TOWN BOARD LEGISLATIVE AGENDA
Wednesday, May 2, 2018, 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 - (April 4, 2018)
VI. Petitions
VII. Resolutions by Function

Law and Finance
18T-106 Approval of Issuance of a Conditional Use Permit to Allow a Nail & Skin Care Spa at 1802 Penfield Road
18T-107 Setting a Public Hearing for the Issuance of a Special Permit to Allow a Confectionary Shop/Bakery at 2025 Penfield Road
18T-108 Setting a Public Hearing for a Special Permit to Allow a Multiple Residential Use with Accessory Garages at a Penfield Landmark at 2567 Browncroft Blvd
18T-109 Approval of an Incentive Zoning Application and 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
18T-110 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Sanitary Sewer Easement at 1525 Creek Street

Public Works
18T-111 Advertising for Bids for the Purchase and Installation of a 60' x 100' Pole Barn for the Department of Public Works
18T-112 Authorization to Auction Surplus Equipment on May 12, 2018 at the 33rd Annual Palmyra Government Surplus Equipment Auction
18T-113 Purchase of a 2019 Chevrolet Silverado 2500 HD Pickup Truck

Public Safety - None

Community Services - None

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: (May 16, 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.
Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, May 2, 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

Supervisor LaFountain called the meeting to order - Pledge of Allegiance was led by Thomas and Kate Moore.

Ed Lindskoog, on behalf of the Trails Committee, presented to Supervisor LaFountain a tree branch from the 1991 Ice Storm which had been refinished by Dick Adamus and signed by the Trails Committee. During the Ice Storm, Supervisor LaFountain worked with then Supervisor Donald G. Mack (1984-1991) moving fallen branches. Mr. Lindskoog thanked Supervisor LaFountain and the Town for all the support they have given the Trails Committee.

Supervisor LaFountain stated he plans to have a plaque made and will display it with the branch prominently in the Town Hall.

Communications and Announcements

1. The Mobile DMV for Tuesday, May 22, 2018 is cancelled due to the Assessment Grievance Day for the Town Of Penfield.

2. Please call 811 before digging anywhere in your yard. 811 coordinates with local utility companies to locate all underground lines on your property. Residents and business owners should call two (2) days before they plan to dig. To schedule an appointment, call 811 or go to www.digsafelynewyork.com/homeowners.

3. Brush drop-off is available year round, Monday through Friday at the Town’s Department of Public Works, 1607 Jackson Road. The Town’s annual Spring Drop-off event will be held on Friday, May 18, 2018 and Saturday, May 19, 2018 for disposal of household items. For more information, please visit the Town’s website, www.penfield.org.

4. The annual Terry Rothfuss Memorial Good Neighbor Day will be held on Saturday, May 19, 2018. Good Neighbor Day will begin at the Rothfuss Farm, 1865 Salt Road for participants to receive their assignments. For more information and to register for this event please call Sabrina at Penfield Recreation, 340-8651 or email her at srenner@penfield.org.

5. The NYS Department of Transportation is installing pedestrian indicators at the intersection of NYS RTE 250 and Whalen Road to make it safer for pedestrians to cross the roads. The project should be completed within the month.

6. On Saturday, May 12, 2018, the Penfield Trails Committee will host a free guided hike within Harris Whalen Park beginning at 9:00 AM. Participants are asked to pre-register by calling Penfield Recreation at 340-8655, option 6.
7. On Monday, May 28, 2018, the Town will hold its annual Memorial Day Ceremony within Veterans Memorial Park at the Penfield Amphitheater beginning at 10:30 AM. The ceremony will include a presentation of roses, guest speaker, Deputy Monroe County Executive Thomas Van Strydonck, music by the Penfield Pops Band and essay readings from area middle school students. To reserve a rose, please contact Sabrina at Penfield Recreation, 340-8651. For more information, please visit www.penfieldrec.org.

8. Councilwoman Kohl’s next Community Chat will be held on Tuesday, May 15, 2018 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Sarah Timmerman of Lazy Trail stated that wires from the telephone pole in her backyard are still down from the last windstorm.

Supervisor LaFountain asked for Sarah’s house number and said he will report the issue to Spectrum.

