PENFIELD TOWN BOARD AGENDA
Wednesday, August 6, 2014, 7:30 PM
Supervisor R. Anthony LaFountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II  Public Hearing #1 – To Allow the Demolition of 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 with Outdoor Dining at 1816 Penfield Road in the Four Corners (FC) Zoning District

Public Hearing #2 – To Consider Incentive Zoning and Preliminary and Final Resubdivision Approval and Preliminary Overall Site Plan Approval for the Development of Three Structures equaling a total of 15,080 Square Feet on 2.1 Acres and Final Site Plan Approval to Allow the 6,000 Square Foot Structure at 2146 and 2152 Fairport-Nine Mile Point Road

III  Communications and Announcements

IV  Public Participation

V  Additions and Deletions to Agenda

VI  Approval of Minutes – July 2, 2014

VII  Petitions

VIII  Resolutions by Function

Law and Finance
14T-138 Authorization to Maintain Properties and Assess the Charges to the 2015 Property Tax Bills
14T-139 Authorization for Supervisor to Sign Contract with Barton & Loguidice P.C. for Professional Engineering Services related to Willow Pond Outfall Modification Project
14T-140 Appointment of School Tax Collector for the 2014-2015 School Year for the Wayne Central School District
14T-141 Setting a Public Hearing to Allow a 176 Boat Slip Expansion to Southpoint Marina and the Development of a 3,750 Square Foot Clubhouse Restaurant and Pool on 13.28 Acres at 1384 and 1420 Empire Blvd
14T-142 Making a Determination of Completeness of and Setting a Public Hearing for the Draft Environmental Impact Statement for the Southpoint Marina Expansion Proposal at 1384 and 1420 Empire Blvd

Public Works
14T-143 Amend Resolution 14T-053 for Purchase of a new 2014 (15) Passenger Van

Public Safety - None

Community Services
14T-144 Authorization to Attend NRPA Congress & Exposition
14T-145 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business
X New Business
XI Public Participation
XII Adjournment
Penfield Town Board, August 6, 2014

The Regular meeting of the Penfield Town Board was held on Wednesday, August 6, 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
Jim Costello    Director of Developmental Services

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Boy Scout Mitchell Krenzer from Troop 312.

Public Hearing #1 To Allow the Demolition of 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 with Outdoor Dining at 1816 Penfield Road in the Four Corners (FC) Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on July 24, 2014 and was posted on the Town Website and Town Clerk Bulletin Board. 60 postcards were mailed and three (3) Homeowners Associations were notified.

Scott Harter, Engineer for the project stated that the proposal is for construction of a 3,490 sq. ft. restaurant to replace the existing 1,930 sq. ft. restaurant and adjoining 2,075 sq. ft. building to the north in which a dog grooming business formerly was located. All information has been submitted to the Town for review as well as Monroe County Planning, and comments have been received.

Mr. Harter stated that in terms of engineering, the biggest change is that the entrance will be enhanced from a single narrow two-way entrance to a single one-way entrance pushing the entrance further to the north. Two parking spaces will be eliminated.

Mr. Harter also stated that in respect to phasing of the project they would like demolition to begin as soon as possible on the south side keeping the current restaurant open as long as they can. Then after that phase is completed, they will demolish the original restaurant to make way for added parking.

Mark Crane, owner of the restaurant stated that one of the changes to the façade of the building, is to install window boxes to display different items such as Penfield memorabilia at different times of the year. He also stated that they will tie in all the gutters on the new building to the drainage inlet (DI) to alleviate water in the parking lot.

Councilwoman Kohl inquired whether arrows will be displayed to direct traffic off of Five Mile Line Road and into the new entrance?

Mr. Crane said yes.

Mr. Harter stated that there will be striping on the roadway to direct traffic in and out of the parking lot. Comments have not yet come back from the Monroe County Department of Transportation regarding any modifications to the entrance and exit onto Liberty Street. The Town of Penfield has indicated that they would like signage and road striping for the parking lot to direct traffic.

Supervisor LaFountain asked for a description of the different sides of the building.
Mr. Crane stated that at first they had planned to hide the air conditioning and fan units on the roof by building up the façades on all sides of the building. There is a free standing aluminum cooler that looks like stainless steel in the back of the building, and they plan to use an old style brick to make the building look older.

Councilwoman Kohl asked Mr. Crane to speak about the proposed outdoor dining.

