I. Call to Order - Pledge of Allegiance - Roll Call

II. Informal Discussion: Regarding Possible Construction of 27 Single Family Residential Lots, on 12 Acres at 1271 Fairport Nine Mile Point Road

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes –September 16, 2015 & September 30, 2015

VII. Petitions

VIII. Resolutions by Function

Law and Finance:
15T-180 Adoption of Final Budgets for Fiscal Year 2016 for the Town of Penfield
15T-181 Authorize the Town Comptroller to Attend the NYSGFOA Governmental Accounting Forum
15T-182 Granting a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow Additions Totaling 660+/- Square Feet to the Nothnagle Realty Building at 1797 Penfield Road
15T-183 Approval of Issuance of a Conditional Use Permit to Allow a Hair Salon and Spa at 2105 Five Mile Line Road
15T-184 Authorization to Maintain Properties and Assess the Charges to the 2016 Property Tax

Public Works:
15T-185 Advertising for Bids for Department of Public Works Veterans Memorial Playground Equipment Replacement
15T-186 Awarding Contract for Retaining Walls on Five Mile Line Road and Browncroft Blvd

Public Safety: None

Community Services
15T-187 Authorization for Supervisor to Sign Recreation Contracts

IX. Old Business

X. New Business

XI. Public Participation

XII. Adjournment
PENFIELD TOWN BOARD RESOLUTION NO.15T-180   DATE October 21, 2015

BY:  ___Councilman Andy Moore_____     COMMITTEE: ___Law and Finance__

NAME __Adoption of Final Budgets for fiscal year 2016 for the Town of Penfield.

WHEREAS, the Town Board of the Town of Penfield having on the 7th day of October 2015 commencing at 7:00 PM, duly held a public hearing on the preliminary budgets for the fiscal year beginning January 1, 2016, and

WHEREAS, all requirements of Article 102 through 109 of the New York State Town Law for preparation and adoption of the General, Highway, and Library Budgets have been met, and

WHEREAS, all requirements of Article 15 of the New York State Town Law for preparation and adoption of the Special District budgets have been met, and

WHEREAS, in addition to the above legal requirements, a presentation of the 2016 Tentative Budget was made at the Town Board Legislative meeting on September 2nd and,

WHEREAS, all persons desiring to be heard in the matter of the budgets of the Town of Penfield for fiscal year 2016 having been fully heard,

NOW THEREFORE, BE IT RESOLVED, that the Final Budgets for the General, Highway, and Library Funds, and the Special Districts be and the same are hereby adopted as the annual budgets for the fiscal year beginning January 1, 2016, and that such annual budgets as so adopted, be entered in detail in the minutes of the proceeding of this Town Board, and the annual budgets made available for public inspection at the Town Clerk’s Office during normal business hours as well as in the Finance Office at the Town Hall located at 3100 Atlantic Avenue, and the Public Library at 1985 Baird Road, and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Penfield prepare and certify as provided by law, duplicate copies of said annual budgets together with Assessment Rolls for the Town, and deliver one of such copies to the Supervisor of this Town, and that the Supervisor shall provide such copy to the Monroe County Legislature, as required by law.

Moved: _____________________
Seconded: _____________________

Vote:

Kohl       _________________
LaFountain _________________
Metzler     _________________
Moore       _________________
Quinn       _________________
NAME: Authorize the Town Comptroller to attend the NYSGFOA Governmental Accounting Forum.

Whereas, the Town Board supports continuous training for Town personnel, and

Whereas, the New York State Government Finance Officers’ Association is offering a one day advanced forum on governmental accounting in Batavia, NY on Tuesday November 17th, for a cost of $150, and

Whereas, there is sufficient funding in the 2015 budget to cover the cost of this forum,

Be It Resolved, that the Town Comptroller is authorized to attend this forum.

