TOWN BOARD WORK SESSION  
Wednesday, January 19, 2011

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  
Jim Costello, Dir. of Dev. Services  
Katie Evans, Town Planner

Supervisor LaFountain started the meeting at 6:30 PM

Katie Evans and Jim Costello presented changes to the Final Generic Environmental Impact Statement (FGEIS) for the 2010 Comprehensive Plan to the Town Board. The changes are as follows:

Page 16 was revised to reflect the following:

15. Concern regarding the cumulative impacts of development over time.  
Response: Specific components of the Plan, and their inevitable evolution as a result of development pressures both internal and external to the Town, may have minor environmental impacts. Since permanent moratoriums on growth and development are not permitted under State Law, these impacts will likely continue to occur with or without the Plan. However, with the Plan they are likely to be coordinated, minimized, and controlled.

Page 20 was revised to reflect the following:

30. Recommendation regarding the installation of conduit throughout the Town for future communication technology, such as fiber optics.  
Response: The installation of communication conduit throughout the Town would certainly be beneficial in the future. Economic Opportunities Strategy C contains an implementation item addressing this potential opportunity, which is: “Study telecommunications and information technology infrastructure to identify gaps in service, such as fiber optics or wireless hot spots.” The Town’s Cable Television Advisory Board has been working to develop a town wide fiber optic communication plan outlining strategies that will provide an advancement of services to businesses and residents.

The Town Attorney has reviewed the revisions and is satisfied. The Town Board agreed to the revisions of the FGEIS as stated.

Katie Evans introduced the following revisions to the draft 2010 Comprehensive Plan to the Town Board:
Page 6: The first paragraph was revised to indicate that the plan is intended as guidance. The last sentence was added indicating that decision making boards of the town have the authority and discretion to implement policies and act upon developmental applications that may not explicitly set forth within the plan, when such action is in the best interests of the town and its residents as a whole. The planning process schedule was also updated to reflect a winter 2011 adoption.

Page 8: The first paragraph under Future Land Use was revised to clarify the intent of the plan.

Page 11: The last sentence of the third paragraph was revised to further clarify that actions or decisions should be presented if decisions deviate from the plan.

Page 17: The heading was changed to “Additional Planning Efforts”.

Page 27: The Planning Department is in the process of acquiring updated data for this page and will have revisions to the Town Board by next week.

Page 28: Originally included 2007 data. It has been updated to show 2009 property values. In 2007 the Town was 5th on the 2007 Home Values Chart. Penfield is now 3rd on the 2009 Home Values and Sales Summary Chart.

Page 58: The sidebar on the page has been revised to reflect the number of new homes constructed in Penfield between 1960 and 2000. The first paragraph was edited and a second added to include clarification on the intended future land use of areas east of Route 250. The picture of residential development in the 1970’s was added to the bottom of the page. Staff intends to add additional pictures of historic residential development on this page.

Page 86: Photos were replaced with a collage of the Town’s commercial districts.

Page 131: The Town Clerk and Town Board names and titles have been added.

Page 133: The page was revised to mirror the changes on page 8.

Page 119: Staff is not happy with the photos on this page and will be replacing them with others for the Board’s consideration next week.

Supervisor LaFountain thanked Evan Sheppard, Katie Evans, and Jim Costello for all the work they have done on the plan.

Meeting adjourned at 7:00 PM.
Public Hearing # 1 – To Amend the Zoning Ordinance and Map to Rezone 4.22 Acres from Business Non-Retail to R-1-20 at 1360-B Five Mile Line Road

Public Hearing # 2 – To Consider Design Modification for Incentive Zoning and Preliminary and Final Subdivision and Site Plan Approval to Allow 46 Single Family Homes on 20.75 Acres at 1360-B Five Mile Line Road; Windham Woods Subdivision-Phases II and III

Informal Discussion – Incentive Zoning Proposal at 2433 Penfield Road

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 – December 15, 2010

VI Petitions

VII Resolutions by Function

Law and Finance
#11T-063 Setting Public Hearing for Special Permit to Allow New Operatorship of Los Amigos Restaurant at 1857 Penfield Road – SBL# 139.06-4-12
#11T-064 Adopting Final Generic Environmental Impact Statement (FGEIS)
#11T-065 Setting Public Hearing to Consider Repeal of “Local Law No. 3 of 1996-Penfield Environmental Quality Review Law

Public Works
#11T-066 Authorization for Supervisor to Sign Contract with Arcadis/Malcolm Pirnie for Environmental Engineering Services for the Jackson Road and Empire Blvd. Sites

Public Safety
#11T-067 Approval to Attend the 36th Annual Continuing Educational Conference

#11T-068 Setting 2011 Salary Revisions for Chairs and Members of the Planning, Zoning, Conservation and Historic Preservation Boards

Community Services
#11T-069 Extending Contract for Printing Program Brochures
#11T-070 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, January 19, 2011 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 Hearing #1 To Amend the Zoning Ordinance and Map to Rezone 4.22 Acres from Business Non-Retail to R-1-20 at 1360-B Five Mile Line Road

The Town Clerk read the Title of the Notice of Public Hearing, said Notice was published in the Penfield Post on January 6, 2011, posted on the website and on the Bulletin Board.

Samuel Trapani, managing member of Windham Woods Partners, LLC stated that the rezoning request is to eliminate those portions of the Business Non Retail Zoning that encroach into the proposed lots that will be developed as single family residences. This request would rezone 4.22 acres of the site from Business Non-Retail to R-1-20 to be consistent with the remaining 16.53 acres.

