PENFIELD TOWN BOARD AGENDA
Wednesday, January 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 – December 16, 2015

VI Petitions

VII Resolutions by Function
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   16T-051 Authorization to attend the NYS Association of Towns Conference
   16T-052 Setting a Public Hearing for a Conditional Use Permit to Allow a
   Catalog Company at 1807 Penfield Road
   16T-053 Setting a Public Hearing for a Conditional Use permit to Allow an
   Art Store and Art Lessons at 1822 and 1826 Penfield Road
   16T-054 Granting Relief from Resolution No. 13T-156 Pertaining to the
   Permitted Hours of Operation of the Outdoor Dining Area for
   Jeremiah’s Tavern Located at 2164 Fairport Nine Mile Point Road
   16T-055 2016 Budget Adjustment

Public Works – None

Public Safety
   16T-056 Approval to attend the Annual Continuing Educational
   Conference
   16T-057 Award Contract for 2016 Property Maintenance to Maintain,
   Clean-up and Secure Properties as needed by Authorized Official

Community Services
   16T-058 Advertising for Bids for Printing Program Brochure
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VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, January 20, 2016 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. Please remember to adopt a fire hydrant this winter season by clearing snow from the hydrant nearest your property. Thank you for assisting our emergency services provider.

2. Supervisor LaFountain read a message that can be found on the Town’s website pertaining to a proposed moratorium on development of Shadow Pines and Shadow Lake properties. (see attached)

3. The Penfield Trail’s Committee will host its annual indoor hike on Saturday, February 13, 2016 at 10:00 AM at the Penfield Town Hall Auditorium, 3100 Atlantic Avenue. To pre-register and for more information please call Penfield Recreation at 340-8655, option 6.

4. Penfield Recreation will hold a mystery dinner theater featuring "The Case of the Star Trek Lovers" on Thursday, February 11, 2016 at 6:30 PM at the Dolomite Lodge. For more information and to purchase tickets please call Penfield Recreation.

5. Councilwoman Kohl’s next Community Chat will be held on Tuesday, February 16, 2016 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Jeff Burns, 39 Scarborough Park, stated he is one of the administrators of the "Save the Heart of Penfield" Facebook page and that there have been approximately 700 likes and 10,000 views. The page was developed to distribute information on the Shadow Pines Golf Course sale and potential residential development and to allow the public to voice their opinions.

Mr. Burns asked the Town Board to explain how the moratorium would work and expressed concern about the maintenance of the golf course.

Supervisor LaFountain stated the intent of the proposed moratorium is to give the Board more time to flush out all the possible implications of Shadow Pines no longer being a golf course and the potential development of it. He further explained that in order for the Board to pass such a moratorium they have to go through the regular procedure of having a Public Hearing to get input from the community, to introduce legislation and to vote on the passage of a moratorium.

LaFountain stated that the earliest a resolution could be passed would be sometime in March or April due to legalities. He went on to say that he has advised staff that, if any applications are received for any of the properties, not to accept them until the process is completed.

Mr. Burns thanked the Town Board for their quick action on this issue. He also asked if part of the exploration process will be to look into keeping the parcel as a golf course.
(Public Participation - Continued)

Supervisor LaFountain stated the Town Board will look at all possibilities and will assemble a group of representatives comprised of town residents, members of the school district and other agencies, that have direct interest such as County and State, to vet out all possibilities and bring recommendations back to the Town Board. The committee will be comprised of less than 20 to 25 people.

Mr. Burns asked what the selection process will be for getting on the committee?

Supervisor LaFountain stated that anyone that has an interest will submit in writing their interest to the Town Board and the Board will make a selection.

Mr. Burns inquired about the possibility that there may have been development restrictions on the Shadow Lake and the Shadow Pines properties.

Supervisor LaFountain stated they have begun to research this but have not come up with anything definitive yet.

Mr. Burns asked why the courses were zoned residential and recreational.

Supervisor LaFountain stated that the courses were zoned residential back to 1929. He went on to say that within the residential zone there is an item called conditional use which allows activities such as schools, churches, golf courses and other recreational facilities. Supervisor LaFountain also stated that every 10 years when the Town’s Comprehensive Plan gets updated, zoning is one of the items looked at.

Councilwoman Metzler commented that you need to be careful, under the law, when rezoning properties. By law you can’t zero in on just one property to rezone.

Mr. Burns asked if the Town or School District has money to acquire the property?

Supervisor LaFountain stated no.

Mr. Burns asked if the development that has been proposed for 86 homes is related to this project?

Supervisor LaFountain stated no.

Mr. Burns asked if these potential new developments would increase property taxes?

Supervisor LaFountain stated there is no current proposal to the number of homes or their price, so there is no way to tell at this time.

Mr. Burns stated he is in favor of the proposed moratorium.

Robert Peterson, 1931 Clark Road read a statement that he had prepared which is attached to the Minutes. He is in favor of the moratorium.

Mr. Peterson asked how a bar and grill was permitted within a residential zone?

Supervisor LaFountain stated that it was a part of an accessory use to the golf course. He went on to say that when it goes up for review, this is one of the many things that will be looked at.

Mr. Peterson expressed interest in serving on the committee.

