PENFIELD TOWN BOARD AGENDA
Wednesday, May 18, 2016, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 – To Allow a 600 Square Foot Addition to the Sit-Down Restaurant at 1789 Penfield Road, Located in the Four Corners (FC) Zoning District

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – April 6, 2016

VII Petitions

VIII Resolutions by Function

Law and Finance
16T-132 Authorize the Town Supervisor to Execute Contract for Financial Consulting Services

16T-133 Authorization for Town Supervisor to Sign a Professional Service Contract with A-Tip Control Inc. for a Pilot Pond Treatment Program

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, May 18, 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
Jim Costello Director Developmental Services

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Barbara Quinn, the Coordinator for the Dayton’s Corners School and Museum which is located at the corner of Creek Street and Plank Road in Penfield.

Ms. Quinn announced that all are invited to the Annual Pie Social Sunday, June 5, 2016 from 2:00 PM to 4:00 PM, which will be held at Dayton’s Corner School. There will be free pony rides and music. Pie and lemonade will cost $3.00. Ms. Quinn introduced Carol Gagen who will play the part of Miss Manners at the school house. For more information please contact Barbara Quinn at 385-1491.

Public Hearing #1 To Consider Allowing a 600 Square Foot Addition to the Sit-Down Restaurant at 1789 Penfield Road, Located 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 May 5, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. 13 postcards were mailed. Town Attorney Horwitz confirmed that this meeting is in order.

Andrew Hintenach, Architect for the project proposed to put an addition and an outdoor seating area on the existing building at 1789 Penfield Road known as Joey’s Pasta House. He also stated that property owner, Sam DiPrima would like to modify the exit driveway and curb cut to NYS RTE 441 to make it more useable and easier for drivers to get in and out on NYS RTE 441. The addition to the existing building would be 12’ wide and 53’ long, 600 sq. ft. in size which would add more storage space and additional kitchen space and provide more room for patrons. Mr. Hintenach also stated that they plan to provide an additional exit. Mr. Hintenach also stated that new beige siding will be used on the east side of the building and more windows will be added.

Supervisor LaFountain inquired about the enhanced curb cut and if the access point to the west will remain.

Mr. Hintenach stated that when the lot is repaved that will also be repaved and become more distinguished as an entrance.

Supervisor LaFountain stated he assumes the access point out to Mott’s Lane to the rear will remain the same.

Mr. Hintenach stated that is correct.

Supervisor LaFountain asked if a new set of stairs will be added?

Mr. Hintenach said stairs will be added for functionality and will lead down to a more functional basement addition. Mr. Hintenach stated that the entire addition will make the restaurant a better functioning business.

Councilwoman Metzler inquired about additional seating.
(Public Hearing #1 - Continued)

Mr. Hintenach stated there will be 15 additional seats that are meant for those patrons waiting to be seated for dinner.

Councilwoman Kohl asked if the added number of seats includes upstairs seating.

Mr. Hintenach said yes.

Councilwoman Metzler asked if consideration has been given to additional parking.

Mr. Hintenach stated there are approximately 76 parking spaces.

Councilwoman Kohl asked if the restaurant has relationships with businesses nearby.

Mr. Hintenach stated yes.

Councilman Moore stated that the proposal seems to make the restaurant a more comfortable setting and makes it more convenient for the customers.

Supervisor LaFountain asked if there are any drainage issues on the east side due to the addition?

Mr. Hintenach said he did not believe so and that there is adequate green space that supports the drainage.

Supervisor LaFountain asked if PRC comments have been received that relate to the curb cuts and the feasibility of looking to remove versus relocating.

Mr. Hintenach stated it’s an issue since both driveways are currently not wide enough to be two-way and are located on two (2) properties. He stated there should be a curb cut on each one.

Supervisor LaFountain went over the next steps.

Public Participation - None

Hearing Closed

Communications and Announcements

1. Please join the Penfield Business Chamber for the 6th Annual Golf Tournament to benefit the Shepherd Home on Monday, July 25, 2016 at the Penfield Country Club. To register for the Golf Tournament please go to www.penfieldbusiness.org or call 348-8360 for more information.

2. The Town of Penfield will be hosting its annual Free Rabies Vaccination Clinic on Saturday, June 4, 2016 from 10:00 AM to Noon at the Public Works Complex, 1607 Jackson Road. For more information call Town Clerk Amy Steklof at 340-8629.

3. Penfield’s Annual Memorial Day Ceremony of Remembrance will be held Monday, May 30, 2016 at 10:30 AM at Veteran’s Memorial Park. To reserve a rose in honor or memory of someone who had served or is serving in our Nation’s Armed Forces, please call Sabrina Renner at 340-8651 or visit www.penfieldrec.org for more information.