Mr. Trapani also stated that this application has been discussed with the Planning Review Committee and the Planning Department.

Supervisor LaFountain stated that the Town Board is in receipt of a letter from Rick and Lee Zambito, 19 Crossbow Drive, in which they raised concern in regards to rezoning. The Zambito’s mention in the letter that the Master Plan reflects this parcel of property as zoned R-1-20 and that the new proposal has less than 1/3 acre.

Supervisor LaFountain recognized that this is a previously approved plan and the only portion that is being rezoned is the commercial piece back to residential to be consistent with the rest of the parcel.

In the letter the Zambito’s also comment on wetland area, wooded tree area, drainage and sewer which the Supervisor stated will be addressed during the second Hearing.

Lee Sinsebox of Costich Engineering stated that his office submitted a meets and bounds description of the parcel to be rezoned.

Hearing Closed.

Public Hearing #2 To Consider Design Modifications for Incentive Zoning and Preliminary and Final Subdivision and Site Plan
Approval to Allow 46 Single Family Homes on 20.75 acres at 1360-B Five Mile Line Road, Windham Woods Subdivision, Phases II and III.

The Town Clerk read the title of the Notice of Public Hearing, said Notice was published in the Penfield Post on January 6, 2011, posted on the website and on the Bulletin Board.

Samuel Trapani, managing member of Windham Woods Partners, LLC, stated that they are asking for final site plan approval for Phases II and III.

(Public Hearing #2 - Continued)

Councilwoman Metzler asked for information on drainage issues.

Lee Sinsebox of Costich Engineering stated they focused on drainage in depth when they redesigned the streets. Mr. Sinsebox also stated that the primary areas of concern were along the south lot line and drainage coming off of Five Mile Line Road.

Mr. Sinsebox mentioned that when the cul-de-sacs were eliminated to make one looped road system, it allowed for a storm sewer through the street which makes for better drainage. Mr. Sinsebox also stated that they will tilt the grading of the lots towards the storm sewer so that the drainage can be collected by the storm sewer, thus eliminating drainage to the property line. Within the scope of the work the developer has maximized keeping the drainage off of the Crossbow Drive properties.

Councilwoman Metzler asked what the difference is between this plan and the prior plan in regards to retention of trees?

Mr. Sinsebox stated it is the same.

Mr. Sinsebox informed the Board that as part of the project they will build sidewalks along Five Mile Line Road. The sidewalks will slope towards the road thus providing additional drainage off the property.

Councilman Quinn asked what sidewalks are planned for the interior of the development?

Mr. Sinsebox stated they have proposed that the sidewalk connect with the sidewalk on Five Mile Line Road and run along the north side of the new road and continue on to the project limits.

There is also a proposed sidewalk connection that runs along the inside of the loop parallel with the road.

Mr. Sinsebox stated there are the same number of lots as in the previous approved plan equaling a total of 56 lots. 10 in Phase I, 17 in Phase II, and 29 in Phase III.
Supervisor LaFountain asked for general information about the setbacks on the lots.

Mr. Sinsebox stated that the minimum set backs are 35 feet in the front, 10 feet on the side and 20 feet in the rear.

Mr. Sinsebox added that along the south property line they have committed to a minimum of 50 feet so as to save the tree buffer.

Supervisor LaFountain asked for information regarding wetland issues.

Mr. Sinsebox stated there is one small section of Federal wetlands regulated by the Army Corp. of Engineers that needs a permit application in order to build a road in that area.

Councilwoman Metzler stated that the radius of the road’s curves are sharper than the standard, this allows for better lot configuration and the natural slowing of traffic through the development.

Supervisor LaFountain referred back to the Zambito letter stating that their concerns about the drainage and trees have now been addressed. Another concern raised in the letter was in regards to the elimination of the pump station on Crossbow Drive.

Mr. Sinsebox stated that the pump station will be eliminated.

Supervisor LaFountain asked Jim Costello, Director of Developmental Services, if anything new has come in that the Board needs to be made aware of?

(Public Hearing #2 - Continued)

Mr. Costello stated that the Town received a letter today from the Department of Environmental Services, Monroe County that indicated they would like to see the Town Board acting as lead agency for this project. The Department of Environmental Conservation, had also sent a similar letter to the Town.

Tom Weber, 8 Crossbow Drive, stated he is concerned with the cut-in from Kingsmill Court onto Five Mile Line Road which is near the crest of the hill and feels this would compromise public safety. Mr. Webber suggested the cut-in be at the apex of the hill.

Mr. Weber stated that another concern he has is with the density of the development. He stated that it is quite different from the neighboring developments in that the lot sizes are smaller and the set backs are not as far.

Mr. Weber also feels that the development will be more expensive for the Town to maintain as opposed to what was suggested in the previous plan. The original proposal called for some private drives which the Town would not have had to maintain. This is contrary to the current proposal which calls for all public drives to be maintained by the Town.
Michael Gerlach, 5 Crossbow Drive is concerned that there are no sidewalks in the planned cul-de-sac of Phase I of the development and stated that it is a Town Ordinance that sidewalks are required.

Supervisor LaFountain confirmed that it is a Town Ordinance and that either sidewalks will be installed or a fee will be paid to the Town to offset the cost of the sidewalks.

Mr. Gerlach presented photographs to the Town Board which will be scanned into the record. Mr. Gerlach also stated he is concerned that the property development will adversely impact the values of his home and other homes in the area.

