PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, February 16, 2011 7:30PM
Supervisor R. Anthony La Fountain, presiding

Public Hearing # 1 – To Allow New Operatorship of the Los Amigos
Restaurant at 1857 Penfield Road in the Four Corners Zoning
District

Public Hearing # 2 – To Consider Repealing Local Law No. 3 of 1996 (PEQR)

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Allow Rezoning of 4.22 Acres from Business Non-Retail to R-1-20
at 1360-B Five Mile Line Road – Cloverland Properties, LLC
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Public Safety - None

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#11T-095 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, February 16, 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  
Geoff Benway  Town Engineer  
Jim Costello  Director of Developmental Services  
Katie Evans  Town Planner  
Doug Fox  Town Planning Consultant

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by County Legislator, Debbie Drawe.

Supervisor LaFountain recognized Mike Zimmerman with Youth Football in Penfield. The Youth Football organization has been around since 1983 and provides tackle football and cheerleading programs for ages 8 - 14. Mr. Zimmerman gave information on the background of the organization and spoke of the activities and accomplishments of both the football and cheerleading programs.

Mr. Zimmerman informed the Town Board of the 2011 upcoming season which can be found on their website at www.penfieldyouthfootball.org. Mr. Zimmerman thanked Parks & Recreation, the Volunteer Penfield Fire Co. and the Penfield High School Varsity Program for their continued support.

Public Hearing #1 To Allow New Operatorship of the Los Amigos Restaurant at 1857 Penfield Road.

The Town Clerk read the title of the Notice of Public Hearing, said Notice was published in the Penfield Post on January 27, 2011, posted on the website and on the Bulletin Board. Mr. Horwitz declared the Hearing properly before the Board.

The applicant, Jimmy Cianciola stated he would like to reopen the Los Amigos Cantina, a Mexican style restaurant at 1857 Penfield Road. He would like the hours of operation to be Monday - Saturday from 10:30 AM - 2:00 AM and Sunday from Noon - Midnight. He stated the number of employees would be between 12 - 14 with (6) six employees during the day and (8) eight at night.

Mr. Cianciola stated that there is plenty of parking and that he has a reciprocal agreement for use of the parking lot with Pea Pods Day Care which is located next door.
Mr. Cianciola plans to have an All-You-Can-Eat Taco Bar for $6.99 from 11:30 AM – 2:30 PM, Monday – Friday.

Councilwoman Kohl inquired about parking during lunch hours when the day care busses would be arriving?

Mr. Cianciola stated he feels there is enough space for the day care busses and restaurant patron’s cars.

Mr. Cianciola’s wife, Daphne, asked her husband how many busses come in and out of the parking lot during the lunch hour?

Mr. Cianciola stated only a couple of busses arrive to drop off and pick up children at that time.

Supervisor LaFountain inquired about signage?

(Public Hearing #1 – Continued)

Mr. Cianciola stated they would like to utilize the existing signage. He mentioned the phone number for the restaurant would be 586-TACO.

Supervisor LaFountain inquired about lighting?

Mr. Cianciola stated he feels there is sufficient lighting.

Councilwoman Kohl inquired about the exterior look of the property?

Mr. Cianciola stated he would like to add landscaping to the property such as seagrass, flower boxes and flower baskets.

Councilman Quinn inquired about outdoor dining?

Mr. Cianciola stated he would like to have a 15’ x 30’ cement slab to place tables on for outdoor dining in the back of the property.

Councilman Quinn inquired whether there would be outdoor music?

Mr. Cianciola stated he would like to have indoor music and for special events he would like to hire a band. He would also like to have outdoor music on special occasions.

Councilman Quinn questioned the restaurant’s late hour of closing at 2:00 AM.

Mr. Cianciola stated he would abide by the Town’s rules.

Councilwoman Metzler inquired whether take-out would be provided?

Mr. Cianciola stated it would.

Councilwoman Metzler also inquired about catering?
Mr. Cianciola stated he had not planned to provide catering, but is capable of doing so.

Supervisor LaFountain asked Mr. Cianciola to comment on the proposed pig roast and clambake events.

Mr. Cianciola stated he would like the opportunity to provide those events.

Councilwoman Kohl asked when does he anticipate opening?

