PENFIELD TOWN BOARD MEETING AGENDA

Wednesday, October 6, 2010 7:30PM

Supervisor R. Anthony La Fountain, presiding

Public Hearing #1 – To Consider the 2011 Preliminary and Special Districts Budget
(see Resolution #10T-203)

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 – August 30, 2010 & September 1, 2010

VI Petitions

VII Resolutions by Function

Law and Finance
#10T-207 Authorization for Town Comptroller to attend the PERMA Board Meeting

Public Works
#10T-208 Authorization to attend 2010 NYSGIS Conference
Public Safety - None

Community Services
#10T-209 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular Meeting of the Penfield Town Board was held on Wednesday, October 6, 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
Robert Beedon   Town Comptroller
Bernadette Brinkman   Library Director
Michael Cooper   Recreation Director

Supervisor LaFountain stated that the Public Hearing for the Hyjea Health Café application has been withdrawn.

Public Hearing #1 To Consider the 2011 Preliminary and Special Districts Budget (see Resolution #10T-203)

The Town Clerk read the title of the Notice of Public Hearing, said Notice was published in the Penfield Post on October 24, 2010 and was posted on the Bulletin Board.

Mr. Horwitz declared the Hearing properly before the Board.

Supervisor LaFountain thanked Department Heads and staff for their hard work and creativity in putting together the 2011 Budget and for their consideration for productivity improvements and for helping to control costs.

Supervisor LaFountain stated that the Budget shows a flat tax rate for 2011. He also stated that the budget was challenging due to the increase in Health Care, the issue of retirements which increased approximately 15% for 2011, loss in mortgage tax of approximately $100,000 and a loss in local dollars to the Town. Supervisor LaFountain stated that the budget includes all services Penfield residents have enjoyed in the past and is a fiscally responsible budget.

The Special Districts Budget includes the Sewer District, Water Districts, Fire Districts and the Ambulance Districts.

Robert Beedon, Town Comptroller, reviewed the 2011 Preliminary and Special District Budgets that propose a flat tax rate for 2011 of $2.64/$1,000, the same tax rate paid in 2010. Penfield’s property tax rate remains among the lowest in Monroe County with a tax rate below $3.00/$1,000 of assessed property value. The Town of Penfield receives about $.08 of each tax dollar. The balance is shared between Monroe County and the school districts.


Supervisor LaFountain thanked Bob Beedon for the presentation and all his work on the budget. The budget process began in April and continues on through October until the budget is submitted.

Tom Trevett, 47 Canyon Trail, stated that in these tough economic times, keeping the tax rate flat is not good enough. In light of the recent property assessment even though the tax rate remained flat, taxes still went up. Mr. Trevett stated that the Town budget only funds certain basic services such as roads, recreation, sewer, water and development
(Public Participation - Continued)

and yet the Town Budget does not show a significantly different tax rate from other adjacent towns that provide more services. Mr. Trevett mentioned the Town’s bond rating, but questioned the dependability of the rating agency.

Mr. Trevett also stated that the Town has a debt of 5.8 million dollars of unfunded health care cost, and that we are not paying it down nor are we paying the full interest on the debt.

Mr. Trevett proposed that like the School Board, the Town Board should be a voluntary position thus saving the Town the cost of salaries, health care and retirement benefits.

Bill Murray, 90 Hillrise Drive asked if Workers Compensation costs would be increasing?

Mr. Beedon stated that the costs would be decreasing.

Hearing closed.

Supervisor LaFountain called the meeting to order – Pledge of Allegiance was led by the Harris Hill Elementary school 5th graders and other student representatives in the audience.

Communications and Announcements

1. New voting machine demonstration will be held in the Town Hall Auditorium on Thursday, October 14, 2010 from 10:00 AM - Noon.

2. The next Passport Night will be held on Thursday, October 28, 2010 from 5:30 - 7:30 PM. For more information call Town Clerk Amy Steklof at 340-8629 or the Monroe County Clerk’s office at 753-1600.

