PENFIELD TOWN BOARD MEETING AGENDA

Wednesday, April 23, 2014  7:30 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 March 19, 2014
VI Petitions
VII Resolutions by Function
   Law and Finance
     14T-082 Authorize the Town Comptroller and Safety Coordinator to
        attend the PERMA Annual Meeting
     14T-083 Acceptance of Final Scoping Outline for the Proposed Expansion
        of the Southpoint Marina at 1384 and 1420 Empire Blvd
     14T-084 Granting a Conditional Use Permit and Preliminary and Final Site
        Plan and Resubdivision Approval to allow a 4,300 +/- square foot
        Panera Bread Restaurant at 2152 Fairport Nine Mile Point Road
   Public Works
     14T-085 Advertising for Bids for Construction and Replacement of
        Concrete Sidewalks
     14T-086 Authorization to Advertise for Sealed Proposals for the new
        Sidewalk Construction
   Public Safety – None
   Community Services
     14T-087 Authorization for Supervisor to Sign Recreation Contracts
VIII Old Business
IX New Business
X Public Participation
XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, April 23, 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: Lisa Grosser Deputy Town Clerk
Richard Horwitz Town Attorney
Kathy Kanauer Town Historian
Tom Tette Fire Marshal/Building Inspector

Supervisor LaFountain called the meeting to order - Pledge of Allegiance

Kathy Kanauer, Town Historian and Don Nelson-Nasca, member of the Local History Room Advisory Committee announced the upcoming Third Annual Civil War Day at the Penfield Community Center, 1985 Baird Road on Saturday, April 26 from 10:00 AM to 4:00 PM. The event is sponsored by the Penfield Public Library, the Friends of the Penfield Public Library, Penfield Town Historian, the Penfield Recreation Department and the Penfield Heritage Association. Don Nelson-Nasca will be sharing letters written by his Great-Great Grandfather during the Civil War. He will also demonstrate the writing method used of powdered ink and water. There will be speakers, displays, re-enactors, memorabilia and activities. All ages are welcome.

Councilman Quinn presented a Proclamation to Tom Tette, Fire Marshal/Building Inspector for Building Safety Month. Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety – our local code officials – who assure us of safe, efficient and livable buildings.

Supervisor LaFountain congratulated Tom Tette and proclaims the month of May 2014 as Building Safety Month.

Tom Tette thanked the Board for the Proclamation and said this encompasses many efforts, including everyone in the Building, Code Enforcement and Fire Marshal offices. He stated that everyone has a right to be safe and his goal is to continually strive for safety.

Communications and Announcements

1. Town Clerk Steklof and the County Clerk's Office held a successful Passport event last night at the Town Hall. 54 new passports were processed, 37 additional people attended to have photos taken. A number of others came in to receive help in preparing passport renewals, and then took advantage of mailing their renewal documents themselves which saves a $25 County administration fee. The next passport night will be scheduled for the end of summer or early fall.

2. It has been brought to the Town Clerk’s attention that the Greater Rochester Book, known as the "Yellow Book", which is delivered in February and left by mailboxes, can still be found lying on the ground in some areas. Town Clerk Steklof suggests, to alleviate this litter problem, contact the Greater Rochester Book Distribution Center at 877-607-0775 and someone will pick up the books that have been left behind. If anyone is interested in no longer receiving this book, or for those who would like to postpone delivery until returning from winter getaways, please visit www.yellowpagesoptout.com.
3. Councilman Quinn recognized his father, Robert Quinn and his brother Dr. Andrew Quinn who were present in the audience.

4. The Youth and Family Safety Fair, brought to you by Penfield Moms Club and Penfield Recreation, will be held Saturday, May 17, 2014 from 10:00 AM to Noon at the Penfield Community Center, 1985 Baird Road. The fair will include car seat safety checks, bike safety clinic, free child IDs and much more. For more information contact momspenfield@yahoo.com.

5. The Annual Ride of Silence will be held Wednesday, May 21 at 6:15 PM starting at the Department of Public Works Complex, 1607 Jackson Road. The ride is held in silence allowing participants to memorialize loved ones and friends who have suffered death or injury while cycling. The event is free and a helmet is required. For more information contact Andy Stewart at onetenth@earthlink.net or www.rideofsilence.org.

