TOWN BOARD LEGISLATIVE AGENDA

Wednesday, November 1, 2017, 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 - October 4, 2017; October 11, 2017

VI. Petitions

VII. Resolutions by Function

Law and Finance

17T-188 2017 Budget Transfers-Reconciliations

17T-189 Budget Amendment in the Sewer Fund

17T-190 Adoption of Local Law #3 of 2017 Entitled "Mixed Use District"

17T-191 Acceptance of the Mixed Use District Development Manual

17T-192 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Drainage Easement at 9 Shadow Creek

17T-193 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Drainage Easement at 225 Millford Crossing

17T-194 Authorization for Town Supervisor to Sign a Professional Service Contract with Stanton Landscaping Corp. for Streambank Repairs and Tree Removals

17T-195 Authorization for Supervisor to Sign an Inter-Municipal Agreement with the County of Monroe for Agreement of Local Municipal and Subdivision Matters Exempt from Sections 239-m and 239-n of Article 12-B of General Municipal Law

17T-196 Authorizing Bond Counsel and Environmental Counsel regarding the Financing of the Acquisition of Approximately 211.70 Acres of Land known as Shadow Pines Golf Club
Public Works

17T-197 Designated Representative to Monroe County Environmental Management Council

17T-198 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow Access and Utilization of the Property at 26 Tall Tree Drive

Public Safety

17T-199 Adopting Monroe County Hazard Mitigation Plan

Community Services

17T-200 Authorization to Accept Box Turf Field Bid

VIII. Old Business

IX. New Business

X. Public Participation

XI. Executive Session

XII. Next Meeting: November 15, 2017

XIII. 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, November 1, 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  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. Starting today, Holiday Sale prices on town Merchandise will start. The Holiday Sale Merchandise can be purchased through the Town Clerk's office or at the Recreation Office located at 1985 Baird Road.

2. Election Day will be next Tuesday, November 7, 2017 from 6:00 a.m. – 9:00 p.m. throughout Monroe County. If you are unsure of which polling location to go to, you can visit monroecounty.gov or call the County Board of Elections office at 753-1550. Due to the election, the Mobile DMV office will not be available here at the Town Hall next Tuesday but will return November 14, 2017.

3. It’s time to turn our clocks back one (1) hour as daylight savings time is coming to an end this Sunday, November 5, 2017 at 2:00 a.m. While setting your clocks back, take the opportunity to do a quick and easy review of your household emergency safety plan. Testing the batteries in your smoke alarms and CO2 detectors is the first line of defense in escaping from a house fire or gas leak. Smoke alarms should be replaced every 10 years and should be on every floor of your home and in each sleeping area. Creating and practicing an escape plan with everyone in the home is also important to help save a life. Turn the clocks back and test your alarms on November 5, 2017.

4. The American Red Cross will be holding a blood drive from 2:00 p.m. - 7:00 p.m., on Friday, November 10, 2017 in the gym at St. Joseph's Church, 43 Gebhardt Road. This blood drive is sponsored by the Knights of Columbus. To schedule a donation appointment to help save-a-life during an emergency, please contact 1-800-Red-Cross, or visit www.redcrossblood.org.

5. A seasonal reminder from our Department of Public Works: Fallen leaves that collect on top of neighborhood catch basins block rainwater from entering the storm drainage system, creating flooding in town streets. With the heavy rains this past weekend and more to come, our DPW crews wish to ask everyone to help keep fallen leaves, and other debris, out of catch basins, yard inlets and roadways. If you see a storm drain that is clogged with debris please remove the items. Using a rake helps reach the debris without entering a roadway. Decomposing leaves that go into our streams contain unnaturally high levels of nutrients that can be harmful to our water systems. The Town performs a variety of maintenance activities through the year within the catch basins and residential assistance on the outside is helpful.

6. This month, the Penfield Trails Committee will be offering a Free Public Hike on Saturday, November 11, 2017 beginning at 10:00 a.m.
7. The Penfield Players have begun performances for their Fall thriller, Michael Hollinger’s “Red Herring”, directed by Donald B. Bartalo. Shows will be held for the next two (2) weekends at the Community Center on Baird Road. Curtain call will be at 8:00 p.m. with a matinee performance on Sunday, November 5, 2017 at 2:00 p.m. For tickets visit www.penfieldplayers.org, call 340-8655, or purchase a ticket at the door the evening of a performance. Come enjoy “Red Herring” with the Penfield Players beginning October 27, 2017.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 4, 2017 Councilman Quinn seconded and all voted “Aye”.

Councilman Quinn moved to approve the Minutes of October 11, 2017 Councilwoman Metzler seconded and all voted “Aye”.