3. Councilman Quinn’s office hours will be held on Saturday, October 9, 2010 from 10:30 AM - Noon at the Dunkin Donuts in Lloyd’s Corners, 2055 Fairport Nine Mile Point Road. Contact Councilman Quinn at { HYPERLINK "mailto:quinn@penfield.org" } or by calling 944-5752.

4. The annual Penfield 5k challenge was held on Sunday, September 26, 2010. Supervisor LaFountain and Councilman Quinn participated. Awards were given to the overall male and female winner as well as awards for the various age groups. Councilman Quinn acknowledged the winners:

   Overall Male winner – Dan Moore 16:43
   Overall Female winner – Christina Finke 20:30
   14 Under Men - Manuel Stoecki
   14 Under Women - Allyson Bilow
   15-19 Men - James Coughlin
   15-19 Women - Tara Lamberti
   20-29 Male - Paul Buckner
   20-29 Female - Julie Paska
   30-39 Male - TJ Garigen
   30-39 Female - Amy Aken
   40-49 Male - Bill Nobes
   50-59 Male - William Sandow
   50-59 Female - Gail Buckner
   60+ - Tom Tytier
   60+ - Cynthia Leyrer

   Councilman Quinn recognized Brian Delameter from PCTV and Ken Kaseman from Parks and Facilities Department. They also participated in the 5k Challenge.
5. Councilman Quinn recognized his nephew, 5th grader Aaron Calcagno, who is interested in learning about local government and is watching tonight’s broadcast of the Town Board meeting.

6. Councilwoman Metzler thanked the Harris Hill 5th graders, their parents and teachers for attending tonight’s meeting and for attending this mornings’ presentation given by the Town Supervisor and staff on the work that is done in the Town Hall everyday.

Two unique photographs were shown of engineering designs provided by Town Engineer Geoff Benway. The first was of Scotland’s Rotational Lock, the only rotational boat transporter in the world. The second photograph was of a wild life overpass known as the Elk Bridge located in Banff, Alberta, Canada.

7. A Certificate of Appreciation was presented to Louie Pereira on behalf of the Town Board and Town of Penfield. Louie Pereira is the owner of the barber shop located in Browncroft Plaza and is celebrating 50 years in business. The County Legislature presented a formal Proclamation to Mr. Pereira last month.

8. The Town of Penfield was notified by the New York State Department of Taxation and Finance office of Real Property Tax Services that it has recognized the Town of Penfield for providing property owners with fair and equitable assessments on the 2010 Roll. Penfield has qualified for the award for the last (7) seven years. Supervisor LaFountain recognized the Town Assessor and staff for their hard work.

9. The Annual Fall Drop off, located at the Penfield Highway Garage, 1607 Jackson Road will be held October 14 – 16, 2010. Drop off will be from 8:00 AM – 6:00 PM, Thursday and Friday; Saturday from 8:00 AM – 4:00 PM. Volunteers of America (VOA) will be on site Friday and Saturday from 8:30 AM – 4:00 PM. For more information visit { HYPERLINK "http://www.penfield.org" }. For information on VOA item donation visit { HYPERLINK "http://www.voawny.org" } or call 647-1150.

10. Councilwoman Kohl’s Community Chat will be held on Saturday, October 9, 2010 from 9:00 – 10:30 AM at the Tim Horton's at 1786 Empire Boulevard.

11. The Penfield Recreation Department and the Local History Room will hold its 2nd Annual Historic Ghost Walk on October 9, 2010. The Ghost Walk will take place in the Oakwood Cemetery on Baird Road. Tours will begin at 7:00 PM. Parking is available at the Penfield Community Center. Tickets are $5.00. For information and tickets, visit { HYPERLINK "http://www.penfield.org" }.