6. On Saturday, April 26 from 7:30 AM to 1:00 PM, the Monroe County Department of Environmental Services and the towns of Penfield, Webster and the Village of Webster will host an appointment-only Household Hazardous Waste collection at the Penfield Highway Garage, 1607 Jackson Road. To schedule an appointment call 340-8710 or online at www.monroecounty/gov/des-hhw.php. The next annual Penfield Clean-up Day will be held on Saturday, May 3, 2014 from 9:00 AM to 12:00 PM at the Penfield Community Center. Boy Scout Troop 310 will be holding a pancake breakfast from 8:00 AM to 10:00 AM at the Penfield Community Center in conjunction with the clean-up event. In addition there will be a free rain barrel making seminar given by Monroe County Stormwater Coalition beginning at 11:00 AM. The first 20 families to sign up will receive a rain barrel kit to make and take home. Register by calling 340-8651 or email srenner@penfield.org.

7. The Third Annual Penfield Electric Vehicle Car Show will be held on May 3, 2014 from 9:00 AM to 1:00 PM at the south parking lot of the Penfield Community Center, 1985 Baird Road. Cars from private owners, dealers, and members of the New York State Electric Auto Association will be on display and members will be on-hand to answer questions. If you would like to participate, contact Bob Kanauer at 377-2783 or kanauer@frontiernet.net.

8. The American Red Cross is coming to Penfield on May 3, 2014 from 9:00 AM to 2:00 PM at St. Joseph’s Church, 43 Gebhardt Road. Call 1-800-RED-CROSS to schedule an appointment or log on at www.redcrossblood.org.

9. CP Ward’s portion of work on the extension of Mott’s Lane will be completed by the end of this week. CP Ward has been on site and the right turn from Penfield Road will be completed and Town staff will then begin their portion of the extension by the end of May. Supervisor LaFountain thanked the Highway and Engineering Departments as well as the Penfield Business Association for their involvement.

10. The Penfield Little League Opening Day Ceremony and Parade will be held on Saturday, May 3, 2014 at 9:00 AM at the Veteran’s Memorial ball fields next to the Town Hall. For more information please visit www.penfieldbaseball.com.

11. The Penfield Trails Committee will sponsor a free guided hike at Harris Whalen Park, 2126 Penfield Road on Saturday, May 3 from 9:00 AM to 11:00 AM. Hikers will discover exciting spring flowers as well as learn about the history and geology of this park. Pre-register by calling Penfield Recreation at 340-8655.
12. Penfield VFW Post #820 and Penfield Recreation’s Memorial Day Essay contest deadline is Friday, April 25, 2014. Contest rules and entry forms can be found at [www.penfieldrec.org](http://www.penfieldrec.org) or at the Penfield Recreation Office, 1985 Baird Road. For more information please call 340-8651.

13. The Penfield Players announce their performance of “Fox on the Fairway,” by Ken Ludwig, directed by Jeff Moon on May 2, 3, 9, 10, 16 and 17 at 8:00 PM at the Penfield Community Center, 1985 Baird Road. Tickets can be purchased by phone at 340-8655 or [www.penfieldrec.org](http://www.penfieldrec.org). For more information please visit [www.penfieldplayers.org](http://www.penfieldplayers.org).

14. Councilwoman Kohl’s next Community Chat will be held on Tuesday, May 20, 2014 from 5:30 PM to 7:00 PM in the New Book Area at the Penfield Library.

Public Participation - None

Additions and Deletions to Agenda

Councilwoman Metzler moved to withdraw Resolution #14T-086, Councilman Moore seconded and all voted “Aye.”

Approval of Minutes

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

Petitions - None

Resolutions by Function

Law and Finance

#14T-082 Authorize the Town Comptroller and Safety Coordinator to attend the PERMA Annual Meeting by Moore

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

WHEREAS, the PERMA Board Meeting will be held on May 21st, 2014 at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

WHEREAS, the PERMA annual conference will be held on May 22nd, and May 23rd at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting and PERMA annual conference at no cost to the Town of Penfield, and

BE IT FURTHER RESOLVED that the Safety Coordinator attend the PERMA annual conference at no cost to the Town of Penfield.

