

# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

## NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE, that at a Regular Meeting of the Penfield Town Board held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on Wednesday, July 7, 2010 a resolution setting a public hearing was 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 Mary Kay, Inc. consultant training facility at 805 Liberty Street, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT

RESOLVED, that the Penfield Town Board is best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and 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

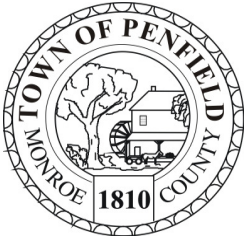
RESOLVED, that the subject application is determined to be a Type II action pursuant to Section 2.020(d) of the Penfield Environmental Quality Review Law; and be it further

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 August 4, 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 a Special Permit to allow a Mary Kay, Inc. consultant training facility at 805 Liberty Street, in the Four Corners (FC) zoning district; and be it further

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

Dated: July 8, 2010

Amy M. Steklof  
Town Clerk  
Town of Penfield



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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 the Oasis Christian Fellowship to operate at 2074 Five Mile Line Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT

RESOLVED, that the Penfield Town Board is best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and 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

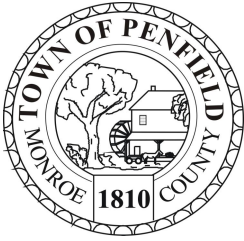
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RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date 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.

Dated: July 8, 2010

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# TOWN OF PENFIELD

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## PENFIELD TOWN BOARD MEETING AGENDA

Wednesday, August 4, 2010 7:30PM

Supervisor R. Anthony La Fountain, presiding

- Public Hearing #1 – Issuance of a Special Permit to Allow Mary Kay, Inc.  
Consultant Training Facility at 805 Liberty Street  
Public Hearing #2 – Issuance of a Special Permit to Allow Church at 2074 Five Mile  
Line Road - Oasis Christian Fellowship

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 – July 7, 2010 & July 21, 2010

VI Petitions

VII Resolutions by Function

### Law and Finance

#10T-179 Authorization to Maintain Properties and Assess Charges to the  
2011 Property Tax Bills

#10T-180 Acceptance of Draft Generic Environmental Impact Statement  
for 2010 Comprehensive Plan, Setting Public Comment Period  
for Draft Generic Environmental Impact Statement, and Setting  
Public Hearing for the Town of Penfield 2010 Comprehensive  
Plan and Draft Generic Environmental Impact Statement

### Public Works-None

### Public Safety-None

### Community Services

#10T-181 Authorization for Supervisor to Sign Recreation Contracts

#10T-182 Authorization for Supervisor to Sign Amended Recreation  
Contract

VIII Old Business

IX New Business

X Public Participation

XI Adjournment

The Regular Meeting of the Penfield Town Board was held on Wednesday, August 4, 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
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Absent:	Richard Horwitz	Town Attorney
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Supervisor LaFountain called the meeting to order

Supervisor LaFountain recognized Nathan Kittrell from Boy Scout Troop #312 and asked him to lead the Pledge of Allegiance.

Public Hearing #1      Issuance of a Special Permit to allow Mary Kay, Inc. Consultant Training Facility at 805 Liberty Street

The Town Clerk read the Title of the Notice of Public Hearing, said Notice was published in the Penfield Post on July 16, 2010, posted on the website and on the Bulletin Board.

Theresa Kusak-Smith, Mary Kay Senior Sales Director, requested a Special Use Permit for leased office space at 805 Liberty Street. Ms. Kusak-Smith along with the Sales Director, Mary Pat Keith, intend to use the space as a training facility for Mary Kay Cosmetic Consultants. The space would be primarily used on weekday evenings after 5:00 PM and on Saturday mornings. Three (3) to 20 women are expected to attend during each training session.

Supervisor LaFountain inquired about parking availability.

Ms. Kusak-Smith stated there are parking spaces next to the facility and that permission has been granted to use the Canandaigua National Bank parking lot next to the facility after 5:00 PM.

Supervisor LaFountain inquired about signage.

Ms. Kusak-Smith stated a small sign would be placed in front of the facility.

Hearing closed.

