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 - November 20, 2019
VI. Petitions
VII. Resolutions by Function

Law and Finance
19T-212 Granting Approval of a Conditional Use Permit to Allow Two (2) Seasonal Tents over the Outdoor Dining Area at K2 Brewery Located at 1221 Empire Blvd.
19T-213 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Hair Salon at 1738 Penfield Road
19T-214 Authorization to Attend the NYS Association of Towns Conference
19T-215 Approval of Issuance of a Special Use Permit and Preliminary and Final Site Plan Approval to Allow a 95 Unit Apartment Building at 1384 Empire Blvd.
19T-216 Advertising for Bids for Services to Provide and Post Signs on Properties Subject to Review by Various Boards in the Town of Penfield
19T-217 Setting a Public Hearing to Consider Amendments to the Zoning Ordinance and the Mixed Use Development Manual
19T-218 2019 Budget Transfers & Amendments

Public Works - None

Public Safety - None

Community Services
19T-219 Advertising for Bids for Printing Program Brochure
19T-220 Authorization for Supervisor to Sign Recreation Contracts

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: January 2, 2020
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, December 18, 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  
Heidi Boehl  Fire Marshal/Building Inspector  
Jim Costello  Director of Developmental Services  

Supervisor LaFountain called the meeting to order - Pledge of Allegiance

Supervisor LaFountain recognized Rob Quinn who is stepping down from his position as Town Councilman after 10 years of service.

Councilman Quinn thanked the Penfield Community for their vote of confidence and thanked his family and Town Staff for their support. He thanked the Town Board for working together with him in providing positive service to the community.

Communications and Announcements

1. The Chanukah Holiday begins at sundown on Sunday, December 22, 2019 and will continue for eight (8) days through Sunday, December 30, 2019. In celebration of Chanukah the Town’s 6th annual outdoor Menorah lighting ceremony will take place, Thursday, December 26, 2019 at 5:30 PM at the Four Corners of Penfield in Schuffelberger Park. This event is open to the entire community. Donuts and potato latkes will be served to all who attend.

2. The Town and County tax bills will be mailed on Tuesday, December 31, 2019. Those that wish to pay it on that day can do so at the Town Hall Tax Office. If you would like to have your tax bill sent to a temporary winter address, please call the Tax Office at 340-8626.

   Town Clerk Amy Steklof wished everyone a Happy Chanukah, a Merry Christmas and a Happy New Year.

3. The Town of Penfield will again host a Special Christmas time Blood Drive in memory of Jack Heiligman on Friday, December 20, 2019 at Penfield Community Center from 12:00 PM to 6:00 PM. Each presenting donor will receive a free long sleeve Red Cross T-shirt while supplies last. Also, anyone who does a platelet donation for the first time, will receive a $20 Amazon gift card. To schedule a donation appointment to help save-a-life during an emergency, please contact 1-800-Red Cross, or visit www.redcrossblood.org. Walk-ins are also welcome.

4. The Monroe County Sheriff’s Department, Zone A, would like to remind our residents about an increase in vehicle break-ins this time of year. Here are some tips to help you and your family stay safe this time of year: Make sure your vehicle is always locked, and do not leave gifts or valuables in your car overnight. Be aware of your surroundings, park in a lit area, have your cell phone in hand, and stash your purse, wallet or valuables in your trunk before you arrive at your destination. For more safety information, please visit www2.monroecounty.gov/sheriff.

5. The Penfield Town Offices will be closed on Wednesday, December 25, 2019 for the Christmas Holiday, and on Wednesday, January 1, 2020 for New Year’s Day. The Penfield Library offices will be closed Tuesday, December 24, 2019 through Thursday, December 26, 2019 and will re-open on Friday, December 27, 2019.
6. If anyone is interested in applying for the vacant Town Board seat, please send your resume to supervisor@penfield.org by Monday, December 23, 2019 at 5:00 PM.

