PENFIELD TOWN BOARD AGENDA
Wednesday, November 4, 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 – October 7, 2015
VI Petitions
VII Resolutions by Function

Law and Finance

15T-188 Authorize the Supervisor to Sign an Intermunicipal Agreement with the County of Monroe

15T-189 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow an AT&T Store at 2150 Fairport Nine Mile Point Road

15T-190 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Hair Zoo Salon at 2150 Fairport Nine Mile Point Road

15T-191 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Moe’s Southwest Grill at 2150 Fairport Nine Mile Point Road

15T-192 Setting a Public Hearing for a Preliminary and Final Subdivision and Site Plan Approval to Allow 24 Town Homes on 6.7 +/- Acres located at 1213 Fairport Nine Mile Point Road

15T-193 Amending Local Law #2 of 1994 for the Town of Penfield Entitled “Fire Sprinkler System Law”

15T-194 Adoption of Credit Card Policy

Public Works  None
Public Safety  None
Community Services  None

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, November 4, 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  

Also Present: Amy Steklof  Town Clerk  
              Richard Horwitz  Town Attorney  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. Winter and Snow Plow rules go into effect in the Town of Penfield starting November 15, 2015 and will run through April 1, 2016 in which no parking will be allowed on roads and highways between 2:00 AM and 7:00 AM. For more information, please visit www.penfield.org.

2. Penfield Recreation, Penfield History Room and the Legacy at Village Wood will host a Jane Austen Holiday Tea Event on Sunday, December 6, 2015 at the Penfield Town Hall. The event will begin at Noon. For more information call Penfield Recreation at 340-8655. Tickets are $10.

3. Town offices will be closed on Wednesday, November 11, 2015 in observance of Veteran’s Day. The Penfield Library will remain open from 10:00 AM to 9:00 PM.

4. Customers may begin reserving Penfield lodges and shelters for 2016 on Tuesday, December 1, 2015 at 10:00 AM and can be reserved online or in person. For more information please visit www.penfieldrec.org.

5. The Penfield Trails Committee along with the Friends of Webster Trails will jointly explore the Four Mile Creek Preserve on Saturday, November 14, 2015 from 10:00 AM to Noon. Participants may pre-register by contacting the Penfield Recreation Department at 340-8655.

6. The Penfield Players announces its production of Noel Coward’s Private Lives and is currently running until November 14, 2015. Upcoming shows are November 6, 7, 13 and 14 at 8:00 PM and will be held at Penfield Community Center, 1985 Baird Road. To order tickets, please call the box office at 340-8655 or visit www.penfieldrec.org. Tickets will be sold at the door for $15.

7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, November 17, 2015 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

8. Town Attorney, Richard Horwitz congratulated Supervisor LaFountain, Councilwoman Kohl and Councilman Quinn on their re-election.

Public Participation – None

Additions and Deletions to Agenda – None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 7, 2015 Councilman Moore seconded and all voted “Aye.”

Petitions – None
#15T-188 Authorize the Supervisor to Sign an Intermunicipal Agreement with the County of Monroe by Moore

WHEREAS, Monroe County, on behalf of the Sheriff, is desirous of obtaining certain refueling services of its vehicles from the Town of Penfield; and

WHEREAS, the Town Public Works Facility located 1607 Jackson Road includes a fueling depot and the parties have determined that the cooperative use of this fueling will afford mutual advantages in terms of convenience and cost efficiencies; and

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Intermunicipal Agreement with the County of Monroe for a term of September 1, 2015 through August 31, 2016.