Finally, Mr. Gerlach wanted to make sure that additional trees will be added to the buffer.

Daniel Van Dorn, 1401 Five Mile Line Road stated he is concerned with where the entrance will cut into Five Mile Line Road.

Mr. Van Dorn stated he is also concerned with where the sanitary sewer would cross the street for the residents on the west side of Five Mile Line Road.

Mr. Sinsebox addressed the concerns that were brought up by residents.

In reference to the location of the development entrance, Mr. Sinsebox stated that the entrance will need to be approved by the Department of Transportation. The DOT looks at all safety issues.

In regard to the buffer, Mr. Sinsebox stated that additional trees will be planted.

In regard to the sanitary sewer, Mr. Sinsebox stated that a gravity sewer line would be extended up to the end of the property line. Mr. Sinsebox also stated that in the future a resident could pay to have the line extended under the road at the resident’s expense. If more than one resident wanted to hook up to the sewer line, the cost could be shared.

Hearing closed.

An Informal Discussion was held regarding an Incentive Zoning Proposal at 2433 Penfield Road to be known as Arbor Ridge East. The proposal is for the possible subdivision of an existing single family residence and construction of 28 townhomes on 16.3 acres. The property was formally owned by Dawn Grambeck and is zoned RR-1.

Communications and Announcements

1. Councilman Rob Quinn’s office hours will be held Tuesday, February 1, 2011 from 6:00 – 7:00 PM at the Penfield Community Center, 1985 Baird Road.

2. Penfield Recreation Department is offering a new Community Service Club called “Kids in the Community Club” for grades 6 – 8. The club will meet the fourth Tuesday of each month from 4:00 – 5:30 PM at the Legacy at Willow Pond. Activities will include team
building, self-esteem building and will help develop leadership skills. For more information contact the Penfield Recreation Department at [www.penfield.org](http://www.penfield.org).

3. The Penfield Library program “Bedtime Story” will be held Wednesday, February 9, 2011 from 7:00 – 7:30 PM at the Penfield Community Center, 1985 Baird Road for ages 3 – 7 children need to be accompanied by an adult. Registration begins Wednesday, January 26, 2011 for residents of Penfield and the Penfield School District and February 2, 2011 for all others.

4. The Town will offer a 9 week free Senior Citizen Police Academy Program that will begin March 31, 2011. It will run from 9:30 – 11:30 AM and will originate at the Penfield Community Center. Adults 55 and over can register at the Recreation Department or on line at [www.penfield.org](http://www.penfield.org).

5. The Penfield Library will hold a “Valentine Party for Child and Dad” program for children grades K through 5, Saturday, February 12, 2011 from 11:00 AM to 12:00 PM at the Penfield Community Center, 1985 Baird Road. Registration will begin Friday, January 28, 2011 for Penfield Town and School District residents and Friday, February 4, 2011 for all others. The program is sponsored by the Friends of the Penfield Public Library.

6. Councilwoman Linda Kohl’s next Community Chat will be held Saturday, February 19th from 9:00 – 10:30 AM at Tim Horton’s, 1786 Empire Boulevard. Councilwoman Kohl can be reached at [kohl@penfield.org](mailto:kohl@penfield.org).

7. The Recreation Department will have a “Family Float Night” on Friday, February 4, 2011 from 6:30 – 8:00 PM at the Penfield Community Center, 1985 Baird Road. Families will be able to make a shoebox float for the Penfield’s Senior Mardi Gras Parade Float Contest. The cost is $5.00 per family. For more information call (585) 340-8655 or on line at [www.penfield.org](http://www.penfield.org). The Senior Citizen Mardi Gras party will be held on Tuesday, February 15, 2011.

8. The Penfield Trails Committee Annual Free Indoor Hike will be held Saturday, February 12, 2011 in the Town Hall Auditorium from 10:00 AM to 12:00 Noon. The speaker will be Tim Cawley, Director of the Rochester Museum and Science Center Outreach – Science Education. Participants are asked to register by calling (585)-340-8655.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Metzler moved to approve the Minutes of December 15, 2010. Councilwoman Kohl seconded and all voted “Aye”.

Petitions
A petition was submitted by the Jomanda Way Home Owner’s Association to dedicate Jomanda Way to the Town of Penfield.

Resolutions by Function
Law and Finance

#11T-063 Setting a Public Hearing for a Special Permit to Allow the New Operatorship of the Los Amigos Restaurant at 1857 Penfield Road – SBL #139.06-4-12 – Los Amigos Cantina 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 the new operatorship of the Los Amigos Restaurant at 1857 Penfield 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

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 February 16, 2011, 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 the new operatorship of the Los Amigos Restaurant at 1857 Penfield Road, 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.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-064 Adopting Final Generic Environmental Impact Statement (FGEIS) for the 2010 Comprehensive Plan by Moore

WHEREAS, the Penfield Town Board has been designated as Lead Agency pursuant to the requirements of the State Environmental Quality Review
Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR) regarding the Town of Penfield 2010 Comprehensive Plan; and

WHEREAS, the Town Board, acting as Lead Agency, completed a public review of the Draft Generic Environmental Impact Statement (DGEIS), and conducted a Public Hearing held on August 30, 2010 for both the DGEIS and the draft Comprehensive Plan; and

WHEREAS, during the public comment and review of said DGEIS, comments were made orally at the Public Hearing and submitted in writing prior to the close of the comment period on September 17, 2010; and

WHEREAS, the Town Board has considered all comments made and has prepared responses as appropriate, as contained in the Final Generic Environmental Impact Statement (FGEIS);

(Resolution #11T-064 – Continued)

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board, acting as Lead Agency and having complied with SEQRA and PEQR hereby adopts the Final Generic Environmental Impact Statement (FGEIS), incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Penfield Town Board hereby authorizes the Town Clerk to file the FGEIS as may be required by law; and

BE IT FURTHER RESOLVED, that the Notice of Completion, attached hereto as Schedule “A”, shall be filed and published as prescribed by law.

