TOWN BOARD LEGISLATIVE AGENDA
Wednesday, April 4, 2018 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Public Hearing - To Consider a 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
III. Communications and Announcements
IV. Public Participation
V. Additions and Deletions to Agenda
VI. Approval of Minutes - March 7, 2018
VII. Petitions
VIII. Resolutions by Function

Law and Finance
18T-090 Authorization to Attend NYALGRO School
18T-091 Appointment of Temporary Members to the Board of Assessment Review
18T-092 Appointment of Robert Salvage to the Board of Assessment Review
18T-093 Authorization for Town Supervisor to Sign and Execute a Personnel Settlement Agreement
18T-094 Budget Amendment in the General Fund for the Purchase of Real Property
18T-095 Authorization for Town Supervisor to Sign a Professional Service Contract with A-Tip Control, Inc. for a Pilot Pond Treatment Program

Public Works
18T-096 Awarding the Contract for the Pump Station Renovations at Empire #1 and #2 Pump Stations

Public Safety
None

Community Services
18T-097 Authorization for Supervisor To Sign Recreation Contracts

IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: April 18, 2018
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 1303. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, April 4, 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  
Robert Quinn  Councilman  

Also Present:  
Amy Steklof  Town Clerk  
Richard Horwitz  Town Attorney  
Jim Costello  Director of Developmental Services  

Absent:  
Andrew Moore  Councilman  

Supervisor LaFountain called the meeting to order - Pledge of Allegiance.

Supervisor LaFountain stated that due to high winds the Town has back up cameras ready to continue televising the meeting if the Town Hall loses power.

Public Hearing #1  
To Consider a 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

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on March 15, 2018 and was posted on the Town Website and Town Clerk Bulletin Board. 28 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Supervisor LaFountain stated the Town Board has received all materials submitted by the applicant as well as the comments submitted by the Project Review Committee (PRC). Supervisor LaFountain asked Martin Janda, Engineer/Owner for the project, to give an overview of the project.

Mr. Janda stated that this is the final subdivision (Section 6) for the project. It will consist of 14 lots on 5.74 acres with 2.69 acres of open space to be dedicated to the Town. The property is located north and west of Miyah Drive (Section 5) and south and west of Silverlace Way (Section 4). The property is zoned Incentive Zoning. The requested lot size is 9,750 square feet, and is consistent with original approvals.

Councilwoman Metzler asked for a summary of the PRC comments and answers from the applicant. (see attachment at end of Minutes)

Jim Costello, Director of Developmental Services, asked the applicant to address the excess soil on the site and if their intent is to disperse it on the property or dispose of it.

Mr. Janda stated that the soil that is left (8,000 cubic yards) will be screened and then they will sell approximately 6,000 cubic yards of soil and disperse the rest.

Supervisor LaFountain expressed concern about equipment noise, truck traffic and dust. The applicant addressed the issues appropriately.

Supervisor LaFountain went over the next steps.

Public Participation - None

Hearing closed.
Communications and Announcements

1. "Passport Night in Penfield" will be held on Thursday, April 5, 2018 from 5:30 PM to 7:30 PM at the Penfield Town Hall.

2. The Town will host its annual Electric Car Show at the Penfield Community Center on Saturday, April 21, 2018 from 9:00 AM to 1:00 PM. For more information, please contact Bob Kanauer via email at kanauer@frontiernet.net.

3. The Penfield Trails Committee will hold its free guided hike in Channing H. Philbrick Park on Saturday, April 14, 2018 beginning at 10:00 AM. For more information and to pre-register, please call Penfield Recreation at 340-8655, option 6.

4. The Recreation Department has begun the process of updating its Five-Year Master Plan and will be creating a steering committee. Those interested in serving on the Recreation Master Plan Committee should contact Chris Bilow, Recreation Director, by this Friday, April 6, 2018 at bilow@penfield.org.

5. Penfield Recreation’s 2018 Summer Program brochure is now available at www.penfieldrec.org. Registration begins May 1, 2018 for Penfield residents.

6. Councilwoman Kohl’s next Community Chat will be held on Tuesday, April 17, 2018 from 5:30 PM to 7:00 PM at the Penfield Library.

7. The Penfield Players spring mainstage theatre performance of "A Comedy of Tenors" by Ken Ludwig will open Friday, April 27, 2018 at 8:00 PM at the Penfield Community Center through May 12, 2018. For more information please go to www.penfieldplayers.org.