He also stated he feels that Channel 12 should be up and running to keep residents informed.
Supervisor LaFountain stated that Channel 12 is up and running and that this meeting is being broadcast live, but the Town has lost the playback capability and that piece of equipment costs $65,000 to replace. He went on to say that the entire meeting is available online whenever anyone wants to view it. The Town is exploring other alternatives including partnership with the Town of Irondequoit.

Pete Serron, 20 Willowview Drive, stated he is concerned with the environmental impact, traffic, school district and the resulting impact on property values and property taxes. He asked if Shadow Pines has actually been sold?

Supervisor LaFountain said the property has not been sold, but was put on the market last Wednesday.

Mr. Serron is in favor of a moratorium.

Kate McArdle, 15 Hillside Road stated she is in full support of a moratorium and asked the Town Board to get information to the public as quickly as possible so that they can share it on the "Save the Heart of Penfield" Facebook page. She asked what is the best way to apply for membership on the committee?

Supervisor LaFountain stated e-mail would be best along with letters of interest and other supporting documentation.

Ms. McArdle inquired whether there have been any meetings conducted with potential developers?

Supervisor LaFountain stated that he has not met with any developers and is not aware of any meetings being held with any other Town Board members.

Jim Froom, 11 Denonville Ridge, spoke out against having the Shadow Pines golf course developed as residential housing. He stated it would be interesting to see if any resolutions were written pertaining to the development of the golf courses. He asked Supervisor LaFountain to revise the first paragraph of his written statement that is posted on the Town’s website pertaining to the potential sale of the golf course. He feels the statement is confusing.

Mr. Froom asked the Town Board who manages the rock quarry?

Supervisor LaFountain said the quarry has been managed by the State since the 1980’s.

Mr. Froom also voiced concern that if the golf courses are not maintained in the spring it will become problematic for future use.

Mel Callan, 1410 Harris Road, stated she wants to make sure, that Shadow Lake and Shadow Pines golf courses have not been sold and that the Town staff have been instructed not to accept any proposals for the development of the parcels.

Supervisor LaFountain stated “that is correct.”

Ms. Callan asked if any plans had been submitted prior to these instructions?

Supervisor LaFountain stated that he is not aware of any submissions, but did say there have been some inquiries.

Tim Murphy, 48 Corral Drive stated he supports the moratorium.

Mr. Murphy asked what is the Town’s current fund balance?
Supervisor LaFountain stated that it is approximately $3.8 million. He also stated that not all of the balance is uncommitted and that some of the funds are specifically restricted for items such as equipment and building and maintenance.

Mr. Murphy stated he had served as a volunteer on the Parks and Recreation Advisory Board for more than 12 years, but that Board had been dissolved. He believes this may be an opportunity to resurrect that Board.

Mr. Murphy asked Supervisor LaFountain if it would be possible to post the report pertaining to field mowing, in terms of cost and benefits, on the Town’s website?

Mr. Murphy also said he has noticed that many agendas are posted on the Town’s website for the different Boards and Committees, but no Minutes are posted for many of them.

Supervisor LaFountain stated that the Town Board Legislative minutes and Work Session minutes are posted, but will look into why the others are not.

Mr. Murphy stated he is specifically looking for Planning Board minutes.

Mr. Murphy stated he is concerned that the Penfield Community TV no longer offers playback of the Town Board meetings. He would like the Town Board to make a decision soon on how to solve the issue.

Mr. Murphy asked why the Planning Board was reduced from seven (7) to five (5) members?

Supervisor LaFountain stated that under Town Law the Planning Board can have either five (5) or seven (7) members. He stated that last year there was a resignation and a member’s term was up. At that time the Town Board decided to make it a five (5) member Board.

Mr. Murphy stated he would like the Town Board to continue to do their due diligence on all Town issues.

Lastly, Mr. Murphy stated he would like to be considered for the Golf Course Committee.

Mel Callan asked Supervisor LaFountain to respond to her e-mail in which she requested the names, addresses and phone numbers of those who have contacted the Town with concerns about the lack of the Town’s ability to rebroadcast the Town Board meetings. She went on to say that the Town should be able to afford $65,000 for the community service the broadcast provides. She stated she looks forward to Supervisor LaFountain’s response.

Jeff Burns asked what the franchise fees are that the Town receives from Time Warner?

Supervisor LaFountain stated that for 2015 it was approximately $350,000.

Mr. Burns asked what PCTV’s Budget is?

Supervisor LaFountain stated it is approximately $260,000.

Mr. Burns asked if the figure would drop if the equipment is not purchased?

Supervisor LaFountain stated that budget takes into account all items such as labor, benefits, equipment and contracts.
(Public Participation - Continued)

Mr. Burns stated he read that in 2002 there was a referendum to allow Penfield residents to vote on whether or not to borrow $10 million dollars to purchase properties and development rights targeted for the preservation of open space and the residents voted to approve. He asked if there is a possibility to do something similar in regards to the golf courses?

Supervisor LaFountain stated that would be part of the "vetting out" process.

Mr. Burns read three (3) comments that had been posted on the "Save the Heart of Penfield" Facebook page.

Lastly, Mr. Burns asked, in reference to the Parkview Neighborhood and the Baker Commodities air quality issue, the Town Board would be willing to support the Parkview Neighborhoods calling for a Public Hearing.