Moved: Moore
Seconded: Kohl

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

Adopted
WHEREAS, the Penfield Town Board, by Resolution No. 13T-228 of 2013 issued a Positive Declaration of Environmental Significance and elected to require the preparation of a Draft Environmental Impact Statement (DEIS) to address issues identified in the scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and

WHEREAS, the proposed expansion includes the construction of a 2,700 square foot two (2) story structure to support a clubhouse for the marina, a seasonal tiki bar and an ice cream parlor, a swimming pool and the installation of 176 boat slips; and

WHEREAS, the Penfield Town Board, acting as Lead Agency, set the Public Comment Period on the Draft Scoping Outline from 9:00 AM, February 20, 2014 to 5:00 PM, March 21, 2014, during which comments on the Draft Scoping Outline were requested and received and following said time the Penfield Town Board considered all comments received towards the establishment of a Final Scoping Outline; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as Lead Agency, has prepared and hereby adopts a Final Scoping Outline, a copy of which is attached hereto, to give guidance to the applicant in the preparation of a Draft Environmental Impact Statement to address environmental concerns regarding the proposed development; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to advertise and file said Notice as required by Law.

Discussion : Councilman Moore moved to amend the fourth paragraph and change prepared and accepted to prepared and hereby adopts as noted in bold print. Councilman Quinn seconded.

Moved: Moore
Seconded: Quinn

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

Adopted

See Attachments at End of Minutes
Penfield Town Board, April 23, 2014

#14T-084  Granting a Conditional Use Permit and Preliminary and Final Site Plan and Resubdivision Approval to allow a 4,300 +/- square foot Panera Bread Restaurant at 2152 Fairport Nine Mile Point Road - 140.01-2-70.12 - Maple Development Group, LLC by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Site Plan and Resubdivision Approval under Articles VIII-8-2 and XI-9-2 and a Conditional Use Permit under Article X-10-4-E of the Code to allow a 4,300 +/- square foot Panera Bread restaurant with drive thru and accessory outdoor dining on 1.26 +/- acres in the Business Non-Retail (BN-R) zoning district at 2152 Fairport-Nine Mile Point Road;

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 March 19, 2014, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit and Preliminary and Final Site Plan and Resubdivision Approval to allow a 4,300+/- square foot Panera Bread restaurant with drive thru and accessory outdoor dining at 2152 Fairport-Nine Mile Point Road, and the Public Hearing was closed and decision was reserved.

BE IT RESOLVED, that the Penfield Town Board acted as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as "lead agency" pursuant to SEQRA during the Incentive Zoning approval which was granted by the Town Board at which time. The requirements for SEQRA for the overall development thresholds for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; and

AND BE IT FURTHER RESOLVED, that the applicant's request for a CONDITIONAL USE PERMIT to allow a 4,300 +/- square foot Panera Bread restaurant with drive thru and accessory outdoor dining at 2152 Fairport-Nine Mile Point 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. The 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 any business at this location.

2. The applicant is permitted to construct a 4,300 +/- square foot Panera Bread restaurant with drive thru and accessory outdoor dining within the Business Non-Retail zoning district, based on the Incentive Zoning proposal previously approved and mutually agreed upon by the Town Board and the owners of the subject property.

3. The applicant proposes to operate between the hours of 6:00 AM and 10:00 PM on a daily basis. All tractor trailer deliveries to the site shall only be permitted to occur during the hours of 7:00 AM and 9:00 PM. All other deliveries shall be permitted during the proposed hours of operation.

4. The applicant shall comply with the overall occupancy requirements that are to be established by the Penfield Fire Marshal in accordance with the New York State Building Code.
5. Although each property owner within the complex is required to share parking and cross access, the applicant, as with all other owners in the complex, is responsible for ensuring that its business does not adversely impact the existing and future businesses that are or will be operating from this complex, particularly relating to traffic movements and parking facilities. The applicant must ensure that it has adequate parking to serve its clientele at all times without monopolizing others spaces during their hours of operation.

6. The applicant shall submit a final sign package for the site for the Board's review and approval.

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

8. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of Article X-10-4 of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant's request for PRELIMINARY AND FINAL SITE PLAN AND RESUBDIVISION APPROVAL is hereby GRANTED subject to the following conditions:

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

2. The final landscape plan shall be reviewed, approved and signed by the Town's Landscape Consultant; said landscaping shall be installed to the Town Board's satisfaction prior to the issuance of a Certificate of Occupancy. An appropriate amount of funds shall be placed in the Letter of Credit to cover the cost of the approved landscaping materials and installation. A two-year maintenance bond shall be required to insure landscaping is properly maintained. In addition, the applicant has agreed to install additional landscaping along the easterly property line of the site to embellish the existing landscaping previously installed with the Doodlebugs Child Care Center. The applicant shall work with the Director of Developmental Services and the neighbor to address the amount and type of landscaping to provide an effective visual buffer at that location.