Kate McArdle, 15 Hillside Road, inquired about Assessor Grievance Day.

Supervisor LaFountain explained it is always held on the fourth Tuesday in May. He suggested Ms. McArdle contact the Assessor’s office if she would like to make an appointment.

Ms. McArdle asked if the Town still participates in electronics recycling.

Supervisor LaFountain stated the Town no longer collects electronics for recycling, but will notify residents via the Town’s website when an organization or representative holds an electronics recycling event. He encouraged residents to recycle at Ecopark.

Councilwoman Metzler stated if any charities would like to hold a recycling event, the Town may be able to provide an area for their event.

Ms. McArdle also inquired about pharmaceutical recycling.

Supervisor LaFountain stated that one (1) time a year, Wegmans holds a pharmaceutical recycling event. Also, Zone A, off of Panorama Trail, will collect pharmaceuticals during work hours. Ecopark recycles pharmaceuticals as well.

Councilwoman Metzler stated residents can call 911 non-emergency to have an officer dispatched to Zone A to meet residents who would like to recycle their pharmaceuticals during off hours.

Ms. McArdle asked for this information to be placed on the website.

Mr. McArdle asked if there has been any further discussion pertaining to reducing pesticides.

Supervisor LaFountain stated he will follow up with Eric Tate and Tim Masterton from the Department of Public Works.

Ms. McArdle asked the Town Board if they have done any research on Community Choice Aggregation (CCA) and the bulk buying of energy. She asked if they have looked into what other towns are doing locally.

Supervisor LaFountain stated that the Town Board members have asked him to be their point person for this topic.
Ms. McArdle stated she had attended the Energy Environment Committee on March 28, 2018 where CCA was mentioned and that she was disappointed that there was not much conversation about it during the committee meeting. She stated that CCA allows local governments to source energy on behalf of its residents by procuring energy from a competitive energy supplier. She believes five (5) municipalities in the Finger Lakes have passed a resolution for a CCA Local Law. She asked Supervisor LaFountain whether any work has been done pertaining to CCA? She would like to set up a meeting with Supervisor LaFountain to discuss this item further.

Supervisor LaFountain stated nothing has been done yet.

Ms. McArdle also asked about the role of the Conservation Board and the role of the Energy and Environment Committee.

Councilwoman Metzler gave an overview of the Conservation Board duties.

Ms. McArdle stated that the Minutes for the Conservation Board have not been posted for over a year. She would like the Minutes placed on the website.

Councilwoman Metzler stated that all information can be found in the reports the Conservation Board issues for different projects and can be found online.

Ms. McArdle asked who from the Conservation Board attends the Monroe County Environmental Management Council meetings?

Supervisor LaFountain stated he believes that Paul Sugnet attends those meetings.

Ms. McArdle asked who appoints the members to the Energy and Environment Advisory Board.

Supervisor LaFountain stated that the Town Board appoints those members and that the Town Board appoints members to all of the boards.

Ms. McArdle asked what the qualifications need to be to apply to the different boards.

Supervisor LaFountain explained what the Town Board looks for when choosing board members.

Ms. McArdle asked the Town Board to make sure, as elected officials, the residents and the Energy and Environment Advisory Board are given the information they need to understand what CCA is.

Al Hibner, 85 Highledge Drive, thanked the Town Board for completing the purchase of Shadow Pines property. He informed the Town Board that he is a volunteer and the co-lead of lobbying for the Rochester Chapter of Citizen’s Climate Lobby (CCL). He stated that on December 13, 2017 he addressed the Town Board and asked for the Town Board to draft and sign a letter endorsing a policy to require those entities who contribute to the carbon footprint to pay a carbon fee. The goal is to reduce carbon emissions and to help slow down climate change. Mr. Hibner asked when the Town Board will be discussing this item.

Supervisor LaFountain stated that it will be an action item on the May 9, 2018 Work Session agenda.