MOVED: ________________________

SECONDED: ________________________

VOTE: Kohl ________________________
LaFountain ________________________
Metzler ________________________
Moore ________________________
Quinn ________________________
PENFIELD TOWN BOARD RESOLUTION NO.15T-182                 DATE October 21, 2015

BY Councilman Moore                      Law & Finance COMMITTEE

NAME Granting a Conditional Use Permit and Preliminary and Final Site Plan Approval to

Allow Additions Totaling 660 +/- Square Feet to the Nothnagle Realty Building at 1797 Penfield

Road – 139.09-1-20 – Andrew Fedick Contractors, Inc.

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval pursuant to Articles III-3-97 and IX-9-2 of the Code to allow a 375 square foot first floor addition and a 288 square foot second floor addition to the building at 1797 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and

WHEREAS, the subject application is determined to be Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board, acting as lead agency, has determined that the proposed action will not have a significant impact to the environment; and

WHEREAS, other than the applicant’s presentation to the Town Board, no other input was received at the public and the hearing was closed;

NOW, THEREFORE BE IT

RESOLVED, that the applicant’s request for the issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval pursuant to Articles III-3-97 and IX-9-2 of the Code to allow a 375 square foot first floor addition and a 288 square foot second floor addition to the building at 1797 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. Said CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to operate a business at this location.

2. The applicant shall construct the proposed additions and install all landscaping as portrayed to the Town Board at its October 14, 2015 work session

3. The applicant shall install a “One Way Enter” at the property entrance on Penfield Road, a “One Way Do Not Enter” sign on the south (rear) side of the proposed
addition and a sign and “Enter and Exit” signs at Motts Lane to give safe and adequate direction to staff and visitors.

4. The applicant shall redesign the handicapped parking space on the site to comply with the requirements of the New York State Building Code.

5. 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 this requirement.

6. Compliance with all requirements of the Town of Penfield Design and Construction Specifications.

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

8. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.

9. Construction is to begin within one (1) year from the date of this resolution.

10. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY AND CONTAINED ON AT LEAST ONE SHEET WITHIN THE SITE PLAN SET.

The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

1. The applicant has requested approval to construct additions to the existing structure totaling 660+/- square feet to provide additional workspace for employees on site.

2. The proposed additions are minimal and do not impact the site or adjacent property owners as they maintain all compliant setbacks and will be constructed in areas that are currently paved on the site.

3. The applicant proposes to reduce impervious surface on the site in the form of creating a landscaped area in an area which is currently paved.

4. The Town Engineer has reviewed and approved all technical aspects of the proposal related to storm water management, site layout and utility installation and is satisfied with the project as proposal.
5. The Town Board conducted a public hearing regarding this proposal on October 7, 2015. No public input was received during or after the public hearing other than that requested by the Board of the applicant.

6. The applicant has submitted revised plans addressing concerns raised by the Town Board and the Project Review Committee.

Moved: __________________
Seconded: __________________

Vote:    Kohl  ____________________  
         LaFountain  ____________________  
         Metzler  ____________________  
         Moore  ____________________  
         Quinn  ____________________
PENFIELD TOWN BOARD RESOLUTION NO.15T-183         DATE October 21, 2015

BY Councilman Moore                                                              Law & Finance Committee

NAME Approval of Issuance of a Conditional Use Permit to Allow a Hair Salon and Spa at 2105 Five Mile Line Road – SBL# 139.06-1-31 – Tammy Allen – Bangz! Salon

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit, pursuant to Article III-3-97 of the Code to allow a hair salon and spa at 2105 Five Mile Line Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on October 7, 2015, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a hair salon and spa at 2105 Five Mile Line Road, in the Four Corners (FC) zoning district and the public hearing was closed.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a hair salon and spa at 2105 Five Mile Line Road is hereby GRANTED subject to the following conditions:

1. The applicants shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. The CONDITIONAL USE PERMIT is non-transferable.

2. The applicant shall ensure that she has adequate on-site and off-site (public and or private) parking facilities to properly operate without adversely impacting other businesses that depend on those facilities. In addition, the applicant shall ensure that her patrons do not park their vehicles along Liberty Street or the access road to the Canandaigua National Bank property at any time. Failure to comply with this condition of approval will result in the Board holding a public hearing to pursuant to the requirements of Article XI-11-14 of the Zoning Ordinance to review the intensity of the scope of this business and making a determination as to whether it is properly scaled to the area.