Councilwoman Metzler stated that she has requested a Public Hearing in writing to the Department of Environmental Conservation. She also mentioned she asked DEC to extend the comment period. She plans to have her three (3) page submission put on the Town’s website under the Baker Commodities category. The Town Board is in support of a Public Hearing.

Mr. Murphy stated, on behalf of the Penfield Democrats they are also in favor of the Public Hearing.

Gerry Russ, 101 Heather Drive stated that the sale of the golf courses may be an opportunity to acquire some of the property to extend Whalen Road to intersect with Panorama Trail in order to alleviate traffic in areas like Huntington Meadow.

Councilwoman Metzler stated that the Town Board and the Town Attorney have spent hours talking and researching the future sale of the golf courses. They decided it would be best for everyone if they acted quickly to start dealing with this situation.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of December 16, 2015 Councilman Quinn seconded and all voted “Aye.”

Petitions - Kevin Gallagher wrote in to request the Town Board to review and modify the Town Wide Sidewalk Policy.

Resolutions by Function

Law and Finance

#16T-051 Authorization to attend the NYS Association of Towns Conference by Moore

WHEREAS, the New York State Education Department requires all Professional Engineers to obtain annual training; and

WHEREAS, it is in the town’s best interest to have staff members attend training workshops to gain knowledge pertaining to current practices in stormwater management, administrative management, street maintenance, traffic operations, and construction management; and

WHEREAS, the NYS Association of Towns is an industry leader in training for municipal professionals, and

(Resolution #16T-051 - Continued)
NOW, THEREFORE, BE IT RESOLVED that the Town Engineer is hereby authorized to attend the NYS Association of Towns, to be held from February 15-16, 2016 for a cost not to exceed $1,500. This cost will be allocated from the 2016 departmental conference budget line. Authorized expenses will be reimbursed by the Town upon presentation of a properly completed voucher with supporting documents.

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-052 Setting a Public Hearing for a Conditional Use Permit to Allow a Catalog Company at 1807 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to §250-5.10. D (17) of the Code to allow a catalog company at 1807 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” and determined the proposal to be a Type II action pursuant to 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 February 17, 2016, 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 catalog company at 1807 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

#16T-053 Setting a Public Hearing for a Conditional Use Permit to Allow an Art Store and Art Lessons at 1822 and 1826 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board to consider the issuance of a Conditional Use Permit pursuant to §250-5.10. D (10) of the Code to allow an art store and art lessons at 1822-26 Penfield Road, located in the Four Corners (FC) zoning district”;

(Resolution #16T-053 - Continued)
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” and determined the proposal to be a Type II action pursuant to 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 February 17, 2016, 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 an art store and art lessons at 1822-26 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: Metzler

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<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
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<tr>
<td></td>
<td>Metzler</td>
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<td>Moore</td>
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<td>Quinn</td>
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Adopted

#16T-054 Granting Relief from Resolution No. 13T-156 Pertaining to the Permitted Hours of Operation of the Outdoor Dining Area for Jeremiah’s Tavern located at 2164 Fairport Nine Mile Point Road by Moore

WHEREAS, on February 20, 2013, in Resolution 13T-81, the Town Board of the Town of Penfield granted preliminary and final resubdivision and site plan approval and a conditional use permit to allow the construction and operation of a 6,500 square foot sit-down restaurant with an accessory 2,600 square foot outdoor dining patio at 2164 Fairport Nine Mile Point Road; and

WHEREAS, Condition #7 of said approval resolution limited the permitted hours of use of the outdoor dining patio from 11:00 AM to 10:00 PM on a daily basis; and

WHEREAS, the applicant determined that the restricted hours were detrimental to the success of the business and requested relief from condition No. 7 of said resolution to extend the permitted hours of use from 11:00 AM to 11:00 PM; and

WHEREAS, after holding a Public Hearing on May 1, 2013 at 7:30 PM on said date, to consider the applicant’s request for relief from Condition #7 of Resolution 13T-81 and to hear all persons interested on the question of granting relief from Condition #7 of Resolution 13T-81 to allow later hours of operation of the outdoor dining patio the Board granted its request subject to conditions, based on a determination of findings of fact; and

WHEREAS, the applicant met with the Town Board at its February 11, 2015 Work Session and had again requested relief from the permitted hours of use of the outdoor patio from 11:00 AM to 1:00 AM which was his original proposal at the time he requested approval of the restaurant from the Board; and

(Resolution #16T-054 - Continued)
WHEREAS, the applicant demonstrated that the use of the outdoor patio area during the previously approved hours of 11:00 AM to 11:00 PM have been in compliance with the Board’s conditions of approval and had not been a nuisance to area residents, and the Town Board held a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on April 15, 2015 at 7:00 PM to consider the applicant’s request for relief from Resolution 13T-156 and to hear all persons interested on the question of granting relief from Resolution 13T-156 to allow later hours of operation on the outdoor dining area of the Jeremiah’s Tavern at 2164 Fairport Nine Mile Point Road; and

WHEREAS, the applicant did demonstrate that it has made a good faith effort to mitigate any potential noise impacts to area residents for the period of time that the outdoor patio has been in use; and

WHEREAS, the public perception was that the Town Board should wait a period of one (1) year prior to considering the applicant’s request to ensure that the applicant builds a consistent record of noise abatement regarding the use of the outdoor dining patio; and

WHEREAS, the Town Board has determined that a period in excess of one (1) year has passed and the applicant has maintained compliance with the requirements of the Penfield Noise Ordinance regarding the use of said outdoor dining patio.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request to extend the hours of operation of the outdoor dining patio is GRANTED subject to the following conditions:

1. The Board hereby extends the hours of use of the outdoor dining patio from 11:00 AM to 1:00 AM on a daily basis.

2. The applicant shall be permitted to continue to provide “piped music” to the patio and shall be permitted to have television sets on the patio subject to compliance with Article IV-4-9 (Noise Ordinance) of the Penfield Zoning Ordinance.