Petitions - None

Resolutions by Function

Law and Finance

#17T-188 2017 Budget Transfers-Reconciliations by Moore

WHEREAS, transfers of funds are necessary for reconciliation as the year end approaches, 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 attached budget transfers be approved.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-189  Budget Amendment in the Sewer Fund by Moore

WHEREAS, the Penfield Sewer department received funds from the Town of Sodus for the use of Penfield sewer equipment during summer flooding, and

WHEREAS, said funds will be used to replace worn hoses used for flooding events, and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current appropriations and revenues,

NOW, BE IT RESOLVED that the following 2017 budget amendments be approved:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>S10-1000-2416-0000</td>
<td>$868</td>
<td>S10-8120-0004-4021</td>
<td>$868</td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Quinn
Adopted

#17T-190  Adoption of Local Law #3 of 2017 Entitled "Mixed Use District" by Moore

WHEREAS, the 2010 Penfield Comprehensive Plan recommended the creation of a mixed use zoning district along Route 250 in the area identified on the Map attached hereto known as Schedule “A” and the Boundary Description also attached hereto and known as Schedule “B”; and

WHEREAS, the Town Board created a committee to assist Town staff in the development of a Mixed Use District Zoning Ordinance Amendment to provide guidance in the development of properties and recommend which properties should be included within the proposed Mixed Use District; and

WHEREAS, the Town Board of the Town of Penfield wishes to adopt proposed Local Law No. 3 of 2017 entitled “Mixed Use District”; and

WHEREAS, a Public Hearing was held pursuant to article XIV-14-1 of the Penfield Zoning Ordinance on May 4, 2016, at the Penfield Town Hall, at 7:00 p.m., 3100 Atlantic Avenue, in the Town of Penfield, New York, where the facts in the case for the creation of the Mixed Use District Zoning Ordinance Amendment were presented and where citizen input was received and thereafter the Public Hearing was closed and decision was reserved; and

WHEREAS, 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 Local Law, including the rezoning of 360+/- acres to Mixed Use District together with the proposed acceptance of the Mixed Use District Development Manual 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, upon completion of the Draft Generic Environmental Impact Statement (DGEIS), the Town Board, by resolution 17T-093, held a Public Hearing on May 3, 2017 to allow the public to comment on said DGEIS, the proposed rezoning and Mixed Use District Development Manual; and

WHEREAS, the Town Board receiving no substantive comments regarding the DGEIS, directed staff to prepare a Final Generic Environmental Impact Statement (FGEIS), which was accepted by the Town Board as complete on June 7, 2017 in Resolution 17T-126, completing the SEQRA process.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY IS ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS: Local Law No. 3 of 2017, hereinafter set forth:
§ 250-5.12 Mixed Use District (MUD)

This local law shall be known as Local Law No. 3 of 2017 entitled Mixed Use District. This section of the Town of Penfield Zoning Ordinance applies to all mixed use developments in the Town of Penfield. For the purposes of the ordinance, “mixed use” means a combination of residential, commercial and civic uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another), at a pedestrian scale that encourages less reliance on the automobile for the daily lives of residents.

The Mixed Use District was generated in conjunction with the Town of Penfield Mixed Use Development Manual. The Manual serves as a guidebook for the development in the District (e.g. definitions, design criteria, development intensity).

A. Purpose.

(1) The purpose of the Mixed Use District is to permit, where zoned, the creation and construction of mixed use developments within the town. All development must comply with the following ten principles of mixed use development:

(a) A mixture of complementary land uses to create economic and social vitality and encourage the linking of pedestrian and vehicular trips.

(b) Flexible housing alternatives.

(c) Areas that are safe, comfortable and convenient for pedestrians.

(d) Flexibility in the siting and design to support future changes in land use.

(e) Walkability within neighborhoods with walkways and trails that encourage pedestrian and bicycle travel.

(f) Variety of services within walking distance.

(g) Efficient use of land with compact, clustered development.

(h) Development that supports public transit where applicable.

(i) Open space preservation/creation and reduction of impact on natural resources.

(j) Transportation planning that reduces vehicular demands.

B. Mixture of Uses.

(1) Mixed use developments shall provide a variety of compatible uses located within the same project site in an integrated manner. The minimum number of uses is based upon the size of the development. Table 6.1 of the Mixed Use Development Manual sets forth the minimum number of uses per development size, and the minimum percentage of each use in square footage.
C. Permitted Uses.

(1) The following uses are permitted in the Mixed Use District. No vehicular drive-through operations are permitted. Commercial uses shall be scaled as appropriate to be consistent with the size and location of a specific parcel.

