PENFIELD TOWN BOARD MEETING AGENDA
Wednesday April 20, 2016 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing: To Allow Live Music in the Outdoor Dining Area at 2124-2126 Five Mile Line Road (Cha Cha’s Wood Fire Bar & Grill) in the Four Corners (FC) Zoning District

Informal Discussion: To Consider the Possible Development of a Pet Hotel and to Discuss with all Persons Interested on the Question of Said Proposal at 125 Panorama Creek Drive

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – March 2, 2016

VII Petitions

VIII Resolutions by Function

Law and Finance

16T-107 Authorization and Ratification of a Hold Harmless Agreement with the Roman Catholic Diocese of Rochester, Church of the Holy spirit, Penfield, NY

16T-108 2016 Budget Amendment for Apportionment of PAVE-NY from NYS

16T-109 Authorization for Town Supervisor to Sign a Professional Service Contract with Edwin A. Summerhays Surveying for Stakeout Services in Connection with the Necessary Work at 504-B Penbrooke Drive
16T-110 Setting a Public Hearing to Consider Preliminary and Final Site Plan Approval to Allow a 600 Square Foot Addition to Joey’s Pasta House at 1789 Penfield Road

16T-111 Authorization for Supervisor to Sign Contract with Ronald L. Peckham for Facilitation Services

Public Works – None
Public Safety – None
Community Services - None

IX Old Business
X New Business
XI Public Participation
XII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, April 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
          Robert Quinn            Councilman

Also Present:  Amy Steklof       Town Clerk
               Richard Horwitz     Town Attorney
               Jim Costello       Director of Developmental Services

Absent:  Andrew Moore        Councilman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Jack Best and Eleanor Czarnecki who reported on the STOP HUNGER NOW Meal Packaging Event which was held at the Penfield Community Center, 1985 Baird Road on April 15 and 16, 2016. The event was successful with over 35,000 meals packaged by 350 volunteers from Monroe County communities. Please visit the STOP HUNGER NOW website and the STOP HUNGER NOW Facebook page for more details on the event.

Public Hearing #1 To Allow Live Music in the Outdoor Dining Area at 2124-2126 Five Mile Line Road (Cha Cha’s Wood Fired Bar & Grill) in the Four Corners (FC) Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on March 31, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. 25 postcards were mailed. Town Attorney Horwitz confirmed that this meeting is in order.

Paula M. Catalano, 2126 Five Mile Line Road stated that she would like to provide live music on Cha Cha’s Wood Fired Bar and Grill outdoor patio, Thursdays and/or Saturdays from 6:00 PM to 9:00 PM. She stated the music would be light in nature such as light Jazz or 70’s music. She also stated that the restaurant would not be adding any more tables or chairs than what’s already being provided. If the weather is not cooperating, the music will be brought indoors. She also stated that if the music was to disturb the neighbors they should call her at the restaurant.

Public Participation

Ron Baroody, 1805 Penfield Road stated he owns the buildings on both sides of Cha Cha’s and that he feels live music would be a detriment to the area. He also pointed out that when a Special Permit was issued back in November of 2012, a Condition of Approval was not to allow audible music on the outside of the restaurant. Then, in May of 2015, when an outside dining area was approved a condition of that approval was to not have any type of entertainment or music piped outside of the restaurant at any time.

Hearing closed.

Informal Discussion To Consider the Possible Development of a Pet Hotel and to Discuss with all Persons Interested on the Question of Said Proposal at 125 Panorama Creek Drive

The Town Clerk read the title of the above Informal Discussion; said Notice was published in the Penfield Post on March 31, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. 84 postcards were mailed. Town Attorney Horwitz confirmed that this meeting is in order.
(Informal Discussion – Continued)

Jerry Goldman, Attorney for the owners of the Pet Spa and Hotel, gave an overview of the proposed project.

Public Participation

Residents spoke against the development of this project, with one resident stating support for the project to move forward. Residents expressed a number of possible concerns such as noise, enforcement of rules, dog management, size of the facility, disappearing wild life, quality of life for neighbors, property values declining and zoning issues.

Councilwoman Metzler stated there would be no deliberation at this time and that this informal setting was just for residents to learn about the proposal. She also stated that the Town Board will discuss the current zoning and discuss whether the area needs to be rezoned. The Town Board will keep residents updated.

Hearing closed.

Communications and Announcements

1. The Town’s next Passport event will be held on Tuesday, April 26, 2016 from 5:30 PM to 7:30 PM. For more information and to sign up in advance, although registration is not required, please contact Town Clerk, Amy Steklof at 340-8629. Residents can visit the County Clerk’s website at www.monroecounty.gov/Clark-passports.php for application requirements.

2. Councilman Quinn read a Proclamation recognizing the month of May 2016 as Building Safety Month.

3. Opening Day for Penfield Little League will be on Saturday, April 30, 2016 at 9:00 AM. For more information, visit www.penfieldlittleleague.com.

4. All students, grades 6 – 8, in the Penfield Schools, or who are Penfield residents are invited to submit essays to compete in the Town of Penfield’s annual Memorial Day Essay contest. This year’s topic is “What is Memorial Day and Why Do We Honor it?” For more information please visit www.penfieldrec.org. All entries must be postmarked by May 11, 2016.

5. The Town of Penfield’s Spring Drop off will be held on Friday, May 13, 2016 from 7:30 AM to 5:00 PM and Saturday, May 14, 2016 from 9:00 AM to 3:00 PM at the Public Works Complex, 1607 Jackson Road. For more information visit the Town’s website.