7. Penfield Recreation’s Winter/Spring 2020 program brochure is now available at www.penfieldrec.org. Be sure to check-out all the new programs that will be offered over the next few months, with registration beginning January 2, 2020 for Penfield residents. Early registration will be available for programs of high community interest, don’t miss out and go to www.penfieldrec.org soon to sign-up.

8. Linda Kohl wished everyone Happy Holidays.

Public Participation - None

Additions and Deletions to Agenda

Councilman Moore moved to add Resolutions #19T-221 and #19T-222 to the agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of November 20, 2019, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-212  Granting Approval of a Conditional Use Permit to Allow Two (2) Seasonal Tents over 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 two (2) seasonal tents over the outdoor dining area of the K2 Brewery at 1221 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held 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 on the question of permitting two (2) seasonal tents over the outdoor dining area of K2 Brewery at 1221 Empire Blvd. and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicants’ request to allow two (2) seasonal tents over the outdoor dining area of the K2 Brewery at 1221 Empire Blvd. 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. This CONDITIONAL USE PERMIT is non-transferable and any future operator shall be required to obtain a CONDITIONAL USE PERMIT from the Town Board to continue to use the tents as proposed by the applicant.

2. The applicant shall be permitted to have two (2) seasonal tents on the premises on an annual basis between November 1st and March 31st of each year. The tents shall be no larger than 33’ x 66’ and 33’ x 42’ respectively.
3. The tents must be inspected and approved by the Penfield Fire Marshal each time they are erected to ensure that they comply with the New York State International Building Code.

4. The applicant shall ensure that the tents are closed to the public no later than 10:00 PM on a nightly basis. Any proposed modification to these approved hours shall be reviewed and approved by this Board.

5. All access to the tents shall be kept free of snow to ensure safe ingress and egress to and from them at all times.

6. No cooking or food preparation is proposed by the applicant in either tent at any time, and none is permitted by this Board; further, the applicant has covered the fire pits in the outdoor dining area and they shall remain covered at all times when the tents are in place on the premises.

7. The applicant shall continue to ensure that there is adequate on-site and off-site parking to accommodate those patronizing the site. Further, the applicant shall continue to utilize off-site parking facilities during such events, but only with the property owners' permission. In no case shall parking be permitted in any portion of Wilbur Tract Road where access is obstructed or impeded to those residents of Wilbur Tract Road and emergency responders.

8. The applicant shall meet with the Board, at its April 22, 2020 work session, to give the Board an informal update regarding the status of the removal of the two (2) tents and address any issues experienced by the applicant during the period the tents were erected.

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.

AND BE IT FURTHER

RESOLVED, that the Town Board, acting as Lead Agency, has classified this proposal as an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Board finds that based on the following findings that no additional environmental review regarding this proposal is necessary.

The Town Board, in granting the applicant’s request, does so based on its following findings:

1. The applicant has operated at this location since December of 2017 and has demonstrated that it is a good neighbor and has not adversely impacted the adjacent residential neighborhood during that time.

2. The applicant received a Special Recreation Permit in 2018 to permit a tent on the outdoor dining area with no adverse impacts to any neighbor. In this application, the applicant has requested that it be permitted two (2) seasonal tents to be installed over the existing outdoor dining area on an annual basis for a specific period. The tents may be utilized by the public on a daily basis up to and no later than 10:00 PM, which corresponds with the timeframe permitted for the outdoor dining area during the summer months.

3. The Board, at its October 23, 2019 work session, gave the applicant permission to obtain a Special Permit from the Fire Marshal to install the two (2) tents for a three (3) week period to allow the K2 Brewery anniversary celebration and to get a
better understanding of how the tents will look on the site and determine if they will have any impact to the neighborhood. The applicant installed the tents at the direction of the Penfield Fire Marshal to ensure they complied with the State Building Code. The Board was able to tour the site and determined that the tents are well buffered and are not a visual impact to any neighbor.