12. Friday, October 15, 2010, Family Halloween Fun will take place from 6:00 – 8:00 PM at Rothfuss Park.

13. The Heritage Festival will be held Saturday, October 16, 2010 at Rothfuss Park from 11:00 AM – 3:00 PM.

14. Penfield Rotary will be sponsoring its annual charity Euchre Tournament on Friday, October 22, 2010 to celebrate the end of the Town’s Bicentennial Celebration. The Tournament will take place at St. Joseph’s Parish Resource Center, 39 Gebhardt Road. Tickets are $20 a person. Check in time is at 6:00 PM with the Tournament starting at 7:00 PM. Tickets are available at { HYPERLINK "http://www.penfieldrotary.org" }.

15. A video clip of the September 18, 2010 “Tastin the Blues” Festival was shown. It was a successful event and all who participated had fun.
16. On September 16th, residents from the Legacy at Willow Pond visited the Town Hall and talked with Supervisor LaFountain about local history and local government.

Public Participation

Richard Hammann, 1410 Penfield Center Road invited the community to attend the Penfield Heritage Festival, Saturday, October 16, 2010 from 11:00 AM – 3:00 PM at Rothfuss Park, 1648 Five Mile Line Road. The event is sponsored by the Town of Penfield and has been planned and implemented by the farm families of Penfield. Mr. Hammann gave an extensive list of activities for the day’s events. Mr. Hammann also mentioned that there will be a raffle for the Braman farm painting by Tom Sweeney. Mr. Hammann expressed his appreciation to the Braman family for allowing the painting to be raffled. For more information visit [HYPERLINK "http://www.penfield2010.org"].

Councilwoman Kohl mentioned that the Memories Book will be available for purchase at the festival for $15.00. The book can be pre-ordered at the Recreation Department.

Mr. Hammann’s daughter, Lisa Hammann Maston demonstrated an old fashioned device used to carry water from the farm house to the barn and milk from the barn to the house. Mr. Hammann discovered the item in his home that Lisa’s Great, Great, Great Grandmother used. Mr. Hammann will have the item on display at the Heritage Festival. Mr. Hammann’s family has lived in Penfield since 1891.

Ed Lindskoog, 18 High School Drive, mentioned the Trails Committee met this evening and stated that the canoe and kayak waterways activity held on Irondequoit Creek will occur Saturday, October 9th at 9:00 AM and will start from Ellison Park South. The Eastside Wetlands Hike will begin at 10:00 AM at Ellison Park South entrance. If you have not registered you can still participate. Transportation will be provided from the drop-off points.

Mr. Lindskoog also stated that during the Trails Committee meeting the issue came up in reference to concern of the potential logging of a property on Irondequoit Bay and the possibility that it would disturb the eagles there.

Supervisor LaFountain stated that Director of Developmental Services, Jim Costello, has been involved in discussions with the Conservation Board and has been working with the Department of Environmental Conservation on the issue.

Mr. Lindskoog asked Supervisor LaFountain for an update on the easement for the Eastside Wetlands Trail.

Supervisor LaFountain stated that the ownership of the property is in the process of being transferred within the family. Once the paperwork has been reviewed and the appropriate transfer is complete, the Town of Penfield hopes to get the easement.

Mr. Lindskoog stated he would like the Town to work with the County to post signs that prohibit use of trail bikes on the trail near Tryon Park.

An e-mail from a resident was received as a follow up to the Town Board Work Session for the Comprehensive Plan held this past Monday, October 4th. Ms. Hanscom inquired about continued discussion throughout the next (10) ten years regarding transitional zoning between Zoning Districts.
Additions and Deletions to Agenda

Councilman Moore added Resolutions #10T-210 through #10T-216 to the agenda under New Business.

Approval of Minutes

Councilwoman Metzler moved to approve the Minutes of August 30, 2010 and September 1, 2010. Councilman Quinn seconded and all voted "Aye".