3. The applicant has expressed interest in providing live music on the patio during Happy Hours (4:00 PM – 7:00 PM). The Town Board has stated that the applicant may do so on an infrequent basis through the Temporary Recreation Permit process to determine the potential impacts associated with such activity. The Board would like the applicant to utilize the Temporary Recreation Permit process prior to requesting a Conditional Use Permit for the continuous use of live music during Happy Hour. In addition, any such live music shall be acoustical in nature and in no case shall any musician utilize an amplification system that could potentially create noise impacts to area residents.

4. The applicant shall continue to be required to provide area residents with the on-site manager’s contact information to address and abate any valid noise issues experienced by them.

5. Failure to comply with the conditions set forth hereinabove may result in the Town Board requiring a review of the applicant’s Conditional Use Permit for non-compliance. In the event that the applicant is found to be non-compliant, it will be required to abate the violation by whatever means necessary subject to Town Board approval.

The Board bases its decision to extend the applicant’s hours of operation on its following findings:

1. The applicant had expressed concern to the Board that it has expended approximately $2.4 million on the site and that it could not justify the cost without being able to market the use of the site to its fullest practicable extent.
2. The applicant has been limited to hours of use for the outdoor dining patio originally from 11:00 AM to 10:00 PM (Resolution 13T-081), and then from 11:00 AM to 11:00 PM (Resolution 13T-156). The applicant has operated until 11:00 PM in excess on one (1) year in compliance with the Town Board’s requirements and has demonstrated a good faith effort to mitigate any noise impacts to area residents during that period. There have been no noise nuisances related to this outdoor dining area since it has opened based upon neighbor reports, Town investigations and Town records. The applicant has demonstrated that he is a good neighbor and the Board has every reason to believe that the applicant will continue to make every effort to ensure that the use of the outdoor dining patio will not adversely impact the adjacent residential neighborhood.

3. The Board continues to encourage the applicant and the residents who have expressed concern regarding this proposal to meet periodically to ensure that a relationship among all parties can be established and that concerns, if any, can be immediately addressed to all parties’ satisfaction.

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-055  2016 Budget Adjustment by Moore

WHEREAS, a budget amendment is necessary for reconciliation of the workers compensation accounts, 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 following budget amendment be approved:

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Moved: Moore
Seconded: Quinn

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

Adopted

Public Works - None

Public Safety

#16T-056  Approval to Attend the Annual Continuing Educational Conference by Quinn

WHEREAS, the Finger Lakes Building Officials Association, Inc. is holding its Annual Continuing Educational Conference for Code Enforcement Officers at the RIT Inn & Conference Center, Rochester, New York on March 14, 15, 16 and 17, 2016; and

(Resolution #16T-056 - Continued)
WHEREAS, this program will be certified by the New York State Department of State Office of Fire Prevention and Control as meeting 24 of 24 hours of in-service training requirements for code enforcement officials;

NOW, THEREFORE, BE IT RESOLVED that Thomas Alexander, Assistant Building/Code Compliance Inspector; Jeffery David, Assistant Fire Marshal; Andy Suveges, Building/Code Compliance Inspector; and Harold Morehouse, Building and Zoning Administrator, Thomas Tette, Department Head, Building, Fire, Code Compliance and Zoning, to attend the Annual Continuing Educational Conference March 14, 15, 16 and 17, 2016 at the RIT Inn & Conference Center, Rochester, New York. There will be no lodging or mileage reimbursement. Registration fees of $1,950.00 shall be allocated from departmental conference budget line.

Moved: Quinn
Seconded: Metzler

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

Adopted

#16T-057  Award Contract for 2016 Property Maintenance to Maintain, Clean-up and Secure Properties as needed by Authorized Official by Quinn

WHEREAS, sealed proposals were requested for the maintenance, clean-up and securing of properties that may become abandoned, neglected and/or otherwise inadequately maintained by the owner thereof in accordance with the applicable property maintenance code requirements of the Town of Penfield; and

WHEREAS, on Friday January 15, 2016 at 11:00 AM local time, a sealed proposal was received from Boon & Sons, Inc. and was read publicly by the Town Clerk; and

WHEREAS, Boon & Sons, Inc. is the lowest responsible bidder for meeting the specifications as set forth in the bid for 2016 Property Maintenance, and

NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board hereby awards the bid to Boon & Sons, Inc., 1 Boon Drive, PO Box 370, N. Chili, NY 14514

BE IT FURTHER RESOLVED, that funds for said work are budgeted for in the 2016 adopted budget.

