I. Call to Order - Pledge of Allegiance - Roll Call
II. Communications and Announcements
III. Public Participation
IV. Additions and Deletions to Agenda
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Law and Finance
18T-131 Authorization to Maintain Properties and Assess the Charges to the 2018 Property Tax Bills
18T-132 Approval of Issuance of a Conditional Use Permit to Allow a Licensed Massage Therapist at 1832 Penfield Road
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18T-134 Budget Amendment in the Library Fund
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Public Works
18T-136 Making a Determination of Non-significance and Adopting a Negative Declaration for New Sidewalks along Empire Boulevard
18T-137 Authorization for the Purchase and Installation of an Industrial Natural Gas Generator for the Penfield Town Hall

Public Safety
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Community Services
18T-139 Authorization for Supervisor to Sign Recreation Contracts

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: (July 18, 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, June 20, 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

Communications and Announcements

1. The Federal Primary will be held on Tuesday, June 26, 2018 from Noon until 9:00 PM. This will be a registered Democratic Primary only to select a party candidate for New York’s 25th Congressional District. Due to this election, the Mobile DMV office will not be available at the Town Hall on June 26th. For additional information, please contact the Town Clerk’s office at 340-8629 or email clerk@penfield.org.

2. The Shepherd Home’s 8th Annual Golf Tournament will be held on Monday, July 23, 2018 at Penfield Country Club, 1784 Jackson Road. Early bird registration is available through July 10th by calling 381-0890 or visit www.shepherdhome.org. For more information, please contact Town Clerk, Amy Steklof at 340-8629.

3. No parking signs will be posted on Friday, June 29, 2018 during the Town’s Independence Day Celebration. For a complete list of parking restrictions, please visit www.penfield.org, under quick links. Restrictive traffic patterns will also go into effect on June 30th in and around NYS RTE 441 during the annual parade and activities.

4. The Town’s Department of Public Works crews have expanded the Greenwood Park parking lot. Additional lighting is also planned for installation.

5. The Department of Public Works has begun a project to remove diseased and dying trees along with the red barn located at the DPW complex. This project makes way for a new, more efficient pole barn structure. The site is prepared, the contract has been awarded and construction will begin soon. Thank you to Senator Rich Funke for securing a NYS grant on behalf of Penfield so that we could undertake this project.

6. The long awaited solar photovoltaic farm project for the Town of Penfield at the DPW complex recently cleared R G & E’s procedures and installation is ready to begin June 25th. Funding is through the NYS Energy Research and Development Authority’s (NYSERDA) NY – Sun Solar PV incentive program for grid-connected solar photovoltaic systems. The Penfield Town Board, Energy Environmental Advisory Committee (EEAC) and staff have been working with Larsen Engineering to explore the concept and then design, fund and implement the solar array. This project will provide power for the Town of Penfield at a fixed rate for the next 20 years.

7. The Penfield Town offices and library will be closed Wednesday, July 4, 2018 in observance of Independence Day.
8. The Town of Penfield Independence Day celebration will be held on Saturday, June 30, 2018. The annual parade will kick-off the celebration at 10:00 AM led by this year’s parade marshal, Patrick O’Flynn. Musical Entertainment and activities will take place at Harris Whalen park beginning at 5:00 PM. Fireworks show will begin at 10:00 PM.

9. The Penfield Ecumenical Food Shelf is active all year round and always needs community help in keeping their shelves full of inventory. To help with donations, Woody Acres will host a collection area of non-perishable foods and personal care items during the Town’s Independence Day festivities at Harris Whalen Park. If you would like to donate, please log on to www.penfieldecumenicalfoodshelf.org for an updated listing of items currently needed. The PEFS is available every Wednesday at 1618 Jackson Road.

10. Councilwoman Kohl’s next community chat will be held on July 17, 2018 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Ed Lindskoog, 40 Willow Pond Way, asked for an update pertaining to the intersection at Willow Pond Way.

Supervisor LaFountain stated he had driven by the intersection and has spoken to the Town’s Facilities Director Jim Kreckman. Mr. Kreckman is looking into whether lighting can be added at the crosswalks and intersection.

Mr. Lindskoog also stated his concern pertaining to the speed of vehicles in that area and would like the issue looked into. He also inquired about signage placed at the crosswalk including signs for handicap crossing.