Petitions - None

Resolutions by Function

Law and Finance

#10T-207  Authorize the Town Comptroller to attend the PERMA Board meeting by Moore

WHEREAS, the Town Comptroller is on the Board of Directors for the workers compensation carrier, Public Employers Risk Management Association, and

WHEREAS, the PERMA Board Meeting will be held on October 12th and October 13th at the PERMA Headquarters at 9 Cornell Road, Latham, NY and is paid fully for mileage and hotel expenses by PERMA, and

THEREFORE, BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting at no cost to the Town of Penfield.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#10T-208  Authorization to Attend 2010 New York State Geographic Information Systems (GIS) Conference by Metzler

WHEREAS, the GIS Certification Institute requires all GIS Professionals (GISP’s) to obtain training prior to recertification; and

WHEREAS, it is in the best interest of the Town of Penfield to provide for adequate training and educational opportunities for staff members to maintain high standards and keep abreast of current methods & technologies; and

WHEREAS, the NYS GIS Conference is the leading local event for hands-on GIS training and exposure to new technologies; and

WHEREAS, the Town GIS Analyst is a Director of the Upstate New York GIS SIG Board and on a statewide committee for the NYS GIS Association;

NOW, THEREFORE, BE IT RESOLVED, that the Town GIS Analyst is hereby authorized to attend the New York State GIS Conference to be held from October 24 – 26, 2010 for a cost not to exceed $350.00 for registration and lodging. Funds for this conference have been included in the 2010 Engineering Department budget.

Moved: Metzler
Seconded: Moore
(Resolution #10T-208 - Continued)

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

Adopted

Public Safety - None

Community Services

#10T-209 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:

Empire Lanes, 2400 Empire Boulevard, Webster, NY 14580, to provide youth bowling camp 6/28/10 – 9/3/10 for a fee of $80.00 per camper. Voucher to be submitted on 10/6/10.

Cathy Downs, 4 Elmbrook Dr., Pittsford, NY 14534, Director Summer Sporty Sprouts Program, 7/12/10 – 9/1/10 for a fee of 80% of program revenue per session. Voucher to be submitted 10/6/10.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth 6/29/10 – 8/10/10 and adults 6/3/10 – 8/18/10 for the fee of 70% of program revenues. Vouchers to be submitted on 10/6/10.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for Adult Jujitsu Self Defense, 7/13/10 – 8/24/10 for the fee of 75% of the total program revenue. Voucher to be submitted 10/6/10.

Jim Missell, 1188 Northrup Road, Penfield, NY 14526, Volleyball League Assignor to provide officials for the Adult Volleyball League, 9/24/10 – 12/17/10, for the fee of $20.00 per night and provide officials for the Adult Volleyball League playoffs, for the fee of $30.00 per match. Voucher to be submitted 12/1/10.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Adult Painting Instructor, 6/21/10 – 8/9/10, for the fee of $50.00 per adult participant per (8) eight week session. Voucher to be submitted immediately.

Laura Engin, 8 McCord Woods Dr., Fairport, NY 14450, Instructor for Dance Like A Wildcat, 9/20/10 - 11/1/10 for a fee of 80% of program revenues. Voucher to be submitted 11/3/10.


Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for Adult Jujitsu Self Defense, 9/21/10 – 11/9/10 for the fee of 75% of the total program revenue. Voucher to be submitted 11/3/10.

Empire Lanes, 2400 Empire Boulevard, Webster, NY 14580, to provide youth bumper bowling program 9/27/10 – 10/25/10 & 11/1/10 – 11/29/10 for a fee of $28.00 per bumper bowler and youth bowling 9/24/10 – 12/10/10 for a fee of $65.00 per youth bowler. Voucher to be submitted on 10/20/10 & 12/15/10.
Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth 9/25/10 – 12/11/10 and adults 9/20/10 – 12/20/10 for the fee of 70% of program revenues. Vouchers to be submitted on 12/15/10.

Dave Coin, 280 Liberty Ave., Rochester, NY 14622, Director of Youth Flag Football program, 9/11/10 – 10/23/10 for the fee of $50.00 per session. Voucher to be submitted 10/6/10.

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, to provide musical entertainment for Halloween program on 10/15/10 for a fee of $300.00. Voucher to be submitted on 10/6/10.