Mr. Cianciola stated he would like to open as soon as possible.

Supervisor LaFountain asked Jim Costello, Director of Developmental Services, if there is anything he needed to make the Town Board aware of in reference to this application?

Mr. Costello brought to the Town Board’s attention the fact that the proposed 2:00 AM closing time is not in compliance with the Town Ordinance of 12:00 Midnight (Zoning Ordinance 3-102).

Hearing closed.

Public Hearing #2 To Consider Repealing Local Law #3 of 1996 Penfield Environmental Quality Review Law (PEQR).

The Town Clerk read the title of the Notice of Public Hearing, said Notice was published in the Penfield Post on January 27, 2011, posted on the website and on the Bulletin Board. Mr. Horwitz declared the Hearing properly before the Board.

(Public Hearing #2 - Continued)

Doug Fox, Town Planning Consultant, 560 Plank Road gave a brief summary of environmental legislation from 1969 to present as it pertained to the Town of Penfield. He also gave detailed background on PEQR Local Law which was adopted in 1977 and stated that it closely followed state legislation known as State Environmental Quality Review Law (SEQR).

Mr. Fox stated that the environmental review process covers actions which are activities that are undertaken, funded or approved by government agencies. Mr. Fox went on to say that PEQR requires staff, as the clearing house for the environmental process, to undergo a number of processes involving longer application forms and coordination of agencies for what may be considered minor actions that occur at the local level. Mr. Fox stated that what has been found over the years is that there have been no applications that have met the Local Type 1 threshold that require an Environmental Impact Statement in Penfield. The information that has since been
implemented such as Town codes, Town policies and Town studies has given the Town of Penfield an opportunity to look over legislation including Local Law #3 (PEQR) and to analyze whether it is still fulfilling its original purpose.

Mr. Fox further stated that the issue that arises when coordinating with other agencies and letting them know the Town has a Local Law is that the agencies still follow state legislation. Also, it takes Penfield an extra 30 days to make decisions that have already been made on the state level. This is quite burdensome from an administrative standpoint. With all the adopted environmental laws and studies the Town does, the Town is significantly covered and therefore it seems to be time that the Town Board considers repealing PEQR.

Councilwoman Metzler asked what additional administrative burdens does PEQR place on the Town?

Mr. Fox answered that significantly more paperwork needs to be completed and reviewed by the Town and the applicant and then filed with the State. The Staff would need to contact other agencies that are impacted by the proposed project and wait a minimum of 30 days for a possible response. In most cases the Planning Board then becomes the Lead Agency. Copies of the decisions must be sent to the applicant and to all agencies involved, creating significant mailings.

Councilman Quinn asked if the process just described is initiated because of PEQR?

Mr. Fox answered “yes.”

Councilman Quinn asked whether other agencies question why the Town has a PEQR Law and if it causes undo delays and miscommunications?

Mr. Fox answered in the affirmative and said as far back as 1996 the County Planning Department, and State Department of Environmental Conservation has stated that it is difficult to work with Towns that have their own environmental review processes.

Councilwoman Metzler asked if PEQR is repealed, would it have any effect on the Town’s Comprehensive Plan?

Mr. Fox answered “no.”

Hearing closed.

Communications and Announcements

1. The Penfield Symphony Orchestra held a successful Valentines Day Concert this past Monday, February 14, 2011 at the Penfield High School.
2. The Town of Penfield Animal Control Officer would like to remind residents to take special care of their pets in winter weather. Tips and Recommendations from the Humane Society can be found at www.penfield.org link to “Keep Your Pet Safe From Winter Woes.”

3. Penfield Recreation and the Monroe County Sheriff’s Office will offer a free (9) nine week Senior Citizen Police Academy Program beginning Thursday, March 31, 2011. For more information contact the Recreation Department at 340-8664 or on-line at www.penfield.org.

4. The Penfield Library will hold a reading program on February 23 – 25 for students in grades 6 – 12 to read away their fines or read for prizes. For every 20 minutes of reading time, $1.00 will be taken off overdue fines or a student can earn a raffle ticket for every 20 minutes read. Students will need to bring their library card and proof that they are currently a student in grades 6 – 12. The program is for Penfield Town and School District residents only. Register online at www.penfieldlibrary.org or by phone at 340-8720.

