PENFIELD TOWN BOARD AGENDA
Wednesday, November 5, 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 – October 1, 2014

VI Petitions

VII Resolutions by Function
Law and Finance
14T-183 Authorization for Supervisor to Sign Agreement with Property Owner(s) of 17 Whitehill Drive, Penfield, NY
14T-184 Authorization for Supervisor to Sign a Master Federal Aid Agreement with the New York State Department of Transportation for the Motts Lane Extension Project
14T-185 Authorization to Modify Traffic Controls on Penfield Road
14T-186 2014 Budget Transfers-Salaries
14T-187 Setting a Public Hearing for Adoption of Local Law No. 1 of 2014 to be known as a Local Law to Amend and Supplement the Town of Penfield Zoning Ordinance by establishing a Severability Clause; Confirming and Clarifying that any uses Not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions, Changing Certain Existing Definitions; and Modifying, Clarifying and Adding to the Provisions Regarding Variances – (Ban on Hydrofracking)

Public Works
14T-188 Maintenance of Enclosed Drainage System along Panorama Trail (NYS Route 153)

Public Safety - None

Community Services
14T-189 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, November 5, 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 (arrived at 7:38 PM)
        Robert Quinn Councilman

Also Present: Amy Steklof   Town Clerk
              Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by scouts from Troops #312 and #230.

Communications and Announcements

1. As of Monday, November 3, 2014 the lights on the tennis courts at Veteran’s Memorial Park and Harris Whalen Park have been turned off for the winter season and the bathroom facilities are closed at Rothfuss Park, Philbrick Park and Harris Whalen Park. Starting November 15, 2014 winter parking and snow plowing rules will go into effect. For more information please visit www.penfield.org.

2. The Mott’s Lane construction project is nearing completion and the road will be opened within the next week. Thank you to the Department of Public Works and external contractors who completed this project to better serve our residents.

3. On Thursday, December 4, 2014 at 10:00 AM, lodge and shelter rental dates for 2015 will begin for online and in person rentals. For more information log onto www.penfieldrec.org.

4. The Empire Center for Public Policy recently ranked municipalities’ websites across New York State and Monroe County using a 10 category rubric. The Empire Center is an independent, non-partisan, tax-exempt 501(c)3 think tank based in Albany. It sponsors www.SeeThroughNY.net, a transparency website that includes an extensive database of government payrolls, comparative data and other information. The intent of this project was to promote greater transparency at all levels of government. The report ranked the Town of Penfield as one of the top-scoring local governments. Supervisor LaFountain recognized and thanked the entire Town of Penfield Staff for their efforts in providing ways to improve and enhance the Town’s website on a regular basis.

5. The Town of Penfield will hold a Public Information Meeting regarding Baker Commodities on Monday, November 17, 2014 at 7:00 PM in the Town Hall Auditorium, 3100 Atlantic Avenue. The meeting will be televised live on Penfield TV Government Access and www.penfield.org. For more information, call (585) 340-8630.

6. The Town Offices will be closed on Tuesday, November 11, 2014 in observance of Veteran’s Day and will also be closed on November 27 and 28th in observance of Thanksgiving.

7. Councilwoman Kohl’s next Community Chat will be held Tuesday, November 18, 2014 from 5:30 PM to 7:00 PM at the Penfield Library.

8. The Penfield Ecumenical Food Shelf is in need of donations. Please visit their website at www.penfieldecumenicalfoodshelf.org to view the current wish list of needed items. Items can be donated at 1618 Jackson Road. The food shelf will be holding an open house on Saturday, November 8, 2014 from 10:00 AM to Noon.
Communications and Announcements – Continued

9. The Penfield Players production of Gore Vidal’s “The Best Man” is currently underway running until November 15, 2014. Remaining dates are November 7, 8, 14 and 15 at 8:00 PM and will be held at the Penfield Community Center. To order tickets, please call 340-8655 or go to www.penfieldrec.org.

10. Join the Penfield Trail’s Committee and the Friends of Webster Trails on a guided hike through the Gosnell Nature Habitat on Saturday, November 8, 2014 at 10:00 AM. To pre-register call Penfield Recreation at 340-8655, option 6. Look for the “hike” signs off Whiting Road.