Supervisor LaFountain stated the Town will take a look and review the guidelines of the New York State Department of Transportation’s manual to see what is allowed.

Mr. Lindskoog stated that Mark Valentine, Town Engineer indicated there might be a grant for sidewalks in the area.

Supervisor LaFountain stated that the Town had applied for the CDBG Grant, as done each year. If the Town is awarded the grant, then the Town will look to do that work this year and will contract the work out.

Mr. Lindskoog stated that the Legacy has put out No Trespassing signs in the woods and the neighbors are upset. He believes there was a written contract agreement with the previous owner, Mark IV.

Supervisor LaFountain stated he will have to check the contract agreement and that Jim Costello is in the process of looking into it.

Jim Froom, 11 Denonville Ridge, asked for an update on the future of the Pines in terms of committees and property use.

Supervisor LaFountain stated that fill-in work and clean-up of the trees is being taken care of by the DPW crews. The goal is to clean-up the front nine (9) for walking and hiking by August. The Town Board is in the process of screening for both the Comprehensive Plan and the Shadow Pines committees and hopes to receive feedback early next week. He hopes to have the committees established within the July timeframe.

Mr. Froom inquired about mowing and the cart paths.
Supervisor LaFountain stated that the plan is to have Rochester Lawn Care do a wander mow and connect the asphalt pathways.

Mr. Froom stated he had inquired about the Town’s Liability insurance rider for volunteers that would like to help clean-up the property.

Supervisor LaFountain stated that the Town has insurance on the property and therefore the Town is covered. The initial clean-up is being taken care of by Town crews. He hopes people will take the initiative by cleaning up any garbage left behind by visitors. There will be garbage bins placed in the area.

Mr. Froom asked if there were a group of volunteers offering help for light upkeep to the Pines, would the volunteers be covered by the Town’s liability insurance.

Supervisor LaFountain stated it is Town sanctioned, so therefore, they would be covered. Supervisor LaFountain also stated that decisions by the committee on what may be future uses of the property could be two (2) years out. He also stated any ideas people have of future uses of the property, should be submitted to the Town in writing.

Councilwoman Metzler stated that it is necessary for the DPW to do their work on the property, and that residents should not go on the property at this time, especially since it is not currently safe. She went on to say she has seen people on the property and that although it will be great to have volunteers to help with the property, they should not go on the property prematurely.

Mr. Froom inquired about the ponds located on the property.

Supervisor LaFountain said the Town’s goal is to continue to maintain the ponds.

Mr. Froom inquired about the buildings located on the property.

Supervisor LaFountain stated the buildings will be maintained while they remain on the property.

Jeff Burns, 39 Scarborough Park, one of the founders of “Save Shadow Pines” which has now transitioned to “Friends of Shadow Pines,” stated they have 1,900 followers on Facebook. He stated the “Friends of Shadow Pines” would like to help with clean-up and fundraising. He asked what the status is for the clean-up of the property’s back nine (9)?

Supervisor LaFountain stated nothing had been budgeted for 2018 for the back nine (9), and therefore the focus for the time being will be on the front nine (9).

Mr. Burns stated that the feedback received has been to leave the majority of the land in its natural state. Mr. Burns asked how the citizen’s committee is being selected.

Supervisor LaFountain stated selection is being done similar to the Shadow Pines citizen committee in that the Town Board reviews the requests sent in by those interested in volunteering for the committee and then the Town Board recommendations will be approved by resolution in July. The same process will occur for the Comprehensive Plan Committee. Anyone still interested in volunteering for either committee will need to submit their information no later than next week.

Mr. Burns asked if there have been any proposals submitted for the Clark House.

Supervisor LaFountain stated there has been a lot of interest and the Town Board is looking to have some type of appropriate entity go into the Clark House. The Town does plan to continue maintaining ownership and to have some type of lease agreement put into place.
Penfield Town Board, June 20, 2018

(Public Participation - Continued)

Mr. Burns stated that last night the Friends of Shadow Pines co-sponsored a presentation by the Community Design Center of Rochester and one of the items discussed pertained to community wide participation. He wondered if that would be something addressed with the committee.

