PENFIELD TOWN BOARD MEETING AGENDA

Wednesday March 19, 2014 7:30 PM

Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing – To Consider the Application for Incentive Zoning and Preliminary and Final Resubdivision and Site Plan approval and a Conditional Use Permit to Allow a 4,300 +/- square foot Panera Bread Restaurant at 2152 Fairport-Nine Mile Point Road

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – February 19, 2014

VII Petitions

VIII Resolutions by Function

Law and Finance
14T-073 Authorization for Release of an Access Easement at 2226 Penfield Road
14T-074 Authorization to Maintain Properties and Assess the Charges to the 2015 Property Tax Bills

Public Works
14T-075 Rejecting Bids for Department of Public Works Compact Track Loader
14T-076 Advertising for Bids for Department of Public Works Compact Track Loader

Public Safety -None

Community Services
14T-077 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business

X New Business

XI Public Participation

XII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, March 19, 2014 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  
R. Anthony LaFountain  Supervisor  
Linda Kohl  Councilwoman  
Paula Metzler  Councilwoman  
Andrew Moore  Councilman  
Robert Quinn  Councilman  

Also Present:  
Amy Steklof  Town Clerk  
Richard Horwitz  Town Attorney  
Chris Bilow  Director of Recreation  
Jim Costello  Director of Developmental Services  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance  

Supervisor LaFountain recognized Dr. Stephen Grimm, Superintendent of Schools, Carol Nasra, President of the Penfield Central Schools and Board of Education, and Susan Kummer, Medicaid and RMTS Coordinator and Chairwoman of the Penfield High School Counseling Department.

Councilwoman Kohl, Liaison to the Penfield School District presented a Proclamation to Dr. Grimm and Ms. Nasra that declared March 29 through April 4, 2014 as Healthy Relations week in the Town of Penfield.

Ms. Nasra encouraged everyone to participate in a number of programs that will occur during Healthy Relations week. She stated that there will be a parent presentation on Healthy Teen Relationships presented by National Speaker, Aaron Boe and scheduled for April 3, 2014 from 7:00 to 8:15 PM, and is free and open to the public. There will also be a community wide pasta dinner held on April 4, 2014 at 4:30 and 6:00 PM. The cost is $5.00. Ms. Nasra stated she appreciates the partnership between the Penfield School District and the Town and its proactive movement to bring safety to our students. Ms. Nasra thanked the Town Board for its support. For more information on the programs to be held during Healthy Relations Week, go to www.penfield.edu/news/cfm.

Dr. Grimm thanked the Town Board for the recognition and for partnering with the school district. He stated that the Town and the School District working together and coupled with the excellent leadership of Sue Kummer and Chris Bilow from the Town, is making a difference in the lives of children and is proud to be a part of this partnership.

Supervisor LaFountain thanked Dr. Grimm, Ms. Nasra, and Ms. Kummer for all they do and for attending the meeting this evening. He also thanked Mr. Bilow for his involvement and stated that last week Mr. Bilow made a presentation to a number of Athletic and Recreation Directors from across New York State at a conference in Saratoga that pertained to the relationship the Town of Penfield has with the School District which was well received. He thanked Mr. Bilow for representing Penfield well and stated he appreciates the efforts of all involved.

Penfield Rotarian, Jack Best spoke of the upcoming meal packaging event for STOP HUNGER NOW to be held on May 9, 2014 at the CDS Wolf Life Transitions Center, 860 Hard Road in Webster. Mr. Best stated that 100 volunteers are needed to package 30,000 meals to be sent to developing countries. The packages are made up of rice, soy, dehydrated vegetables and vitamin supplements and are $.25 a meal. $7,500 will need to be raised to pay for the ingredients.

Mr. Best also stated that four (4) Corporate Sponsors have already become involved with STOP HUNGER NOW: Frontier Communications, Bill Gray’s, Paychex, Inc. and Family First Credit Union. For more information and to get involved by donating or registering to volunteer for this community packaging project go to www.events.stophungernow.org/penfieldcommunity. You can also follow on Facebook by going to www.facebook.com/stophungernow.penfield.
Stop Hunger Now Committee Member George Opira, a native of Uganda, stated he has seen hunger first hand, and that it is a blessing to be able to afford the basic necessities needed to survive. He stated that in most areas of the world $.25 worth of food is plenty. He mentioned that he has family in different parts of the world that are not as fortunate. He is glad to be involved, and to be able to pay it forward.

