PENFIELD TOWN BOARD AGENDA
Wednesday, May 20, 2015 7:00 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 –April 15, 2015

VI Petitions

VII Resolutions by Function
   Law and Finance
   15T-106 Authorization to Maintain Properties and Assess the Charges to the 2016 Property Tax Bills
   15T-107 Approval of Issuance of a Conditional Use Permit to Allow an Outdoor Dining Area at 2124-2126 Five Mile Line Road – Cha Cha’s Wood Fired Bar and Grill
   15T-108 Authorization for Town Supervisor to Sign a Professional Service Contract with Mark DiFrancesco for Construction Inspection Services in connection with the Parkview Drive/White Village Drive Sewer Project Area (Ext. 56)
   15T-109 Authorization for the Release of a Portion of a Drainage Easement at 36 Meadows End

   Public Works - None

   Public Safety - None

   Community Services

   15T-110 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
Penfield Town Board, May 20, 2015

The Regular meeting of the Penfield Town Board was held on Wednesday, May 20, 2015 at 7:00 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

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney

Absent: Robert Quinn Councilman

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Boy Scout Sam Murray from Troop #9. Sam is in the process of working on the Citizenship in the Community and Communications badge.

Teacher and Coordinator of Dayton’s Corners School and Museum, Barbara Quinn announced that the Annual Pie Social at the historic Dayton’s Corners School will be held on Sunday, June 7, 2015 from 2:00 PM to 4:00 PM. For more information, please call 585-385-1491.

Communications and Announcements

1. Save the date and join us for the 5th Annual PBA Golf Tournament to benefit the Shepherd Home on Monday, July 27, 2015 at the Penfield Country Club. For more information please go to www.penfieldbusiness.org or call Tracy Dovi at 585-381-0890.

2. The Town Of Penfield will be hosting its annual Free Rabies Vaccination Clinic on Saturday, June 27, 2015 from 10:00 AM to Noon at the Public Works complex, 1607 Jackson Road. For more information please call 585-340-8616.

3. A tour of Oakwood Cemetery with Town Historian, Kathy Kanauer will be held on Friday, June 5, 2015 at 7:00 PM. This program is sponsored by the Penfield Heritage Association. For more information, please go to www.penfieldrec.org.

4. Penfield’s annual Memorial Day Ceremony of Remembrance will be held, May 25, 2015 at 10:30 AM at Veterans’ Memorial Park. This year’s guest speaker will be Laura Stradley, Director of Monroe County Veterans Service Agency. Music will be performed by Penfield Pops Band.

5. The Town Of Penfield will hold a Music and Food Truck Rodeo at Penfield Amphitheater and Kiwanis Stage on Friday, May 29, 2015 from 4:30 PM to 8:00 PM. For more information, please visit www.penfieldrec.org.

6. The Town offices will be closed on Monday, May 25, 2015 in observance of Memorial Day.

7. The Penfield Trails Committee will sponsor a free public hike at Wild Iris Trail and Veterans’ Memorial Park on Saturday, June 13, 2015 from 9:00 AM to 11:00 AM. For more information and to pre-register contact Penfield Recreation Department at 340-8655.

8. The Penfield Little League’s Challenger Baseball opening day ceremony will take place on Saturday, June 6, 2015. The ceremony will be held at 9:00 AM at Baxter field, Veterans’ Memorial Park. For more information, please call Steve Pellow at 749-7515 or visit www.penfieldbaseball.com.
9. The Penfield Pops Band will perform at Penfield Amphitheater and Kiwanis stage in Veterans’ Memorial Park on Monday, June 8, 2015 at 7:00 PM. For more upcoming events at the Penfield Amphitheater, please visit www.penfieldrec.org.

10. The Penfield Rotary Club’s 18th Annual Golf Tournament will be held on Monday, June 1, 2015 at Shadow Lake Golf Club. The registration table opens at 11:00 AM. Registration is $125 per golfer. Dinner only is available for $40 and will be at 6:00 PM. For more information and to register online, go to www.penfieldrotary.org.

11. Councilwoman Kohl’s next Community Chat will be held on Tuesday, June 16, 2015 from 5:30 PM to 7:00 PM in the Penfield Library, 1985 Baird Road.

Public Participation

Joe Grussenmeyer, 1484 Creek Street stated that he enjoys the annual Pie Social at Dayton’s Corners School/Museum and he especially enjoys the old time live music during the event. Mr. Grussenmeyer asked whether there will be another Spring Drop Off event held next year.

Supervisor LaFountain stated that the intent is to have another two day event in the spring and to also hold a full recycling event in the fall. He continues to encourage residents to recycle in other ways as well.