5. Councilwoman Metzler’s office hours will be held Monday, February 28 from 11:30 AM to 1:00 PM at the Starbucks in Penfield’s Four Corners.

6. Congratulations to Councilman Rob Quinn and Cable TV Coordinator Dave Renner on the birth of their sons.

7. Town Hall offices will be closed on Monday, February 21, 2011 in observance of President’s Day.

8. Tax payments may be dropped off in the drop box located in the front west side of the Town Hall on nights, weekends or anytime during the day.

9. A public information meeting will be held Wednesday, March 2, 2011 at 6:30 PM in the Town Hall Auditorium to discuss the 2011 new sidewalk installations. Recommendations for sidewalks may be submitted by Noon on Wednesday, March 2, 2011 on line at www.penfield.org choosing “sidewalk request” from the “Quick Links” menu on the home page.

10. The annual Senior Mardi Gras was held on Tuesday, February 15, 2011 at the Penfield Community Center. All that attended enjoyed a pancake lunch, a float parade and other activities.

11. Supervisor LaFountain received a note from the Highway Department that recognized and thanked the nice resident who brings baked goods each February and summer as a way of thanking them for all that they do.
12. Penfield Recreation will hold a February Winter Break Youth Ice Fishing Clinic for ages 8 – 12 on Friday, February 25 from 9:00 AM – 1:00 PM at the Penfield Community Center. To register visit www.penfield.org.

13. Penfield Recreation will conduct its “Pride of Penfield” Amateur Photo Contest. The contest deadline is April 8, 2011. For rules and more information visit www.penfield.org.

14. Councilwoman Kohl’s next Community Chat will be held on Saturday, February 19, 2011 from 9:00 – 10:30 AM at Tim Horton’s, 1786 Empire Boulevard. Contact Councilwoman Kohl at kohl@penfield.org.

(Communications and Announcements – Continued)

15. Community garden beds are still available and can be rented for $35.00 or two for $50.00. Rentals can be made at the Penfield Recreation Department. For more information go to www.penfield.org, click on “Parks and Recreation” and then click on “Community Garden.”

16. Penfield Rotary will be hosting a Spring Euchre Charity Tournament on Sunday, March 20, 2011 at the Sanibel Cottage, 1517 Empire Boulevard. For more information visit www.penfieldrotary.org.

Public Participation - None

Additions and Deletions to Agenda

Councilwoman Metzler moved to add Resolution #11T-096, Councilman Moore seconded.

Councilwoman Metzler moved to delete Resolution #11T-088, Councilman Moore seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of January 19, 2011. Councilwoman Metzler seconded, and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance
#11T-084 Authorize the Supervisor to Sign an Agreement with US Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA) by Moore

WHEREAS, the USDA is in need of office space in the Penfield area, 

WHEREAS, the Town of Penfield has space available in the White House on the Veteran’s Memorial Park property, and 

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be authorized to sign Use Agreement Number 57-6395-10-038 for the period of April 1, 2011 to September 30, 2011 with the possible extension of up to (2) two years with agreement of all interested parties. The Agreement is on file in the office of the Penfield Town Clerk.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-085 Authorization for Various Equipment Purchases – Parks and Facilities and Sewer Department(s) by Moore

WHEREAS, the adopted 2011 budget for the Parks & Facilities Department provides for the purchase of the certain equipment from New York State Contract as follows:

A. One (1) 3/4 Ton Truck from New York State Contract PO 65026 from Hoselton Chevrolet for approximately $24,417.33

B. One (1) Half Ton Pickup from NY State Contract PO 65026 from Hoselton Chevrolet for approximately $16,959.86

(Resolution #11T-085 - Continued)

C. One (1) Snow plow – installed from Unicell Body Company for approximately $3922.00

D. One (1) Aluminum Liftgate EDL60 installed from Thruway Springs for approximately $2600.00

E. Tool boxes and back rack from NY State Contract PC 62978 from Cook Iron for approximately $1615.84

F. One (1) 3 Cam 612TT Equipment Trailer from Factory Direct Trailers for approximately $2995.00

G. One (1) Exmark Zeroturn Mower from NY State Contract PC 64365 from Brodner Equipment Company for approximately $10269.20, and
WHEREAS, the adopted 2011 budget for the Sewer Department provides for the purchase of a replacement vehicle from New York State Contract as follows:

A. One (1) Ford Escape - 4x4, XLT (U9D) from New York State Group 40450, 21910-PF from Van Bortel Ford, Inc. for $19,900.00, and

WHEREAS, these Parks & Facilities Department expenditures are to be funded from the General Equipment Reserve Fund which is subject to Permissive Referendum, and

WHEREAS, this Sewer Department expenditure is to be funded within the 2011 Operations Budget for Motor Equipment.