Mr. Crane stated that he would like to utilize the park to tie into the outdoor dining and would like to donate additional chairs, benches and garbage receptacles. He also stated that he would be happy to help maintain the upkeep of the park.

Councilwoman Kohl asked if Mr. Crane has a visual he can share with the Board on what the design would look like.

Mr. Crane put up a visual for the Town Board to see and described how the parking and sidewalk would look with landscaping as well as where the dumpsters and walkway would be.

Councilwoman Kohl inquired about outdoor seating.

Mr. Crane stated that there would be seating for 32 people, 8 tables of 4.

Councilman Quinn asked if there would be any lighting or music in the outside seating area.

Mr. Crane stated there are no plans to provide music. He also stated subtle outdoor lighting is proposed.

Councilwoman Kohl inquired about the number of indoor seats and the number of parking spots they plan to provide.

Mr. Crane stated there are approximately 52 seats and 20 parking spaces proposed. Mr. Crane also stated that they plan to utilize the church parking lot that is located across the street.

Councilman Quinn asked if they plan to sell alcohol.

Mr. Crane said no.

Councilman Quinn asked if there will be any lane closures during the demolition or construction.

Mr. Crane stated that the demolition will take only one (1) day for each demolition and therefore the sidewalk will be closed for two (2) days for safety reasons.

Supervisor LaFountain inquired whether the hours of operation will remain the same.

Mr. Crane stated the hours will remain the same.

Councilwoman Kohl inquired about signage.

Mr. Crane stated there will be signage on three (3) sides of the building and the signs will be identical.

Councilwoman Metzler asked Jim Costello to give a snapshot of the Historic Preservation review.

Mr. Costello stated he had directed Mr. Crane to the Historic Preservation Board due to the area being a Historic District. The Historic Preservation Board felt the original plan was out of proportion.
to the rest of the buildings and asked him to modify the plan, which he did. The Historic Preservation Board is supportive of the revised plan.

(Public Hearing #2 - Continued)

Mr. Costello mentioned that the plan includes demolishing the old garage in the back of the building and that area will become park land as well.

Mr. Costello stated that comments were generated from the Project Review Committee (PRC) pertaining to the project and more comments will be forthcoming as the project moves further along.

Councilwoman Metzler thanked Mr. Crane for his commitment to preserving the historic nature of the district.

Hearing closed.

Public Hearing #2 To Consider Incentive Zoning and Preliminary and Final Resubdivision Approval and Preliminary Overall Site Plan Approval for the Development of Three Structures equaling a total of 15,080 Square Feet on 2.1 Acres and Final Site Plan Approval to Allow the 6,000 Sq. Ft. Structure at 2146 and 2152 Fairport Nine Mile Point Road

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on July 24, 2014 and was posted on the Town Website and Town Clerk Bulletin Board. 41 postcards were mailed and three (3) Homeowners Associations were notified.

John Shields, Project Manager, 1457 Fraser Way representing CRYLN Acquisitions stated that there are two (2) separate parcels. The one to the north is a 1.3 acre parcel located at 2146 Fairport Nine Mile Point Road and known as the Reese property. The property is zoned Business Non-Retail. The applicants request that the property also be inducted into the Incentive Zoning. The proposal includes razing the property to make way for two (2) separate buildings. The building to the west would be a 4,000 sq. ft. retail building and the building to the east would be approximately a 4,800 sq. ft. office building. The parcel to the south is known as the Farash property, has Incentive Zoning status and is approximately 8/10 of an acre.

A critical component to the project is to provide cross access through all of the parcels giving the opportunity for traffic to go through the parcels without needing to come out to the main road. Route 250 is to the west of the parcels. An application was sent to the State DOT asking for their thoughts on access directly to Route 250. Mr. Shields stated they received a letter back stating they are in support of access onto Route 250 as well as cross access between the sites.

Councilwoman Kohl asked if it would be full access onto Route 250.

Mr. Shields stated there would be full access and the traffic light to the south will remain.

Mr. Shields also stated that as part of the application they would complete building the road that goes through the Trau property and will tie into the existing access road.

Mr. Shields said that the reason the proposal is split up into preliminary and final resubdivision is because the applicant does have some opportunities to lease the 6,000 sq. ft. building to be partitioned into three (3) units. So far a restaurant and cell phone carrier are proposed.