Mr. Hibner stated that the Citizen’s Climate Lobby is scheduled to meet members of Congress on June 12, 2018 and he would like to present the letter at that meeting.
Ed Lindskoog, 40 Willow Pond Way, stated he is the liaison to the Conservation Board for the Trails Committee and one of the projects the Trails Committee takes on is to identify invasive species. They plan on conducting an inventory at the new park up on NYS RTE 250 and once that park is done they will extend to other parks in Penfield.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 4, 2018 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#18T-106 Approval of Issuance of a Conditional Use Permit to Allow a Nail and Skin Care Spa at 1802 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit, pursuant to Chapter 250-5.10.D(17) of the Code to allow a nail and skin care spa at 1802 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on April 18, 2018, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a nail and skin care spa at 1802 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicants’ request for a CONDITIONAL USE PERMIT to allow a nail and skin care spa at 1802 Penfield Road is hereby GRANTED subject to the following conditions:

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

2. The applicant shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal in accordance with the International Building Code and obtain any/all necessary permits.

3. Adequate parking shall be available at all times to accommodate the applicants’ business, as well as the other businesses that operate from this site.

4. The applicant shall obtain a sign permit from the Building Department and pay the appropriate fee.

5. This operation shall comply with all Federal, State, County and Town Codes.

6. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.
AND BE IT FURTHER RESOLVED, that the applicants’ proposal is classified as an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA).

The Town Board, in granting the CONDITIONAL USE PERMIT, does so based on its following findings:

1. The applicant proposes to lease 1,600 square feet of space at 1802 Penfield Road. The applicant proposes to dedicate 500 square feet to relocate her Esthetic Skin Care business at 2091 Five Mile Line Road, which has operated at that location for the last five (5) years. In addition, she proposes to dedicate 1,100 square feet to install eight (8) pedicure chairs and eight (8) manicure tables on the site.

2. The applicant proposes to operate the Esthetic Skin Care component herself, between the hours of 6:00 PM to 9:30 PM, four to five evenings per week on an appointment only basis and will have eight (8) employees to provide pedicure and manicure services, with both walk-ins and appointments during the hours of 10:00 AM to 6:00 PM. The business will operate six (6) days per week and will be closed on Mondays.

3. There is more than adequate parking (70+ spaces) on the site to accommodate this business, as well as the other businesses that operate at this location.

4. The applicant has operated in the Four Corners area for the last five (5) years and has provided a needed service to the residents of Penfield during that time in full compliance with the requirements of the Penfield Zoning Ordinance; furthermore, the business is a use consistent with the goals of the Four Corners Plan.

Moved: Moore
Seconded: Kohl

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

Adopted

#18T-107 Setting a Public Hearing for the Issuance of a Special Permit To Allow a Confectionary Shop/Bakery at 2025 Penfield Road

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Chapter 250.5.4-D(5) of the Code to consider allowing a confectionary shop/bakery at 2025 Penfield Road, located in the Planned Development (PD) zoning district; 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 applications have been classified as an Unlisted Action pursuant to of 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 Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 6, 2018 at 7:00 PM on said date, to consider the said applications and to hear all persons interested on the question of the issuance of a Special Permit to allow a confectionary shop/bakery at 2025 Penfield Road, located in the Planned Development (PD) zoning district; 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 to be not 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: Quinn

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

Adopted

#18T-108 Setting a Public Hearing for a Special Permit to Allow a Multiple Residential Use with Accessory Garages at a Penfield Landmark at 2567 Browncroft Blvd. by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Chapter 250-6.2-I of the Code to allow the conversion of a two family residence to a multiple residence with construction of accessory garages at a Penfield Landmark at 2567 Browncroft Blvd., located in the R-1-20 zoning district;

NOW, THEREFORE, BE IT RESOLVED, that 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

BE IT FURTHER RESOLVED, that the subject application is determined to be an Unlisted action pursuant to Part 617 of SEQRA; and

BE IT FURTHER 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 June 6, 2018 at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow the conversion of a two family residence to a multiple residence with construction of accessory garages at a Penfield Landmark at 2567 Browncroft Blvd., in the R-1-20 zoning district; 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 to be not 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
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 I of the Abbington Place Subdivision; and

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

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 14 residences in Phase VI 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 subject to the requirements of Town Board resolution 11T-125; and