BE IT FURTHER RESOLVED, that the Town of Penfield will include a 25% administrative fee for each service provided and said fee will be charged to the property receiving the required maintenance service.

Moved: Quinn
Seconded: Moore

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

Adopted

Community Services
BE IT RESOLVED, THAT the Director of Recreation be, and hereby is, authorized to advertise in the manner prescribed by Law for sealed proposals, to furnish the Town of Penfield the following:

Printing of the Recreation Department Seasonal Program Brochure.

BE IT FURTHER RESOLVED, THAT the service is covered by such sealed proposals as in accordance with specifications prepared by the Director of Recreation. Sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM EST February 11, 2016 and then and there to be opened and read publicly.

Moved: Kohl
Seconded: Quinn

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

Adopted

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Euchre and Beginning Pickleball classes for 2016, for a fee of 70% of total program revenue. Voucher to be submitted on a monthly basis as needed.

Usah Shah, 688 East Ave. Apt. 7c, Rochester, NY 14607, Instructor for Meditation classes, for 2016 for a fee of 70% of total program revenue. Vouchers to be submitted on a monthly basis as needed.

Donovan Shilling, 1765 Five Mile Line Rd., Penfield, NY 14526, Guest speaker for the Tea with D - Marvels and Myths of Rochester Series for 2016 for a fee of $35 for each lecture. Vouchers to be submitted at the end of each month.

Joyce Bossard, 841 Corwin Rd., Rochester, NY 14610, Instructor for Beginning Knitting for 2016 for a fee of 70% of total revenue. Voucher to be submitted as needed.

Karen Noske, 626 Adeline Dr., Webster, NY 14580, Guest Speaker for Thursday Lecture Series for 2016 a fee of $50. Voucher to be submitted as needed.

Rosemary Irwin, 10 Blossom Circle West, Rochester, NY 14610, Facilitator for DEAR programs for a fee of $25 for each class for 2016 and Guest speaker for Thursday Lecture series for $50 each lecture. Vouchers to be submitted as needed.

Luz Marie Herrera, 15 Cricket Hill Dr., Pittsford, NY 14534, Arthritis Exercise Instructor, for fee of $30 a class. Vouchers to be submitted on a monthly basis as needed.

Kit Nelson, 27 Raymond Dr., Penfield, NY 14526, Facilitator for DEAR classes for 2016 for a fee of $25 each class. Voucher to be submitted as needed.
John Kowiak, 33 Charisma Drive, Rochester, NY 14606, Instructor for DEAR classes for 2016 for a fee of $35 per class. Vouchers to be submitted as needed.

Emma Milligan, 329 Eaglehead Rd., East Rochester, NY 14445, Instructor for YOHP Classes for 2016 for a fee of 70% of total revenue and for facilitator of DEAR programs at $25 a class. Voucher to be submitted as needed.

John Schmeelk, 3 Meadow View Dr., Penfield, NY 14526, Instructor for DEAR classes at $25 per class, and a fee of $50 per lecture. Vouchers to be submitted on a monthly basis as needed.

Polish Heritage Society of Rochester, St. John Fisher College, Skalny Welcome Center, 3690 East Avenue, Rochester, NY 14618, Instructor for Pisanki (egg decorating) Program, on 3/12 from 1:00 PM - 4:00 PM for a fee of 70% of total revenue. Voucher to be submitted on 3/2/16.

Chris Roos, 6 Terrace Hill Drive, Penfield, NY 14526, Instructor for Computer Small Group sessions for 2016 for a fee of 70% of total revenue. Vouchers to be submitted as needed.

Ken Scott, 107 Fairview Circle, Webster, NY 14580, Director Penfield POPS Band, 9/1/15 - 12/31/16 for a fee of $75.00 per session. Vouchers to be submitted monthly.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth 1/16/16 - 3/19/16 & 4/9/16 - 6/25/16 and adults 1/11/16 - 3/14/16 & 4/4/16 - 6/15/16 for the fee of 70% of program revenues. Voucher to be submitted on 3/16/16 & 6/15/16.

Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 3 Edmar Ct., Rochester, NY 14467, to provide officials for the Adult Basketball League, 1/17/16 - 4/11/16, for the fee of $27.00 per official per game plus league registration. Vouchers to be submitted each month.

Dave Coin, 280 Liberty Ave., Rochester, NY 14622, Scorekeeper for adult basketball league, 1/17/16 - 4/11/16 for the fee of $14.00 per game. Voucher to be submitted 4/6/16.

Mike Fusare, 6 Chamberlain Road, Honeoye Falls, NY 14472, Youth Volleyball, 1/30/16 - 2/20/16 and 3/12/16 - 4/2/16, for a fee of 75% of the total program revenue after all other program expenses are deducted. Voucher to be submitted 4/6/16.

Barb Bonisteel, 256 Rosemont Drive, Rochester, NY 14617, Instructor for youth music program, 1/15/16 - 12/20/16, for a fee 75% of program revenues. Vouchers to be submitted on a monthly basis.

Jodi Marcello, 20 Falcon Trail, Pittsford, NY 14534, Instructor for youth dance class 1/17/16 - 12/20/16 for a fee of 75% of program revenues. Vouchers submitted on a monthly basis.