Stop Hunger Now Committee Member Mike Ciavarri stated that when Mr. Best told him about this program he felt it was a great opportunity to show his children that there are less fortunate people in the world and that he could be an example by helping get others in the community involved. He feels honored to be a part of this event. Volunteer opportunities for the Friday, May 9th packaging event will be at Noon, 2:30 PM or 5:00 PM and will be for two (2) hour shifts.

Public Hearing #1  To Consider the Application for Incentive Zoning and Preliminary and Final Resubdivision and Site Plan approval and Conditional Use Permit to Allow a 4,300 +/- Square Foot Panera Bread Restaurant at 2152 Fairport Nine Mile Point Road (See Resolution #14T-067)

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on February 27, 2014 and was posted on the Town Website and Town Clerk Bulletin Board. 35 postcards were mailed and three (3) Homeowners Associations were notified.

Adam Fishel of Marathon Engineering and Civil Engineer of the project stated that the project proposal is for construction of a 4,300 +/- square foot Panera Bread restaurant with drive thru and associated parking, grading, drainage, lighting, landscaping improvements on approximately 1.26 acres of land to be subdivided from an overall parcel of 3.53 acres located on the west side of Fairport Nine Mile Point Road (NYS RTE 250) and directly north of the existing Doodlebugs Plaza. Access will be via a shared drive that is currently in place and is signalized to NYS RTE 250. A total of 58 parking spaces are planned within the Panera Bread site and 12 shared parking spaces are located on the east side of the site. Delivery doors will be located in the northeast back corner of the building, near the kitchen. A dumpster enclosure will be located in that area as well.

Mr. Fishel stated that the Project Review Committee (PRC) offered comments on March 13, 2014 in regards to the site plan that was submitted on January 27, 2014, but no red flags were presented. Another PRC meeting was held this morning in which questions were asked pertaining to the number of employees expected to be hired and the hours of operation. The applicant anticipates 40 full time and part time employees with 12 - 14 employees per shift. The proposed hours of operation are 6:00 AM to 10:00 PM with summer hours extending to 11:00 PM. Deliveries will be made before 6:00 AM, two (2) to three (3) times per week. Also mentioned was the heating, ventilating and air conditioning units which will be roof top mounted and will be screened in all directions.

Mr. Fishel also stated that modifications to the site layout were suggested and he would like to continue discussions on that item at a Work Session.

Supervisor LaFountain pointed out that as the project moves forward, there could be changes to the site layout. This would be to guarantee the best possible flow and layout of the project and to insure proper connection to the development to the north.

Mr. Fishel also stated there will be a third access to portions of the Panera site and for portions of the development to the east and north of the site.
Supervisor LaFountain inquired about drainage plans for the site.

Mr. Fishel stated that the Incentive Zoning approval included an overall storm water management plan that was developed based on full build-out conditions of the plaza. Stormwater from the entire plaza is designed to drain and be treated in the existing regional stormwater management facility located south of the existing Doodle Bugs daycare facility. Based on a comparison of the Panera Bread site versus the conceptual layout used in the original stormwater management analysis, additional stormwater management provisions should not be required for the Panera parcel.

Mr. Fishel stated that if further calculations are needed they can provide it.

Councilwoman Kohl inquired about buffering between the Panera Bread proposal and the existing neighborhood.

Mr. Fishel stated that they were asked to provide four (4) or five (5) evergreen trees but would be open to discuss the type of trees to be planted for screening purposes.

Councilwoman Kohl inquired about the colors of the building.

Ed Smart, Architect for the project, stated that there are four (4) distinct types of materials on the exterior elevation, as well as some store front glazing.

Councilwoman Kohl stated that at a Work Session, the applicant had said that the design of the building would have a different look from their other store designs so as to blend in with the neighborhood. She asked what is different about the plan that’s being presented?

Mr. Smart stated that the new design is more contemporary and the colors have been updated. Also the inclusion of brick is similar to other buildings in Penfield and the colors give an earthy look to the building.

Councilwoman Metzler asked if the drive thru hours will be the same as the hours of operation?

Mr. Smart stated that the drive thru hours are the same as the restaurant hours.

Councilwoman Metzler asked what measures have been taken for noise mitigation?

Mr. Smart stated he does not know of any studies done on noise mitigation, but he is certain Panera operations can answer the question.

Councilwoman Metzler asked Mr. Smart to bring that question back to Panera and have them supply the information to Town staff.

