PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, February 3, 2010 7:30PM
Supervisor R. Anthony La Fountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II  Public Participation

III  Additions and Deletions to Agenda

IV  Approval of Minutes –January 6, 2010

V  Petitions

VI  Communications and Announcements

VII  Resolutions by Function
   Law and Finance
      #10T-060  Re-appointment to the Historic Preservation Board
      #10T-061  Authorizing General Obligation Serial Bonds to Finance
                      Acquisition of Highway Equipment, and Authorizing Issuance of
                      Bond Anticipation Notes
      #10T-062  Approval of Issuance of a Special Permit to Allow an
                      Engineering Office at 2136 Five Mile line Road
      #10T-063  Approval of Issuance of a Special Permit to Allow a Boutique at
                      1822 Penfield Road
      #10T-064  Approval of Issuance of a Special Permit to Allow Three
                      Apartments on the Second Floor at 1830 Penfield Road
      #10T-065  Approval of Issuance of a Special Permit to Allow a Sushi Bar at
                      1825 Penfield Road
      #10T-066  Authorization to Secure and Maintain Properties and Assess the
                      Charges to the 2011 Property Tax Bills
   Public Works
      #10T-067  Advertising for Bids for New 1 ½ to 2-ton Pavement Roller
      #10T-068  Setting a Public Hearing to Consider Changes to the Town of
                      Penfield Design Specifications (CANCELLED)
      #10T-069  Appointments to the Watershed Management Committee
      #10T-070  Authorization for Supervisor to Execute and File documents
                      Necessary to Release Sanitary Sewer Easements located at
                      2049 Empire Blvd.
      #10T-071  Awarding Contract for ONE NEW 8 ft-15ft Asphalt Paver
   Public Safety-None

Community Services
#10T-072  Window Replacement Penfield Town Hall
#10T-073  Authorization for Supervisor to Sign Contract for Local history
                      Room Display Case

VIII  Old Business

IX  New Business

X  Public Participation

XI  Adjournment
A Regular Meeting was held by the Penfield Town Board on Wednesday, February 3, 2010 at 7:30 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

Public Participation

Dave Woodward, 1530 Harris Road, extended an invitation to the Town Board and their families to attend the March 6, 2010 East Penfield Homeowners Pot Luck Supper at the fire hall at Plank and Salt Roads. E-mail Mr. Woodward at { HYPERLINK "mailto:d.woodward@rochester.rr.com" }, if you plan on attending. More detailed information will be sent to the Town Supervisor.

Supervisor LaFountain stated he will make sure the Town Board gets a copy of the invitation.

Mr. Woodward stated he would like the Planning Board to keep in mind the long term impact of drainage issues when a development is being built.

Additions and Deletions to Agenda

Councilman Moore stated Resolution numbers #10T-074 and #10T-075 be added under New Business. Councilwoman Kohl seconded. Councilwoman Metzler stated Resolution #10T-076 be added under New Business. Councilman Moore seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of January 6, 2010, Councilman Moore seconded and all voted “Aye”.

Petitions — None

Communications and Announcements

1. The Town Clerk will be holding extended hours in conjunction with the Tax Receiver’s office on Saturday, February 13, 2010 from 10:00 AM to 12:00 Noon.

2. An e-mail was received at the Town Hall praising the Town staff for their work in keeping the Town sidewalks clear.

3. An e-mail was sent to the Town Hall from Hank Kingston, Penfield Road, praising the Town’s Animal Control officers for their rescue efforts in saving a wounded deer on Penfield Road.


5. The Penfield Symphony Orchestra will host a Musical Tapestries event on Monday, February 8, 2010 at 7:30 PM in the Browncroft Community Church, 2530 Browncroft Boulevard. The event will feature Melissa Mashner, the winner of the Jo Amish Young Artist Competition.
Penfield Town Board, February 3, 2010

(Communications and Announcements – Continued)

6. Councilman Quinn announced that he will conduct his office hours this month on Thursday, February 4 and Thursday, February 18, 2010 from 6:00 – 7:00 PM at the Penfield Community Center at 1985 Baird Road.

7. Councilwoman Metzler announced that she will hold her office hours on Tuesday, February 16, 2010, 6:30 – 8:00 PM at Earthtones Coffee House at 1217 Bay Road.

