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 - October 2, 2019
VI. Petitions
VII. Resolutions by Function

Law and Finance
19T-194 Shared Services Agreement with Monroe County
19T-195 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Seasonal Tent in the Outdoor Dining Area at K2 Brewery Located at 1221 Empire Blvd
19T-196 Authorization for Supervisor to Sign a Professional Services Contract with BME Associates to Prepare the Shadow Pines Properties Conceptual Master Plan and Supporting Documentation
19T-197 Granting a Conditional Use Permit to Allow a Hair Salon at 1782 Penfield Road
19T-198 Budget Amendment in Sewer Fund
19T-199 Budget Amendment for 2019 in the Library Fund
19T-200 Setting a Public Hearing to Consider Amendments to the Zoning Ordinance and the Mixed Use Development Manual

Public Works
19T-201 Budget Amendment for the Box Field Installation at Rothfuss Park
19T-202 Roadway Dedications for 2019

Public Safety - None

Community Services - None

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: November 20, 2019
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, November 6, 2019 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

Supervisor LaFountain asked for a moment of silence for Rochester police officer Manuel “Manny” Ortiz, who died in a tragic car accident in the Town of Penfield last Saturday evening November 2, 2019.

Communications and Announcements

1. The extended application period for leftover Deer Management Permits (DMP’s) began last week on November 1st and are issued on a first come first serve basis. All applications will be accepted only in person. Applications will not be accepted by phone, mail or online. Hunters may apply for and receive up to two (2) additional DMP’s. Applicants with licenses that are exempt from paying a DMP Application fee or hunters who have previously applied for DMP’s during this license year will not be charged any additional fees during the extended application period. DMP’s are only valid for antlerless deer in wildlife management units.

2. The Penfield Ecumenical Food Shelf’s annual Thanksgiving distribution will be held on Saturday, November 23, 2019, if you are able, please consider donating a frozen turkey. The PEFS was established in 1997 and was created to meet the needs of the Penfield Community for those in need of emergency food. The PEFS is 100% donation based and volunteer run. If you can donate a frozen turkey, please email penfieldfoodshelf@gmail.com or contact Town Clerk Amy Steklof at steklof@penfield.org for more information.

3. With the heating season upon us, RG & E has asked the Town of Penfield to remind residents to be aware of the dangers of carbon monoxide (CO), a colorless, odorless gas that can quickly harm you and your family. Exposure to CO can cause flu-like symptoms including headache, dizziness, weakness, nausea, and loss of muscle control. Prolonged exposure to CO can lead to serious illness and even death. To help keep you safe, RG & E recommends that you:
   - Use CO detectors. (New York State Law now requires CO detectors in most residences)
   - Have a professional check heating systems, chimneys, flues and vents once a year.
   - Never use an emergency generator indoors, including the garage.
   - Never use a natural gas stove, oven or charcoal grill as an indoor heat source.

4. The holiday season is a time when individuals are looking to donate to different groups and organizations to help those in need. “Matt’s Coats for Kids” was started by the family and friends of Matthew J. Fitton in the fall of 2004. Matthew lost his life in a tragic car accident in August 2003 at the age of 20.
Each year, the organization collects and donates new or gently used coats and other items to area children who need help in keeping warm during the winter months. To date, more than 9,000 items have been distributed. Residents can help keep Matt’s memory alive by dropping off winter outerwear at the Town Hall or Community Center from now until December 2, 2019. Information about “Matt’s Coats for Kids” is available at www.mattsgoats.webs.com or by calling (585) 721-5289.

5. The Town of Penfield Offices will be closed on Monday, November 11, 2019 in observance of Veteran’s Day. This includes: Town Hall, DPW, Recreation and Courts. The Public Library will be open during normal business hours.

6. Penfield’s Daytime Education at Recreation (DEAR) is holding their First Annual Arts and Craft Fair this Saturday, November 9, 2019 at the Community Center from 10:00 AM to 4:00 PM. Vendors from Penfield and surrounding areas come together to provide a unique shopping opportunity for the community. For more information, please contact the Penfield Recreation Department at (585) 340-8655.