Public Participation

Alice Pentland, 24 Old Westfall Drive, thanked the Town for keeping the roads relatively clean.

She expressed concern about the proposed development at 1185 and 1221 Empire Boulevard and 41 Woodhaven Drive. She stated she has been made aware of the Environmental Protection Overlay District zoning of the area and feels it is appropriately zoned. She feels that building apartments in that area would be detrimental to the quality of the environment. She is also concerned about the traffic in that area.

Kathleen McGrail, 275 Parkview Drive, stated she had attended last month’s meeting and had expressed concern pertaining to the Town Board’s decision making process as it applies to Environmental Protection Overlay Districts and development decisions. At that time she had mentioned Dr. Howitt’s land and referenced Ellison Heights and Glendoveres. She wonders why she hasn’t seen any of these properties addressed online.

Supervisor LaFountain stated he has been out of Town, but has been working on the questions with staff since his return and that it should be wrapped up shortly.

Dr. McGrail gave a handout to the Town Board (see attachment) and went over the document with the Town Board and Town Attorney.

Jim Froom, 11 Denonville Ridge, congratulated the Town on the February 27, 2018 Special Election vote.

Mr. Froom stated he hopes the Town Board does not do anything in terms of development on the east side of the Town that would increase traffic in that area and beyond.
Mr. Froom asked if the Five (5) Year Recreational Master Plan committee is different from the other committees he's heard about and inquired on which committee will influence what happens with the “Pines.”

Supervisor LaFountain stated the two (2) committees that will have the most influence will be the Comprehensive Plan and the committee that will be developed specifically to look at that property. The Recreation Committee is much broader and will look at programming and other recreational activities.

Supervisor LaFountain also stated that the closing on the Pines property will occur by the end of this month.

Mr. Froom asked Supervisor LaFountain to verify the cost to maintain the Pines property. He remembers the estimate to be $22,000 to $23,000.

Supervisor LaFountain stated that is correct.

Mr. Froom asked Supervisor LaFountain to give a guestimate on how much it will cost to maintain the property during the non-winter months.

Supervisor LaFountain said the majority of the money would be used. Supervisor LaFountain went on to say, as part of an Information Meeting, the Town would be looking to maintain around the Clark House with mowing and cleaning up of damaged trees and utilities to make it safe for the community.

Mr. Froom stated he has heard that there is a lot of interest in the community to form a volunteer group to help with the Pines cleanup. He asked Supervisor LaFountain to check with the Town’s insurance company on what it would cost to put a rider on the policy for the community to provide volunteer help with the property.

Supervisor LaFountain said he would look into it.

Mr. Froom asked Supervisor LaFountain to comment on discussions that have been had on the future use of the Pines.

Supervisor LaFountain stated that the Town Board has been specific in saying that they were looking to purchase the property for General Municipal Use and that it was part of the Information Meeting that they shared with the community.

Bob Peterson, 1931 Clark Road, asked when the Comprehensive Plan Committee and Pines Committee will be put together, how they will work together and what will the timelines be.

Supervisor LaFountain stated that the Comprehensive Plan Committee will take a look at the entire Town and will start sooner than the Shadow Pines property committee. They will, however, run somewhat concurrently.

Mr. Peterson stated it might be useful to have the Shadow Pines Committee give input to the Comprehensive Plan Committee when zoning changes are being considered for Shadow Pines. He feels that the committee should be up and running sooner than later.

Supervisor LaFountain stated that the Town Board will take Mr. Peterson’s comments into consideration.

Mr. Peterson inquired about the different Town Committee terms.

Supervisor LaFountain stated that the Conservation Board is a term of one (1) year term. Zoning Board and Planning Board are three (3) year terms. The Town tries to stagger the appointments so that not everyone’s term is up at the same time. At the end of a term the Town Board may ask for applicants or may or may not appoint or reappoint new members.
Additions and Deletions to Agenda - None

Approval of Minutes

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

Petitions - None

Resolutions by Function

Law and Finance

#18T-090 Authorization to Attend NYALGRO School by Moore

WHEREAS, the New York State Association of Local Government Records Officers (NYALGRO) is a non-profit organization that provides a network to all who are responsible for records upkeep and information management for local governments; and

WHEREAS, NYALGRO is dedicated to increasing awareness of the need for sound management of local Government records and provides valuable classes which include the opportunity to exchange information and problems and their solutions unique to each Town; and

WHEREAS, Town Clerk, Amy Steklof, RMC/CMC as the Town’s Record Management Officer, will have the opportunity to expand knowledge and network with members of the Association.