Public Hearing #2      Issuance of a Special Permit to Allow a Church at 2074 Five Mile Line Road - Oasis Christian Fellowship

The Town Clerk read the title of the Notice of Public Hearing, said Notice was published in the Penfield Post on July 16, 2010, posted on the website and on the Bulletin Board.

Pastor Samme Palermo, 998 Beaver Creek Drive, Webster, stated that he has been an ordained Pastor since 1993 and has been in the ministry since 1987. The Oasis Christian Fellowship has been an established 501C incorporated, not-for-profit church since 2003. The fellowship has been operating in the Webster Community Center for the past (7) years. Pastor Palermo stated he has been volunteering as Chaplin for the last (3) three years at the Charles Finney School, 2074 Five Mile Line Road and felt that bringing the Oasis Christian Fellowship to this location would be appropriate.

(Public Hearing #2 - Continued)

The Fellowship holds a midweek study on Tuesday nights in which approximately 40 - 50 people attend. It is possible that the study session will move to Wednesday evenings. Two (2) services are held on Sunday mornings at 8:30 and 10:30 AM. There is adequate parking on the grounds with (2) two adjacent parking lots to the rear of the property.

The Fellowship would like to replace the Cross Bridge Community Church sign with an Oasis Christian Fellowship sign and would like to add (2) two small directional signs for people going in and out of the parking lot and to show which entrance to use.

Councilwoman Metzler asked how many people come to services on Sunday?

Pastor Palermo stated approximately 500 people between the (2) two services.

Councilwoman Metzler asked how many people attend each service?

Pastor Palermo stated that approximately 125 people come to the 8:30 AM service and approximately 375 - 459 attend the 10:30 AM service.

Councilwoman Metzler asked if the pastor anticipates any joint events occurring between the Oasis Christian Fellowship and the Charles Finney School?

Pastor Palermo stated that there is a lot of interaction. Pastor Palermo stated that they are excited for the opportunity to serve the Penfield community and are looking forward to a long and mutually satisfying relationship.

Hearing closed.

#### Communications and Announcements

1. Passport Night will be held tomorrow evening, 8/5/10 from 6:00 - 8:00 PM in the Town Hall Auditorium. For more information, call the Town Clerk at (585) 340-8629 or the County Clerks office at (585) 753-1600.
2. Friday night, August 6<sup>th</sup> at 8:30 PM the Friday Night Movie at the Penfield Amphitheater will be "Cloudy with a Chance of Meatballs". Admission is free.
3. Saturday on Stage at the Penfield Amphitheater August 7<sup>th</sup>, Rick Holland Evan Dobbins Little Big Band will perform at 7:00 PM. Admission is free.
4. Friday night, August 20<sup>th</sup>, at 8:30 PM the final Friday night movie of the season will be "Monsters vs. Aliens" at the Penfield Amphitheater. Admission is free.
5. Artistic Impressions of Penfield: A Bicentennial Celebration, now through September 24<sup>th</sup>, 2010. The exhibit can be seen at the Penfield Art Center's RepARTEE Gallery, 2131 Five Mile Line Road. The Gallery is open Wednesday - Friday from 1:00 PM - 4:00 PM.
6. The Harris Whalen Park Lodge Ribbon cutting ceremony will be held Thursday August 12<sup>th</sup> at 11:30 AM. The public is invited to attend.
7. Homearama 2010 is located off of Five Mile Line Road, north of Plank Road in the Watersong community. It will be held Saturday, August 14<sup>th</sup> - Sunday August 22<sup>nd</sup>. For more information visit the Town website at { HYPERLINK "http://www.penfield.org" }.
8. Fall Drop off will be October 14 - October 16.