Supervisor LaFountain stated the Town is at the early stages of the process and is unable to commit to anything at this time. Establishing the committee is the priority right now.

Jim Froom asked if there is any leeway in renovating the Clark House being that it is an historical building.

Supervisor LaFountain stated that it is a local designated building not a State designated building.

Councilwoman Metzler, as liaison of the Historic Preservation Board, stated that the Historic Preservation Board looks at buildings on a case by case basis, but it has to conform to the Town’s standards. She went on to say that anything that is Historic Preservation related, is very case specific and needs to be reviewed by the Historic Preservation Board.

Mr. Froom asked if it refers to only the outside of the building.

Councilwoman Metzler said yes.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 16, 2018 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#18T-131 Authorization to Maintain Properties and Assess the Charges to the 2018 Property Tax Bills by Moore

WHEREAS, on December 16, 2015, the Town Board of the Town of Penfield adopted a resolution to enact Local Law #3 of 2015 entitled “A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF PENFIELD INTO A MUNICIPAL CODE TO BE DESIGNATED THE CODE OF THE TOWN OF PENFIELD; and

WHEREAS, the purpose of the Code of the Town of Penfield includes, among other things, to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring the maintenance of all such properties within the Town; and

WHEREAS, the property owners of:

87 Angels Path SBL# 094.03-2-74
117 Beacon Hills Dr. N SBL#109.06-1-43
124 Beacon Hills Dr. S SBL#109.05-2-48
35 Canterbury Tr. SBL#140.01-4-36
375 Embury Rd. SBL#108.11-2-39
1558 Five Mile Line SBL# 109.01-1-17
31 Grace Marie Dr. SBL# 094.03-3-9
2100 Harris Rd. SBL#140.02-1-16
1603 Hermance Rd. SBL#095.04-2-47
191 Highledge Dr. SBL# 139.10-3-17
134 Horizon Dr. SBL#108.20-3-14
50 Jackson Rd. Ext. SBL#124.02-1-34
43 Longsworth Dr. SBL# 108.11-2-4
28 McKenna Trl. SBL# 109.04-6-67
42 Pen-Web Pk. SBL#093.15-3-19
2250 Penfield Rd SBL# 140.01-1-10
24 Rossman Dr. SBL#093.19-1-37
1647 Salt Rd. SBL#110.04-1-30
1387 Shoecraft Rd. SBL#094.19-1-4
1297 Thistleberry Ln. SBL#095.01-2-75
90 Woodline Dr. SBL#139.10-4-15
182 Willow Pond Way SBL# 139.12-1-40
have failed to maintain the subject properties in accordance with the applicable code requirements, which is resulting in concerns for the safety, health protection and general welfare of surrounding persons and properties; and

WHEREAS, the Town staff has continually requested the maintenance of the subject properties by the owners thereof with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building/Code Compliance Inspector to have the properties appropriately maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2018 season also be charged to the 2019 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

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

Adopted

#18T-132 Approval of Issuance of a Conditional Use Permit to Allow a Licensed Massage Therapist at 1832 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.(5) of the Code to allow a licensed massage therapist at 1832 Penfield Road, located in the Four Corners (FC) zoning district;

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 June 6, 2018 at 7:00 PM on said date, to consider the said application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a licensed massage therapist at 1832 Penfield Road, in the Four Corners zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE BE IT RESOLVED, that the applicants’ request for a CONDITIONAL USE PERMIT to allow a licensed massage therapy business at 1832 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.

2. The applicant shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal, in accordance with the New York State Uniform Fire Prevention and Building Code and obtain any/all necessary permits pertaining to the improvement of the structure.

3. The applicant shall submit a sign package to the Town Board for its review and approval prior to receiving a sign permit from the Building Department.

4. The applicant shall operate on an appointment only basis, and shall make every effort to ensure that there is minimal overlap in the time clients will have to wait on the premises for treatment. The purpose is to minimize impacts to parking facilities on the site and along Penfield Road.
5. The applicant shall be responsible for installing and maintaining landscaping to the front of the building.

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

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

AND, BE IT FURTHER

RESOLVED, that the applicant’s proposal is classified as an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review is necessary.

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicant, is a licensed massage therapist in the State of New York, and provides a needed service to the residents of Penfield and surrounding communities.