Lindsey Hall, 115 Tuscany Lane, Webster, NY 14580, Instructor for youth art classes Pre-school Picasso, 1/16/16 - 12/11/16, for a fee of 75% of total revenues. Vouchers to be submitted first voucher date of each month.

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Youth Program Wiggles, Giggles & Jiggles 1/13/16 - 12/10/16 for a fee of 70% of program revenues. Voucher to be submitted on a monthly basis.

Bill Palmer, 4259 Nine Mile Pt. Road, Fairport, NY 14450 Adult Basketball Supervisor, 1/20/16 - 12/16/16, for the fee of $38.00 per night. Vouchers to be submitted on a monthly basis.

(Resolution #16T-059 - Continued)
Mark Banford, 939 South Plymouth Ave., Rochester, NY 14608 Instructor for youth and adult tennis instruction, 5/11/16 – 11/3/16, for a fee of 70% of program revenues. Vouchers to be submitted on monthly basis.

Shadow Lake Golf Course, 1850 Five Mile Line Road, Penfield, NY 14526, to provide golf starting times for Senior 50’s + program, 5/3/16 – 8/9/16 for a fee of $9.50 per paid participant. Voucher to be submitted on 8/17/16.

Strebel’s Tennis Service Inc., 186 Chamberlain Road, Honeoye Falls, NY 14472 to provide tennis instruction youth and adult 1/19/16 – 12/10/16 for a fee of 70% of program revenues. Vouchers to be submitted on monthly basis.

Sherry Murray, 76 Chippenham Dr., Penfield, NY 14526, Instructor for Youth, Pre School Programs 1/15/16 – 12/20/16, for a fee of 75% of class revenues. Vouchers to be submitted on monthly basis.

Young Explosives Corporation, PO Box 18653, Rochester, NY 14618, to provide fireworks display Saturday, July 2, 2016 for a fee of $12,000. Voucher to be submitted on 6/1/16.

Penfield Sport & Fitness, 667 Panorama Trail W., Rochester, NY 14625, Pre Natal Yoga, Water Yoga, Swim Lessons – 6 month – Age 3, Boot Camp with Phil, Yoga for Active Recovery, and Personal Training Package, 1/14 – 6/6/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 2/3, 3/16, 4/20, and 6/1/16.

Sea Dragons Swim Club, P.O. Box 112, Penfield, NY 14526, Competitive Swimming Intro, 4/5 – 4/28/16, for a fee of 70% of the total program revenue. Voucher to be submitted 4/20/16.

Ready to Respond Training Services, Domenic Danesi, 1440 Long Pond Road, Rochester, NY 14626, Babysitting – 1/18/16 & 3/26/16, and Safety First for Children – 1/16/16 & 3/19/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 1/20 and 4/6/16.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics Camp, Gymnastics – Beginner and Gymnastics for Tiny Tumblers – 2/1 – 5/15/16 for a fee of 75% of the total program revenue. Vouchers to be submitted 2/17, 3/16, 4/6 and 5/18/16.

True North Equestrian Center, 3476 Atlantic Avenue, Penfield, NY 14526, Horseback Riding Intro, 4/18 – 5/18/16, for a fee of 70% of the total program revenue. Voucher to be submitted 5/18/16.

Eagle Vale Golf Club, 4344 Nine Mile Point Road, Fairport, NY 14450, Junior Golf, High School Golf Academy, Golf – On Course Lessons, and Beginner – Intro to Golf, 4/23 – 5/19/16 for a fee of 70% of the total program revenue. Voucher to be submitted 5/18/16.

Perinton Youth Hockey, 80 Lyndon Road, Fairport, NY 14450, Intro to Ice Skating and Hockey, 1/10 – 2/14/16, for a fee of 70% of the total program revenue. Voucher to be submitted 1/20 and 2/17/16.

Maureen Ward, 46 Reynolds Road, Webster, NY 14580, Great Handmade Cards, 3/15 – 5/24/16 for a fee of 70% of the total program revenue. Vouchers to be submitted 4/6 and 5/18/16.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Painting and Drawing, 1/25 – 5/23/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 2/3, 3/2, 4/6 and 5/18/16.

(Resolution #16T-059 – Continued)
Melissa Salatino, 194 La Solis Drive, Rochester, NY 14626, Wine Glass and Canvas Painting, 4/7, 5/4 and 6/2/16, for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 4/6, 5/4 and 6/1/16.

Kathryn Boone, KB Dog Training, 105 Highwood Road, Rochester, NY 14609, Dog Obedience Classes – Beginner and Puppy Kindergarten, 1/16 - 5/14/16 for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 2/3, 2/17, 4/6 and 5/18/16.

Rees & Company, Inc., 147 Morgan Road, Scottsville, NY 14546, Remodeling Your Kitchen: Getting Started, 3/10 and 5/19/16 for a fee of 70% of the total program revenue. Vouchers to be submitted 3/16 and 5/18/16.

Victory Fitness, 52 Depew Street, Rochester, NY 14611, Forever Fit – 1/19 - 6/24/16, Stretch, Tone & Balance – 1/18 - 6/20/16, and Zumba Gold – 1/20 - 6/22/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 3/16, 4/20 and 5/18/16.