WHEREAS, on January 13, 2016, the applicant requested and was granted permission from the Town Board to apply for a total of three (3) additional lots to be developed in Phases V and VI of this subdivision for the purpose of aligning the lots abutting the adjacent property owner to the south, who was given concept approval by the Board for a proposed 27 lot subdivision with similarly sized lots as those in the Abbington Place Subdivision, subject to the Incentive Zoning requirements for the original 99 lots; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on April 4, 2018, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of granting Final Subdivision and Site Plan Approval to allow 14 single family homes on 5.74 acres in Phase VI of the Abbington Place Subdivision, located at 1229 Fairport Nine Mile Point Road, and the Public Hearing was closed and decision was reserved; and

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) had classified this proposal as an Unlisted Action prior to granting Preliminary Overall Subdivision and Site Plan Approval of the project and issued a Negative Declaration determining that this action will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Final Subdivision and Site Plan approval for 14 lots in Phase VI of the development, be and the same are hereby APPROVED subject to the following conditions:

1. The applicant shall be responsible for providing the amenities for this phase of the development outlined in the Town Board’s Findings Statement Resolution No. 10T-198 dated September 1, 2010 which identified them as follows:
   - Necessary financial support and participation in the proposed relief sewer within the Town of Webster as identified in the sewer capacity study prepared by BME Associates, December 2003 and subsequent preliminary cost data prepared by Schultz Engineering for Visca Homes in the Town of Webster dated August 2009, both on file with the Penfield Engineering Department. The applicant shall be required to submit an amount of $500 per lot at the time a building permit is requested and prior to its issuance.
The site has been designed to reduce the on-site flow to the Angean Drive culverts. Phase VI will be served by the existing storm water facility that was constructed in Phase I.

The developer shall provide cash contribution payment of $3,250 per each lot above the RA-2 conventional yield of the property, that being 25 lots (formerly 22 lots), totaling $81,250 (formerly $71,500) for the specific purpose of designating funds to the Town’s drainage fund and to the Town’s highway fund to provide the Highway Department the ability to address public works projects that benefit the Town residents as deemed necessary.

2. Obtaining the signature of the Town Engineer indicates compliance with this requirement.

3. Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised March 6, 2013.

4. Submission of all easements to implement the approved plan. Easements shall be submitted in the Town’s format and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.

5. Compliance with the Town of Penfield’s Street Tree Planting Policy and Sidewalk Policy.

6. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas, construction sequence, and other applicable measures deemed appropriate by the Town Engineer; furthermore, the Town Board has granted the applicant’s request to screen and sell approximately 8,000 cubic yards of topsoil on the site. The screening and sale of said topsoil shall be subject to the following conditions:

   a. The applicant shall obtain a Topsoil Sales Permit from the Town Engineer and pay the appropriate fee.

   b. The topsoil stockpile area shall be placed on the southwest portion of the site in Phase VI as shown on a plan shown to the Board at its April 25, 2018 work session.

   c. Topsoil shall only be permitted to be screened and transported from the site between the hours of 8:00 AM to 5:00 PM from Monday to Friday. No such activities shall be permitted on Saturdays, Sundays or on nationally recognized holidays.

   d. Soil shall be screened and removed from the site working from the south to the north to create a buffer from the residences to the north of this phase of development.

   e. The applicant shall be responsible for continuous dust control during the screening and transporting process. There shall be a water truck on site during all phases of screening and transport of soil through the subdivision.

   f. All roads within the subdivision shall be clean and free of dirt at all times.

   g. Trucks transporting material shall obey the minimum speed limits within the subdivision at all times.
7. The finished ground level adjacent to each home foundation wall shall be graded in such a manner as to provide positive drainage away from the structure and shall be subject to the approval of the Town Engineer.

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

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

10. The final site plan for this phase shall contain proper notations regarding the possible presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall field tile be permitted to exist near home foundations.

11. The submission of all the required documents for roadway dedication, all to be in the Town’s format, accompanied by the proper filing fees and acceptable to the Town Attorney, prior to obtaining the signature of the Director of Developmental Services on the final plans.

12. All sanitary sewer connections are to be approved by the Town Engineer, the Town of Webster and the Monroe County Health Department. All funds for such improvements shall be covered in the Letter of Credit.