Lifespan, c/o Ann Marie Cook, 1900 South Clinton Ave., Rochester, NY 14604, to provide Eldersource Care Management Services to Town of Penfield residents for the calendar year of 2010 for a fee of $500.00. Voucher to be submitted on 10/6/10.

Josh Dillon, 330 Barrington St., Rochester, NY 14607, Internship Stipend for Fall intern 8/31/10 – 12/10/10 for a fee of $1,000.00. Vouchers to be submitted 10/20/10 & 11/17/10, each for half the total amount.

Wild Wings, 27 Pond Road, Honeoye Falls, NY 14472, Presenter for Backyard 101 Family Event, 11/6/10 for a fee of $200.00. Voucher to be submitted 10/20/10.


Alicia Fultz, 151 Greystone Lane #7, Rochester, NY 14618, to work Penfield Challenge 9/26/10 for a fee of $40.00. Voucher to be submitted 10/20/10.

Jeff Clair, 47 Atlantic Ave., Apt. 4, Rochester, NY 14607, Music Director for YOHP Children’s Show Red Ribbon for a fee of $400.00. Voucher to be submitted 10/20/10.

Emily Camaione, 21 Wood Acre Dr., Pittsford, NY 14534, Assistant Director for YOHP children’s show Red Ribbon for a fee of $150.00. Voucher to be submitted on 10/20/10.

Dianne Schaumberg, 3 Robert Road, Penfield, NY 14526, Co-Producer, Penfield Players Fall Production, performance dates – November 5, 6, 12, 13, 19 and 20, 2010 for a total fee of $50.00. Voucher to be submitted 10/20/10.

Liz Gill, 6 Devonshire Circle, Penfield, NY 14526, Co-Producer, Penfield Players Fall Production, performance dates – November 5, 6, 12, 13, 19 and 20, 2010 for a total fee of $50.00. Voucher to be submitted 10/20/10.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None
New Business

#10T-210 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Portion of a Retaining Wall for a Staircase to Walkout Basement Within a Drainage Easement at 120 Triple Diamond Way - SBL #094.03-3-26 by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Danny J. and April F. Daniele, owners of property of 120 Triple Diamond Way, to permit a portion of a retaining wall for a staircase to a walkout basement to encroach into a drainage easement to the Town of Penfield located at 120 Triple Diamond Way, in a form and substance acceptable to the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-211 Approval of Issuance of a Special Permit to Allow a Bakery at 1793 Penfield Road SBL #139.09-1-17 - The Upper Crust - Julie McOrmond 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 a bakery at 1793 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 September 15, 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 bakery at 1793 Penfield Road, in the Four Corners (FC) 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 bakery at 1793 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 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 on-site parking shall be available at all times to accommodate the applicant’s business, as well as the banquet/catering facility and Joey’s Pasta House which also share those parking facilities.

4. The applicant shall comply with the sign requirements for this site as set forth in Article VII of the Penfield Zoning Ordinance.

5. This operation shall comply with all Federal, State County and Town Codes.
(Resolution #10T-211 - Continued)

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 proposes to lease the 340 square foot freestanding structure at 1793 Penfield Road for the purpose of operating a bakery. The site will be utilized for baking primarily special order cakes, cupcakes and cookies. The applicant proposes to conduct private hours Mondays through Thursdays and will be open to the public on Fridays and Saturdays.

2. The applicant will initially operate the business herself, but anticipates hiring up to two part-time employees to assist her at a later date.

3. Based on the scope of the business, the site has adequate parking to accommodate it, as well as the banquet/catering facility and Joey’s Pasta House, all of which share the parking facilities at this location.

4. This 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: Quinn

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

Adopted

#10T-212 Approval of Issuance of a Special Permit to Allow a Party House/Catering Facility at 1793 Penfield Road – SBL #139.09-1-17 – Joe McCall by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article II-3-97 of the Code to allow a party house and catering facility at 1793 Penfield Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on September 15, 2010, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of issuance of a Special Permit to allow a party house and catering facility at 1793 Penfield Road, in the Four Corners (FC) 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 party house and catering facility at 1793 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 any business at this location.