3. The Town Engineer shall approve the final plan for exterior lighting; specifically that such plan shows lighting, which is localized and unobtrusive and consistent with the type proposed for the Jeremiah's parking lot. Any proposed parking lot lighting shall be shielded from area residences. All wall mounted lighting shall be compatible with the adjacent residential neighborhood. Wall-pac™ type fixtures will not be permitted.

4. Compliance with or agreements reached on all of the engineering requirements that may be raised by the Town Engineer including, but not limited to those raised in the PRC memo dated March 13, 2014, except as otherwise provided herein.
5. All dumpsters shall be enclosed and properly maintained at all times. The applicant's refuse removal company may pick up refuse from the site only between the hours of 7:00 AM and 7:00 PM, which shall be set forth in the applicant's property maintenance agreement.

6. Furnishing the Town with a Letter of Credit, in an amount to be approved by the Town Engineer. Said letter of credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.

7. 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.

8. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.

9. Compliance with the Town's Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; specifically that the site shall be serviced by the existing signalized curbcut onto Fairport Nine Mile Point Road.

10. Compliance with the Town of Penfield's Sidewalk Policy; specifically that any existing sidewalks along the property frontage on Fairport Nine Mile Point Road that are damaged during construction shall be replaced to the satisfaction of the Town Engineer prior to the issuance of a Certificate of Occupancy.

11. Compliance with all of the requirements of the Director of Developmental Services, specifically that the property owner submits a cross access and parking agreement for this site, in the Town's format, prior to his signature being placed on the final site plan.

12. The applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.

13. The applicant shall submit a Property Maintenance Agreement in recordable form, subject to review and approval of the Town Attorney, and accompanied by appropriate filing fees. The Agreement shall specifically address maintenance and care of lawn, landscaping, dumpsters, as well as common areas, roads and parking areas.

14. The applicant shall enter into the 2152/2164 Fairport Nine Mile Point Road Special Improvement District to assist other owners within the complex to pay for the annual maintenance of private fire hydrants proposed within the complex to provide adequate fire safety of said complex on a perpetual basis.
15. The applicant shall submit the Incentive Zoning Fee for this site, as established by the Town Board prior to the issuance of a building permit.

16. The applicant shall submit all LUAMP fees as established by the Town Engineer prior to the issuance of a building permit.

17. The approved resubdivision plat must be properly filed in the Monroe County Clerk's Office prior to the issuance of a building permit.

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

19. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE FINAL SITE PLAN.

The Board bases its decision to GRANT a CONDITIONAL USE PERMIT and PRELIMINARY and FINAL SITE PLAN APPROVAL for this proposal on the following findings:

1. The applicant proposes to construct a 4,300 +/- square foot one story freestanding structure, to be utilized as a sit-down restaurant with a drive thru and accessory outdoor dining area known as Panera Bread. The Board has entered into an Incentive Zoning agreement with the property owners to allow flexibility on the site to accommodate both retail and non-retail development subject to the applicant providing funding incentives which will be utilized to provide public works improvements in the immediate neighborhood. The applicant will also provide funding for reimbursement to the Town for the development of the Land Use and Access Management Plan (LUAMP) and the Environmental Impact Statements which were prepared to address development impacts in the LUAMP area, thereby mitigating the need for the applicant to do so as a function of the application.

2. The proposed structure is designed in such a manner that it is architecturally compatible with the surrounding commercial and residential architecture.

3. The Business Non-Retail district permits hours of operation between 7:00 AM and 9:00 PM. The applicant, as part of the Incentive Zoning proposal, has requested that his business be permitted to open at 6:00 AM and close at 10:00 PM. The Board has granted this request as the proposed hours of operation are consistent with, and in many cases, are less than other similar businesses fronting on Fairport Nine Mile Point Road and Penfield Road in this area.

4. The applicant has requested the ability to have piped music in the outdoor dining area and the Board has approved his request. Piped music shall be permitted consistent with the hours of operation proposed by the applicant. In no case shall live entertainment be permitted on the site without approval by the Town Board. In no case shall sound levels associated with music of any type or the menu ordering system be audible from beyond the applicant's property line.