13. The applicant shall work with the Building Inspector to establish street addresses for all proposed buildings. Any new street names must be approved by Monroe County 911 and the Town of Penfield.

14. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location and time frame for mailbox installations.

15. A notation shall be placed on each corner lot with the subdivision stating that: “Any modification in the placement of a home from the location shown on the site plan, must be submitted in writing to the Building Inspector prior to application for a building permit for review and approval for compliance with the minimum setback requirements as set forth on the approved Site Plan.”

16. No walkout basements shall be permitted without the approval of the Town Engineer. In the event that walkout basements are approved, basements that are substantially exposed shall have siding compatible with the main structure installed to within 24” of ground level in order to provide an attractive appearance from all sides.

17. The applicant shall pay a recreation fee for each proposed structure on the site at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.

18. All site work is to be in compliance with the standards of the Code of the Town of Penfield. Furthermore, the applicant shall be responsible for the installation and completion of the stub road of Colten Court directed to the property to the south of the subdivision at the direction of the Town Engineer prior to the issuance of the last Certificate of Occupancy issued for the site and prior to the release of the Letter of Credit for this phase of development.
19. Compliance with all requirements of any Federal, State, County or local agency.

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

21. The approved subdivision plat must be properly filed in the Monroe County Clerk's Office prior to the issuance of a building permit.

22. The approved site plan must be properly filed in the Town Clerk’s Office prior to the issuance of a building permit.

23. Compliance with all of the requirements of the Director of Developmental Services regarding this matter.

24. A copy of this resolution in its entirety shall be placed on the final site plan.

AND BE IT FURTHER RESOLVED, that the Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

**Subdivision Approval: Factors for Consideration**

1. Character of the land, including topography and watercourses. - The site is well suited for development. There is no designated watercourse flowing through the property, however the applicant has modified the project layout to address the collection of storm water and to provide a reduction of volume of flow leaving the site prior to it discharging to Four Mile Creek. One of the two storm water management facilities have been constructed on the site to mitigate storm water concerns voiced by area neighbors and is properly functioning as proposed. The Town Board is satisfied with the overall layout of the project. This is the final phase of construction of the overall subdivision.

2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. - This project is consistent with the Town of Penfield 2010 Comprehensive Plan which recommended higher densities for this area of Penfield.

3. Current Development Regulations and Specifications. - The applicant shall comply with all current requirements.

4. Street layout and design. - The Board has reviewed the proposed street layout and design. The Town Board granted a waiver from the radius design of the street layout to minimize the amount of filling to the lots adjacent to the proposed storm water management facility along Route 250, provided the requirements of the MUTCD are followed and appropriate signs are installed.

5. Street Names. - Street names are required to be reviewed and found acceptable by Monroe County 911.

6. Arrangement of lots. - The lot and building arrangement remains exactly as that approved by the Town Board in its Preliminary Overall Subdivision and Site Plan Approval on May 4, 2011 in resolution 11T-125.

7. Drainage Improvements. - Drainage improvements were installed in Phase I of the project and have significantly reduced and mitigated drainage impacts to area property owners.
8. Utility Sidewalk and Pedestrian access and conservation easements. - Pedestrian patterns have been considered and will utilize sidewalks both within the proposed subdivision as well as a trail to provide pedestrian accessibility for those residents residing on the proposed Whitespire Lane. Said pedestrian access will be constructed with an impervious, durable material as directed by the Town Engineer.

9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. - The project required the construction of two storm water management facilities that are intended to revert back to their natural states, which will be owned by the Town of Penfield and maintained through a Special Improvement District which was created at the time Phase I of this project was approved.

10. Density Calculation. - The density calculation was established in Resolution No. 10T-198 of 2010 and approved in resolution 11T-125 of 2011 and three additional lots were subsequently approved by the Town Board to create similar lot sizes along the southerly property line to match anticipated development on the adjacent property, resulting in 102 lots within the subdivision.

11. Special benefited districts required including, but not limited to, sidewalks and trails, lighting, sewer, storm water management facilities, parks, and other embellishments. - A specially benefited district for the overall subdivision was created for each listed amenity as a condition of Phase I of the project.

