PENFIELD TOWN BOARD AGENDA
Wednesday, July 16, 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 – June 18, 2014

VI Petitions

VII Resolutions by Function

Law and Finance
14T-132 Setting a Public Hearing to Consider Incentive Zoning for a Conditional Use Permit and Resubdivision Approval and Preliminary Overall Site Plan Approval to Allow Three Structures Totaling 15,080 Square Feet and Final Site Plan Approval to Allow the proposed 6,000 Square Foot Structure at 2146 and 2152 Fairport Nine Mile Point Road

14T-133 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval to Allow the Demolition of the Structures at 2107-2111 Five Mile Line Road to Permit the Construction of a 3,490 sq ft Structure for a Mark’s Pizzeria with Outdoor Dining at 2107-2111 Five Mile Line Road and 1816 Penfield Road

14T-134 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Site Plan Approval and an Environmental Protection Overlay Permit to Allow a 176 Boat Slip Expansion to Southpoint Marina and the Development of an Accessory 3,750 Square Foot Clubhouse/Restaurant and Pool on 13.28 Acres at 1384 and 1420 Empire Blvd.


14T-136 Granting Approval to Allow a Garage Addition with Less Side Setback than Permitted at 1740 Penfield Road

Public Works - None

Public Safety - None
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Community Services
14T-137 Authorization for Supervisor to Sign Recreation Contracts
The Regular meeting of the Penfield Town Board was held on Wednesday, July 16, 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

Absent:  Amy Steklof  Town Clerk

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Public Participation

Bernie Knoeferl, 247 Parkview Drive, stated that he has lived in the neighborhood for 42 years. He stated that he has only smelled odors twice and they are not offensive; it smells like roasting coffee. The business has been here for 100 years and was established before the neighborhood. He feels Baker Commodities provides a service to this community. The odors are within EPA standards.

Jim Embeyer, 2020 Baird Road, stated that he has lived in the area for 48 years. When Baird Road was resurfaced in June, he sent an e-mail to the Department Public Works regarding a pothole located just south of the Community Center. If material from the resurfacing job had been used to fill the pothole at that time, it would have been no additional expense to the Town. The pothole was not filled and has grown larger. He is disappointed that the Department of Public Works did not take advantage of filling the pothole while resurfacing Baird Road.

Alice Sokolow, 34 Avonmore Way questions Resolution #14T-135 for Southpoint Marina. There was public participation received during the Scoping Outline. This Resolution is inconsistent with the ENB from May 7, 2014. The project address is different, the clubhouse size is larger. There was not an opportunity for public input or additional Intra Agency input regarding these changes. The proposed restaurant at 1440 Empire Boulevard consists of 16 acres of a Brownsfield remediation area. The other 10 acres only had the spills cleaned. The DEC did not answer if the area is safe. There are other impacts by putting a restaurant at this location that the public was not given the opportunity for input. The Southpoint Cove apartments 10th building is now going to have a pool. The ownership of that pool needs to be clarified and who will be able to use the pool. Is there also going to be a pool with the clubhouse, does this conflict with the other pool, it is not clear.

Mike Kemp-Schneider, 291 Parkview Drive, stated that he has no desire to shut down Baker Commodities. He has lived in the neighborhood for 14 years and the first 6 years there were no issues. He feels Bob Reid has not been given respect and has not been treated seriously by the Board. He feels a neighborhood representative should have been invited to attend the Supervisor’s meeting with the New York State Department of Environmental Conservation.

Supervisor LaFountain stated that he attends 12-15 meetings routinely each week. He meets regularly with the NYSDEC and Baker Commodities. LaFountain said he e-mailed the neighborhood group following his meeting to update them.
Mr. Kemp-Schneider continued to say he feels the communication is weak, someone from the neighborhood should have attended the meeting.

Bob Reid, 275 Parkview Drive presented a Petition to the Board calling for action for the residents affected by the emissions from Baker Commodities Rendering Plant. The petition has 136 signatures.

Reid continued to say for the most part the odors are not at catastrophic level, as they have been in the past, but at times are very bad. From 1997 to 2004 Baker Commodities had very good odor control. In 2005 there was no odor reporting network, in 2006 a database was established. In 2012, Jim Costello, Director of Developmental Services, stated the number of complaints received in 2011 were not significant. Reid continued to say the number of complaints in 2012 doubled from 2011, and doubled again in 2013. There have been over 85 complaints in 2014, which already exceeds 2013 complaints. The plant maintains they continue to improve the odor control measures. The NYSDEC and the Town have not taken action on these complaints.

