TOWN BOARD LEGISLATIVE AGENDA  
Wednesday, June 6, 2018, 7:00 PM  
Supervisor R. Anthony LaFountain, presiding

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

II. Public Hearing #1 - To Allow a Confectionary Shop/Bakery at 2025 Penfield Road Located in the Planned Development (PD) Zoning District - WITHDRAWN  
Public Hearing #2 - To Allow a Licensed Massage Therapist at 1832 Penfield Road located in the Four Corners (FC) Zoning District  
Public Hearing #3 - 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

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes – May 2, 2018

VII. Petitions

VIII. Resolutions by Function

Law and Finance
18T-124 Authorize the Supervisor to Sign Lease Agreement with the Penfield Central School District
18T-125 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Storm Sewer Easement at 78 Whitespire Lane
18T-127 Budget Amendments in General Fund for Donations to Recreation
18T-128 Issuance of an Itinerant Vendors License to Allow the Sale of Produce and Flowers at 2106 Five Mile Line Road
18T-129 Granting a Conditional Use Permit to Allow a Cambodian Style Sit-down and Take-out Restaurant at 2150 Fairport Nine Mile Point Road

Public Works
18T-130 Awarding the Contract for the Purchase and Installation of a 60' x 100' Pole Barn (Cold Storage Facility) at the Penfield DPW Facility

Public Safety - None

Community Services - None
IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: (June 20, 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 130.

Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, June 6, 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: Lisa Grosser       Deputy Town Clerk  
Richard Horwitz  Town Attorney  
Jim Costello     Director of Developmental Services  

Absent: Amy Steklof  Town Clerk  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Deacon Duncan Harris and Cathy Kamp from St. Joseph’s Catholic Church. They have started Penfield Hope, a social outreach ministry which is modeled after a similar successful program in Webster. The mission is to help those in need of services. A network is formed and they are able to connect those in need with a service provider. Services include emergency, non-perishable food, internet access for job applications, infant-toddler supplies, small household items and limited emergency financial assistance. Brochures are available at the Town Hall. For more information or to request assistance, please visit the website at www.sjcpenfield.com/penfield-hope.

Public Hearing #1 – To Allow a Confectionary Shop/Bakery at 2025 Penfield Road Located in the Planned Development (PD) Zoning District - WITHDRAWN

Public Hearing #2 To Allow a Licensed Massage Therapist at 1832 Penfield Road Located in the Four Corners (FC) Zoning District

The Deputy Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on May 24, 2018 and was posted on the Town Website and Town Clerk Bulletin Board. 26 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Joanne Kennedy explained that she is a full time therapist who is interested in opening her studio at 1832 Penfield Road. Services will be provided seven (7) days a week from 9:00 AM to 5:00 PM, she may remain open until 5:30 PM on occasion. She will be the only therapist, and would only have an additional therapist to provide a couples massage. There are two (2) parking spaces behind the building and 13 parking spaces on the street.

Supervisor LaFountain inquired about signage.

Ms. Kennedy stated that she would like two (2) signs one each on the east and west side of the building. She will also have signage in the windows.

Councilwoman Kohl asked if Ms. Kennedy would utilize a banner, or hanging sign.

Ms. Kennedy stated she would prefer that, but is not sure it is allowed.

Supervisor LaFountain advised Ms. Kennedy to work with Jim Costello on the location and size of the signs. He asked if Ms. Kennedy would see clients on an appointment only basis.
Ms. Kennedy said yes, when she is in session, the door will be locked and business cards would be available. She will occupy the first floor only and there are entrances both in the front and the rear of the building. There is an apartment upstairs with its own parking space.

Councilwoman Metzler asked if changes will be made to the interior of the building.

Ms. Kennedy stated she has painted and brought in massage tables.

Councilwoman Kohl asked if there will be changes to the exterior of the building.

Ms. Kennedy stated she power washed the building and added some landscaping.

Councilwoman Kohl asked if Ms. Kennedy had an existing business elsewhere.

Ms. Kennedy said she worked at Journey Massage and Spa in Pittsford, an additional location in Newark, and sometimes saw clients at her home.

Supervisor LaFountain asked if Ms. Kennedy would be adding additional therapists in the future.