Councilman Moore asked where they plan to have the employees park?

Mr. Fishel stated that they would be parking in the back of the building.

Supervisor LaFountain asked what is the total number of seats planned for the restaurant?

Mr. Smart stated that there are 102 interior seats and 34 seats on the patio.

Councilman Moore asked where the patio will be located?

Mr. Fishel stated that the patio will be facing NYS RTE 250.
Councilman Quinn asked if there are any plans for outside music?

Mr. Smart stated that if there will be outside music, it will comply with the Town Ordinance.

Mike Young, 46 Braunston Drive, stated he is concerned about the hours of operation and felt that 6:00 AM to 9:00 PM would be a more reasonable time for the restaurant to be open. He stated that 6:00 AM would be too early for deliveries to be made to the restaurant. He also stated concern about the lack of an existing buffer.

Lastly, Mr. Young stated that if changes were to be made to the layout of the project, he would prefer the drive thru not to be pointing east toward his house and is worried about the car lights shining into his home.

Supervisor LaFountain said that the traffic would be facing west.

Jim Costello, Director of Developmental Services, reminded the Town Board that they did require Jeremiah’s Tavern to add to the buffer.

Councilman Quinn asked Mr. Costello if this coincides with any cross access agreements?

Mr. Costello stated that any new developer would be required to provide a cross access easement to the existing developments.

Supervisor LaFountain asked Mr. Costello if there has been discussion regarding LUAMP?

Mr. Costello stated yes, and that the applicant is aware of the requirements for LUAMP and the incentive as well.

Mr. Smart went over the sign package. He said they are proposing a combination of four (4) signs, two (2) of which would be Panera trade signs and two (2) others for the drive thru. They would also like to have signs on the two (2) sides of the building totaling 170 square feet. They would also like their primary signage facing west towards NYS RTE 250. He stated they also would like a sign facing the access drive.

Councilwoman Metzler asked if the Panera name will be placed on the plaza’s directory sign?

Mr. Smart stated he does not have information about that, but he is certain the applicant will want to have a spot for their sign on the directory.

Mr. Fishel stated that they are willing to extend the utilities in order to accommodate future development.

Supervisor LaFountain asked for general landscaping plans.

Mr. Fishel described the landscape layout.

Jim Costello asked for information on exterior lighting.

Mr. Fishel stated lighting will be compliant with Town code.

Supervisor LaFountain asked when the Town Board can expect to have additional lighting information?

Mr. Fishel stated that everything will be submitted as one (1) package and hopes to go before the Board at another Town Board Work Session.

Hearing closed.
Communications and Announcements

1. The new DEC software system is up and running in the Town Clerk’s office. Annual Fishing licenses are now valid for one (1) full year from the date of purchase. If you purchased a fishing license between October 1, 2013 and January 1, 2014 your license will remain valid through September 30, 2014. For more information please contact Town Clerk Amy Steklof at 340-8629 or log onto the DEC website at www.dec.ny.gov/permits.

2. A reminder from the Tax Receiver: Third installments are due by Monday, March 31, 2014. If paying by mail be sure to have a U.S. postmarked envelope. The Tax Department is open Monday through Friday, 9:00 AM to 5:00 PM. Feel free to use the payment box at the east entrance and a receipt will be mailed to you the next day.

3. The annual VFW Post 2014 Memorial Day Essay contest information and applications are now available at www.penfieldrec.org and in person at the Recreation office at 1985 Baird Road. The contest deadline is April 25, 2014.

4. The Penfield Heritage Association’s next Sunday program will be held March 23, 2014 at the Penfield Library from 2:30 PM to 4:00 PM. For more information and to register please visit www.penfieldlibrary.org.

5. The Penfield School Community Partnership is pleased to announce featured speaker Aaron Boe for the partnership’s community wide event to be held on Thursday, April 3, 2014 from 7:00 to 8:15 PM at the Penfield High School. A pasta dinner will be held the following evening at 4:30 PM and 6:00 PM in the Penfield High School Cafeteria in recognition of Healthy Relationships week. For more information visit www.penfield.edu.

6. Penfield Clean Up Day will be held on Saturday, May 3, 2014. A pancake breakfast will be held prior to clean up. For more information and to register, please call Sabrina Renner at 340-8651 or email her at srenner@penfield.org.

7. The Penfield Trails Committee will sponsor a free public hike at Channing H. Philbrick Park on Saturday, April 12, 2014 at 10:00 AM. To register and for more information call the Penfield Recreation office at 340-8655, option 6.