8. The Penfield Receiver of Taxes will open the Tax Office in the Penfield Town Hall a half hour earlier February 8, 9 and 10, 2010. The office will be open from 8:30 – 5:00 PM. Tax payments are due in full or first installments by 5:00 PM February 10, 2010.

9. Penfield Recreation Department will be holding its Shoebox Mardi Gras Float Contest on Tuesday, February 16, 2010. Bring your painted and decorated shoebox to Penfield Recreation by February 15, 2010 at 5:00 PM.

10. Happy Birthday regards were sent via e-mail to Councilman Quinn from his brother in Brookline, Massachusetts.

11. The Energy and Environment Advisory Committee will meet once a month, the 4th Wednesday of every month, from 4:00 – 6:00 PM at the Town Hall. All are encouraged to attend.

12. Town of Penfield offices will be closed Monday, February 15, 2010 for the President’s Day Holiday.

13. Supervisor LaFountain will make a presentation on business vitality at the Penfield Business Association’s Noon gathering at the Penfield Country Club on February 4, 2010. For more information visit the Town’s website, { HYPERLINK "http://www.penfield.org" }.

14. The Monroe County Department of Motor Vehicles mobile office will continue to be at the Penfield Town Hall every Tuesday from 10:00 – 3:30 PM in the Town Hall Auditorium. Any questions, please go to { HYPERLINK "http://www.monroecounty.gov" }.

15. As a Bicentennial event, the Penfield Heritage Association will present a lecture on the history of the Penfield Planning Board conducted by retired Town Director of Planning, Doug Fox. The lecture will be held on Sunday, February 28, 2010 at 2:30 PM at the Penfield Public Library, 1985 Baird Road.

16. Councilman Moore announced that he will conduct his office hours on Friday, February 12, 2010 from 9:00 – 10:00 AM at the Tim Horton’s on Empire Boulevard.

17. The Penfield Recreation center along with Medical Motor Service is offering Senior Citizens Transportation from their homes to the Recreation Center and Penfield Wegman’s free of charge. Transportation is available on Tuesdays and Thursdays beginning February 4, 2010. Pick-ups begin at 9:00 AM with return trips home beginning at 2:00 PM. Please call the Penfield Recreation offices at 340-8655 at least 24 hours in advance.

18. The Penfield Trails Committee will have their indoor hike at the Penfield Town Hall on Saturday, February 13, 2010 at 10:00 AM. The featured speaker will be Monroe County Parks Director Larry Staub. The topic will be “Visions for the Irondequoit Waterway”.

19. Penfield Players will perform “The Curious Savage” on Friday, February 26, March 5 and 12, 2010 at 8:00 PM, Saturday, February
27, March 6 and 13, 2010 at 8:00 PM, Sunday March 7, 2010 at 2:00 PM and Saturday, February 13 at 10:00 AM. Performances (Communications and Announcements - Continued)

will be at the India Community Center at 2171 Monroe County Line Road in Macedon, NY and directed by Jeff Moon. Tickets are available at the Penfield Community Center.

20. Penfield Bicentennial Promotional Banners will be on display throughout the Town of Penfield for 2010. To sponsor a banner or learn more about other opportunities including purchasing commemorative bricks, go to [http://www.penfield.org](http://www.penfield.org).

21. Councilwoman Kohl announced that she will have a Community Chat on Saturday, February 6, 2010, 9:00 - 10:30 AM at Bruegger’s Bagels in the Penn Fair Plaza at Routes 250 and 441.

Resolutions by Function

Law and Finance

#10T-060 Re-appointment to the Historic Preservation Board by Moore

BE IT RESOLVED, that Glenn Enderby, 30 Split Rail Run, Penfield, New York 14526 be re-appointed to the Historic Preservation Board for a term expiring December 31, 2014 at an annual salary as established by the Town Board.

Moved: Moore  
Seconded: Kohl  

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

Adopted

#10T-061 Bond Resolution Dated February 3, 2010 of the Town Board of the Town of Penfield, New York, Authorizing General Obligation Serial Bonds to Finance the Acquisition of Highway Equipment, Authorizing the Issuance of Bond Anticipation Notes in Contemplation Thereof, the Expenditure of Sums for Such Purpose, and Determining Other Matters in Connection Therewith by Moore

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD, NEW YORK (hereinafter referred to as the “Town”), by favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Penfield shall undertake the acquisition of highway equipment as more specifically described in Section 3 hereof.