Mr. Shields also mentioned that he attended a Project Review Committee (PRC) meeting last week and staff, since then have provided a few comments. One significant comment that concerns the properties to the east, zoned Residential use, has to do with storm water management and the buffer between the properties. Under the existing proposal the
stormwater management solution would only retain 25 feet of existing vegetation buffer. The PRC suggested that if the stormwater management retention system could be built under the parking lot, then 50 feet of existing vegetation buffer could be preserved.

Councilman Quinn asked what landscaping and/or architectural features will there be to the west side of the buildings that face Route 250. Dr. Bob Fallone stated that the façade to the west will be identical to the east side of the building.

Councilman Quinn also asked if the proposed buildings will stay at grade with Route 250. Mr. Shields stated that the proposed buildings will be a couple of feet higher than the proposed Panera building. The grade change occurs through the parking lot.

Supervisor LaFountain stated comments made by Monroe County Transportation, Health Department and others have not yet been received. Supervisor LaFountain asked for more detail pertaining to landscaping to the east of the proposed office building.

Mr. Shields stated that if they are only able to retain 25 feet of buffer they would plant a row of evergreens on a berm similar to what the Doodlebugs business did, but denser. If they are able to retain 50 feet of buffer then they would leave it as is. He also stated that they are proposing one light at the back of the building above the door. The rear building will also act as a buffer between the residential neighborhood and retail space.

Councilwoman Metzler suggested that they make the buffer denser than the Doodlebugs property buffer.

Councilwoman Kohl suggested that Mr. Shields get in touch with the Town Landscape Architect, Bruce Zaretsky for some ideas on plantings that make good buffers.

Councilman Quinn asked whether there will be signage on the west side of the building.

Mr. Shields said yes.

Dr. Fallone stated that a sign will be placed in the plaza’s main directory.

Mike Young, 46 Braunston Drive stated he appreciates the Town Board’s concern with buffering. Mr. Young asked if the Reese property will be cleared out right away.

Mr. Shields stated they would because of the grading that will need to happen.

Mr. Young asked if the buffering will be installed at the same time that the property is cleared.

Mr. Shields and Dr. Fallone stated yes.

Mr. Young asked for additional landscaping to be added to the project.

Jim Costello, Director Developmental Services gave an overview of the Incentive Zoning process and conditions of approval for the original Incentive Zoning process.

Hearing closed.
Communications and Announcements

1. Monroe County will hold a Pharmaceutical Waste Collection on Tuesday, August 12, 2014 from 10:00 AM to 1:00 PM at the Monroe County Sheriff’s A Zone Substation located at 789 Linden Ave. For details visit www.monroecounty.gov/hhw.

2. The Annual Town’s “Tastin the Blues” event will be held on Saturday, September 13, 2014 at Noon. For details please visit www.penfieldrec.org.

3. Drainage and Water Management information that residents can view to get ideas on how to improve drainage during rainy days visit www.penfield.org.

4. The Department of Public Works is in the process of oiling and stoning several different areas around Penfield. Excess stones will be swept up. Please be cautious while driving in those areas.

5. The Second Annual Autism Up Kite Flite Fundraising Festival will be held at Rothfuss Park on August 9, 2014 from 10:00 AM to 2:00 PM. Admission is free. For more information, visit www.autismup.org.

6. Councilwoman Metzler recognized her nephew, Mitchell Krenzer who is working toward his Eagle Scout designation. He just completed his Eagle Scout project at Lucien Morin Park across from Irondequiot Bay on Empire Blvd. Mitchell explained that the park was once a rifle range where all Army recruits were required to practice their shooting skills. Mitchell’s project consisted of revitalizing the watch tower at that location where the Army Generals observed shooting practice. Mitchell stated that at the end of the project he installed a plaque that explains what his park was installed and its historical significance. He thanked the Monroe County Parks Department for donating all of the paint and fencing for the project.

7. Supervisor LaFountain gave a reminder that Monroe County and Waste Management of NY provides county residents with “Ecopark” a “one-stop drop-off” recycling facility at 10 Avion Drive. For details log onto www.monroecounty.gov/ecopark.

8. 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. Participants should pre-register by calling Penfield Recreation at 340-8655, option 6.