8. Councilwoman Kohl’s next Community Chat will be held on April 15, 2014 from 5:30 to 7:00 PM at the Penfield Library, 1985 Baird Road.

9. It was recommended by the Town’s insurance company and the Monroe County Sheriff’s Department to remove an old hut in Channing Philbrick Park due to rust and unsafe conditions. The removal of the hut has opened up space for additional parking.

10. Solar panels have been added to the roof of Harris Whalen Park Lodge to help offset 70% of the cost of the facility. This was made possible through a NYSERTA Grant. Town crews installed the panels offsetting labor costs. Harris Hill School will have the opportunity to use the facility for their technology curriculum, highlighting what can be achieved with solar energy. Deputy Supervisor Paula Metzler will kick off the use of the newly solarized building with the Green Drinks event put on by the Sustainability Group that meets monthly. The official ribbon cutting and the Green Drinks event will occur tomorrow evening.
Public Participation

Legislator for the 9th District, Debbie Drawe, 5 Cobblestone Crossing, stated that the Monroe County Youth Bureau and the Monroe County Legislature would like to honor exceptional youth and adult advocates in Monroe County. She encouraged members of the Town Board to submit nominations of those they feel are worthy of recognition. The nomination form can be found online at www2.monroecounty.gov/youth-index.php. Applications can also be found in the Town Hall. Nominations are due by April 14, 2014. An award ceremony will be held on June 5, 2014 at Monroe Community Hospital. Legislator Drawe also stated that in 2012 Town Clerk Amy Steklof’s daughter Jessica was one of several youth in the community to be recognized and receive the 2012 Young Citizen of the Year Award.

Legislator Drawe asked the Town Board what the status is on the construction work on Baird Road that was put on hold, and also asked for a status update on the Motts Lane Project.

Supervisor LaFountain stated that in reference to the construction work on Baird Road, the Town has placed drainage throughout that area to help with the underdrain of the road. That part of the project was completed last fall. The next phase will be to bring in a milling machine to begin preparing for the paving process south of Atlantic Avenue to just north of Whalen Road. It will be all recycled material and will begin around May 5th of this year. That stretch of road will then be paved. The hope is to have the work completed by Memorial Day.

In reference to Motts Lane, the Town negotiated to get the last strip of land needed to satisfy the NYSDOT. Supervisor LaFountain recognized Jim Costello, Director of Developmental Services and Geoff Benway, Engineer for their involvement in the process as well as the Penfield Business Association for their support of the negotiations.

Supervisor LaFountain mentioned that the funding, as of last week, was no longer available. By working closely with the Genesee Transportation Council, in which Supervisor LaFountain is a member, it was added to the agenda. With the help of Executive Director, Rich Perrin and thanks to Jeff Adair it was moved to restore the funding. The hope is to have Motts Lane completed sometime around the 4th of July 2014.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 19, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#14T-073 Authorization for Release of an Access Easement at 2226 Penfield Road by Moore

WHEREAS, the owner of the property at 2226 Penfield Road has requested that the Town of Penfield release a portion of a 26 foot wide Access Easement that is no longer useful to the Town of Penfield; and

WHEREAS, the owner of said property has already granted the Town of Penfield a revised Access Easement in the front of the property that is fully useful to the Town of Penfield to replace the portion of the easement to be released; and

WHEREAS, the portion of the access easement recorded in the Monroe County Clerk’s Office in Liber 332 of Deeds, page 18, is no longer a need on the Town’s part to retain said Access easement; and
Penfield Town Board, March 19, 2014

(Resolution #14T-073 – Continued)

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a Release of Easement with H&T Development LLC, owner of property located at 2226 Penfield Road, to permit the release of a portion of an existing Access Easement as shown on a map Exhibit “B” entitled “Access Easement Abandonment” and as described on Schedule “A”, as prepared by Popli Design Group, dated March 3, 2014 and attached hereto; and

BE IT FURTHER RESOLVED that the Release of Easement shall be in the Town’s format and shall be recorded at the Monroe County Clerk’s Office with a certified copy of this Resolution.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

See Schedule “A” at end of Minutes

#14T-074 Authorization to Maintain Properties and Assess the Charges to the 2015 Property Tax Bills by Moore

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 owner of 456 Manse Lane, SBL #108.07-1-45 has failed to maintain the exterior areas and secure the vacant residence at the subject property 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 owner to maintain at this location 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 property 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 2014 season also be charged to the 2015 property tax bill for the subject property.