4. The Board has granted the applicants’ request as proposed and the applicant is in agreement with the Board’s conditions of approval, as fully discussed at the Public Hearing on December 4, 2019 and at the Board’s work session on December 11, 2019. The applicant has offered to personally address any adverse impacts to neighbors if an issue arises. The applicant is further aware that it must request approval for any modification to this application as it has been proposed and approved.

5. The Board has required that the two (2) seasonal tents (33’ x 66’ and 33’ x 42’ respectively) can only be on the premises between November 1st and March 31st of each year. Failure to do so could result in the revocation of the Conditional Use Permit.

6. The applicant has received permission from its adjacent property owner to allow overflow parking on his property until such time as he develops his property. The applicant has been, and shall be required to continue to seek other parking facilities to accommodate overflow parking once the adjacent property is developed. In no case shall any portion of Wilbur Tract Road be obstructed or impeded with vehicles owned by those patronizing the applicants’ business. Violation of the Board’s condition pertaining to this condition may result in revocation of the Conditional Use Permit.

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

2. Photograph of the property and tent locations dated September 18, 2019.
3. An Environmental Assessment Form dated September 18, 2019.
5. Submissions and oral testimony of the applicant at the Public Hearing on December 4, 2019.
6. Discussion at the Town Board work session on December 11, 2019.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-213 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Hair Salon at 1738 Penfield Road by Moore - WITHDRAWN
#19T-214 Authorization to Attend the NYS Association of Towns Conference by Moore

WHEREAS, the New York State Education Department requires all Professional Engineers to obtain annual training; and

WHEREAS, it is in the Town’s best interest to have staff members attend training workshops to gain knowledge pertaining to current practices in stormwater management, administrative management, street maintenance, traffic operations, and construction management; and

WHEREAS, the NYS Association of Towns is an industry leader in training for municipal professionals, and

NOW, THEREFORE, BE IT RESOLVED that the Town Engineer is hereby authorized to attend the NYS Association of Towns, to be held from February 16 - 19, 2020 for a cost not to exceed $1,800. This cost will be allocated from the 2020 departmental conference budget line.

Authorized expenses will be reimbursed by the Town upon the presentation of a properly completed voucher with supporting documents.

Moved: Moore  
Seconded: Metzler

Vote:

Kohl  Aye  LaFountain  Aye
Metzler  Aye  Moore  Aye
Quinn  Aye

Adopted

#19T-215 Approval of Issuance of a Special Use Permit and Preliminary and Final Site Plan Approval to Allow a 95 Unit Apartment Building at 1384 Empire Blvd. by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Use Permit and Preliminary and Final Site Plan Approval pursuant to Chapter 250-5.9-B(1)(b) of the Code to allow the development of a 95 unit apartment building with associated parking and storm water management facilities at 1384 Empire Blvd., located in the LaSalle’s Landing Development (LLD) 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 August 7, 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 Special Use Permit and Preliminary and Final Site Plan Approval to allow the development of a 95 unit apartment building with associated parking and storm water management facilities at 1384 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as Lead Agency pursuant to the State Environmental Quality Review Act and the Penfield Environmental Quality Review Law has classified this proposal as an Unlisted action. The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

1. The applicant has submitted a revised site plan to redevelop the subject property that excludes any construction activity within the NYSDEC 100 foot adjacent area of the wetlands of Irondequoit Bay with the exception of installation of a storm water catch basin and upgrading a pedestrian access path, which was addressed in an Environmental Impact Statement for Penfield’s Local Waterfront Revitalization Plan (LWRP), the LaSalle’s Landing Plan and the Irondequoit Bay Harbor Management Plan.
2. The proposal provides for on-site storm water management that addresses quality issues in compliance with the Phase II State Pollution Discharge Elimination System (SPDES) general permit requirements for storm water runoff from construction activities.