Moved: Moore
Seconded: Kohl

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

Adopted

#15T-189 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow an AT & T Store at 2150 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and a Conditional Use Permit under Article X-10-4-E of the Code to allow a 2,000 +/- square foot AT&T Store on .82 acres in the Business Non-Retail (BN-R) zoning district at 2150 Fairport-Nine Mile Point Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on December 2, 2015 at 7:00 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA during the Incentive Zoning approval process which was granted by the Town Board at which time the requirements for SEQRA for the overall development concept for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; 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 not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Metzler

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

Adopted
#15T-190 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Hair Zoo Salon at 2150 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and a Conditional Use Permit under Article X-10-4-E of the Code to allow a 2,000 +/- square foot Hair Zoo Salon on .82 acres in the Business Non-Retail (BN-R) zoning district at 2150 Fairport-Nine Mile Point Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on December 2, 2015 at 7:00 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA during the Incentive Zoning approval process which was granted by the Town Board at which time the requirements for SEQRA for the overall development concept for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; 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 not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Quinn

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

Adopted

#15T-191 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Moe’s Southwest Grill at 2150 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and a Conditional Use Permit under Article X-10-4-E of the Code to allow a 2,000 +/- square foot Moe’s Southwest Grill on .82 acres in the Business Non-Retail (BN-R) zoning district at 2150 Fairport-Nine Mile Point Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on December 2, 2015 at 7:00 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA during the Incentive Zoning approval process which was granted by the Town Board at which time the requirements for SEQRA for the overall development concept for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; and
Penfield Town Board, November 4, 2015

(Resolution #15T-191 - Continued)

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

Moved: Moore
Seconded: Quinn

Vote: Kohl Aye LaFountaine Aye
       Metzler Aye Moore Aye
       Quinn Aye

Adopted

#15T-192 Setting a Public Hearing for a Preliminary and Final Subdivision and Site Plan Approval to Allow 24 Town Homes on 6.7 +/- Acres Located at 1213 Fairport Nine Mile Point Road

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Subdivision and Site Plan approval under Articles VIII-8-2 and XI-9-2 of the Code to allow the development of 12 duplex units totaling 24 single family residences, on 6.7 acres at 1213 Fairport Nine Mile Point Road. The property is owned by Lynda Neufeld and is zoned RA-2 SBL# 095.01-1-54;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on December 2, 2015 at 7:00 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) this proposal is classified as an Unlisted action; 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 not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountaine Aye
       Metzler Aye Moore Aye
       Quinn Aye

Adopted

#15T-193 Amending Local Law #2 of 1994 for the Town of Penfield Entitled - Fire Sprinkler System Law

WHEREAS, a Public Hearing to consider amending Local Law #2 of 1994 to provide for the installation, maintenance, approval and compliance of fire sprinkler systems consistent with the New York State Uniform Fire Prevention and Building Code was held on May 6, 2015 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield New York; and
WHEREAS, notice of said Public Hearing was given as prescribed by Law, and any and all those who wished to be heard, either for or against the proposed amendments to Local Law #2 of 1994, were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Penfield, enact Local Law No. 2 of 2015, which is attached hereto as Schedule A and made a part hereof; and

BE IT FURTHER RESOLVED, this Local Law shall be effective upon filing with the Office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York Secretary of State as required by Law.

Moved: Moore
Seconded: Quinn

<table>
<thead>
<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzler</td>
<td>Aye</td>
<td></td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td>Quinn</td>
<td>Aye</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted

See Attachment at End of Minutes

#15T-194 Adoption of Credit Card Policy by Moore

BE IT RESOLVED, that the Town of Penfield hereby adopts the Credit Card Policy as set forth in attachment (A), and

BE IT FURTHER RESOLVED, such revised Policy take effect immediately.

Moved: Moore
Seconded: Metzler

<table>
<thead>
<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzler</td>
<td>Aye</td>
<td></td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td>Quinn</td>
<td>Aye</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted

See Attachment at end of Minutes

Public Works - None

Public Safety - None

Community Services - None

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:15 PM.
LOCAL LAW #2 of 2015
A Local Law Entitled “Fire Sprinkler System Law”

Section 1. Title
This Local Law shall be known as the “Town of Penfield Fire Sprinkler System Law”.

Section 2. Intent and Justification
It is the intent of this Local Law to provide for the installation, maintenance, approval and compliance of fire sprinkler systems within the Town of Penfield.