Mr. Grussenmeyer inquired whether there will be a pharmaceutical event held this summer.

Supervisor LaFountain stated that he has been informed by the Monroe County Department of Environmental Services, that there will be an event held on Saturday, June 27, 2015 from 8:00 AM to 1:00 PM at the Wegmans located on NYS Routes 441 and 250. He asked the community to please not dump medications down the drain or toilet since it would impact our water supply.

Councilwoman Metzler stated information can be found online at www.monroecounty.gov of when the pharmaceutical events will be held, as well as when household hazardous waste events will be held. She also suggested contacting Ecopark which is a collaboration of Monroe County and Waste Management of New York that provides County residents with a central “one stop drop off” to manage certain difficult to handle material. The Ecopark website is www.monroecounty.gov/ecopark.

Mr. Grussenmeyer inquired whether the Memorial Day Ceremony of Remembrance is for the memory of veterans, as well as for honoring Veterans.

Councilwoman Metzler stated it’s for not only in memory of, but honoring those currently serving or have served in the past.

Mr. Grussenmeyer thanked the Board for all that they do.

Supervisor LaFountain stated that going back to the pharmaceutical event comments, staff have reminded him that the Monroe County Sheriff’s Department Zone A substation accepts pharmaceuticals on the second Tuesday of every month from 10:00 AM to 1:00 PM and are located at 789 Linden Ave.

Kevin Gallagher, 1973 Dublin Road stated that in the past he had suggested the Town adopt a proactive policy that insures sidewalks be properly repaired when damaged by utility work. He proposed that the policy include contacting electric and gas, water, telephone and cable utilities and ask them to notify the Town with locations and dates of sidewalk removal and replacement so that the Town can follow up. He also informed the Town Board that the sidewalks located at the Enchanted Rose Garden, 1886 Penfield Road were removed and replaced last season.
The sidewalks at the Enchanted Rose Garden look great, but the sidewalks at 1886 Penfield Road do not. He would like the Town to properly maintain that area, but not to use public funds.

Supervisor LaFountain asked Mr. Gallagher to describe the problem with the sidewalks at 1886 Penfield Road.

Mr. Gallagher stated that the sidewalk was poorly made and does not conform with the current sidewalk line and loose concrete was never swept up from the grass area. He also stated that there are several houses on Penfield Road across from Peach Tree where utility work was done that instead of taking out sidewalk pieces, they went under the sidewalks. He stated that the sidewalks were not damaged, but were refilled underneath and he is concerned that if they were not filled in properly there may be some settling and or concrete breakage in the future.

Supervisor LaFountain stated that the Engineering Department is aware of which sidewalks were done in this way since the Town works very closely with the utilities. He went on to say roads such as Penfield Road require permits from the NYSDOT.

Mr. Gallagher stated that he wanted to make sure the Town is aware of what utility work is done in the Town so that if a problem arises, the Town would be able to go back to those who did the work and have them make the proper repairs.

Mr. Gallagher stated that in the past he has brought up the issue of shoveling snow away from fire hydrants. He hopes a policy will be put in place that assures fire hydrants are not obstructed during the winter months.

Supervisor LaFountain asked Mr. Gallagher what he suggests.

Mr. Gallagher suggested that neighborhood organizations or groups be formed to handle issues in their own neighborhoods as a solution. He also suggested an ordinance be written that states property owners be made responsible in clearing areas around fire hydrants closest to their property. Residents who own properties surrounding the hydrants should also be responsible in keeping the areas around the hydrants clear. Mr. Gallagher also mentioned that a few years back he had told the Town Board that the Whalen Meadows wetland outlet needed repair, but he never received any updates. He stated he had inspected that area today and saw it had not been fixed. He hopes it will be addressed during this construction season. He hopes there will be communication and follow up in the future on these issues.

Mr. Gallagher stated that there are resurfacing projects planned for the NYS RTE 441 and NYS RTE 250. He believes there are some issues that need to be addressed during the projects. He would like the stop lines to be set back so that large vehicles can make the turns, such as school buses. An example is in the Penfield Four Corners area where the State painted the stop lines correctly on the west side of Five Mile Line Road, but not on the east side. He also suggested that the induction loops at the intersections that trigger the lights be marked for bicyclists. He also mentioned that most of the storm grates on NYS RTE 250, just north of NYS RTE 441, are recessed and pose a threat to bicyclists. He would like them to be checked. He hopes that when the roads are redone the storm grates will be at grade with the road.

Supervisor LaFountain asked whether Mr. Gallagher has forwarded any of his comments to the State.

