also be constructed to address any unforeseen stormwater overflow.
Currently, stormwater discharges from this portion of the site untreated into Irondequoit Bay. The Project’s stormwater management practices will therefore be an improvement for the area.

Erosion

The Project’s proposed buoys and speed limit restrictions will adequately address any erosion concerns. The marina expansion will include new marker buoys along the shoreline to ensure that boats do not travel too close to the shoreline. A “No Wake” zone will also be established to prevent boats from creating waves near the shoreline, which could cause erosion. It is important to note, however, that the shoreline is currently protected by a dense stand of cattails, with no sign of erosion despite the presence of the existing marina.

Dredging

The Project Site is in naturally deep waters and will not require dredging. The areas of the proposed marina expansion are actually deeper than the existing marina. Dredging of the current marina and boat channel was required in 2009 due to silt deposits from Irondequoit Creek, not from disturbance by boats. The marina expansion area, however, is naturally deep, was not dredged in 2009, and is not anticipated to require dredging. Alternative configurations of the new boat slips were considered. The proposal is the only site and configuration that would not encroach on shallow water, which could require dredging or create navigational issues for other users of the Bay.

The Action

The action that is the subject of this environmental review is the construction of 176 boat slips and a two story structure with a swimming pool with accessory parking. The currently under construction Southpoint Cove residential project and the proposed marina expansion are two separate and distinct projects. The two projects are under separate ownership and are not in any way dependent on each other. The required SEQRA process was properly completed for the Southpoint Cove residential project in 2012. A full environmental review was also completed for the current action, which is no less protective of the environment.

NOW, THEREFORE, BE IT RESOLVED that the Application for the issuance of a Conditional Use Permit, an Expansion to a Pre-existing, Non-conforming Use, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III–3-10, IV–4-15, IV–4-25, III–3-92, VIII–8-2 and IX–9-2 of the Code to allow an additional 176 boat slips, a 3,750 square foot clubhouse and restaurant and an in-ground swimming pool with accessory parking (the “Project”), on an approximately 13.28-acre site (“Site”) on Empire Blvd. in the LaSalle’s Landing Development (LLD) zoning district, be and the same are hereby APPROVED subject to the following conditions:

1. The Board has granted a CONDITIONAL USE PERMIT for the concept of a clubhouse and sit-down restaurant with bar and outdoor dining. However, the specifics of the proposed restaurant and its operator are currently unknown to the Board. Therefore, the applicant shall obtain a CONDITIONAL USE PERMIT and pay the appropriate fee for the operation of the
proposed clubhouse prior to its occupancy. In the case of the proposed restaurant, the operator of the restaurant, once determined, shall be responsible for applying for and obtaining a CONDITIONAL USE PERMIT from the Town Board, after a public hearing is conducted.

2. The Applicant shall obtain an EPOD Permit from the Town Clerk and pay the appropriate fee.

3. Compliance with or agreements reached on all of the engineering requirements that may be raised by the Town Engineer. The Applicant shall obtain the signature of the Town Engineer on the final Site Plan, which shall indicate compliance with those requirements prior to his signature on the final Site Plan.

4. The signature blocks shall be provided on the Subdivision Plat and Site Plan as required by Section 1.1 of the Town of Penfield Development Regulations and Specifications, with the exception that the signature block shall identify the Town Supervisor’s signature.

5. Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised January 18, 2011.

6. Limits of disturbance as identified on the final Site Plan shall be strictly enforced throughout site and building construction at the direction of the Town Engineer. Further, the limits of disturbance shall be shown on the Site, grading, utility and landscaping plans. Areas to be preserved as noted on the Site Plan are to be protected by an above ground orange construction fence per the approval of the Town Engineer and shall be installed prior to any disturbance. Protection measures shall continue until the Site is stabilized or the issuance of a Notice of Termination for the development has been issued.

7. All site work is to be in compliance with the standards of Chapter 29 of the Code.

8. Compliance with all requirements of any Federal, State, County or local agency having jurisdiction in the development of the Project on the Site. The Applicant shall submit copies of all State permits to the Director of Developmental Services prior to the start of construction or installation of the boat slips.

9. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas and other applicable measures deemed appropriate and acceptable to the Town Engineer.

10. The applicant shall submit a final landscape plan for the site which shall be subject to the approval of the Town Landscape Consultant and the Town Engineer. Further, said plan shall also address the closure of the existing vehicular access onto Empire Blvd. located to the west of Bazil’s restaurant with the use of landscape materials to the satisfaction of the Town Engineer.

11. The applicant shall submit a sign package for the property which shall include any proposed freestanding and wall mounted signs as well as proposed wayfinding signs to be installed.
along the proposed paths to be accessible to the general public. Said sign package shall be reviewed and approved by the Town Board.

12. All proposed trails to be developed on the site shall be maintained by the applicant, its successors, assigns and heirs to the satisfaction of the Town of Penfield.

