TOWN BOARD LEGISLATIVE AGENDA

Wednesday, March 7, 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 - (February 7, 2018)
VI. Petitions
VII. Resolutions by Function

Law and Finance
18T-079 Authorization for Town Supervisor to Sign a Professional Service Contract with Dave Miller, of AVS, for the 2019 Town Wide Update

18T-080 Setting a Public Hearing for Final Subdivision and Site Plan Approval to Allow 14 Residences in Phase VI of the Abbington Place Subdivision on 5.74 Acres at 1229 Fairport Nine Mile Point Road

Public Works
18T-081 Awarding the Contract for the Replacement of a Portion of the Roof at the Community Center

18T-082 Making a Determination of Non-significance and Adopting a Negative Declaration for New Sidewalks in the Willow Pond Neighborhood

Public Safety

Community Services

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: (March 21, 2018)
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 1303. For questions regarding video coverage contact Penfield TV at (585) 340-8661.
Penfield Town Board, March 7, 2018

The Regular meeting of the Penfield Town Board was held on Wednesday, March 7, 2018 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

Councilman Quinn introduced the Webelos II Den from Pack 260 who are working on their Citizenship in the Community Badge. The members of the Webelos II Den led the Pledge of Allegiance.

Supervisor LaFountain introduced Mary Salluzzo who spoke on behalf of the Golisano Foundation regarding the “Spread the Word” campaign. She hopes that everyone will go online to www.r-word.org to become more aware of the "R" word and to "spread the word to end the word" and take the pledge. For more information please visit www.golisanofoundation.org.

Communications and Announcements

1. The next “Passport Night in Penfield” will be held Thursday, April 5, 2018 from 5:30 PM to 7:30 PM. For more information visit the Town’s website at www.penfield.org or call Town Clerk Amy Steklof at 340-8629.

2. Charter Spectrum will be communicating channel changes through direct mail to customers. You may also find the information by visiting www.spectrum.com/digitalnow. For assistance please call 1-844-278-3906. For additional information or assistance on how to view Penfield video programming, please call Penfield Community TV at 340-8661, email at pctv@penfield.org or log in to www.penfieldtv.org.

3. On March 10, 2018, the Penfield Trails Committee will be partnering with the Friends of Webster Trails for their public monthly guided hike. The hike will begin at 10:00 AM with parking at the entrance of the Webster Campgrounds located at 999 Lake Road. For more information and to pre-register contact Penfield Recreation at 340-8655.

4. Daylight savings time is Saturday, March 11, 2018 beginning at 2:00 AM.

5. Penfield’s Annual Memorial Day Essay Contest is open to all middle school students, grades 6 through 8 who live in or attend school in the Town of Penfield. This year’s topic is “America’s Gift to My Generation.” The winners must be present to read their essays at the Town of Penfield’s Memorial Day Ceremony, Monday, May 28, 2018. Entry forms along with contest rules are available at www.penfieldrec.org. Entries must be postmarked by Friday, May 11, 2018.

6. An Opioid Epidemic Community Forum by Monroe County will be held in the Penfield High School Commons on Monday, March 19, 2018 at 7:00 PM. The panel will include members from Monroe County Health, the Medical Examiner’s Office and Monroe County Sheriff. All are welcome to attend.

7. Penfield Rotary will hold its annual Spring Euchre Tournament on Sunday, March 11, 2018 at the Legacy at 40 Willow Pond Way beginning at 2:00 PM. For tournament and registration details, log on to www.penfieldrotary.org.
8. The Eastside Business Expo will be held Tuesday, March 20, 2018 at Eagle Vale Country Club from 4:30 PM to 7:00 PM.

Public Participation

Kathleen McGrail, 275 Parkview Drive stated she is concerned about the way the Environmental Protection Overlay Districts are handled when an application comes in for development. She spoke about three (3) specific projects, Glendoveers expansion, Bayview Landing and Ellison Heights development. She gave handouts to Town Clerk Steklof to be copied and e-mailed to the Town Board. (see attached) Ms. McGrail asked a number of questions that were listed on the handouts.