(Resolution #10T-212 - Continued)

2. The proposed party house and catering facility will operate on an as needed basis. Parties and banquets will be scheduled on a reservation basis only and are intended to be scheduled in such a way so as to minimize parking impacts to both Joey's Pasta House and the Upper Crust Bakery, both of which share the common parking facilities at this location.

3. 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 from the Building Department. This building is not sprinklered and as such is permitted to have seating to accommodate no more than 49 patrons until such time that a sprinkler system is installed. The applicant proposes to accommodate no more than 49 patrons as it is not cost effective for him to sprinkler this structure.

4. The applicant shall submit a sign package for this business and the Upper Crust Bakery for approval by the Town Board.

5. The applicant proposes to serve alcohol on the premises and therefore shall obtain a liquor license from the New York State Liquor Authority prior to being permitted to serve alcohol at this location.

6. The applicant will be required to comply with the requirements of the Fire Marshal pertaining to the installation of all cooking facilities at this location.

7. The applicant proposes the use of DJ's on the site during events and not any live entertainment at this site. Live music shall not be permitted in or to the exterior of the restaurant without approval by this Board.

8. The applicant does not anticipate the use of the deck except in the case of a small shower or similar event during the summer months. The deck can legally accommodate no more than 24 persons.

9. The applicant shall install an enclosure for the dumpster serving this business and Joey's Pasta House, subject to the approval of the Director of Developmental Services, as a condition of obtaining a Certificate of Compliance from the Building Department.

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

11. 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. On May 19, 2010, the applicant received approval from the Town Board to operate a sit-down restaurant on the adjacent property at 1789 Penfield Road. The applicant now proposes to lease the (2) two buildings at 1793 Penfield Road to install a party house/catering facility in one and sublease the second for use as a bakery. The applicant’s intent in
leasing these buildings and installing these uses is to ensure that there are adequate parking facilities to accommodate Joey’s Pasta House and balance the parking by installing uses that compliment one another relating to the parking needs of each use.

2. The applicant is aware that the Town of Penfield has a Fire Sprinkler Ordinance in effect which limits the occupancy of restaurants, party houses and banquet facilities to 49 without the installation of a sprinkler system. The applicant does not intend to install a sprinkler system at this location and therefore, will be required to comply with the occupancy of 49 persons at all times.

3. There are 62 shared parking spaces on site to accommodate this business, the Upper Crust Bakery and Joey’s Pasta House. The applicant has assured the Board that there is adequate parking on the site to adequately serve the (3) three businesses. The applicant also stated at the Public Hearing that he has spoken to the adjacent property owner to the east who is interested in sharing his parking lot in the evenings, if the applicant is willing to share his parking lot during the day when his neighbor is operating his dentist office in the event additional parking is required and both parties are agreeable to share parking as proposed.

4. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners Zoning District in that her business is scaled to other businesses operating in this area of Penfield.

Moved: Moore
Seconded: Metzler

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

Adopted

#10T-213 Approval of Issuance of a Special Permit to Allow a Photography Studio Within a Penfield Landmark at 1876 Penfield Road – SBL #139.06-2-39 – Alec Bischoff by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-88 of the Code to allow a photography studio within a Penfield landmark at 1876 Penfield Road, located in the R-1-15 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 September 15, 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 photography studio within a Penfield landmark at 1876 Penfield Road, in the R-1-15 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 photography studio within a Penfield landmark at 1876 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; said Special Permit shall be non-transferable and any future owner shall be responsible
for obtaining a Special Permit from the Town Board to continue to use the site for any commercial use.

(Resolution #10T-213 - Continued)

2. The applicant shall comply with the requirements of the Penfield Fire Marshal and Building Inspector to ensure compliance with the International Building Code. The applicant shall obtain any/all building permits to accommodate the proposed business at this site.