9. There will be three hikes held at the Thousand Acre Swamp Sanctuary. They are “Perseid Meteor Shower Over the Swamp” on August 12 at 8:00 PM, “Space Junk Over the Swamp” on Friday, August 22 at 8:00 PM and “Terminator Over the Swamp on September 5, 2014 at 7:30 PM. For more information, please call Marie Heerkens at 585-773-8911. To schedule a private hike contact Sue Fislay at 585-586-6877.

10. Penfield Recreation will hold the second themed dinner fundraiser, “Mid-Summer Night’s Dream in the Woods” for the Daytime Education at Recreation (GEAR) on Wednesday, August 13, 2014 at 6:00 PM. Tickets are $40 and can be purchased at the Penfield Recreation Department, by calling 585-340-8655, or online at www.penfieldrec.org.

The season’s last Summer Series Concerts at Penfield Amphitheater and Kiwanis Stage will be held on August 7, 2014 at 7:00 PM with the Hills
Brothers and on August 9, 2014 at 5:00 PM with "Mr. Mustard Beatle Review" and "It's My Party." For more information go to www.penfieldrec.org.

11. (Communications and Announcements – Continued)

12. Councilwoman Kohl’s next Community Chat will be held on Tuesday, August 19, 2014 from 5:30 PM to 7:00 PM at the Penfield Library.

Public Participation

Rob Reid, 275 Parkview Drive spoke of the reoccurring odors at the Bakers Commodities rendering plant at 2268 Browncroft Blvd. He stated that a petition was presented to the Board a few weeks ago with over 130 signatures. The petition contained seven (7) points that they wished the Town Board would consider and begin to act on. Mr. Reid asked for feedback on what steps have been taken.

Supervisor LaFountain stated that he had already sent out an e-mail response to everyone who signed the petition which indicated that all of the material had been forwarded to the DEC and copied in the Health Department asking for their input and feedback to the items that were listed in the petition.

Supervisor LaFountain stated he has had conversations with the DEC and the Health Dept. The DEC has made a number of visits to the plant and has asked for some equipment to be changed out, upgraded or adjusted. The DEC is in the process of preparing written feedback to the Town Board.

Mr. Reid asked if the DEC had visited the rendering plant during a whole processing cycle?

Supervisor LaFountain stated he did not know.

Mr. Reid stated that he had previously said that he did not feel the DEC had been helpful in the past and that they have not come up with any solutions to the problem. He suggests that it would be better to use an independent consultant to analyze the situation and come up with solutions to the odor problem. The question is who would pay for it, and would Baker Commodities submit to this type of investigation? He would like the Town Board to act on all the points listed in the petition. Mr. Reid listed the petition points.

Councilman Quinn stated that one of the points listed in the letter that went out to the residents was that the Town Board asked the DEC to conduct testing to see if there are any harmful chemicals coming from the plant.

Mr. Reid stated that his understanding is that no one gets seriously ill from breathing in the emissions from rendering plants, but it can aggravate certain breathing conditions such as asthma. He is happy to hear that the DEC will be conducting tests.

Councilman Quinn read part of the response letter that pertained to testing.

Mr. Reid said he feels there should be consequences that include fines when odors are emitted from the plant.

Mr. Reid stated that he plans to come back to future meetings to discuss the progress related to the petition.

Councilman Quinn stated that the response letter to the petition that was received on July 16, 2014 was sent out to the residents on July 24, 2014. He suggests putting faith into the DEC because enough information has been sent for them to act on.
Mr. Reid stated it is difficult to put faith in the DEC or the Town Board when this has been an issue for nine (9) years.

(Public Participation – Continued)

Councilwoman Metzler stated that it is different from nine (9) years ago due to the fact that the complaints have increased in number and severity. She also stated that the State’s commitment to environmental protection has heightened.

Steve Healy, 231 Parkview Drive thanked Supervisor LaFountain for the letter. He went on to request that there be complete transparency with all communications with the DEC. He would like the letter that the DEC sends back to the Town Board to be shared with the public.

Supervisor LaFountain said that they will, and that once the DEC writes the letter it will be public record.

Tim Murphy, 48 Corral Drive asked Councilwoman Kohl to share her experiences of when she lived in the Parkview neighborhood with Baker Commodities nearby.

Councilwoman Kohl stated that she lived there before Baker Commodities and they did not have the odor eliminating equipment or technology that they have now, so it was much worse then, in the 1960’s.

