TOWN BOARD LEGISLATIVE AGENDA

Wednesday, June 7, 2017, 7:00 PM

Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call

II. Public Hearing #1 - To Consider a Conditional Use Permit to Allow a Skin Care Salon at 1771 Penfield Road, located in the Four Corners (FC) Zoning District

Public Hearing #2 - To Consider a Conditional Use Permit to Allow a Valet/Shuttle Parking Lot at 1387 Empire Blvd, located in the LaSalle's Landing Development Zoning District

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes – May 3, 2017

VII. Petitions

VIII. Resolutions by Function

Law and Finance

17T-123 Authorization for Town Supervisor to Sign a Professional Service Contract with A-Tip Control Inc. for a Pilot Pond Treatment Program

17T-124 Budget Transfer - Sewer Operations Account to Highway Maintenance Account

17T-125 2017 Transfer of Funds from Unassigned and Assigned Fund Balance to Restricted Fund Balance

17T-126 Accepting the Final Generic Environmental Impact Statement (FGEIS) for the Creation of a New Mixed Use Zoning District and Rezoning 360 +/- Acres Currently Zoned Rural Residential 1, Rural Agricultural 2 and Limited Business, to Mixed Use, and Accepting the Mixed Use Development Manual

Public Works - None

Public Safety

17T-127 Authorization to Establish Traffic Control Device on Monroe County Highway

17T-128 Authorization to Post Temporary NO PARKING Signs

Community Services

17T-129 Authorization to Attend APHNYS Annual Conference

IX. Old Business

X. New Business

XI. Public Participation

XII. Executive Session

XIII. Next Meeting: (June 21, 2017)

XIV. Adjournment

This meeting will be video recorded and broadcast live via the town’s website www.penfield.org and the Town’s Government Access Cable channel 12, digital 5.12. Question regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, June 7, 2017 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 of Developmental Services  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Public Hearing #1 To Consider a Conditional Use Permit to Allow a Skin Care Salon at 1771 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 18, 2017 and was posted on the Town Website and Town Clerk Bulletin Board. 15 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Applicant Alok Mishra stated the name of the salon is “Amita’s Xpress Spa.” The main focus of the skin care spa will be organic facials, hair procedures and skin care. Mr. Mishra went on to say that they already run this business in four (4) other locations. At 1771 Penfield Road, they plan to have two (2) full time employees on site and will be open six (6) days a week from 11:00 AM to 6:00 PM. They will be closed on Sundays. 20 – 30 patrons per day are expected and they plan to have 10 – 12 parking spaces. There is no need for a dumpster on site since they plan to use totes for discarding their garbage and will have a garbage pick-up service. They do not intend to have any retail sales at this time and do not plan to have deliveries.

Supervisor LaFountain inquired about signage.

Mr. Mishra stated he would like one (1) sign placed on the front of the building and another sign placed in the ground.

Supervisor LaFountain stated the applicant should meet with Jim Costello to go over the Sign Ordinance.

Councilman Quinn asked if there are plans to make any exterior modifications.

Mr. Mishra stated they plan to change the siding and add some cosmetic changes. They plan to add a new driveway off of NYS RTE 441 and they already have access coming off of Mott’s Lane.

Jim Costello stated the PRC has reviewed the application and suggested that the Town Engineer and the Town’s Deputy Engineer work with the applicant to identify the final design layout of the parking area and the driveway as well as look at other ideas for that area to provide future access to the west of the site. The applicant will have to get in touch with the NYS DOT to upgrade from a residential driveway to a commercial driveway which will tie into the parking lot.

Councilman Quinn asked if there is a Town easement or potential for an easement going across the back of the properties to lengthen Mott’s Lane at some point.

Mr. Costello stated that the Town Engineer will work with the applicant to look at the feasibility of doing so.

Mr. Costello also suggested the Town Board take a look at any color schemes the applicant chooses for approval.
Penfield Town Board, June 7, 2017

(Public Hearing #1 - Continued)

Public Participation
Rick Special stated he owns the property west of the property in question. He encourages the passage of this application.