Reid then continued to list the actions the Petition calls for.

Reid referred to a “Confidential Agreement” between the Town and Baker Commodities.

Supervisor LaFountain asked Town Attorney Horwitz to address Reid’s accusations.

Dick Horwitz stated he has informed Mr. Reid in the past there is no secret agreement and there has never been a secret agreement.

Reid concluded by saying we as citizens deserve action and respect.

Steve Healey, 231 Parkview Drive, stated he wants to see the problem solved. He has experience in biotech remediation, and has solved odor issues for other plants in the past. This issue should not have continued for 9 years. Baker Commodities is using thermal oxidizers for odor control and they are the gold standard in the industry and expensive to run. Baker Commodities is a small plant and he is unsure how they remain profitable. Something changed in the plant in 2005 and he suspects it was the economic conditions of the industry. We are asking for a truly independent third party to evaluate and get to the bottom of this. The information needs to be shared, transparently. We require a meeting within the next two (2) weeks with the residents, the NYSDEC and the Town. Healey submitted his comments to the Board and they are attached at the end of the Minutes.

Supervisor LaFountain stated he will speak to Tom Marriott to get information from the New York State Department of Environmental Conservation. The Town Board will then evaluate the next steps.

Healy asked if information from Baker Commodities could be withheld from the public because it is proprietary?

Councilwoman Metzler added that the NYSDEC, and other regulatory agencies, could redact information based on business practices or trade secrets.

Vern Loveless, 19 Old Westfall Drive, stated he has lived in the area since 1987. He supports the Petition and has participated in the stakeholder meetings with the Town in the past. The stakeholder meetings were held monthly to discuss odor concerns. Loveless then reviewed a history of issues and complaints he has with Baker Commodities. He asked if this Town Board would take a similar action to the Town Board of the 1980’s and take Baker Commodities to court?
Supervisor LaFountain said, he hopes the situation does not get to that point, but if it is necessary we will.

Loveless continued to express his dissatisfaction during the past nine (9) years. Baker Commodities were able to maintain an odor free period of time in the past and we want that again. He asked if the NYSDEC cannot take care of the situation, could we go to the Federal level?

Councilman Moore asked if any of the residents had spoken with State Senator Ted O’Brien or Assemblyman Mark Johns?

Loveless said he has not contacted any State representatives.

Moore said he would advocate that you communicate with the State Representatives as the permit for Baker Commodities is issued from the State Department of Environmental Conservation.

Loveless asked if the Town Board would stand by the resident’s side as we move forward with the process of contacting the State Representatives?

Councilman Quinn agrees the efforts need to be directed to the State Representatives. Quinn said he would be willing to help interact and facilitate a meeting with the State Representatives. Quinn also suggested that emails received from the residents regarding their concerns with Baker Commodities be forwarded to the State Representative’s offices. NYSDEC is the regulating authority and the permitting agency for this operation.

Councilwoman Metzler added that the NYSDEC has the authority to regulate Baker Commodities. If the state has been unsuccessful getting Baker Commodities to make a change, what makes you think the Town will be able to? Resident’s tax dollars already go to support the NYSDEC, and those should be put to use? She added that she has received comments from Town residents that do not want their tax dollars spent resolving this issue. The Town has spent significant money on unfunded mandates required by the NYSDEC, she supports pushing back on them for resolution.

Lydia Palmer, 17 Old Westfall Drive, stated she has lived in the neighborhood for 10 years. She supports the Petition and during the last two (2) to three (3) years the scope and frequency of the “Baker stench” has gotten worse. This is not just a nuisance odor, and it has gotten more widespread. The Plant Manager of Baker Commodities denies the odor exists. The Town Board must hold Baker Commodities and the NYSDEC accountable. Senator O’Brien has been contacted to address this. The State grants the Town Board the authority to regulate rendering plants. This is a community issue and the Town Board needs to take the lead. Palmer suggests contacting University of Rochester or RIT as a cost effective approach to help find a solution.

Jeff Burns, 39 Scarborough Park, stated that he visited the Parkview neighborhood last year when he was campaigning. He and Tim Murphy vowed they would follow up whether they were elected or not. He asked if Baker Commodities is grandfathered in any matter and doesn’t have to obey current laws?