Public Participation

Dick Freitas, 85 Harwood Circle stated that he spoke with the Trails Committee concerning the possible sale of Manitou Lake. Mr. Freitas suggested that Manitou Lake be purchased by the Monroe County Parks system as an extension of Ellison Park. He would like the Town’s support in this endeavor.

Supervisor LaFountain asked Mr. Freitas if he has spoken to anyone at the County level about this.

Mr. Freitas stated he has spoken with an individual from the Monroe County Parks Department and was told there is a lack of funding.

Mr. Freitas stated that he was on the Monroe County Parks Advisory Committee for 10 years and he plans to talk to the committee concerning this project to see what can possibly be done.

Supervisor LaFountain asked Mr. Freitas if he has had any conversations with the current property owner.

Mr. Freitas stated he has and there does not seem to be much interest at this time.

Supervisor LaFountain asked Mr. Freitas if he plans to ask the County to put this topic on the Agenda for review and discussion.

Mr. Freitas hopes to go to a Monroe County Legislature meeting to discuss with the Legislators and the Director of Parks.

Supervisor LaFountain suggested Mr. Freitas speak with the Monroe County Parks Director and his staff first to talk about different options. He also suggested Mr. Freitas speak with our two (2) County Legislators.

On a different subject, Mr. Freitas mentioned that he had visited the new Town Park behind Tops Plaza and was impressed.

Supervisor LaFountain stated it was a great partnership between the Town, County, NYSDEC and Eagle Scouts.

Bob Reid, 275 Parkview Drive, spoke about the Baker Commodities odor issue and stated that since September 15, 50 days have gone by without any odor reports. Mr. Reid noted that September 15 was the day that SCP, the odor company that Baker retained, visited the plant to begin analyzing their odor control and make recommendations. Their four (4) page report can be viewed online. Mr. Reid stated he hopes in the future the Town Board will do something to make the response quicker if there are any odor problems in the future. He asked the Town Board if there are any plans for more a rapid response if the odors come back.

Supervisor LaFountain stated that they plan to discuss this at the Public Information Meeting that will be held on Monday, November 17, 2014. He said the Department of Environmental Conservation, Monroe County Health Department and Baker Commodities will all be at the information meeting to discuss the issues.
(Public Participation – Continued)

Mr. Reid asked if the Town Board felt the SCP report was thorough?

Supervisor LaFountain stated he felt the report identifies a number of items that can be fixed but more detail pertaining to the report will be discussed on November 17, 2014 at the Public Information meeting.

Mr. Reid stated he felt that the four (4) page report did not have enough detail and was inadequate. He stated that the report only mentioned the scrubber system which he said does not handle the high intensity odors. He also mentioned that he was troubled by the fact that the plant was not operating while it was being evaluated and that there were no emissions testing. He would like the Town to review Baker Commodities non-conforming permit and have them apply for a new permit.

Mr. Reid inquired what the Public Information Meeting format will be on November 17th.

Supervisor LaFountain stated that each agency will have an opportunity to present information and make comments prior to public discussion and that Baker Commodities will share any additional information they have to help address the issue.

Ed Lindskoog, 18 High School Drive, stated he met with Councilwoman Kohl concerning the replacement of transformers in front of Mark’s Pizzeria at the Four Corners.

Councilwoman Kohl stated that all the questions he gave her, she has forwarded to Jim Costello, Director of Developmental Services.

Mr. Lindskoog also mentioned he had discussed with Councilwoman Kohl the two (2) missing heads on the lighting poles at the Four Corners and inquired whether it had been included in the 2015 Budget. He also said he was concerned that there is a lack of lighting due to the fact there is one (1) less lighting pole than there was previously.

Supervisor LaFountain stated there is a line item in the Budget for street light repair and replacement. He went on to say that when the State submitted plans for the new intersection construction it only called for two (2) lighting poles. Any additional lighting would therefore need to be paid for by the Town. He stated there is no extra money available in this year’s budget, but funding may be considered in next year’s budget.

Mr. Lindskoog mentioned that the wooden pole in front of the Penfair Station at the corner of NYS RTES 250 and 441 is unsightly and needs to be replaced or eliminated.

Additions and Deletions to Agenda

Councilman Moore moved to add Resolution #14T-190 to the agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilman Quinn moved to approve the Minutes of October 1, 2014 Councilwoman Kohl seconded and all voted “Aye.”