Mr. Costello stated he has received input from Joe Platania. He supports the application and would like to see the property improved across the street from his residence.

Supervisor LaFountain went over next steps.

Hearing closed.

Public Hearing #2
To Consider a Conditional Use Permit to Allow a Valet/Shuttle Parking Lot at 1387 Empire Blvd., Located in the LaSalle’s Landing Development Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on May 18, 2017 and was posted on the Town Website and Town Clerk Bulletin Board. 17 postcards were mailed.

Town Attorney Horwitz confirmed that this Hearing is in order.

John Diamantopoulos, owner of Murphy’s Law, 1400 Empire Boulevard previously owned Southpoint Grill. However, they became overwhelmed with the number of boats, extra cars and boat trailers in the parking lot which made it difficult for clients to find parking. For this reason, they are proposing parking across from the business at LaSalle’s Landing and a shuttle/valet service. They will encourage the patrons to take advantage of the service. He plans to also encourage the employees to park across the street. The applicant would like the shuttle service to run predominantly from Friday through Sunday and will stop running in the evening around 10:00 PM. The valet service will be used mostly for special events. The service will run May 31st through Labor Day.

Councilwoman Metzler asked if there will be a shuttle vehicle.

Mr. Diamantopoulos stated yes.

Councilwoman Metzler asked how many people will the shuttle serve at a time?

Mr. Diamantopoulos stated 12 people.

Councilman Quinn asked how many spots would be taken by employee's vehicles.

Mr. Diamantopoulos stated 10 per shift. He anticipates an impact with parking during holidays and nice weather.

Councilwoman Kohl inquired who owns the parking lot.

Mr. Diamantopoulos stated that it is owned by the Daniele’s. The shuttle parking lot is owned by Mr. Nick Meli.

Councilman Quinn asked how many parking spaces are available in the shuttle lot?

Mr. Diamantoupoulos believes they can park up to 30 to 40 cars.

Councilman Quinn asked if there is a plan to develop the lot.

Mr. Diamantoupoulos stated he does not plan on paving the lot at this time.

Councilwoman Kohl asked if there will be signage for the shuttle parking.

Mr. Diamantoupoulos said yes.
Councilman Quinn asked if there will be any landscaping or fencing to show a separation of the shuttle lot and the highway.

Mr. Diamantoupoulas said no.

Councilman Quinn stated it is a dangerous area with the highway there and is worried patrons many wander across the highway. He does not want a situation created in which a negative impact occurs. He encourages Mr. Diamantoupoulas to explore looking into safety measures for patrons who may try to cross the street.

Supervisor LaFountain stated there are a number of factors that will require additional dialogue and since Mr. Diamantoupoulas does not own the property he needs to have a discussion with the property owners.

Councilwoman Metzler stated that signage could be used to discourage pedestrian traffic and encourages the signage to say shuttle parking only. She believes more planning regarding instructions on regulatory restrictions for patrons who are utilizing the shuttle parking should be looked into. Councilwoman Metzler also suggested the applicant come up with a plan that would encourage people to use shuttle parking.

Mr. Diamantoupoulas stated he would like to have his staff monitor the lots. He believes this is the best way to guarantee safety.

Public Participation

Paul Lewis of Birds Unlimited, stated he thinks the application is a great idea. He asked when the shuttle service would start.

Mr. Diamantoupoulas stated that based on last year’s traffic patterns they would probably start the service on Fridays around 3:00 PM to 10:00 PM, Saturdays from 1:00 PM to Midnight and Sundays from Noon to 9:00 PM.

Mr. Lewis is also worried about the safety factor.

Councilwoman Metzler suggested a possible incentive to be thought up that would encourage shuttle use.

Mr. Costello gave the Town Board background pertaining to the parking lot and the fact that there was no approval process done on the development of the parking lots located on the Meli property. Some changes have been made. He went on to say the main concern is the safety issue. He went over some suggestions that would help the shuttle concept work in that area.

Supervisor LaFountain asked if the PRC took a look at this application.

