TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA
Wednesday, June 15, 2016 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 – May 4, 2016
VI  Petitions
VII  Resolutions by Function

Law and Finance
16T-146 Authorization for Supervisor to Sign a Professional Service Contract with Aquatech Irrigation, Inc. for Sprinkler System Repairs
16T-147 Granting a Conditional Use Permit to Allow a Jewelry Shop at 1759 Penfield Road
16T-148 Granting a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 4,500+/- Square Foot Mixed Use Commercial and Apartment Building at 1861 Penfield Road
16T-149 Granting Incentive Zoning and Preliminary and Final Re-Subdivision and Site Plan Approval to Allow a 7,200 Square Foot Retail Building at 2140 and 2146 Fairport Nine Mile Point Road

Public Works
16T-150 Amending the Contract for the Construction of Sanitary Sewers within the Parkview Drive/White Village Drive Area (Ext. 56 to the Consolidated Sanitary sewer District)
16T-151 Acceptance of Ownership and Maintenance Responsibility for Drainage Improvements within the New York Right of Way of Route 441 in Conjunction with the Construction of an Enclosed Drainage System Relating to the University of Rochester Urgent Care Facility
16T-152 Amending the Contract for Retaining Walls on Five Mile Line Road and Browncroft Boulevard

Public Safety
16T-153 Authorization for Town Supervisor to Sign Contracts for Town Rabies Clinic

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, June 15, 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

Also Present: Amy Steklof Town Clerk
              Richard Horwitz Town Attorney

Absent: Robert Quinn Councilman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. The Town Of Penfield hosted its annual Rabies Clinic on Saturday, June 4, 2016. At the clinic 118 dogs and 54 cats were vaccinated. Thank you to all of our Town Staff that came out to help with the event.

2. The 6th Annual Penfield Business Chamber Golf Tournament to benefit the Shepherd Home will be held on Monday, July 25, 2016 at Penfield Country Club. You may register online at www.penfieldbusiness.org or call the Penfield Business Chamber at 348-8360.

3. Penfield will celebrate Independence Day Saturday, July 2, 2016. The parade will begin at 10:00 AM at Penfield High School. Festivities will continue at Harris Whalen Park beginning at 5:00 PM with fireworks beginning at 10:00 PM. For more information, please visit www.penfield.org.

4. “No Parking” signs will be posted on Friday, July 1, 2016 and removed after the Town’s Independence Day Celebration. The fireworks, traffic flow, parking rules and restrictions for July 2 will go into effect at 9:45 PM. For more information visit the Town’s website at www.penfield.org.

5. A project to resurface the tennis and basketball courts at Veteran’s Memorial Park has begun and should be completed by Monday, June 20, 2016.

6. Residents interested in commenting on the future land use of Shadow Lake and Shadow Pines may attend a Public Information meeting on Wednesday, June 22, 2016 at 7:00 PM in the Town Hall Auditorium, 3100 Atlantic Avenue. Information on the Moratorium, as well as an update from the Moratorium Committee will be provided. If you have ideas to share but cannot attend the meeting, please submit your comments online at www.penfield.org by June 30, 2016 for the Committee’s review and consideration.

7. The Town offices will be closed on Monday, July 4, 2016 in observance of Independence Day. The Town Library will be closed from Saturday, July 2, 2016 through Monday, July 4, 2016.

8. The Penfield Trails Committee will sponsor a Free Public Hike at Abraham Lincoln Park on Saturday July 9, 2016 from 9:00 AM to 11:00 AM. To pre-register and for more information, please contact the Penfield Recreation Department at 340-8655.

9. The Penfield Players announce auditions for its staged reading of Joe Orton’s Loot on Tuesday, June 28 and Wednesday, June 29, 2016 from 7:00 PM to 9:00 PM at the Penfield Community Center, 1985 Baird Road. The performance will be held on Saturday, July 30, 2016 at 2:00 PM at the Penfield Community Center, 1985 Baird Road. For more information please visit www.penfieldplayers.org.
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 - None

Additions and Deletions to Agenda

Councilman Moore moved to add Resolutions #16T-154, #16T-155 and #16T-156 to the agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 4, 2016 Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#16T-146 Authorization for Supervisor to Sign a Professional Service Contract with Aquatech Irrigation, Inc. for Sprinkler System Repairs by Moore

WHEREAS, the Town Board has established Extension No. 56 to the Penfield Consolidated Sanitary Sewer District, for the purpose of providing sanitary sewers and appurtenances to 185 properties within the Parkview Drive / White Village Drive Project Area, and

WHEREAS, the Town of Penfield sought quotes for professional irrigation services for necessary repairs to 6 parcels within the Parkview Sewer Project, within the Town of Penfield; and

WHEREAS, three quotes were obtained and Aquatech Irrigation Inc. was the low bidder; and

WHEREAS, these repairs are within the scope of the contingency for the project and will not require additional money to bonded, and

THEREFORE BE IT RESOLVED, that Aquatech Irrigation Inc., 819 Houston Road, Webster, NY 14580, is awarded a contract to provide professional services for irrigation services within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Aquatech Irrigation Inc., for a professional services, not to exceed $2,500.00.