The greatest danger from fire is loss of life. The overwhelming number of lives lost in fires results from the inhalation of toxic fumes and smoke and not from the flames. It is therefore of extreme importance that fires are contained in the area of origin and extinguished as rapidly as possible. A sprinkler system is the most effective, simplest, least expensive form of fire protection. The installation of a sprinkler system at the time of construction results in only a minor increase in the total cost of construction and is a very small price to pay for the potential of saving of life.

Section 3. Definitions
a. Approved Fire Sprinkler System. Shall mean a fire sprinkler system approved by Factory Mutual, the National Fire Protection Association, or other nationally recognized approval organization as determined by the Town of Penfield Fire Marshal and/or Building Inspector, which said approval shall have been obtained prior to installation. Such system, to be approved, shall meet all standards of installation and operation as prescribed by such approval bodies and the manufacturer of the system. Any such installation and operation thereof shall be subject to the approval of the Town of Penfield Fire Marshal and/or Building Inspector.
b. Addition. Shall mean the extension or increase in area, height or equipment of a structure.
c. Alteration. Shall mean any change, rearrangement or addition to a structure, other than repairs, any modification in construction or in equipment.
d. Repairs. Shall mean replacement or renewal, excluding additions, or any part of a structure, with like to similar materials or parts, for the purpose of maintenance, preservation or restoration of such materials.

Section 4. Structures required to have fire sprinkler systems
a. Any structure construction after the effective date of this Local Law and used for the following purposes shall have an approved fire sprinkler system installed and operational:
   1. Compliance with Section 303 of the New York State Uniform Fire Prevention and Building Code.
   2. Other uses not enumerated above determined by the Fire Marshal to represent a high threat of fire, explosion, or the emission of toxic fumes in the event of fire.
b. Any alteration, addition or repair of a structure wherein the cost of that alteration, addition, or repair made within any six-month period exceeds fifty (50) percent of the value of replacement of the existing structure, excluding the alteration, addition or repair, shall be considered a structure "constructed after the effective date of this local law" within the meaning of this section.

c. Any change of use of an existing structure shall be considered a structure "constructed after the effective date of this local law" within the meaning of this section.

d. Replacement value of the existing structure shall be determined by equalizing the assessed value of the existing structure based on the most current tax assessment roll of the Town of Penfield.

Section 5. Compliance required prior to issuance of a building permit.

No building permit shall be issued for the construction of any structure required to have a fire sprinkler system under Section 4 of this local law, unless plans incorporating such fire sprinkler systems are filed with the Town of Penfield Fire Marshal's Office and Building Department.

Section 6. Approval required prior to issuance of a Certificate of Occupancy.

No Certificate of Occupancy shall be issued for any structure required to have a fire sprinkler system under Section 4 of this local law unless the system is installed, operational, inspected and tested.

Section 7. Applicability.

This local law shall supersede Local Law #2 of 1994 or any other local regulation regarding Town of Penfield fire sprinkler systems.

Section 8. Severability.

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

Section 9. Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.
Town of Penfield

CREDIT CARD POLICY

INTENT

Define the rules of use regarding the Town of Penfield credit card. The goal of this policy is to ensure the efficient daily performance of all operations of the Town of Penfield.

APPLICATION

The Town maintains one (1) credit card issued to the Town Supervisor with a credit limit of $5,000.

Use of the Town credit card must be authorized by the Supervisor and Comptroller upon request by a department head. The department head must specify the amount to be charged before use will be granted. All purchases are subject to the terms of the Town’s procurement policy and no single transaction may exceed $500. Upon approval of use, the department head or his/her designated user must sign out the card from the Finance Department.

Town credit cards are to be used ONLY for official Town of Penfield business. The Town credit card is not to be used for the purchase of alcoholic beverages or tobacco or for personal purchases. All use will be used in compliance with Town policies.

All receipts for credit card purchases, approved conference request and proof of attendance (if applicable) must be promptly submitted to the Finance Department for payment processing. Receipts must include user’s name and itemized descriptions of purchases and amounts charged.

Any charges which do not comply with the procedures and policy of credit card use will be the responsibility of the employee.

Users have the responsibility to notify the Comptroller immediately, in the event a card is lost or stolen.

ADOPTED: 11/04/2015

10/30/2015