3. The applicant submitted a trip generation report that identified an AM Peak traffic increase of 24 vehicles exiting from the site and 8 entering the site, where none currently come to or leave the site during the AM Peak Period; and during the Peak PM Period, a proposed decrease to 22 entering the site, from the current 48 entering and a reduction to 16 leaving the site from the current 30 exiting during the PM Peak Period, resulting in a reduction of 22 entering and 14 leaving the site during that period.

4. Pursuant to an offer made by the applicant to the Town of Penfield, the applicant shall contribute monies to a fund dedicated to extending the existing middle turn lane in Empire Blvd. to provide safe turning movements to and from Wilbur Tract Road. This amount will be determined by the Town pursuant to a formula and will provide a catalyst to create a safer means of ingress and egress along Empire Boulevard for all residents, businesses and motorists to this area. This amount shall be paid prior to the issuance of a temporary or final certificate of occupancy.

5. The redevelopment of the site where construction is proposed is approximately 950 feet from the eagle’s nest located on adjacent property, which complies with the requirements for disturbance within proximity to the nest;

6. The applicant proposed to complete the public pedestrian access path on the property and provide the public access to the viewing deck on the west side of the property, which is a recommendation of the Town’s Local Waterfront Revitalization Program. The completion of this portion of the pedestrian path will result in providing public access adjacent to, and in close proximity to Irondequoit Bay from the subject property to Monroe County’s Abraham Lincoln Park.

7. The redevelopment of this site, as revised, is consistent with the recommendations of the Penfield Comprehensive Plan, the Penfield Local Waterfront Revitalization Plan, the Irondequoit Bay Harbor Management Plan and furthers the goals of the LaSalle’s Landing Development Plan. Therefore, the submission of a draft Environmental Impact Statement for this proposal will not be required.

AND BE IT FURTHER RESOLVED, that the applicant’s request for a SPECIAL USE PERMIT to allow a 95 unit apartment building at 1384 Empire Blvd. is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL 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 International Building Code for New York State and obtain any/all necessary permits.

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

AND BE IT FURTHER RESOLVED, that the applicant’s request for PRELIMINARY AND FINAL SITE PLAN APPROVAL is hereby GRANTED subject to the following conditions:
1. The applicant shall be permitted to construct a 95 unit apartment building, and appurtenant parking facilities and complete the pedestrian path to provide full public access to Irondequoit Bay on this site, all of which is identified on the site plan prepared by Passero Associates #20182689.0001, dated April 2019 with latest revisions dated December 5, 2019.

2. The Board and applicant have worked to achieve a building design for the site that meets the goals and objectives of the LaSalle’s Landing Plan and the applicant’s needs. The applicant may not, at any time, modify the exterior of the building, its color scheme or its signage and exterior lighting without approval by this Board.

3. The applicant shall be responsible for maintaining the publicly accessible pedestrian access path along the perimeter of its property in areas that provide public access to Irondequoit Bay, all of which was approved and constructed at the time the former Bazil’s restaurant was approved and constructed.

4. Compliance with or agreements reached on all of the engineering requirements that may be raised by the Town Engineer. Obtaining the signature of the Town Engineer on the final plans shall indicate compliance with this condition.

5. Compliance with the comments concerning this application from the Development Review Committee as contained in Monroe County Department of Planning’s Referral # PN19015Z, dated June 18, 2019 and Addendum dated August 12, 2019.


7. Compliance with the Town of Penfield’s Sidewalk Policy. This shall address the remaining 238 +/- feet on the property frontage along Empire Blvd. where no sidewalk exists; furthermore, any existing public sidewalk that is damaged during the construction process shall be replaced to the satisfaction of the DPW Director prior to the issuance of a Certificate of Occupancy for the apartment building.

8. The applicant shall confer with the Penfield Fire Marshal to determine the most appropriate location for refuse storage on the site. Any proposed dumpster to be stored to the exterior of the proposed building must be enclosed as required by Penfield Zoning Ordinance.