7. The new Athletic Box Field at Rothfuss Park is almost ready for use. The Athletic Box Field was funded through a partnership with the Town Of Penfield and Senator Rich Funke who provided a significant amount of funding through a grant. A ribbon cutting ceremony will be held at Rothfuss Park on Saturday, November 16, 2019 at 11:00 AM. Councilman Moore thanked Supervisor LaFountain for his support and thanked Senator Funke for securing State Funding.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 2, 2019, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-194 Shared Services Agreement with Monroe County by Moore

WHEREAS, the Town of Penfield and the County of Monroe have a long standing cooperative relationship regarding shared services, and

WHEREAS, both the Town and the County desire to continue this relationship in accordance with the Intermunicipal Agreement for Fleet Services dated March 31, 2009, and the email correspondence between Monroe County Director of Environmental Services, Michael Garland, and Town Supervisor, Tony LaFountain,

NOW, BE IT RESOLVED that Town forces will continue to plow and salt the access road to the Gloria Drive Landfill as needed during the winter season, approximately 20-25 trips annually.

BE IT FURTHER RESOLVED the Town will continue to fuel and purchase parts, if necessary, during wood grinding operations. And, in order to fair and equitably compensate the Town for these services, the County’s Department of Environmental Services (DES) will continue to provide the tub grinder and an operator for approximately 70 hours per year.
Moved: Moore  
Seconded: Kohl

| Vote            | Kohl | Aye | LaFountain | Aye | Metzler | Aye | Moore | Aye | Quinn | Aye |

Adopted

#19T-195 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Seasonal Tent in the Outdoor Dining Area at K2 Brewery Located at 1221 Empire Blvd., by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Chapter 250-5.9.B-1 of the Code to allow a seasonal tent in the outdoor dining area of the K2 Brewery at 1221 Empire Blvd., located in the LaSalle’s Landing 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 has classified this proposal as a Type II action; 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 December 4, 2019, at 7:00 PM on said date, to consider the said application and to hear all persons interested in the question of the issuance of a Conditional Use Permit to allow a seasonal tent in the outdoor dining area of the K2 Brewery in the LaSalle’s Landing Development (LLD) 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

#19T-196 Authorization for Supervisor to Sign a Professional Services Contract with BME Associates to Prepare the Shadow Pines Properties Conceptual Master Plan and Supporting Documentation by Moore

WHEREAS, the Town Board of the Town of Penfield desires to create a conceptual master plan for the Shadow Pines properties to address the recommendations of the Shadow Lake/Shadow Pines Community Advisory Committee Final Report dated September 2, 2016 and the Shadow Pines Land Use Advisory Committee Final Report dated April 17, 2019; and

WHEREAS, at its August 14, 2019 Work Session, the Town Board authorized the Supervisor to direct staff to prepare a Request For Proposals (RFP) for the development of the Shadow Pines properties conceptual master plan; and
Penfield Town Board, November 6, 2019

(Resolution #19T-196 – Continued)

WHEREAS, staff prepared the Request for Proposals (RFP) and made it available to area consultants and posted it on the Town’s website on September 4, 2019: and

WHEREAS, the Town received five (5) proposals from qualified consultants; and

WHEREAS, the Town reviewed the five (5) proposals, and determined the consulting firm whom it felt met all the specifications to undertake the project as outlined in the RFP;

NOW THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to sign a contract with BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450 to prepare a conceptual master plan and supporting documentation for the Shadow Pines properties at a cost of $12,500.

Moved: Moore
Seconded: Metzler

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

Adopted

#19T-197 Granting a Conditional Use Permit to Allow a Hair Salon at 1782 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(4) of the Code to allow a hair salon at 1782 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 October 16, 2019, 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 hair salon at 1782 Penfield Road, and the Public Hearing was closed and decision was reserved; and

BE IT RESOLVED, that the Penfield Town Board determined that it is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and designated itself as “lead agency” pursuant to SEQRA and has classified this proposal as a Type II action, requiring no further environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a hair salon in the Four Corners (FC) zoning district at 1782 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 any business at this location.

