PENFIELD TOWN BOARD AGENDA
Wednesday, September 16, 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 – August 19, 2015

VI Petitions

VII Resolutions by Function
   Law and Finance
   15T-166 Authorization for MRB Group, P.C. to Provide Additional Services for the Installation of Sanitary Sewers Within the Parkview Drive/White Village Drive Area
   15T-167 Budget Transfer - Buildings
   15T-168 Authorization for Supervisor to Sign a Contract for Banking Courier Services
   15T-169 Authorization for Supervisor to Sign the Irondequoit Bay Coordinating Committee’s Inter-Municipal Agreement
   15T-170 Granting a Conditional Use Permit to Allow a Restaurant with Outdoor Dining at 1400 Empire Blvd. – South Point Grill
   15T-171 Approval of Incentive Zoning Application and Final Subdivision and Site Plan Approval to Allow 10 Residences in Phase IV of the Abbington Place Subdivision on 3.06 Acres at 1229 Fairport Nine Mile Point Road
   15T-172 Setting an Informal Neighborhood Discussion Meeting for an Incentive Zoning Proposal at 1271 Fairport Nine Mile Point Road
   15T-173 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Site Plan to Allow Additions Totaling 660 +/- Square Feet to the Nothnagle Realty Building at 1797 Penfield Road
   15T-174 Setting a Public Hearing for a Conditional Use Permit to Allow a Hair Salon and Spa at 2105 Five Mile Line Road

Public Works
   15T-175 Authorization to Auction Surplus Equipment

Public Safety-None

Community Services
   15T-176 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, September 16, 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
Robert Quinn Councilman - arrived at 7:18 PM

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Ed Lindskoog.

Communications and Announcements

1. Passport night in Penfield will be held on Tuesday, September 29, 2015 from 5:30 PM to 7:30 PM. The service comes to Penfield through the partnership of the Monroe County Clerk Cheryl Dinolfo, County Legislators Debbie Drawe and Dan Quatro, and Town Clerk Amy Steklof. For more information visit the Town’s website at www.penfield.org/townclerk/passport or www.monroecounty.gov/clerk-passports.php.

2. The Family First Penfield 5k Challenge XIII will be held Sunday, September 27, 2015 and will begin at Penfield Community Center, 1985 Baird Road. For more information visit www.penfieldrec.org or call Penfield Recreation at 340-8655, option 6.

3. Take extra care while driving to keep safe the children waiting at bus stops and crossing roadways now that school has started.

4. The Town of Penfield will host a one-day recycling event for Penfield residents on Saturday, October 10, 2015 from 7:00 AM to 3:00 PM at the Public Works Complex, 1607 Jackson Road. The Town will collect brush, metals and appliances, clothing and linens, and will provide document destruction services. For more information please contact the Department of Public Works at 340-8710.

5. Penfield Recreation and the Local History Room will sponsor the 2nd Annual Historic Penfield Road Rally on Saturday, September 26, 2015 starting at 11:00 AM at Penfield Community Center, 1985 Baird Road. For more information and to register visit www.penfieldrec.org.

6. The First Baptist Church, located at 1862 Penfield Road will host a “Flapjack Saturday Community Fundraiser” on September 19, 2015 from 8:00 AM to 10:00 AM. The church hosts this fundraiser on the third Saturday of each month to support the many organizations in Penfield. September proceeds will support the Shepherd Home. For more information visit www.fbpenfield.org.

7. Supervisor LaFountain read a proclamation proclaiming the week of September 13 – 19, 2015 as Assisted Living Week 2015 “Nourishing Life, Mind Body and Spirit in the Town Of Penfield.” Supervisor LaFountain had presented the Proclamation to Heathwood Assisted Living at Penfield last week.

8. The Young, Open and Honest Players will hold auditions for its production of “Fools,” a Comic Fable by Neil Simon on Monday, October 5, 2015 at 4:00 PM at the Penfield Community Center. Please visit www.penfieldrec.org for more information.