Section 2. The Town of Penfield is hereby authorized to expend up to $147,500 for such acquisition, and the Town is authorized to issue its General Obligation Serial Bonds (or a Statutory Installment Bond) in an aggregate principal amount up to $147,500 pursuant to the Local Finance Law of the State of New York, in order to finance the purpose described herein.

Section 3. The specific object or purpose to be financed pursuant to this Resolution (hereinafter described as “purpose”) is the acquisition of an asphalt paver.

Section 4. It is hereby stated that (a) the estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be $147,500 and said amount is hereby appropriated therefore, (b) no money has heretofore been authorized to be applied to the payment of the cost of said purpose, and (c) the plan for financing
of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

(Resolution #10T-061 - Continued)

Section 5. It is hereby determined and declared that said purpose is one of the classes of objects or purposes described in Subdivision 28 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to five (5) years.

Section 6. The Town of Penfield is hereby authorized to issue its Bond Anticipation Notes in an aggregate principal amount not to exceed $147,500, pursuant to the Local Finance Law of New York, in order to finance the purpose in anticipation of the issuance of the above described Bonds.

Section 7. It is hereby stated that (a) there are presently no outstanding Bond Anticipation Notes issued in anticipation of the sale of said Bonds, (b) the Bond Anticipation Notes authorized by this Resolution shall mature within one (1) year from the date or their issuance or such later date as may be desired in accordance with the Local Finance Law, (c) such Bond Anticipation Notes are not issued in anticipation of Bonds for an assessable improvement, (d) the proposed maturity of the obligations authorized by this Resolution will not be in excess of (5) five years to be measured from the date of the Bonds or from the date of the first Bond Anticipation Note issued in anticipation of the sale of the Bonds, whichever dates is the earlier, and (e) prior to the issuance of the Bond Anticipation Notes or Bonds herein authorized there will be provided in the appropriate amount of current funds required by Section 107.00 of the Local Finance Law, if any.

Section 8. The bonds and notes authorized by this Resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 9. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, fit any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. There is a declaration of official intent under Treasury Regulation §1.150-2.

Section 10. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any and to sell and deliver said bonds and notes, subject to the provisions of this Resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town’s chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this Resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Penfield.

Section 11. The faith and credit of the Town of Penfield, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.
Section 12. This Resolution shall take effect immediately upon its adoption.

(Resolution #10T-061 – Continued)

Moved: Moore
Seconded: Quinn

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

Adopted

#10T-062 Approval of Issuance of a Special Permit to Allow an Engineering Office at 2136 Five Mile Line Rd – 139.10-2-4 – ECC Technologies – JJM Kreag Rd., LLC by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow an engineering office at 2136 Five Mile Line 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 January 20, 2010, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow an engineering office at 2136 Five Mile Line Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for a SPECIAL PERMIT to allow an engineering office at 2136 Five Mile Line Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a business at this location.

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 and obtain any/all necessary permits.

3. Adequate parking shall be available at all times to accommodate the applicant’s business, as well as the other business (The Cleaning Authority) that operates from this site.

4. The applicant shall be required to adequately screen any proposed dumpster or refuse totes servicing the business if they are proposed to be stored to the exterior of the building. The appropriate screening shall be subject to the approval of the Director of Developmental Services.

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

6. 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 a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR).

The Town Board, in granting the Special Permit, does so based on its following findings:
1. The applicant has purchased the subject property and proposes to operate an engineering office specializing in fiber optics technology at 2136 Five Mile Line Road.  

(Resolution #10T-062 – Continued)

2. The applicant will utilize approximately 6,500 square feet of area, allowing the existing tenant (the Cleaning Authority) to continue to lease approximately 800 square feet of area at this site. The engineering office consists of 16 full-time on-site employees and (5) five off-site employees. It is anticipated that there will be between (2) two to (5) five client visits per month to the site.

3. The site is currently served by 14 on-site parking spaces and is adjacent to the public parking lot which has 50 additional spaces to provide overflow parking, if necessary. The applicant does not anticipate the need for any off-site parking except in unusual cases and is proposing to reconfigure on-site parking to create additional spaces once the business is operational and funds are available to do so.

4. The applicant further proposes to paint the exterior of the building and install a new freestanding sign. The applicant will submit a sign package for Town Board and Historic Preservation Board review and approval and will obtain a sign permit prior to its installation.