Jeff Burns, 39 Scarborough Park stated that at the last Town Board meeting he had read one of the conditions from the DEC permit that concerned air pollution being prohibited, in which it specifically includes odor as one of the elements that is prohibited. Mr. Burns asked what is the process for recording violations?

Supervisor LaFountain stated the Town works with the DEC to see if Baker Commodities is operating within the permit.

Mr. Burns asked what are the Town’s options for responding if Baker Commodities is in violation of the permit?

Supervisor LaFountain stated that there is a lot of subjectivity related to odors. As the Town Board receives feedback from the DEC the odor issue will be one of the items they will focus on.

Mr. Burns requested that the Town Board have an objective discussion on the subject.

Mr. Burns also stated there are approximately 26 toxins that are allowed to be released and are permitted to be emitted and is wondering if the Town Board knows what the toxin levels are and if they have ever requested any reporting of what is emitted from the plant?

Supervisor LaFountain stated he believes it had been done in the past.

Mr. Burns stated that another concern is what is being emitted into the sewer and is the Monroe County Water Authority equipped to treat the issue?

Supervisor LaFountain stated that it is Pure Waters and not the Water Authority that handles this item. Pure Waters has a permit to do regular inspections to make sure the permit is within their specifications.

Supervisor LaFountain stated he had received a note from Bob Reid that referenced an odor that occurred this past Saturday, and this morning in the Browncroft area and as he looked back at past records he found that is not where the bulk of the problem has been. Supervisor LaFountain stated he asked the DEC and Baker Commodities what has changed? He also called the head of the Department of Environmental Services, which is
part of Pure Waters, to ask if there has been any change in what has been discharged into the sewer, and when was the last time the items in the permit were reviewed?

(Public Participation – Continued)

Mr. Burns inquired about the holding pond that is pictured on Google maps.

Supervisor LaFountain stated that is an additional question that they can ask DEC.

Councilman Quinn stated that they have asked DEC to take a more in depth look at the 45 page permit for review.

Councilwoman Metzler stated she has researched and gathered information in respect to other rendering plant cases the DEC has handled around the State, similar to what is being experienced with Baker Commodities. She went on to read several points of information regarding the DEC in which they investigated and then forwarded information on to the Attorney General’s office for enforcement. She hopes that this will lend more faith in the DEC on what they are willing to do in situations such as this. Councilwoman Metzler also stated that the Attorney General’s office has an online complaint form which can be filled out by those experiencing environmentally hazardous issues that other communities have successfully utilized.

Tim Murphy, 48 Corral Drive asked if Towns in New York State that have rendering plants, are granted additional oversight and would like to know what those powers are. He would like the Town Board to follow up on this question.

Councilwoman Metzler stated that it is Town Law #130 which enables a Town to enact ordinances in respect to rendering plants.

Mr. Murphy thanked the Town Board for flying his family’s flag in Rothfuss Park. The flag will come down tomorrow and be given to Mr. Murphy’s son to take with him on his next deployment cycle. He hopes they can fly the flag at Rothfuss Park again when it comes back next year.

Mr. Murphy also thanked the Town Board for sealing the road in front of Thermal Fisher with oil and stone. He was impressed by how well the process was handled.

Supervisor LaFountain stated he will inform the Department of Public Works of Mr. Murphy’s comment.

Additions and Deletions to Agenda – None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of July 2, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions – None

Resolutions by Function

Law and Finance

#147-138 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

(W Resolution #14T-138 – Continued)

WHEREAS, the property owners of 1399 Creek Street, SBL #093.19-2-18 and 2100 Penfield Road, SBR #139.08-1-61 have failed to maintain the subject properties which continue to be a concern for the health, safety and welfare of the surrounding neighbors; and

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

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

BE IT FURTHER RESOLVED that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2014 season also be charged to the 2015 property tax bill for the subject properties.