9. Penfield’s Free Annual “Tastin’ the Blues” event will be held on Saturday, September 19, 2015 at the Penfield Amphitheater and Kiwanis Stage from 12:00 PM to 4:00 PM. For more information visit www.penfieldrec.org or call 585-340-8655, option 6.
10. Penfield Historian, Kathy Kanauer will lead a walk at Oakwood Cemetery on Friday, September 25, 2015. For more information please call the Local History Room at 340-8740.

11. Penfield Rotary and the Town of Penfield will sponsor the 5th Annual Community Bike Drop on Saturday, October 3, 2015 at the Penfield Community Center, 1985 Baird Road from 10:00 AM until 2:00 PM. For more information please call Penfield Recreation at 340-8655 or email Councilwoman Kohl at lkohl58@aol.com.

12. Councilwoman Kohl’s next Community Chat will be held on Tuesday, October 20, 2015 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Ed Lindskoog, 40 Willow Pond Way stated he had attended an event this past Saturday and had the opportunity to speak with County Clerk, Cheryl Dinolfo about the proposed solar farm to be located in the Town of Penfield. He expressed to her his concern that Monroe County plans to lease the land to a Buffalo based company to install and operate the solar farm instead of choosing local labor.

Mr. Lindskoog informed the Board that the Trails Committee will be looking to develop signs for the developing sidewalk trails to help residents with directions when hiking on the trails.

Additions and Deletions to Agenda

Resolution #15B-175 withdrawn by Councilwoman Metzler.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of August 19, 2015 Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#15T-166 Authorization for MRB Group, P.C. to Provide Additional Services for the Installation of Sanitary Sewers Within the Parkview Drive/White Village Drive Area by Moore

WHEREAS, the Town Board recognized a significant level of resident support for the construction of sanitary sewers within the Parkview Drive / White Village Drive area; and

WHEREAS, the Town Board, based on this support authorized the preparation of a Request for Proposal for final engineering & design service for this project; and

WHEREAS, a proposal dated November 13, 2012, by MRB Group, PC, provided an estimate for professional engineering services for this project including Planning, District Formation, Survey & Mapping, Design, Bidding & Construction Administration; and

WHEREAS, Town Board Resolution 13T-121, dated May 15, 2013 authorized MRB Group, PC to undertake the preparation of the design documents; and

WHEREAS, on December 17, 2014, an Advertisement to Bid for Construction was issued by the Town Clerk for Extension #56 to the Penfield Consolidated Sewer District; and

WHEREAS, on January 23, 2015, bids were opened for this project and Fineline Pipeline, Inc. was the low bidder; and
Penfield Town Board, September 16, 2015

(Resolution #15B-166 – Continued)

WHEREAS, based on new requirements from the Monroe County Water Authority and the Monroe County Health Department, modifications to the watermain crossing are required; and

WHEREAS, on August 27, 2015, MRB Group, P.C., submitted a proposal for the additional services to design the required watermain crossing in an amount not to exceed $3,000.00, based on the new requirement from the Monroe County Health Department; and

WHEREAS, MRB Group, P.C. will prepare the Health Department Application, including the necessary plans and details for the watermain crossing over the new sanitary sewer main being installed; and

NOW THEREFORE BE IT RESOLVED, that based on the submitted estimate prepared by MRB Group on August 27, 2015, the Town Board hereby authorizes MRB Group, P.C. to provide the watermain crossing design for the Parkview Drive/White Village Sewer project, in an amount not to exceed $3,000.00.