Supervisor LaFountain stated that he will respond in writing and will put the information on the Town’s website for residents to view.

Bob Reid, 275 Parkview Drive stated he feels the Ellison Heights Development is out of scale for its location. He also feels that the large buildings, known as Waters Edge and formerly known as South Point Cove apartments, located on the north side of Empire Boulevard in the LaSalles Landing zoning district are also out of scale for its location. He wonders about the decisions that were made to allow these two (2) developments.

Reverend Steven D. Brotzman, the new pastor at First Baptist Church of Penfield, 1862 Penfield Road introduced himself and stated he has been hired to build relationships with the School Board and Town. He would like the Town Board to let him know if there is anything the church can do to assist in helping improve the Town. For information, the Reverend suggested going on the church’s website at www.fbpenfield.org.

Supervisor LaFountain stated he looks forward to working with the Reverend.

Jeff Burns, 39 Scarborough Park, stated he is grateful for the work the Town did pertaining to the preparation up to and during the Referendum vote which was held February 27, 2018. He stated that people are asking what is next for the Shadow Pines property and are interested in helping with clean-up of the property. He feels it would be a good community project.

Supervisor LaFountain stated that the Town does not own the property yet, but plans to close on the property, if all goes well, by the end of April. For updated information please refer to the Town’s website under the project file page.

Mr. Burns voiced his concern in reference to people that are tempted to walk on the property before it is cleaned up. He also stated he is concerned that the Town may use the property to house a new Community Center or Library.

Supervisor LaFountain stated that once the Town owns the property and it is safe to go on, people will have the opportunity to visit the property. The Town will begin the evaluation process in May. He stated that everyone must be patient and let the process be the process.

Mr. Burns asked what is the ratio between residential and commercial development?

Supervisor LaFountain stated he will get that information for him. The Town has added a Mixed Use Zoning District so as to generate tax dollars from businesses, but not to have a “big box” on every corner.

Mr. Burns said, relating to Mixed Use, the Wickham Farms project is a Mixed Use designated area and stated that if the project extends to the next farm over which is, “Grossmans,” he hopes the projects will complement each other. Mr. Burns asked for details about the Wickham Farms project.
Supervisor LaFountain stated that tomorrow evening in the Town Hall Auditorium there will be a meeting discussing the details of the project. The meeting can also be viewed on the Town’s website and on the Town’s Public Television station.

Michael Gunther from Pack 260 asked what can be done to get drivers to slow down when speeding in neighborhoods.

Supervisor LaFountain informed Michael that Captain Sam Bell of Zone A takes care of the Town of Penfield, Perinton and Pittsford. The Supervisor went on to say that when he is notified about issues such as what Michael has brought attention to, he will let Captain Bell know of the issue(s) and in turn Captain Bell will have his deputies go out to the area in question, issue tickets, and help to slow down people who are speeding.

Councilman Quinn stated that the Town’s Engineering Department also monitors speed on Town roads.

Supervisor LaFountain stated that if Michael could reach out to the Chief Sam Farina, Chief of Police in Fairport, he will send his officers over to the area in question for monitoring.

Additions and Deletions to Agenda

CM Moore moved to add Resolution #18T-083, CW Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 7, 2018 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#18T-079 Authorization for Town Supervisor to Sign a Professional Service Contract with Dave Miller, of AVS, for the 2019 Town Wide Update by Moore

BE IT RESOLVED, that Dave Miller will assist the Town Assessor as needed, in the 2019 Town wide update, And;

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign a contract with Dave Miller of AVS, for professional services rendered. Said contract to be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted
#18T-080 Setting a Public Hearing for Final Subdivision and Site Plan Approval to Allow 14 Residences in Phase VI of the Abbington Place Subdivision on 5.74 Acres at 1229 Fairport Nine Mile Point Road 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, IV and V of the subdivision since that date; and

