TOWN BOARD LEGISLATIVE AGENDA
Wednesday, January 15, 2020, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Public Hearing - To Consider Amendments to the Zoning Ordinance and the Mixed Use Development Manual
III. Communications and Announcements
IV. Public Participation
V. Additions and Deletions to Agenda
VI. Approval of Minutes - December 18, 2019
VII. Petitions
VIII. Resolutions by Function

Law and Finance
20T-053 Setting a Public Hearing for Adoption of Local Law No. 1 of 2020 to be known as "A Local Law to Effect a Moratorium and Prohibition Within the Town of Penfield of Public Golf Course Redevelopment"
20T-054 2019 Budget Transfers

Public Works - None
Public Safety - None

Community Services
20T-055 Authorization for Supervisor to Sign Recreation Contracts

IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: February 5, 2020
XIV. Adjournment

This meeting will be video recorded and broadcast LIVE via the town’s website www.penfield.org and the Town’s Government Access Cable Channel 1303.
Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, January 15, 2020 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain  Supervisor
Linda Kohl    Councilwoman
Andrew Moore   Councilman
Bob Ockenden   Councilman

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney
Zachary Nersinger  Town Planner
Phyllis Ely   Information Specialist

Absent: Debbie Drawe   Councilwoman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Public Hearing #1 To Consider Amendments to the Zoning Ordinance and the Mixed Use Development Manual

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on January 2, 2020 and was posted on the Town Website and Town Clerk Bulletin Board. No postcards were mailed due to this being a Town wide action. Town Attorney Horwitz confirmed that this Hearing is in order.

Supervisor LaFountain recognized Zach Nersinger, Town Planner and asked him to give an overview of the Hearing and its proposed modifications.

Mr. Nersinger stated that the proposal is for Zoning Ordinance modifications in both the Mixed Use District and the Mixed Use Development Manual. Both were adopted by the Town Board in 2017. He stated that currently, all Mixed Use applications go before the Planning Board for Concept and Final Site Plan Review. This proposal suggests that the Town Board evaluate the proposals during beginning stages of the projects and for the Town Board to see how it fits into the Mixed Use District and Manual. He also said that if the Town Board were to feel that the project warranted additional input, an Informational Meeting would be scheduled. The Planning Board’s process, however, has been open and transparent thus far.

Public Participation

Kevin Fitzpatrick, 12 Chatworth Circle North, stated he had been a member of the Mixed Use Planning Committee and feels the amendment is not necessary. He stated that the Mixed Use Committee was made up of local businesses, community members, Planning Board members, Town Board members and Town Officials and that the Committee has looked at a lot of proposals over many years. He stated that a lot of hard work and discussions were had in deciding what Board has the right authority and expertise to review Mixed Use proposals. Research proved that the Planning Board was the rightful board to review mixed use and that the Town Board has other duties to focus on. Mr. Fitzpatrick stated that he works for the YMCA on Fairport Nine Mile Point Road in Penfield and that the Planning Board process has been effective regarding mixed use in that area. The process did what it was supposed to do. He reminded everyone that it had been approved by the Town Board two (2) years ago. He wonders what has changed that requires the Zoning Ordinance to be amended.

Bill Wickham, 1787 Fairport Nine Mile Point Road, stated he wants to reaffirm what Mr. Fitzpatrick said. He also stated that a consultant was hired to give the Committee/Town guidance. He stated that the Planning Board does a great job, and that there are other items that need the Town Board’s attention.
Supervisor LaFountain read a letter from Ralph DiTucci, Manager of Atlantic 250 LLC, regarding the application (see attached). Mr. DiTucci opposed the amendments.

Councilman Moore stated that he would like to follow up on a comment Mr. Fitzpatrick said, and agrees that the Mixed Use Committee was a resident driven committee with recommendations directed to the Town Board.

Hearing closed.

Communications and Announcements

1. Full payments and first installments for the 2020 Town and County tax bills are due Monday, February 10, 2020. Any payments made through February 10th will be interest free. After February 10th interest will accrue. The Town’s drop box is located at the eastside entrance of the Town Hall for your convenience.

2. With the Holiday season at a close, many residents are looking to dispose of their Christmas trees. The Department of Public Works is accepting non-artificial trees for recycling at the Highway Garage located at 1607 Jackson Road. Trees can be dropped off at any time, being placed just to the right side of the facility gates. Look for the sign labeled “X-Mas Trees.” All trees will be ground up and made part of the mulch pile, which is available on the west side of the Town Hall complex. Thank you for choosing to recycle your Christmas tree to benefit our community. Also, if you have a set of holiday lights that no longer work, remember that they can be recycled. However, they should be taken to places such as Ecopark (10 Avion Drive, Rochester, NY 14624) and not placed in curbside recycling bins. Mixed in with hundreds of pounds of material, the long strands get wrapped around the machines at the Monroe County recycling center and cause significant damage. Many hardware stores will also accept lights for recycling.