6. The kick-off meeting of the Shadow Lake/Shadow Pines Community Advisory Committee will be held on Tuesday, May 3, 2016 at 6:00 PM in the Penfield Town Hall Auditorium, 3100 Atlantic Avenue. To follow future Shadow Lake/Shadow Pines Community Advisory Committee meetings and other updates please follow the Shadow Pines Moratorium Committee webpage at www.penfield.org.

7. Join the Penfield community on Saturday, May 14, 2016 for the 2nd Annual Terry Rothfuss Memorial Good Neighbor Day, to help with spring cleaning. Volunteers are needed to help seniors, veterans and disabled individuals to do light yard work and spring clean-up. Volunteers will meet at the Rothfuss Farm, 1865 Salt Road at 8:00 AM for refreshments and to receive assignments. For more information and to sign up to help or be helped, please call Sabrina Renner at 340-8651 or email srenner@penfield.org.
8. The Penfield Players annual melodrama returns with “Sneakypete Underhand’s Devious Dealings – or The Doctor is IN(sane).” Shows are at 8:00 PM, April 29, 30 and May 6, 7, 13 and 14 at the Penfield Community Center, 1985 Baird Road. To order tickets call 340-8655, option 6 or visit Penfield Recreation online at www.penfieldrec.org.

9. Councilwoman Kohl’s next Community Chat will be held on Tuesday, May 17, 2016 from 5:30 PM to 7:00 PM at the Penfield Library.

Public Participation

Ed Lindskoog, 40 Willow Pond Way, gave an update on the Trails Committee stating that the committee is committed to helping bring Willow Pond woods back to better use and have scheduled some work days to gather brush. He also stated that there have been issues such as asphalt being dumped on the property. He has spoken with Jim Costello, Director of Developmental Services, about the asphalt and Mr. Costello plans to pursue getting the asphalt removed. Mr. Lindskoog asked the Town Board to contact Mark IV to encourage them to address the issues that have occurred on the property.

Additions and Deletions to Agenda – None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of March 2, 2016 Councilman Quinn seconded and all voted “Aye.”

Petitions – None

Resolutions by Function

Law and Finance

#16T-107 Authorization and Ratification of a Hold Harmless Agreement with the Roman Catholic Diocese of Rochester, Church of the Holy Spirit, Penfield, NY by Moore

BE IT RESOLVED, that it is hereby authorized and ratified that the Town Supervisor of the Town of Penfield execute a Hold Harmless Agreement with The Roman Catholic Diocese of Rochester, Church of the Holy Spirit, in a form that has been reviewed and approved by the Town Attorney.

Moved: Quinn
Seconded: Metzler

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

Adopted

#16T-108 2016 Budget Amendment for Apportionment of PAVE-NY from NYS by Moore

WHEREAS, Senator Funke was able to secure an apportionment for the Town of Penfield as part of Local PAVE-NY, 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 2016 Budget Amendment be approved for the Highway Funds as follows:
Penfield Town Board, April 20, 2016

(Resolution #16T-108 – Continued)

Highway Fund Revenue:

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<th>Descriptions</th>
<th>Amount</th>
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Highway Fund Appropriations:

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<tr>
<th>Description</th>
<th>Amount</th>
<th>Revised Amount</th>
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<tr>
<td>DA0-5110-0003-3003</td>
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Moved: Quinn
Seconded: Kohl

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

Adopted

#16T-109 Authorization for Town Supervisor to Sign a Professional Service Contract with Edwin A. Summerhays Surveying for Stakeout Services in Connection with the Necessary Work at 504-B Penbrooke Drive by Moore

WHEREAS, the Town of Penfield sought quotes for professional survey services to stakeout the boundaries of town owned property at 504-B Penbrooke Drive; and

WHEREAS, three quotes were obtained and Edwin A. Summerhays was the low bidder; and

BE IT RESOLVED, that Edwin A. Summerhays Surveying, 2509 Browncroft Boulevard, Rochester, NY 14625, is awarded a contract to provide professional services for the stakeout of town land located at 504-B Penbrooke Drive, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Edwin A. Summerhays surveying for a professional services, not to exceed $1,000.00.

Moved: Quinn
Seconded: Metzler

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

Adopted

#16T-110 Setting a Public Hearing to Consider Preliminary and Final Site Plan Approval to Allow a 600 Square Foot Addition to Joey’s Pasta House at 1789 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for preliminary and final site plan approval pursuant to §250-12.2 of the Code to allow a 600 square foot addition to the sit-down restaurant at 1789 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
Penfield Town Board, April 20, 2016

(Resolution #16T-110 - Continued)

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 May 18, 2016, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of allowing a 600 square foot addition to the sit-down restaurant at 1789 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: Quinn
Seconded: Kohl

Vote:

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

#16T-111 Authorization for Supervisor to Sign Contract with Ronald L. Peckham for Facilitation Services by Moore

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a contract, not to exceed $8,000.00, with Ronald L. Peckham, P.E., C&S Companies, 499 Col. Eileen Collins Blvd., Syracuse, NY, to provide facilitation services to the Town of Penfield for the Moratorium Advisory Committee. Said contract to be acceptable to Town Attorney.

Moved: Quinn
Seconded: Metzler

Vote:

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Adopted

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 9:20 PM.

Amy Steklof, RMC/CMC
Town Clerk