NOW, THEREFORE BE IT RESOLVED, the Director of Parks and Facilities and Superintendent of Sewers be and hereby are authorized to purchase said equipment from the NYS Contract, and

BE IT FURTHER RESOLVED, that the adoption of that portion of this Resolution, with respect to the expenditure from the General Equipment Reserve Fund is subject to a Permissive Referendum, and the Town Clerk be and hereby is directed to publish and post a Notice in the manner prescribed by Law.

Moved: Moore
Seconded: Quinn

Vote:

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Adopted

#11T-086 Setting an Informal Discussion Meeting for an Incentive Zoning Proposal at 2014 Five Mile Line Road SBL# 124.18-1-52 Crosstown Construction LLC Application 11P-0004 by Moore

WHEREAS, Peter Vars, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450 requests an informal discussion with the Town Board regarding possible construction of (6) duplex units and other associated improvements on 3.4 +/- acres located at 2014 Five Mile Line Road. The property is owned by Vicky M. Aken and is zoned R-1-15, SBL# 124.18-1-52.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold an informal discussion at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 16, 2011, at 7:30 PM on said date, to consider the said conceptual plan and to hear all persons interested on the question of the possible construction of (6) duplex units and other associated
improvements on 3.4 +/- acres located at 2014 Five Mile Line Road; and be it further

(Resolution #11T-086 – Continued)

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

Moved: Moore
Seconded: Metzler

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

Adopted

#11T-087 Setting an Informal Discussion Meeting for an Incentive Zoning Proposal at 2353 Penfield Road and 85 Fellows Road SBL #’s 140.01-1-65 and 140.02-1-58.2 Application #11P-0003
by Moore

WHEREAS, Samuel R. Trapani, 1253 Clover Street, Rochester, New York 14610 requests an informal discussion with the Town Board regarding possible construction of 35 single family residences on 30 +/- acres located at 2353 Penfield Road and 85 Fellows Road. The properties are owned by Samuel and Eliza Trapani and are zoned RR-1, SBL#’s 140.01-1-65 and 140.02-1-58.2.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold an informal discussion at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 9, 2011, at 7:30 PM on said date, to consider the said conceptual plan and to hear all persons interested on the question of the possible construction of 35 single family residences on 30 +/- acres located at 2353 Penfield Road and 85 Fellows Road; and be it further

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

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye

3100 Atlantic Avenue, Penfield, New York 14526, USA
Tel: (585) 340-8600 • Fax: (585) 340-8667 • www.penfield.org
Adopted

#11T-088 Setting an Informal Discussion Meeting for an Incentive Zoning Proposal at 1292-B and 1364 Jackson Road SBL #'s 095.03-1-7.2 and 095.03-1-35 Application #11P-0005 by Moore
 - WITHDRAWN

#11T-089 Adoption of Findings Report for Incentive Zoning Application for the Arbor Ridge East Subdivision to Permit the Subdivision of an Existing Single Family Residence and Development of 28 Townhouses on 16.2 +/- Acres at 2433 Penfield Road in the RR-1 Zoning District SBL #140.02-1-50 Application #10P-0013 by Moore

WHEREAS, on February 2, 2011, the Penfield Town Board adopted the Town of Penfield 2010 Comprehensive Plan, which was the subject of a Generic Environmental Impact Statement Review; and

(Resolution #11T-089 - Continued)

WHEREAS, following the environmental review, the Town Board as Lead Agency, prepared and adopted a Findings Statement, certifying that the Comprehensive Plan identified the potential impacts associated with its adoption, balanced all issues and found that the potential impacts associated with the Plan’s adoption were mitigated to the maximum extent practicable; and