Petitions – None
## Resolutions by Function

### Law and Finance

#### #14T-183 Authorization for Supervisor to Sign Agreement with Property Owner(s) of 17 White Hill Drive, Penfield, NY by Moore

WHEREAS, the Town of Penfield desires to acquire a sanitary sewer easement from the owner(s) of property located at #17 White Hill Drive, SBL #123.06-1-30, to facilitate the construction of sanitary sewer facilities associated with the Ext. 56 (Parkview Drive / White Village Drive Area Sewer Project), and

WHEREAS, an easement Agreement has been drafted and reviewed by our Town Attorney and found to be acceptable in form and substance.

NOW, THEREFORE, BE IT RESOLVED; the Town Board of the Town of Penfield acting as Commissioners of Penfield Sanitary Sewer District do hereby authorize the Town Supervisor, R. Anthony LaFountain to execute an agreement with the owner(s) of #17 White Hill Drive, on behalf of the Town Board to acquire said easement and any related documents in a form and substance acceptable to the Town Attorney.

Moved: Moore  
Seconded: Kohl

<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>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted

#### #14T-184 Authorization for Supervisor to Sign a Master Federal Aid Agreement with the New York State Department of Transportation for the Motts Lane Extension Project by Moore

WHEREAS, the Town of Penfield was awarded federal funds for the construction of the Motts Lane Extension to provide a connection to the existing Motts Lane; and

WHEREAS, the United States has provided for the appropriation of Federal aid funds to the State for the purpose of carrying out Federal aid highway projects; and

WHEREAS, the Town of Penfield has been awarded $98,000 for the completion of a connection of Motts Lane to Penfield Road; and

WHEREAS, the Town of Penfield understands and accepts the stipulations of the agreement including its associates schedule, appendices, exhibits, and attachments; and

WHEREAS, the Town of Penfield has appropriated the necessary funds to deliver the project as described in Schedule A of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, THAT Supervisor R. Anthony LaFountain, is hereby authorized to sign the Federal Aid Local Agreement. Certifications and reimbursement requests on behalf of the Town of Penfield.

Moved: Moore  
Seconded: Quinn

<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>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted
#14T-185 Authorization to Modify Traffic Controls on Penfield Road

WHEREAS, Pursuant to the New York State Vehicle and Traffic Law, Section 1660, the Penfield Town Board is given the authority to authorize the establishment of various traffic controls within the Town of Penfield and,

WHEREAS, The Town of Penfield has received a request from the Monroe County Department of Transportation in a letter dated October 16, 2014 to make modifications to traffic controls on Penfield Rd. at Panorama Trail and,

WHEREAS, The Town of Penfield Transportation Committee has reviewed and concurs with said request for modifications,

NOW, THEREFORE BE IT RESOLVED, THAT the Town Board hereby authorizes the said traffic control changes, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to sign, and return with a copy of this Resolution, said letter dated October 16, 2014 from Monroe County DOT requesting said traffic control changes.

Moved: Moore  
Seconded: Metzler  

Vote: 
Kohl Aye  
Metzler Aye  
LaFountain Aye  
Quinn Aye  

Adopted

#14T-186 2014 Budget Transfers – Salaries

WHEREAS, merit raises and other adjustments were approved for salaries during 2014, and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current income and expenditures,

NOW, BE IT RESOLVED THAT the following 2014 Budget Transfers be approved:

General Fund Appropriations:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice Department</td>
<td></td>
<td>Supervisors Department</td>
<td></td>
</tr>
<tr>
<td>A00-1110-0001-1015</td>
<td>$3,600</td>
<td>A00-1220-0001-1012</td>
<td>$3,600</td>
</tr>
<tr>
<td>Town Clerks Department</td>
<td></td>
<td>A00-1220-0001-1014</td>
<td>$820</td>
</tr>
<tr>
<td>A00-1410-0001-1014</td>
<td>$2,000</td>
<td>Finance &amp; Personnel Department</td>
<td></td>
</tr>
<tr>
<td>A00-1420-0004-4053</td>
<td>$941</td>
<td>A00-1311-0001-1011</td>
<td>$1,405</td>
</tr>
<tr>
<td>Facilities Department</td>
<td></td>
<td>A00-1311-0001-1015</td>
<td>$5,000</td>
</tr>
<tr>
<td>A00-1620-0001-1015</td>
<td>$15,000</td>
<td>A00-1410-0001-1016</td>
<td>$5,500</td>
</tr>
<tr>
<td>A00-1620-0001-1014</td>
<td>$10,000</td>
<td>Animal Control Department</td>
<td></td>
</tr>
<tr>
<td>Crossing Guards</td>
<td></td>
<td>A00-1410-0001-1016</td>
<td>$5,500</td>
</tr>
<tr>
<td>A00-3310-0001-1011</td>
<td>$7,400</td>
<td>A00-1420-0001-1011</td>
<td>$941</td>
</tr>
<tr>
<td>Department of Public Works</td>
<td></td>
<td>A00-5010-0001-1011</td>
<td>$65,000</td>
</tr>
<tr>
<td>A00-5010-0001-1011</td>
<td>$22,000</td>
<td>Animal Control Department</td>
<td></td>
</tr>
<tr>
<td>Parks Security</td>
<td></td>
<td>A00-1620-0001-1018</td>
<td>$65,000</td>
</tr>
<tr>
<td>A00-7111-0001-1011</td>
<td>$11,500</td>
<td>Building Inspectors</td>
<td></td>
</tr>
<tr>
<td>Department of Public Works</td>
<td></td>
<td>A00-3510-0001-1011</td>
<td>$2,000</td>
</tr>
<tr>
<td>A00-3510-0001-1011</td>
<td>$1,600</td>
<td>A00-3510-0001-1013</td>
<td>$3,200</td>
</tr>
<tr>
<td>Cable TV Department</td>
<td></td>
<td>A00-3510-0001-1013</td>
<td>$3,200</td>
</tr>
<tr>
<td>A00-8989-0001-1013</td>
<td>$2,500</td>
<td>History Room</td>
<td></td>
</tr>
<tr>
<td>Contingency Account</td>
<td></td>
<td>01-3620-0001-1011</td>
<td>$10,212</td>
</tr>
<tr>
<td>A00-1990-0004-4040</td>
<td>$35,859</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Penfield Town Board, November 05, 2014

(Resolution #14T-186 - Continued)

Fire Marshal A00-7510-0001-1013 $1,045
A00-3410-0001-1011 $4,700 Cable TV
A00-8989-0001-1014 $7,525
A00-8989-0001-1016 $617
A00-8989-0001-1017 $6,400
A00-8989-0001-1019 $2,430
Totals: $117,100

Moved: Moore
Seconded: Kohl

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

Adopted

#14T-187 Setting a Public Hearing for Adoption of Local Law No. 1 of 2014 to be known as a Local Law to Amend and Supplement the Town of Penfield Zoning Ordinance by establishing a Severability Clause Confirming and Clarifying that any uses Not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions, Changing Certain Existing Definitions; and Modifying, Clarifying and Adding to the Provisions Regarding Variances (Ban on Hydrofracking) By Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider amendments to the Penfield Zoning Ordinance and adopting proposed Local Law No. 1 of 2014 which establishes a Severability Clause; confirming and clarifying that any uses not expressly permitted are prohibited; articulating certain explicitly prohibited uses; adding certain new definitions, and changing certain existing definitions; and modifying, clarifying, and adding to the provisions regarding variances; 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 criterion set forth in 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 December 3, 2014, at 7:30 PM on said date, to consider the said proposal and to hear all persons interested on the question to consider amendments to the Penfield Zoning Ordinance and adopting proposed Local Law No. 1 of 2014 which establishes a Severability Clause; confirming and clarifying that any uses not expressly permitted are prohibited; articulating certain explicitly prohibited uses; adding certain new definitions, and changing certain existing definitions; and modifying, clarifying, and adding to the provisions regarding variances, a copy of an Executive Summary is attached hereto and made a part hereof known as Schedule “A”; 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 three (3) nor more than thirty (30) 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.
(Resolution #14T-187 – Continued)

Moved: Moore
Seconded: Quinn

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

See Schedule "A" at end of Minutes

Adopted

Public Works

#14T-188 Maintenance of Enclosed Drainage System along Panorama Trail (NYS Route 153) by Metzler

WHEREAS, Indus Companies proposes to build a 75 room hotel at 950 Panorama Trail, and

WHEREAS, the Town of Penfield has required the developer to connect the outfall drainage from the stormwater control facility to the existing storm sewers in the right-of-way of Panorama Trail, and

WHEREAS, the State of New York will only allow the enclosed drainage system to be constructed within the State Highway right-of-way if the Town of Penfield accepts responsibility for all maintenance and repairs, and

WHEREAS, the project was approved by the Town of Penfield Planning Board, and

WHEREAS, the drainage improvements provide a benefit to the Town of Penfield and the adjoining properties, and

WHEREAS, all costs of the improvements will be borne by the developer of the project.