Supervisor LaFountain stated that Baker Commodities is a pre-existing non-conforming use and they must be held to the standards and regulations from the NYSDEC.

Burns then referenced the NYSDEC permit that is issued to Baker Commodities. There are a number of conditions that must be adhered to. Item #29 states that air pollution is prohibited. The residents that have spoken this evening are affected by the air pollution from Baker Commodities. Also, there is a list of permitted emissions which include chemicals that may be carcinogens. The residents have a right to clean air and shouldn’t have to wait another nine (9) years for it.
Moore said the suggestion to contact the State Legislature is another avenue to pursue help; they oversee the NYSDEC and fund it. They have the ability to have the NYSDEC revoke the permit.

LaFountain said Tom Marriott has been with the NYSDEC for nearly 40 years and is well respected. He has been involved with the plant and the neighborhood on a regular basis for the last several years. He has been responsive when asked to follow up and follow through.

Town Attorney, Dick Horwitz stated in the past the Town joined with the NYSDEC and the Attorney General to address a widespread public nuisance. The activity is permitted and improvements have been put in place. The State agency has jurisdiction over the plant and they are trying to address this effectively. All agencies must work together. As previously discussed there was proprietary information as part of the lawsuit that was withheld. Horwitz offered to meet with Mr. Reid and Dr. Loveless regarding the letter referencing a secret agreement that has been discussed.

Burns requested that the Town help the neighbors by finding a third party to evaluate the situation; we want to see Baker Commodities succeed, but in a clean way with clean air.

Fred Elliott, 219 Parkview Drive, stated he supports the Petition. The residents come to the Town Board and depend on you to help us out with a local issue. He has participated in the stakeholders meetings in the past and is not sure where to turn. He feels there needs to be more transparency with the meetings of the Town, NYSDEC and Baker Commodities. We hope to have a meeting soon which the residents should be invited to attend.

LaFountain added that the stakeholders group was disbanded because it was no longer accomplishing anything. As we move forward we must be objective on all fronts.

Councilman Quinn stated the residents need to speak with the State Representatives and have them work with the NYSDEC. As meetings proceed, a State Representative should be in attendance. The Town Board follows the permits and the regulation of the State agency. We will continue our partnership with the NYSDEC and need to bring in other players to help facilitate communication.

Steven Segal, 14 Old Westfall Road, stated he has lived in the neighborhood for 10 years. During the past six (6) months the odor has become more frequent and intense. He requested an Environmental Air Quality Specialist get involved. We should speak to someone and get ideas for an approach, a proposal and a series of steps. This would give a baseline to move forward in an objective way.

Steve Healy said he doesn’t feel this is a waste of taxpayer money. People move into the neighborhood and don’t realize Baker Commodities is there. This is a breathtaking stench and it is a problem. The chemicals that are released should also be evaluated in an emissions test.

Vern Loveless said he understand that residents don’t want their tax dollars spent on this because they feel it is a pre-existing problem. He hopes the people who say, not my tax dollars don’t need controls put on their rights to happiness in their homes. We are coming to the Town Board for help as do other residents in the Town. You should do what you can to help all residents in the community.

Supervisor LaFountain adjourned the meeting at 9:40 PM.

The meeting reconvened at 9:55 PM.
Communications and Announcements

1. The New York State’s Citizen Preparedness Training Program for Rochester will be held on Saturday, July 26, 2014, at Noon at the Wegman-Napier Gym at the Aquinas Institute of Rochester located at 1127 Dewey Avenue. The training course will provide an introduction to responding to a natural or man-made disaster. Participants will be advised on how to properly prepare for any disaster, including developing a family emergency plan and stocking up on emergency supplies. All participants must register in advance at www.prepare.ny.gov.

2. The NYSDEC is reminding New Yorkers not to use lawn fertilizers that contain phosphorus. The 2012 Dishwasher Detergent and Nutrient Runoff Law prohibits the use of phosphorus fertilizers unless a new lawn is being established or a soil test shows that the lawn does not have enough phosphorus. For complete details of the NYS Dishwasher Detergent and Nutrient Runoff Law please visit www.dec.ny.gov.

3. Councilman Quinn wished his daughter Mae, a Happy 6th Birthday.

4. The Watershed Management Committee has given the following tips to improve drainage on rainy days: Keep gutters and downspouts clean, driveway pipes, culverts and catch basins should be kept clear of yard waste or garbage, remove anything that has potential to clog the system and swales should be kept clear to allow water to drain. For more information and links on drainage and water management, please visit www.penfield.org.