Ms. Kennedy said only to provide a couples massage.

Supervisor LaFountain reviewed the next steps.

Public Participation - None

Hearing closed

Public Hearing #3 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

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on May 17, 2018 and was posted on the Town Website and Town Clerk Bulletin Board. 15 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Mary Wynne, 2565 Browncroft Blvd., explained that she lives next door to 2567 Browncroft Boulevard, which is an historic property. The property had been purchased through a foreclosure and then sat vacant. Ms. Wynne also owns property in Vermont and has created apartments in historic homes there. She rents furnished apartments to clients who are going to be in the area working for a short term. The area is growing for short term contract jobs, and professional singles who are in the area from out of town. She will not rent to smokers or allow pets. The apartments will be both studio and one (1) bedroom, no families will be allowed.

Supervisor LaFountain asked Ms. Wynne to explain the history of the property.

Ms. Wynne stated that the former owner was unable to maintain the home and it sat vacant for four (4) years. There was severe damage that required repair, including restoring the original windows. The house was built between 1850 - 1867. There will be no exterior changes to the building except bringing back an exterior door for an additional entrance.

Councilwoman Metzler explained that Ms. Wynne has been before the Historic Preservation Board and has done significant research regarding the restoration of the property.
Ms. Wynne stated she will be restoring the exterior porches to keep the home similar to how it was originally built. The home has hardwood floors, a staircase and originally had 20 rooms. She will be adding bathrooms and refinishing doors. The property will look similar to how it looks now, but much nicer. Wynne continued to say she is working with the Town on parking for emergency access. The garages, which are required by law, will be simple and include cupolas to mimic the home. There will be safe lighting and a plan for trash. The house was originally the Ross Farm and comprised of 100 acres.

Supervisor LaFountain asked about the traffic impact.

Ms. Wynne stated that the property previously had four (4) vehicles, and she will allow only one (1) vehicle per unit. The type of client being targeted doesn’t generate traffic. The garages will have closed doors, with overflow parking behind the garages, so that vehicles will not be visible from the street. Wynne added she is also working with the Town Landscaper to buffer the property and improve curb appeal.

Councilman Quinn asked how many exterior doors will there be.

Ms. Wynne stated there will be seven (7) exterior doors for 12 units. There are internal doorways for access to the apartments.

Councilman Quinn asked if all units will have their own kitchen and bathroom.

Ms. Wynne said the kitchen will be more of a kitchenette, similar to what you would see at a Homewood Suites.

Councilman Quinn asked if there would be amenities such as picnic tables or fire pits on the property.

Ms. Wynne said no.

Councilman Quinn asked with the current residential zoning, what is permitted by code.

Ms. Wynne stated the property had been a three (3) family residence and was used for boarders when the property was used as a farm.

Councilman Quinn asked if Ms. Wynne had considered only having three (3) or four (4) apartments.

Ms. Wynne stated her experience is the smaller the unit, the fewer the issues. Large units have large families which create different issues and a different environment.

Councilman Quinn asked if the apartments would be rented weekly or monthly.

Ms. Wynne said leases would run from six (6) to 24 months.

Councilman Quinn asked how many properties border this parcel?

Ms. Wynne said her home, the former Mary Cariola house on the other side and three (3) properties in the back.

Supervisor LaFountain asked if there had been any consideration for four (4) to seven (7) units instead of 12?

Ms. Wynne explained that her experience has been that it is more risky to rent larger units, and it is a different type of experience than what is desired for this property. Ms. Wynne added 12 units flowed with the current property layout without much modification.
Councilwoman Kohl asked if the Historic Preservation Board’s requirements and cost of renovations influence the desired number of units.

Ms. Wynne said the number of units will affect the overall income generated. The layout is based on the existing rooms, for larger units the home would have to be gutted.

Councilwoman Kohl asked what is the price point?

Ms. Wynne stated between $850 to $1,000 a month for a furnished apartment; including utilities.

Councilwoman Kohl asked if there would be landscaping in the front of the home?

Ms. Wynne stated she has pictures of the original farm and it was very simple. She will plant hostas, ferns and perennials.

Councilwoman Kohl asked about signage.