WHEREAS, additional density in this area of Penfield was discussed in the Draft and Final EIS and the Findings Statement, establishing thresholds for additional development within this general area of Penfield; and

WHEREAS, the application for the Arbor Ridge East Subdivision has been reviewed by the Town Board and determined to be within the thresholds of additional density discussed in the Comprehensive Plan; that this application provides townhouses in an area that are predominantly single family. The 2010 Comprehensive Plan encourages a variety of housing and identified this general location as an area for potential higher density at a location where available infrastructure can support such development;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the application submitted as warranting further consideration under the amendment to Local Law No. 2 of 1995, adopted by the Penfield Town Board on January 15, 2003;

BE IT FURTHER RESOLVED that the Town Board hereby determines that the application for 28 townhouse units merits further consideration which
would provide for additional density of (.9) units per acre above that which would be otherwise permitted under RR-1 zoning. The Town Board determines that (4) four acres of land proposed for open space also furthers the goals identified in the 2010 Comprehensive Plan. The Town Board also determines that the amenities being offered to the Town are in accordance with Amendment to Local Law No. 2 of 1995, as established by Resolution No. 66; dated January 15, 2003 merits further consideration. The Board acknowledges that these stated amenities are in conjunction with a property under separate ownership and a development concept that has not yet been formally submitted therefore, any proceedings under SEQR and PEQR will be undertaken once a complete application is filed.

BE IT FURTHER RESOLVED, that the Town Board bases its decision for further consideration on the following findings:

1. The Town Board finds that the application is consistent with the Town of Penfield 2010 Comprehensive Plan, which identifies this area of southern Penfield as being suitable for increased density, all situated within the Penfield Central School District. The proposed use, through testimony and submitted materials, appears to generate very few school-age children, thus providing a minimal demand on the Penfield Central School District while providing tax support to that district.

2. The overall density is 1.7 units per acre. The overall density is comparable to an R-1-20 or lower density, which encompasses a substantial portion of western Penfield and provides a transition from the more heavily developed, higher density areas to the west of Fellows Road to the RR-1 and RA-2 areas, north and east of the project site.

3. Townhouses are considered to be single-family residences and fit within that definition, thereby providing consistency with the 2010 Comprehensive Plan recommendation.

4. The Town Board recognizes the need for a variety of housing types in Penfield, including townhouses to provide housing for Penfield’s “empty nesters” and seniors.

(Resolution #11T-089 – Continued)

5. The project will allow for a road connection to the recently approved Arbor Ridge Subdivision which enters onto Fellows Road, negating the need for an entrance onto Penfield Road where the sight distance is questionable. There are no intersections along the subject stretch of Fellows Road. The segment of Penfield Road from Watson Road to Salt Road was identified in the Town of Penfield Highway Monitoring System Report (updated March, 1998) as having a level of service of “C”, resulting in average delay for vehicles. The Town Board is not aware of any significant delays or accident histories at the intersection of Fellows Road/Penfield Road and these additional 28 units will not lower that level of service.
6. The project will include the subdivision of the existing residence so that it will be situated on a three (3) acre parcel, will cluster the housing units within the parcel, providing a substantial buffer from developed residential properties nearby and will preserve the mature buffer on site, particularly to the north of the property where no development will occur. The project also provides green space around the perimeter of the project. This enhanced buffer to the east coupled by the limited sewer capacity of the Town of Perinton system could discourage future higher density development from extending east. The character of the neighborhood along Penfield Road will remain as it is today.

7. The concept plan has been reviewed by the Penfield Planning Board, Penfield Conservation Board and the Project Review Committee. Site related comments are to be addressed by the applicant in the Preliminary Site Plan stage of this application.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the applicant to prepare Preliminary Site Plans for review by the Board, its advisory agencies and the public, through a future Public Hearing, on a date to be determined by the Town Board once the Preliminary Site Plan is considered complete.