2. The applicant’s business, consisting of only herself, with an occasional therapist to provide couples massage, is a low traffic generating business which will result in no adverse impact on-site or adjacent parking facilities.

3. The applicant is aware that she is required to provide the Town Board with a sign package for the site for its review and approval prior to the installation of any signs on the site.

4. The applicant has stated that she would like to landscape the front of the building to provide curb appeal to the site. The Board supports her efforts and will require that said landscaping be maintained by the applicant at all times.

5. The applicant’s proposal is consistent with and furthers the goals and objectives the Four Corners zoning district.

Moved: Moore
Seconded: Quinn

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

Adopted

#18T-133 Budget Amendment in Highway Fund for Services to Penfield Central School District by Moore

WHEREAS, the Town Board approved the Department of Public Works to provide various services to the Penfield Central School District including the paving of parking lots, and

WHEREAS, Town crews will be completing this paving work this summer, and

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

NOW, BE IT RESOLVED that the following 2018 budget amendment be approved:
Revenue | Amount | Appropriations | Amount
---|---|---|---
DA0-1000-2302-0003 | $205,000 | DA0-5110-0004-4600 | $205,000

Penfield Central School District | Contracted Projects

Moved: Moore
Seconded: Metzler

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

Adopted

#18T-134 Budget Amendment in the Library Fund by Moore

WHEREAS, at their monthly meeting, the Library Board approved the appropriation of $2,540 from Restricted Fund Balance for the purchase and installation of an air conditioning unit for the server room, and

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

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

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<thead>
<tr>
<th>From</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
</table>
| L00-1000-6001-0000 | $2,540.00 | L00-7410-0002-2201 | $2,540.00

Appropriated Restricted Fund Balance Equipment

Moved: Moore
Seconded: Kohl

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

Adopted

#18T-135 Adoption of the Revised Town of Penfield Sidewalk Policy by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to adopt the revised Town of Penfield Sidewalk Policy, which has revised the sidewalk waiver fees for developers, and included a new map for the areas intended for new sidewalk construction; and

WHEREAS, the Town Board discussed the revisions to the sidewalk policy at work-sessions on May 23rd and June 13th 2018; and

WHEREAS, the Town Board did designate itself as the lead agency and has determined that the subject application is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA)§617.5(c)(27), and no additional environmental review of this action is deemed necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby adopts the Town of Penfield Sidewalk Policy, attached hereto and known as Schedule “A”, and

BE IT FURTHER RESOLVED, that the revised policy shall take effect as of this date.
Penfield Town Board, June 20, 2018

(Resolution #18T-135 – Continued)

Moved: Moore
Seconded: Quinn

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

See Schedule "A" at end of Minutes

Adopted

Public Works

#18T-136 Making a Determination of Non-significance and Adopting a Negative Declaration for New Sidewalks along Empire Boulevard by Metzler

WHEREAS, the Town Board supports the construction of 900 linear feet of new sidewalks on the north side of Empire Boulevard; and
WHEREAS, the proposed locations of the sidewalks were reviewed and it was determined that they will not have a detrimental impact on the environment; and
WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act has classified this proposal as an Unlisted action.

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

Moved: Metzler
Seconded: Moore

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

See Attachments at end of Minutes

Adopted

#18T-137 Authorization for the Purchase and Installation of an Industrial Natural Gas Generator for the Penfield Town Hall by Metzler

WHEREAS, the Town Board has identified the need to replace an outdated and undersized generator with a new natural gas generator capable of powering the systems necessary to provide uninterrupted services to our residents,
AND WHEREAS, there is a generator available for purchase utilizing New York State H.I.R.E Bid #PC66786,
AND WHEREAS, the Town Board approves appropriation of $33,850 from the Unassigned General Fund Balance as an amendment to the 2018 budget for the purchase of said generator,

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

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<th>Amount</th>
<th>Appropriations</th>
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<td>APPROPRIATED FUND BALANCE</td>
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<td>BUILDING EQUIP/IMPROVEMENTS</td>
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</tr>
</tbody>
</table>
Resolutions