BE IT FURTHER RESOLVED, that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute said proposal with the MRB Group P.C. for said action, subject to the review of the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

#15T-167 Budget Transfer – Buildings by Moore

WHEREAS, the Town Board awarded J&B Installations Inc. the contract for installation of a new roof for the highway garage per Resolution 15T-164, and

WHEREAS, there is sufficient funding in the 2015 budget in the General fund, 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 2015 Budget Transfer be approved:

General Fund Appropriations:

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Buildings-Town Hall to Highway Garage

Moved: Moore
Seconded: Quinn

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

Adopted
Authorization for Supervisor to Sign a Contract for Banking Courier Services by Moore

WHEREAS, the Town is in need of a professional courier service to transport the Town’s daily receipts from the Town Hall, the Recreation Department, the Town Court and the Town Library, and

WHEREAS, the Town requires that such courier service provide professional, bonded drivers, with insurance coverage acceptable to the Town Attorney and Town Comptroller,

NOW, BE IT RESOLVED that the proposal received from Loomis meets the requirements of the Town, at a monthly cost of $866, annually $10,392, and

BE IT FURTHER RESOLVED, that the Supervisor be and hereby is authorized to sign a service agreement with Loomis for banking courier services effective September 21, 2015 for a period of one year.

Moved: Moore
Seconded: Metzler

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

Adopted

Authorization for Supervisor to Sign the Irondequoit Bay Coordinating Committees Inter-Municipal Agreement by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign the Irondequoit Bay Coordinating Committee's Inter-Municipal Agreement that reflects the current interests of the involved parties, a copy of which is on file with the Town Clerk and said Agreement updates and replaces the 2010 Agreement which authorized the Supervisor to sign said Agreement by Resolution 10T-159 dated July 7, 2010.

Moved: Moore
Seconded: Kohl

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

Adopted

Granting a Conditional Use Permit to Allow a Restaurant with Outdoor Dining at 1400 Empire Blvd. – South Point Grill by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Article III-3-94 of the Code to allow a restaurant with outdoor dining at 1400 Empire Blvd., located in the LaSalle’s Landing Development (LLD) 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 September 2, 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 a sit-down restaurant with an accessory outdoor dining area at 1400 Empire Blvd., and the Public Hearing was closed and decision was reserved; and
WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA and determined that the issuance of a Conditional Use Permit to allow the proposed restaurant is an Unlisted action that will not have a significant effect on the environment;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a sit-down restaurant with accessory outdoor dining at 1400 Empire Blvd. is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to operate any business at this location.
2. The applicant shall obtain a liquor license from the New York State Liquor Authority and comply with any/all requirements and conditions imposed by that agency.
3. The applicant shall be permitted to have indoor entertainment, but shall only be permitted to have piped music in the deck area. No live entertainment shall be permitted to the exterior of the restaurant without approval by the Town Board or through issuance of a Temporary Recreation Permit.
4. The applicant proposes to operate between the hours of 4:00 PM to 2:00 AM from Monday through Thursday and with hours between 11:00 AM to 2:00 AM on Friday, Saturday and Sunday for the purpose of serving lunch on those days. The applicant indicated that he may close earlier during the week if the lack of business warrants it.
5. The applicant shall comply with the overall occupancy requirements that have been established by the Penfield Fire Marshal in accordance with the New York State Building Code.
6. The applicant is responsible for ensuring that his business does not adversely impact the adjacent business that also operates from this complex, particularly relating to parking facilities.
7. The applicant shall ensure that this operation does not create adverse impacts to area residents relating to noise or odors emanating from the property.
8. The applicant shall submit a sign package for the site for the Board’s review and approval prior to the installation of any signage to identify this business.
9. All dumpsters shall be enclosed and properly maintained at all times. The applicant’s refuse removal company shall pick up refuse and grease from the site only between the hours of 7:00 AM and 7:00 PM.
10. This operation shall comply with all Federal, State, County and Town Codes.
11. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of Article X-10-4 of the Zoning Ordinance.

The Board bases its decision on its findings that:

1. The applicant proposes to lease the second floor of the recently constructed 3,750 square foot building at 1400 Empire Blvd. The first floor of the building will be utilized as a clubhouse on a seasonal basis by the members of the South Point Marina.
2. The applicant proposes a 140 seat restaurant (inclusive of outdoor dining) with a bar to serve the general public as well as members of the marina.

3. The restaurant will be served by 151 newly constructed parking spaces and will also have the ability to utilize shared parking with Bazil’s Restaurant if needed.