Moved: Moore
Seconded: Quinn

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

Adopted

See Schedule “A” at end of Minutes

#11T-065  Setting Public Hearing to Consider Repeal of Local Law No. 3 of 1996 – Penfield Environmental Quality Review Law (PEQR) by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, Penfield 3100 Atlantic Avenue, Penfield, New York 14526 on February 16, 2011, at 7:30 PM to consider repealing “Local Law No. 3 of 1996 – Penfield Environmental Quality Review Law (PEQR),” as more particularly described in Schedule “A” attached hereto and made a part hereof; and
BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to post and publish a Notice of said Public Hearing, together with a copy of the summary thereof, pursuant to law.

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedule “A” at end of Minutes

Public Works

#11T-066 Authorization for the Supervisor to Sign a Contract with Arcadis/Malcolm Pirnie for the Environmental Engineering Services for the Jackson Road & Empire Blvd. Sites by Metzler

WHEREAS the Town of Penfield has conducted a Phase II Environmental Site Assessment for the Empire Blvd. property and a Subsurface Investigation report for the Jackson Road property (Highway Garage), and

WHEREAS, the Town of Penfield desires to mitigate impacts of soil contamination at both properties, and

WHEREAS, the Town Board has reviewed the qualifications submitted by qualified engineering firms, LaBella Associates and Arcadis/Malcolm Pirnie, and

(Resolution #11T-066 - Continued)

WHEREAS, the proposal by Arcadis/Malcolm Pirnie outlined several services that are needed to provide the necessary permits and testing services for the safe excavation and disposal of the contaminated soils, and

WHEREAS, Arcadis/Malcolm Pirnie proposal provided a table of tasks and testing services with an estimated cost of $53,878 in their proposal dated November 8, 2010.

NOW, THEREFORE, BE IT RESOLVED, that Supervisor R. Anthony LaFountain is hereby authorized to sign a contract with Arcadis/Malcolm Pirnie for environmental services in accordance with their proposal dated November 8, 2010.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#11T-067 Approval to Attend the 36th Annual Continuing Educational Conference by Quinn

WHEREAS, the Finger Lakes Building Officials Association, Inc. is holding its thirty-sixth Annual Continuing Educational Conference for Code Enforcement Officers at the RIT Inn & Conference Center, Rochester, New York on March 14, 15, 16, and 17, 2011; and

WHEREAS, this program will be certified by the New York State Department of State Office of Fire Prevention and Control as meeting 24 of 24 hours of in-service training requirements for code enforcement officials;

NOW, THEREFORE, BE IT RESOLVED that Thomas Alexander, Wayne Cichetti, Assistant Building/Code Compliance Inspectors Andy Suveges, Building/Code Compliance Inspector; Harold Morehouse, Building and Zoning Administrator; and Pat Morris, Fire Marshal to attend the 36th Annual Continuing Educational Conference March 14, 15, 16 and 17, 2011 at the RIT Inn & Conference Center, Rochester, New York. There will be no lodging or mileage reimbursement. Registration fees of $1,950.00 shall be allocated from departmental conference budget lines.

Moved: Quinn
Seconded: Metzler

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

Adopted

#11T-068 Setting 2011 Salary Revisions for Chairs and Members of the Planning, Zoning, Conservation and Historic Preservation Boards by Quinn

BE IT RESOLVED, that the following annual salaries to be paid in twelve (12) equal monthly installments be in force for 2011:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair, Planning Board</td>
<td>$3,439</td>
</tr>
<tr>
<td>Member, Planning Board</td>
<td>2,544</td>
</tr>
<tr>
<td>Chair, Zoning Board</td>
<td>2,913</td>
</tr>
<tr>
<td>Member, Zoning Board</td>
<td>2,018</td>
</tr>
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</table>

(Resolution #11T-068 - Continued)

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair, Conservation Board</td>
<td>1,783</td>
</tr>
<tr>
<td>Member, Conservation Board</td>
<td>868</td>
</tr>
<tr>
<td>Chair, Historic Preservation Board</td>
<td>1,379</td>
</tr>
<tr>
<td>Member, Historic Preservation Board</td>
<td>481</td>
</tr>
</tbody>
</table>

AND, BE IT FURTHER RESOLVED, that these rates are the same as 2010.
Moved: Quinn
Seconded: Moore

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

Adopted

**Community Services**

#11T-069  Extending Contract for Printing Program Brochures by Kohl

WHEREAS, the Town Board, by Resolution #10T-081 of February 17, 2010 awarded the printing contract for the Recreation Department brochure for the 2010 year (including the summer, fall and winter/spring issues), to Webster Printing Corp., 2010 Empire Boulevard, Webster, NY 14580,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approve the extension of this contract for the 2011 year with all prices and specifications remaining the same. Funds are in the 2011 budget.