(a) Permitted single-family and multi-family residential uses shall include the following housing types:

[1] Low-Rise Housing (4 stories or less)
[2] Townhouses
[3] Duplex
[5] Cottage
[8] Single-Family Attached
[9] Vertical Mixed Use with Residential on Top
[10] Universal Design

(b) Permitted commercial uses shall include the following:

[1] Insurance office of independent or general agents.
[3] Offices for other licensed professionals, such as architects, designers, engineers, etc., excluding, however, any warehouse or storage areas.
[5] Other applicable office space.
[9] Laundromat or dry-cleaning pick-up establishments.
[12] Hardware stores, garden supply stores, and paint and wallpaper stores.
[16] Retail stores.
[17] Retail outlets and department stores.
[18] Theaters (not including drive-in theaters).
D. Conditionally Permitted Uses.

1. The following uses are conditionally permitted in the Mixed Use District. Commercial uses shall be scaled as appropriate to be consistent with the size and location of a specific parcel.

   a. Bar, tavern, restaurant or other eating place.
   b. Hotels and bed and breakfast establishments
   c. Nonprofit institutions for charitable, religious, cultural or community social purposes.
   d. Nursery or day-care centers, and nonprofit schools.
   e. Combinations of permitted single-family residential, business non-retail, limited business and general business uses.
   f. Entertainment (adult uses and adult entertainment establishments are not permitted).
   g. Other uses not specifically listed above as Permitted Uses, but determined by the board having jurisdiction to be similar in nature and compatible with the purposes of the Mixed Use district may also be considered, provided, however, that in any event, no Conditional Use Permit shall or may be issued with respect to any explicitly prohibited use. Upon approval from the board having jurisdiction, applicants are required to obtain a Conditional Use Permit from the Town Clerk prior to occupying the space.

E. Accessory Uses.

1. Uses that are accessory to an integral part of and used solely by the permitted or conditionally permitted use and determined appropriate by the Authorized Official or the board having jurisdiction, as the case may be. Types of accessory uses include, but are not limited to, parks and recreation facilities, private and public active and passive recreational uses, and multi-use trail systems.

F. Change of Use.

1. At any time a specific use originally permitted within this district is to be changed so that it involves a separate, different and distinct use, process or product, an Authorized Official shall make a determination if an application must be made to the Zoning Board of Appeals for a Change of Use Permit or Conditional Use Permit.

2. Upon a determination by the authorized official that any business or conditional use originally permitted within the Mixed Use District is to be changed so that it involves a separate, different and distinct use, process, product or service, or involves a new operator, an application for a conditional use permit must be made to the board having jurisdiction. Prior to authorizing the Town Clerk to issue the
conditional use permit, the board having jurisdiction shall ensure that the applicant satisfies the Town's standards and requirements of this section. As part of this process, the board having jurisdiction may require the modification of any and all phases of the operation that have become, or are liable to become, detrimental to the neighborhood. The board having jurisdiction, in its absolute discretion, in cases it deems to be appropriate, may delegate authority to the authorized official to grant or deny a conditional use permit consistent with the standards and requirements of this section.

G. Minimum Dimensional Requirements.

(1) All mixed use developments shall comply with the minimum dimensional requirements are set forth in Table 6.1 of the Mixed Use Development Manual.

(2) The Planning Board or the Zoning Board of Appeals, as the case may be, shall have the power to establish, determine and modify applicable provisions of the Mixed Use District with regard to setbacks for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land and to facilitate the adequate use of streets, utilities and amenities that will benefit the Mixed Use District and/or development.

(3) No structure shall be greater than two stories or 35 feet in height, whichever is less, within 100 feet of any adjacent permitted residential zoning district abutting the Mixed Use District.

(4) Within the mixed use development, a zero (0) setback from the side property line(s) may be permitted to help create a more compact development. Minimum setbacks shall be required to comply with fire and building codes.

H. Parking.

(1) Shared parking for different uses is required within all mixed use development. The minimum number of parking spaces for a mixed use development shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Report or Institute of Transportation Engineers (ITE) Shared Parking Guidelines. A formal parking study may be waived by the Planning Board for small developments if it is demonstrated that sufficient parking is available for the planned uses.

(2) Shared parking spaces for residential units must be located within a maximum of 300 feet of dwelling unit entrances that are being served by those spaces.

(3) There shall be limited visibility of parking lots from the main-street-facing sides of buildings. Single row, on-street parking shall be permitted.

(4) Adjacent properties abutting the Mixed Use District shall be adequately screened from parking structures and lots.