5. The Board has reviewed this application as it relates to Article X of the Penfield Town Code, Conditional Use Permits. The Board finds that the standards contained within Article X have been met to allow the issuance of a conditional use permit.
6. The applicant has provided an acceptable storm water treatment proposal, which has been constructed on-site and will be maintained by all the property owners within the complex that benefit from it.

7. The project will be serviced by public water and connection to a sanitary sewer.

8. The applicant proposes to install exterior lighting that will be adequately shielded so as to minimize impacts to adjacent residential neighbors. The applicant will be required to ensure that said exterior lighting does not adversely impact said neighbors at any time.

9. The property owner will ensure cross access and parking between his site and the remaining other subdivided properties, as well as future access to the adjacent properties to the north and south of this site at the time they are redeveloped.

10. The applicant as agreed to be responsible for the ongoing property maintenance, landscaping, lighting and signs on said property and will submit a maintenance agreement, in a form acceptable to the Town Attorney prior to the final site plan being signed by the Director of Developmental Services and the Town Supervisor.

The Board bases its findings to APPROVE this application on the following:

1. A letter of intent received by the Planning Department on January 29, 2014.

2. A site plan and subdivision plat received by the Planning Department on January 29, 2014.

3. Penfield Environmental Assessment Form received by the Planning Department on January 29, 2014.

4. Architectural details of the structure received by the Planning Department on January 29, 2014.


7. Submissions and oral testimony of the applicant and concerned citizens at the Public Hearing held on March 19, 2014.

8. Testimony given both orally and in written form by the applicant, his representatives, and the public at the Public Hearing and subsequent to it.

Moved: Moore
Seconded: Metzler

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

Adopted
Penfield Town Board, April 23, 2014

Public Works

#14T-085 Advertising for Bids for Construction and Replacement of Concrete Sidewalks by Metzler

BE IT RESOLVED, that the Town of Penfield Engineering Department be and hereby is authorized to advertise in the manner prescribed by Law for sealed bids to furnish the Town of Penfield the following:

Construction of and Replacement of new concrete sidewalks at various locations in the Town of Penfield

BE IT FURTHER RESOLVED, that work covered by such sealed bids shall be in accordance with specifications prepared by the Town of Penfield Engineering Department. Sealed bids are to be received in the office of Town Clerk until 11:00 AM, Thursday, May 15, 2014 and there and then are to be opened by the Town Clerk.

Moved: Metzler  Seconded: Moore

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

Adopted

(Resolution #14T-085 - Continued)

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

Adopted

#14T-086 Authorization to Advertise for Sealed Proposals for the new Sidewalk Construction - WITHDRAWN

Public Safety - None

Community Services

#14T-087 Authorization for Supervisor to Sign Recreation Contracts by Kohl

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

Penfield Sport & Fitness, 667 Panorama Trail W, Rochester, NY 14625, Swim Lessons - 6 months - Age 3, Pre-Natal Yoga/Aqua Fusion, Water Yoga, Boot Camp with Phil, Personal Training Package, and Yoga Sculpt, 6/9 – 8/28/14, for a fee of 70% of the total program revenue. Vouchers to be submitted 6/18, 7/16, and 8/6/14.

Penfield High School Robotics, 25 High School Drive, Penfield, NY 14526, Robotics LEGO Camp, 7/25 and 8/15/14, for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 8/6 and 8/20/14.

Carolyn Valenti, 84 Mahogany Run, Pittsford, NY 14534, Cheerleading Camp Director, 7/7 - 7/10/14, for a fee of $295.00 plus $1.00 per paid participant ($2.00 per participant for any camp with enrollment exceeding 59 participants). Voucher to be submitted 7/16/14.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics Camp, 8/11 – 8/22/14 for a fee of 75% of the total program revenue. Voucher to be submitted 8/20/14.
Way Farm, 2009 Harris Road, Penfield, NY 14526, Horse Camp, 7/14 - 8/15/14, for a fee of 70% of the total program revenue. Vouchers to be submitted 7/16 and 8/20/14.

Danielle Staversky, 626 Cranberry Lane, Macedon, NY 14502, Jazzy Dance Camp Director, 8/18 - 8/21/14, for a fee of $320.00 plus $1.00 per participant ($2.00 per participant for camps with enrollments exceeding 59). Voucher to be submitted 8/20/14.