Mr. Costello said yes, but they are a technical group and therefore did not discuss the safety factor.

Supervisor LaFountain asked Mr. Costello to bring back to the PRC next Wednesday morning what was discussed this evening, and to see if they would offer up some suggestions pertaining to safety.

Mr. Diamantoupoulas stated that last year many patrons parked at the construction site next door, but after a while they stopped the parking in that area.

Hearing closed.

Supervisor LaFountain congratulated Mr. Costello on the birth of his first grandchild.
Communications and Announcements

1. The American Red Cross will be holding a blood drive on June 14, 2017 from 2:00 PM to 7:00 PM at the Penfield Community Center. For more information, please contact 1-800-RED CROSS, or visit www.redcrossblood.org - sponsor key work: penfieldcommunitycenter.

2. The Penfield Trails Committee is offering a Free Public Hike along the Wild Iris Trail within the Genesee Land Trust’s Hipp Brook Preserve on Saturday, June 10, 2017 from 9:00 AM to 11:00 AM. For more information, please contact the Recreation Department at 340-8655.

3. The next “Suffratea” event will be held on Tuesday, June 13, 2017 at 2:00 PM at the Penfield Community Center. The program will focus on Former Town Supervisor Irene Gossin.

4. Penfield residents and other interested parties are invited to sign a petition in support of state-wide legislation that will help improve public safety of children in Penfield and all of New York State. If enacted, this legislation would allow adoption of the Penfield Child Safety Act.

5. On Monday, June 19, 2017 Penfield Rotary/Kiwanis/Town of Penfield Employees will host their first combined Charity Golf Tournament which will take place at Shadow Lake Golf Club. For more information, please contact Jim Costello at 340-8642 or costello@penfield.org.

6. The Recreation Department is sponsoring a FREE event called “Rollin’ into Summer” on Friday, June 9, 2017 from 4:00 PM to 7:00 PM at Rothfuss Park, 1648 Five Mile Line Road. For more information please contact Penfield Recreation at 340-8655.

7. Beginning this week, kids can take an educational “Farm Walk” within Rothfuss Park. You may pick up a Farm Walk map at the green box near the park’s playground. June, July and August will each have a different walk theme. Complete all three (3) walks and bring your map to the Recreation Department for an “I walked the Rothfuss Walk” t-shirt.

8. The Town of Penfield will celebrate Independence Day with its annual parade and evening activities on Saturday, July 1, 2017. For more information visit the Town’s website at www.penfield.org.

9. Councilwoman Kohl’s next Community Chat will be held on Tuesday, June 20, 2017 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Ed Lindskoog, 40 Willow Pond Way suggested a small fence be put up to keep geese from crossing Empire Boulevard.

Mr. Lindskoog stated the electrical issue that he spoke of at the last meeting has been resolved. He encourages Towns, Villages and the County to petition to expand electrical licensing statewide.

Additions and Deletions to Agenda

Councilman Moore moved to add resolution #17T-130 to the agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 3, 2017 Councilman Quinn seconded and all voted “Aye.”

Petitions - None
Penfield Town Board, June 7, 2017

Resolutions by Function

Law and Finance

#17T-123 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 (4) pond locations within the Town of Penfield; and

WHEREAS, three (3) 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: Kohl

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

Adopted

#17T-124 Budget Transfer – Sewer Operations Account to Highway Maintenance Account by Moore

WHEREAS, the Director of Public Works has a need to transfer funds from the Sewer Operations account to the Highway Maintenance account, and

WHEREAS, there is sufficient funding in the 2017 budget in the Sewer Operations account, 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 2017 budget transfer be approved:

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<th>Amount</th>
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Moved: Moore
Seconded: Quinn

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

Adopted

#17T-125 2017 Transfer of Funds from Unassigned and Assigned Fund Balance to Restricted Fund Balance by Moore

WHEREAS, equipment sold at auction, netted the Town of Penfield $94,585, and

WHEREAS, these funds are to be restricted into the General Fund Reserve, the Highway Fund Equipment Reserve, and the Sewer Fund Equipment Reserve
NOW BE IT RESOLVED, that the following 2017 transfers be approved:

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<tr>
<td>S10-0000-0000-0909</td>
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Moved: Moore
Seconded: Metzler

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

Adopted

#17T-126 Accepting the Final Generic Environmental Impact Statement (FGEIS) for the Creation of a New Mixed Use Zoning District and Rezoning 360 +/- Acres Currently Zoned Rural Residential I, Rural Agricultural 2 and Limited Business, to Mixed Use, and Accepting the Mixed Use Development Manual by Moore

WHEREAS, the Penfield Town Board, by Resolution No. 13T-054 of 2013 appointed a Mixed Use Committee to develop recommendations for a mixed use zoning district and supporting documentation as proposed in its Unified Planning Work Program (UPWP) grant application offered by the Genesee Transportation Council; and

WHEREAS, the creation of the proposed mixed use zoning district and supporting documentation to said district were recommendations of the 2010 Comprehensive Plan; and

WHEREAS, the Town Board held a Public Hearing on May 4, 2016 to allow the public to comment on the proposed amendments to the official zoning ordinance and official map, including the creation of a new mixed use zoning district and the acceptance of the Mixed Use Development Manual; and

WHEREAS, the action of the creation of the mixed use zoning district, the adoption of amendments to the zoning ordinance and zoning map to support the mixed use district and the acceptance of the Mixed Use Manual will create anticipated growth and land use changes and recommends additional regulations and guidelines to properly manage said growth and land use changes within the Mixed Use District; and

WHEREAS, the Penfield Town Board conducted a coordinated review and provided the Genesee Transportation Council as the only other involved agency the opportunity to accept lead agency status for this action; and

WHEREAS, the Genesee Transportation Council declined lead agency status, so therefore, the Town Board declared itself as lead agency for the above referenced action and classified said action as a Type I action pursuant to the State Environmental Quality Review Act (SEQRA) on July 20, 2016, by resolution 16T-164; and

WHEREAS, the Penfield Town Board, as lead agency, determined that the proposed action may have a significant impact on the environment, if adopted, and therefore, prepared a Positive Declaration of Significance, and subsequently prepared a Draft Scoping Outline for the creation of a Draft Generic Environmental Impact Statement (DGEIS) to address issues identified in the Scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and
WHEREAS, on April 5, 2017 the Town Board determined that the Draft Generic Environmental Impact Statement (DGEIS) was complete for public comment; and

WHEREAS, the Draft Generic Environmental Impact Statement (DGEIS) was made available on the Town website, at the Planning Department, at the Penfield Library and at the Town Clerk’s office. Comments on the DGEIS will be accepted by the Planning Department until 5:00 PM on May 26, 2017; and

WHEREAS, the Town Board, by resolution 17T-093, held a Public Hearing on May 3, 2017 at the Penfield Town Hall at 7:00 PM to consider the said DGEIS and any impacts relating to the creation of the Mixed Use Zoning District, the rezoning of 360 +/- acres of land and the adoption of the Mixed Use Manual and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board as may be required by law; and

WHEREAS, the public comment period on the contents of the Draft Generic Environmental Impact Statement (DGEIS) concluded on May 26, 2017 and the Town Board determined that no substantive comments were submitted by the public for review. Therefore, the DGEIS was determined to be complete, as written, and was prepared as the Final Generic Environmental Impact Statement (FGEIS); and

NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board, acting as lead agency, has prepared and accepted the Final Generic Environmental Impact Statement (FGEIS) relating to the creation of the Mixed Use Zoning District, the rezoning of 360 +/- acres of land, and adoption of the Mixed Use Manual; and

BE IT FURTHER RESOLVED, that the Final Generic Environmental Impact Statement (FGEIS) be made available on the Town website, at the Planning Department, at the Penfield Library and at the Town Clerk’s office; and

BE IT FURTHER RESOLVED, that a notice for the acceptance of the Final Generic Environmental Impact Statement (FGEIS) be submitted to the NYS DEC Environmental Notice Bulletin (ENB) for the next available publication; and

BE IT FURTHER RESOLVED, that a Findings Statement be prepared based on the thresholds established in the Final Generic Environmental Impact Statement (FGEIS) prepared for proposed action.