Penfield Town Board, June 20, 2018

Resolution #18T-137 – Continued

Moved: Metzler
Seconded: Kohl

Vote: 
Kohl Aye
Metzler Aye
Quinn Aye

Adopted

Public Safety

#18T-138 Authorization to Post Temporary NO PARKING Signs by Quinn

WHEREAS, it is the Town of Penfield’s responsibility to promote and maintain public safety on roads within the Town of Penfield and,

WHEREAS, Pursuant to New York State Vehicle & Traffic Law, Section 1660, the Town Board is granted the authority to authorize the establishment of traffic control devices on Town highways within the Town of Penfield and,

WHEREAS, The Town of Penfield wishes to keep the neighborhoods around the Town’s Independence Day Celebration, parade route and festivities at Harris Whalen Park accessible to emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and establishes that “NO PARKING” will be established along both and/or one side of all and/or parts of the following streets, for the duration of the Town’s Independence Day Celebration, parade and festivities at Harris Whalen Park; Baird Road (north of Penfield Road), Peachtree Road, Hotchkiss Circle, Wheelock Road, Kenmont Drive, Henderson Drive, Avonmore Way, Hidden Meadow, Hillrise Drive, Lazy Trail, Valley Green Drive, Valley Green Circle, Maple Hill Farm Road, Maple Leaf Circle, Timber Glen Trail, Harris Whalen Park Road and,

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Director of Public Works to post said temporary “NO PARKING” signs along both and/or one side of said streets;

Moved: Quinn
Seconded: Metzler

Vote: 
Kohl Aye
Metzler Aye
Quinn Aye

Adopted

Community Services

#18T-139 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:

Little Medical School, 510 Clinton Square, Rochester, NY 14604, instructor for Little Medical School, 7/23 - 7/27/18, for a fee of 70% of total program revenue. Voucher to be submitted 8/1/18.

Moved: Kohl
Seconded: Quinn

Vote: 
Kohl Aye
Metzler Aye
Quinn Aye

Adopted
Old Business - None

New Business - None

Public Participation - None

Executive Session - None

Next Meeting - July 18, 2018

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:57 PM.

Amy Steklof, RMC/CMC
Town Clerk
TOWN OF PENFIELD SIDEWALK POLICY

Purpose
It is the intent of the Town of Penfield to install sidewalks along all Minor Arterial, Major Collector and Minor Collector roads to develop safe pedestrian mobility and enjoyment. This policy encourages the installation of sidewalks along all local streets, including but not limited to new subdivisions. This network of sidewalks is intended to provide a safe linkage of major residential developments to commercial, civic, recreational, educational, and employment centers for residents and visitors. It is not intended to have sidewalks installed in the rural areas of East Penfield, where low density development occurs.

Primary Sidewalk System

The primary goal of this policy is to install sidewalks along Minor Arterials, Major Collectors, and Minor Collector roadways in the Town of Penfield. These are further defined as follows and are shown in Exhibit 1:

Urban Minor Arterials are highways that move high volumes of traffic from intermediate to long distances within the town and connect the town with other major arterial highways in the metropolitan area. They provide a lower level of travel mobility than principal arterials. The highways that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- Bay Road
- Browncroft Boulevard/Atlantic Avenue (NY Route 286)
- Empire Boulevard (NY Route 404)
- Five Mile Line Road (County Road 18)
- Fairport Nine Mile Point Road (NYS Route 250)
- Panorama Trail (Route 441 to Pittsford Town Line)
- Penfield Road (East of NYS Route 441)
- Plank Road

Rural Major Collectors are roads that serve to link areas of major development with the arterial highway system. They generally carry medium to low traffic volumes within the town and connect the town with adjacent communities. The highways that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- Baird Road
- Blossom Road
- Creek Street
- Jackson Road
- Jackson Road Extension
- Panorama Trail (Route 441 to Route 286)
- Penfield Road (West of NYS Route 441)
- State Road
- Whalen Road
- Watson Road

Local Roads are roadways that primarily provide direct access to abutting land and provide access to higher order systems. They provide a lower level of mobility. The highways that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- Beacon Hills Drive
Secondary Sidewalk System

The secondary goal of this policy is to require the installation of sidewalks along all residential subdivision roadways and other areas of concentration of residential and commercial development. All new developments approved by the Town of Penfield are required to install sidewalks along both sides of all local roads not previously noted.