(5) Parking provided to the general public shall be clearly marked and separate from private resident parking spaces.
(Resolution #17T-190 - Continued)

(6) The size and number of ADA compliant parking spaces for each development must meet the New York State Building Code.

(7) Residential units such as single family detached or semi-detached, townhouses, or other similar housing shall be provided with private parking spaces, garages, or other covered parking spaces. Visitor parking shall be included as shared parking with other adjacent land uses.

I. Connectivity & Pedestrian Access.

(1) Connectivity involves providing options for getting from one place to another, reducing traffic, and creating viable street networks.

(a) Sidewalks shall be installed along all roads both public and private, and shall connect to front building entrances, parking areas, central open space, and other pedestrian destinations. Sidewalks shall also be included to connect common areas, parking areas, open space, and recreational facilities within the mixed use development.

(b) All mixed use developments shall comply with the dimension requirements for sidewalks that are set forth in Table 5.4 in the Mixed Use Development Manual.

(c) All mixed use developments shall comply with the dimension requirements for major multi-use walkways and trails intended to accommodate pedestrians, cyclists, and other users that are set forth in Table 5.4 in the Mixed Use Development Manual.

(d) Bicycle racks shall be provided close to building entrances, public plazas, and other public gathering areas.

J. Public Open Space.

(1) In reference to open space, “public” refers to those areas within a mixed use development that shall be available for use by local residents and the general public. These spaces may be owned, operated, and maintained by an association, organization, agency or municipality. Public open space can take the form of active and passive recreation areas, public courtyards, town square, and other areas that are to be used for public gatherings.

(a) All public open space shall be restricted from future subdivision and development.

(b) The amount of public open space required is based upon the size of a mixed use development. The board having jurisdiction shall establish the required amount of public open space required for each development.

(c) All structures shall be constructed with connectivity to public open space.

(d) No portion of any road right-of-way area may be used for calculating the minimum required amount of total open space.

(e) The proposed site plan shall clearly delineate between public space and private space. Private and semi-private outdoor spaces
K. Landscaping.

(1) All landscaping proposed within the Mixed Use District shall be subject to the review and approval of the Planning Board or Zoning Board of Appeals, as the case may be, and shall comply with the Mixed Use Development Manual.

L. Lighting.

(1) Lighting of properties within the Mixed Use District shall be coordinated so as to provide consistency of design and to maximize efficient use of energy. All such lighting shall be no more than 16 feet in height, and located so as not to cause glare to any adjacent sites and shall be approved subject to the Planning Board or Zoning Board of Appeals, as the case may be, and shall comply with the Mixed Use Development Manual as written in section 5.1.10.

M. Signage.

(1) All signage proposed in the Mixed Use District shall comply with the requirements of the Town of Penfield Zoning Ordinance.

N. Architecture.

(1) The requirements for architectural design standards are set forth in the Mixed Use Development Manual. The final design of any proposed mixed use development shall be subject to the review and approval of the Planning Board or Zoning Board of Appeals, as the case may be. The Board may refer the review of architectural designs to its Architectural Consultant at its discretion for report and recommendation.

O. Hours of Operation.

(1) Business establishments within the Mixed Use District shall be permitted to operate from 6:00 a.m. to 12:00 a.m. on a daily basis. Based on the intensity of use and its potential impact on the neighboring area, the Planning Board or Zoning Board of Appeals, as the case may be, may modify the hours of operation as part of the process of granting a Conditional Use Permit.

P. Area Rezoned.

(1) The 360 +/- acres, as described in Schedules “A” and “B”, attached hereto and made a part hereof are rezoned to Mixed Use District (MUD) and the Official Zoning Map and Zoning Ordinance of the Town of Penfield be and the same are amended to reflect the aforesaid zoning changes for the properties described in Schedules “A” and “B”.

Q. Effective Date.

(1) This local law shall take effect immediately.
(Resolution #17T-190 – Continued)

BE IT FURTHER

RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to give the necessary notice of such change in the zoning to the departments, agencies and offices having jurisdiction in this matter and to publish the same as prescribed by law and cause the zoning amendment to be entered into the minutes of these proceedings.