13. The applicant shall submit specific details regarding the construction of the proposed scenic overlook for Town Board approval. Said design shall be approved by the New York State Department of Environmental Conservation prior to construction.

14. The applicant shall be permitted to have off season boat storage in the parking area directly behind the Bazil’s restaurant as noted on the approved site plan provided that said storage does not diminish or interfere with parking necessary to accommodate the needs of the Bazil’s restaurant and the proposed restaurant. Boat storage shall be reduced or eliminated if it is determined by the Town of Penfield or the applicant that additional parking is required.

15. The applicant shall submit a cross access and parking agreement, in a format satisfactory to the Town Attorney, to ensure that all uses on the subject properties have mutual access and parking facilities to accommodate the uses operating on them.

16. The applicant shall submit a Property Maintenance Agreement for the subject property, in the Town’s format, subject to the approval of the Town Attorney.

17. The finished ground level adjacent to the building foundation wall shall be graded in such a manner as to provide positive drainage away from it, and shall be subject to the approval of the Town Engineer and Building Inspector. Further, all construction shall comply with FEMA requirements; specifically that the lowest floor elevation of the proposed structure shall be a minimum of two (2) feet above base flood elevation.

18. Furnishing the Town with a Letter of Credit in an amount to be approved by the Town Engineer. The 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.

19. The applicant shall place a conservation easement, in a form acceptable to the Town Attorney over the remaining portion of 1384 Empire Blvd. where the eagle’s nest is located; said easement shall ensure that the property remains in an undisturbed state and shall not be the subject of any activity that alters the character of that portion of the property. Said easement shall be in a form mutually agreeable to the applicant and the Town Attorney and shall be in effect only until such time as the eagle’s nest is no longer occupied.

20. Submission of all easements, and covenants to implement the approved plan. Those documents shall be submitted in the town’s format, shall be subject to approval by the Town Attorney, and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.
21. Any and all costs related to the relocation of utilities necessitated by the Project shall be borne by the applicant and/or the utility company requesting the relocation. All new utilities serving the Project shall be installed underground.

22. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department.

23. The applicant shall be required to provide boats slips to other property owners at the south end of Irondequoit Bay within the Town of Penfield, for the standard fee, on an annual basis, if requested; said slips may be leased to others if those property owners are not interested in said leasing slips.

24. Construction must begin within one (1) year from the date of this Resolution, pursuant to Sections 9-4 and 10-4(B) of the Code, or else an extension or re-approval must be obtained from the Town Board.

25. The approved re-subdivision plat must be properly recorded in the Monroe County Clerk’s Office prior to the issuance of a building permit.

26. Compliance with all of the requirements of the Director of Developmental Services regarding this matter.

27. The applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Town Engineer.

28. This resolution of approval with conditions shall be printed in its entirety and contained on at least one (1) sheet within the plan set.

AND BE IT FURTHER RESOLVED, that the Town Board bases its decision to APPROVE on the following factors considered and findings:

**Subdivision Approval Factors Considered:**

A. Character of the Land, including Topography and Watercourses. The land where the proposed clubhouse and restaurant is to be constructed was formerly used as a stone based parking area for off season boat storage. The structure will be located outside of the adjacent area of Irondequoit Bay. The property in general has been utilized for restaurant activity and for the existing marina, which has been in place since 1985. The Town Board reviewed alternative boat slip configurations to minimize impacts and is satisfied with the final overall layout of the Project, and the final building and boat slip configurations to avoid impacts.

B. Conformity to the Official Zoning Map and Harmony with the Current Master Plan of the Town. The Site is located in the LaSalle’s Landing Development District (LLD) which does not permit the expansion of marinas due to the shallowness of the south end of Irondequoit Bay. The biological components of the DEIS and FEIS demonstrate that the area where the boat slips are being proposed are the deepest water in the south end of the bay and that the
need for dredging is not anticipated. Further, the existing boat slips are set in a shallower area that has required maintenance dredging on two occasions since 1985, so, in order for the existing slips to be functional, maintenance dredging around them and the channel to them will be necessary on an occasional basis. The biological component of the DEIS further demonstrated that this portion of the bay, although very scenic, is not biologically unique and that the expansion of the marina will not have a significant adverse impact to this area or the bay in general. In fact, the FEIS recommended that the town code, the Irondequoit Bay Harbor Management Plan and the LWRP all be amended to permit the marina expansion on this site based on adequate water depths, no need for dredging and adequate landside support. Furthermore, the Project provides increased public access to the waterfront and public boat access to Irondequoit Bay.

C. Current Development Regulations and Specifications. The Applicant will comply with all current development requirements, including the Town of Penfield Design and Construction Specifications, revised January 18, 2011.