Mr. Gallagher stated he does not have a good relationship with the State so he does not believe any of his questions pertaining to safety will be addressed by the State. He feels he needs to go through secondary sources to have his safety issues addressed.
Supervisor LaFountain stated that the intent of the project is to mill the road, and then repave. Storm drains will be flush once the road is paved.

Lastly, Mr. Gallagher stated he gave a data disc to Councilman Quinn last week that pertained to the Traffic Calming plan he had put together. He hopes Councilman Quinn will share the plan with the rest of the Town Board and Town Engineer. He would like to have a conversation with Councilman Quinn within the next two weeks.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 15, 2015 Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#15T-106 Authorization to Maintain Properties and Assess the Charges to the 2016 Property Tax Bills by Moore

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled “Property Maintenance”; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owners of 6 Bethnal Green, SBL #108.16-1-2.108 and 59 Random Knolls Drive, SBL #125.03-4-31 have failed to maintain the exterior areas at the subject properties which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Fire Marshal & Building/Zoning & Code Compliance Supervisor to have the 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 2015 season also be charged to the 2016 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

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

Adopted
WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit, pursuant to Article III-3-97 of the Code to allow the construction of an 864 square foot outdoor dining area at 2124-26 Five Mile Line 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 Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on May 6, 2015 at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow 672 square foot outdoor dining area at 2124-26 Five Mile Line 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 for a CONDITIONAL USE PERMIT to allow an 864 square foot outdoor dining area at 2124-26 Five Mile Line Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee.
2. The applicant proposes to construct a 14’ x 48’ (672 square feet) stamped concrete patio on the west side of the building to provide outdoor dining to its patrons. The applicant shall be permitted to construct the proposed outdoor dining area along the front of the restaurant as proposed, subject to obtaining a building permit and complying with the requirements of the Fire Marshal.
3. The applicant shall be permitted to have outdoor dining between the hours of 11:00 AM and 10:00 PM on a daily basis and the proposed lighting in the outdoor dining area shall be turned off when the restaurant closes on a nightly basis.
4. The applicant proposes to have eight tables with four seats at each table on the patio and that number shall comply with the occupancy requirements that have been established by the New York State Building Code.
5. The applicant shall comply with all requirements of the New York State Liquor Authority with respect to serving alcohol in the proposed outdoor dining area; furthermore, there shall be no bar installed in the outdoor dining area at any time.
6. The applicant shall not be permitted to have any type of entertainment or piped music to the exterior of the restaurant at any time.
7. The applicant shall make a determination of how the outdoor dining area will be landscaped and shall submit a plan to the Town Board and Historic Preservation Board for its approval.
8. The applicant shall remove all No Parking signs from the rear of the building prior to the commencement of construction of the outdoor dining area.
9. This operation shall comply with all Federal, State, County and Town Codes.
10. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.
(Resolution #15T-107 – Continued)

AND BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as a Type II 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 Conditional Use Permit, does so based on its following findings:

1. The applicant has operated a sit-down restaurant from this site for approximately three years and had proposed outdoor dining at the time a Conditional Use Permit was requested. The Board determined that due to parking needs on the site that it would be appropriate to monitor the site prior to approving outdoor dining. The Town has recently acquired a portion of the applicant’s property to the rear of the restaurant, as well as other properties in that quadrant of the Four Corners, and is in the process of creating a municipal parking lot to be shared by all businesses in that quadrant. The applicant and the Board both agree that it is now appropriate to request approval to permit outdoor dining at this site.

2. The site was approved for an occupancy of eight tables with seating for four persons at each, totaling 32 persons, on the west side of the restaurant. Access to and from the dining area will be installed for safe ingress and egress from it, subject to the requirements of the Penfield Fire Marshal.

3. The Penfield Historic Preservation Board has reviewed and approved the applicant’s proposal on April 23, 2015, subject to the granting of a Conditional Use Permit by the Town Board, after finding it to be complementary to the structure and compliant with the goals and objectives of the Five Mile Line Road Historic Preservation District.

4. The applicant has maintained compliance with all applicable codes and regulations pertaining to the operation of a sit-down restaurant and sale of alcohol in the Town of Penfield.

5. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district in that it offers another dining experience in the Four Corners and further his efforts to continue to enhance the building.

6. The outdoor dining area will open at 11:00 AM and will close at 10:00 PM on a nightly basis. This proposal complies with the permitted hours of operation in the Four Corners zoning district and ensures that this business does not create an adverse impacts to area residents.

7. The applicant does not propose to have any entertainment in the outdoor dining area at any time and the Board has conditioned this approval subject to not allowing any entertainment or piped music into the patio area.