4. Councilwoman Metzler spoke of the new Neighborhood Watch joint initiative between the Monroe County Sheriff’s Office, Zone A Crime Prevention and Ms. Metzler on behalf of the Town of Penfield. For details and assistance please go to www2.monroecounty.gov/sheriff-zones or contact Councilwoman Metzler at metzler@penfield.org.
5. Councilwoman Metzler recognized her nephew, Penfield resident Mitchell Krenzer for starting the program “Vacuums for Vets.” To keep vacuums out of landfills, Mitchell collects broken and discarded vacuums and refurbishes them and then donates the vacuums to vets in need. This year was the second year in a row that Mitchell got together with the Department of Public Works employees during the Town’s Spring Drop Off event where he collected 17 vacuums. Kudos to Mitchell for putting together this worthy program.

6. The Town offices and the Penfield Public Library will be closed on Monday, May 30, 2016 in observance of Memorial Day. The Penfield Library will also be closed on Saturday, May 28 and Sunday, May 29, 2016. For more information please visit www.penfield.org.

7. Join the American Legion Braman Post, Penfield’s Local History Room and the Penfield Trails Committee on Memorial Day, May 30, 2016 at 1:30 PM for a Veterans Recognition at Smith Pioneer Cemetery on Gloria Drive in East Penfield. For more information visit www.penfieldrec.org.

8. The Town of Penfield will hold a Music and Food Truck Rodeo at the Penfield Amphitheater and Kiwanis Stage on Friday, May 27, 2016 from 5:00 PM to 8:00 PM. Music will be performed by Penfield School District music groups. For more information, please visit www.penfieldrec.org.

9. The East Penfield Baptist Church, located at 2535 Penfield Road will hold a Pancake Breakfast Fundraiser on Saturday, May 21, 2016 from 8:00 AM to 11:00 AM. The Breakfast will be sponsored by the BARNYARD BOGGERS MUDRUNNERS. All proceeds will be used to repair and restore historic stained glass windows in the church. For more information please call 377-2786. The First Baptist Church of Penfield located at 1862 Penfield Road will also hold a Pancake Breakfast Fundraiser on the same day from 8:00 AM to 10:00 AM. All proceeds will go to support Penfield’s Ecumenical Food Shelf.

10. Councilwoman Kohl’s next Community Chat will be held on Tuesday, June 21, 2016 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Robert Colangelo, 1925 Clark Road thanked the Town Board for putting together the Shadow Pines Moratorium Committee. He stated that it is critical that the Task Force use the Town’s Master Plan when coming up with ideas for the use of the property. He stated he has been watching the committee meetings and noticed that when members of the committee try to refer to the Master Plan the Facilitator shuts it down. He is concerned about that. He went on to say that the Master Plan lays out what should happen with the Shadow Pines property over time. Mr. Colangelo feels that if the committee does not look at and refer to the Master Plan they will not be successful nor productive over time.

 Supervisor LaFountain stated that early on in the process the members that were selected for the committee were encouraged to read the Comprehensive Plan as well as the Zoning Ordinance for use as tools. The Town Board has been specific in saying they are willing to look at anything and everything that the task force proposes.

Mr. Colangelo stated he is concerned that the facilitator seems to be directing the committee away from the Master Plan is asking only for new ideas. He also stated he does not understand why the committee has been told that traffic is off limits for discussion.
Supervisor LaFountain stated that the traffic component is not off limits. He went on to say that when he charged the committee, which can be viewed on tape on the Town’s website, he told them that the Town Board will make available to them experts in and around traffic, sanitary sewers, stormwater management, etc.

Councilwoman Metzler asked who had stated that traffic is not a factor?

Mr. Colangelo stated he would have to look back at the tapes, but that it was said that the quarry and traffic are not to be discussed.

Councilman Moore said he is looking at the minutes of the meeting and that traffic is number 3 under considerations.

Councilwoman Metzler stated that in reference to the quarry there seems to be misperception that there should be no talk about the quarry, but, in fact, the quarry is part of the considerations to be discussed. Councilwoman Metzler went on to say that when members were invited to be on the committee the first thing they were given was an electronic version of the Comprehensive Plan.

Mr. Colangelo stated he is not impressed with the facilitator. He would like to know how much the facilitator is being paid and why was the facilitator chosen from Syracuse instead of someone in town?

Supervisor LaFountain stated that the Town Board did not want people to think they were steering this in any one direction so it was determined that it would be better to choose a facilitator that was not familiar with this area but had facilitation background.

Supervisor LaFountain stated the facilitator will receive payment not to exceed $8,000.00.

Jeff Burns, 39 Scarborough Park, member of the Save Shadow Pines group asked why there are only four (4) meetings scheduled for the Moratorium Task Force. He is concerned that the time frame will not give them enough time to vet out various ideas and come up with recommendations.

Supervisor LaFountain stated that the moratorium ends March 31, 2017, and additional meetings can be scheduled if needed. He informed Mr. Burns that the Moratorium Local Law was filed with the State and time consideration is needed for submitting recommendations to the Town Board as well as time for proper advertising and possible rezoning legislation.

Councilman Quinn stated that at the first meeting the committee made the determination to expedite the schedule to help move the process along. At that time meeting dates were chosen with time consideration for a potential site walk.

Mr. Burns stated that the Nature Conservancy had played a role in protecting other sites in Penfield and asked why they are not represented on the committee?