12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department’s criteria as well as the Ordinance. - The site will be serviced by a dedicated sanitary sewer system. No on-site sewage disposal systems (septic systems) are proposed.

13. Documents required for dedication of public improvements. - Sanitary sewers, roadways and storm water management facilities are proposed to be dedicated to the Town and extension of the water system will be dedicated to the Monroe County Water Authority.

Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. - The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks are proposed to provide pedestrian access throughout the project and to the Barclay Park Subdivision to the north of the subdivision. The project’s roadways are designed to connect to the adjacent properties to the south and west of the site to provide for multiple means of ingress and egress as development occurs on those properties as requested and considered during the application review.

2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. - The applicable factors have been found to be acceptable by the Board.
3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. - There are few trees in the areas of proposed development. Trees will be installed as a condition of site plan approval, in compliance with the Town’s Street Tree Policy. Several trees were removed to construct the existing storm water management facility adjacent to NYS Route 250; however, vegetation in that area was intended to and has reverted to a natural, unmaintained state, allowing for new growth. The preservation of existing vegetation, where practical and effective, has been required.

4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. - Not applicable.

5. Adequacy of storm water, sanitary waste disposal, and public water facilities. - The storm water management facility that services this phase of development was constructed in conjunction with the development of phase I of the project and is functioning as designed.

6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. - This phase of development is well screened from the surrounding neighborhood.

7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. - There are no Environmental Protection Overlay Districts (EPOD’s) on this site.

8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, IBP, LWRP and any others. - Of those documents, plans, laws, acts and reports listed, the following are applicable:

   a. Ordinance - The Town Board, under Local Law No. 2 of 2003 is empowered to modify the Town’s Zoning Ordinance through the Incentive Zoning application process. All applicable Ordinance sections are complied with and the Town Board has superseded the Ordinance through the use of Incentive Zoning.

   b. Master Plan - The Town Board has determined that this project, as proposed and herein approved, is consistent with the Town of Penfield 2010 Comprehensive Plan, for density and use.

   c. Design and Construction Specifications - As previously noted the plan complies with all requirements of the Specifications.

   d. SEQRA- The environmental review of this action is consistent with SEQRA.

   e. The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay. All storm water flows to Four Mile Creek which directly flows to Lake Ontario.

9. Provisions for adequate drainage away from walls or structures. - The applicant is required to comply with the requirements of the Town’s Specifications and Design Criteria which requires positive drainage away from all structures.
10. Agreements, easements and other required legal documentation shall be approved by the Town Attorney. No construction will be permitted for this project until such time as all legal documentation has been reviewed and approved by the Town Attorney and appropriate staff members.

11. The impact of the proposed use on adjacent land uses. The adjacent land uses include agricultural lands surrounding the site. Those lands are also subject to development pressure based on their accessibility to sanitary sewers. It is anticipated that said properties will be similarly developed as the subject property over the next several years. The adjacent property owners to the west of the site requested that the Town Board require the developer to provide road access to their easterly property line to allow future development on their property to tie into said proposed road. The Board did so and the applicant complied. The applicant to the south of this site requested the Town Board to provide a right-of-way to his property along with access to a sanitary sewer for the future development of his site as well as providing sanitary access to his residence. The Board did so and the applicant complied. Finally the owner to the south requested that the Town Board require the applicant to install an earthen berm along the common property line to prevent drainage from the project from entering onto his site. At the applicant’s request, the Board did so and the applicant complied. The Town Board, in granting the neighbor’s request is doing so to the extent that the Town is honoring his request. The Town assumes no liability in the event that the berm prevents storm water from positively draining from the adjacent property. The Town Board was concerned that since the Town has no drainage easement over the lands immediately east of Route 250 that there may be an adverse impact to the properties to the west of Route 250 in the event that positive drainage was not maintained east of Route 250. The applicant secured a letter from the property owner on the east side of Route 250 allowing the Town access to his property to resolve any drainage issues in emergency situations. This action resolved the Board’s issue.

12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of the recreation fee shall be noted on the plat. See condition #20.

AND BE IT FURTHER RESOLVED, that Section 276 of the Town Law states that “Conditional Approval of the final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as complete.”