Total quantity is 18,000 copies for each seasonal mailing (3) three times per year, or 54,000 copies per year.

Net delivered price (per issue) as follows:

<table>
<thead>
<tr>
<th>Bid #1</th>
<th>Alternative #1</th>
<th>Alternative #2</th>
<th>Alternative #3</th>
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<td>$4,896.65</td>
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<td>$5214.85</td>
</tr>
</tbody>
</table>

Moved: Kohl
Seconded: Quinn

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

Adopted

#11T-070  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:

Barb Bonisteel, 256 Rosemont Drive, Rochester, NY 14617, Instructor for youth music program, 1/26/11 - 12/20/11, for a fee of 80% of program revenues. Vouchers to be submitted last voucher date each month.

Jodi Marcello, 20 Falcon Trail, Pittsford, NY 14534, Instructor for youth dance class 1/14/11 - 12/20/11 for a fee of 80% of program revenues. Vouchers submitted last voucher date each month.
Shelley Contento, 10 Manhattan Square Drive, Apt. 14Q, Rochester, NY 14607, Instructor for adult aerobics class “Zumba” 1/17/11 – 12/18/11, for a fee of 75% of the total program revenue. Voucher submitted 2/16/11, 4/6/11, 7/6/11, 8/17/11, 9/21/11, 11/2/11.

(Resolution #11T-070 – Continued)

Mary Lou Lawson, 201 Deerhurst Lane, Webster, NY 14580, Instructor for Bridge instruction class 4/18/11 – 5/23/11 for a fee of 75% of total revenues. Voucher to be submitted on 4/20/11.

Cynthia Smith, 10 Alicia Circle, Churchville, NY 14428, Instructor for adult college workshop, 3/1/11 and 3/8/11 for a fee of 75% of total revenues. Voucher to be submitted 3/16/11.

Lindsey Hall, 2 Colonial Dr., Penfield, NY 14526, Instructor for youth art classes Pre-school Picasso and Creative Arts, 1/25/11 – 5/31/11 for a fee of 75% of total revenues. Vouchers to be submitted 2/2/11, 3/2/11, 4/6/11 and 5/4/11.

Debra Damelio, 91 Angel Path, Webster, NY 14580, Instructor for Happy Healthy Snacks 1/19/11 – 12/25/11 for a fee of 80% of program revenues, Instructor/substitute for Wiggles, Giggles & Jiggles 1/19/11 – 12/30/11 for a fee of 75% of program/class revenues. Vouchers to be submitted on last voucher date each month.

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Youth Programs: A to Z and Wiggles, Giggles & Jiggles 1/19/11 – 12/30/11 for a fee of 75% of program revenues. Voucher to be submitted on last voucher date each month.

Jim Missell, 1188 Northrup Road, Penfield, NY 14526, Volleyball League Assignor to provide officials for the Adult Volleyball League, 1/21/11 – 4/29/11, 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 4/20/11.

Dave Coin, 280 Liberty Ave, Rochester, NY 14622, Scorekeeper for adult basketball league, 1/23/11 – 4/17/11 for the fee of $14.00 per game. Voucher to be submitted 3/16/11.

Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 3 Edmar Ct., Rochester, NY 14467, to provide officials for the Adult Basketball League, 1/23/11 – 4/17/11, for the fee of $25.50 per official per game. Vouchers to be submitted each month.

Empire Lanes, 2400 Empire Boulevard, Webster, NY 14580, to provide youth bumper bowling program 1/24/11 – 2/28/11 and 3/07/11 – 4/04/11 and 4/25/11 – 5/23/11 for a fee of $28.00 per bumper bowler and youth bowling 1/21/11 – 4/01/11 and 4/15/11 – 6/24/11 for a fee of $65.00 per youth bowler. Vouchers to be submitted on 3/02/11 and 5/18/11.

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 1/22/11 – 4/02/11 and 4/09/11 – 6/18/11 and adults
1/17/11 - 4/04/11 and 4/11/11 - 7/06/11 for the fee of 70% of program revenues. Vouchers to be submitted on 3/02/11 and 6/01/11.

Cathy Downs, 4 Elmbrook Dr., Pittsford, NY 14534, Director Sporty Sprouts Program, 2/17/11 - 3/31/11 and 4/07/11 - 5/19/11, for a fee of 80% of program revenue per session. Voucher to be submitted 3/16/11 and 6/01/11.


Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for Adult Jujitsu Self Defense, 1/18/11 - 3/29/11 and 4/12/11 - 6/21/11 for the fee of 75% of the total program revenue. Voucher to be submitted 3/16/11 and 6/15/11.

(Resolution #11T-070 – Continued)

Mike Fusare, 6 Chamberlain Road, Honeoye Falls, NY 14472, Youth Volleyball, 1/22/11 - 2/12/11 and 3/19/11 - 4/09/11, for a fee of 80% of the total program revenue after all other program expenses are deducted. Voucher to be submitted 2/02/11 and 3/16/11.

Dave Coin, 280 Liberty Ave, Rochester, NY 14622, Director for Youth Instructional Basketball program, 1/08/11 - 2/12/11 for the fee of $40.00 per session. Voucher to be submitted 2/02/11.

Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Euchre on 3/7/11 - 4/11/11 for a fee of 75% of total program revenue. Voucher to be submitted on 4/6/11.