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedules “A” and “B” at end of Minutes

#17T-191 Acceptance of the Mixed Use District Development Manual
By Moore

WHEREAS, the 2010 Penfield Comprehensive Plan recommended the creation of a mixed use zoning district along Route 250, in the area identified on the Map attached hereto, known as Schedule “A”, and the Boundary Description, also attached hereto and known as Schedule “B”; and

WHEREAS, the Town Board created a committee to assist Town staff to develop a Mixed Use District Development Manual to provide Town staff, officials and the public as the guide for reference and consideration in future land use decisions affecting properties within the Mixed Use District; and

WHEREAS, the Town Board of the Town of Penfield, by Resolution 17T-190, has adopted Local Law No. 3 of 2017 entitled “Mixed Use District” which creates said zoning district and rezones 360+/- acres from Rural Residential 2, Rural Agricultural 2 and Limited Business to Mixed Use District, as more particularly described in the aforementioned Schedules “A” and “B”; and

WHEREAS, Public Hearings were held on May 4, 2016 and May 3, 2017, at the Penfield Town Hall, at 7:00 p.m., 3100 Atlantic Avenue, in the Town of Penfield, New York, where the facts in the case for the acceptance of the Mixed Use District Development Manual were presented and where citizen input was received and thereafter the Public Hearings were closed and decision was reserved; and

WHEREAS, the Town Board declared itself as Lead Agency for the above referenced action and classified said action in conjunction with the creation of a Mixed Use District and the rezoning to Mixed Use District 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 (SEQRA); and

WHEREAS, upon completion of the Draft Generic Environmental Impact Statement (DGEIS), the Town Board, by Resolution 17T-093, held a Public Hearing on May 3, 2017 to allow the public to comment on said DGEIS, the proposed rezoning and Mixed Use District Development Manual; and

WHEREAS, the Town Board received no substantive comments regarding the DGEIS, directed staff to prepare a Final Generic Environmental Impact
Penfield Town Board, November 1, 2017

(Resolution #17T-191 - Continued)

Statement (FGEIS), which was accepted by the Town Board as complete on June 7, 2017 in Resolution 17T-126, completing the SEQRA process.

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board accepts the Mixed Use District Development Manual as a planning tool which will be provided to Town staff, officials and the public as the guide for reference and consideration in future land use decisions affecting properties within the Mixed Use District.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-192 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Drainage Easement at 9 Shadow Creek by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Michael and Genevieve Stefiuk, owners of property of 9 Shadow Creek, to permit a portion of a fence to encroach into a drainage easement to the Town of Penfield located at 9 Shadow Creek in a form and substance acceptable to the Town Attorney.

Moved: Moore
Seconded: Quinn

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

Adopted

#17T-193 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Drainage Easement at 225 Millford Crossing by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Timothy Porter and Laura Martin, owners of property of 225 Millford Crossing, to permit a portion of a fence to encroach into a drainage easement to the Town of Penfield located at 225 Millford Crossing in a form and substance acceptable to the Town Attorney.

Moved: Moore
Seconded: Metzler

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

Adopted

#17T-194 Authorization for Town Supervisor to Sign a Professional Service Contract with Stanton Landscaping Corp. for Streambank Repairs and Tree Removals by Moore

WHEREAS, the Town of Penfield sought quotes for professional tree and landscape services to perform work at various locations on Pineview and Clearview Drive within the Town of Penfield; and
WHEREAS, three (3) quotes were obtained and Stanton Landscape Corp. was the low bidder; and

BE IT RESOLVED, that Stanton Landscape Corp., 1800 Tebor Road, Webster NY 14580, is awarded a contract to provide professional services for streambank repairs and tree removals at various locations on Pineview and Clearview Drive within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Stanton Landscape Corp. for professional services, not to exceed $15,000.00, in accordance with their proposal dated October 26, 2017.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-195 Authorization for Supervisor to Sign an Inter-Municipal Agreement with the County of Monroe for Agreement of Local Municipal and Subdivision Matters Exempt from Sections 239-m and 239-n of Article 12-B of General Municipal Law by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign an Inter-Municipal Agreement with the County of Monroe that identifies certain matters that are of a local rather than inter-community or county-wide concern and therefore should be deleted from the Monroe County Department of Planning and Development review process pursuant to Sections of 239-m and 239-n of Article 12-B of General Municipal Law. Said Agreement shall be in a form and substance acceptable to the Town Attorney and the County of Monroe.

Moved: Moore
Seconded: Quinn

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

Adopted

#17T-196 Authorizing Bond Counsel and Environmental Counsel regarding the Financing of the Acquisition of Approximately 211.70 Acres of Land known as Shadow Pines Golf Club by Moore

WHEREAS, the Town of Penfield is in need of assistance from bond counsel and environmental counsel services in conjunction with the proposed borrowing for the acquisition of approximately 211.70 acres of land located at the site of the Shadow Pines Golf Club, and

BE IT RESOLVED, that the Town Board accepts the proposal from Harris Beach Attorneys At Law, PLLC as provided in letter dated October 19, 2017, and

BE IT FURTHER RESOLVED, that the Supervisor be authorized to enter into a contract for these services, the terms of which are set forth in the above referenced proposal letter. Funding for these services will be reimbursed by the proposed borrowing of these funds during 2018.