5. The Penfield Players announce its summer staged reading of “Why Torture is Wrong, and the People who Love Them” on Saturday, July 19 at 2:00 PM at the Penfield Community Center. Admission is free, but donations are accepted. For more information please visit www.penfieldplayers.org.

6. The Eastside Family YMCA recently had a ground breaking ceremony for a 33,000 sq. ft. expansion. This expansion brings together a relationship between the YMCA and the University of Rochester Medical Center to better serve the community in overall fitness, recovery from chronic illness and injury, and other wellness programs. Please visit www.rochesterymca.org/eastside-expansion for details.

7. The Penfield Trails Committee will sponsor a free guided hike at Monroe County’s Ellison Park on Saturday, August 9, 2014 from 9:00 AM to 11:00 AM. Participants should meet at the south entrance to the park at 1008 Penfield Road. The hike is free and participants are asked to pre-register by calling Penfield Recreation at 340-8655, option 6.

8. Penfield Recreation will hold the second themed dinner fundraiser for the DEAR Program on Wednesday, August 13 at 6:00 PM. A Mid-Summer Night’s Dream Dinner in the Woods will bring the fairy world of William Shakespeare to life in a secret location for a magical dinner in the woods. Tickets are $40 and can be purchased at the Penfield Recreation Department by phone at 340-8655, or online at www.penfieldrec.org.

9. Penfield’s annual Summer Concert series at the Penfield Amphitheater and Kiwanis Stage has begun with the Cool Jazz Tuesdays. The next concert will be Dan Schmitt & The Shadows on July 22, Rochester Metropolitan Jazz Orchestra on July 29 and Mark Cassara on August 5. Kids Fest Thursdays will begin Thursday, July 17 with the Dady Brothers, followed by Mike Kornrich on July 24, The Dinner Dogs on July 31 and the Hill Brothers on August 7. The “Saturdays on Stage” series begins August 2 with the Gap Mangione New Big Band and August 9, Mr. Mustard Beatle Review will entertain after It’s My Party opens the show at 5:00 PM.
Communications and Announcements – Continued

All concerts begin at 7:00 PM, unless otherwise noted. For more details about the Summer Amphitheater Music Series, please visit www.penfieldrec.org.

10. Councilwoman Kohl’s next Community Chat will be held Tuesday, August 19 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Additions and Deletions to Agenda

Councilman Moore moved to withdraw Resolutions #14T-134 and #14T-135 from the agenda, Councilwoman Kohl seconded and all voted “Aye.”

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of June 18, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions

A Petition was received from the Parkview Drive neighborhood calling for action for the residents affected by the emissions from Baker Commodities Rendering Plant.

Resolutions by Function

Law and Finance

#14T-132 Setting a Public Hearing to Consider Incentive Zoning for a Conditional Use Permit and Resubdivision Approval and Preliminary Overall Site Plan Approval to Allow Three Structures Totaling 15,080 square feet and Final Site Plan Approval to Allow the proposed 6,000 square foot structure at 2146 and 2152 Fairport Nine Mile Point Road 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 Resubdivision approval, Preliminary Overall Site Plan approval for the development of three (3) structures of 4,080, 5,000 and 6,000 square feet (totaling 15,080 square feet) on 2.1 acres and Final Site Plan approval under Article XI-9-2 and a Conditional Use Permit under Article X-10-4-E of the Code to allow the 6,000 square foot structure in the Business Non-Retail (BN-R) zoning district at 2146 and 2152 Fairport Nine Mile Point Road; 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 an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on August 6, 2014 at 7:30 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.
Penfield Town Board, July 16, 2014

(Resolution #14T-132 - Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#14T-133 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval to Allow the Demolition of the Structures at 2107-2111 Five Mile Line Road to permit the construction of a 3,490 square foot structure for a Mark’s Pizzeria with Outdoor Dining at 2107-2111 Five Mile Line Road and 1816 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval pursuant to Articles III-3-97, VIII-8-2 and IX-9-2 of the Code to allow the demolition of the structures at 2107 and 2111 Five Mile Line Road to permit the construction of a 3,490 sq. ft. structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road, and with outdoor dining at 1816 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 an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on August 6, 2014, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval pursuant to Articles III-3-97, VIII-8-2 and IX-9-2 of the Code to allow the demolition of the structures at 2107 and 2111 Five Mile Line Road to permit the construction of a 3,490 sq. ft. structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road, and with outdoor dining at 1816 Penfield Road located in the Four Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Quinn