WHEREAS, the Board granted an additional three (3) lots in Phase V to provide lot size consistency with the development proposed immediately south of that Phase: and

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 14 residences in the last phase of development of the Abbington Place Subdivision under §250.11-2.A and §250.12-2 of the Code on 5.74 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 April 4, 2018 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

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 at the time of preliminary approval; 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: Metzler

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

Adopted

Public Works

#18T-081 Awarding the Contract for the Replacement of a Portion of the Roof at the Community Center by Metzler

WHEREAS, sealed bids were sought and requested in a manner prescribed by Law to furnish the Department of Public Works with a service contract that would provide the Town of Penfield with the purchase and installation of roofing materials for a portion of the roof at the Community Center,
(Resolution #18T-081 - Continued)

AND WHEREAS, on January 12th, 2018 at 11:00 AM local time the following sealed bids were received, opened, and read publicly from the following list of suppliers:

Cornerstone Restoration
J&B Installations, Inc.

AND WHEREAS, the bid received from J&B Installations, Inc. was the lowest bid and meets the expectation and specifications of the bid package for a total cost of $90,500.00,

AND WHEREAS, the Town Board approves appropriation of $90,500.00 from the Unassigned General Fund Balance as an amendment to the 2018 budget to fund this project in full,

NOW, THEREFORE, BE IT RESOLVED, that a contract be and hereby is awarded to: J&B Installations, Inc., 732 Visions Drive, Skaneateles Falls, NY 13153, to provide and install roofing material for a portion of the roof at the Community Center. This resolution and the bid submitted by J&B Installations, Inc. shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Moore

<table>
<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
<th>Aye</th>
</tr>
</thead>
</table>

Adopted

#18T-082 Making a Determination of Non-Significance and Adopting a Negative Declaration for New Sidewalks in the Willow Pond Neighborhood by Metzler

WHEREAS, the Town Board supports the construction of a 440 linear feet of new sidewalks on the east side of Sanders Farm Road and 485 linear feet of new sidewalks on the south side of Crown Oak Drive; and

WHEREAS, the proposed locations of the sidewalks were reviewed and it was determined that they will not have a detrimental impact on the environment; and

WHEREAS, the Town Board, acting as Lead Agency pursuant to the State Environmental Quality Review Act has classified this proposal as an Unlisted action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination of non-significance and adopts a Negative Declaration for this proposal, a copy of which is attached hereto and made a part hereof.

Moved: Metzler
Seconded: Kohl

<table>
<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
<th>Aye</th>
</tr>
</thead>
</table>

Adopted

Public Safety - None

Community Services - None

Old Business - None
New Business

#18T-083 Setting a Public Hearing for Adoption of Local Law No. 1 of 2018 to be Known as a “Local Law Extending the Moratorium and Prohibition Within the Town of Penfield of Public Golf Course Redevelopment by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2018 which would extend the moratorium and prohibition of public golf course redevelopment on real property located within the Town of Penfield; 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 a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 21, 2018, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2018 which would extend the moratorium of public golf course redevelopment on real property located within the Town of Penfield, a copy of which is attached hereto and made a part hereof known as Schedule “A”; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof to be not less than five (5) days and not more than thirty (30) days before the date set for the said Public Hearing, as aforesaid.

Schedule “A”

TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2018

A LOCAL LAW
EXTENDING
THE MORATORIUM ON AND PROHIBITION OF
PUBLIC GOLF COURSE REDEVELOPMENT
WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Redevelopment of Public Golf Courses in the Town of Penfield, originally enacted as Local Law No. 1 of 2016, and previously extended as Local Law No. 1 of 2017 to March 31, 2018, is hereby extended until March 31, 2019, or until a duly enacted repeal of said Local Law No. 1 of 2018 as so extended, whichever shall first occur.

Section 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability
shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 3. This Local Law shall take effect immediately.