Ms. Wynne said it hasn’t been discussed yet. The website will be Ross Farm and added she is also applying for State and National designation.

Public Participation

Stephanie Barbero, 100 Ross Brook Drive, stated she purchased her family home because of the safe, single family home environment. She appreciates the historic preservation of the property, but this home is not meant to be used for 12 apartments and she would not feel safe.

Bill Heagney, 92 Ross Brook Drive, stated he has lived here for 40 years and is a realtor. He added if he knew this home could be converted to apartments, he would have purchased it. Mr. Heagney continued to say zoning laws are made for a reason. The property was sold as a two family home and should remain that way. Commercial growth is good, but only where it is zoned. If 12 units are allowed the Board is setting a precedent for future requests. Mr. Heagney also has concerns with the look of the garages and traffic impact.

Sam Nelson, 18 Aspen Drive, asked how will this affect the electrical distribution? He added, the area is prone to black outs and loss of power.

Supervisor LaFountain stated that the Board would have to review that.

Marty Turberg, 124 Farm Brook Drive, stated that there is a property on Ross Brook Drive that is being used as a boarding house and it becomes a problem having transient people in the neighborhood. Mr. Turberg is also concerned with traffic impact and setting a precedent for future requests.

David Milliman, 84 Farm Brook Drive, stated he is concerned with the nature and design of the garages, the electrical inspections and with seven (7) bathrooms there will have to be plumbing modifications including larger drains. Mr. Milliman feels the property should remain a single family home to keep with the neighborhood.

Zach Roth, 87 Aspen Drive, stated that he is also concerned about traffic. Roth continued to say he has a neighbor that he thinks is renting. Mr. Roth added, he feels the Town does not enforce the Ordinances or hold up the zoning.

Catherine Tesoriero, 70 Ross Brook Drive, stated she has concerns with the lights of the renter’s vehicles shining into her home. She is also concerned for the safety of her children by not knowing who lives there.
Chris Schoepfel, 39 Vassar Street, stated that his friend previously owned the property and it is now gutted. He added Ms. Wynne has no respect for building codes. Mr. Schoepfel stated he is surprised the Historic Preservation Board has allowed this, he understands there is access to the Underground Railroad within the home.

Larry Newman, 39 Vassar Street, stated he was the previous owner and the property has been destroyed and should not be rental property. Mr. Newman added he regrets selling the property to Ms. Wynne.

Linda Jones, 135 Farmbrook Drive, asked if the Board will listen to the concerns of the neighbors, or has this already been approved. She is also concerned with traffic and transient renters.

Jim Costello, Director of Developmental Services, explained the application process. Any resident can rent their property, the Town does not have a say in that. The New York State building code states that if there is one (1) common area for dining, the property is considered a single family residence. Costello continued to say Ms. Wynne is before the Board for consideration of a Special Permit which is allowed because she has received approval for landmark designation. He added the property was in a state of disrepair and the previous owners did not occupy or maintain the property. Ms. Wynne is attempting to preserve the property and keep it in good standing. This application is not a variance request or rezoning request. Through the Town Ordinance Ms. Wynne can apply for a Special Permit, after the historical designation is received.

Bill Heagney, stated he feels the residents should be able to vote on the landmark status.

Councilwoman Kohl asked if Ms. Wynne will buffer the parking area behind the home to the neighbors.

Ms. Wynne stated that residents will be parking in the garages, and she will add shrubbery along the back of the property. Ms. Wynne continued to say she has lived next door to this property for 11 years. The electrical has been upgraded to 400 amp service and the plan includes water control, walk ways, shrubbery and parking has been professionally done. Ms. Wynne added she requires a credit report for her renters and the lease is very strict, she doesn’t want any problems. She added she is sorry for the misinformation and fear that the neighbors have.

Supervisor LaFountain read a letter received from Maryann Holtzberg, 2586 Browncroft Boulevard, who was unable to attend tonight’s meeting and expressed concerns regarding Planning and Zoning Board’s response to concerns. Ms. Holtzberg concerns including lack of clarity on the number/type of units requested and potential to become a boarding house. Ms. Holtzberg’s comments to the Planning Board include the construction of 12 garages is not consistent with current residential use of the property. She feels the 12 cars exiting the property in the morning will create a traffic hazard. The addition of the garages and driveway is not keeping with the nature of area, and a Victorian style home. Trees surrounding the property have been removed, and could be used as buffer and sound barriers. The replacement of these trees has not been addressed. There will be a reduction in Open Space and impact to environmentally sensitive areas. She feels this will have a negative impact on the neighborhood, and is concerned that it could become a hotel in the middle of a residential area.