Moved: Moore  
Seconded: Kohl

Discussion:  
Councilwoman Metzler stated that the heading of this resolution may be misleading. The resolution specifically calls for the Town Board to accept the Final GEIS and accept the Mixed Use Development Manual. The resolution is not to rezone 360 +/- acres.

Jim Costello, Director of Developmental Services, stated there is no action to be taken with respect to rezoning or adoption of the Ordinance. It is merely to finalize the SEQIR process relating to those actions.

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

Adopted

Public Works - None
Public Safety

#17T-127 Authorization to Establish Traffic Control Device on Monroe County Highway by Metzler

BE IT RESOLVED, that the Town Board hereby authorizes the establishment of a STOP sign/Westbound, at Stoneledge Way and Five Mile Line Road as recommended by the Monroe County Department of Transportation in a letter dated May 18, 2017 and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to sign and return said letter dated May 18, 2017 with a copy of this resolution to the Monroe County Department of Transportation.

Moved: Quinn  Seconded: Metzler

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

Adopted

#17T-128 Authorization to Post Temporary NO PARKING Signs by Metzler

WHEREAS, it is the Town of Penfield’s responsibility to promote and maintain public safety on roads within the Town of Penfield and,

WHEREAS, Pursuant to New York State Vehicle & Traffic Law, Section 1660, the Town Board is granted the authority to authorize the establishment of traffic control devices on Town highways within the Town of Penfield and,

WHEREAS, the Town of Penfield wishes to keep the neighborhoods around the Town’s Independence Day Celebration, parade route and festivities at Harris Whalen Park accessible to emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and establishes that "NO PARKING" will be established along both and/or one side of all and/or parts of the following streets, for the duration of the Town’s Independence Day Celebration, parade and festivities at Harris Whalen Park; Baird Road (north of Penfield Road), Peachtree Road, Hotchkiss Circle, Wheelock Road, Kenmont Drive, Henderson Drive, Avonmore Way, Hidden Meadow, Hillrise Drive, Lazy Trail, Valley Green Drive, Valley Green Circle, Maple Hill Farm Road, Maple Leaf Circle, Timber Glen Trail, and,

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Director of Public Works to post said temporary "NO PARKING" signs along both and/or one side of said streets;

Moved: Quinn  Seconded: Moore

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

Adopted

Community Services

#17T-129 Authorization to Attend APHNYS Annual Conference by Kohl

WHEREAS, the Historian is a member of the Association of Public Historians of New York State, and

(Resolution #17T-129 - Continued)
WHEREAS, the annual conference will provide professional training and networking that will benefit the Town of Penfield,

NOW, BE IT RESOLVED, that Kathy Kanauer, Penfield Town Historian, be hereby authorized to attend the APHNYS Conference, in Poughkeepsie, NY, October 31 to November 2, 2017.

BE IT FURTHER RESOLVED that funds are provided in the 2017 budget. Expenses include registration fees, meals, lodging, transportation (gas, tolls, parking), and related expenses not to exceed $450.00.

Moved: Kohl
Seconded: Quinn

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

Old Business - None

New Business

#17T-130 Authorization for Town Supervisor to Sign a Professional Service Contract with BlueTower Tech for Web Server Hosting Services by Moore

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign a Contract for services with BlueTower Tech, 1099 Jay Street, Building F, 2nd Floor, Rochester, NY 14611, to provide Web Server Hosting Services for the Town of Penfield. Contract amount is not to exceed $2,700.00 and is to be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Kohl

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<th>LaFountain</th>
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<td>Moore</td>
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<td>Quinn</td>
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Adopted

Public Participation - None

Next Meeting - Special Legislative Session, June 14, 2017
Regular Meeting, June 21, 2017

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:06 PM.

Amy Steklof, RMC/CMC
Town Clerk