3. The applicant shall comply with the occupancy requirements of the New York State Building Code as determined by the Penfield Fire Marshal.

4. The Town Board has reviewed the applicant’s and has determined that the applicant’s request for three (3) wall mounted signs is excessive for the site, especially since the applicant also proposes to install a 3’ x 4’ double faced sign.

1
freestanding sign and has the ability to install a 2’ x 3’ double faced A frame sign on Liberty Street to identify her business. The Board will require the applicant to eliminate one (1) of the three (3) wall mounted signs and resubmit her sign package to the Board for its review and approval. In addition, the applicant shall be required to obtain a Certificate of Appropriateness for the freestanding sign proposed for the corner of Five Mile Line Road and Liberty Street. Upon approval, the applicant shall obtain a sign permit and pay the appropriate fee.

5. This operation shall comply with all Federal, State, County and Town Codes.

AND BE IT FURTHER

RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA).

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

1. The applicant has operated her business in the Four Corners since 2002, first at 1867 Penfield Road and currently at 1801 Penfield Road. She proposes to convert her current location into a wig business, primarily serving those suffering hair loss resulting from cancer treatment. She also proposes to relocate her hair salon and spa to the subject property to allow her more space to operate.

2. The business will operate seven (7) day a week from 7:00 a.m. to 9:00 p.m. and will be supported by three (3) part-time and three (3) full-time employees, including the applicant. The applicant stated that there will be no more than five (5) employees on site at any time.

3. The applicant has thirteen (13) parking spaces on the site to accommodate the proposed business. In addition, the applicant’s landlord has an agreement with the owner of Mark’s Pizzeria to allow her the use of his parking lot for overflow parking, if necessary, although the applicant does not anticipate that occurring very often, if at all.

4. The applicant is aware of the Town’s concern that no vehicles patronizing her business be permitted to park along Liberty Street or the access drive from Liberty Street to the Canandaigua National Bank property at any time and will ensure that this condition of approval is met and satisfied at all times.

5. The applicant’s business is supported by three (3) part-time and three (3) full-time employees, but will have no more than five (5) employees on the site at any time. The employees shall be required to park their vehicles in remote areas of the on-site parking lot or in the Town public parking lot on Five Mile Line Road in order to provide adequate on-site parking for patrons.
6. The applicants have submitted a sign package for the property which the Town Board considers too excessive for the site. The applicant will resubmit a revised sign package for review and approval by the Board. In addition, the applicant shall be required to obtain a Certificate of Appropriateness for the freestanding sign proposed to be located at the corner of Five Mile Line Road and Liberty Street as the site is located in the Five Mile Line Road Historic District.

7. The applicant shall obtain a sign permit for the new signage to identify the business modification at 1801 Penfield Road and pay the appropriate fee.

8. This business has operated in the Four Corners since 2002 in compliance with the requirements of the zoning district and is consistent with the goals of the Four Corners Plan.

Moved: 
Seconded: 

Vote: Kohl 
LaFountain 
Metzler 
Moore 
Quinn
PENFIELD TOWN BOARD RESOLUTION NO.15T-184  DATE  October 21, 2015

BY Councilman Moore  Law and Finance Committee

NAME Authorization to Maintain Properties and Assess the Charges to the 2016 Property Tax Bills

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled “Property Maintenance”; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owners of 2069 Five Mile Line Road, SBL #139.06-1-11 and 41 Daytona Avenue, SBL #093.19-2-38 have failed to maintain the exterior areas at the subject properties which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

WHEREAS, the town staff has continually requested the property owners to maintain at these locations with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Fire Marshal & Building/Zoning & Code Compliance Supervisor to have the properties appropriately maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2015 season also be charged to the 2016 property tax bill for the subject properties.