Moved: Moore
Seconded: Kohl

<table>
<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
<th>Aye</th>
</tr>
</thead>
</table>

Adopted

Public Participation - None

Executive Session - None

Next Meeting - March 21, 2018

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:19 PM.

Amy Steklof, RMC/CMC
Town Clerk
EPODs Penfield Town Board Meeting
for board members
March 7, 2018

Kathleen McGrail

I am here tonight to raise some concerns about EPODs in Penfield and how the associated regulations and EPOD protections are handled when a development proposal is submitted. And I will do that in the context of 2 development proposals in process of approval and 1 already being built, all of which seem to involve one, or more overlapping, EPODs.

The 3 projects are for Bay View Landing off Empire Blvd; the expansion of the parking lot for Glendover’s, and the Ellison Heights development off Penfield Rd.

I am one person speaking with you tonight but the turnout for the recent referendum on Shadow Pines may suggest to you that there is a growing interest, constituency, and advocacy for how our local environment is managed. Many people have reviewed my questions and remarks and I am representing more than just my personal opinion and concerns.

I am aware that the zoning and planning boards make a lot of these decisions, but you, the elected members of the board are ultimately responsible for the decisions they make, and some of this development has required board decisions as I understand it, for example if zoning changes are involved. In addition to that, timeliness is important because for 2 proposals final approval has not been given yet.

These quotes are from the EPOD descriptions in the Open Space document, similar language in town code 250-6.1

"Environmental Protection Overlay Districts
These features warrant special consideration by way of their value, natural uniqueness, sensitivity and functional value to the town and its residents.
As Penfield continues to grow, development pressures on these natural assets are becoming great. The town has mapped these areas, known as Environmental Protection Overlay Districts (EPODs) and has incorporated regulatory ordinances to guide development in the preservation of the integrity of these features"

"Steep Slopes
These slopes are primarily located in the western portion of the town, along the Irondequoit Creek valley and in proximity to the Irondequoit Bay shoreline.
These areas are usually heavily wooded and are underlain with very erosive soils.
Maintenance of the fragile vegetative cover and thin layer of topsoil on these slopes is extremely critical in preservation of these natural features"
So that you can think about my principal questions as I speak, I will ask them now and repeat if needed when I am done.

My over-riding questions are these:
1. When a development proposal is submitted for a project involving one or more EPODs what is the relative weight or value given to "preserving the integrity of these features," and in the case of steep slopes "preserving and protecting the steep slope" vs the weight or value given to the desire of the developer to proceed vs the value/weight given to preserving the "function" of the EPOD somehow while eliminating or severely compromising altogether the unique features of the original EPOD itself.
2. Do you have a defined scoring system for projects involving EPODs that assigns a numerical value that helps to transparently balance the benefits/burdens to the town, to the residents, to the developer, and environmental burdens or impacts.
3. Are the decisions being made consistent with the intent of the EPOD designation and regulations or have you given up on "preserve and protect the unique features" clause perhaps shifting focus to the function the EPOD served.

I understand that there are development pressures that the town faces esp on the west side of town where access to major roads is faster and easier. It also happens that the majority of the EPODs involving steep slopes, watercourses and wetlands and associated woodlands are mostly on the west side in areas facing development pressure.

Starting first with Glendovere’s on Old Browncroft as there is an upcoming zoning board meeting March 15
- the proposed parking lot expansion is an expansion of a pre-existing, non-conforming use
- it involves the removal of a substantial part of a steep slope that is itself an EPOD
- it will also require a zoning variance or change because the area is currently zoned R 1-20, which will be addressed at the zoning board mtg on March 15

Given the above,
1. How can you reconcile any approval of this project with the stated objectives in town documents and code to “preserve and protect the unique features” of the environmental protection overlay districts
2. As elected representatives of the town residents, what is your position on this project? Will you advise the zoning board to deny this zoning variance? If not, why not?
3. The description of EPODs is in the town code as are the regulations regarding development in areas that include EPODs. Is compliance with those regulations and protections voluntary at the level of the town/zoning/planning boards or are those regulations legally binding for the town as well as for developers? How much discretion is there in interpretation of the regulations?
4. Do you have a defined scoring system for projects involving EPODs that assigns a numerical value that helps to transparently balance the benefits/burdens to the town, to the residents, to the developer, and environmental burdens or impacts.