Supervisor LaFountain stated that there is a Conservation Board member on the committee and if necessary other experts in that area can be called upon to meet with the committee. Supervisor LaFountain went on to say that the Town Board was focused on keeping the committee efficient by choosing a reasonable number of members for the committee. The Conservation Board member will keep in contact with the Nature Conservancy and Genesee Land Trust if necessary.

Mr. Burns inquired about the quarry being buffered by Shadow Pines and Shadow Lake.
Supervisor LaFountain stated that can be included in the discussions and recommendations.

Mr. Burns stated that if the land is sold it will no longer be considered a buffer zone. He feels it is critical for the Task Force Committee to discuss whether it is rational to build residential property within that buffer zone. He also asked what the limits are of what the Task Force can discuss as it pertains to the potential effect the quarry will have on the land in that area.

Supervisor LaFountain stated that is one of the components being discussed.

Councilman Moore stated that the facilitator may not have been clear, but he was saying that the committee should not focus on the uses of the quarry.

Mr. Burns said, in terms of long term land use planning the committee should look at how the land fits in with what will happen to the quarry in the future.

Supervisor LaFountain stated the Town Board will charge the committee to include discussions on the quarry.

Mr. Burns stated that the Task Force has been divided into five (5) sub-committees, three (3) of which concern developing Shadow Pines. He feels more than one (1) committee should be looking at ways to protect the land as open space.

Councilman Moore stated that the committee members determined what sub-committees there should be and what they would discuss. He asked Mr. Burns to direct those comments towards the committee.

Supervisor LaFountain also stated that there will be a Public Information meeting in June. The purpose of that meeting will be for the Task Force Committee to give a progress report to residents and for the residents to comment on what they would like to see happen with the properties. He also mentioned that residents can submit a form with their comments on the Town’s website.

Mr. Burns asked why wasn’t one of the committee ground rules to have its members read the Town’s Comprehensive Plan and Town Code?

Supervisor LaFountain stated the documents were sent to all Task Force Committee members.

Mr. Burns asked if Shadow Pines had been offered to the town at a discounted price?

Supervisor LaFountain said no.

Mr. Burns ended by saying that it would be a great opportunity for the Town of Penfield to purchase this land to preserve open space.

Additions and Deletions to Agenda

Councilman Moore moved to add Resolution 16T-134 to the agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 6, 2016 Councilman Quinn seconded and all voted “Aye.”

Petitions - None
Resolutions by Function

Law and Finance

#16T-132 Authorize the Town Supervisor to Execute Contract for Financial Consulting Services by Moore

WHEREAS, the Town of Penfield engages the services of professional financial consulting in connection with the Town’s capital project financing and other financial matters from Bernard P. Donegan, Inc., and

WHEREAS, the Town has received an updated letter and scope of services from Bernard P. Donegan, Inc. to continue to provide such services,

NOW BE IT RESOLVED, that the Town Supervisor is hereby authorized to accept and execute said letter and scope of services upon review and approval of the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-133 Authorization for Town Supervisor to Sign a Professional Service Contract with A-Tip Control Inc. for a Pilot Pond Treatment Program by Moore

WHEREAS, the Town of Penfield sought quotes for professional pond treatment services to obtain the necessary permits from both the United States Army Corps and the NYSDEC and complete various treatments for four pond locations within the Town of Penfield; and

WHEREAS, three quotes were obtained and A-Tip Control Inc. was the low bidder; and

BE IT RESOLVED, that A-Tip, 5681 Zerfass Road, Dansville, NY 14437, is awarded a contract to provide professional services for pond treatment projects within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with A-Tip Control Inc. for a professional services, not to exceed $25,000.00.

Moved: Moore
Seconded: Quinn

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

Adopted

Public Works - None
Public Safety - None
Community Services - None
Old Business - None
Penfield Town Board, May 18, 2016

New Business

#16T-134 Authorization to Maintain Properties and Assess the Charges to the 2017 Property Tax Bills by Moore

WHEREAS, on December 16, 2015, the Town Board of the Town of Penfield adopted a resolution to enact Local Law #3 of 2015 entitled “A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF PENFIELD INTO A MUNICIPAL CODE TO BE DESIGNATED THE CODE OF THE TOWN OF PENFIELD; and

WHEREAS, the purpose of the Code of the Town of Penfield includes, among other things, to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring the maintenance of all such properties within the Town; and

WHEREAS, the property owners of 1800 Clark Road, SBL #123.08-2-64, 13 Empress Court, SBL #139.08-2-38 and 68 Woody Lane, SBL #108.20-3-40 have failed to maintain the subject properties in accordance with the applicable code requirements, which is resulting in concerns for the safety, health protection and general welfare of surrounding persons and properties; and

WHEREAS, the town staff has continually requested the maintenance of the subject properties by the owners thereof with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Fire Marshal & Building/Zoning & Code Compliance Supervisor to have the properties appropriately maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2016 season also be charged to the 2017 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Participation

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:16 PM.

Amy Steklof, RMC/CMC
Town Clerk