9. Ramps are to be installed for the handicapped, as required by law, on the sidewalks surrounding the proposed building.

10. All project signage shall be submitted for review and approval by the Town Board prior to the issuance of a sign permit. All signage shall be in compliance with the requirements of the Penfield Zoning Ordinance.

11. Compliance with all requirements of any Federal, State, County or local agency.

12. The final grading plan shall contain a full schedule of erosion control implementation, installation of protective fencing of the NYSDEC wetland 100 foot adjacent area, temporary and permanent seeding details, topsoil stockpile areas and other applicable measures deemed appropriate by the Town Engineer. The Notice of Intent for construction activity must be submitted prior to the pre-construction meeting.
13. The final Landscape Plan shall be reviewed, approved and signed by the Town’s Landscape Consultant. An appropriate amount of funds shall be in the Letter of Credit to cover the cost of the approved landscaping materials and installation. A two-year maintenance bond is required to insure landscaping is properly installed and maintained.

14. The Town Engineer shall approve the final plan for exterior lighting, specifically that such plan shows lighting which is localized and unobtrusive.

15. Furnishing the Town with a Letter of Credit, in an amount to be approved by the Town Engineer prior to the start of construction. Said Letter of Credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield. All As-built maps, as required per the Town of Penfield Design and Construction Specifications dated August 7, 2019, shall be submitted to the Town Engineer prior to the issuance of a Certificate of Occupancy for the proposed apartment building.

16. Submission of all easements to implement the approved plan. Easements shall be submitted in recordable format, subject to review and approval by the Town Attorney, and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.

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

18. All sanitary sewer connections are to be approved by the Town Engineer and, if necessary, the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.

19. Compliance with the Town’s Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; specifically that the westerly access drive shall be removed at the direction of the Town Engineer and made inaccessible for vehicular use to and from Empire Blvd.

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

21. The applicant shall submit a property maintenance agreement pursuant to the requirements of Chapter 250-7.12 of the Penfield Zoning Ordinance to ensure the ongoing maintenance of the apartment building and all of its appurtenances, such as parking areas, paths and walkways, all drainage facilities, including the proposed vortechs system. Said agreement shall be in the Town’s format. Further, the applicant, his successors, heirs and assigns shall be responsible for providing the Town of Penfield a Storm Water Engineer’s Report every three (3) years verifying the operational status of said storm water facility as required by the New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) and the owner shall pay for the costs associated with said report.

22. The applicant shall confer with the Town staff to determine the most appropriate location to install temporary toilet facilities to serve the construction workers during redevelopment. The placement and type of screening of said facilities shall be at the direction of the Town staff and reviewed by the Town Board.
No such facilities shall be located within the 100-foot adjacent area of Irondequoit Bay. This shall be determined at the pre-construction meeting.

23. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE SITE PLAN.

24. The applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.

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

The Board bases its finding and decision to APPROVE this application on the following:

18. Revised site plans addressing NYSDEC and PRC comments dated October 29, 2019.
20. Daniele letter to Town Board dated December 4, 2019.
21. Revised site plan with accompanying letter addressing PRC concerns received via email dated December 6, 2019.
(Resolution #19T-215 – Continued)


24. Submissions and oral testimony of the applicant.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-216 Advertising for Bids for Services to Provide and Post Signs on Properties Subject to Review by Various Boards in the Town of Penfield by Moore

BE IT RESOLVED, that the Director of Developmental Services, be and hereby is, authorized to advertise in the Manner prescribed by Law for sealed proposals to furnish the Town of Penfield with services to provide, and post property review signs on properties subject to applications before the various boards in the Town for a three (3) year period as more particularly described in Schedule “A” attached hereto; and

BE IT FURTHER RESOLVED, that sealed proposals are to be received in the office of the Town Clerk until January 17, 2020 at 11:00 AM local time, and there and then to be opened and read publicly by the Town Clerk. Funds for this project are to be included in the 2020 budget and will be included in both the 2021 and 2022 budgets.