Next, the Bay View Landing proposals
These issues here are multiple overlapping EPODs and zoning
- There are 2 separate projects involved. The first is for 33 townhomes which have been approved. By town code there cannot be more than 8 TH in a cluster so that means at least 5 buildings. The second is for 30 apartments at the base of the hill, distributed in a 3 story building. I am not sure if there is more than one building involved.
- The 33 townhomes have been approved for an area zoned R 1-20, not a designated TH district.
- These 2 developments, 33 townhomes, 30 apartments, not only require compliance and mitigation strategies for multiple EPODs, but the proposed apartments will require another zoning change accomplished by moving the boundaries of the property shifting it into the LLD where the town is free to make the decision it desires without respect to the R 1-20 designation.
- The current zoning was completed by previous Penfield Republican leadership after what appears to have been a thoughtful and exhaustive process. If zoning is done in the context of a thoughtful comprehensive plan, what is the rationale be for changing zoning to accommodate a development that does not conform to the zoning?

Gorilla basketball metaphor
The questions for this proposal are these:
1. The land being developed is faced with multiple overlapping EPODs involving almost the entire parcel, steep slope, woodland, wetland or watercourse. How can multiple environmental threats be simultaneously, effectively mitigated?
2. Given the description of what R 1-20 zoning, how do 30 townhomes warrant approval under that zoning designation
3. If the developer is being truthful, you can stop this entire project by refusing to make a zoning change for the apartments. Will you do that?

Ellison Heights there are several issues:
- First observation is on zoning:
  It looks like the buildings are 4 stories which, according to your zoning regulations would have to be a multiuse district. I don’t really see evidence that there will be multiple uses on the parcel that would qualify it as a MUD unless a swimming pool is sufficient. But that aside, on the official town zoning maps that list zoning and there are 2 currently posted as of last week, that area is zoned multi-residential, 2 stories not 4., not as a multiuse district.
- On town EPOD maps that area looks like a steep slope and watercourse EPODs. I believe your code/regulations indicate that the boundary of a steep slope extends 50 ft fro m the “top and the toe of the steep slope.”
- The buildings are very large and 3, maybe 4 of the 5 buildings, look like they are built right on the lip of the steep slope and none look like they are 50 feet back from the edge.
- Erosion, which is not supposed to occur according to steep slope regs, is happening on the northeast side (Old Penfield Rd) as well as the southwestern side.

For Ellison Heights there are 3 questions:
1. How is this development consistent with posted zoning for that site?
2. How was the siting of the buildings approved so close to the edge with a staircase to be built down the steep slope?
3. And practically speaking, what will you do in an ongoing way to monitor, and require mitigation of, environmental impacts of this development, at this point erosion, but potentially slippage of the slope, sitation in Irondequoit Creek?

This quote is from the 2010 comprehensive plan and the related regulations mentioned are in the town code 360.

Environmental Protection Overlay Districts
These features warrant special consideration by way of their value, natural uniqueness, sensitivity and functional value to the town and its residents.

As Penfield continues to grow, development pressures on these natural assets are becoming great. The town has mapped these areas, known as Environmental Protection Overlay Districts (EPODs) and has incorporated regulatory ordinances to guide development in the preservation of the integrity of these features.

GOAL Promote land use development patterns that respect environmentally sensitive areas.

GOAL Enhance, preserve and protect the overall functions and benefits derived from wetlands, including the role of wetlands in the treatment and management of storm water runoff throughout the town.

GOAL Preserve and protect steep slope areas in the town by ensuring that all development is consistent and compatible with the capabilities and limitations of the natural terrain and retain the natural character of unique and significant topographic features.