3. The Town Offices will be closed on Monday, January 20, 2020 in observance of Martin Luther King Day. The Penfield Public Library will be open during normal business hours.

4. The public is invited to join Penfield Recreation for a Family Winter Snow Night Out on Friday, February 7, 2020 from 6:00 PM to 8:00 PM at Harris Whalen Park. Come play in the snow under the February Snow Moon! This unique nighttime experience at Harris Whalen Park will include snow games, building snow sculptures, sledding in the moonlight, snowshoeing or hiking on moonlit trails, refreshments and staying warm by a fire. Participants are asked to bring a flashlight or headlamp for snowshoeing, and a sled for sledding. This event is free and all ages are invited. Sponsored by Penfield Recreation and Wegmans, our wellness partner. For more information, please call Penfield Recreation at (585) 340-8655, option 0.

5. Penfield Community Victory Garden will host a Seed Swap and seed starting workshop on Saturday, January 26, 2020 form 9:00 AM to 1:00 PM at Penfield Community Center. Garden designer Carol Southby will present a slide show of perennials for early spring bloom. Everyone is welcome to bring collected seeds to share as an option too. This event is co-sponsored by Penfield Community Victory Garden and Flower City Garden Network, and is free and open to the public. Pre-registration is requested by emailing: flowercitygardennetwork@gmail.com
Public Participation

Supervisor LaFountain read a correspondence from Deborah Brayer Root, 31 Hilltop Drive that stated, “It is January 6 and less than an inch of snow...streets practically clear. Why are you plowing the neighborhoods? Such a waste of money.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of December 18, 2019, Councilman Ockenden seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#20T-053 Setting a Public Hearing for Adoption of Local Law No. 1 of 2020 to be Known as "A Local Law to Effect a Moratorium and Prohibition Within the Town of Penfield of Public Golf Course Redevelopment" by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2020 which would amend and extend the moratorium and prohibition of public golf course redevelopment on real property located within the Town of Penfield; and

WHEREAS, the Penfield Town Board is best suited to act as “Lead Agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “Lead Agency” pursuant to SEQRA; and

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on February 5, 2020, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2020 which would amend and extend the moratorium and prohibition of public golf course redevelopment on real property located within the Town of Penfield. This Local Law shall not apply to .62+/- acres of vacant land situated between 1875 and 1885 Baird Road adjacent to real property commonly known as Shadow Lake Golf Course property. A copy of said Law is attached hereto and made a part hereof as Schedule “A”; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof to be not less than five (5) days and not more than thirty (30) days before the date set for the said Public Hearing, as aforesaid.

Moved: Moore
Seconded: Kohl


Adopted

See Schedule "A" at End of Minutes
WHEREAS, transfers of funds are necessary for year-end reconciliations, 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.

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Penfield Town Board, January 15, 2020

(Resolution #20T-054 – Continued)

Moved: Moore  
Seconded: Ockenden

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<td>Ockenden</td>
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Adopted

Public Works - None

Public Safety - None

Community Services

#20T-055 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:

Upstate Aquatics, LLC, 103 Summit Rd. Ext., Newport, NY 13416, Lifeguard Instructor/Instructor Trainer Review Course, 1/12/2020, for a fee of $75 per participant. Vouchers to be submitted 1/15/2020.

Nelida Ruiz Consulting, LLC, 15 Sanders Farm Dr., Penfield, NY 14526, instructor for adult goal setting, journaling, and business writing classes, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Healthy Alternatives Wellness Center, LLC, 400 Embury Rd., Rochester, NY 14625, instructor of adult alternative wellness classes, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Snapology of Pittsford, 203 Brittany Lane, Pittsford, NY 14534, instructor for youth Lego robotics programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Soccer Shots of Rochester, 1520 John Street, West Henrietta, NY 14586, instructor for youth soccer programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Nancy Marrer, 199 Gebhardt Rd., Penfield, NY 14526, instructor for youth, family, and adult fairy garden classes, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Progressive Early Learning, 187 Gregory St., Rochester, NY 14620, instructor for youth and adult child development programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Rochester Fencing Club, 3335 Brighton Henrietta Town Line Road, Rochester, NY 14623, instructor for youth and adult fencing programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Rochester Parkour, 1344 University Avenue, Suite 5000A, Rochester, NY 14607, instructor for youth parkour programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.
(Resolution #20T-055 – Continued)

Mad Science of Western NY, 333 Metro Park, Bldg. C, Suite F-102, Rochester, NY 14623, instructor for youth science programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Bravo! Creative Arts, 12 George St., Fairport, NY 14450, instructor for youth drama programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

The Center for Youth, EarthWorks Program, 905 Monroe Avenue, Rochester, NY 14620, instructor for youth nature/wilderness programs, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers will be submitted at the conclusion of each program.