Annual sidewalk Program

The Town of Penfield supports the installation of sidewalks along the Primary Sidewalk System through its annual program of sidewalk construction. This program is funded by the Town Board through the allocation of funds from the town’s General Fund, grants, and development sidewalk fees collected in accordance with this policy and the plan provided in Exhibit 1, as well as other priorities established by the Town Board.

Sidewalk Policy

The Town of Penfield anticipates full compliance with this policy by all new development and redevelopment. However, the Town Board may grant a waiver to the Sidewalk Policy where the installation of sidewalks is not prudent at this time, their installation may interfere with other pending projects, or other factors as determined by the Town Board. As per the Town Board adopted Sidewalk Waiver map (See Attached Exhibit 1) parcels located in East Penfield, can be granted a $1,000 waiver if warranted, following review by the Project Review Committee (PRC) and the Director of Engineering and Planning. Development in “East Penfield” will not be required to request a sidewalk waiver from the Town Board, unless referred by the PRC.

If the parcel is west of this waiver line, the developer must request a waiver from this policy, in writing, for consideration by the Town Board. In lieu of the installation of all or the entire exterior and interior frontage sidewalks, the developer shall submit the waiver fees to the Town of Penfield prior to receipt of any Building Permit, as defined herein. A sidewalk easement is required for all projects, whether a waiver is granted or not, as determined by the Authorized Official. All earthwork required for the future installation of sidewalks shall be completed, with or without the sidewalk installation, and provided for in the letter of credit.

All definitions and land uses shall comply with the descriptions provided in the Town of Penfield Zoning Ordinance.

Residential Development in Residential Districts Waiver Fee:
A maximum of $5000.00 per dwelling unit

Where a new lot(s) has been created and no site plan approval is granted, this policy shall require the granting of sidewalk easements across the frontage of public dedicated roads. The above fees apply only to the number of new units granted through site plan approval.

Non-Residential Development in Residential Districts Waiver Fee:
A maximum of $10,000.00 per lot
The determination of non-residential development shall be established by the board granting approval or other authorized official in the Town of Penfield.

**Commercial and Industrial Districts:**

Fees shall be equal to the current cost to install sidewalks along all roadway frontages for the lands owned by the developer for projects where sidewalks do not currently exist. For projects where sidewalks are already in place, either partially or in their entirety, the Authorized Official shall determine the extent of sidewalk repair or replacement that shall be completed by the developer, in addition to filling in any missing sidewalk links along the roadway frontages in the vicinity of the development.

The determination of fees for the significant redevelopment or renovation shall be at the discretion of the Town Board. Whenever the square footage of the redevelopment or renovation work exceeds more than 20% of the current square footage of the property, the redevelopment or renovation shall be considered significant and sidewalks would be required in accordance with this Policy.

All fees collected pursuant to any waivers granted by the Town Board shall be placed in the Sidewalk Capital Account specifically for the installation of sidewalks in locations identified by the Town Board.

**Waiver Procedures**

The waiver procedures shall be as follows:

- Applicant or individual requesting a waiver shall submit a letter to the Director of Planning & Engineering.
- The Director of Planning & Engineering shall consult with the Project Review Committee (PRC) for a recommendation to the Penfield Town Board.
- The waiver request, along with any staff recommendations, shall be forwarded to the Penfield Town Board for review in a Town Board work session.
- Upon review of all information, the Town Board shall determine if a waiver is appropriate and establish the associated fees and/or sidewalk installation that are necessary to comply with this policy.
- The appropriate waiver fee will be calculated based on spreadsheet formulas adopted by the Town Board. This spreadsheet takes into account the area of town that the sidewalks are located, the type of development, the parcel details and the overall cost for full implementation of the Town’s Sidewalk Policy.

**Easements**

The Town of Penfield shall require a minimum seven (7) foot wide easement along all roadways for the construction, replacement, and maintenance of sidewalks along publicly dedicated roads. The Authorized Official shall determine where additional easement widths may be required. The easement shall be in a format acceptable to the Town Attorney and shall be recorded at the Monroe County Clerk’s Office.