5. This office use will provide a needed service to the residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

Moved: Moore
Seconded: Metzler

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

Adopted

#10T-063 Approval of Issuance of a Special Permit to Allow a Boutique at 1822 Penfield Road - 139.06-2-53 - Simply Fabulous Boutique - Michael and Jolene DeHond by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a boutique at 1822 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 January 20, 2010, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a boutique at 1822 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicants’ request for a SPECIAL PERMIT to allow a boutique at 1822 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicants shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a business at this location.

2. The applicants shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal in accordance
with the International Building Code and obtain any/all necessary permits.

(Resolution #10T-063 - Continued)

3. The applicants shall ensure that they have the ability to utilize both on-street and public parking facilities in close proximity to the site, without adversely impacting the other on-site business and surrounding businesses that depend on those facilities. Neither the applicants nor their patrons shall be permitted to utilize any private parking facilities in the area without expressed written consent of the property owner(s) allowing them to do so. Said consent shall be submitted to the Town Board for its approval to ensure that those private facilities can continue to accommodate the businesses they are intended to serve without adversely impacting them.

4. The applicants shall be required to adequately screen any dumpsters or refuse totes servicing the business if they are proposed to be stored to the exterior of the building. The appropriate screening shall be reviewed and approved by the Director of Developmental Services.

5. The applicants shall be responsible for installing and continuously maintaining landscaping in the garden beds in front of their business.

6. The applicants shall comply with the signage requirements for this site set forth in the Penfield Zoning Ordinance. Further, the Historic Preservation Board shall review and approve the applicants proposed sign prior to its installation.

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

8. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of Article XI-11-14 of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicants’ proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR).

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

1. The applicants propose to lease the 850 +/- square feet of the area previously leased by the Solia Boutique.

2. The applicants propose to sell home décor, jewelry, candles, hats, purses, specialized candies, etc.

3. The applicants propose to employ (1) one full-time and (2) two part-time employees but propose no more than (2) two employees on site at any given time.

4. The site has 14 on-street parking spaces along its property frontage on Penfield Road to accommodate this business. The applicants also intend to utilize the 26 space public parking lot located north of the site which the Board believes will adequately support this and the other businesses operating from the site, as well as other area businesses that depend on those off-site parking facilities.

5. This use is properly scaled to accommodate the site with respect to use and parking needs. It will provide a needed service to the
residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

Moved: Moore
Seconded: Kohl

(Resolution #10T-063 – Continued)

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

Adopted

#10T-064 Approval of Issuance of a Special Permit to Allow (3) Three
Apartments on the Second Floor at 1830 Penfield Road – SBL #
139.06-2-51 – Markos Skrombolas by Moore

WHEREAS, an application has been received by the Penfield Town Board for
the issuance of a Special Permit, pursuant to Article III-3-97 of the
Code to allow (3) three apartments on the second floor of the building
at 1825 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 January 20, 2010 at 7:30 PM on said date, to consider the
said application and hear all persons interested on the question of the
issuance of a Special Permit to allow (3) three apartments on the second
floor of the building at 1825 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 applicant’s request for a
SPECIAL PERMIT to allow (3) three apartments on the second floor of the
building at 1825 Penfield Road is hereby GRANTED subject to the
following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk
   and pay the appropriate fee.

2. The applicant shall comply with the occupancy requirements in
   accordance with the International Building Code and shall obtain
   any/all necessary remodeling permits.

3. Adequate parking shall be available at all times to accommodate
   all tenants occupying the (3) three apartments. At no time shall
   a tenant be required to obtain off-site parking to reside on the
   subject premises.

4. The applicant shall be responsible for properly maintaining the
   dumpster or refuse totes that will service the proposed apartments
   and said dumpster or totes shall be properly screened at the
   direction of the Director of Developmental Services.

5. The applicant shall be responsible for submitting an exterior
   building improvement and landscaping plan specifically identifying
   what materials and color schemes he proposes to improve the
   exterior of the building. Said plan shall also include a
   landscaping proposal for the garden beds located in the front of
   the building. The plan shall be submitted to the Town Board for
   its review and approval prior to the applicant leasing any of the
   apartments. The applicant shall commence work on the exterior of
   the subject building and install landscaping as approved by the
   Town Board no later than May 30, 2010 and be completed no later
   than September 1, 2010.