Moved: Quinn
Seconded: Metzler

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

Adopted

Resolution #14T-139
Authorization for Supervisor to Sign Contract with Barton & Loguidice P.C. for Professional Engineering Services related to Willow Pond Outfall Modification Project by Moore

WHEREAS, the Town of Penfield maintains the Willow Pond Stormwater control facility that is located on the boundary of the Town of Penfield and the Town of Perinton, and

WHEREAS, the pond is a Class B dam as determined by the New York State Department of Environmental Conservation, and

WHEREAS, Barton & Loguidice, P.C. was awarded a contract for professional design services to provide assistance in obtaining the necessary plans and specifications for construction of the spillway modification on October 17, 2012, and

WHEREAS, the NYSDEC has requested additional services as part of their review of the permit application, and

WHEREAS, the Town of Penfield has reviewed a proposal for these additional services from Barton & Loguidice, P.C. in a letter dated July 16, 2014, and

WHEREAS, the Town Board desires to have Barton & Loguidice complete the project and the cost of the services was considered fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that Supervisor R. Anthony LaFountain, is hereby authorized to sign a contract with Barton & Loguidice, P.C. to provide additional engineering services for the Willow Pond Outfall Modification Project for a cost not exceed $12,500. The cost of the engineering services shall be paid from the Townwide Drainage Levy.

Moved: Quinn
Seconded: Kohl
Adopted

#147-140 Appointment of School Tax Collector for the 2014-2015 School Year for the Wayne Central School District by Moore

WHEREAS, Section 37 of the Town Law of New York State provides that collection of school taxes in first class towns is the duty of the Town’s Receiver of Taxes & Assessments unless a Resolution is adopted by the Town Board to convey this responsibility to the tax collector appointed by the Board of Education, and

WHEREAS, Penfield is one of six first-class townships within the boundaries of Wayne Central School District, and

WHEREAS, the tax receiver as appointed by the Wayne Central School District as the school tax collector for the Wayne Central school District portion of the Town of Penfield for the 2014-2015 school year,

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby approves the appointment of Mrs. Cathy Herzog as School Tax Collector for the Wayne Central School District portion of properties in the Town of Penfield.

Moved: Quinn
Seconded: Metzler

Adopted

#147-141 Setting a Public Hearing to Allow a 176 Boat Slip Expansion to Southpoint Marina and the Development of a 3,750 Sq. Ft. Clubhouse Restaurant and Pool on 13.28 Acres at 1384 and 1420 Empire Blvd. by Moore

WHEREAS, an application had been received by the Penfield Town Board for the issuance of a Conditional Use Permit, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III-3-10, III-3-94 and IX-9-2 of the Code to allow a 176 boat slip expansion to the Southpoint Marina and an accessory 2,700 square foot clubhouse and pool, on 13.28 acres, at 1384 and 1420 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district; and

During the Site Plan Review process the applicant has requested an increase in the size of the proposed clubhouse and restaurant facility from 2,700 square feet to 3,750 square feet; and

WHEREAS, the Penfield Town Board, acting as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) has determined that the proposed increase in the square footage of the clubhouse and restaurant facility warrants the need for another Public Hearing to seek public comment regarding said proposed increase of square footage.

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 September 3, 2014, at 7:30 PM on said date, to consider said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit, Preliminary and Final Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III-3-10, III-3-94 and IX-9-2 of the Code to allow a 176 boat slip expansion to the Southpoint Marina and an accessory 3,750 square foot clubhouse/restaurant and pool,
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: Quinn  
Seconded: Kohl

Adopted

Moved: Quinn  
Seconded: Metzler

WHEREAS, the Town Board, accepted Lead Agency status for the proposed Southpoint Marina Expansion Project located at 1384 and 1420 Empire Blvd., in the Town of Penfield; and

WHEREAS, the subject proposal was determined to be a Type I action subject to requirements of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board made a positive determination of significance for the action and required the preparation of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, the Town Board has determined that the Draft Environmental Impact Statement is complete for public comment and proposes to conduct a Public Hearing on September 3, 2014 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 regarding the DEIS prepared by Passero Associates, 28 East Main Street, Rochester, NY 14614 on behalf of Rochester Waterfront Properties LLC, to address impacts associated with the development of a 3,750 square foot clubhouse and restaurant with the installation of 176 boat slips at the Southpoint Marina at 1384 and 1420 Empire Blvd, Rochester, New York 14609; and

WHEREAS, Town Board will accept comments from the public on the content of the Draft Environmental Impact Statement prior to and during the Public Hearing for said proposal.