Moved: __________
Seconded: __________

Vote: Kohl _______
      LaFountain _______
      Metzler _______
      Moore _______
      Quinn _______
PENFIELD TOWN BOARD RESOLUTION NO.15T-185   DATE: October 21st, 2015

BY: Councilwoman Paula Metzler       Public Works COMMITTEE

NAME: Advertising for Bids for Department of Public Works Veterans Memorial Playground Equipment Replacement.

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

Veterans Memorial Playground Equipment replacement. Equipment to be purchased in 2015 with a 2016 installation.

BE IT FURTHER RESOLVED that the Veterans Memorial Playground Equipment covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until November 12th, 2015 at 11:00am Local time and there and then are to be opened and read publicly by the Town Clerk. Funds for this project are contained in the 2015 budget.

Moved: ______________________
Seconded: ____________________

Vote: Kohl ___________
LaFountain ___________
Metzler ___________
Moore ___________
Quinn ___________
WHEREAS, A portion of the retaining wall on Five Mile Line Road is falling over and is in need of replacement; and

WHEREAS, the Director of Public Works received three (3) quotes to replace from:

1. RM Landscape  $8,923.89
2. Rochester Lawn Care  $17,500.00
3. Iron Wood Heavy Highway  $22,540.00

AND, WHEREAS, the DPW has reviewed all quotes and the quote of RM Landscape is the lowest bid and meets all specifications;

NOW, THEREFORE BE IT RESOLVED, that a contract be and hereby is awarded to RM Landscape, 293 Peck Road, Hilton, NY 14468 to reconstruct the retaining wall on Five Mile Line Road per the Town specifications. This Resolution and the quote submitted by RM Landscape shall constitute this contract, which is to be reviewed and approved by the Town Attorney;

AND, BE IT FURTHER RESOLVED, that the DPW be and hereby is authorized to purchase the block material, Versa-Lok, for the project at Weckesser Brick 450 Trabold Road, Rochester, NY 14624, for a price not to exceed $9,643.40;

AND, BE IT FURTHER RESOLVED, that the retaining wall on Browncroft Boulevard is in need of replacement, said replacement with take place in spring, 2016;

AND, WHEREAS the Director of Public Works received three (3) quotes to replace from:

1. Rochester Lawn Care  $19,500.00
2. RM Landscape  $19,821.79
3. Ironwood Heavy Highway  $25,868.00

AND, WHEREAS, the DPW reviewed all quotes and the quote of Rochester Lawn Care is the lowest bid and meets all specifications;

AND, BE IT FURTHER RESOLVED, that a contract be and hereby is awarded to Rochester Lawn Care, 1592 Quailtrough Road, Rochester, NY 14625 to reconstruct the retaining wall on Browncroft Boulevard in spring of 2016 per the Town specifications. This Resolution and quote submitted by Rochester Lawn Care shall constitute this contract, which is to be reviewed and approved by the Town Attorney;

AND, BE IT FURTHER RESOLVED, that the DPW be and hereby is authorized to also purchase the block material, Versa-Lok, for the Browncroft Boulevard retaining wall at a price not to exceed $9,052.90. Said retaining wall will be reconstructed in 2016.
Moved: ____________________
Seconded: _________________

Vote:
Kohl ________________
LaFountain ________________
Metzler ________________
Moore ________________
Quinn  ________________
PENFIELD TOWN BOARD RESOLUTION NO. 15T-187    DATE 10-21-15

BY    LINDA KOHL  COMMUNITY SERVICES COMMITTEE

NAME    AUTHORIZATION FOR SUPERVISOR TO SIGN RECREATION CONTRACTS

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following recreation contracts:

The following persons to provide service as Jazzy Dance Instructors for December Break Week Camp and Clinics, 10/12-12/30/15, for the fee of $9.00 per hour: Vouchers to be submitted 10/21, 11/18 and 12/16/15.
Madison Kelly, 10 Cobblestone Crossing, Penfield NY 14526
Nicole Mula, 48 Random Knolls Drive, Penfield NY 14526

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