6. All proposed exterior modifications to the building shall comply
   with the requirements of the Four Corners Design Standards Manual.

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

(Resolution #10T-064 - Continued)

AND, BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR).

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

1. The applicant proposes to install (3) three apartments on the second floor of the building located at 1830 Penfield Road. The second floor of this building has historically been used for apartment dwelling and had (3) three apartments on site until the former Ozzie’s restaurant closed down in 1997.

2. The first and second floors of the building have been vacant since Ozzie’s closed. The Town staff was concerned that the second floor may not be able to support the apartments and required the applicant to contract with a structural engineer to ensure that the building was structurally sound. The structural engineer confirmed that the site was sound and that the second floor could support the (3) three apartments.

3. The applicant has removed a portion of the building on the subject property at the direction of Town staff to provide adequate parking for all proposed residents. It is expected that any future commercial use proposed for the first floor of the building shall utilize the on-street parking spaces on Penfield Road and the public parking spaces north of the site.

4. The applicant is aware of the Town Board’s concern that the exterior of the building and needs to be improved and that landscaping needs to be installed in the front of the building and has agreed to address both concerns. The Board has required the applicant to submit a building improvement and landscaping plan to address its concerns. The Board shall review and approve the plan prior to him leasing the apartments and has required that improvements to the site commence no later than May 30, 2010 and be completed no later than September 1, 2010.

5. The applicant shall be responsible for the continuous maintenance and upkeep of the structure and appurtenant landscaping at all times.

6. The applicant has been advised that he will be required to ensure that the dumpster or refuse totes servicing this site shall be maintained and closed at all times to prevent vermin in the Four Corners and has been advised that failure to comply with the conditions set forth by this Board may result in the revocation of the Special Permit granted to him.

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

Moved: Moore
Seconded: Quinn

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

Adopted
WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a sushi bar to operate at 1825 Penfield Road, located in the Four Corners (FC) zoning district; and

(Resolution #10T-065 - Continued)

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 January 20, 2010 at 7:30 PM on said date, to consider the said application and hear all persons interested on the question of the issuance of a Special Permit to allow a sushi bar at 1825 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 applicant’s request for a SPECIAL PERMIT to allow a sushi bar to operate at 1825 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a business at this location.

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 and obtain any/all necessary remodeling permits. The applicant shall be permitted to have no more than (2) two tables with seating for (4) four at each table. Any future intent on the applicant’s part to increase seating capacity shall be reviewed and approved by the Town Board.

3. Adequate on-site and off-site parking shall be available at all times to accommodate both the applicant’s business as well as the NQ Nails Salon, which also operates from this location.

4. The applicant proposes to have (3) three full-time employees and (1) one part-time employee for delivery purposes on the site at any time. Any intent to install additional employees at this location shall be reviewed and approved by this Board. All employees of the business shall be required to park their vehicles (excluding the delivery vehicle) on property located at 1805 Penfield Road to ensure that public parking and on-site parking facilities are open to patrons of this and other businesses in the southeast quadrant of the Four Corners.

5. The applicant does not propose to do any deep frying nor does he anticipate the need to install a hood venting and ancillary fire suppression system. He proposes to utilize a microwave, hot plate, toaster and residential stove to address his cooking on the site. The Fire Marshal shall ensure that the applicant complies with the requirements for the type of cooking proposed and no increase in scope occurs at any time.

6. The applicant shall be responsible for properly screening and maintaining the dumpster that services this property and shall ensure that all food wastes and other associated waste products are properly disposed of at all times.

7. All proposed signs shall comply with the requirements of the Penfield Zoning Ordinance and the Four Corners Design Standards Manual.
8. This site 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 Special Permit pursuant to the requirements of the Zoning Ordinance.

(Resolution #10T-065 – Continued)

AND, BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR).

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

1. The applicant proposes to operate a sushi bar at 1825 Penfield Road. The business will operate on the first floor adjacent to the NQ Nail Salon while the second floor will continue to be utilized as apartment space.

2. The applicant proposes to have (3) three full-time employees and (1) one part-time employee for delivery purposes on site at any given time. The applicant further proposes and shall be permitted to have no more than (2) two tables with seating for (4) four at each table. The applicant represented that 90% percent of his business is take-out and delivery with the remaining 10% being devoted to sit-down dining.