Moved: Moore  
Seconded: Quinn  

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

Adopted

#11T-090 Setting a Public Hearing for a Preliminary and Final Subdivision and Site Plan Approval to Allow 28 Townhomes and Subdivision of an Existing Single Family Residence on 16 +/- Acres Located at 2433 Penfield Road SBL #140.02-1-50- Pride Mark Homes, Inc. Application #10P-0013 by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Subdivision and Site Plan approval under Articles VIII-8-2 and XI-9-2 of the Code to allow 28 townhomes and the subdivision of an existing single family residence on 16 +/- acres in the Rural Residential 1 (RR-1) zoning district at 2433 Penfield Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on March 9, 2011 at 7:30 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further
RESOLVED, that pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR) this proposal is classified as an unlisted action; 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 not to be 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: Metzler

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

Adopted

#11T-091 Granting an Amendment to the Zoning Ordinance and Map to Allow Rezoning of 4.22 Acres from Business Non-Retail (BNR) to R-1-20 at 1360-B Five Mile Line Road SBL #094.18-1-5.001- Cloverland Properties, LLC Application #10P-0021
by Moore

WHEREAS, pursuant to Article XIV-14-1 of the Penfield Zoning Ordinance, an application has been received by the Penfield Town Board pursuant to Article XIV-14-3 of the Code to amend the Zoning Ordinance and Map to rezone 4.22 acres from Business Non-Retail (BNR) to R-1-20 at 1360-B Five Mile Line Road, situated in the Town of Penfield, New York; and

WHEREAS, a Public Hearing was held pursuant to article XIV-14-1 of the Penfield Zoning Ordinance and §265 of the New York State Town Law on January 19, 2011, at the Penfield Town Hall, at 7:30 PM, 3100 Atlantic Avenue, in the Town of Penfield, New York, where the applicant did present his facts in the case for the requested rezoning and where citizen input was received and thereafter the Public Hearing was closed and decision was reserved; and

WHEREAS, the Town Board, acting as lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality review Law (PEQR) has classified this proposal as an Unlisted Action. The Board has determined that the rezoning of the subject 4.22 acres will not have a significant effect on the environment based on the following findings:
1. The applicant is in the process of purchasing the property at 1360-B Five Mile Line Road which consists of 25+/- acres. The applicant’s intent is to develop 56 single family residences in three (3) phases on said property. The 4.22 area to be rezoned is situated in phases 2 and 3 of the proposed subdivision and does not impact phase 1, which has previously received preliminary and final subdivision and site plan approval.

2. The subject property is situated between (2) two zoning districts. Approximately 4.22 acres are zoned Business Non-Retail, with the remaining 21 +/- acres being zoned R-1-20. The applicant has requested a rezoning to bring the 4.22 acres into compliance with the zoning requirements of the R-1-20 zoning district that permits single family residential development as is proposed for the site.

3. The 4.22 acres that are currently zoned Business Non-Retail traverse through several of the lots that are proposed to be developed and the rezoning will bring those lots into compliance with the requirements of the R-1-20 residential zoning district.

(Resolution #11T-091 - Continued)

The Town staff recommended the subject rezoning to both the applicant and the Town Board to bring the site into compliance with the requirements of the R-1-20 zoning district. The Board and the applicant concur with the recommendation made by Town staff.

4. The amendment to the zoning map will allow the sale and clear title of the proposed single family residences, when developed, without a commercial zoning situated on said properties.

5. The proposed R-1-20 zoning brings the site into conformity with the residential properties adjacent to it and eliminates any potential commercial use of the residences that will be constructed on the 4.22 acres that are currently zoned for commercial non-retail use.

6. The Town Board received no documentation or verbal comments in opposition to the applicant's request.

NOW, THEREFORE, BE IT RESOLVED, that the applicant's request for rezoning of 4.22 acres from Business Non-Retail to R-1-20, as more particularly described in Schedule "A", attached hereto, is hereby GRANTED

BE IT FURTHER RESOLVED, that the official zoning map and the zoning ordinance of the Town of Penfield be and the same are hereby amended to reflect the zoning changes approved herein for the property described in Schedule "A"; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to give the necessary notice of such change
in the zoning to the departments, agencies and offices having jurisdiction in this matter and to publish the same as prescribed by Law and cause the zoning amendment to be entered into the Minutes of these proceedings.