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

Adopted

#14T-134 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Site Plan Approval and an Environmental Protection Overlay Permit to Allow a 176 Boat Slip Expansion to Southpoint Marina and the Development of an Accessory 3,750 square foot clubhouse/restaurant and pool on 13.28 Acres at 1384 and 1420 Empire Blvd. by Moore - WITHDRAWN
Penfield Town Board, July 16, 2014


#14T-136  Granting Approval to Allow a Garage Addition with Less Side Setback than Permitted at 1740 Penfield Road – 139.05-1-44 – Richard J. Riedman by Moore

WHEREAS, an application has been received by the Penfield Town Board pursuant to Article III-3-101-C of the Code to consider permitting an addition to a garage with less side setback than permitted at 1740 Penfield 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 Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on July 2, 2014 at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of permitting an addition to a garage with less side setback than permitted at 1740 Penfield Road in the Four Corners (FC) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request allow a garage addition with less side setback than permitted at 1740 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant is permitted to construct a 21.43’ x 32’ addition to the existing 21.43’ x 23.35’ garage with a side setback of 1.6 foot setback from the easterly property line of the property resulting in relief of 18.4 feet from the requirement, subject to obtaining a BUILDING PERMIT and complying with the requirements of the New York State Building Code.

2. The applicant shall be permitted to utilize the existing garage and proposed addition for residential and vehicle storage purposes and the applicant’s personal workshop only. The garage shall not be used for commercial purposes at any time without the approval of the Town Board.

3. The applicant shall be required to remove the existing storage shed on the premises prior to receiving a Certificate of Compliance from the Building Department.

AND BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as an Unlisted Action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review regarding this proposal is necessary.

The Town Board, in granting the applicant’s request, does so based on its following findings:

1. The applicant owns and has resided on the existing property at 1740 Penfield Road for many years. He has an existing two (2) car garage which was constructed with an area variance of 8.4 feet from his easterly property line.

2. The applicant proposes to extend the garage addition to the north, maintaining the same setback as the existing garage to provide him with additional personal storage area. The applicant demonstrated that he could not reconfigure the garage addition without the need for the relief requested without compromising the use of the property between his residence and the existing garage.
Penfield Town Board, July 16, 2014

(Resolution #14T-136 – Continued)

3. The property was previously zoned R-1-15 which required a 10 foot side setback. The applicant did obtain an area variance from the Zoning Board of Appeals to allow the existing garage, with an 8.4 foot setback. On April 4, 2001, the Town Board rezoned many of the residential properties in the Four Corners area, including the applicant’s property to Four Corners District, now requiring a 20 foot side setback. The Board has granted relief from the 20 foot requirement to allow the proposed garage addition to have 11.6 feet of relief from the easterly property line. No other relief is necessary.

4. The applicant stated that he intends to remove an existing storage shed from the premises and the Board has required that he do prior to obtaining a Certificate of Compliance from the Building Department for the proposed addition.

5. The applicant stated that he proposes to utilize the garage addition to store his personal vehicles, a boat and use a portion of the structure as a workshop for his vehicles. He stated that he will use the structure for personal purposes only and not commercial activities at any time. The applicant has been made aware that any intent to use the structure for commercial purposes will require approval from the Town Board.

6. The area of the property where the garage is located and the addition he proposes will not adversely impact the adjacent property, as the site is somewhat buffered from said property.

7. The applicant’s proposal does not alter the essential character of the neighborhood as the addition is not easily visible from Penfield Road and the structure is proposed to be used for personal residential storage purposes in a zoning district that permits commercial uses.

8. The applicant demonstrated to the Board’s satisfaction that the proposed location of the garage addition is the most viable location on his site to minimize visual impact to adjacent owners and to allow him to effectively meet his needs.

9. The immediate property owner potentially most effected by the proposal stated support for the applicant’s request.

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

4. An Environmental Assessment Form dated May 21, 2014
5. Photographs of the property and existing garage dated May 21, 2014.

Moved: Moore
Seconded: Metzler

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

Adopted
Penfield Town Board, July 16, 2014

Public Works - None

Public Safety - None

Community Services

#14T-137  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:

The following persons to provide service as Boys Soccer Camp Instructors 6/30/14 – 7/3/14, for the fee of $22.50 per day: Vouchers to be submitted 7/16/14.