3. The subject property has (9) nine on-site parking spaces to serve the NQ Nail Salon consisting of (2) two employees, the former Penfield Hardware Store which is currently vacant and the proposed sushi bar; therefore, the applicant and his employees shall be required at all times to park their vehicles (excluding the delivery vehicle) at 1805 Penfield Road, property also owned by the applicant’s landlord to minimize parking concerns in the southeast quadrant of the Four Corners.

4. The applicant has been advised that he will be required to ensure that the dumpster servicing this site shall be properly screened and maintained and closed at all times to prevent vermin in the Four Corners and has been advised that failure to comply with the conditions set forth by this Board may result in the revocation of the Special Permit granted to him.

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

Moved: Moore
Seconded: Metzler

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

Adopted

#10T-066 Authorization to Secure and Maintain Properties and Assess the Charges to the 2011 Property Tax Bills by Moore

WHEREAS, on December 21, 1982, the Town Board of the Town of Penfield adopted Article XII-12-21 of the Penfield Zoning Ordinance entitled “Unsafe Structure”; and

WHEREAS, the purpose of Article XII-12-21 of the Penfield Zoning Ordinance is to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring such unsafe buildings to be repaired or demolished and removed; and
WHEREAS, the property owner of 23 Alden Glen, SBL #094.02-1-43.122 has failed to properly secure the doorways and windows of the vacant residence at the subject property which serves as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients and continues to be a concern for the immediate health, safety and welfare of the surrounding neighbors; and

(Resolution #10T-066 - Continued)

WHEREAS, the Town staff has continually requested the property owner to maintain at this location with no result,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building and Zoning Administrator to have the property appropriately secured and maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said securing and maintenance and any necessary subsequent securing and maintenance during the 2010 season also be charged to the 2011 property tax bill for the subject property.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#10T-067 Advertising for Bids for New 1½ to 2-ton Pavement Roller

By Metzler

BE IT RESOLVED, that the Superintendent of Highways be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Highway Department the following:

ONE NEW 1½ to 2-ton Vibratory Pavement Roller

BE IT FURTHER RESOLVED, that the equipment covered by such proposals shall be in accordance with specifications prepared by the Highway Superintendent. Sealed proposals are to be received in the office of the Town Clerk until 11:00 AM Local time Friday March 5, 2010 and then and then are to be opened by the Town Clerk.

Moved: Metzler
Seconded: Moore

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

Adopted

#10T-068 Setting a Public Hearing to Consider Changes to the Town of Penfield Design Specifications

By Metzler

WHEREAS, the Town of Penfield desires to keep the Town Design Specifications up-to-date and to comply with all National and State requirements; and

WHEREAS, the Town of Penfield staff have reviewed the Specifications and made recommendations for revisions, and

WHEREAS, the last revision of the Town Specifications was completed in 2001.
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 3, 2010, at 7:30 PM on said date, to consider revisions to the Town of Penfield Design Specifications.

(Resolution #10T-068 - Continued)

BE IT FURTHER RESOLVED, that the Draft of the Design Specifications are available on the Town’s website and a summary of the changes has been sent to developers, engineers, and contractors that have experience with projects in the Town of Penfield.

Moved: Metzler
Seconded: Kohl

Moved: Metzler
Seconded: Kohl

Moved: Metzler
Seconded: Quinn

WHEREAS, the Town of Penfield has established a Watershed Management Committee to identify maintenance needs and erosion issues for its network of open watercourses, and

NOW, THEREFORE, BE IT RESOLVED, that the following persons be appointed to this committee for a term expiring December 31, 2010:

Geoffrey Benway   17 Green Pine Lane
Edward Freeman   125 Sawmill Drive
Michael Guyon    126 Penfield Crescent
Dick Vendel      1339 Salt Road
Dennis Burdick   5 Meadowlark Drive
Terry Rothfuss   1865 Salt Road
Sue Kreiser      15 Canyon Trail
Tom Robinson     45 Woodcrest Drive

Moved: Metzler
Seconded: Quinn

WHEREAS, the Town of Penfield currently holds (2) two sanitary sewer easements exist on the property know as #2049 Empire Boulevard (Tire World), Tax ID # 093.07-2-39, the first filed under Liber 3618, page 514 of Deeds of which only a portion exists on said property and the second filed under Liber 3908, page 305 of Deeds exists in its entirety on said property, and