D. Arrangement of Lot. The Project will have a single owner, who has scaled the landside development on the site to ensure that the uses don’t conflict with each other nor the waterside marina activity. There is adequate parking proposed to serve the site and will amenities to provide more public interaction in the form of passive recreation.

E. Drainage Improvements. The Site will be adequately graded, and storm water drainage issues have been adequately mitigated, as set forth in the Stormwater Pollution Prevention Plan (“SWPPP”) and site design plans, by providing on-site water quality improvements after treatment for water quality, the stormwater will be discharged through a proposed storm sewer into Irondequoit Bay.

F. Utility, Sidewalk and Pedestrian Access, and Conservation Easements. In 1996 the Town constructed a series of sanitary sewers, pump stations and force mains to serve Sanitary Sewer District Extension No. 12, including the Site, so access to public sanitary sewers exists. Adequate access is being provided for water, electric, gas and telecommunication facilities. The approved site plan provides for providing access for pedestrian access to and over the subject property. As part of this plan, the public will have access through the Site on newly constructed paths, which will connect the public sidewalk at Bazil’s Restaurant to the easterly property line of the Project. The path and a proposed overlook will not encroach on any wetlands but will be located in the associated adjacent areas.

G. Parks, Open Spaces, and Natural Features, Including Ownership, Use, and Maintenance of Such Lands. The applicant has offered to grant a public access easement which will secure recreational opportunities for the public. The applicant has also agreed to continue to informally allow the public to utilize the area it owns, west of Bazil’s restaurant, commonly known as “the pull off area” on Empire Blvd. and did offer an access easement to the Town to formalize the use of the area. The Town Board is not prepared to accept said easement at this time due to potential liability and maintenance issues, but will consider acceptance at a later date.
H. Density Calculation. The proposed structure, the additional boat slips and new access points for the general public are all scaled accordingly and have adequate parking to accommodate the proposed uses.

I. On-Site Individual Sewage Disposal Systems. There will be no on-site individual sewage disposal systems. The Site will be entirely serviced by public sanitary sewers.

J. Documents Required for Dedication of Public Improvements. Dedication is not planned for utility lines, paths or the proposed overlook, but rather they will maintained by the Applicant via a Property Maintenance Agreement and easements.

Site Plan Approval: Factors Considered

A. 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 Project complies with the Town’s Design Criteria for commercial development. Traffic will circulate freely around the development, and has adequate access to and from Empire Blvd. Internal intersections will be controlled with stop signs. The Traffic Study determined that Empire Blvd. has the capacity to accept the traffic anticipated for the proposed expansion from and onto Empire Boulevard with the traffic mitigation measures that have been recently implemented to the satisfaction of NYSDOT, in conjunction with the Southpoint Cove apartment project in 2012. Adequate parking spaces will be provided. Sidewalks and parking areas will be handicapped-accessible. The public will have access through the Site and to the waters’ edge via stone paths.

B. Location, arrangement, size, architectural features and design of buildings, lighting and signs.

The clubhouse/restaurant will have attractive nautical-style architecture. The lighting will be unobtrusive, and the building is sited away from environmentally sensitive areas.

C. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties.

A landscape plan has been submitted that will provide a generous assortment of trees, shrubs and other landscaping, throughout the Project to provide a context sensitive development.

D. Adequacy of stormwater, sanitary waste disposal, and public water facilities.

Stormwater drainage has been addressed adequately, as set forth in the SWPPP and site design plans, by grading and drainage improvements, including a storm sewer system that will collect runoff from the Project to an existing storm water management facility located at the Site using Green Infrastructure practices including organic filters and bio retention areas in compliance with the NYSDEC Stormwater Management Design Manual. After treatment
for water quality, the stormwater will be discharged through a proposed storm sewer into Irondequoit Bay.

E. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features.

The Project will not generate significant noise or glare. It will be an inviting western gateway to Penfield with attractive nautical-style architecture, and will provide new viewing areas of Irondequoit Bay for the public. All exterior lighting shall be Dark Sky Compliant.

F. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses.

The landside development will result in a minor encroachment into the Steep Slope District, however, the proposed structure will act as a retaining wall to the slope and the areas adjacent to the structure will be graded and seeded so that is at a grade that it will be mowed. The installation of 176 boat slips will encompass an additional 2.49 acres to the existing 3.1 acres of water surface for the existing marina, however, access to the cove area will be preserved for fishing, kayaking and canoeing, as in the past. The applicant will install buoys to direct boaters through a 5 mph no wake zone to minimize erosion to the shoreline.

G. Compliance with this ordinance, the current Town Master Plan, the current Development Regulations and Specifications, New York State Environmental Quality Review Act (SEQRA), Law, Irondequoit Bay Plan, the Local Waterfront Revitalization Program and any other current and future plans, policies, and requirements.