4. The applicant does not propose any live entertainment to the exterior of the restaurant and none is permitted without review and approval by this Board. The applicant may have live music within the restaurant. In no case shall sound levels associated with music or entertainment of any type be audible from beyond the applicant’s property line.

5. The applicant is aware of his responsibility relating to maintenance of the proposed enclosed dumpster area, including noise and odor control to ensure that this business does not become a detriment to the neighborhood.

6. The Board has reviewed this application as it relates to Article X of the Penfield Town Code, Conditional Use Permits. The Board finds that the standards contained within Article X have been met and satisfied to allow the issuance of a conditional use permit.

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

1. An Application Form received by the Development Services Department on July 24, 2015.

2. A letter of intent received by the Development Services Department on July 24, 2015.

3. A site plan and subdivision plat received by the Development Services Department on July 24, 2015.

4. Penfield Environmental Assessment Form received by the Development Services Department on July 24, 2015.

5. Architectural details of the structure received by the Development Services Department on July 24, 2015.


7. Subsequent discussion by the Town Board at its Work Session on September 9, 2015.

Moved: Moore
Seconded: Quinn

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

Adopted

#15T-171 Approval of Incentive Zoning Application and Final Subdivision and Site Plan Approval to Allow 10 Residences in Phase IV of the Abbington Place Subdivision on 3.06 Acres at 1229 Fairport Nine Mile Point Road by Moore

WHEREAS, pursuant to Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, on May 4, 2011, The Town Board granted preliminary overall approval of 99 single family residences and final approval for 28 residences in Phase 1 of the Abbington Place Subdivision; and
WHEREAS, the Town Board has subsequently granted final subdivision and site plan approval for Phases II and III of the subdivision since that date; and

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 10 residences in Phase IV of the Abbington Place Subdivision under Articles VIII-8-2 and IX-9-2 of the Code on 3.06 +/- acres in the Rural Residential 1 (RR-1) zoning district at 1229 Fairport Nine Mile Point Road subject to the requirements of Town Board Resolution 11T-125; 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 September 2, 2015, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of granting Final Subdivision and Site Plan Approval to allow 10 single family homes on 3.06 acres in Phase IV of the Abbington Place Subdivision, located at 1229 Fairport Nine Mile Point Road, and the Public Hearing was closed and decision was reserved; and

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) had classified this proposal as an Unlisted Action prior to granting Preliminary Overall Subdivision and Site Plan Approval of the project and issued a Negative Declaration determining that this action will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Final Subdivision and Site Plan approval for 10 lots in Phase IV of the development, be and the same are hereby APPROVED subject to the following conditions; and

1. The applicant shall be responsible for providing the amenities for this phase of the development outlined in the Town Board's Findings Statement Resolution No. 10T-198 dated September 1, 2010 which identified them as follows:
   - Necessary financial support and participation in the proposed relief sewer within the Town of Webster as identified in the sewer capacity study prepared by BME Associates, December 2003 and subsequent preliminary cost data prepared by Schultz Engineering for Visca Homes in the Town of Webster dated August 2009, both on file with the Penfield Engineering Department. The applicant shall be required to submit an amount of $500 per lot at the time a building permit is requested and prior to its issuance.
   - The site has been designed to reduce the on-site flow to the Angean Drive culverts. Phase IV will be served by the existing storm water facility that was constructed in Phase I.
   - The developer shall provide cash contribution payment of $3,250 per each lot above the RA-2 conventional yield of the property, that being 22 lots, totaling $71,500 for the specific purpose of designating funds to the Town’s drainage fund and to the Town’s highway fund to provide the Highway Department the ability to address public works projects that benefit the Town residents as deemed necessary.

2. Obtaining the signature of the Town Engineer indicates compliance with this requirement.

3. Compliance with the comments concerning this application from the Development Review Committee as contained in Monroe County Department of Planning’s Referral #PN15-26ZS, dated August 14, 2015, except as otherwise provided herein.
(Resolution #15B-171 – Continued)


5. Submission of all easements to implement the approved plan. Easements shall be submitted in the Town’s format and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.