2. The applicant is permitted to operate a three (3) station hair salon, with one (1) future esthetician at this location. Any proposed increase in stations or services which require additional staff shall be reviewed and approved by the Town Board to ensure that there is adequate parking to accommodate said increase.
3. The applicant shall obtain a remodeling permit from the Building Department prior to any work being done on the site.

4. Any proposed dumpster or totes being stored outside of the building shall be enclosed and properly maintained at all times. The applicant’s refuse removal company may pick up refuse from the site no earlier than 7:00 AM and no later than 7:00 PM, at no time shall such refuse pickup occur on Saturdays or Sundays.

5. The applicant shall comply with the overall occupancy requirements that are to be established by the Penfield Fire Marshal in accordance with the New York State Building Code.

6. The site is served by sixteen (16) parking spaces, however this site was formerly a part of the Penfield Place complex, which when subdivided was required to provide shared access and parking for ninety-five (95) 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 responsible for ensuring that its 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. Finally, the applicant shall be responsible for ensuring that the parking spaces and driving lanes on her property are maintained and kept in good repair at all times.

7. The applicant shall submit a final sign package for the site for the Board’s review and approval. Said sign package shall address all components for signage on this site addressed by the Board and property owner at the Board’s October 23, 2019 Work Session. 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.

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

9. 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 applicant is purchasing the vacant building at 1782 Penfield Road, consisting of 1,872 square feet, for the purpose of installing a hair salon.

2. The business will consist of three (3) stations and the applicant proposes to install an esthetician at a future date.

3. The site has sixteen (16) parking spaces located on it and is also subject to a cross access and parking agreement that allows for the use of ninety-five (95) shared parking spaces with the adjacent property owners, if needed.

4. The Four Corners (FC) zoning district permits hours of operation between 6:00 AM and 12:00 PM. The applicant proposes to operate between the hours of 11:00 AM and 9:00 PM from Tuesday to Saturday, and being closed on Sunday and Monday, which are well within the permitted hours of operation for this zoning district.
5. The applicant must assure that she will minimize potential noise impacts to area residents particularly relating to refuse pick-up being restricted to no earlier than 7:00 AM and no later than 7:00 PM, with no refuse pickup occurring on Saturdays or Sundays.

6. The proposed use is properly scaled to the structure and supporting parking facilities, and will provide a service to the residents of the Town of Penfield.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-198 Budget Amendment in Sewer Fund by Moore

WHEREAS, vehicle maintenance in the Sewer Operations account requires additional funding, 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 2019 budget amendment be approved:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale of equipment</td>
<td>$3,150</td>
<td>S10-8120-0004-4033</td>
<td>$9,150</td>
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<tr>
<td>S10-1000-2655-0000</td>
<td>$6,000</td>
<td>Vehicle Maintenance</td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Quinn

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

Adopted

#19T-199 Budget Amendment for 2019 in the Library Fund by Moore

WHEREAS, at their monthly meetings, the Library Board has recognized interest income during the second and third quarters of 2019 in the amount of $1,900 to be used for Library activities 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 2019 budget amendment be approved:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>L00-1000-2401-0003</td>
<td>$1,900</td>
<td>L00-7410-0004-4043</td>
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<tr>
<td>Interest Income</td>
<td></td>
<td>Gift &amp; Memorial Expenses</td>
<td></td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Metzler

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

Adopted
#19T-200  Setting a Public Hearing to Consider Amendments to the Zoning Ordinance and the Mixed Use Development Manual by Moore

WHEREAS, the Penfield Town Board desires to amend sections of Chapter 250 of the Penfield Town Code and a section of the Mixed Use Development Manual; and