Supervisor LaFountain then reviewed the next steps adding that the Board has a lot of material to review and won’t discuss this again until the June 27, 2018 Work Session.

Hearing closed
Communications and Announcements

1. A Federal Primary Election will be held on Tuesday, June 26, 2018 from Noon to 9:00 PM. This will be a Democratic Primary Only for New York’s 25th Congressional District. For voting locations please visit www.monroecounty.gov, and click on check voter information. Due to this election, the Mobile DMV will not be available this day. Primaries for any State and Local elections will be held on September 13, 2018. For additional information, please contact the Town Clerk’s Office at 340-8629 or e-mail clerk@penfield.org.

2. The American Red Cross will be holding a blood drive from 2:00 PM to 7:00 PM on Wednesday, June 13, 2018 at the Penfield Community Center, 1985 Baird Road. To schedule an appointment, please contact 1-800-RED-CROSS or visit www.redcrossblood.org, use sponsor keyword: penfieldcommunitycenter.

3. Beginning June 4, 2018, kids can take an educational “Farm Walk” throughout Rothfuss Park to learn about the tools, animals and farm crops that were once a part of everyday life on the farm. Kids can pick up a farm walk map at the green box located near the park’s playground. There will be a different walk theme each month. Complete all three (3) walks and submit your map to the Recreation Department for an “I Walked the Rothfuss Walk” t-shirt. Contact the Recreation Department at 340-8655 with any questions.

4. The Independence Day Celebration will be held on Saturday, June 30, 2018. The annual parade will begin at 10:00 AM, Don Alhart will emcee and parade marshal Patrick O’Flynn will lead the parade. Musical entertainment will begin at 5:00 PM at Harris Whalen Park. Black Rabbit and Dog House will perform followed by fireworks at 10:00 PM. Please note restrictive traffic patterns in and around NYS RTE 441. “No Parking” signs will be posted in neighborhoods adjacent to the park on June 29, 2018.

5. The Penfield Trails Committee will host a free guided hike at the Webster Arboretum at 9:00 AM on June 9, 2018. Please meet at Kent Park, 1700 Schlegel Road. Participants are asked to pre-register by calling Penfield Recreation at 340-8655, option 6.

6. Councilwoman Kohl’s next Community Chat will be held on July 17, 2018 from 5:30 PM to 7:00 PM in the New Book area at the Penfield Library, 1985 Baird Road.

Public Participation

Ed Lindskoog, 40 Willow Pond Drive, stated that there was an accident in the crosswalk at the Willow Pond Way intersection. Mr. Lindskoog feels the pedestrian was not seen, and would like to see lighting improvements to the intersection. Mr. Lindskoog added he knows there will be additional sidewalks added in the area.

Supervisor LaFountain stated that this is the first phase of sidewalk improvements through a CDBG grant. Sidewalks will run from that intersection east to Wegmans. LaFountain added he will follow up with Jim Kreckman regarding the lighting of the intersection.

Mr. Lindskoog asked if cross walks will be added?

Supervisor LaFountain stated he will discuss the addition of crosswalks with Town Engineer, Mark Valentine.

Mr. Lindskoog stated that recently the Conservation Board had a concern about a discussion on tree removal on Creek Street. The Board feels they were not given the opportunity for a second review after the Planning Board review. Mr. Lindskoog asked, what is the status of the Tree Preservation Guidelines that has been a held item on the Work Session agenda?
Supervisor LaFountain stated Mark Valentine has been working on this and hopes it will be ready for discussion at the June 27, 2018 Work Session. LaFountain added will he make sure the Conservation Board is made aware of this.

Mr. Lindskoog stated he is a member of the Faith Lutheran Church, which is located across the street from 2567 Browncroft Boulevard, this evening’s third Public Hearing. He added that the parishioners want something good to happen with this property, but do not have a preference.