Rhonda Flint, 1170 Clarkson Parma TL Rd., Brockport, NY 14420, Barre, Pilates Mat Class, Vinyasa Yoga and Yoga for Beginners, 1/18 - 6/7/16 for a fee of 75% of the total program revenue per class for 10 or less registrants or a fee of 70% of the total program revenue per class for over 10 registrants. Vouchers to be submitted 2/3, 3/16, 4/20, and 6/16.

Alana Cahoon, 15 Summit Drive, Rochester, NY 14620, Getting the Body I Want, 1/20 - 3/23/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 3/16.

Sandra Sanzotta, 911 Lothario Circle, Webster, NY 14580, Saturday Low Impact Aerobics, 1/16 - 6/4/16 for a fee of 70% of the total program revenue. Vouchers to be submitted 2/3, 3/2, 4/20 and 6/1/16.

Marcia Orlandini, 11 Brookside Drive, Fairport, NY 14450, Volleyball Co-ed Play, 1/14 - 6/16/16, for a fee of $25.00 per class. Vouchers to be submitted 3/3, 3/16, 4/20, and 6/1/16.

Cathy Downs, 2120 Clover St., Rochester, NY 14618, Instructor for Sporty Sprouts, 1/16 - 5/21/16 for a fee of 70% of program revenue per session. Vouchers to be submitted 2/17/16, 4/6/16 and 5/18/16.

Mariya Napora, 985 Macedon Center Road, Macedon, NY 14502, Instructor for Simply Healthy, 1/20 - 4/13/16 for a fee of 70% of program revenue. Vouchers to be submitted 2/17 and 4/20/16.

Progressive Early Learning, 187 Gregory St., Rochester, NY 14620, Instructor for S.T.E.A.M. Foundations, 2/6 - 2/27/16, for a fee of 70% of program revenue. Voucher to be submitted 3/2/16.

Cathy Downs, 2120 Clover St., Rochester, NY 14618, Instructor for Platform Tennis 101, 1/20 - 3/19/16 for a fee of 70% of program revenue. Vouchers to be submitted 2/17/16 & 3/16/16.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business - None

Public Participation
Ed Lindskoog, 40 Willow Pond Way, asked if the Town Board had any new information on the elimination of standing water at Willow Pond woods and whether the ponds would be upgraded this year. He has enlisted four Boy Scout troops and a Cub Scout pack to help with maintenance in the area. He also mentioned that he would like overgrown vegetation in the area that is on Town property, to be cut back.

Supervisor LaFountain stated he has not spoken with the Department of Public Works about the vegetation that needs to be cut back but that it is an action item to trim the vegetation back from the right-of-way.

Mr. Lindskoog has had conversations with Mark Valentine, Town Engineer, Jim Costello, Director of Developmental Services and the Fire Marshal about the drainage issue.

Supervisor LaFountain stated he will follow up with them to make sure that it has been placed on the list to be taken care of in the spring.

Mr. Lindskoog stated that Andy Suveges, Code Compliance Officer has walked through the area, but has not found any code violations. Mr. Lindskoog said the standing water is on the fire access road on the west side of the building. He went on to say that there is a catch basin there, but the water does not flow to it.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 9:01 PM.

Amy Steklof, RMC/CMC
Town Clerk
A Message from Supervisor LaFountain:
Penfield Proposes Moratorium on
Development of Shadow Pines and Shadow
Lake Properties

2016-01-20 - A Message from Supervisor LaFountain: Penfield Proposes Moratorium on Development of Shadow Pines and Shadow Lake Properties
The recently announced sale of Shadow Pines and Shadow Lake golf courses has raised many questions and concerns from all members of the Penfield Town Board and the community.

Last Wednesday (January 13) the Dolomite Group listed Shadow Pines, Shadow Lake, and Greystone golf courses for sale. Shadow Pines has been closed as a business and is being marketed as a 200-plus acre residential development property. Shadow Lake and Greystone are being marketed as operating golf courses.

Shadow Lake and Shadow Pines have been operating as active golf courses in Penfield in the range of 30 to 40 years; all indications have been the properties would continue to be used as recreational open space.

However, the underlying zoning for the Shadow Pines property is R-1-20 (and has been zoned as such since 1929), meaning one-half acre lots.

The Penfield Town Board has serious concerns about a large-scale residential development and the impacts it could have on this area of town and throughout Penfield. Specific and immediate concerns include demands on traffic, roadways, drainage, utilities, infrastructure, the school district, and public safety.

To address these concerns on behalf of our residents, the Penfield Town
Board proposes to introduce a local law to place a moratorium on all development of the Shadow Pines and Shadow Lake properties for a minimum of six to twelve months.

If the moratorium is approved, the Town Board would then look to establish a committee of interested residents and involved agencies and charge them to study any potential uses and impacts of these properties.

At the end of the study period, the committee would report all findings and recommendations to the Town Board for action.

I will continue to share updates with residents as we become aware of—and verify—information by using www.penfield.org and other methods of communicating with residents.
January 20, 2016

Penfield Town Board:
Tony LaFountain, Supervisor

Topic: Proposed Shadow Pines Golf Course Sale for Residential Development

Marge and I are 51 year residents of Penfield. After my completion of military service in 1964 we moved into a second floor apartment on Brebeuf Drive. 1966 William Seeler built our first home at 152 Willow Bend Drive in Village Green. 1988 Peter & Ted Jablonski built our current (and final) home at 1931 Clark Road – just across from the ninth tee of Shadow Pines. Our daughter and grandson live at 19 Skyview Lane and currently have a view of the sixth green.