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-147 Granting a Conditional Use Permit to Allow a Jewelry Shop at 1759 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-B(4) of the Code to allow a jewelry shop at 1759 Penfield Road, located in the Four Corners (FC) zoning district; and
WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 1, 2016, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a jewelry shop at 1759 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a jewelry shop at 1759 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to be permitted to operate a business from this location.

2. The applicant shall be permitted to operate a jewelry shop in a 400 square foot area on the first floor of the building.

3. The applicant shall comply with all requirements of the New York State Building Code pertaining to operating a business at this location.

4. The applicant shall submit a parking plan for the site to ensure that patrons can safely access the property and the right-of-way of Penfield Road when leaving the site prior to opening the jewelry shop.

5. The applicant shall submit a sign package for the property for review and approval by the Town Board. Upon receiving approval, the applicant may apply for a sign permit from the Building Department and pay the appropriate fee.

6. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review of this application is required.

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicant is the owner/occupant of the property at 1759 Penfield Road and proposes to convert approximately 400 square feet of his residence on the first floor to a jewelry shop.

2. The applicant will make the jewelry on site and display it in the shop. He will initially be the only one in the shop on a day to day basis, but intends to hire a part-time employee in the future.

3. The applicant is in the process of rehabilitating the structure and will provide the Town with a final parking plan prior to opening the shop.
Penfield Town Board, June 15, 2016

(Resolution #16T-147 - Continued)

4. The applicant will also provide the Town Board with a sign package for its review and approval prior to requesting a sign permit to identify his business.

5. This use will provide a service to the residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

Moved: Moore
Seconded: Metzler

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

Adopted

#16T-148 Granting a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 4,500 +/- Square Foot Mixed Use Commercial and Apartment Building at 1861 Penfield Road

By Moore

WHEREAS, an application has been received by the Penfield Town Board for a conditional use permit and preliminary and final site plan approval pursuant to §250-12.2 of the Code to allow a 4,500 square foot mixed use commercial and apartment building at 1861 Penfield Road, located in the Four Corners (FC) zoning district;

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 1, 2016 at 7:00 PM on said date, to consider the application and hear all persons interested on the question of approval of a 4,500 square foot mixed use commercial and apartment building at 1861 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT AND PRELIMINARY AND FINAL SITE PLAN APPROVAL 4,500 square foot mixed use commercial and apartment building at 1861 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee to operate his vacuum sales and service business and the two (2) apartments that have been approved for this site. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to be permitted to operate a business from this location.

2. All site work is to be in compliance with the standards of the Penfield Town Code.

3. The Town Engineer shall approve the final plan and the applicant shall comply with his requirements regarding this proposal.

4. All dumpsters shall be enclosed and properly maintained at all times. The applicant’s refuse removal company may pick up refuse from the site only between the hours of 7:00 AM and 7:00 PM.

5. The applicant shall furnish the Town with a Letter of Credit, in an amount to be approved by the Town Engineer. Said Letter of Credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.
6. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation.

7. Compliance with the Town’s Highway Frontage Policy specifically, that the applicant shall obtain a permit from the New York State Department of Transportation for any/all work to take place within the right-of-way of Penfield Road (NYS Route 441).

8. Compliance with the Town of Penfield’s Sidewalk Policy: specifically that any existing sidewalks along the property frontage on Penfield Road that are damaged during construction shall be replaced to the satisfaction of the Town Engineer prior to the issuance of a Certificate of Occupancy.

9. The applicant shall submit a cross access and parking agreement, in the Town’s format, that permits adjacent property owners to enter onto his premises for the purpose of parking on said premises. Those adjacent property owners will be responsible for providing the applicant the same rights on their properties as a condition of grant of the easement.

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

11. This resolution of approval with conditions shall be printed in its entirety on the final site plan.

AND BE IT FURTHER

RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review regarding this proposal is necessary.