Eagle Vale Golf Club, 4344 Nine Mile Point Road, Fairport, NY 14450, Junior Golf, Golf Short Game Clinic, 50+ Golf Camp and Beginner Golf - Intro, 6/24 - 8/25/14 for a fee of 70% of the total program revenue. Voucher to be submitted 7/16, 8/6 and 8/20/14.

Penfield Boosters, 25 High School Drive, Penfield, NY 14526, Patriots Summer Track and Field, 6/12 - 7/22/14 for a fee of 80% of the total program revenue less expenses. Vouchers to be submitted 6/4, 6/18 and 7/16/14.

Maureen Ward, 46 Reynolds Road, Webster, NY 14580, Great Handmade Cards, 6/17/14 for a fee of 70% of the total program revenue. Voucher to be submitted 6/18/14.

Rhonda Flint, 560 Helendale Road, Rochester, NY 14609, Pilates Mat Class and Vinyasa Yoga, 6/23 - 8/19/14 for a fee of 75% of the total program revenue per class for 10 or less registrants or a fee of 70% of the total program revenue per class for over 10 registrants. Vouchers to be submitted 7/2, 7/16 and 8/20/14.

Sandra Sanzotta, 911 Lothario Circle, Webster, NY 14580, Low Impact Aerobics, 6/28 - 8/16/14 for a fee of 70% of the total program revenue. Vouchers to be submitted 7/2 and 8/20/14.


Teresa Stango-Listrani, 508 South Drive, Rochester, NY 14612, Instructor for Jr. Explorers, 8/5/14 – 8/8/14 & Nature’s Art, 8/12/14 –
8/14/14, for the fee of 70% of the program revenue. Voucher to be submitted 8/20/14.

It’s My Party c/o John Giotto, PO Box 423, Penfield, NY 14526 to provide “It’s My Party” on Saturday, August 9, 2014 at Penfield Amphitheater for a fee of $500.00. Voucher to be submitted on 9/5/14.

Steve Grills, 245 Cypress Street, Rochester, NY 14620, to provide entertainment “Steve Grills and the Roadmasters” Saturday, September 13, 2014 for “Tastin’ the Blues” for a fee of $1,550.00. Voucher to be submitted on 8/20/14.

Kate Western, 17 Park Ave., Webster, NY 14580 guest speaker for Thursday lecture series on 4/17/14 for a fee of $35. Voucher to be submitted on 5/7/14.


Larry Naukam, 106 Blackwatch Trail, Fairport, NY 14450, guest speaker for Civil War Event on 4/26/14 for a fee of $50. Voucher to be submitted on 5/7/14.

Moved: Kohl  
Seconded: Quinn

(Resolution #14T-087 - Continued)

<table>
<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
<th>Aye</th>
</tr>
</thead>
</table>

Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:07 PM.

Lisa Grosser  
Deputy Town Clerk
TO: New York State Department of Environmental Conservation
New York State Office of General Services
New York State Department of State
New York State Department of Transportation
Monroe County Health Department
Monroe County Department of Environmental Services
Monroe County Department of Planning and Development
Monroe County Water Authority
Town of Penfield Town Board
U.S. Army Corp of Engineers
U. S. Department of Fish and Wildlife

FROM: Penfield Town Board

DATE: April 23, 2014

RE: Rochester Waterfront Properties LLC has requested the issuance of a Special Use Permit, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit for development of a 2,700 square foot, two story building to house a marina clubhouse, a seasonal tiki bar and ice cream parlor, an in-ground swimming pool for marina members and installation of 176 boat slips to expand marina facilities from 186 slips to a total of 362 slips on 13.28 acres at 1384 and 1420 Empire Blvd., at the south end of Irondequoit Bay.

SEQRA CLASSIFICATION: _____X_____ Type I _________ Unlisted

The attached draft scoping outline was prepared as required by the State Environmental Quality Review Act (6NYCRR Part 617). The Town Board accepted the final scoping outline on April 23, 2014.

Any questions regarding this application may be directed to:

Town of Penfield
Attn: Developmental Services Department
3100 Atlantic Avenue
Penfield, New York 14526
Phone: (585) 340-8642
Fax: (585) 340-8754
Email: Costello@penfield.org

A copy of the draft EIS once submitted by the applicant and accepted by the Penfield Town Board will be available for review on the Town website located at www.penfield.org.