1. Town Master Plan. The Town of Penfield 2010 Comprehensive Plan does not recommend the expansion of pre-existing non-conforming marinas at the south end of Irondequoit Bay due to shallow water levels. It does recommend the redevelopment of underutilized properties on Empire Blvd. within the LaSalle’s Landing District. The proposed Project does provide for the expansion of the marina based on acceptable water depths and the results of the biological study prepared by Dr. James Haynes, stating that additional boat slips in the area proposed will not adversely impact Irondequoit Bay. This may not be the case for others desiring to install boat slips to serve other properties on the south end of the bay as it appears that no other area of that portion of the bay has adequate water depths to support boat slips. Further, the proposed clubhouse and restaurant will increase the value of this underutilized property which has been used as an off season boat storage area for several decades. Finally, the development will provide additional public access to the bay that has not been available at this location.

2. Development Regulations and Specifications. The Project complies with applicable requirements, including the Town of Penfield Design and Construction Specifications, revised January 18, 2011, and applicable design criteria.

3. SEQRA. A Positive Declaration has been made by the Town as lead agency, and the preparation of a DEIS and FEIS addressing mitigation where possible were accepted which are incorporated by reference.
4. Irondequoit Bay Harbor Management Plan. This Plan, which was adopted by the three towns surrounding the Bay, and serves as an addendum to their LWRPs, also does not recommend the expansion of marinas at the south end of Irondequoit Bay for the same reasons enumerated in Finding #1 above. However, the basis of the IBHMP is to balance new development and redevelopment with environmental protection. The Town Board has made every effort to balance economic development in the LaSalle’s Landing district with the environmental sensitivity of the bay and its habitats. The Board also addressed the need for additional public access to the bay and has required hiking trails and the development of a scenic overlook as components of the Project, which would not have occurred if the Project were not proposed by the Applicant.

5. Local Waterfront Revitalization Program. When the Local Waterfront Redevelopment Plan (“LWRP”) was adopted by the Town in 1991, the Site was included in Subarea 3 at the south end of Irondequoit Bay, which was identified as not currently meeting its development potential and lacked community benefits. However, the LWRP strongly urged development, stating that “Subarea 3 is considered by Penfield to be its prime LWRP opportunity site and the one which requires the most Town involvement to ensure that appropriate redevelopment occurs in a manner which will realize the area's full potential.” LWRP at IV-6.

Public Access to Irondequoit Bay. The LWRP also cites limited access to the waterfront as a deterrent to development within Subarea 3. While the LWRP also discourages marina expansion in this area, the primary basis of the LWRP is to provide increased public access to the waters’ edge throughout the state of New York. The Project achieves this goal on Irondequoit Bay and would not be possible without approval of this Project. In fact, the public access component of this Project is more important now than it was when the LWRP was approved in 1991 because several areas of the bay that once provided public access such as the Newport House in Irondequoit and the Glen Edith restaurant in Webster have been redeveloped for private residences and the public is no longer permitted on these once iconic public gathering sites. Finally, the pedestrian linkage provided by the Project will be a significant step in providing pedestrian connectivity through Subarea 3, consistent with the LWRP.

H. Provision for adequate drainage away from walls or structures. The finished ground level adjacent to each building foundation wall will be graded in such a manner as to provide positive drainage away from the structure, and will be subject to the approval of the Town Engineer and Building Inspector.

I. Maintenance agreements, easements and other required legal documentation shall be approved by the Town Attorney.

J. The impact of the proposed use on adjacent land uses. The Project will contribute to the redevelopment of Empire Blvd. to act as an inviting western gateway to Penfield, will not generate significant noise or light or any pollution, and is not anticipated to have any negative impact on adjoining properties. Rather, the Project will serve as an anchor for the
further redevelopment of the LaSalle’s Landing Development District in compliance with the town’s Comprehensive Plan.

Conditional Use Permit Approval: Factors Considered and Findings

A. The Project will, as applicable:

1. Provides adequate and safe access.

As confirmed by NYSDOT, the Project will have adequate and safe access to and from Empire Blvd. as a result of mitigation measures along Empire Boulevard have been implemented to the satisfaction of NYSDOT and the Town. The comprehensive Traffic Study in the DEIS verified that the area transportation system has capacity to accept the Project.

2. Provides adequate site utility service, including water supply, sewage and refuse disposal.

Adequate facilities are being provided for water supply through Monroe County Water Authority, electric and gas through Rochester Gas & Electric Co., telecommunications through Time Warner and Frontier, and refuse disposal by a private hauler.

3. Is compatible with and enhance, to the extent possible, the existing natural features of the Site and the surrounding area.

The Project will be an inviting contribution to this under developed area of Penfield, with attractive nautical style architecture. The Project will protect scenic views and vistas of the Bay, and by providing public access, it will allow the public additional opportunities to enjoy it. The Project will protect and enhance the existing natural features of the Site and the surrounding area.