AND BE IT FURTHER

RESOLVED, that the Board bases its decision to GRANT a CONDITIONAL USE PERMIT and PRELIMINARY AND FINAL SITE PLAN APPROVAL for this proposal on the following findings:

1. The applicant purchased the subject property several years ago with the intent of relocating his vacuum sales and service business to this location. He proposes to construct a 4,500 building that will include his business and two (2) apartments within it.

2. The applicant has designed a building that complements and is scaled to other historically significant buildings within the Four Corners.

3. The applicant is constructing more parking than necessary to address his needs and has also offered to provide shared parking to his adjacent neighbors in an effort to provide them with cross access and overflow parking as needed.

4. The applicant’s engineer has addressed all storm water management issues pertaining to the proposed development and the development will assist in mitigating existing drainage issues experienced by the adjacent property owner to the west of this site.

5. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district and serves to fill a void on the property since the demolition of the prior residence several years ago.
The Board bases its findings to APPROVE this application on the following:

3. An Environmental Assessment Form dated April 13, 2016.
5. A rendering of the proposed building dated May 19, 2016.
7. Submissions and oral testimony of the applicant at the Public Hearing on June 1, 2016.

Moved: Moore
Seconded: Kohl

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

Adopted

Granting Incentive Zoning and Preliminary and Final Re-Subdivision and Site Plan Approval to Allow a 7,200 Square Foot Retail Building at 2140 and 2146 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 an application for Incentive Zoning and Preliminary and Final Re-subdivision and Site Plan approval for the development of a 7,200 square foot retail building on 2.3 +/- acres in the Business Non-Retail (BN-R) zoning district at 2140 and 2146 Fairport-Nine Mile Point Road; and

WHEREAS, 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

WHEREAS, the subject application is determined to be an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW THEREFORE, BE IT RESOLVED, that the applicant’s request for Incentive Zoning and Preliminary and Final Re-subdivision and Site Plan approval for the development of a 7,200 square foot retail building on 2.3 +/- acres in the Business Non-Retail (BN-R) zoning district at 2140 and 2146 Fairport-Nine Mile Point Road is hereby GRANTED subject to the following conditions:

1. All site work is to be in compliance with the standards of the Penfield Town Code.
2. The applicant may construct the proposed 7,200 square foot commercial building with a potential for multiple tenant spaces as proposed. The applicant shall be required to obtain Conditional Use Permits for the proposed tenant spaces to be installed in the structure prior to their occupancy.
3. The applicant shall submit a landscape plan which shall be reviewed, approved and signed by the Town Supervisor and Town’s Landscape Consultant. Said landscaping plan shall be in a form acceptable to the Town Board.

4. The applicant shall submit the Incentive Zoning fee and LUAMP fee prior to the Supervisor signing the final site plan. Said fee shall be applicable only to that frontage owned by the applicant that is zoned Business Non-retail (BN-R).

5. The Town Engineer shall approve the final plan for exterior lighting, specifically that such plan shows lighting, which is localized and unobtrusive. All light fixtures shall be 90% cutoff luminaires. All wall mounted lighting shall be compatible with the adjacent residential neighborhood to the east of this site. Wall-pac™ fixtures will not be permitted. Shields shall be installed on all fixtures as may be directed by the Town Engineer.

6. All parking lot lighting shall be consistent with the specifications of the existing lighting that has been approved for Penfield Landing Complex.

7. Compliance with the standards of the Code of the Town of Penfield, which deals with the maintenance of parking and accessory areas.

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

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

10. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.

11. All proposed wall mounted and directory signage shall be submitted for review and approval by the Town Board and the Building Inspector prior to the issuance of a sign permit. All signage shall be in compliance with the requirements of the Penfield Zoning Ordinance. No building mounted signage facing the residences to the east of the site shall be back lit illuminated signage and shall be turned off at the end of the business day.

12. Refuse collection for this site shall only be permitted between the hours of 6:30 AM and 6:30 PM, Monday through Friday.

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

14. The applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.

15. Construction is to begin within one (1) year from the date of this resolution.
16. **THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE SITE PLAN.**

The Board bases its decision to approve this proposal on the following findings:

1. The applicant has requested Incentive Zoning and preliminary and final resubdivision and site plan approval for the development of one 7,200 square foot structure. A portion of the property is zoned Business Non-retail and is part of the property now known as Penfield Landing that received Incentive Zoning approval from the Town Board on July 19, 2006. The remaining portion of the applicant’s property is zoned General Business. The Business Non-retail portion is the only remaining parcel with frontage that would not be permitted retail use without the implementation of Incentive Zoning. The applicant has offered to and will be responsible for paying the incentive fee that the other commercial retail developers have paid as a condition of Incentive Zoning approval for the site pertaining to the portion zoned Business Non-retail. In addition, the applicant proposes to and will be required to construct the access road to the current Trau property at 2195 Penfield Road as part of this project.