Explanation of Matrix:

- **Number**: the comment in the order it was received.
- **From**: identifies the author or authors of the correspondence.
- **Date**: Identifies the date of the correspondence and the date it was received by the Town.
- **Comments**: Identifies the comments deemed important for discussion purposes.
- **Yes**: Identifies the comments that should be included in the Final Scoping Outline in some form.
- **No**: Identifies those comments that the Town Board, acting as lead agency, has determined are not appropriate for inclusion in the Final Scoping Outline
- **Notes**: Clarification of specific comments or issues
Explanation of Matrix:

- **Number**: the comment in the order it was received.
- **From**: identifies the author or authors of the correspondence.
- **Date**: identifies the date of the correspondence and the date it was received by the Town.
- **Comments**: identifies the comments deemed important for discussion purposes.
- **Yes**: identifies the comments that should be included in the Final Scoping Outline in some form.
- **No**: identifies those comments that the Town Board, acting as lead agency, has determined are not appropriate for inclusion in the Final Scoping Outline.
- **Notes**: Clarification of specific comments or issues.

<table>
<thead>
<tr>
<th>No.</th>
<th>From</th>
<th>Date</th>
<th>Comments</th>
<th>Yes</th>
<th>No</th>
<th>Already Included</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jeffrey Frank, NYS DOT</td>
<td>2/27/14</td>
<td>Requests an update to Southport Cove traffic study.</td>
<td>X</td>
<td></td>
<td></td>
<td>• Traffic study will be updated</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Revision to SWPPP may be required.</td>
<td></td>
<td></td>
<td></td>
<td>• SWPPP will be updated</td>
</tr>
<tr>
<td>2</td>
<td>Alice Sekolow</td>
<td>2/27/14</td>
<td>Historic Mitigation, &quot;RPG&quot; Source: Trail and former Trolley not addressed.</td>
<td>X</td>
<td></td>
<td></td>
<td>• Site is not in a preservation district nor is there a historic site on the property.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Demonstration of existing public access.</td>
<td></td>
<td></td>
<td></td>
<td>• Cultural Resource IB Survey was completed in conjunction with Southport Cove Apartment Project review process.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• This line was not determined to be an impact in the EIR, Section 2.</td>
</tr>
<tr>
<td>3</td>
<td>Allan Budrucki</td>
<td>2/27/14</td>
<td>Identifying Brien Line and Redoctor to South Trolley Line.</td>
<td>X</td>
<td></td>
<td></td>
<td>• The Brien Line/Trolley Line was located on Empire Blvd and on the eastern portion of the Southport Cove project and was completely dismantled by the NYS DOT and DOT for traffic and utility purposes.</td>
</tr>
<tr>
<td>4</td>
<td>Alice Sekolow</td>
<td>2/27/14</td>
<td>Historic mitigation required.</td>
<td>X</td>
<td></td>
<td></td>
<td>• No site on Empire Blvd has been designated as an historic landmark and no site is in an historic district.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Alice Socolow</td>
<td>3/25/14</td>
<td>• The historic migration, SHPO, the Seaway Trail and the old railroad are missing from the scope.</td>
<td>X</td>
<td>• See above note.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Suzanne Albright</td>
<td>2/27/14</td>
<td>• Natural connection as alternative to project. • Disruption to and near rail. • Too much commercial development around Bay. • Dwindling natural areas that provide habitat.</td>
<td>X</td>
<td>• No comments received concerning the Draft Scoping Outline. Comments will be entered into the application file.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Alice Socolow</td>
<td>3/4/14</td>
<td>• Article regarding LaSalle and its location at the north end of Henderson Bay.</td>
<td>X</td>
<td>• LaSalle's Landing is remote from the project site. It will have significant impacts concerning the actual landing site for possible launch at LaSalle’s Landing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Alice Socolow</td>
<td>3/4/14</td>
<td>• Submitted an AEI entitled, &quot;The French Height.&quot;</td>
<td>X</td>
<td>• See note above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Alice Socolow</td>
<td>3/4/14</td>
<td>• The updated Park's and Rec Master Plan noted the need for a safe trail launch site at LaSalle’s Landing.</td>
<td>X</td>
<td>• The recommendation actually referred to a safe launch area for a kayak launch at LaSalle's Landing. The site does not refer to the project area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>David Gehringer, NYSDOT</td>
<td>3/4/14</td>
<td>• No further comments required. • Requested that a sentence be added to Section H, Transportation stating, &quot;All mitigation measures needed to be included in the SWPPP analysis.”</td>