6. Compliance with the Town of Penfield’s Street Tree Planting Policy and Sidewalk Policy.

7. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas, construction sequence, and other applicable measures deemed appropriate by the Town Engineer.

8. The finished ground level adjacent to each home foundation wall shall be graded in such a manner as to provide positive drainage away from the structure and shall be subject to the approval of the Town Engineer.

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

10. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.

11. The final site plan for this phase shall contain proper notations regarding the possible presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall field tile be permitted to exist near home foundations.

12. The submission of all the required documents for roadway dedication, all to be in the Town’s format, accompanied by the proper filing fees and acceptable to the Town Attorney, prior to obtaining the signature of the Director of Developmental Services on the final plans.

13. All sanitary sewer connections are to be approved by the Town Engineer, the Town of Webster and the Monroe County Health Department. All funds for such improvements shall be covered in the Letter of Credit.

14. The applicant shall work with the Building Inspector to establish street addresses for all proposed buildings. Any new street names must be approved by Monroe County 911 and the Town of Penfield.

15. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location and time frame for mailbox installations.

16. A notation shall be placed on each corner lot with the subdivision stating that: “Any modification in the placement of a home from the location shown on the site plan, must be submitted in writing to the Building Inspector prior to application for a building permit for review and approval for compliance with the minimum setback requirements as set forth on the approved Site Plan.”
17. No walkout basements shall be permitted without the approval of the Town Engineer. In the event that walkout basements are approved, basements that are substantially exposed shall have siding compatible with the main structure installed to within 24” of ground level in order to provide an attractive appearance from all sides.

18. The applicant shall pay a recreation fee for each proposed structure on the site at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.

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

20. Compliance with all requirements of any Federal, State, County or local agency.

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

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

23. The approved site plan must be properly filed in the Town Clerk's Office prior to the issuance of a building permit.

24. Compliance with all of the requirements of the Director of Developmental Services regarding this matter. Furthermore, the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.

AND BE IT FURTHER RESOLVED, that the Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

Subdivision Approval: Factors for Consideration

1. Character of the land, including topography and watercourses. - The site is well suited for development. There is no designated watercourse flowing through the property, however the applicant has modified the project layout to address the collection of storm water and to provide a reduction of volume of flow leaving the site prior to it discharging to Four Mile Creek. One of the two storm water management facilities have been constructed on the site to mitigate storm water concerns voiced by area neighbors and is properly functioning as proposed. The Town Board is satisfied with the overall layout of the project.

2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. - This project is consistent with the Town of Penfield 2010 Comprehensive Plan which recommended higher densities for this area of Penfield.

3. Current Development Regulations and Specifications. - The applicant shall comply with all current requirements.

4. Street layout and design. - The Board has reviewed the proposed street layout and design. The Town Board granted a waiver from the radius design of the street layout to minimize the amount of filling to the lots adjacent to the proposed storm water management facility along Route 250, provided the requirements of the MUTCD are followed and appropriate signs are installed.

5. Street Names. - Street names are required to be reviewed and found acceptable by Monroe County 911.
6. Arrangement of lots. - The lot and building arrangement remains exactly as that approved by the Town Board in its Preliminary Overall Subdivision and Site Plan Approval on May 4, 2011 in Resolution 11T-125.

7. Drainage Improvements. - Drainage improvements were installed in Phase I of the project and have significantly reduced and mitigated drainage impacts to area property owners.

8. Utility Sidewalk and Pedestrian access and conservation easements. - Pedestrian patterns have been considered and will utilize sidewalks both within the proposed subdivision as well as a trail to provide pedestrian accessibility for those residents residing on the proposed Whitespire Lane. Said pedestrian access will be constructed with an impervious, durable material as directed by the Town Engineer.