Mr. Lindskoog asked who is the current owner of the former Mary Cariola property?

Supervisor LaFountain said Jim Costello can get that information to you.

Councilwoman Metzler stated she will follow up with staff regarding the last Conservation Board meeting and apologizes for missing it due to another commitment.

Supervisor LaFountain recognized Liz Anderson from the audience, who stated she is happy to be back in Penfield from Florida.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 2, 2018 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#18T-124 Authorize the Supervisor to Sign Lease Agreement with the Penfield Central School District by Moore

WHEREAS, that the Town of Penfield and the Penfield Central School District have an existing Intermunicipal Agreement. This agreement governs the use of District facilities by the Town and the use of Town facilities by the District. The agreement has proved to be mutually beneficial to residents of the District and the Town; and

WHEREAS, the Penfield Central School District desires to lease portions of storage space at Channing H. Philbrick Park from the Town of Penfield, and

NOW, BE IT RESOLVED, that the Town Supervisor is authorized to sign a Lease Agreement, on file with the Town Clerk, between the Town of Penfield and the Penfield Central School District, in a format acceptable to the Town Attorney. This resolution is adopted subject to a Permissive Referendum and the Town Clerk be and she is hereby directed to post and publish a Notice in the manner prescribed by Law.

Moved: Moore
Seconded: Kohl

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<th>Vote</th>
<th>Kohl</th>
<th>Metzler</th>
<th>Quinn</th>
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<tr>
<td></td>
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Adopted
Penfield Town Board, June 6, 2018

#18T-125 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Storm Sewer Easement at 78 Whitespire Lane 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 Levon and Kimberly Vogelsang, owners of property of 78 Whitespire Lane, to permit a fence to encroach into a Storm Sewer and Drainage easement to the Town of Penfield located at 78 Whitespire Lane 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


WHEREAS, Commercial Insurance Consultants, Inc., acting as consultant to the Town, reviewed the proposed renewals from the Town’s current insurance providers, U.S. Specialty and Crum & Forster for Property and Liability insurance and for Pollution Liability insurance renewing on June 1st and July 1st 2018, respectively, and found the terms of the renewal to be in the Town’s best interest.

NOW, BE IT RESOLVED that the insurance quote of $135,151.63 received from USI for Property and Liability coverage with U.S Specialty and the quote of $5,366.70 for Pollution Liability coverage with Crum & Forster is approved for the 2018-2019 insurance year.

Moved: Moore
Seconded: Metzler

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

Adopted

#18T-127 Budget Amendments in General Fund for Donations to Recreation by Moore

WHEREAS, the Recreation Department received the following donations to the DEAR program in April and May of 2018, totaling $535 as detailed:

Judy Murray       $ 50
Mary Meyer         $ 50
Margaret Brennan & Seymour Skenkman $ 125
David & Beverly Crowell $ 10
Patricia Gunter   $ 25
Carol Ann Britt   $ 100
Mr. & Mrs. Robert D’Esopo $ 25
Carmin & Scott Rosebough $ 50
Darlene Ewing     $ 100

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

BE IT RESOLVED, that the following 2018 budget amendments be approved:

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<th>Appropriations</th>
<th>Amount</th>
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(Resolution #18T-127 – Continued)

Moved: Moore  
Seconded: Kohl

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<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>
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Adopted

#18T-128 Issuance of an Itinerant Vendors License to Allow the Sale of Produce and Flowers at 2106 Five Mile Line Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of an Itinerant Vendors License pursuant to Chapter 162.3 of the Code to allow the temporary sale of produce and flowers at 2106 Five Mile Line Road, located in the Four Corners (FC) 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 classifies this proposal as an Unlisted action; 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 May 16, 2018, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of an Itinerant Vendors License to allow the temporary sale of produce and flowers at 2106 Five Mile Line Road in the Four Corners (FC) zoning district, and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for the issuance of an Itinerant Vendors License to allow the temporary sale of produce and flowers at 2106 Five Mile Line Road in the Four Corners (FC) zoning district is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain an ITINERANT VENDORS LICENSE from the Town Clerk and pay the appropriate fee. The ITINERANT VENDORS LICENSE is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain an ITINERANT VENDORS LICENSE from the Town Board to similarly operate at this location.