**Maintenance**

The Town of Penfield shall be responsible for the maintenance, replacement, and snowplowing of all sidewalks constructed along publicly dedicated roads classified as Minor Arterial, Major collector, and Minor Collector within the Town of Penfield. Those classifications have been previously identified in this policy and are shown on Exhibit 1. The Town of Penfield does not and will not plow sidewalks within subdivisions and sections of sidewalks that are not completed or connected to an existing sidewalk network.

The Town of Penfield encourages the installation of sidewalks within residential subdivisions or other roadways not designated in Exhibit 1. Along these roadways, the costs associated with the installation, maintenance, replacement and/or repair of sidewalks shall be borne solely by those residents directly benefiting from the sidewalks installed within their particular subdivision. These costs shall be assessed through an additional tax levy to the parcels located in an Intensified Sidewalk District encompassing the properties benefited. The required annual levy shall be based
on a recommendation by the Director of Engineering and Planning and the Town Comptroller to the Town Board.

Where an Intensified Sidewalk District has been formed, the town’s policy is to install, maintain, replace, and/or repair sidewalks as required. However, at this time, the Town of Penfield will not provide snow plowing service to sidewalks within the Secondary Sidewalk System. If this practice should change in the future, the cost of plowing will be charged to those properties located in the Intensified Sidewalk District.

**Intensified Sidewalk Districts**

**General**

The Town Board shall require the formation of an Intensified Sidewalk District for the following reasons:

- Installation, replacement, and/or maintenance of sidewalks in an existing subdivision.
- Maintenance and/or replacement of sidewalks located in subdivisions or along local-residential roadways that were installed by others.
- Other projects or sidewalk installations as recommended by the town staff, Planning Board, or other advisory agencies.

The developer or a neighborhood representative must petition the Town Board to create an Intensified Sidewalk District. The property owners within the Intensified Sidewalk District that directly benefit from the sidewalks shall bear the cost of improvement, replacement, and/or maintenance of the sidewalks.

The Town Board has established the annual charge, for sidewalk maintenance and/or replacement to be $25.00 per residential unit. The Town Board reserves the right to periodically update this charge as part of their annual budget process. Non-residential development rates shall be determined by the Director of Planning and Engineering, based on the annual Monroe County Sidewalk Bid Price and approved by the Town Board.

**Process**

**New Subdivision Development**

Prior to final Planning Board approval, the Town Board shall determine if an Intensified Sidewalk District is required for a development. If desired, the developer shall prepare a boundary map, plan of the sidewalks, and a request to the Town Board to have the Intensified Sidewalk District formed.

The cost to install sidewalks, handicap ramps, and crosswalks shall be borne by the developer and shall be covered in the Letter of Credit for the project.

Sidewalks installed along Arterials, Collectors, and Local Roads, as determined by the Town of Penfield Sidewalk Policy and shown in Exhibit 1, shall not be required to form an Intensified Sidewalk District. The future maintenance costs for these sidewalks will be funded through the Intensified Sidewalk District Fund.

**Existing Subdivision Development**

An existing neighborhood may petition the Town Board to install sidewalks along local-residential roadways not designated for sidewalk installations. The Authorized Official will develop a report and preliminary layout of proposed intensified sidewalk facilities, including but not limited to:

- Location of sidewalks
- Need for easements
- Relocation or replacement of utilities
- Relocation or replacement of landscaping
- Location and number of cross-walks
- Location and number of handicap accessible ramps
- Preliminary cost estimates
- District financing options
All sidewalk construction will be completed in conformance with the requirements contained in *Town of Penfield Design and Construction Specifications*, latest version.

The Town Board shall require that a minimum of 75% of all resident owners and 75% of assessed valuation within the proposed district shall be in agreement with the conditions set forth in this policy for the formation of the proposed district.
### Instructions for Completing

**Part I - Project Information.** The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

#### Part I - Project and Sponsor Information

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone:</th>
<th>E-Mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Penfield</td>
<td>566-340-961</td>
<td><a href="mailto:engineering@penfield.org">engineering@penfield.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1360 Adams Avenue</td>
<td>Penfield</td>
<td>14527</td>
</tr>
</tbody>
</table>

**1.** Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? NO [ ] YES [ ]

*If Yes, attach a clear, short description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.*