NOW, THEREFORE, BE IT RESOLVED, that Town Clerk, Amy M. Steklof, RMC/CMC is hereby authorized to attend the 2018 New York Association of Local Government Records Officers School, to be held from June 3-6, 2018 for a cost not to exceed $832.93. This cost will be allocated from the 2018 Town Clerk conference budget line.

Moved: Quinn
Seconded: Metzler

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

Adopted

#18T-091 Appointment of Temporary Members to the Board of Assessment Review by Moore

WHEREAS, Article 5, Section 523-a of the New York State Real Property Tax Law allows the legislative body of any local government, in any year deemed necessary, to appoint temporary members to the Board of Assessment Review to serve as administrative hearing panel members as provided,

NOW, BE IT THEREFORE RESOLVED, that the Town Board of Penfield appoints the following Penfield residents to serve a one (1) year term as temporary members of the Board of Assessment Review as provided in Section 523-a of the New York State Real Property Tax Law. The term shall commence on September 30, 2017, and shall end on September 30, 2018.

Craig Schubmehl, 2042 Five Mile Line Road, Penfield, NY 14526
Paul Sugnet, 68 Foxbourne Road, Penfield, NY 14526

Moved: Quinn
Seconded: Kohl
Resolution #18T-091 - Continued

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

Adopted

#18T-092 Appointment of Robert Salvage to the Board of Assessment Review by Moore

WHEREAS, Robert Salvage, 37 Tree Brook Drive, Rochester, NY 14625 has expressed his interest in serving on the Board of Assessment Review, and

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of Penfield appoints Robert Salvage, to fill the remainder of a five year term on the Board of Assessment Review of the Town of Penfield, such term to expire on September 30, 2019.

Moved: Quinn
Seconded: Metzler

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

Adopted

#18T-093 Authorization for Town Supervisor to Sign and Execute a Personnel Settlement Agreement by Moore

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign and execute a personnel settlement agreement satisfying all concerned parties, pending Town Attorney approval.

Moved: Quinn
Seconded: Kohl

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

Adopted

#18T-094 Budget Amendment in the General Fund for the Purchase of Real Property by Moore

WHEREAS, on February 27, 2018 there was a Town-wide vote authorizing the acquisition of an approximately 6 acre parcel of land and the buildings and improvements situated thereon (including, without limitation, the Alpheus Clark House) located at 1960 Clark Road within the Town (TMID No. 124.13-1-3), constituting a portion of the site of the former Shadow Pines Golf Club, at an estimated maximum cost of $260,000; and

WHEREAS, the Town Board has determined the acquisition of this parcel will be paid for from the General Fund Unassigned Fund Balance;

NOW, BE IT RESOLVED the Town Board approves the appropriation of a maximum of $260,000, inclusive of all necessary closing costs, for the purchase of the aforementioned property from the Town’s General Fund Unassigned Fund Balance as follows:

Revenue
A00-1000-6000-0000: $260,000
Appropriated Surplus

Expenditures
A00-1940-0004-4000: $260,000
Purchase of Land/ROW
Penfield Town Board, April 4, 2018

(Resolution #18T-094 – Continued)

Moved: Quinn
Seconded: Metzler

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

Adopted

#18T-095 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

WHEREAS, the Board discussed extending this pilot program at its March 28th Work Session and decided to continue with the treatments; 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 $18,100.00.

Moved: Quinn
Seconded: Kohl

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

Adopted

Public Works

#18T-096 Awarding the Contract for the Pump Station Renovations at Empire #1 and #2 Pump Stations 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 pump station renovations at the Empire #1 & #2 pump stations,

AND WHEREAS, on March 9th, 2018 at 11:00 AM local time the following sealed bids were received, opened, and read publicly from the following list of suppliers:

C.P. Ward, Inc.
Villager Construction

AND WHEREAS, the bid received from C.P. Ward, Inc. was the lowest bid and meets the expectation and specifications of the bid package for a total cost of $94,900.00,

AND WHEREAS, funds are available in 2018 to fund this project in full,
NOW, THEREFORE, BE IT RESOLVED, that a contract be and hereby is awarded to: C.P. Ward, Inc., 100 W River Road, Scottsville, NY 14546, to provide and complete pump station renovations at the Empire #1 & #2 pump stations. This resolution and the bid submitted by C.P. Ward, Inc. shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Kohl

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<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
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<tr>
<td>Metzler</td>
<td>Aye</td>
<td></td>
<td>Moore</td>
<td>Absent</td>
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<tr>
<td>Quinn</td>
<td>Aye</td>
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Adopted

Public Safety - None

Community Services

#18T-097 Authorization for Supervisor To Sign Recreation Contracts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Rochester Fencing Club, 3335 Brighton Henrietta Town Line Road, Rochester, NY 14623, instructor for Youth Fencing, 8/13 – 8/17/18, for a fee of 70% of total program revenue. Voucher to be submitted 9/5/18.