9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. - The project required the construction of two storm water management facilities that area intended to revert back to their natural states, which will be owned by the Town of Penfield and maintained through a Special Improvement District which was created at the time Phase I of this project was approved.

10. Density Calculation. - The density calculation was established in Resolution No. 10T-198 of 2010 and approved in Resolution 11T-125 of 2011 and remains the same.

11. Special benefited districts required including, but not limited to, sidewalks and trails, lighting, sewer, storm water management facilities, parks, and other embellishments. - A specially benefited district for the overall subdivision was created for each listed amenity as a condition of Phase I of the project.

12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department’s criteria as well as the Ordinance. - The site will be serviced by a dedicated sanitary sewer system. No on-site sewage disposal systems (septic systems) are proposed.

13. Documents required for dedication of public improvements. - Sanitary sewers, roadways and storm water management facilities are proposed to be dedicated to the Town and extension of the water system will be dedicated to the Monroe County Water Authority.

Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. - The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks are proposed to provide pedestrian access throughout the project. The project’s roadways are designed to connect to the adjacent properties to the south and west of the site to provide for multiple means of ingress and egress as development occurs on those properties as requested and considered during the application review.
(Resolution #15B-171 – Continued)

2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. - The applicable factors have been found to be acceptable by the Board.

3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. - There are few trees in the areas of proposed development. Trees will be installed as a condition of site plan approval, in compliance with the Town’s Street Tree Policy. Several trees were removed to construct the existing storm water management facility adjacent to NYS Route 250; however, vegetation in that area is intended to revert to a natural, unmaintained state, allowing for new growth. The preservation of existing vegetation, where practical and effective, will be required.

4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. - Not applicable.

5. Adequacy of storm water, sanitary waste disposal, and public water facilities. - The storm water management facility that services this phase of development was constructed in conjunction with the development of phase I of the project and is functioning as designed.

6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. - This phase of development is well screened from the surrounding neighborhood.

7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. - There are no EPOD’s on this site.

8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, IBP, LWRP and any others. - Of those documents, plans, laws, acts and reports listed, the following are applicable:

   a. Ordinance. - The Town Board, under Local Law No. 2 of 2003 is empowered to modify the Town’s Zoning Ordinance through the Incentive Zoning application process. All applicable Ordinance sections are complied with and the Town Board has superseded the Ordinance through the use of Incentive Zoning.

   b. Master Plan. - The Town Board has determined that this project, as proposed and herein approved, is consistent with the Town of Penfield 2010 Comprehensive Plan, for density and use.

   c. Design and Construction Specifications. - As previously noted the plan complies with all requirements of the Specifications.

   d. SEQRA. - The environmental review of this action is consistent with SEQRA.

   e. The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay. All storm water flows to Four Mile Creek which directly flows to Lake Ontario.
9. Provisions for adequate drainage away from walls or structures. - The applicant is required to comply with the requirements of the Town’s Specifications and Design Criteria which requires positive drainage away from all structures.

10. Agreements, easements and other required legal documentation shall be approved by the Town Attorney. - No construction will be permitted for this project until such time as all legal documentation has been reviewed and approved by the Town Attorney and appropriate staff members.

11. The impact of the proposed use on adjacent land uses. - The adjacent land uses include agricultural lands surrounding the site. Those lands are also subject to development pressure based on their accessibility to sanitary sewers. It is anticipated that said properties will be similarly developed as the subject property over the next several years. The adjacent property owners to the west of the site requested that the Town Board require the developer to provide road access to their easterly property line to allow future development on their property to tie into said proposed road. The Board did so and the applicant complied. The applicant to the south of this site requested the Town Board to provide a right of way to his property along with access to a sanitary sewer for the future development of his site as well as providing sanitary access to his residence. The Board did so and the applicant complied. Finally the owner to the south requested that the Town Board require the applicant to install an earthen berm along the common property line to prevent drainage from the project from entering onto his site. At the applicant’s request, the Board did so and the applicant complied. The Town Board, in granting the neighbor’s request is doing so to the extent that the Town is honoring his request. The town assumes no liability in the event that the berm prevents storm water from positively draining from the adjacent property. The Town Board was concerned that since the Town has no drainage easement over the lands immediately east of Route 250 that there may be an adverse impact to the properties to the west of Route 250 in the event that positive drainage was not maintained east of Route 250. The applicant secured a letter from the property owner on the east side of Route 250 allowing the Town access to his property to resolve any drainage issues in emergency situations. This action resolved the Board’s issue.