4. Is provided adequate year-round site fire protection services.

Adequate fire protection will be provided by the West Webster Fire Department along with the mutual aid of other area fire departments.

5. Relates in an adequate and appropriate manner to, and in general be compatible with the permitted existing land use and zoning pattern in the immediate area.

The Project is a commercial development next to and in close proximity to other existing commercial uses, and is situated on a New York State four lane highway with an average daily traffic count of 24,000 vehicles.

6. Provides public access to the shore zone, to the extent possible and desirable given the nature of the Site and proposed use.
The Town Board has required all redevelopment and new development along Irondequoit Bay within the LaSalle’s Landing District to provide or enhance existing public access to the bay. This Project will provide the public with new access opportunities through the Site by means of new paths and a viewing overlook.

B. The Project will not, as applicable:

1. Adversely affect the orderly development and character of the surrounding neighborhood, nor be detrimental to the health, safety or to the general welfare of the town.

   The Project will contribute to the ongoing visual improvement of the western gateway to Penfield on Empire Blvd, and a positive addition to the Town and its tax base. The proposed clubhouse/restaurant has an attractive nautical style architecture, new access paths and a proposed overlook viewing area will provide greater access to the bay, and additional boat slips will provide additional recreation opportunities for the public in the LaSalle’s Landing District. The Project will not adversely affect the orderly development and character of the surrounding neighborhood, nor be detrimental to the health, safety or to the general welfare of the Town, but rather it will be a major positive addition.

2. Be a nuisance to neighboring land uses. Create hazards or dangers to the general public or to persons in the vicinity of the Project, cause undue harm to or impair existing sensitive natural features on the Site or in the surrounding area, be incompatible with the type, extent and direction of building development for the Site and surrounding area.

   The Project will be a positive addition to neighboring land uses, since it will contribute to the redevelopment of underutilized properties in the LaSalle’s Landing District. It will also bring town residents to the area who can utilize nearby businesses. Further, it will provide additional pedestrian connectivity through properties abutting Irondequoit Bay.

3. Impair or adversely impact significant historic, archeological and/or cultural resource sites.

   The Project Site is a gravel area that has been previously disturbed to create an off season boat storage area. Further, as found by a Phase IA Cultural Resource Investigation, prepared by Powers & Teremy for the property, the Site has been previously disturbed to such a degree by prior owners that it does not have any cultural value or potential for historic or archeological resources. Therefore, the Project will not result in the impairment or adversely impact significant historic, archeological or cultural resource sites.

4. Require an unnecessary or destructive amount of dredging, filling or other disturbance of the water of Irondequoit Bay or Irondequoit Creek.

   There will be no dredging, filling or other disturbance of the water of Irondequoit Bay. The Project will convey stormwater into the bay in compliance with the NYS SPDES
regulations. Erosion and sedimentation features will be incorporated to address any discharge of sediment into Irondequoit Bay during and after construction.

5. Adversely affect any sensitive environmental features, which may exist on or in close proximity to the Site.

As discussed above, environmentally sensitive features on the Site will be preserved. Furthermore, erosion control practices will be implemented to the maximum extent practicable in order to minimize the potential for any sediment to enter the bay during construction. This will be accomplished by provided silt fencing, stone pad protection, seeding and stabilization measures. The Project will not impact the bald eagles that nest to the northeast. The nearest proposed boat slip, which is at its closest point will be 645 feet from the nest. In addition, the applicant has agreed to place a conservation easement, over the remaining portion of 1384 Empire Blvd. where the eagle’s nest is located; said easement shall ensure that the property remains in an undisturbed state and shall not be the subject of any activity that alters the character of that portion of the property. Said easement shall be in a form mutually agreeable to the applicant and the Town Attorney and shall be in effect until such time as the eagle’s nest is no longer occupied.

**EPOD Steep Slopes Permit Approval: Factors Considered and Findings**

A. The effect that the proposed regulated activity will have on the public health, safety and welfare and the protection or enhancement of the fragile and environmentally sensitive steep slope areas within the Town.

The Project has been designed to minimize impact to EPOD’s. The proposed building and accessory parking areas will be constructed so that they are located outside of the adjacent area of Irondequoit Bay. As previously noted, only the building will encroach into a steep slope in an area that will be graded and seeded so that it can be mowed. The design of the overlook viewing area will be incorporated into the existing topography of the Site. No existing naturally vegetated steep slope will be impacted by this development. The proposed boat slips are floating slips and will not adversely impact the Floodplain EPOD. They will rise and fall consistent with the water elevation.

B. The Applicant Has Demonstrated That:

1. The Draft Environmental Impact Statement (DEIS) prepared by Passero Associates and Dr. James Haynes, determined that the proposed addition of 176 boat slips to the Project area will not adversely impact the Wetland EPOD.