Penfield Lacrosse Booster Club, c/o Michelle O’Brien, Treasurer, 1954 Five Mile Line Road, Penfield, NY 14526, provider of all instruction and supervision of the Penfield Recreation Instructional Youth Lacrosse Program 1/8/11 - 2/12/11, for the fee of 80% of the program revenue after all expenses have been deducted. Voucher to be submitted 3/02/11.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Instructor of Adult Painting, Winter session – 1/24/11 - 3/23/11 (8 weeks), for the fee of $50.00 per participant, and Spring session – 4/4/11 - 5/25/11 (7 weeks), for a fee of $44.00 per participant. Vouchers to be submitted half way through and at the conclusion of the session each for half the payment amount.
Bill Palmer, 1933 Penfield Road, Penfield, NY 14526, Adult Basketball Supervisor, 1/10/11 – 4/11/11, for the fee of $36.00 per night. Vouchers to be submitted on a monthly basis.

Gates Keystone Police Pipes and Drums, c/o Dave Staub, 89 Sweet Birch Lane, Rochester, NY 14615, Independence Day Parade, 7/2/11, for a fee of $700.00. Voucher to be submitted 6/1/11.

Moved: Kohl  
Seconded: Metzler

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<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
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Adopted

Old Business - None

New Business - None

Public Participation

Lorna Dawson, 1857 Blossom Road inquired on whether there are any plans to develop the Quarry on Old Penfield Road.

Supervisor LaFountain stated there is not.

Mrs. Dawson commented on the article in the Democrat and Chronicle that ran in November regarding public access to information on salaries paid to public employees. Mrs. Dawson was surprised at the cost stated in the paper for obtaining the information.

(Public Participation - Continued)

Mrs. Dawson asked whether the Supervisor has that information and wanted to know why it is not freely available to the taxpayers?

Supervisor LaFountain stated that he and the Town Board do have access to the information.

Supervisor LaFountain also said that the Democrat and Chronicle was asked to clarify their request, but did not get back to the Town before the article ran.

Supervisor LaFountain stated the information is available in the Personnel Office and anyone interested in obtaining that information should call 340-8600 to make an appointment with Rose Iascone in the Personnel Office.

Adjournment

Supervisor LaFountain adjourned the meeting at 9:28 PM.

Amy Steklof  
Town Clerk
State Environmental Quality Review

NOTICE OF COMPLETION OF FINAL GENERIC EIS

Project: Town of Penfield Comprehensive Plan

Date: January 12, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Final Generic Environmental Impact Statement has been completed and accepted by the Penfield Town Board, as lead agency for the proposed action described below. A public hearing was held on August 30, 2010 at 7:30 PM, local time, in the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York. Comments on the Draft EIS were requested and were accepted by the contact person until September 17, 2010. Copies of the Final Generic EIS are available for review at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 and the Penfield Public Library, 1985 Baird Road, Penfield, New York 14526.

Name of Action: Town of Penfield 2010 Comprehensive Plan

Type of Action: Type 1

Description of Action: Adoption of the Town of Penfield 2010 Comprehensive Plan. 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.

Location: The study area is the entire Town of Penfield, Monroe County.

Potential Environmental Impacts:

1. Potential increase of density of residential, commercial, and mixed-use development
   a. Growth-induced impacts to infrastructure
   b. Potential impacts to sensitive environmental areas including wildlife habitat areas and Environmental Protection Overlay Districts (EPODs), which include wetlands, watercourses, floodplains, steep slopes, and woodlands.
2. Growth-driven demand on community facilities and services
3. Pressure on agricultural uses, open space areas, and potential conflicts with open space goals identified in the 2001 and 2006 Open Space Plans

A Copy of the Final Generic EIS may be obtained from:

Contact Person: Katie Evans, Planner
Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14526
585.340.8682 phone
585.340.8644 fax

Website: http://www.penfield.org/index.php?pr=Planning_Comp_Plan_Update

A Copy of this Notice sent to:

City of Rochester
City Hall, 30 Church Street, Rochester, New York 14614

Commissioner, Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Monroe County Department of Environmental Services
Monroe County Department of Health
   111 Westfall Road, Rochester, New York 14620

Monroe County Department of Planning & Development
   8100 City Place, 50 W. Main Street, Rochester, New York 14614

Monroe County Department of Transportation
   City Place 6th Floor, 50 W. Main Street, Rochester, New York 14614

Monroe County EMC
   111 Westfall Road, Room 962, Rochester, New York 14692

Monroe County Soil & Water Conservation District
   249 Highland Avenue, Rochester, New York 14620

Monroe County Sheriffs Department
   A Zone, 789 Linden Avenue, Rochester, New York 14625

Monroe County Water Authority
   475 Norris Drive, Rochester, New York 14610

NYS Department of State Division of Local Government Services
   1 Commerce Plaza, 99 Washington Avenue, Albany, NY 12231

NYS Department of Transportation, Regional 4 Office
   1530 Jefferson Road, Rochester, New York 14623

New York State Police
   Penfield Community Center, 1985 Baird Road, Penfield, New York 14526

North East Joint Fire District
   P.O. Box 361, Webster, NY 14580

Penfield Central School District
   2590 Atlantic Avenue, Penfield, New York 14526

Penfield Fire District
   1838 Penfield Road, Penfield, New York 14526

Penfield Volunteer Emergency Ambulance
   PO Box 220, Penfield, New York 14526

Pittsford Central School District
   42 W. Jefferson Road, Pittsford, New York 14534

Region 8 Office of Department of Environmental Conservation
   6274 East Avon-Lima Road, Avon, New York 14414