Dave Pfaff, 1974 Penfield Rd., Penfield, NY 14526, instructor for youth, family, and adult fitness classes, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Meredith Dawes, 47 Sparrow Pointe, Penfield, NY 14526, instructor for CBD classes, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Breaking Free Skatepark, 1044 University Avenue, Rochester, NY 14607, instructor for skateboarding, mountain biking, and BMX classes, 1/2/20 – 12/31/20, for a fee of 70% of total program revenue. Vouchers to be submitted at the conclusion of each program.

Moved: Kohl
Seconded: Ockenden

Vote: Drawe Absent Kohl Aye
LaFountain Aye Moore Aye
Ockenden Aye

Adopted

Old Business - None

New Business - None

Public Participation - None

Executive Session - Supervisor LaFountain called for an Executive Session on a legal matter after the close of the Legislative Session and asked for a motion to support it. Councilman Moore moved, Councilwoman Kohl seconded.

Next Meeting - February 5, 2020

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:27 PM.
January 13, 2020

Penfield Town Board Members
3100 Atlantic Avenue
Penfield, New York 14526-9798

Re: Proposed Amendments to the Penfield Zoning Ordinance and Mixed Use Development Manual

Dear Town Board Members,

Please accept this letter as our statement of opposition to the Proposed Amendments to the Penfield Zoning Ordinance and Mixed Use Development Manual, and our request that the Penfield Town Board not approve the proposed resolution discussed at the Board’s December 18, 2019 Regular Meeting.

The resolution proposes to amend Chapter 250-5.12-A of the Ordinance, and Section 4.3-Application Process Overview, of the Manual, to require Mixed Use District development applicants to “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 public 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”.

We believe that the Town Board acted appropriately in its November 1, 2017 adoption of Local Law No. 3 of 2017 of the current Zoning Ordinance and of the Mixed Use Development Manual, and that the proposed amendments are not warranted.

Consistent with the Town Board’s originally stated intent at the time of creating the Mixed Use District, this Manual empowers the Penfield Planning Board and provides that “The Penfield Planning Board will act as the board having jurisdiction for all mixed use development applications”.

As you are aware, beginning in 2010, we have presented multiple design concepts for our proposed Mixed Use Development at Rt. 250 and Atlantic Avenue, to Town staff, the Mixed Use District Steering Committee, the Town Board and the Planning Board.

Following a September 6, 2018 public meeting of the Planning Board for review of our Sketch Plan Application, we received a December 14, 2018 letter from Zachary J. Nersinger, on behalf of the Planning Board, which letter stated that the Planning Board had completed its review of our proposed sketch plan and was “generally supportive of the proposed project and will accept a future application for preliminary overall subdivision and final site plan review”. At that time, we were also provided the “appropriate Planning Board application” as provided for in Section 4.3 of the Manual.

349 W. Commercial Street, Suite 2945 -East Rochester, NY 14445 - (585) 218-0005 - rilt@nationalcorporatererealty.com
If the proposed resolution is approved, and the amendments are adopted, our project will be unfairly set back and delayed because we will be required to repeat a process that we have already completed over the course of the past several years.

We appreciate your Board’s consideration of our opposition and this request, and we are hopeful that you will allow us to continue with the process we have undertaken in compliance with the current Ordinance and Manual.

Respectfully submitted,

[Signature]

Ralph A. DiTucci
Manager, Atlantic 250 LLC
SCHEDULE “A”

TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2020

A LOCAL LAW
AMENDING AND EXTENDING
THE MORATORIUM ON AND PROHIBITION OF
PUBLIC GOLF COURSE REDEVELOPMENT
WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Public Golf Course Redevelopment in the Town of Penfield, originally enacted as Local Law No. 1 of 2016, subsequently extended by Local Law No. 1 of 2017, Local Law No. 1 of 2018 and Local Law No. 1 of 2019 is hereby extended until December 31, 2020, or until a duly enacted repeal of said Local Law, as so extended, whichever shall first occur.

Section 2. This Local Law shall not apply to .62+/- acres of vacant land situated between 1875 and 1885 Baird Road adjacent to real property commonly known as Shadow Lake Golf Course property.

Section 3. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 4. This Local Law shall take effect immediately.