Moved: Moore
Seconded: Quinn

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

Adopted

See Schedule “A” at end of Minutes

#19T-217 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 January 15, 2020 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: Quinn
Seconded: Moore

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

Adopted

See Schedule “A” at end of Minutes

#19T-218  2019 Budget Transfers and Amendments by Moore

WHEREAS, transfers of funds are necessary for anticipated expenditures
and reconciliations as the year end approaches, and,

WHEREAS, the Recreation Department collected donations for the Bri-Pen
Ride Share Program operation to be used for supplies, and

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

NOW, BE IT RESOLVED that the attached budget transfers be approved.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works - None

Public Safety - None

Community Services

#19T-219 Advertising for Bids for Printing Program Brochure by Kohl

BE IT RESOLVED, THAT the Director of Recreation be, and hereby is,
authorized to advertise in the manner prescribed by Law for sealed
proposals, to furnish the Town of Penfield the following:

Printing of the Recreation Department Seasonal Program Brochure.

BE IT FURTHER RESOLVED, THAT the service is covered by such sealed
proposals as in accordance with specifications prepared by the Director
of Recreation. Sealed proposals are to be submitted to the office of the
Town Clerk until 11:00 AM EST January 10, 2020 and then and there to be
opened and read publicly.

Moved: Kohl
Seconded: Quinn

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

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

Shelley Ball, 50-D Pennwood Drive, Rochester, NY 14625, Instructor for Zumba programs, 1/6/20 - 12/21/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Mark Banford, 939 South Plymouth Ave., Rochester, NY 14608 Instructor for Tennis and Pickleball programs, 1/13/20 - 12/18/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Barb Bonisteel, 256 Rosemont Drive, Rochester, NY 14617, Instructor for Youth Music programs, 1/15/20 - 12/23/20, for a fee 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Broccolo Tree and Lawn Care, 2059 Brighton Henrietta Town Line Rd., Rochester, NY 14623, Instructor for Home & Gardening programs, 4/18/20 - 12/18/20, for a fee 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Brittany Grage, 9 White Briar, Pittsford, NY 14534, Instructor for Girls Softball Pitching programs, 1/12/20 - 12/19/20, for a fee 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Lindsey Hall, 115 Tuscany Lane, Webster, NY 14580, Instructor for youth art classes Pre-school Art, 1/14/20 - 12/15/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Youth Sport and Recreation programs, 1/13/20 - 12/18/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Jodi Marcello, 20 Falcon Trail, Pittsford, NY 14534, Instructor for Youth Dance and Yoga programs, 1/16/20 - 12/18/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Sherry Murray, 76 Chippenham Drive, Penfield, NY 14526, Instructor for Youth Education and Cooking programs, 1/20/20 - 12/22/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Tai Chi programs, 2/24/20 - 12/21/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Shadow Lake Golf Course, 1850 Five Mile Line Road, Penfield, NY 14526, to provide golf starting times for Senior 50+'s + Golf program, 5/5/20 - 8/18/20, for a fee of $9.50 per paid participant. Voucher to be submitted on 8/19/20.

Usha Shah, 688 East Avenue, Rochester, NY 14607, Instructor for Meditation programs, 4/17/20 - 12/16/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).
Penfield Town Board, December 18, 2019

(Resolution #19T-220 – Continued)

Jean Sica, 52 Poplar Drive, Rochester, NY 14625, Instructor for Tai Chi programs, 4/21/20 - 12/15/20, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business

#19T-221 Appointment of Town Tax Received by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby appoints Krystina Lizak as Town Tax Receiver to fill the term that expires on December 31, 2019.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-222 Authorization to Demolish and Award Contract for Demolition and Removal of 124 Beacon Hills Drive South by Moore