Sal Accorso, 119 Fiddlers Hollow, Penfield, NY 14526
Samuel Tiffany, 317 County Line Road, Macedon, NY 14502
Alex Dennison, 9 Woodside Drive, Penfield, NY 14526
Marc Jacobson, 15 Dundas Drive, Rochester, NY 14625
Anthony LoCiego, 260 Ponds Way, Macedon, NY 14502
Ryan Igoe, 74 Hillcrest Dr., Penfield, NY 14526
Ryan Thompson, 6 Edenfield Rd., Penfield, NY 14526
Tim Obzud, 51 Hillcrest Drive, Penfield, NY 14526

Tim Graves, 1582 Sweets Corners Road, Fairport, NY 14450, Assistant Director of Penfield Recreation Boys Youth Soccer Camp 6/30/14 - 7/3/14, for a fee of $41.00 per day. Voucher to be submitted 7/16/14.

John Cotsonas, 224 West Ave, East Rochester, NY 14445 Director of Penfield Recreation Boys Youth Soccer Camp, 6/30/14 - 7/3/14, for the fee of $325.00 plus $1.00 per participant. Voucher to be submitted 7/16/14.

The following persons to provide service as Volleyball Instructors, 6/28/14 – 7/2/14, for a fee of $24.00 per day plus $1 per day for each year previously working camp. Vouchers to be submitted 7/16/14.

Christina Aguieiera, 638 Saddle Crest Drive, Webster, NY 14580
Rebecca Doser, 14 Summer Glen Drive, Penfield, NY 14526
John Sprague, 156 Roselawn Crescent, Fairport, NY 14450
Madeline Horowitz, 12 Falling Brook Road, Fairport, NY 14450
Jeneo Shoemaker, 3520 View Pointe Dr., Macedon, NY 14502
Hannah Kralles, 41 Rock Beach Road, Rochester, NY 14617
Natalie Curtin, 233 Winoa Blvd., Rochester, NY 14617
Mackenzie Kaufman, 92 N Country Club Dr., Rochester, NY 14618
Jackson Steigerwald, 1720 Jackson Rd., Penfield, NY 14526
Dahnny Rogers, 14 Helmsford Way, Penfield, NY 14526

Amanda Jerge, 2760 Rush Mendon Rd., Honeoye Falls, NY 14472
Marrissa Rizzo, 608 Kayleigh Dr., Webster, NY 14580
Jacob Fusare, 6 Chamberlin Road, Honeoye Falls, NY 14472

Mike Fusare, 6 Chamberlain Rd., Honeoye Falls, NY 14472, Director, Volleyball Camp, 6/28/14 - 7/2/14, for a fee of $345.00 plus $1.00 per paid participant, ($2.00 per participant for any camp exceeding 59 participants). Voucher to be submitted 7/16/14.

Scott Kropman, 1596 Qualtrough Rd., Rochester, NY 14625 Director of Wrestling Program, 1/6/14 – 3/12/14, for the fee of 70% of program revenues after all expenses have been deducted. Voucher to be submitted 7/16/14.

Luz Marie Herrera, 15 Cricket Hill Dr., Pittsford, NY 14534, Arthritis Exercise Instructor for summer and fall sessions for a fee of $25 a class. Vouchers to be submitted on 7/16/14, 9/17/14, 11/19/14.

Kathy Marsh, 205 Forest Hills Dr., Rochester, NY 14625, facilitator for DEAR Shakespeare program 8/4 – 8/25 for a fee of $150. Voucher to be submitted on 8/20/14.
Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Pickleball 7/2/14 - 7/30/14 and 7/3 - 7/31 for a fee of 70% of total program revenue. Voucher to be submitted on 7/16/14.

David Puls, 11 Meadowbrook Rd., Rochester, NY 14620, Instructor for Animation Workshop 8/11/14, 8/12/14 and 8/15/14 for a fee of $35 for each registered student. Voucher to be submitted on 8/6/14.

Donovan Shilling, 1765 Five Mile Line Rd., Penfield, NY 14526, Instructor for the Marvels and Myths of Rochester Series on 5/21, 6/11, 8/6 for a fee of 70% of total program revenue. Vouchers to be submitted on 7/16/14.