2. The stability of soils will be maintained or increased to adequately support any construction, or to support any landscaping thereon.

3. No proposed activity will cause erosion or slipping of soil, or cause sediment to be discharged into Irondequoit Bay, its wetlands or tributaries, or any stream or tributary. Erosion control practices will be implemented to the maximum extent practicable in order
to eliminate the potential for any sediment to enter the bay or wetland, and protect steep slopes. This will be accomplished by provided silt fencing, stone pad protection, seeding and stabilization measures.

4. Drainage of stormwater shall not cause erosion or siltation, contribute to slope failures, pollute groundwater, or cause damage to, or flooding of property. Drainage systems have been designed and located to ensure slope stability.

Erosion control practices will be implemented to the maximum extent practicable in order to eliminate the potential for any sediment to enter the Bay. This will be accomplished by provided silt fencing, stone pad protection, seeding and stabilization measures. Furthermore, drainage off the slope on the Town Parcel will collected by a stormwater system in accordance with the SWPPP and site design plans. No filling will occur above the 100-year flood zone.

5. Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.

The disturbance of the steep slopes will not result in direct surface water runoff over the receding edge during construction. Rather, the erosion and stormwater control mechanisms described above will be utilized.

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 provides that the Town Board “may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the Town Board's opinion, such extension is warranted by the particular circumstances”; and

BE IT FURTHER RESOLVED, that the Town Board bases its finding and decision to APPROVE this application on the following:

a. Submissions and oral testimony of the applicant and the public at the public hearings held on December 18, 2013 and September 3, 2014.

b. Revised site plans addressing modifications to the Project throughout the application process.

c. Correspondence from all involved and interested agencies, as well as the general public throughout the application process.

d. Monroe County Department of Planning and Development referral #PN13-19ZS, dated June 7, 2013.
e. Penfield Conservation Board memos dated August 6, 2013 and September 13, 2014.


g. Draft Environmental Impact Statement accepted as being complete for public review on August 6, 2014.


Moved:  
Seconded:  

Vote:  Kohl  
       LaFountain  
       Metzler  
       Moore  
       Quinn  

18
Authorization for Supervisor to sign a Contract with Employee Network, Inc. (ENI).

WHEREAS, Employee Network, Inc., (ENI), offers employees safety and wellness seminars and programs throughout the year as well as confidential services as needed;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign a contract with Employee Network, Inc. (ENI) to expire on December 31, 2015. Contract shall be in a form acceptable to the HR Director and the Town Attorney.

Moved:  
Seconded:  

Vote:  
Kohl  
LaFountain  
Metzler  
Moore  
Quinn  

PENFIELD TOWN BOARD RESOLUTION NO. 15T-026  DATE January 7, 2015
BY Cw Metzler Public Works COMMITTEE
NAME Naming of Landscape Consultant to the Town of Penfield

BE IT RESOLVED, that Bruce Zaretsky & Associates, 1965 Watson Hulburt Road, Penfield, NY 14502 be named Landscape Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Bruce Zaretsky & Associates, as outlined in a letter, filed with the Town Clerk. This letter includes a schedule of fees for various services provided by Bruce Zaretsky & Associates, as Landscape Consultant to the Town of Penfield for 2015, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified landscape architectural firms in addition to Bruce Zaretsky & Associates as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2015 at an agreed upon fee depending on the nature of the services performed.

Moved: ___________
Seconded: ___________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
BE IT RESOLVED, that Douglas Fox, 560 Plank Road, Webster, NY 14580, d.b.a. Fox Planning Services, be named as Planning Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Fox Planning as outlined in their letter on file with the Town Clerk, which includes a schedule of fees for various services provided by Consultant to the Town of Penfield for 2015.

Moved: ____________
Seconded: ____________

Vote: Kohl ____________
LaFountain ____________
Metzler ____________
Moore ____________
Quinn ____________
WHEREAS, the Town Board established a Sewer Entrance Fee schedule for the Town of Penfield by adoption of Resolution #184 of 1979, and

WHEREAS, the Town of Penfield will collect a portion of these Sewer Entrance Fees for Monroe County Pure Waters, and

WHEREAS, these Sewer Entrance Fees shall be used to offset administrative expenses incurred through setting up new sewer accounts,

NOW, THEREFORE, BE IT RESOLVED, that the current Sewer Entrance Fee rate of $500 for residential properties and $600 for commercial properties will be extended through 2015, and

BE IT FURTHER RESOLVED, that the Town will remit $250 for each residential property and $350 for each commercial property to Monroe County Pure Waters.