Soccer Shots, 82 Cornhill Place, Rochester, NY 14608, instructor for Soccer Shots, 7/9 – 8/20/18, for a fee of 70% of total program revenue. Voucher to be submitted 9/5/18.

Little Medical School, 510 Clinton Square, Rochester, NY 14604, instructor for Little Medical School Camp, 7/16 – 7/20/18, for a fee of 70% of total program revenue. Voucher to be submitted 8/1/18.

Ryan Healey, 69 Beau Lane, Rochester, NY 14624, instructor for Runner’s Boot Camp, 5/29 – 7/12/18, for a fee of 70% of total program revenue. Voucher to be submitted 7/18/18.

Genesee Waterways Center, 149 Elmwood Avenue, Rochester, NY 14611, instructor for Kids Kayak Level 1, 6/25 – 3/31/18, and Intro to Whitewater Kayaking, 6/12 – 8/23/18, for a fee of 70% of total program revenues. Vouchers to be submitted 7/3, 7/18, 8/1, 8/15, and 9/5/18.

Moved: Kohl
Seconded: Quinn

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<td>Absent</td>
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<td>Quinn</td>
<td>Aye</td>
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Adopted

Old Business - None

New Business - None

Public Participation - None

Executive Session - None

Next Meeting

April 18, 2018
**Adjournment**

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

Amy Steklof, RMC/CMC  
Town Clerk
April 2, 2018

Planning Board
Town of Penfield
3100 Atlantic Ave.
Penfield, NY 14526

Re: Abbington Place Section 6
4 Colton Court
Response to Comments

2255G

Dear Board Members:

We have reviewed PRC comments for the above-referenced project in a memo dated March 20, 2018. On behalf of the developer, we offer the following responses for the Planning Board’s consideration:

Summary of Comments on Plat Map:
Author, O’Connor

1. Detectable warning field.
   A detectable warning field will be added and a detail will be added to the detail sheet as requested.

2. Detectable warning field.
   A detectable warning field will be added and a detail will be added to the detail sheet as requested.

3. Provide crosswalk detail.
   A crosswalk detail will be provided as requested.

Summary of Comments on Utility Plan:
Author, O’Connor

1. 12" Perf PVC.
   The 8” perf PVC pipe will be revised to 12” perf PVC as requested.

2. Extend sewer to property line.
   The sanitary sewer will be extended as requested.
Author, Valentine

3. Provide storm sewer, house downsputs can go to splashblock, however all sump pumps must be tied into a storm lateral.
   All sump pumps will be connected to a storm lateral.

4. Signs shall be placed at all property corners designating to Town.
   Signs will be placed at all property corners as requested.

Summary of Comments on Grading Plan:

Author, O'Connor

1. Is this pond the As-Built condition or the preliminary design grading?

   The contours as shown are the proposed contours. We will provide as-built pond map prior to final signatures and plan approval.

2. Clean contour line.

   The contour line will be revised as requested.

Author, Valentine

3. The pond should be cleaned up and landscaped prior to dedication to the Town.

   A note was provided on the grading plan (note #11), which states that the contractor is to remove any accumulated sediment within the existing stormwater facility 'B' and will be cleaned to the Town of Penfield's satisfaction. Additional landscaping per the preliminary plan will be added as requested.

4. Is this a berm: How will stormwater get out of these yards?

   A drainage swale will be created on the north side of the berm to route drainage as necessary.

5. How is rear yard drainage being handled?

   Additional spot elevations and flow arrows will be provided to clarify the drainage pattern of the rear yards for lots 41-43.

Summary of Comments on Erosion Control Plan:

Author, Valentine

1. Silt fence should be added behind the proposed homes to protect silt going into the pond.

   Our client would prefer to install a directional swale with stone check dams as needed.
Summary of Comments on Lateral Plan:
Author, O'Connor

1. Storm lateral is connected to sanitary sewer, revise.
   The storm lateral will be revised to connect to the storm sewer by lot 22 as requested.