Lee Star, 31 Golf Stream Dr., Penfield, NY 14526, 441 Band Performance at 7/4/14 Independence Holiday Celebration for a fee of $400.00. Voucher to be submitted on 7/16/14

Wayne Smith, 80 Wheelock Road, Penfield, NY 14526, Co-Director of Little Tykes Lacrosse, 7/8/14 - 7/17/14, for the fee of 40% of the program revenues. (Voucher to be submitted 8/6/14)

Heidi Rasmussen, 1865 Gloria Drive, Fairport, NY 14450, Co-Director of Little Tykes Lacrosse, 7/8/14 - 7/17/14, for the fee of 40% of the program revenues. Voucher to be submitted 8/6/14.

Michael George, 44 Nelson St., Fairport, NY 14450 to provide Mr. Mustard Beatle Tribute Band Saturday August 9, 2014 for a fee of $850.00. Voucher to be submitted on 7/16/14.

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

Supervisor LaFountain said he met with representatives from the Webster School District, the Webster Supervisor and the Webster Village Mayor to give a Proclamation to Teddy Coffey, who is a competing in Fox’s “So You Think You Can Dance”. Please cast your vote for Teddy at www.vote.fox.com/dance.

Adjournment

Supervisor LaFountain adjourned the meeting at 10:00 PM.

Lisa Grosser
Deputy Town Clerk
My name is Steve Healey and I have a postulate at to what underlies the nauseating odors our neighborhood has been suffering from since 2005. Although my postulate is based on my deep experience, it could be wrong, but let’s seek to prove it out, one way or the other.

Now, my experience, in brief:

First, I’ve served as a plant manager in the BioTech space where we received odor complaints from extremely irate, and distant, neighbors. It was hard to believe people, that far away, could be victims of odor emissions from our plant.

But after we listened to their descriptions of the odors, they were unmistakably related to our very distinctly smelly fermentation process. My team quickly identified the source of the problem, which was a failing scrubber; we repaired it, and made it right with the neighbors by providing them with dinner certificates.

After that we implemented new maintenance SOPs for our odor control system to preclude this problem from ever happening again and, on my watch, it didn’t.

The point here is that correcting odor control problems should not be an ongoing 9 year ordeal, spanning from 2005 to now.

Second, I served as the Director of Product Development & Commercialization for an odor control company in Victor, NY. Our systems were based on a green sustainable technology where the active natural microbes consumed the odor causing chemicals.

I was in the Baker plant during this time discussing the application of our product in their plant. They didn’t purchase our system then, probably because they already had TO’s, to their great credit.

The point here is that TOs are the “gold standard” of odor control and, for a period of 8 good years, from 1997 to 2005, there were no odor complaints, their system worked!
Third, when I was with this Victor based company I worked hands on testing one of our systems in a “GIANT” Rothsay rendering plant in Canada. This plant had monstrous piles of pig carcasses, that they moved with an enormous front loader, in an expansive warehouse.

_The point here is that the rendering business is profitable based on “Economy of Scale”, but this Baker plant is tiny by comparison._

Now, this brings me to my postulate:

For 8 years after the TOs were installed our neighborhood was odor free, and it was wonderful.

But after 2005, something changed...

Perhaps what changed were economic factors within the rendering industry?

I suspect profit margins became razor thin, and the only way for this "tiny" Baker plant to remain in operation, was through significant cost cutting.

TO’s use natural gas to combust the chemicals that cause the odor. They are very expensive to operate.

I suspect this Baker plant is fighting for its survival, and trying to convert to less costly scrubbers, from the TOs. Scrubbers are far less reliable and robust than TOs because they are based on an equilibrium process called absorption, not just burning everything.

I would urge that an independent 3rd party hone right in on the operation of the TOs. They should compare how the TOs were run during the good times, to how they are run now, and “validate” their findings.

My guess is the TOs are run less, or differently, such that NG operating costs are reduced.
Concurrently, I would expect the scrubbers are not able to take up the slack.

If this is the underlying root cause of the odor issues since 2005, we all need to know this. From there we can try to work cooperatively to an all win solution where:

1. The employees of Baker to keep their jobs.
2. The town, county and state retain the tax revenue Baker contributes.
3. And we live without the nauseating odor of road kill permeating our homes, especially at dinner time.

Summarizing, we want:

1. Our team to be fully involved in the process, including the selection of an independent 3rd party odor control expert.
2. For the “validated” findings to be shared, openly and transparently, with our neighborhood key stakeholder team.
3. For a meeting to be held next week between the Town, DEC and our neighborhood team to discuss our petition and next steps in quickly resolving this issue.

Tony, will you arrange this meeting for next week?