(Communications and Announcements - Continued)

9. The Penfield Webster Challenger Picnic Baseball Tournament was held this past Sunday, August 1, 2010. Supervisor LaFountain commended Steve Pellow, President of Penfield Little League and Chairman and CEO of Kids Miracle Making Club, the Board of Directors for Penfield Little League, Eastway Wegmans for providing the food for the picnic, Penfield Little League players, Challenger Division sponsors and the Webster Challenger Commissioner for their involvement with the Penfield Challenger program and event.
10. Kids Fest series at the Penfield Amphitheater Thursday, August 5<sup>th</sup>. Mike Kornrich will be performing at 7:00 PM.
11. Penfield Recreation YOHP drama group will present (2) two free performances of Thornton Wilder's Classic "Our Town" on Friday and Saturday, August 13<sup>th</sup> and 14<sup>th</sup> at the Penfield Amphitheater. Performances will begin at 8:45 PM.
12. Councilwoman Kohl's next Community Chat will be held Saturday, August 14<sup>th</sup> at Brueggers Bagels from 9:00 - 10:30 at Penn Fair Plaza.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Metzler moved to approve the Minutes of July 7<sup>th</sup>, 2010 and July 21, 2010. Councilman Moore seconded and all present voted "Aye".

Petitions - None

Resolutions by Function

Law and Finance

#10T-179 Authorization to Maintain Properties and Assess the Charges to the 2011 Property Tax Bills by Moore

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled "Property Maintenance"; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owner of 2069 Five Mile Line Road, SBL #139.06-1-11, has failed to maintain the lawn and exterior areas at the subject property which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

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 maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during

the 2010 season also be charged to the 2011 property tax bill for the subject property.

(Resolution #10T-179 - Continued)

Moved: Moore  
Seconded: Kohl

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

Adopted

#10T-180 Acceptance of a Draft Generic Environmental Impact Statement for the 2010 Comprehensive Plan, Setting Public Comment Period for the Draft Generic Environmental Impact Statement, and Setting Public Hearing for the Town of Penfield 2010 Comprehensive Plan and the Draft Generic Environmental Impact Statement by Moore

WHEREAS, the Penfield Town Board, by Resolution No. 10T-123 of 2010 issued a Positive Declaration of Environmental Significance and elected to require the preparation of a Draft Generic Environmental Impact Statement (DGEIS) to address issues identified in the Scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and

WHEREAS, the Town Board acting as Lead Agency pursuant to State Environmental Quality Review Act and the Penfield Environmental Quality Review Law has required the preparation of the Scoping Outline for the 2010 Comprehensive Plan; and

WHEREAS, the Town Board, by Resolution No. 10T-135 of 2010, set a Public Comment Period on the Draft Scoping Outline from 9:00 AM May 20, 2010 to 5:00 PM June 18, 2010; and

WHEREAS, the Town Board, by Resolution No. 10T-168 of 2010, considered all comments received towards the establishment of a Final Scoping Outline and accepted the Final Scoping Outline; and

WHEREAS, the 2010 Comprehensive Plan identifies and analyzes anticipated growth and land use changes and provides recommendations for additional regulations and guidelines to properly manage said growth and land use changes throughout the community; and

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board determines the Draft Generic Environmental Impact Statement for the 2010 Comprehensive Plan to be adequate for public review and has set the Public Comment Period on the Draft Generic Environmental Impact Statement from 9:00 AM, August 5, 2010 to 5:00 PM, September 17, 2010, during which comments on the Draft Generic Environmental Impact Statement are requested and may be submitted via mail, hand delivery, fax, and e-mail to the Town of Penfield, Attn: Planning Department, 3100 Atlantic Avenue, Penfield, NY 14526, Fax: (585) 340-8644, E-mail: { HYPERLINK "mailto:planning@penfield.org" }, and following which time the Penfield Town Board will consider all comments received towards the establishment of a Final Generic Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that copies of the Draft Generic Environmental Impact Statement and the 2010 Comprehensive Plan shall be available for public review in the Town Clerk's Office, the Penfield Public Library, and on the Town Website; and

BE IT FURTHER RESOLVED, that the Town Board will hold a Public Hearing on both the Draft Generic Environmental Impact Statement for the 2010 Comprehensive Plan and the 2010 Comprehensive Plan itself, on Monday, August 30, 2010 at 7:30 PM, at the Penfield Town Hall where the public

may comment on both the Draft 2010 Comprehensive Plan and the Draft Generic Environmental Impact Statement for the 2010 Comprehensive Plan; and

(Resolution #10T-180 - Continued)

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 fifteen (15) 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; and

BE IT FURTHER RESOLVED, that the Planning Department is hereby directed to file and distribute a Notice of Completion of the Draft Generic Environmental Impact Statement for the 2010 Comprehensive Plan to all involved and interested agencies pursuant to the requirements of SEQRA and PEQR.