WHEREAS, expansion of the current building approved by the Planning Board, will require that the existing sanitary sewer which currently traverses this site be relocated to allow for the expansion to take place, and

WHEREAS, the property owner and the Sewer Department have agreed on an acceptable sewer relocation alternative, which allows for the building expansion and provides for continued sewer service reliability, and
Penfield Town Board, February 3, 2010

WHEREAS, the sewer relocation will require the filing of a new 20 foot wide replacement easement as well as the release of that portion of the original sanitary sewer easement, filed under Liber 3618, page 514 of Deeds that exists on #2049 Empire Boulevard and the release of the entire easement filed under Liber 3908, page 305 of Deeds, as well as a method of removal and/or filling of the abandoned portions of sanitary sewer pipe acceptable to the Penfield Sewer Department.

(Resolution #10T-070-Continued)

THEREFORE BE IT RESOLVED, that the Penfield Sewer Department is satisfied that the proposed sewer relocation plan will provide an acceptable level of service reliability to the Sewer District, and the Superintendent of Sanitary Sewers has recommended to the Town Board this plan of relocation and abandonment is appropriate, and

BE IT FURTHER RESOLVED, that the Town Board based on their review of the matter and staff recommendation hereby authorizes the Town Supervisor to execute the necessary document(s) required to release that portion of the original sanitary sewer easement, filed under Liber 3618, page 514 of Deeds, that exists on #2049 Empire Boulevard as described in Schedule A and shown on Exhibit 1 and release the entire easement filed under Liber 3908, page 305 of Deeds as well as file a replacement sanitary sewer easement, and

BE IT FURTHER RESOLVED, that this Resolution and appropriate documents for said easement release(s) shall be filed in the Office of the Monroe County Clerk.

Moved: Metzler
Seconded: Moore

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

Adopted

Resolution #10T-071 Awarding Contract for One New 8ft – 15ft Asphalt Paver by Metzler

WHEREAS, sealed proposals were sought and requested in the manner prescribed by Law to furnish the Highway Department with One New 8ft – 15ft Asphalt Paver and,

WHEREAS, on Monday December 28, 2009 at 11:00 AM Local Time the following sealed proposals were received, opened and read publicly:

(1) Monroe Tractor
    1001 Lehigh Station Rd.
    Henrietta, NY 14467
    2010 New Lee Boy 8816 Paver
    With truck hitch $209,000.00
    2005 New Lee Boy 8816 Paver
    With truck hitch $147,500.00

WHEREAS, the bid received from Monroe Tractor for the New 2005 Lee Boy Paver model 8816 with truck hitch was the lowest bid received which meets the Town’s needs, and meets or exceeds all the Town’s bid specifications and,

NOW, THEREFORE BE IT RESOLVED, that a contract be and hereby is awarded to: Monroe Tractor 1001 Lehigh Station Rd., Henrietta, NY 14467 to furnish one New 2005 Lee Boy model #8816 Asphalt Paver with truck hitch to the Penfield Highway Department, as bid, for a total delivered price of, $147,500.00. The Town’s specifications, this Resolution and the Bid submitted by Monroe Tractor shall constitute the contract.

Moved: Metzler
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Seconded: Kohl

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

Adopted

Public Safety - None

Community Services

#10T-072 Window Replacement Penfield Town Hall by Kohl

BE IT RESOLVED, that the Town of Penfield Parks and Facilities Department be authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield with replacement windows for Penfield Town Hall.

BE IT FURTHER RESOLVED, all work covered by such sealed proposals are in accordance with specifications prepared by the Town of Penfield. Sealed bids are to be submitted to the office of the Town Clerk until 11:00 AM, Local Time on Friday, March 5, 2010 and then and there opened and read publicly.

Bid documents may only be obtained through the Town Clerk’s Office, Penfield Town Hall, 3100 Atlantic Avenue, Penfield, NY 14526.

Funds for this proposal are provided as part of the American Recovery and Reinvestment Act of 2009.