Town of Brighton
   2300 Elmwood Avenue, Rochester, New York 14618

Town of Irondequoit
   1280 Titus Avenue, Rochester, New York 14617

Town of Macedon
   30 Main Street, Macedon, New York 14502

Town of Penfield Conservation Board
3100 Atlantic Avenue, Penfield, New York 14526

Town of Penfield Historic Preservation
3100 Atlantic Avenue, Penfield, New York 14526

Town of Penfield Planning Board
3100 Atlantic Avenue, Penfield, New York 14526

Town of Penfield Town Board
3100 Atlantic Avenue, Penfield, New York 14526

Town of Penfield Zoning Board of Appeals
3100 Atlantic Avenue, Penfield, New York 14526

Town of Perinton
1350 Turk Hill Road, Fairport, New York 14450

Town of Pittsford
11 South Main Street, Pittsford, New York 14534

Town of Walworth
3600 Lorraine Drive, Walworth, New York 14586

Town of Webster
1000 Ridge Road, Webster, New York 14580

Village of East Rochester
120 W. Commercial Street, East Rochester, New York 14445

Village of Webster
28 West Main Street, Webster, New York 14580

Wayne Central School District
6076 Ontario Center Road, Ontario Center, New York 14520

Webster Central School District
119 South Avenue, Webster, New York 14580

Webster Fire Department
35 South Avenue, Webster, New York 14580

West Webster Fire District
1051 Gravel Road, Webster, New York 14580
PENFIELD ENVIRONMENTAL QUALITY REVIEW LAW

ARTICLE I. GENERAL PROVISIONS

Section 1.010. Title.

This local law will be known as the Town of Penfield Environmental Quality Review Law (PEQR)

Section 1.020. Purpose.

The purpose of this law is to implement, for the Town of Penfield, the provisions of the State Environmental Quality Review Act and the State Environmental Quality Review Regulations, thereby incorporating environmental factors into existing planning and decision-making processes and to provide additional protection for the environmental features that are specific and characteristic of the Town of Penfield.

Section 1.030. Authority.

This law is adopted under authority of the Municipal Home Rule Law, the State Environmental Quality Review Act, and the State Environmental Quality Review Regulations.

Section 1.040. Definitions.

"State Environmental Quality Review Act (SEQRA)" means Article 8 of the Environmental Conservation Law, which is chapter 43-b of the Consolidated Laws of the State of New York.

"State Environmental Quality Review Regulations (Part 617)" Means Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

All other terms for which definitions are given in SEQRA and/or Part 617, have the same meanings in this local law. Part 617 as adopted 9/20/95 and effective 1/1/96 is hereby incorporated by reference into this local law.

Section 1.050. Applicability.

All agencies, boards, departments, offices, other bodies, or officers of the Town of Penfield must comply with SEQRA, Part 617, and this law, to the extent applicable, prior to carrying out, approving, or funding any action, other than a Type II action.

Section 1.060. Severability.

The provisions of this local law are severable. If any part of this local law if found invalid, such finding will apply only to the particular provision and circumstances in question. The remainder of this local law, and the application of the disputed provision to other circumstances, will remain valid.
ARTICLE 2. ENVIRONMENTAL REVIEW PROCEDURES

Section 2.010. Lead Agency.
(a) The lead agency is the agency principally responsible for carrying out, funding, or approving action. The lead agency is responsible for determining whether an EIS is required for the action, and for preparing, or having prepared, and filing the EIS if it is required.

(b) Where more than one agency is involved, the lead agency is determined and designated as provided in section 6 of Part 617. However for the following specific Type I and Unlisted Actions, in cases where no federal, county, state or other town agency is involved, the lead agency is:

(I) adoption, amendment, or change in zoning or land use regulations, Penfield Town Board.

(II) construction or expansion of town buildings, Structures, and other facilities including highways within the Town of Penfield, Penfield Town Board.

(III) variances, (other than variances listed as Type II actions), Penfield Zoning Board.

(IV) purchase, sale, and/or lease of real property by the Town, Penfield, Town Board.

(V) site plan review or cluster zoning, Planning Board.

(c) A department designated by the Town Board from time to time will be the Town clearinghouse for lead agency designation. It will assist agencies and applicants to identify other federal, state, county and local agencies that may be involved in approving, funding, or carrying out Type I and Unlisted Actions. The clearinghouse will make recommendations of designation of lead agencies for particular actions.

(d) Environmental review of actions involving a federal agency will be processed in accordance with section 15 of Part 617.

Section 2.020. Environmental Assessment and Determination of Significance.

(a) When any agency, department, body, board, or officer of the Town of Penfield contemplates directly carrying out, funding, or approving any Type I action, a Full Environmental Assessment Form (EAF) must be prepared. The EAF form given in Appendix A of Part 617 will be used, but may be modified to meet the needs of particular cases.

(b) When any person submits an application for funding or a permit or other approval of a Type I or Unlisted action to any agency, department, body, board, or officer of the Town of Penfield, an EAF must accompany the application. For Type I actions a Full EAF must be prepared. For Unlisted Actions a short EAF may be used unless the agency/officer specifies a full EAF.
(c) The clearinghouse may request as appropriate, input from the Conservation Board, the Town’s Consulting Engineer or other advisory agency, group or individual for reports or information. Upon receipt of all applicable reports, information, etc., The lead agency shall make a determination of significance.