<td>X</td>
<td>• This element will be added to Section H, Transportation. • SWPPP will be updated.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Alice Socolow</td>
<td>3/4/14</td>
<td>• Submitted comments addressing the Radiator History which included the site of the Radiator History and DOT and the Seaway Trail.</td>
<td>X</td>
<td>• See note above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Alice Socolow</td>
<td>3/7/14</td>
<td>• Noting that RNSC, according to the Iron Junction Rail Management Plan, enters the Ironwood Bay area to have significant ecological values.</td>
<td>X</td>
<td>• See note above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 14 Crystal Doyle 3/17/14 | • Seeking a 10-year extension period for the mining area next to Stonehouse Cave Apartments.  
• Seeking a discussion on the negative sites for history or archaeology.  
• The drilling is not of significant historical and archaeological importance.  
• NYSOC considers the Boy to be sensitive archeologically.  
• Penfield must confirm the location of the soil.  
• Enhanced to a large pipeline, the use of an underground conduit may be prime utility for Native American remains.  
• Damage to water and natural environment.  
• Consideration of historical and archaeological sites needs to be done.  
• Should be planned to ensure that no construction to identify historical sites occurs.  
• A project with artifacts should be allowed on site.  | X |
| 15 Crystal Doyle 3/16/14 | • Questions for archeological sampling on site.  
• The review of the building versus re-building should be addressed.  
• Archeological testing was done in 1969 during WWII and 1969 and 1979 during WWII.  
• NYSOC considers the site to be sensitive.  
• Site should be preserved as a Native American memorial, environment or visitor site.  | X |
| 16 Crystal Doyle 3/16/14 | Same concerns in text with full address | X |
| 17 Alice Sokolow 3/18/14 | • Questions stated in text versus re-use.  
• The property is a commercial center with or near the area to be used within it. The town Board has incorporated the principle of non-use, which includes the management, accessibility, access to water's edge and multiple uses within the district.  | X |
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Date</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 18| Scott Sheedy, NYS DOT | 3/11/14   | - Application will need to be revised to include conclusion of alternative model.  
- Concerns about waterfowl nesting areas being impacted by the project need to be addressed in the DEIS.  
- The project needs to address the concerns of the residents and the local wildlife.  
- Comments will be included in the Final Scoping Outline. |
| 19| Alice Sokolow | 3/19/14   | - Segregation of species is necessary.  
- The issue of segmentation will be addressed in the Final Scoping Outline.  |
| 20| Suzanne Albright | 3/20/14   | - Concerns for accessibility to the water's edge of Penfield Bay need to be addressed in the Final Scoping Outline.  
- The issue of trail development will be addressed in the Final Scoping Outline.  |
| 21| Crystal Doyle | 3/21/14   | - Location of disposal of waste material from 1996 project needs to be determined.  
- Types of materials disposed of.  
- The disposal site was identified in a previous study and the types of materials are mentioned in the Remediation Report.  |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Date</th>
<th>Comment</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Nancy Henke, DPRHP</td>
<td>3/20/14</td>
<td>DPRHP has no concerns with project.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Scott Shetley, NYSDEC</td>
<td>3/21/14</td>
<td>The extent that a large area of aquatic macrophytes are used within the project area is not specified. The blonde should be provided. If a large area of aquatic macrophytes are observed in the project area, it may be necessary to confirm that aquatic macrophytes have encroached in areas to the bay and would be outside of project area.</td>
<td>X</td>
</tr>
<tr>
<td>24</td>
<td>Crystal Doyle</td>
<td>3/21/14</td>
<td>This issue will be addressed in the Final Scoping Outline.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Crystal Doyle</td>
<td>3/21/14</td>
<td>This issue will be addressed in the Final Scoping Outline.</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Crystal Doyle</td>
<td>3/21/14</td>
<td>These comments were not issued by the NYSDEC during the comment period.</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Carolyn Ragsa</td>
<td>3/21/14</td>
<td>This issue will be addressed in the Final Scoping Outline.</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Donna Wilder</td>
<td>3/21/14</td>
<td>This issue will be addressed in the Final Scoping Outline.</td>
<td></td>
</tr>
</tbody>
</table>