AND BE IT FURTHER RESOLVED, that this section also states that “The Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if in its opinion such intention is warranted by the particular circumstances thereof, not to exceed two additional periods of ninety (90) days each.”
(Resolution #18T-109 - Continued)

Moved: Moore  Seconded: Kohl

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

Adopted

#18T-110 Authorization for Supervisor To Sign a License and Hold Harmless Agreement to Allow a Fence within a Sanitary Sewer Easement at 1525 Creek Street 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 Alexander and Devon Fassanella, owners of property of 1525 Creek Street, to permit a portion of a fence to encroach into a Sanitary Sewer easement to the Town of Penfield located at 1525 Creek Street 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

Public Works

#18T-111 Advertising for Bids for the Purchase and Installation of a 60' by 100' Pole Barn for the Department of Public Works by Metzler

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the Manner prescribed by Law for sealed proposals to furnish the Town of Penfield Department of Public Works the following:

Purchase and installation of a 60’ x 100’ pole barn

NOW THEREFORE, BE IT FURTHER RESOLVED, that the purchase and installation of a 60’ x 100’ pole barn covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until May 18th, 2018 at 11:00 AM local time and there and then to be opened and read publicly by the Town Clerk.

Moved: Metzler  Seconded: Moore

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

Adopted

#18T-112 Authorization to Auction Surplus Equipment on May 12, 2018 at the 33rd Annual Palmyra Government Surplus Equipment Auction by Metzler

WHEREAS, the Director of Public Works has identified the attached list of equipment as surplus and available for public auction; and

WHEREAS, the Town Supervisor and the Director of Public Works be granted the authority to amend the attached list prior to final designation as surplus equipment;
NOW, THEREFORE, BE IT RESOLVED, that the following list of equipment be declared surplus and that the Director of Public Works be and hereby is authorized to enter into agreement with Roy Teitsworth, Inc, 6502 Barber Hill Road, Geneseo, New York 14454, to auction said equipment:

- H-85 2000 International Dump Truck w/ Plow & Wing  
  Vin # 1HTSCABL9YH270079
- 2031 2001 Ford F-350 w/ Stake Body  
  Vin # 1FDWF36S41EC74871
- 2220 72” Exmark Zero-Turn Mower  
  Vin # L2238KC726
- H-56T Doolittle Trailer  
  Vin # 1DGRS10176M069453

BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and the sale of this equipment be credited to the appropriate fund.

Moved: Metzler  
Seconded: Kohl

Vote:  
Kohl Aye  
Metzler Aye  
LaFountain Aye  
Quinn Aye

Adopted

#18T-113 Purchase of a 2019 Chevrolet Silverado 2500 HD Pickup Truck by Metzler

WHEREAS, by Resolution No. 18T-037, the Director of Public Works was authorized to purchase one 2018 Chevrolet Silverado 2500HD Dbl Cab 4x4 8.0’ Box with Back Rack, light bar, and rear liftgate, from DCMO Bid # 2017-139, Item # 12B, from Joe Basil Chevrolet, Inc. 5111 Transit Road, Depew, NY, for a total cost of $32,795.00; and

WHEREAS, Joe Basil Chevrolet, Inc. is now offering a 2019 model for the same dollar amount; and

WHEREAS, the total funds of $32,795.00 for said purchases are budgeted in the 2018 Facilities Department Budget (A00-1620);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase the 2019 model vehicle with Back Rack, light bar, and rear liftgate attachments.

Moved: Metzler  
Seconded: Quinn

Vote:  
Kohl Aye  
Metzler Aye  
LaFountain Aye  
Quinn Aye

Adopted

Public Safety - None  
Community Services - None  
Old Business - None  
New Business - None  
Public Participation

Ed Lindskoog, 40 Willow Pond Way, stated the Trails Committee has lined up a number of scout projects and are looking to complete Four Mile Creek on NYS RTE 250. He inquired when the parking lot will be available for use.
(Public Participation – Continued)

Supervisor LaFountain stated the work is almost completed and Rotary plans to plant some trees in that area. Once the parking lot is completed, he will publicize it in his column and on the Town’s website.

Executive Session - None

Next Meeting

May 16, 2018

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:56 PM.

Amy Steklof, RMC/CMC
Town Clerk