WHEREAS, the Town Board, acting as lead agency pursuant the requirements of Part 617.6 of the State Environmental Quality Review Act, hereby declares itself lead agency and determines this matter to be an Unlisted action;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on December 4, 2019 at 7:00 PM on said date, to consider said matter and to hear all persons on the question of amending Chapter 250 of the Penfield Town Code, and the Mixed Use Development Manual, as more particularly described in Schedule “A” attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain No
       Metzler Aye Moore Aye
       Quinn Aye

Adopted

See Attachment at end of Minutes

Public Works

#19T-201  Budget Amendment for the Box Field Installation at Rothfuss Park by Metzler

WHEREAS, sealed bids were sought and a contract awarded on November 1st 2017 totaling $98,175 to All Sports Enterprises, Inc. to provide the Department of Public Works with a box turf field, and

WHEREAS, the Town received grant funding through Senator Funke for a portion of this project totaling $80,000, and

WHEREAS, the Town received $57,700 of the grant in 2018 for the purchase of materials, and

WHEREAS, the project is currently under construction with All Sports Enterprises fulfilling the terms of their contract,

BE IT RESOLVED, the following 2019 budget amendment be approved:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
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<td>A00-7110-0003-3005</td>
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<tr>
<td>NEW YORK STATE GRANT</td>
<td>ROTHFUSS PARK FIELDS</td>
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<td></td>
</tr>
</tbody>
</table>

Moved: Metzler
Seconded: Moore

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

Adopted
WHEREAS, the following developers/owners have made application to the Highway Department of the Town of Penfield for the final dedication of town highways in the Town of Penfield as noted in the following and described more fully on the subdivision plat maps listed below, which have been approved by the board of jurisdiction, and have dedicated and released the necessary lands owned by them for the proposed highways:

Redstone Builders, LLC. – Crowne Pointe Section 3B, the remainder of Crowne Pointe Drive

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby accepts dedication of the roads or portions thereof, as described herein above, all in accordance with Section 171 of the Highway Law of the State of New York.

Moved: Metzler
Seconded: Kohl

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 - November 20, 2019

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:24 PM.

Amy Steklof, RMC/CMC
Town Clerk
Schedule “A”

Executive Summary
of
Proposed Amendments to the Penfield Zoning Ordinance and Mixed Use District Manual

(1) Chapter 250 – 2.2 – Definitions - the definition of Authorized Official - eliminating the title of Building and Zoning Administrator and replace it with Department Head of Fire Marshal/Building Inspector/Zoning.

(2) Chapter 250-5.12-A – Mixed Use Districts – This section shall be known as Local Law No. 3 of 2017 entitled "Mixed Use District." This section of the Town of Penfield Zoning Ordinance applies to all mixed use developments in the Town of Penfield. For the purposes of the Zoning Ordinance, "mixed use" means a combination of residential, commercial and civic uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another), at a pedestrian scale that encourages less reliance on the automobile for the daily lives of residents. Prior to submitting any application, applicants/developers shall meet with the planning department staff to evaluate the proposed development for any immediate feedback or recommendations. After, applicants/developer shall present the project scope and concept plans to the Town Board in a work session meeting for its review and approval of the proposed uses and conceptual layout. The Town Board may require an applicant to present more details about a project in a subsequent public information meeting, which shall be open to the public for comments. After the Town Board has approved the proposed uses and conceptual layout, town staff will provide applicants with the application instructions and forms for the appropriate Planning Board application. The Penfield Planning Board shall have the power to approve, approve with conditions, or deny subdivision plats and site plans.

(3) Mixed Use Manual – Section 4.3 – Application Process Overview - Prior to submitting any application, applicants/developers shall meet with the planning department staff to evaluate the proposed development for any immediate feedback or recommendations. After, applicants/developer shall present the project scope and concept plans to the Town Board in a work session meeting for its review and approval of the proposed uses and conceptual layout. The Town Board may require an applicant to present more details about a project in a subsequent public information meeting, which shall be open to the public for comments. After the Town Board has approved the proposed uses and conceptual layout, town staff will provide applicants with the application instructions and forms for the appropriate Planning Board application.