Moved: ___________
Seconded: ___________

Vote: Kohl
       LaFountain
       Metzler
       Moore
       Quinn
PENFIELD TOWN BOARD RESOLUTION NO. 15T-029 DATE January 7, 2015

BY Cw Metzler ___________ Public Works ___________ COMMITTEE

NAME _______Sewer Rental and Debt Service Rates for 2015____

WHEREAS, the "Sewer Rent Ordinance" in Section 22-4 of the Town Ordinance states that the Town Board shall annually establish Sewer Rental rates based on the annual Sewer Department Operation and Maintenance Budget as adopted, and

WHEREAS, the Town Board is also charged with setting the annual Debt Service rate for the Penfield Consolidated Sanitary Sewer District, based on the annual Debt Service budget as adopted,

NOW, THEREFORE, BE IT RESOLVED, that based on the Sewer Department Operation and Maintenance Budget adopted on 10/15/14 the Town Board established a 2015 Sewer Rental rate of $41.44/sewer unit, and

BE IT FURTHER RESOLVED, that based on the Consolidated Sewer District Debt Service Budget adopted on 10/15/14, the Town Board established a 2015 Debt Service rate of $66.27/sewer unit.

Moved: ___________

Seconded: ___________

Vote:  

Kohl __________________________

LaFountain __________________________

Metzler __________________________

Moore __________________________

Quinn __________________________
Be it Resolved, that the following be appointed to the Penfield Energy and Environmental Advisory Committee for term ending on December 31, 2015

Chairman: Supervisor LaFountain

Members: Cynette Cavaliere, 5 Split Rail Run, Penfield
         Susan Foor, 1740 Salt Road, Penfield
         Robert Kanauer, Jr., 1710 Sweets Corners Rd, Penfield

Town of Penfield Staff:
   Phyllis Ely, Public Relations
   Sabrina Renner, Recreation Dept.
   Mark Valentine, Asst. Engineer

Moved: ____________
Seconded: ____________

Vote: Kohl ____________________
      LaFountain ____________________
      Metzler ____________________
      Moore ____________________
      Quinn ____________________
NOW, THEREFORE, BE IT RESOLVED, that the following persons be appointed to this committee for a term expiring December 31, 2015:

Geoffrey Benway, Chair  
Edward Freeman  
Michael Guyon  
Mike Simon  
Dennis Sanzotta  
Al Broccolo  
Davis Kreiser  

Moved: ____________________  
Seconded: ____________________  

Vote:  
Kohl  
LaFountain  
Metzler  
Moore  
Quinn
BE IT RESOLVED, that James Almstead, 44 Flower Valley Circle; Jeffrey Bartocci, 3 Robert Road; Rosanne Cohen, 2146 Gloria Drive; Burton Gorton, 47 Pine Brook Circle; Patricia Schichler, 44 Belvista Drive; J. Noel Schlageter, 1550 Creek Street; Mark Wood, 1671 Harris Road; Matthew Piston, 2212 Five Mile Line Road, Penfield, NY be appointed to the Conservation Board for a one year term expiring December 31, 2015 at annual salary as established by the Town Board.

Moved: ______________
Seconded: ______________
Vote: Kohl
      LaFountain
      Metzler
      Moore
      Quinn
BE IT RESOLVED, that James Almstead, 44 Flower Valley Circle, Penfield, NY, be appointed Chair of the Penfield Conservation Board for a term of one year expiring December 31, 2015, at an annual salary as established by the Town Board.

Moved: ____________
Seconded: ____________
Vote: Kohl ________________
      LaFountain ________________
      Metzler ________________
      Moore ________________
      Quinn ________________
BE IT RESOLVED, that Donald Crumb, Jr, 1001 Whalen Road, Penfield, NY; be appointed to the Historic Preservation Board for a term expiring December 31, 2016 at an annual salary as established by the Town Board.

Moved: ______________
Seconded: ______________

Vote: Kohl ______________________
LaFountain ______________________
Metzler ______________________
Moore ______________________
Quinn ______________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-035 DATE January 7, 2015
BY Cm Moore Law and Finance COMMITTEE
NAME Appointment to Historic Preservation Board

BE IT RESOLVED, that Glenn Enderby, 30 Split Rail Run, Penfield, NY; be appointed to the Historic Preservation Board for a term expiring December 31, 2019 at an annual salary as established by the Town Board.

Moved: ______________
Seconded: ______________
Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
BE IT RESOLVED, that Joan Belgiorno, 11 Mountain Road, Penfield, NY be appointed Chair of the Historic Preservation Board for the year 2015 at an annual salary as established by the Town Board.