2. The proposed structure is designed in such a manner that it is architecturally compatible with other commercial buildings in the area.

3. The applicant’s engineer has demonstrated to the Town Engineer that he can properly collect, detain and treat storm water without adversely impacting the area or downstream properties.

4. The project will be serviced by public water and connection to a public sanitary sewer.

5. The applicant proposes to install exterior lighting that will be adequately shielded so as to minimize impacts to adjacent residential neighbors and is consistent with the Penfield Landing exterior lighting plan.

6. The property owner has ensured cross access and parking on the remaining portion of the Penfield Landing complex and will provide cross access and parking on the property at 2146 Fairport Nine Mile Point Road once constructed. The applicant will be responsible for constructing access from the Penfield Landing complex, through 2146 Fairport Nine Mile Point Road to the Trau property to the north to create alternate access to Penfield Road for his project as well as the Penfield Landing complex. This component of the project was the basis for granting the applicant’s request for the use of Incentive Zoning with this project.

Moved: Moore
Seconded: Metzler

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

Adopted
Public Works

#16T-150 Amending the Contract for the Construction of Sanitary Sewers within the Parkview Drive/White Village Drive Area (Ext. 56 to the Consolidated Sanitary Sewer District) by Metzler

WHEREAS, the Town Board has established Extension No. 56 to the Penfield Consolidated Sanitary Sewer District, for the purpose of providing sanitary sewers and appurtenances to 185 properties within the Parkview Drive / White Village Drive Project Area, and

WHEREAS, after a thorough evaluation of all the bids it was determined that the bid received from Fineline Pipeline, Inc. was the low bidder and met the Town's bidding requirements for this project, and

WHEREAS, on February 18, 2015 by resolution 15T-065, the Town Board awarded a contract for construction of sanitary sewers and appurtenances within the Parkview Drive / White Village Drive Project Area, Extension No. 56 Project, in a total bid amount of $1,700,000, and

WHEREAS, change orders to the original contract amount are necessary based on a storm sewer pipe in need of repair, in an amount not to exceed $3,000, and

WHEREAS, the change orders are within the scope of the contingency for the overall project and will not require additional money to be bonded, and

NOW THEREFORE BE IT RESOLVED that the Town Board acting as Commissioners of the Penfield Consolidated Sanitary Sewer District concur that this expansion of the scope of the project is prudent and therefore authorize the increase in contract for Fineline Pipeline Inc., as outlined in change orders #4, in an amount not to exceed $3,000.

Moved: Metzler
Seconded: Moore

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

Adopted

#16T-151 Acceptance of Ownership and Maintenance Responsibility for Drainage improvements within the New York State Right-of-Way Of Route 441 in Conjunction with the Construction of an Enclosed Drainage System Relating to the University of Rochester Urgent Care Facility by Metzler

WHEREAS, the Town of Penfield is requiring that a portion of the storm water drainage system be enclosed along Penfield Road in conjunction with the new Urgent Care building construction on the north side of the road; and

WHEREAS, in order to accommodate the new storm drainage required for the project, the developer needs to connect to the existing drainage system owned by New York State, as more particularly shown on a map and plan attached hereto dated February 18, 2016; and

WHEREAS, the State of New York will only allow the enclosed drainage to be constructed and connected to the State highway drainage system if the Town of Penfield accepts ownership and responsibility for all maintenance and repairs of the pipe from the catch basin at the right-of-way line to the four-foot diameter State manhole and maintenance cleaning of the same State manhole and its outlet pipe to the adjacent downstream manhole, and
WHEREAS, the NYSDOT shall not be liable for any damage or injury to the developer / property owner, its agents, employees, or to any other person, or to any property covered by the Highway Work Permit.

NOW, THEREFORE BE IT RESOLVED:

Section 1. That upon construction of the enclosed drainage connection, the Town of Penfield agrees to own, maintain and repair the pipe from the catch basin at the right-of-way line to the four-foot diameter State manhole and to perform maintenance cleaning of the same State manhole and its outlet pipe to the adjacent downstream manhole.

Section 2. To the fullest extent permitted by law, the Town of Penfield agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the developer’s/property owner’s, activities or operations related to the drainage connection covered by the Highway Work Permit.

Section 3. That this resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit two (2) certified copies of the foregoing resolution to the New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York, 14623, Attn: David Goehring, Regional Traffic Engineer.