3. The applicant shall be permitted to have no more than (3) three individuals working at this site at any time. Any proposal to increase the scope of this operation shall require modification of the Special Permit approval from the Town Board.

4. The applicant shall be permitted to install a single faced freestanding sign, as portrayed to the Board at the Public Hearing, to identify the business and the historic residence. The Historic Preservation Board shall approve the design and color scheme of said sign prior to its installation.

5. The applicant shall obtain a sign permit from the Building Department prior to the installation of the proposed sign.

6. The applicant shall be permitted to utilize the first floor of the main residence as area to meet clients and schedule photo shoots. The second floor may be utilized for storage purposes only, no residential component is proposed for this structure. The applicant shall be permitted to continue to utilize the second story of the carriage house as leased apartment space and shall be permitted to utilize the first floor garage space as a photographic studio.

7. The applicant shall ensure that the site has adequate parking facilities to properly serve the proposed business as well as the tenants living in the carriage house at all times.

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 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.

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

1. The applicant proposes to relocate his photograph business to 1876 Penfield Road. His intent is to utilize the first floor of the main residence as area to meet clients and schedule photo shoots. The second floor will be utilized for storage purposes and no residential component is proposed for this structure. He further proposes to continue to lease the second floor of the ancillary carriage house as apartment space. Finally he proposes to convert the garage on the first floor of the carriage house into a studio to photograph clients on site.

2. The property is situated in the Penfield Road Historic Preservation District and the site was placed on the National Registry of Historic Places in November of 2006.

3. The applicant proposes to purchase the site and is proposing to employ no more (2) two employees, in addition to him, on the site at any time.
4. The applicant would be permitted to conduct such a use as a customary home occupation on the site pursuant to Article II-2 of the Code without any approval from the Town if he were to operate the proposed business without non-resident employees.

5. The applicant indicated that he will meet on site with 1-2 clients per day.

6. The applicant proposes minor modifications to the property and proposes the installation of a 36” x 48” (3’ x 4’) single faced freestanding sign to better identify the residence and the business on the site. Said improvements are in keeping with the historic character of residence and the neighborhood in general.

7. The Board has granted a non-transferable Special Permit to ensure that any modification of the scope of the applicant’s business be required to be review by the Town Board to ensure that any such modification protects the residential and historic character of the neighborhood.

8. The Historic Preservation Board has recommended issuance of the Special Permit in its memo to the Town Board dated September 13, 2010, subject to conditions, all of which have been placed in this Resolution.

Moved: Moore
Seconded: Kohl

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

Adopted

#1OT-214 Approval of Issuance of a Special Permit to Allow a Yoga Studio at 1802 Penfield Road – SBL #139.06-1-27.1 – Inspire Yoga With Heart – Joan Nichols 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 yoga studio at 1802 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 September 15, 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 yoga studio at 1802 Penfield 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 a delicatessen at 1802 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 an 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.

(Resolution #10T-214 - Continued)

3. Adequate parking shall be available at all times to accommodate the applicant’s business, as well as the other businesses that operate from this site.

4. The applicant shall comply with the requirements of the Penfield Sign Ordinance and obtain a sign permit for her proposed business identification signs.

5. The applicant proposes to conduct approximately 20 classes per week with approximately (8) eight to (10) ten participants per class. She anticipates growth to about 15 participants. The applicant shall ensure that the size of her classes does not adversely impact the other businesses operating from this site.

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

7. 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 Environment 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 lease the remaining 1,105 square feet of vacant space at 1802 Penfield Road to operate a yoga studio.

2. The applicant proposes to conduct approximately 20 classes per week with approximately (8) eight to (10) ten participants per class. She expects the classes to grow to about 15 participants once the studio becomes established. There are 91 parking spaces on the site and the Board has made the applicant aware that the growth of her classes can not adversely impact parking facilities on the site that are shared by other businesses.

3. The Board believes that the applicant has taken into consideration the parking needs of the Dunkin Donuts and the Hong Wah restaurant by beginning her classes at 9:30 AM, after the peak morning hour and closing her studio early on Friday and Saturday evenings so as not to conflict with the peak dining periods on those days.