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

1. An application form dated April 8, 2015.
3. An Environmental Assessment Form dated April 18, 2015.
4. A plan for the proposed outdoor dining area dated April 8, 2015.
5. Photo of proposed dining area in its current state dated April 8, 2015.
Penfield Town Board, May 20, 2015

(Resolution #15T-107 – Continued)

6. Historic Preservation Board memo to Town Board dated April 23, 2015.


8. Submissions and oral testimony of the applicant at the Public Hearing on May 15, 2013

Moved: Moore
Seconded: Metzler

Moved: Moore
Seconded: Kohl

WHEREAS, the owner of the property at 36 Meadows End has requested that the Town of Penfield release a portion of the 20 foot wide drainage easement on their property, that encompasses the house; and

WHEREAS, the original storm sewer easement was recorded in the Monroe County Clerk’s Office in Liber 9497 of Deeds, page 391, on August 8, 2001; and

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a Release of Easement with the owner of property located at 36 Meadows End, to permit the release of a portion of an existing drainage easement as shown on a map entitled “Instrument Survey Map” prepared by William A. Seymour L.S., dated April 23, 2015 and attached hereto; and

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

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

Adopted

**Public Works** - None  
**Public Safety** - None  
**Community Services**

**#15T-110 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:

- **Kelly Bilow**, 489 Spring Meadow Lane, Webster, NY 14580, to provide instruction for Girls Softball, 5/5/15 – 6/2/15, for a fee of $30 per session. Voucher to be submitted on 6/3/15.

- **Roc Softball**, RocSports, LLC., 7 Shenandoah East, Spencerport, NY 14559 to provide Softball Leagues at the Harris Whalen Park on Tuesdays, Wednesday and Thursdays. All daily and pre game grooming will be done by Roc Softball. Roc Softball will submit to the Town reimbursement for league fees at 15% of revenue collected.

- **Ed Doyle**, 4 Pipers Meadow Trail, Penfield, NY 14526, Soccer official and trainer for Youth Soccer League, 6/1/2015 – 7/30/2015, for a fee of $20 per game. Vouchers to be submitted bi-monthly.


- The following persons to officiate soccer games for the in-house Penfield Recreation Soccer League, 6/1/2015 – 7/30/2015, for the fee of $15.50 per 8/9/10 game - returning officials to receive an additional $.25 per game for each summer season they have officiated with the Penfield Recreation League on a regular basis, up to a maximum of $2.00 per game:
  - **Marc Jacobson**, 15 Dundas Drive, Rochester, NY 14625  
  - **Joanna Vella**, 11 Sawmill Drive, Penfield, NY 14526  
  - **Adam Lewis**, 66 Valley Green Drive, Penfield, NY 14526  
  Vouchers to be submitted bi-monthly.


- **Rosemary Irwin**, 10 Blossom Circle West, Rochester, NY 14610, Facilitator for Secrets of Sleep Science 5/7/15 – 6/11/15 for a fee of $150.00 and guest speaker for Thursday Lecture series on 5/14/15 for a fee of $50.00 Voucher to be submitted on 6/3/15.
Penfield Town Board, May 20, 2015

(Resolution #15T-110 - Continued)


Martha Lenahan, 41 N. Main Street, Honeoye Falls, NY 14472, Instructor for Genealogy for Beginners on 5/18/15 for 70% of total revenue. Voucher to be submitted on 6/3/15.

David Puls, 11 Meadowbrook Rd., Rochester, NY 14620, Instructor for Animation Workshop 8/10/15, 8/11/15 and 8/14/15 for a fee of $35 for each registered student. Voucher to be submitted on 8/5/15.

Heidi Rasmussen, 1865 Gloria Drive, Fairport, NY 14450, Director of Kindergarten Lacrosse, 4/22/15 - 5/27/15, for the fee of 75% of the program revenues. Voucher to be submitted 6/3/15.

Moved: Kohl
Seconded: Metzler

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<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>Absent</th>
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Adopted

Old Business - None

New Business - None

Public Participation

Michael Fustor, 116 London Road, Village of Webster stated he attended today's meeting due to his interest in Resolution #15T-109 - Authorization for the Release of a Portion of a Drainage Easement at 36 Meadows End. He informed the Town Board that he and his wife purchased that house and wondered why the house was built 11 years ago with a 2 foot easement inside the house.

Supervisor LaFountain stated he can only assume that when the house was staked out, someone made a mistake. If the house had been built 2 feet over, it wouldn’t be in the easement and the setbacks would still be met on the north side lot line.

Councilwoman Metzler stated that a buyer at closing can assume the risk if they want to proceed, similar to buying a house with a deck or pool without a permit. The buyer can take out additional insurance that would cover possible issues that may come up.

Supervisor LaFountain stated that the easement has been modified.

Mr. Fustor thanked Supervisor LaFountain for the clarification.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:52 PM.