NOW THEREFORE, BE IT RESOLVED, that the Town of Penfield petitions the New York State Department of Transportation as follows:

PETITION 1. That upon construction of the enclosed drainage system, the Town of Penfield agrees to maintain and repair the new enclosed drainage system.

PETITION 2. That this Resolution shall take effect immediately.

PETITION 3. That the Clerk of the Town Board is hereby directed to transmit four (4) certified copies of the foregoing Resolution to New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York 14623, Attn: Larry Sherman, Regional Traffic Engineer.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute all necessary agreements on behalf of the Town of Penfield, with the New York State Department of Transportation approving the above requested and authorized work and providing for the municipalities participation in the maintenance costs thereof.

Moved: Metzler
Seconded: Moore

(Resolution #14T-188 – Continued)

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Aye
Penfield Town Board, November 05, 2014

Quinn  Aye

Adopted

Public Safety - None

Community Services

#14T-189  Authorization for Supervisor to Sign Recreation Contracts
   By Kohl

Emma Milligan, 329 Eaglehead Rd.,  East Rochester, NY  14445, Assistant
Director for YOHP Performance of Christmas Carol High School, for a fee
of $200.00.  Voucher to be submitted on 12/3/14.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business

#14T-190  Authorizing Town Supervisor to Sign Contract for Radios for
   DPW Department by Moore

WHEREAS, communications are key for public safety and for the DPW staff
to be able to maintain contact between each other and town offices;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town
Supervisor to sign an Agreement with Harris Corporation, RF
Communications, 221 Jefferson Ridge Parkway, Lynchburg, Virginia 24501
to purchase radios for the DPW Department from the New York State Bid
#NY OGS MBP 25153 for an amount of $62,524.81.

Contract to be reviewed and approved by the Town Attorney.

Moved:  Moore
Seconded: Kohl

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

Adopted

Public Participation

Ed Lindskoog asked for an update on activities pertaining to parking in
the Southeast Quadrant of the Four Corners.

Supervisor LaFountain stated that the Town Board has authorized the
purchase of three (3) different parcels intended to be part of the
municipal parking for that area.  The goal is to close on those
properties in the next 30 days.  The Town will then assume
responsibility to plow and maintain the lots for municipal parking at
the Four Corners.

(Public Participation - Continued)

Mr. Lindskoog asked if there will be access to Woodside Drive.
Supervisor LaFountain stated there would not, but discussions have occurred with the Pataya Restaurant at 1843 Penfield Road concerning breaking the yellow pipe barriers to allow traffic to flow through there.

Mr. Lindskoog asked if there will be any elimination of curb cuts on Penfield Road.

Supervisor LaFountain stated there has been some discussion about elimination of one (1) curb cut between Guida’s and the building where Allstate is located. He also stated that there has been some discussion amongst the property owners to utilize a single dumpster as opposed to multiple dumpsters and to have the dumpster fenced in.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:34 PM.

Amy Steklof, RMC/CMC
Town Clerk
Schedule A

Executive Summary
Of Proposed Amendments to the Penfield Zoning Ordinance and Adoption of
Local Law No. 1 of 2014
To be known as
A local law to amend and supplement
The Town of Penfield Zoning Ordinance
By
Establishing a Severability Clause;
Confirming and Clarifying that any Uses not Expressly Permitted are Prohibited;
Articulating Certain Explicitly Prohibited Uses;
Adding Certain New Definitions, and Changing Certain Existing Definitions; and
Modifying, Clarifying, and Adding to the Provisions Regarding Variances.
(Ban on Hydrofracking)

The following is an Executive Summary of the legislation that will be enacted within the local law and sections of the Penfield Zoning Ordinance that will be amended and modified as a result of the adoption of Local Law No. 1 of 2014. The full document is available for inspection at the Town Clerks Office and is also available on the Town’s website at www.penfield.org:

Article I. General Provisions of Local Law No. 1 of 2014:

1. Section 1.1. Authority for Adoption
2. Section 1.2. Findings of Fact
3. Section 1.3. Purpose & Intent
4. Section 1.4. Definition of “Existing Zoning Law,” this “Local Law,” and “this “Law”
5. Section 1.5. Interpretation
6. Section 2.10. Severability
7. Section 2.11. Effective Date of this Local Law

Article II. Amendments of the Existing Zoning Law

1. § 1-4. Severability
2. § 2-2. Definitions
   i. Accessory Facility or Structure (Communication Tower)
   ii. Accessory Structure
   iii. Commercial; Commercial Uses
   iv. Comprehensive Plan
   v. Excavated Materials; Excavation; Excavating
   vi. Explicitly Prohibited Use(s)
   vii. Industrial; Industrial Uses; Industry
   viii. Injection Well
   ix. Irrevocable Letter of Credit
   x. Land Application Facility
   xi. Mine; Mining
   xii. Natural Gas
xiv. Natural Gas and/or Petroleum Extraction Activities
xv. Natural Gas and/or Petroleum Exploration, Extraction Or Production Wastes Disposal/Storage Facility
xvi. Natural Gas and/or Petroleum Exploration, Extraction Or Production Wastes Dump
xvii. Natural Gas and/or Petroleum Exploration, Extraction Or Production Wastes Dump
xviii. Natural Gas Compression Facility
xix. Natural Gas Processing Facility
xx. Naturally Occurring Material(s)
xxi. Public Utility; Public Utility Building; Public Utility Facility; Utility
xxii. Radiation
xxiii. Radioactive Material
xxiv. Subsurface
xxv. Underground Injection
xxvi. Underground Natural Gas Storage
xxvii. Variance
xxviii. Variance, Area
xxix. Variance, Use

Amendments to Article III of the Existing Zoning Law

1. Title Change to Article III of the Existing Zoning Law - “Zoning Districts of the Town of Penfield; Any Use Not Specifically Permitted is Prohibited.”

2. § 3-1 Title Change
3. § 3-1 Specifies the context of Prohibited Uses
4. § 3-6 Prohibition of EPOD Permit issuance for Explicitly Prohibited Uses
5. § 3-36 Prohibition of conditional use permits for any Explicitly Prohibited Use.
6. § 3-47 Prohibition of Explicitly Prohibited Use within any Planned Development District
7. § 3-67 Prohibition of Explicitly Prohibited Use within any Business Non-Retail District
8. § 3-72 Prohibition of Explicitly Prohibited Use within any Limited Business District
9. § 3-77 Prohibition of Explicitly Prohibited Use within any General Business District
10. § 3-79 substitute “comprehensive plan” for “master plan”
11. § 3-99 Prohibition of Explicitly Prohibited Use within the Four Corners District

Amendments to add new Article IIIA to the Existing Zoning Law

The Existing Zoning Law is hereby amended so as to add a new Article thereto (to be designated ‘Article IIIA’), said new Article to be inserted immediately after the text of present § 3-121 of the Existing Zoning Law, and immediately prior to the text and heading of Article IV of the Existing Zoning Law:
ARTICLE IIIA. Explicitly Prohibited Uses; Prohibition Against Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes.

1. § 3A-1. Explicitly Prohibited Uses
2. § 3A-2. Prohibition against Natural Gas and/or Petroleum Extraction, Exploration Or Production Wastes

Amendments to Article IV of the Existing Zoning Law

1. “§ 4-16A. Pre-existing, legal non-conforming Natural Gas and/or Petroleum Extraction Activities

Amendments to Article 5 (sic, should be ‘V’) of the Existing Zoning Law

Amendments to Article 6 (sic, should be ‘VI’) of the Existing Zoning Law

Amendments to Article X of the Existing Zoning Law

1. § 10-2 Conditional Use Permits
2. § 10-4 Conditional use permits - in no event shall a conditional use permit be issued to authorize any Explicitly Prohibited Use

Amendments to Article XI of the Existing Zoning Law

§ 11-4 Variances.
   a. Use Variances
   b. Area Variances

APPENDIX A

Section 1. Authority and Intent
Section 2. Findings of Fact
Section 3. Purposes