(d) When any Town of Penfield agency, department, body, board or officer has been duly designated as Lead Agency pursuant to Section 6 of Part 617 or 2.010(b), it shall promptly make a determination of significance in accordance with Section 7 of Part 617.

(e) For Type I actions, where no environmental significance is found, the lead agency must give public notice and file a determination of non-significance as provided in Part 617. For Unlisted actions, where no environmental significance is determined the lead agency must send a determination of non-significance to the applicant and maintain its own records thereof in accordance with part 617. Conditioned negative declarations shall be published in the Town legal newspaper and shall provide for a maximum 30 day public comment period.

(f) If the lead agency makes a determination of non-significance, the direct action, approval, or funding involved will be processed without further regard to SEQRA, Part 617, or this local law.

(g) The time of filing an application for approval or funding of an action commences from the date the determination of environmental non-significance is made. If the applicant prepared a Draft EIS in lieu of an EAF, the time of filing commences from the date the lead agency accepts the Draft EIS as adequate in scope and content, and commences the public comment period.

Section 2.030. EIS Preparation.

(a) If, based on review of the EAF and other information, the lead agency determines that the proposed action may be environmentally significant, then an EIS must be prepared.

(b) If an EIS is required, the lead agency must proceed as provided in applicable sections Part 617. The Draft EIS will normally be prepared by the applicant. If the applicant fails to prepare a Draft EIS, the lead agency may either prepare a Draft EIS itself, discontinue further processing until the applicant can provide an acceptable Draft EIS, or deem the entire pending application abandoned and discontinue review.

(c) A public hearing shall be held on the Draft EIS and should, whenever possible, be concurrent with any other hearing on the application. The notice of public hearing must be published at least 14 calendar days in advance of the public hearing in a newspaper of general circulation in the area of the potential impacts and effects of the action.

Section 2.040. Fees for Review and Preparation of EISs.

(a) The fees for town lead agency review of preparation of an EIS involving approval or funding of an action will be consistent with the limitations set by section 13 of Part 617. When the EIS is prepared by the applicant, fees will reflect actual expenses of reviewing it. When the EIS is prepared by an agency on behalf of the applicant, fees will reflect the cost of preparation, including publication of notices.
but not the cost of environmental review by the Agency. However, the lead agency may not charge a fee for its determination of significance. Scoping shall be considered part of the draft EIS for purposes of determining a SEQRA fee.

ARTICLE III. MISCELLANEOUS PROVISIONS

Section 3.010. Critical areas.

Critical areas of environmental concern may be designated from time to time by resolution of the Penfield Town Board in accordance with provisions of Section 14(g) of Part 617.

Section 3.020. Type I actions.

(a) For purposes of this local law, Type I actions include all those given in Section 4 of Part 617.

(b) In addition, the following are deemed Type I actions:

1. Construction, reconstruction or expansion of Town roads/bridges which would:

   a. increase travel lanes by two or more;

   b. affect drainage patterns or projects which are not consistent with the currently adopted Town Drainage Studies, Town of Penfield Drainage Law, Town of Penfield Drainage Policy and any amendments thereto;

   c. increase Average Daily Traffic (ADT) by 10,000 or more vehicles within 10 years;

   d. have present volume of 20,000 or more vehicles or projected to have 20,000 or more vehicles ADT within 10 years.

2. Construction or expansion by 50% of the following:

   a. airport facilities;

   b. public institutions, including hospitals, nursing homes, office centers and government buildings with parking for 250 vehicles and/or structures of 50,000 sq. ft. or more;

   c. any Solid Waste Management Facility as defined in or requiring a permit under 6 NYCRR Part 360 (NYSDEC Solid Waste Management Facility Regulations);

   d. Any Hazardous Waste Management Facility as defined in or which requires a permit pursuant to 6 NYCRR Parts 361 (Industrial Hazardous Waste Facilities), Part 370 or 373;

   e. Solid Waste Transfer Stations;

   f. Sewage treatment facilities requiring a DEC permit.
g. Recreational facilities, including lakes, golf courses, playgrounds, tennis courts and playing fields where parking for more than 250 vehicles is required or where disturbance of more than 10 acres is involved;

h. Facilities, including pump stations, collector sewers, water supply and distribution systems where growth inducement potential exceeds that identified in the Town's Comprehensive plan.

3. Any development or construction in NYS wetland or buffer.

4. Any construction where disturbance is within 75 feet of any stream or tributary classified by the Town's Drainage Studies and/or New York State Department of Environmental Conservation;

5. Any construction where disturbance is within a Floodplain, Steep Slope or Woodland Environmental Protection Overlay District (EPOD) or lands which meet the criteria for said EPOD;

6. Residential construction:
   a. with 100 lots or 50 acres connected to sanitary sewers;
   b. With 25 lots not connected to sanitary sewers unless the density exceeds 1 lot/acre.
   c. 6 lots within a designated Agricultural District.

7. Clearcutting of 1 or more acres of designated Woodland EPOD except for those activities exempted from the permit requirements as indicated in Article III-3-10-A of the Penfield Zoning ordinance.

8. Any development on confirmed or suspected waste disposal sites identified on the Environmental Management Council's mapping series or confirmed waste disposal sites that are not otherwise referenced.

Section 3.030. Type II actions.

(a) For purposes of this local law, Type II actions include all those listed in section 5 of Part 617.

Section 3.040. Effective Date

Local Law No.3 of 1988 is hereby replaced. This local law takes effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule law. A copy of the local law must be filed with the Commissioner of the Department of Environmental Conservation.