Moved: Moore  
Seconded: Quinn

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

Adopted

Public Works - None

Public Safety - None

Community Services

#10T-181 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:

The following persons to provide service as Girls Basketball Camp instructors 7/19/10 - 7/23/10, for the fee of \$22.50 per day. Vouchers to be submitted 8/4/10.

Colleen Mahany, 1932 Five Mile Line Road, Penfield, NY 14526  
Hannah Sumey, 154 Cloverland Drive, Rochester, NY 14610  
Amy Keech, 51 Pine Brook Drive, Penfield, NY 14526  
Claire Holleran, 29 Rolling Meadows Way, Penfield, NY 14526  
Laura Wilkins, 31 Golf View Drive, Penfield, NY 14526

Ashley McMillen, 26 Valley Brook, Penfield, NY 14526, Assistant Director, Penfield Recreation Girls Basketball Camp, 7/19/10 - 7/23/10, for the fee of \$215.00. Voucher to be submitted 8/4/10.

JJ Schembri, 18 Winterset Drive, Rochester, NY 14625, Director of Boys Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of \$290.00 plus \$2.00 per registered participant. Voucher to be submitted 8/4/10.

Mark Rice, 1720 Sweets Corners Road, Fairport, NY 14450, Assistant Director of Boys Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of \$58.00 per day. Voucher to be submitted 8/4/10.

Jim McKenna, 18 Folkestone Lane, Penfield, NY 14526, Adult Supervisor of Boys Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of \$45.00 per day. Voucher to be submitted 8/4/10.

Jeremy Woodworth, 30 Alta Vista Drive, Rochester, NY 14625, Adult Supervisor of Boys Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of

\$45.00 per day (25.00 per day for half camp session). Voucher to be submitted 8/4/10.

(Resolution #10T-181 - Continued)

The following persons to serve as age group supervisors of Boys Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of \$25.00 per day. (Voucher to be submitted 8/4/10):

Kyle Denhoff, 65 Willowbend Drive, Penfield, NY 14526  
Trevor Rice, 1720 Sweets Corners Road, Fairport, NY 14450  
Rob Soloman, 21 Saybrooke Drive, Penfield, NY 14526  
\*Brian Dell, 3 Holley Ridge Circle, Rochester, NY 14526  
\*(Brian to receive \$10.00 for date of 7/28 - working partial day only)

The following persons to provide assistance in instruction of Boys Lacrosse Camp participants, 7/26/10 - 7/29/10, for the fee of \$23.00 per day, (\$12.00 per day if present partial session): (Voucher to be submitted 8/4/10):

Jamie Soloman, 21 Saybrooke Drive, Penfield, NY 14526  
Nick Hancock, 1 Chevhill Circle, Penfield, NY 14526  
Fred Crilly, 10 Winterset Drive, Rochester, NY 14625  
Tucker Nelson, 37 Rockbridge Lane, Penfield, NY 14526  
Dan O'Brien, 1954 Five Mile Line Road, Penfield, NY 14526  
Pat Hartnett, 35 Helmsford Way, Penfield, NY 14526  
Trevor Girouard, 17 Brandywine Circle, Penfield, NY 14526  
Alex Miles, 13 Live Oak Court, Penfield, NY 14526  
Connor Russell, 436 Parkside Trail, Macedon, NY 14502  
Jon Spaan, 20 Split Rail Run, Penfield, NY 14526  
Andrew Schoeneck, 3 Silver Fox Drive, Fairport, NY 14450  
Matt Springer, 89 Valley Green Drive, Penfield, NY 14526  
Jake Aldrich, 11 Putting Green Lane, Penfield, NY 14526

Jeff Rogers, 14 Helmsford Way, Penfield, NY 14526, Boys Basketball Camp Director, 8/2/10 - 8/6/10, for the fee of \$337.00, plus \$2.00 per registered participant for camps whose enrollments exceed 59 participants. Voucher to be submitted 8/4/10.