NOW, THEREFORE BE IT RESOLVED, that the Draft Environmental Impact Statement is available on the town website and the Town Clerk’s office. Comments will be accepted by the Planning Department until 5:00 PM on September 1, 2014. Comments may be submitted via mail, hand delivery, fax and email and at the Public Hearing; 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: Quinn  
Seconded: Metzler
Penfield Town Board, August 6, 2014

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

Adopted

Public Works

#14T-143 Amend Resolution #14T-053 for Purchase of a new 2014 (15) Passenger Van by Metzler

WHEREAS, on January 22, 2014 the Town Board adopted Resolution #14T-053 authorizing The Director of Public Works to purchase one (1) 2014 (15) passenger van from the Chautauqua County Bid Package # E-12-13 PFTH, Group Van Option #III per the New York State "Piggy Back Law" for a contract price of $29,060; and

WHEREAS, VanBortel was unable to secure said 2014 vehicle due to administrative difficulties; however, they are able to place an order for a 2015 model as originally spec’ed and for the same contract price; and

WHEREAS, the funds for said purchase are budgeted in the 2014 General Fund (01-7020-0002-2100) and,

NOW, THEREFORE BE IT RESOLVED, The Director of Public Works be and hereby is authorized to purchase said 2015 van, and the Town Supervisor is authorized to sign a contract upon review by the Town Attorney.

Moved: Metzler
Seconded: Kohl

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

Adopted

Public Safety - None

Community Services

#14T-144 Authorization to Attend NRPA Congress & Exposition by Kohl

WHEREAS, Linanne Conroy of the Recreation Department, is a member of the National Recreation and Park Association, and

WHEREAS, the conference will provide professional training and C.E.U. credits that will benefit the Town of Penfield,

NOW, BE IT RESOLVED, THAT the Linanne Conroy be hereby authorized to attend the NRPA Congress & Exposition from 10/13 - 10/16/14 in Charlotte, NC.

Funds are provided in the 2014 budget. Expenses include registration and lodging only.

Moved: Kohl
Seconded: Quinn

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

Adopted

#14T-145 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 Jazzy Dance Camp
Instructors, 8/18 - 8/21/14, for the fee of $23.50 per day: Voucher to
be submitted 8/20/14.
(Resolution #14T-145 – Continued)

Alyssa Bileschi, 7 Rutherfield Lane, Rochester, NY 14625
Amanda Bileschi, 7 Rutherfield Lane, Rochester, NY 14625
Erin Way, 36 Seton Court, Penfield, NY 14526

Reinhold M. Spath, SRA, 27 Cottage Grove Circle, North Chili, NY 14514-
1257, Women’s Fall Soccer League, 9/6 - 11/1/14, for a fee of $200.
Voucher to be submitted 9/3/14.

Rochester Metropolitan Jazz Orchestra, 25 Bermuda Circle, Rochester, NY
14623 to provide entertainment “Rochester Metropolitan Jazz Orchestra”
Tuesday, July 30, 2014 for “Cool Jazz” 7:00 PM - 9:00 PM for a fee of
$800.00. Voucher to be submitted on 8/6/14. Manual check requested.

The following persons to provide service as Girls Soccer Camp
Instructors, 7/28/14 – 8/1/14, for a fee of $22.00 per day. Vouchers to
be submitted 8/6/14.

Melanie Minotti, 42 Tall Tree Drive, Penfield, NY 14526
Erin Licherdell, 150 Lazy Trail, Penfield, NY 14526
Lindsie Farrance, 36 Fairpoint Dr., Fairport, NY 14450
Taylor Klein, 950 Copperkettle Road, Webster, NY 14580
Marley Morrill, 254 Burnett Rd., Webster, NY 14580

Leslie Howlett, 799 Somerset Drive, Webster, NY 14580, Girls Field
Hockey Camp Director, 7/28/14 – 8/1/14, for the fee of $215.00 plus
$1.00 per registered participant. Voucher to be submitted 8/6/14.

The following persons to provide service as Girls Field Hockey Camp
Instructors, 7/28/14 – 8/1/14, for a fee of $21.00 per day. Vouchers to
be submitted 8/6/14.

Ohanna Wang, 14 Dovehill Circle, Penfield, NY 14526
Rebecca Rock, 1915 Baird Rd., Penfield, NY 14526
Kimberly Streff, 36 Campden Way, Rochester, NY 14610
Ariana Walczyk, 41 Chippenham Dr., Penfield, NY 14526

Jeff Rogers, 14 Helmsford Way, Penfield, NY 14526, Boys Basketball Camp
Director, 7/28/14 – 8/1/14, for the fee of $350.00 plus $1.00 per
participant ($2.00 per participant for camps with enrollment exceeding
59 participants). Voucher to be submitted 8/6/14.