2. Extend sanitary sewer.
   The sanitary sewer will be extended as requested.

Summary of Comments on Landscaping Plan:
Author, O'Connor

1. Preliminary plans show planting along rear yards of lots 19-24.
   Landscaping per the preliminary plans will be added along the rear of lots 19-24 as requested.

Summary of Comments on Profiles:
Author, O'Connor

1. Extend sanitary sewer to end.
   The sanitary sewer will be extended as requested.

If you have any additional comments, please contact our office.

Sincerely,
BME ASSOCIATES

Megan Sereni
/MS

c: Rudy Neufeld; Crosstown Construction
   Mark Valentini, P.E.; Town of Penfield
Penfield Town Board, April 4, 2018

Attachment for Public Participation
proceed vs the value or weight given to impact on environment vs direct or indirect impact on residents? Do you have a scoring systems that transparently balances those benefits and burdens and that is visible to residents w/o a FOI request?

So looking at the Glandover's proposal:
How does wanting to expand business constitute a "unnecessary hardship" if expansion is refused?
How does wanting to expand to "facilitate growth of the business" constitute a "reasonable need for expansion"?
How will "public convenience and welfare be served" (or not served)?
How will 35 additional parking spaces solve the emergency vehicles issue when the business also wants to expand

As this means that the decision will come before the zoning board again in 2 weeks on April 18, and a month has passed since I originally asked my questions to this board I thought perhaps you might be ready to respond tonight.

At the last meeting I asked a number of questions related to the decision making process for proposed developments involving environmental protection districts. You had indicated that you would respond online and that the responses would be accessible to anyone. That has not yet happened. I did contact you about 10 days later to ask where and when those responses might be available but did not hear back.

So when can we expect your responses and where might they be posted so that those listening and interested will know when and where to look for them?

The default position on requests for expansion of non-conforming uses described in THE LAW OF NONCONFORMING USES (Bloom 2001) is to deny expansion requests unless the applicant can demonstrate "unnecessary hardship" and a "reasonable need for expansion exists." And in Penfield code "public convenience and welfare will be served...and there is an absence of injurious effect on contiguous property"

Why would you approve this when the standards for granting the expansion do not seem to have been met:

- Additional 37 parking spots added for a total of 82 spots will not meet the need (projected 195) and is unlikely to solve the emergency vehicle access because of ongoing need for additional parking
- The "unnecessary hardship" criteria argument is weak
- How is "Public convenience and welfare" of the residents of Penfield to be improved by the expansion? I would actually raise the possibility that welfare might be negatively impacted by the number of cars exiting the facility from Old Browncroft, esp if they cross lanes heading west
- "Injurious effect" on contiguous property is significant: the injury is removal of a substantial portion of a steep slope which the town is supposed to protect
The table below is a way of transparently listing and visually balancing the benefits and burdens. How much value is assigned to each column depends on the values of the decision makers, which should reflect values of the town as recorded in town code, as well as the residents who are represented by the members of the planning and zoning board.

<table>
<thead>
<tr>
<th>Glendovers (application and PB discussion 8-17)</th>
<th>EPOD (Town code)</th>
<th>Applicable Penfield code 250-14.5 or case law (Bloom, 2001) on expanding a Pre-existing non-conforming use</th>
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<tr>
<td>Rationale: the market for banquet facilities is competitive</td>
<td>250-6.1</td>
<td>applicant must show that there is an &quot;unnecessary hardship which justifies the granting of the variance (case law)</td>
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<td>expansion is necessary to facilitate growth of the business</td>
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<td>&quot;a reasonable need for expansion exists&quot; (case law)</td>
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<td>There is a shortage of parking spaces and patrons are forced to park on both sides of Old Browncroft Boulevard</td>
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<td>&quot;when in judgment the public convenience and welfare will be served&quot; (Penfield code)</td>
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<tr>
<td>(And that parking) creates an access issue for emergency vehicles</td>
<td></td>
<td>Addition of 35 spaces (total 45+37) will still not meet the minimum requirement for the facility; 195 required for 250 + 10 employees</td>
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<tr>
<td>Injurious Impact</td>
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*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 and has incorporated regulatory ordinances to guide development in the preservation of the integrity of these features.*

*Steep Slopes*
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.*

*and the appropriate use of neighboring property will not be substantially injured thereby* (Penfield code) and an absence of an injurious effect on contiguous property is shown." (Case law)