Moved: Metzler
Seconded: Kohl

Vote: Kohl  Aye
      Metzler  Aye
      Quinn  Absent

Adopted

#16T-152 Amending the Contract for Retaining Walls on Five Mile Line Road and Browncroft Boulevard by Metzler

WHEREAS, on October 21, 2015 the Town Board awarded a contract to RM Landscape to reconstruct the retaining wall located at Five Mile Line Road per Town specifications, and

WHEREAS, during the course of said reconstruction, additional work to the railing was found to be needed and a quote was requested from RM Landscape,

BE IT RESOLVED, the Board hereby authorizes an amendment to the original contract as follows:

Original Contract Amount: $8,923.89
Contract Amendment: $1,731.99
Revised Contract Amount: $10,655.88

AND, WHEREAS, on October 21, 2015 the Town Board awarded a contract to Rochester Lawn Care to reconstruct the retaining wall located at Browncroft Boulevard per Town specifications, and

WHEREAS, additional topsoil was necessary to properly finish the surrounding area, and

WHEREAS, material costs were to be borne by the Town,

BE IT RESOLVED, the Board hereby authorizes an amendment to the original contract as follows:
Penfield Town Board, June 15, 2016

(Resolution #16T-152 – Continued)

Original Contract Amount: $19,500.00
Contract Amendment: $ 364.00
Revised Contract Amount: $19,864.00

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#16T-153 Authorization for Town Supervisor to Sign Contracts for Town Rabies Clinic by Quinn

BE IT RESOLVED, THAT the Town Board authorizes the Town Supervisor to sign the following contracts for the Penfield Rabies Clinic with the following providers subject to the review by the Town Attorney.

Emilia Monnachino, DVM, 117 N. Main Street, Fairport, NY 14450, for veterinarian services for a fee of $150.00.

Stacy Crippen, LVT, 117 N. Main Street, Fairport, NY 14450, for Veterinarian Technician services for a fee of $75.00

Moved: Metzler
Seconded: Kohl

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

Adopted

Community Services - None

Old Business - None

New Business

#16T-154 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 3520 Atlantic Avenue, SBL #110.04-1-23, 41 Daytona Avenue, SBL #093.19-2-38, 1558 Five Mile Line Road, SBL #109.01-1-17, 123 Longsworth Drive, SBL #108.08-1-90, 24 Rossman Drive, SBL #093.19-1-37, 17 White Hill Drive, SBL #123.06-1-30 and 105 Willow Pond Way, SBL #139.11-4-7 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
Quinn  Absent

Adopted

WHEREAS, pursuant to Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, on May 4, 2011, the Town Board granted preliminary overall approval of 99 single family residences and final approval for 28 residences in Phase 1 of the Abbington Place Subdivision; and

WHEREAS, the Town Board has subsequently granted final subdivision and site plan approval for Phases II, III and IV of the subdivision since that date; and

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 11 residences in Phase V of the Abbington Place Subdivision under §250.11-2.A and §250.12-2 of the Code on 3.74 acres in the Rural Residential 1 (RR-1) zoning district at 1229 Fairport Nine Mile Point Road; and

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 July 6, 2016 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 requirements of the State Environmental Quality Review Act (SEQRA) that this proposal was classified as an Unlisted Action and a Negative Declaration was prepared and adopted by the Town Board; 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.
(Resolution #16T-155 – Continued)

Moved: Moore
Seconded: Metzler

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

Adopted

#16T-156 Setting Public Hearing for Final Subdivision and Site Plan Approval to Allow 11 Residences in Phase V of the Abbington Place Subdivision on 3.74 Acres at 1229 Fairport Nine Mile Point Road – SBL #095.01-1-51.111 – Nine Mile Point Associates, LLC by Moore

WHEREAS, pursuant to Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, on May 4, 2011, The Town Board granted preliminary overall approval of 99 single family residences and final approval for 28 residences in Phase 1 of the Abbington Place Subdivision; and

WHEREAS, the Town Board has subsequently granted final subdivision and site plan approval for Phases II, III and IV of the subdivision since that date; and

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 11 residences in Phase V of the Abbington Place Subdivision under §250.11-2.A and §250.12-2 of the Code on 3.74 acres in the Rural Residential 1 (RR-1) zoning district at 1229 Fairport Nine Mile Point Road; and

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 July 20, 2016 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 requirements of the State Environmental Quality Review Act (SEQRA) that this proposal was classified as an Unlisted Action and a Negative Declaration was prepared and adopted by the Town Board; 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 LaFountain Aye
       Metzler Aye Moore Aye
       Quinn Absent

Adopted

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:28 PM.

Amy Steklof, RMC/CMC
Town Clerk