Moved: Moore
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted
Penfield Town Board, March 19, 2014

Public Works

#14T-075 Rejecting Bids for Department of Public Works Compact Track Loader by Metzler

WHEREAS, sealed proposals were sought and requested in the manner prescribed by Law to furnish the Department of Public Works with one (1) Compact Track Loader and

WHEREAS, on Thursday February 27th at 11:00 AM local time all sealed bids were received and opened and read publically by the Town Clerk and,

WHEREAS, none of the received and opened bids met the required bidding criteria and,

WHEREAS, the Town Board reserves the right to reject all bids.

THEREFORE BE IT RESOLVED, that the Town Board hereby rejects all bids received.

Moved: Metzler
Seconded: Moore

Vote:                               Kohl  Aye  LaFountain  Aye
                                                  Metzler  Aye  Moore  Aye
                                                  Quinn  Aye

Adopted

#14T-076 Advertising for Bids for Department of Public Works Compact Track Loader by Metzler

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:

One Compact Track Loader compatible with the Department of Public Works current Bobcat accessories and controls.

BE IT FURTHER RESOLVED, that the Compact Track Loader 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 April 10th at 11:00 AM local time and there and then are to be opened by the Town Clerk.

Moved: Metzler
Seconded: Kohl

Vote:                               Kohl  Aye  LaFountain  Aye
                                                  Metzler  Aye  Moore  Aye
                                                  Quinn  Aye

Adopted

Public Safety - None

Community Services

#14T-077 Authorization for Supervisor to Sign Recreation Contacts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Rosanna Palermo, 110 Calhoun Avenue, Rochester, NY 14606, Stage Manager, Penfield Players Spring Production, performance dates - May 2, 3, 9, 10, 16 and 17, 2014 for a total fee of $100.00. Voucher to be submitted 4/2/14.
(Resolution #14T-077 – Continued)

Jeff Moon, 110 Calhoun Avenue, Rochester, NY 14606, Director and Producer, Penfield Players Spring Production, performance dates – May 2, 3, 9, 10, 16 and 17, 2014 for a total fee of $300.00. Voucher to be submitted 4/2/14.

Sunshine Productions, 212 Cherrywood Drive, Williamsville, NY 14221, to provide musical entertainment “The Hill Brothers” for Kids Fest on Thursday, August 7th, 2014 for a fee of $550.00. Voucher to be submitted on 7/2/14.


Amend Resolution 14T-056 – Ed Porto, ABC Sports for Tots, change payment to 70% of total revenue. Voucher to be submitted 4/2/14.

Moved: Kohl
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Old Business – None

New Business – None

Public Participation – None

Adjournment

Supervisor LaFountain adjourned the meeting at 8:56 PM

Amy Steklof, RMC
Town Clerk
SCHEDULE "A"

ACCESS EASEMENT ABANDONMENT

All that piece or parcel of property situate in Town Lot 25, Township 13, Range 4, in the Phelps & Garham Purchase, Town of Penfield, County of Monroe, State of New York, as shown on a map prepared by Poplil Design Group entitled, "Access Easement Abandonment, #2226 Penfield Road", dated February 25, 2014 and more particularly described as follows:

Commencing at a point on the northerly boundary of NYS Route 441 (Penfield Road) at its intersection with the easterly boundary of Pebble Creek Subdivision, filed in Liber 332 of Maps, Page 10, thence; N 0°08'56" W along the last mentioned boundary line a distance of 225.67 feet to the point of beginning, thence; along the southerly boundary of an existing access easement and through Lot 1 of the Pebble Creek Subdivision the following two (2) courses and distances: (1) S 87°53'04" W a distance of 184.00 feet to a point of curvature, thence; (2) along a curve to the left having a radius of 24.00 feet and a length of 37.70 feet to a point, thence; N 0°08'56" W a distance of 50.00 feet to a point on the northerly lot line of Lot 1, thence; N 87°53'04" E along the last mentioned lot line a distance of 208.00 feet to a point on the first mentioned subdivision boundary, thence; S 02°08'56" E along the last mentioned boundary line a distance of 26.00 feet to the point of beginning, being 5,532 square feet, more or less.

Intending to describe of portion of an existing access easement along the northerly bounds of Lot 1 of the Pebble Creek Subdivision (Liber 332 of Maps, Page 10) to be abandoned.

Subject to any easements or encumbrances existing or of record.