Moved: Moore
Seconded: Metzler
Penfield Town Board, November 1, 2017

(Resolution #17T-196 - Continued)

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

Public Works

#17T-197  Designated Representative to Monroe County Environmental Management Council by Metzler

BE IT RESOLVED, that Paul Sugnet, 68 Foxbourne Road, be designated to serve on the Monroe County Environmental Management Council (EMC) as representative of the Town of Penfield Conservation Board for a two (2) year term to expire December 31, 2018.

Moved: Metzler
Seconded: Moore

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

#17T-198  Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow Access and Utilization of the Property at 26 Tall Tree Drive by Metzler

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Richard and Barbrey Bocek, owners of the property at 44 Tall Tree Drive, to permit their contractor to access and utilize the Town property located at 26 Tall Tree Drive in a form and substance acceptable to the Town Attorney.

Moved: Metzler
Seconded: Kohl

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

Public Safety

#17T-199  Adopting Monroe County Hazard Mitigation Plan by Quinn

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires all local governments to have an approved disaster mitigation plan in place in order to be eligible for Federal Hazard Mitigation Grant Program funding; and

WHEREAS, Monroe County has authored a multi-jurisdictional Hazard Mitigation Plan, with assistance from local municipalities including the Town of Penfield; and,

WHEREAS, through its participation, the Town of Penfield affirms the Monroe County Hazard Mitigation Plan is in compliance with the Federal Disaster Mitigation Act of 2000;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Penfield adopts the Monroe County Hazard Mitigation Plan for use in executing hazard mitigation with in the Town of Penfield.
(Resolution #17T-199 – Continued)

Moved: Quinn  
Seconded: Metzler

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

Adopted

Community Services

#17T-200 Authorization to Accept Box Turf Field Bid by Kohl

WHEREAS the Town of Penfield was awarded a grant from Senator Funke for $80,000 and the awarded grant will be administered by the Dormitory Authority of the State of New York; and

WHEREAS, sealed bids were sought and requested to the Town of Penfield Recreation Department for the purchase of a Box Turf Field at Rothfuss Park, and

WHEREAS, on Monday, September 18th at 11:00 AM EST, sealed bids were opened by the Director of Recreation and Town Clerk from the following vendors:

   All Sports Enterprises, Inc. (89 South Village Ave, Exton PA 19341)

NOW BE IT RESOLVED, that the bid for the box turf field at Rothfuss Park be accepted from the vendor with a cost to not exceed $98,175.00; and

BE IT FURTHER RESOLVED that the bid specifications and the bid documents submitted be the formal contract, to be reviewed and approved by the Town Attorney.

Moved: Kohl  
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Next Meeting - November 15, 2017

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:26 PM.

Amy Steklof, RMC/CMC
Town Clerk
(Attachments for Resolution #17T-190 Schedule A)
Penfield Town Board, November 1, 2017

(Assignment for Resolution #17T-190 Schedule B)

SCHEDULE "B"
Fairport Nine Mile Point Road
Mixed use district description

Area 1

Beginning at a point on the westerly boundary line of Fairport Nine Mile Point Road at the point of intersection with the northerly boundary line of Atlantic Avenue, thence:
1. S 49°56'08" W along the northerly boundary line of Atlantic Avenue a distance of 213.12 feet to a point, thence;
2. N 88°12'24" W along the northerly boundary line of Atlantic Avenue a distance of 1152.65 feet more or less to the southeasterly corner of the Oaklet Rod and Gun Club Subdivision as shown on a map filed in the Monroe County Clerk's Office in book 335, page 59, thence the following three courses along said subdivision boundary;
3. N 91°17'43" E a distance of 1275.16 feet to a point, thence;
4. N 88°11'37" W a distance of 103.84 feet to a point, thence;
5. N 0°48'25" E a distance of 1506.90 feet to a point on the southerly boundary line of Penfield Center Road, thence;
6. S 89°15'05" W a distance of 1315.31 feet more or less to a point on the westerly boundary line of Fairport Nine Mile Point Road, thence the following ten courses along the westerly line of said road:
7. S 44°34'11" E a distance of 40.20 feet to a point, thence;
8. S 0°51'20" W a distance of 70.00 feet to a point, thence;
9. S 74°03'11" E a distance of 101.12 feet to a point, thence;
10. S 0°49'26" W a distance of 19.08 feet to a point, thence;
11. S 10°11'31" W a distance of 140.46 feet to a point, thence;
12. S 0°43'47" W a distance of 1050.00 feet to a point, thence;
13. S 10°34'47" E a distance of 101.98 feet to a point, thence;
14. S 0°43'47" W a distance of 150.90 feet to a point, thence;
15. S 12°08'22" W a distance of 101.98 feet to a point, thence;
16. S 0°43'47" W a distance of 403.97 feet to the point of beginning.