The following persons to provide service as Boys Basketball Camp
Instructors, 7/28/14 – 8/1/14, for a fee of $22.00 per day. Vouchers to
be submitted 8/6/14.

Dahnny Rogers, 14 Helmsford Way, Penfield, NY 14526
Mitch Cote, 1683 Five Mile Line Road, Penfield, NY 14526
Nick Kimmins, 40 South Village Trail, Fairport, NY 14450
Zach McCrank, 39 Chippenham Drive, Penfield, NY 14526
Joe Hurysz, 42 Rockbridge Lane, Penfield, NY 14526
Jake Paladino, 3164 County Line Rd., Macedon, NY 14502

JJ Schembri, 12 Hidden Meadow, Penfield, NY 14526, Director of Boys
Lacrosse Camp, 7/21/14 – 7/24/14, for the fee of $300.00 plus $1.00 per
participant ($2.00 per participant for camps with enrollment exceeding
59 participants). Voucher to be submitted 8/6/14.

The following persons to provide service as Boys Lacrosse Camp
Instructors, 7/21/14 – 7/24/14, for a fee of $21.00 per day. Vouchers
to be submitted 8/6/14.

Brian Wall, 47 South Village Trail, Fairport, NY 14450
Penfield Town Board, August 6, 2014

Carter Jordan, 40 Dundas Drive, Rochester, NY 14625
Connor Russell, 436 Parkside Trail, Macedon, NY 14502
Ethan Parks, 84 Cloverland Dr., Brighton, NY 14610
Jack Taddeo, 68 Holleybrook Dr., Penfield, NY 14526
John Baxter, 59 Oxford Street, Rochester, NY 14607

(Resolution #14T-145 – Continued)

John Storza, 1900 Gloria Drive, Fairport, NY 14450
Jonathan Spann, 20 Split Rail Run, Penfield, NY 14526
Kevin Keen, 95 Lafayette Parkway, Rochester, NY 14625
Liam Gution, 601 Beavercreek, Macedon, NY 14502
Matt Condon, 56 Woodlyn Way, Penfield, NY 14625
Max Spann, 20 Split Rail Run, Penfield, NY 14526
Mitchell Standers, 31 Rockbridge Lane, Penfield, NY 14526
Nate Karatas, 15 Parham Dr., Penfield, NY 14526
Paul Vanhof, 3 Garden Drive, Fairport, NY 14450
Glenn Kuczetky, 4 Braunston Dr., Fairport, NY 14450
Nicholas Szmigiel, 1 Forest Grove Ct., Penfield, NY 14526
Tommy Bell, 22 Random Knolls Drive, Penfield, NY 14526
Triloni Salmon, 27 Ashlyn Rise, Fairport, NY 14450

Wayne Smith, 80 Wheelock Road, Penfield, NY 14526, Director of Combo Sports Camp, 7/21/14 – 7/25/14, for the fee of $850.00. Voucher to be submitted on 8/6/14.

Mark Vogt, 3217 Pine View Drive, Walworth, NY 14568, Director of Combo Sports Camp, 7/21/13 – 7/24/14, for the fee of $850.00. Voucher to be submitted on 8/6/14.

Megan Malloy, 100 Timberbrook Lane, Penfield, NY 14526, Assistant Director of Combo Sports Camp, 7/21/13 – 7/24/14, for the fee of $225.00. Voucher to be submitted on 8/6/14.

Mark Vogt, 3217 Pine View Dr., Walworth, NY 14568, Co-Instructor for Sports ABCs for Tots, 8/4 – 8/8 and 8/18 – 8/22/14, for a fee of 35% of total revenue. Voucher to be submitted on 8/20/14.

Ed Porto, 97 Keyel Dr., Rochester, NY 14625, Co-Instructor for Sports ABCs for Tots, 8/4 – 8/8/14 and 8/18 – 8/22/14, for a fee of 35% of total revenue. Voucher to be submitted on 8/20/14.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None
New Business - None

Public Participation

An e-mail was received from Patricia Rzepka stating that a rolled up carpet has been on the sidewalk in front of the gymnastic center along Fairport Nine Mile Point Road for several weeks and is wondering when it will be removed?

Supervisor LaFountain answered the e-mail by saying that he will contact the owner of the Gymnastic Center tomorrow and ask Sarah Jane Clifford to remove the carpet.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 10:03 PM.