WHEREAS, on September 25, 2019, the Penfield Town Board passed a resolution (19T-187) pursuant to Chapter 97 of the Town Code of the Town of Penfield, ordering demolition of the unsafe structure and setting hearing for the structure located at 124 Beacon Hills Drive South (S.B.L.#109.05-2-48) (the “Resolution”); and

WHEREAS, the Resolution required demolition to commence within thirty (30) days of the service of a Notice required to be served, posted, and filed in accordance with Chapter 97 of the Town Code of the Town of Penfield (the “Notice”), and such demolition work was to be completed within sixth (60) days thereafter; and

WHEREAS, Notice and the Resolution were duly served, posted, and filed as required by Chapter 97 of the Town Code of the Town of Penfield; and

WHEREAS, on December 4, 2019 the Penfield Town Board held a Public Hearing with respect to the unsafe structure at 124 Beacon Hills Drive South (S.B.L.# 109.05-2-48); and

WHEREAS, it has been more than thirty (30) days following service, posting, and filing of the Notice and Resolution and demolition work has not been commenced; and

WHEREAS, the Town of Penfield has been advised that the owners, mortgagee(s), and the property management group, have declined to demolish and remove the unsafe structure located at 124 Beacon Hills Drive South; and

Moved: Moore
Seconded: Kohl

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

Adopted
WHEREAS, the Resolution authorized the Town of Penfield to provide for demolition and removal of the structure after the Hearing in the event of neglect or refusal to comply with the Order to demolish and remove the structure set forth in the Notice and Resolution; and

WHEREAS, sealed proposals were requested to provide building demolition services for the removal and clean-up of a site located at 124 Beacon Hills Drive South as the Town Board has declared the structure to be hazardous and a threat to public safety in the present condition; and

WHEREAS, on Friday December 13, 2019 at 11:00 AM local time, a sealed proposal was received from Frederico Demolition and was opened and read publicly by the Town Clerk; and

WHEREAS, Frederico Demolition was the only bidder and they met all the specifications as set forth in the bid for Demolition and Removal of 124 Beacon Hills Drive South, and

NOW THEREFORE BE IT RESOLVED, that the Penfield Town Board hereby awards the bid to Frederico Demolition, 1005 Chili Avenue, Suite 2, Rochester, New York 14611; and

BE IT FURTHER RESOLVED, that the demolition begin after January 1, 2020 and that the funds for said work are budgeted for in the 2020 adopted budget.

Moved: Moore
Seconded: Quinn

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

Adopted

Public Participation

Jim Costello, resident and employee, thanked both Councilman Quinn and Councilwoman Metzler for their hard work and service to the community.

Supervisor LaFountain received a comment from William Van Alstyne that stated “We are proud of our son-in-law when he became a member of your Board those many years ago, and even more proud of him now. The Town of Penfield has been, and I am sure, will be, a top priority in his life. Nancie and I both send much love to him and while we don’t live in Penfield, appreciate all he has done.”

Executive Session - None

Next Meeting - January 2, 2020

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:38 PM.

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

Specifications for Sign Design and Posting Requirements
For
Public Hearings and Public Information Meetings

1. Contractor shall make available signs to address public hearings and public information meetings for various boards in the Town of Penfield that state: “This property is under review by the Town of Penfield. For further information, please call 340-8640 or visit www.penfield.org”.

2. Signs must be mountable on a post at four (4) feet in height. Multiple signs may be required depending on the size of the subject property.

3. Signs must be posted fourteen (14) days prior to the public meeting and will remain on site at the determination of the Town of Penfield. Normally, the posting occurs for a period of 2 to 4 weeks, but occasionally may be 2-6 weeks. Contractor will remove sign at a mutually agreed upon time.

4. Contractor will bill the town monthly on a per posting basis.

5. Contractor will provide service for a three (3) year period at which time the Town of Penfield will require a new bidding process.
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.