Being a parcel of land 75.5 acres in size and including six parcels 110.03-1-4.1, 110.03-1-4.206, 110.03-1-4.207, 110.03-1-4.212, 110.03-1-25.2, 110.03-1-25.1, 110.03-1-24, and 110.03-1-23.
SCHEDULE "B"
Fairport Nine Mile Point Road
Mixed use district description

Area II

Beginning at a point on the easterly boundary line of Fairport Nine Mile Point Road the point of intersection with the northerly boundary line of Atlantic Avenue, thence the following six courses along the easterly boundary line of Fairport Nine Mile Point Road;
1. N 040°54' E 325.41 feet to a point, thence;
2. N 105°42.4" E a distance of 152.44 feet, thence;
3. N 040°56' E a distance of 1730.96 feet to a point, thence;
4. N 159°87.35" W a distance of 70.89 feet to a point, thence;
5. N 0°51'20" E a distance of 62.66 feet to a point, thence;
6. N 30°23'36" E a distance of 43.40 feet to a point on the southerly boundary line of Penfield Center Road, thence;

7. S 89°09'00" W along the southerly boundary line of Penfield Center Road a distance of 702.21 feet to the northeasterly corner of the Marten Subdivision as shown on a map filed in the Monroe County Clerks Office in liber 311, page 76, thence the following five courses along the easterly and southerly boundary lines of said subdivision;
8. S 07°06'21" W a distance of 1036.12 feet to a point, thence;
9. S 88°16'40" W a distance of 130.03 feet to a point, thence;
10. S 55°28'40" W a distance of 241.26 feet to a point;
11. S 05°58'49" W a distance of 575.76 feet to a point, thence;
12. N 89°42'32" W a distance of 273.73 feet to a point, thence;
13. N 0°13'50" W a distance of 770.91 feet to a point on the northerly boundary line of Atlantic Avenue, thence the following four courses along the northerly boundary line of said road;
14. N 89°44'10" W a distance of 383.25 feet to a point, thence;
15. S 01°55'50" W a distance of 20.25 feet to a point, thence;
16. N 89°44'10" W a distance of 256.52 feet to a point, thence;
17. N 44°32'39" W a distance of 230.68 feet to point of beginning.
Penfield Town Board, November 1, 2017

SCHEDULE "B"

Fairport Nine Mile Point Road
Mixed use district description

Area III

Beginning at a point on the southerly boundary line of Atlantic Avenue its intersection with the westerly boundary line of Fairport Nine Mile Point Road, thence:

1. S 44°59'20" E along the easterly boundary line of Fairport Nine Mile Point Road a distance of 161.69 feet to a point, thence;

2. Continuing southerly along said westerly boundary line of Fairport Nine Mile Point Road a distance of 4865.5 feet more or less to the southeasterly corner of the YMCA Subdivision as shown on a map filed in the Monroe County Clerk’s Office in Book 314, page 49; thence the following eight courses along the southerly and westerly boundary lines of said subdivision:

3. S84°49'35" W a distance of 281.90 feet to a point, thence;

4. N 0°57'12" W a distance of 151.34 feet to a point, thence;

5. N 88°17'14" W a distance of 230.34 feet to a point, thence;

6. N 0°52'27" E a distance of 618.40 feet to a point, thence;

7. N 88°52'23" W a distance of 1156.55 feet to a point, thence;

8. N 0°37'02" E a distance of 953.34 feet to a point, thence;

9. S 88°30'19" E a distance of 763.30 feet to a point, thence;

10. N 87°59'41" E a distance of 500.00 feet to a point, said point being the southeasterly corner of the Hemmant Subdivision as shown on a map filed in the Monroe County Clerk’s Office in Book 312, page 65; thence;

11. Northerly along the easterly boundary of said subdivision a distance of 1299.34 feet more or less to an angle point in said line, thence;

12. S 88°59'44" E a distance of 235.15 feet to a point, thence;

13. N 0°73'56" E a distance of 194.50 feet to a point being the southeasterly corner of the Sugar Bush Subdivision as shown on a map filed in the Monroe County Clerk’s Office in Book 256, page 79; thence;

14. S 78°25'54" E along the southerly boundary line of said subdivision and an extension thereof a distance of 650.49 feet to a point, thence;