2. The applicant is permitted to place a vehicle on the subject property either on the north side of the front lawn during dry conditions or in the parking lot during wet conditions for the sale of produce and flowers. The placement of the vehicle on the lawn area shall not impede or block the view of Five Mile Line from motorists exiting the site and the Advanced Heating and Cooling site at any time.

3. The applicant proposes to sell from the vehicle on Fridays from 3:00 PM to 7:00 PM and on Saturdays from 9:00 AM to 1:00 PM between the months of May to October on an annual basis.

4. The applicant shall be responsible for ensuring that the business does not adversely impact traffic along Five Mile Line Road or create congestion in the parking lot at any time.

5. The applicant shall be permitted to utilize one 2’ x 3’ double faced A-frame sign to advertise the business only during the operational time frames. No signs shall be left on site to advertise the business when it is not operational.

6. This operation shall comply with all Federal, State, County and Town Codes.
Resolution #18T-128 - Continued

7. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Itinerant Vendors License pursuant to the requirements of the Zoning Ordinance.

The Board bases its findings to APPROVE this application on the following:

1. The site has twenty-five (25) on-site parking spaces and twenty-eight (28) public parking facilities to accommodate overflow parking, if necessary.

2. The proposed portable farm market will be compatible with the sewing machine and vacuum sales and service business which is the primary business on the site.

3. The proposed sales periods total only eight (8) hours per week and will be placed on the site in locations mutually agreed upon by the owner, the applicant and the Town Board.

4. The applicant has assured the Board that it will minimize potential impacts to area residents and motorists utilizing Five Mile Line Road during the permitted sales periods.

5. The Board has reviewed this application as it relates to Chapter 162.3 of the Penfield Town Code, Itinerant Vendors License. The Board finds that the standards contained within that section of the Code have been met to allow the issuance of an Itinerant Vendors License.

6. The proposed portable farm market is a use consistent with uses permitted in the Four Corners zoning district and will provide a unique service to the residents of the Four Corners, to those residing in close proximity to it, and those traveling through it during the operational periods, and may result in attracting visitors to the Four Corners.

Moved: Moore
Seconded: Quinn

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

Adopted

#18T-129 Granting a Conditional Use Permit to Allow a Cambodian Style Sit-down and Take-out Restaurant at 2150 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for a Conditional Use Permit under Chapter 250-13.4 of the Code to allow a 1,400 +/- square foot sit-down and take-out restaurant on .82 acres in the Business Non-Retail (BN-R) zoning district at 2150 Fairport-Nine Mile Point Road; 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 May 16, 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 1,400 +/- square foot sit-down and take-out restaurant on .82 acres in the Business Non-Retail (BN-R) zoning district at 2150 Fairport-Nine Mile Point Road, and the Public Hearing was closed and decision was reserved.
BE IT RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA during the Incentive Zoning approval which was granted by the Town Board at which time. The requirements for SEQRA for the overall development thresholds for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; and

AND BE IT FURTHER RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a 1,400 +/- square foot sit-down and take-out restaurant on .82 acres in the Business Non-Retail (BN-R) zoning district at 2150 Fairport-Nine Mile Point 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 any business at this location.

2. The applicant is permitted to operate a 1,400 +/- square foot sit-down and take-out restaurant within the Business Non-Retail zoning district, based on the Incentive Zoning proposal previously approved and mutually agreed upon by the Town Board and the owner of the subject property.

3. The applicant proposes to operate between the hours of 10:00 AM and 9:00 PM Monday through Sunday.

4. The applicant has proposed to have indoor seating for twenty-four (24) patrons with the majority of the business being take-out, with no more than four (4) employees working from the site at any time. Any proposed increase in seating capacity and/or staffing shall be reviewed by the Board to ensure that there is adequate parking to accommodate any proposed increase.

5. The applicant proposes no outdoor dining at this time. Any intent to conduct outdoor dining shall require a Conditional Use Permit from the Town Board.

6. Any proposed tractor trailer deliveries to the site shall only be permitted to occur no earlier than 7:00 AM and no later than 7:00 PM. All other deliveries shall be permitted during the proposed hours of operation. At no time shall tractor trailers deliver to this business on Saturdays or Sundays.