12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of the recreation fee shall be noted on the plat. See condition #20.

AND BE IT FURTHER RESOLVED, that Section 276 of the Town Law states that “Conditional Approval of the final plat shall expire within one hundred eighty (180) days after the date of the Resolution granting conditional approval unless such requirements have been certified as complete”.

AND BE IT FURTHER RESOLVED, that this section also states that “The Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if in its opinion such intention is warranted by the particular circumstances thereof, not to exceed two (2) additional periods of ninety (90) days each.”
Moved: Moore
Seconded: Metzler

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

Adopted

#15T-172 Setting an Informal Neighborhood Discussion Meeting for an Incentive Zoning Proposal at 1271 Fairport Nine Mile Point Road by Moore

WHEREAS, William J. Vendel, Jr., 1267 Fairport Nine Mile Point Road, Webster, New York 14580 requests an informal neighborhood discussion with the Town Board regarding possible construction of 27 single family residential lots, on 12 acres at 1271 Fairport Nine Mile Point Road. The property is now or formerly owned by William J. Vendel, Jr. and Laura Vendel and is zoned RA-2. SBL# 095.03-1-10

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold an informal discussion at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on October 21, 2015, at 7:00 PM on said date, to consider the said conceptual plan and to discuss with all persons interested on the question of the possible construction of 27 residential single family lots, on 12 acres, at 1271 Fairport Nine Mile Point Road; and be it further

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

Moved: Moore
Seconded: Kohl

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

Adopted

#15T-173 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Site Plan to Allow Additions Totaling 660 +/- Square Feet to the Nothnagle Realty Building at 1797 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval pursuant to Articles III-3-97 and IX-9-2 of the Code to a 375 square foot first floor addition and a 288 square foot second floor addition to the building at 1797 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT RESOLVED, that 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 be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further
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 October 7, 2015, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a 375 square foot first floor addition and a 288 square foot addition to the second floor of the building at 1797 Penfield Road in the Four Corners (FC) zoning district; and be it further

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

Moved: Moore
Seconded: Quinn

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

Adopted

#15T-174 Setting a Public Hearing for a Conditional Use Permit to Allow a Hair Salon and Spa at 2105 Five Mile Line Road by Moore

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 a hair salon and spa at 2105 Five Mile Line Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that 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 be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

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 October 7, 2015, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a hair salon and spa at 2105 Five Mile Line Road, in the Four Corners (FC) zoning district; and be it further

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

Moved: Moore
Seconded: Metzler

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

Adopted
Public Works

#15T-175 Authorization to Auction Surplus Equipment by Metzler
WITHDRAWN

Public Safety - None

Community Services

#15T-176 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:

Margot Hetzke, 14 Silver Fox Drive, Fairport, NY 14450. Assistant Camp Director for Combo Camp, 7/20/15 - 7/24/15 for the fee of $225.00, voucher to be submitted on 9/16/15.

Kelly Bilow, 489 Spring Meadow Lane, Webster, NY 14580, Saturday Soccer, 9/7/15 - 10/3/15, for a fee of $45.00 per session. Voucher to be submitted 10/7/15.


Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation

Mary Maley, President of the “Friends of the Library” announced the 39th Annual Penfield Library Used Book Sale began yesterday, September 16, 2015 and will run through Saturday, September 19, 2015.

The Friends organize and run the Annual Used Book Sale that supports the Library through many initiatives. For book sales hours and daily specials please contact the Penfield Public Library at 585-340-8720.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:36 PM.

Amy Steklof, RMC/CMC
Town Clerk