15. N 1°28'17" E a distance of 171.42 feet more or less to a point on the southerly boundary line of Atlantic Avenue, thence;

16. S89°33'32" E along said southerly boundary line a distance of 689.22 feet to the point of beginning.

Being a parcel of land 147.9 acres in size and including tax parcels 110.03-1-33.3, 110.03-1-33.4, 110.03-1-33.5, 110.03-1-33.6, 110.03-1-33.7, 125.01-1-1.1, 125.01-1-1.2, 125.01-1-1.3, 125.01-1-1.4, 125.01-1-1.5, 125.01-1-1.6, 125.01-1-1.7, 125.01-1-1.8, 125.01-1-1.9, 125.01-1-1.10, 125.01-1-1.11, and 125.01-1-1.12.
SCHEDULE "B"
Fairport Nine Mile Point Road
Mixed use district description

Area IV

Beginning at a point on the southerly boundary line of Atlantic Avenue at its intersection with the westerly boundary line of Fairport Nine Mile Point Road, thence
1. S 89°36'44" E along the southerly boundary line of Atlantic Avenue a distance of 314.63 feet to a point, thence;
2. S 39°00'16" W a distance of 200.36 feet to the northeasterly corner of Lot 4 of the Wing Subdivision as shown on a map filed in the Monroe County Clerk's Office in lib 212, page 22, thence the following four courses along the westerly and southerly boundary lines of said subdivision;
3. S 19°48'04" W a distance of 561.92 feet to a point, thence;
4. S 0°36'14" W a distance of 115.00 feet to a point, thence;
5. S 0°40'01" W a distance of 488.46 feet to a point, thence;
6. N 89°55'15" E a distance of 416.06 feet to a point, said point being the northwesterly corner of lands owned by Casa Larga Vineyards as shown on map no. 571 prepared by RE Associates on February 2, 2012, thence the following three courses along the westerly boundary lines of said property;
7. S 1°57'31" W a distance of 1075.36 feet to a point, thence;
8. S 59°58'32" E a distance of 334.69 feet to a point, thence;
9. S 1°37'31" W a distance of 241.89 feet to a point on the westerly boundary line of Sweeps Corners Road, thence;
10. N 89°36'46" W along said northerly boundary line a distance of 1406.52 feet to a point on the easterly boundary line of Fairport Nine Mile Point Road, thence;
11. N 23°11'52" E along said easterly boundary line a distance of 1242.95 feet more or less to an angle point in said line, thence;
12. N 0°49'15" E and continuing along said easterly boundary line a distance of 1259.95 feet more or less to an angle point in said line, thence;
13. N 43°48'02" E along said easterly boundary line a distance of 200.92 feet more or less to the point of beginning.
Being a parcel of land 35.4 acres in size and including tax parcels 110.03-1-39.1, 110.03-1-38, 110.03-1-37, 110.03-1-36, 110.03-1-35, 110.03-1-34, 125.01-1-9, 125.01-8.2, 125.01-1-8.1, 125.01-1-7.1, 125.01-1-7.2, 125.01-1-5, 125.01-0.1, and 125.01-1-10.2.
SCHEDULE "H"
Fairport Nine Mile Point Road
Mixed use district description

Area V

Beginning at a point on the easterly boundary line of Fairport Nine Mile Point Road with its intersection of the southerly boundary line of Sweets Corners Road, thence:

1. S 89°33'01" W along the northerly boundary line of Sweets Corners Road a distance of 1060.10 feet to a point, thence;

2. S 1°15'18" W a distance of 1160.00 feet more or less to a point on the northerly boundary line of the Witten Meadows Subdivision, thence the following six courses along the northerly and westerly boundary lines of said subdivision:

3. N 89°20'44" W a distance of 821.56 feet to a point, thence;

4. S 24°40'53" W a distance of 100.00 feet to a point, thence;

5. S 88°29'40" W a distance of 100.00 feet to a point, thence;

6. S 24°40'53" W a distance of 475.00 feet to a point, thence;

7. N 73°25'45" W a distance of 35.00 feet to a point, thence;

8. S 19°12'45" W a distance of 772.67 feet to a point, thence;

9. N 62°22'44" W a distance of 617.53 feet to a point on the easterly boundary line of Fairport Nine Mile Point Road, thence;

10. Northerly along the easterly boundary line of said road a distance of 2331.5 feet more or less to the point of beginning.

Being a parcel of land 50.5 acres in size and including tax parcels 125.01-1-24, 125.01-1-25.2, 125.01-1-25.1, 125.01-1-26.1, 125.01-1-27.11, and 125.01-2-39.