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

Discussion: Councilman Moore moved to correct Page 1, Paragraph 3; delicatessen at 1802 Penfield Road; Amend to yoga studio at 1802 Penfield Road.

Moved: Moore
Seconded: Kohl

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

#10T-215 Approval of Issuance of a Special Permit to Allow an Office at 2136 Five Mile Line Road SBL #139.10-2-4 - The Cleaning Authority - Dean Rudy 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 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 September 15, 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 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 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 (ECC Technologies) that operates from this site.

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

5. 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 Law (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 relocated his residential cleaning business to the subject property in 2009 without knowledge that a Special Permit from the Town Board was required to do so and is now requesting said permit to continue to operate an office that oversees between 14 to 20 employees at 2136 Five Mile Line Road. The applicant noted that his lease at this site expires in 2012 and he expects to have to relocate to another site at this time, as the property owners intend to occupy the entire building at this time.

2. The employees come to the site each day, collect their cleaning materials and then go to their various residential work sites. They return at the end of the day and store their cleaning material and then leave 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.

(Resolution #10T-215 - Continued)

The cleaners utilize both on-site and public parking 15 – 30 minutes in the morning and at the end of the work day. There are no more than (2) two employees on site throughout the week and none on the weekends.

4. The owner of the property is in the process of having a new freestanding sign package prepared for the site. The applicant stated that he will comply with the requirements of the sign package and no wall mounted signage proposed to identify his business. The proposed sign package will be reviewed by the Town Board and Historic Preservation Board prior to its installation.

5. This office use provides 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
- Metzler Aye
- LaFountain Aye
- Moore Aye
- Quinn Aye

Adopted

#10T-216 Recognizing the Month of October as National Community Planning Month by Moore

WHEREAS, change is constant and affects all villages, towns, cities, counties and states; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the Town has previously adopted Comprehensive Plans in 1966, 1978, 1990, 2000, and is working towards the adoption of a 2010 plan; and

WHEREAS, the Town has adopted over 25 area studies, corridor studies, and other plans as supplements to the Town’s vision and goals outlined in its Comprehensive Plans; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, the Town of Penfield, endorses National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our lives and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the Town’s Planning Board, Zoning Board, Conservation Board, Steering Committees, and other citizen planners who have contributed their time and expertise to the improvement of the Town of Penfield; and
WHEREAS, we recognize the many valuable contributions made by professional planners of the Town of Penfield and extend our heartfelt thanks for the continued commitment to public service by these professionals;
(Resolution #1OT-216 - Continued)

NOW, THEREFORE, BE IT RESOLVED, that the month of October 2010 is hereby designated as Community Planning Month in the Town of Penfield in conjunction with the celebration of National Community Planning Month.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Participation

Debbie Drawe, 5 Cobblestone Crossing, commended Bob Beedon, Supervisor LaFountain, the Town Board and Town Staff for the wonderful job they did on the 2011 Budget and for keeping a flat tax rate of $2.64 and still maintaining quality services for the residents. Ms. Drawe stated she knows how difficult it is to work on a budget and is proud that we are a fiscally responsible Town. Ms. Drawe also stated that out of 19 Towns in Monroe County, Penfield has the fourth lowest tax rate. In comparison the Town of Rush has a proposed tax rate of $4.39, Chili has a proposed tax rate of $3.79. Neither Town has a police force. The Town of Brighton has a police force and has a proposed tax rate of $5.41. Ms. Drawe stated she is very happy as a taxpayer in the Town of Penfield.

Ed Lindskoog inquired about dumpster enclosures at the Four Corners of Penfield.

Supervisor LaFountain stated that he will look into it in the morning.

Supervisor LaFountain thanked Eric Beaston from Boy Scout Troop #9 for staying for the entire Town Board meeting.

Adjournment

Supervisor LaFountain adjourned the meeting at 9:16 PM.

Amy Steklof
Town Clerk