We moved here by choice, raised a family here, and plan to stay. It's a great town.

We love our home and the beautiful natural surroundings. Most of all, the abundant wildlife – deer, turkey, fox, coyote, heron, hawk, and pileated woodpeckers that traverse our backyard and the golf course.

That is all about to change.

The impending sale of Shadow Pines is very troubling. For us, it portends loss of property value, increased school taxes, increased traffic, and years of dust, noise, and disruption while the development builds out. As a golfer, I mourn the loss of one of the best public courses within reasonable driving distance. In short, our quality of life is about to take a serious hit.

These are some of my current concerns:

- The whole process seems out of local control. Jack Odenbach, a resident of Webster, heads up Dolomite Products, which is part of Oldcastle Materials based in Atlanta, GA. Oldcastle is the US division of CHR plc. CHR plc is a $20 billion building materials corporation located in Dublin, Ireland. Apparently, the decision to market Shadow Pines for development rather than as a golf course was made by the Tampa office of Marcus & Millichap, a $500 million California Realty corporation. Mr. Odenbach indicated that the sale of Shadow Pines is “out of our hands”. Not very comforting. The town needs to establish control of what is shaping up to be a development nightmare.

- Drainage from the Shadow Pines front nine has been a problem in the past. The pond at the ninth tee would occasionally flood across Clark Road because the 6 inch underdrain was insufficient. Before our house was built in 1988 the underdrain was enlarged to 12 inches and extended and now exits on the rear of our lot and becomes a tributary of Hipp Brook. During spring thaws and after periods of heavy rain the 12 inch pipe is maxed out. A development of new homes can only make it worse. The town engineer suggests the most likely solution is bigger ponds. I hope he is right. If the town has to dig up my yard to install a bigger drain and ends up killing our 25 year old purple beech and dogwood, we are going to have a serious problem.
• As part of normal maintenance, Shadow Pines took very good care of all three ponds. The ninth hole pond was aerated and weeds were kept mowed. Even the geese were chased. Who will maintain the ponds when the houses are built? Are they going to look like the Village Green South eyesores across from the cemetery?

• The Marcus & Millichap listing states: “R-1-20 zoning allows for residential density of two plus dwellings per acre”. That exaggeration should be addressed before it creates problems.

• The Clark House is being marketed as a historic tavern with a fully renovated clubhouse and grill with fine and casual dining options. R-1-20 zoning does not allow dining and bar & grill establishments as a permitted conditional use. If this exception to the ordinance is grandfathered, what prevents the new owner from operating a sports bar, roadhouse, or other undesirable food & drink establishment?

• A few comments regarding the quarry:

  A fence will be needed around the quarry to keep children and pets from falling into the pit.

  It used to be that Dolomite restricted blasting to Tuesday mornings. Now, it is whenever.

  It used to be that Dolomite, or the town, kept Whalen Road at the quarry exits well cleaned. Now, not so much. I can imagine what a mess it will be when the contractors are swarming.

• There will be issues about the location of access roads, traffic increases, school capacity and school busses. For the residents of Huntington Meadow and Clark, the prospect of a stream of contractor trucks commuting between their job sites and Home Depot is not pretty.

The town has much to think about and some serious planning to do. After all, we are The Town of Planned Progress. I’m not sure how much we can do as a town. The Huntington Meadow residents were not able to prevent Home Depot from locating on Panorama Trail. However, the town administration was helpful in getting the speed humps installed and maintained.

Perhaps we can just slow things down a bit.

Thank you for listening.

Robert Peterson
1931 Clark Road

3 attachments
Property Information
- 211 Developable Acres MOL
- Historic 7,400 Sq. Ft. Clubhouse with Both Fine & Casual Dining Options
- R-1-20 Zoning Allows for Residential Density of Two Plus Dwellings per Acre
- Located Within the Rochester MSA

Investment Highlights
- Less Than One Mile From Some of Penfield’s Top Rated Schools
- 30-Mile Population - 969,768
- Average Household Income within Five-Mile Radius - $83,238
- Potential Opportunity to Partner With Sister Course Shadow Lakes for Community Amenities
Shadow Pines Residential Development Opportunity
Rochester, NY

Property Overview

Price: Market Bid
Down Payment:
Year Built:
Total Acreage: 211

Property Vital Data

211 Developable Acres
Historic 7,400 Sq. Ft. Clubhouse
R-2 Zoning for Residential Density
Less than One Mile From Top Rated Schools
30-Mile Population - 969,768

Investment Highlights

211.78 Acres
Historic 7,400 Sq. Ft. Clark House Tavern
Fully Renovated Clubhouse & Grill
Zoned for Up to 290 Units
8-10-20: 20,000 Sq. Ft. Lot Area with 100 Ft. Min Lot Width & 50 Ft. Min
Topography is Gentle Rolling Hills

Click Here to Register

View Map

Current Customers Login Here

Email Address: 
Password: 
Submit
Forgot password?

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