Moved: Kohl
Seconded: Quinn

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

Adopted

#10T-073 Authorization for Supervisor to Sign Contract for Local History Room Display Case by Kohl

BE IT RESOLVED, that the Town Board hereby approves the hiring of Douglas Albright, 21 Parrish Road, Honeoye Falls, NY 14472, to provide labor and materials for the construction of the “Country Store” display, in the Penfield Local History Room. Cost of labor and materials not to exceed $280.00. Funds are budgeted for in the Historian’s budget.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business

#10T-074 Setting a Public Hearing for Consideration of an Open Space Easement at 1733 Plank Road, SBL #096-.03-1-58 by Moore

WHEREAS, an application has been received by the Penfield Town Board for consideration of an Open Space Easement pursuant to Local Law #1 of 1992, the Open Space Easement Law of the Town of Penfield; and

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 the Penfield Environmental...
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Quality Review Law (PEQR) and thus does hereby designate itself as “lead agency” pursuant to SEQRA and PEQR; 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 March 3, 2010, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of an Open Space Easement for lands at 1733 Plank Road; and be it further

(Resolution #10T-074 - Continued)

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: Kohl

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

Adopted

#10T-075 Setting a Public Hearing for Consideration of an Open Space Easement at 1822 Sweets Corners Road, SBL #126.01-1-18 by Moore

WHEREAS, an application has been received by the Penfield Town Board for consideration of an Open Space Easement pursuant to Local Law #1 of 1992, the Open Space Easement Law of the Town of Penfield; and

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 the Penfield Environmental Quality Review Law (PEQR) and thus does hereby designate itself as “lead agency” pursuant to SEQRA and PEQR; 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 March 3, 2010, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of an Open Space Easement for lands at 1822 Sweets Corners Road; 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

#10T-076 Awarding an Hourly Rate Contract for Excavator and Operator to Assist Town with Commission Ditch Improvements by Metzler

WHEREAS, the Town of Penfield initiated the approval process on July 2007 to obtain a permit for drainage improvements along Commission Ditch, and
WHEREAS, the NYSDEC, after thorough review of the documentation, maps, soil test results, mitigation efforts, and agreements, has issued the first of (3) three permits on 2/2/2010 for the Commission Ditch Improvements, with the remaining due in to the Town within the next 7-10 days, and

WHEREAS, the Town Board desires to initiate this work as soon as possible to take advantage of the frozen ground and to provide improved drainage for the spring run-off, and

(Resolution #10T-076 – Continued)

WHEREAS, the existing Monroe County Term Contracts have hourly rates for various excavators, along with an operator, that will provide the most efficient equipment to complete the drainage improvements, and

WHEREAS, the Town requested additional quotes from other contractors to insure the best value for the Town of Penfield, and

WHEREAS, the Monroe Term Contract with C.P. Ward Co. was found to be the best value for the Town of Penfield and meet all the project’s requirements.

NOW, THEREFORE, BE IT RESOLVED that the hourly rate for an excavator and operator for the above project, be, and hereby is, awarded to C.P. Ward Co. as provided in the Monroe County Term Contracts.

Moved: Metzler
Seconded: Moore

Discussion: Supervisor LaFountain added #10T-076 for heavy equipment rental, was found to be the best value for the Town of Penfield and meets all the project requirements.

Supervisor LaFountain stated that the first permit was received on February 2, 2010. The Town will receive other permits by February 4 or 5, 2010. A pre-construction meeting will be held within the next couple of weeks. Cleaning of the Commission Ditch will begin within the next several weeks.

Councilwoman Kohl stated that Supervisor LaFountain has made the Commission Ditch a priority during his first month in office and has worked hard along with the Town Engineer in getting the Department of Environmental Conservation’s attention and finalizing the process. Councilwoman Kohl also thanked Councilwoman Metzler for putting together a history synopsis of the Commission Ditch.

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

Adopted

Public Participation

Richard Hammann, 1410 Penfield Center Road, stated he appreciates all that the Town Board has done in regards to the Commission Ditch issue. Mr. Hammann expressed that he is glad that the ditch is now classified as a “B” stream. Mr. Hammann stated he is looking forward to the upcoming Watershed meeting where he hopes he will continue to have the opportunity to discuss future maintenance of the ditch.

Supervisor LaFountain stated that one of the first items to be discussed at the Watershed Committee meeting will be obtaining future permits for the cleaning of other Town waterways and creeks. Supervisor LaFountain
also stated that he along with Councilwoman Metzler will lead that discussion.

Adjournment

The meeting was adjourned at 8:34 PM.

Amy Steklof
Town Clerk