**2.** Does the proposed action require a permit, approval or funding from any other governmental agency? NO [ ] YES [ ]

*If Yes, list agency(ies) name and permit(s) or approval(s): Town of Penfield Town Board*

**3a.** Total acreage of the site of the proposed action? 0.2 acres

**3b.** Total acreage to be physically disturbed? 0.0 acres

**3c.** Total acreage (project site and any contiguous properties owned or controlled by the applicant or project sponsor)? 0.2 acres

**4.** Check all land use that occurs, adjoining and near the proposed action.

- [ ] Urban
- [ ] Rural (non-agricultural)
- [ ] Industrial
- [ ] Commercial
- [ ] Residential (suburban)
- [ ] Forest
- [ ] Agriculture
- [ ] Aquatic
- [ ] Other (specify): 

- [ ] Parkland

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Page 1 of 4
<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
<th>N/A</th>
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<tbody>
<tr>
<td>5. Is the proposed action...</td>
<td></td>
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<tr>
<td>a. A permitted use under the zoning regulations?</td>
<td>✔</td>
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<tr>
<td>b. Consistent with the adopted comprehensive plan?</td>
<td>✔</td>
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<tr>
<td>6. Is the proposed action...</td>
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<tr>
<td>a. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</td>
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<tr>
<td>b. Is the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</td>
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<tr>
<td>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</td>
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<tr>
<td>If Yes, identify:</td>
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<tr>
<td>8. Will the proposed action result in a substantial increase in traffic above present levels?</td>
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<tr>
<td>a. Are public transportation service(s) available at or near the site of the proposed action?</td>
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<td>b. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?</td>
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<tr>
<td>9. Does the proposed action meet or exceed the state energy code requirements?</td>
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<tr>
<td>If the proposed action will exceed requirements, describe design features and technologies:</td>
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<tr>
<td>10. Will the proposed action connect to an existing public/private water supply?</td>
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<tr>
<td>If No, describe method for providing potable water:</td>
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<tr>
<td>11. Will the proposed action connect to existing wastewater utilities?</td>
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<tr>
<td>If No, describe method for providing wastewater treatment:</td>
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<tr>
<td>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?</td>
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<tr>
<td>b. Is the proposed action located in an archaeological sensitive area?</td>
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<tr>
<td>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other watersheds regulated by a federal, state or local agency?</td>
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<tr>
<td>b. Would the proposed action physically alter, or encroach into, any existing wetland or watershed?</td>
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<tr>
<td>If Yes, identify the wetland or watershed and extent of alterations in square feet or acres:</td>
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<tr>
<td>The proposed structure is near National Grassland and National Park, but does not impact either wetland.</td>
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<tr>
<td>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>☑ Shoreline</td>
<td>☑ Forest</td>
<td>☑ Agricultural/grasslands</td>
<td>☑ Early mid-successional</td>
</tr>
<tr>
<td>☑ Wetland</td>
<td>☑ Urban</td>
<td>☑ Suburbs</td>
<td></td>
</tr>
<tr>
<td>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</td>
<td></td>
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<tr>
<td>16. Is the project site located in the 100 year flood plain?</td>
<td></td>
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<tr>
<td>17. Will the proposed action create storm water discharge, either from point or non-point sources?</td>
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<tr>
<td>a. Where storm water discharges flow to adjacent properties?</td>
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<tr>
<td>b. Will storm water discharges be directed to established conveyance systems (untreated and storm drain)?</td>
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<tr>
<td>If Yes, briefly describe:</td>
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</tbody>
</table>
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

<table>
<thead>
<tr>
<th>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walking?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>6. Will the proposed action cause an increase in the use of energy and fails to incorporate reasonable available energy conservation or renewable energy opportunities?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>7. Will the proposed action impact existing:</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>a. public or private water supplies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. public or private wastewater treatment utilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?</td>
<td>☑</td>
<td>□</td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora, and fauna)?</td>
<td>☑</td>
<td>□</td>
</tr>
</tbody>
</table>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? ☑ ☐

11. Will the proposed action create a hazard to environmental resources or human health? ☑ ☐

Part 3 - Determination of significance. The Land Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, reversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

After the Town Board reviewed this action is considered an “unlisted” action pursuant to SEQRA, and will not have any negative environmental impacts to the surrounding properties.