7. All dumpsters shall be enclosed and properly maintained at all times. The applicant’s refuse removal company shall pick up refuse from the site no earlier than 7:00 AM and no later than 7:00 PM. At no time shall refuse pick-up take place on Saturdays or Sundays.

8. The applicant shall comply with the overall occupancy requirements that have been established by the Penfield Fire Marshal in accordance with the New York State Building Code.

9. The site is served by thirty one (31) parking spaces, however this complex was developed with shared parking requirements of ninety-two (92) parking spaces. Although each business within the complex is required to share parking and cross access. The applicant, as with all other businesses in the complex, is
(Resolution #18T-129 – Continued)

responsible for ensuring that his business does not adversely impact the existing and future businesses that are or will be operating from this complex, particularly relating to traffic movements and parking facilities. The applicant must ensure that it has adequate parking to serve its clientele at all times without monopolizing others spaces during its hours of operation.

10. The applicant shall submit a final sign package for the site for the Board’s review and approval. Said sign package shall comply with the sign requirements set forth of this site at the time the structure received site plan approval. In addition, the use of banners, pennants or flags placed to the exterior of the business for advertising purposes is prohibited without approval from the Authorized Official.

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

12. 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.

The Board bases its findings to APPROVE this application on the following:

1. The Board has granted site plan approval for the development of a 6,000 square foot building, suitable for three (3) tenant spaces. The applicant is the owner of the subject property and proposes to occupy the remaining vacant tenant space on the site.

2. The proposed use is a compatible use with the other proposed tenants, those being Moe’s Southwest Grill and an AT&T Store.

3. The business has thirty-one (31) on-site parking spaces and adequate shared parking facilities to service it.

4. The Business Non-Retail district permits hours of operation between 7:00 AM and 9:00 PM. The applicant, proposes to comply with the permitted hours of operation in that district as he will close at 9:00 PM on a daily basis.

5. The applicant has assured the Board that it will minimize potential noise impacts to area residents particularly relating to refuse pick-up and tractor trailer deliveries being restricted to no earlier than 7:00 AM and no later than 7:00 PM and that no such deliveries or refuse pickup occur on Saturdays or Sundays to minimize noise impacts to area residents.

6. The Board has reviewed this application as it relates to Chapter 250-13.4 of the Penfield Town Code, Conditional Use Permits. The Board finds that the standards contained within that section of the Code have been met to allow the issuance of a Conditional Use Permit.

Moved: Moore
Seconded: Metzler

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

Adopted
Public Works

#18T-130 Awarding the Contract for the Purchase and Installation of a 60’ x 100’ Pole Barn (Cold Storage Facility) at the Penfield DPW Facility 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 a 60’ x 100’ pole barn at the Penfield DPW facility,

AND WHEREAS, on May 18th, 2018 at 11:00 AM local time the following sealed bids were received, opened, and read publicly from the following list of suppliers:

Secor Building Solutions
Martin Builders
Fingerlakes Construction

AND WHEREAS, the bid received from Secor Building Solutions was the lowest bid and meets the expectation and specifications of the bid package for a total cost of $165,462.00,

AND WHEREAS, the Town received grant funding through Senator Funke for a portion of this project totaling $129,000,

AND WHEREAS, the Town Board approves appropriation of $36,462.00 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: Secor Building Solutions, 13140 West Church Street, Savannah, NY 13146, to provide and install a 60’ x 100’ pole barn at the Penfield DPW facility. This resolution and the bid submitted by Secor Building Solutions shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

BE IT FURTHER RESOLVED, the following 2018 budget amendment be approved:

<table>
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<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
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<td>$129,000</td>
<td>A00-1620-0003-3011</td>
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<tr>
<td>NEW YORK STATE GRANT</td>
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<td>COLD STORAGE FACILITY</td>
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<td>A00-1620-0003-3011</td>
<td>$36,462</td>
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</tbody>
</table>

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None
Community Services - None
Old Business - None
New Business - None
Public Participation - None
Executive Session - None
Next Meeting - June 20, 2018

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:51 PM.

Lisa Grosser, RMC
Deputy Town Clerk