Moved: _______________
Seconded: _______________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
NAME  __Appointments to the Transportation Committee__

BE IT HEREBY RESOLVED, that the following be appointed to the Penfield Transportation Committee, to be chaired by Councilman Andrew Moore, for a term to expire December 31, 2015:

Laurie Enos  
16 Talbot Drive  
Penfield, NY  14526  

Monroe County Sheriff’s Dept.  
789 Linden Avenue  
Rochester, NY  14625  

Town of Penfield Engineering Department  
Jim Fletcher  
Geoff Benway  
3100 Atlantic Avenue  
Penfield, NY  14526  

Town of Penfield Highway Department  
Ronnie Williams  
Dennis Sanzotta  
1607 Jackson Road  
Penfield, NY  14526  

Dan McCusker  
124 Sawmill Drive  
Penfield, NY  14526  

Mary Sweeney  
120 Beacon Hills Drive S  
Penfield, NY  14526  

Town of Penfield Fire Marshal  
3100 Atlantic Avenue  
Penfield, NY  14526  

Terrance Rice  
Monroe County Dept of Transportation  
City Place  
50 W. Main Street  
Rochester, NY  14614  

Moved:  ______________  
Seconded: ______________  

Vote:  
Kohl  ______________________  
LaFountain ______________________  
Metzler ______________________  
Moore ______________________  
Quinn ______________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-038 DATE January 7, 2015

BY Cm Quinn Public Safety COMMITTEE

NAME Authorization of Temporary Assignment of Judges

BE IT RESOLVED, that the Town Board consents to the temporary assignment of Town of Penfield Justices to preside in other city/town/village and family courts in the Seventh Judicial District as need arises during the year 2015, and

BE IT FURTHER RESOLVED, that the Town Board approves the temporary assignment of Judges from other city/town/village and family courts in the Seventh Judicial District to the Penfield Justice Court as the need may arise during the year 2015.

Moved: ______________
Seconded: ______________

Vote: Kohl ______________________
LaFountian ______________________
Metzler ______________________
Moore ______________________
Quinn ______________________
WHEREAS, Town Board Resolution #148 of February 5, 1999 established the position of Town of Penfield Court Enforcement Officer (Process Server),

NOW, BE IT RESOLVED, that Sandy Macaluso, PO Box 67164, Rochester, NY 14617 and John Soldi, Jr., PO Box 288, North Greece, NY 14515 are appointed Town of Penfield Court Enforcement Officers for a term to expire December 31, 2014 at no salary and that duties and fees will be approved by the Town Board and Town Administrative Judge.

Moved: ____________
Seconded: ____________

Vote: Kohl ______________________
LaFountain ______________________
Metzler ______________________
Moore ______________________
Quinn ______________________
PENFIELD TOWN BOARD RESOLUTION NO. 14T-040 DATE January 7, 2015

BY Cm Quinn Public Safety COMMITTEE

NAME Appointment of Town Veterinarian

BE IT RESOLVED, that Animal Hospital of Pittsford, PC, 2816 Monroe Avenue, Rochester, New York 14618, be appointed Town Veterinarian for 2015 to cover emergency situations, and to be paid for services performed.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign an annual contract with Animal Hospital of Pittsford to provide the aforementioned services.

Moved: ___________

Seconded: ___________

Vote: Kohl ______________________
      LaFountain ______________________
      Metzler ______________________
      Moore ______________________
      Quinn ______________________
BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the following contract for videographer services:

Jason R. Darnieder  
1331 Marsh Road  
Pittsford, New York 14534

Ilya Vaynshteyn  
391 Lenora Lane  
Webster NY 14580

Mary Gilman  
149 Baxton Circle  
Penfield, NY 14526

Katherine Quigley  
979 Five Mile Line Road  
Webster, NY 14580

BE IT FURTHER RESOLVED, that the fee is $17.00 for each consecutive hour as determined by the Cable Coordinator and staff.
PENFIELD TOWN BOARD RESOLUTION NO. 15T-042 DATE: January 7, 2015

BY: Cw 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, Penfield as Coordinator of the Dayton’s Corners School from January 1, 2015 through December 31, 2015 for a fee of $3,500.00. Vouchers to be submitted monthly.

Moved: _____________

Seconded: _____________

Vote: Kohl _____________

LaFountain _____________

Metzler _____________

Moore _____________

Quinn _____________

Moved: ___________
Seconded: ___________

Vote: Kohl ______________________
LaFountain ______________________
Metzler ______________________
Moore ______________________
Quinn ______________________
BE IT RESOLVED, that the following be appointed to the Local History Room Advisory Committee for a one (1) year term expiring December 31, 2015:

Jan Braman
1411 Sweets Corners Road
Penfield, NY 14526

Anna Bundschuh
40 Cobbles Drive
Penfield, NY 14526

Don Nelson-Nasca
1661 Sweets Corners Road
Penfield, NY 14526

Diane Dayton Riley
48 Rossman Drive
Webster, NY 14580

Margery Salmon
2013 Webster Fairport Road
Penfield, NY 14526

Jay Thompson
149 New Wickham Drive
Penfield, NY 14526

Carolyn Wise
C/O 3121 Lake Road
Williamson, NY 14589

Moved: ____________
Seconded: ____________

Vote:  
Kohl ______________________
LaFountain ______________________
Metzler ______________________
Moore ______________________
Quinn ______________________