Ed Porto, 97 Keyel Drive, Rochester, NY 14625, Director of ABC Sports for Kids, 7/26/10 - 7/29/10, for the fee of 80% of the total program revenue after all expenses have been deducted. Vouchers to be submitted 8/4/10.

Jeff McGuigan, 90 Courtshire Lane, Penfield, NY 14526, Co-Director of Girls Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of \$200.00.

Rocky Delfino, 1794 Jackson Road, Penfield, NY 14526, Co-Director of Girls Lacrosse Camp, 7/26/10 - 7/29/10, for the fee of \$200.00.

The following persons to provide service as Girls Lacrosse Camp instructors 7/26/10 - 7/29/10, for the fee of \$20.00 per day:

Katie Serron, 20 Willowview Drive, Penfield, NY 14526  
Megan Malloy, 100 Timberbrook Lane, Penfield, NY 14526  
Gabby Farina, 53 Terrace Hill, Penfield, NY 14526  
Debra Delfino, 1794 Jackson Road, Penfield, NY 14526  
Rachel Petrone, 11 Dundas Drive, Rochester, NY 14625

Jeff Wilson, 331 Lowden Pt. Rd, Rochester, NY 14612, Piano accompaniment, choir director for YOHP's Summer production of Our Town for a fee of \$200.00. Voucher to be submitted on 8/4/10.

Reinhold M. Spath, SRA, 115 Pickering Drive, Rochester, NY 14626, Women's Fall Soccer League, 9/11/10 - 11/6/10, for a fee of \$3.50 per game. Voucher to be submitted 9/1/10.

(Resolution #10T-181 - Continued)

Moved: Kohl  
Seconded: Quinn

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

Adopted

#10T-182 Authorization for Supervisor to Sign Amended Recreation Contract by Kohl

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

Amend Resolution #10T-100 for Chet Catallo Productions, Inc. c/o Chet Catallo, 147 Deerfield Drive, Rochester, NY 14609 to provide music entertainment at the Penfield Amphitheater on Saturday July 24, 2010 for a fee of \$500.00.

Moved: Kohl  
Seconded: Metzler

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

Adopted

Old Business - None

New Business - None

Public Participation

Supervisor LaFountain read an e-mail that was sent in by James McKay, 1284 Baird Road. Mr. McKay is requesting on behalf of people who use the Penfield Athletic Fields that the Town discontinues the use of chemical pesticides and fertilizers on the fields.

Supervisor LaFountain stated that the Town Board will look into this issue. The Supervisor also stated that the Town has made a number of adjustments to pesticide and fertilizer applications and has started to apply more safe materials to the fields.

Tom Cleary, 1250 Jackson Road, stated he continues to research the pond issue on Angean Drive, Jackson and State Roads and has found that in the body of Resolution #60 from January 1999 it states, "would solve existing drainage problems in and around the Angean Drive area."

Councilwoman Metzler asked Mr. Cleary to read the title of the Resolution.

The Resolution title reads as follows: Granting Rezoning of Properties Located at 1196, 1196B Jackson Road, a Portion of 1209 Fairport Nine Mile Point Road and 80 Angean Drive from Rural Residential 1 and Rural Agricultural 2 to R-1-20 - Crosstown Construction, Inc. - SBL #'s 095.01-1-15, 095.01-1-55.1, 095.01-1-26 and a Portion of 095.01-1-56.

Mr. Cleary stated he is very frustrated with the fact that the issue has not been solved.

Supervisor LaFountain stated he has been looking into the issue and will meet with Mr. Cleary to discuss and share the information he has found.

Mr. Cleary also stated he is not happy with some of the Town's policies.

(Public Participation - Continued)

Tom Trevett, 47 Canyon Trail, informed the Town Board that the Heritage Festival Committee has added "Tug of War" as a new activity. The Committee would like to invite all the Penfield churches to participate and send teams. Rules and classifications will be set up by September 1<sup>st</sup>. The Heritage Festival Days will be held on October 16<sup>th</sup>.

Mr. Trevett will hold a Community Chat on August 11<sup>th</sup> at the Penfield Community Center at 7:00 PM.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:18 PM.

Amy Steklof  
Town Clerk