Moved: Moore
Seconded: Kohl

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<th>Aye</th>
<th>LaFountain</th>
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Adopted

See Schedule “A” at end of Minutes

#11T-092 Granting Design Modifications to the Incentive Zoning Application and Preliminary and Final Subdivision and Site Plan Approval at 1360-B Five Mile Line Road, Known as Windham Woods Subdivision – Phases II and III SBL #094.18-1-5.001-Cloverland Properties, LLC Application #10P-0021 by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider an application for Modification to the previously approved Incentive Zoning and Preliminary and Final Site Plan and Resubdivision Approval under Articles VIII-8-2 and XI-9-2 and an Environmental Protection Overlay District Permit under Article III-3-10 of the Code to allow 46 Single Family Residences on 21 +/- acres located at 1360-B Five Mile Line Road, known as the Windham Subdivision, Phases II and III; and

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR) has classified this proposal as a Type I Action and the Town Board hereby determines that this action will not result in a significant adverse environmental impact; and

(Resolution #11T-092 – Continued)

WHEREAS, on July 19, 2006, in Resolution No. 175 of 2006, the Town Board granted approval of an Incentive Zoning application and preliminary overall subdivision and site plan approval for a (5) five phased development of 56 single family residences and final approval for 10 single family residences in phase I of the development subject to conditions set forth on that date. Furthermore, said approval was subsequently modified on May 16, 2007, as set forth in Resolution No. 07T-140 of 2007; and

WHEREAS, the subdivision, as proposed, consisted of a single dedicated road to be constructed from Five Mile Line Road to the Crowne Point subdivision located directly east of the site, with
three (3) private drives with cul-de-sacs to be constructed to the south of and onto said dedicated road; and

WHEREAS, the applicant proposes to purchase the subject property for the purpose of constructing a (3) three phased 56 lot single family residence subdivision and has proposed the elimination of (2) two of the (3) three proposed cul-de-sacs through the creation of a looped dedicated road and has requested preliminary and final subdivision and site plan approval to address the proposed modification to the originally approved plan; and

WHEREAS, phase I of the subdivision, consisting of 10 lots, also on a private drive, had previously received preliminary and final subdivision and site plan approval. The applicant had requested and received approval from the Town Board to allow the private drive and cul-de-sac in phase I to be dedicated to the Town of Penfield, subject to preparation of a resubdivision plat that demonstrated compliance with the requirements of the Town’s Design Specifications for Dedication of Town Roads. The applicant prepared said plan to the Town’s satisfaction and phase I of the subdivision will be served by a Town dedicated road as well; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on January 19, 2011, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Modification to the Incentive Zoning Approval and Preliminary and Final Site Plan and Subdivision Approval to allow 46 single family residences and the issuance of an Environmental Protection Overlay District Permit on 21 +/- acres, in Phases II and III of the Windham Woods Subdivision located at 1360-B Five Mile Line Road, and the Public Hearing was closed and decision was reserved; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Preliminary and Final Site Plan and Subdivision approval and for an Environmental Protection Overlay District Permit, be and the same are hereby APPROVED for phases II and III of the Windham Woods Subdivision subject to the following conditions:

1. Compliance with or agreements reached on all of the engineering requirements that may be raised by the Town Engineer. The applicant shall obtain the signature of the Town Engineer on the final site plan which shall indicate compliance with this requirement.

2. The signature blocks shall be provided on the subdivision plat and site plan as required by the Town of Penfield Development Regulations and Specifications, with the exception that the Planning Board Chairperson’s signature block shall be replaced with the Town Supervisor’s signature.

3. Compliance with the comments concerning this application from the Development Review Committee as contained in Monroe
County Department of Planning’s Referral #PN10-50ZS, dated January 20, 2011.

(Resolution #11T-092 – Continued)

4. Compliance with all requirements of the Town of Penfield Design and Construction Specifications.

5. The amenities offered by the applicant and accepted by the Board in Resolution No. 175 of 2006 and modified in Resolution #07T-140 of 2007 remain in effect. The owner of the subject property has transferred the appropriate acreage to the Town of Penfield for storm water management purposes; said storm water facility has been constructed by the Town of Penfield and is fully operational. The applicant will be required to provide the remaining amenities as follows:

   a. Installation of sidewalks along the property frontage of the subdivision on Five Mile Line Road, as well as south, to Crossbow Drive. The applicant shall be required to install sidewalks on the north side of King’s Mill Court in all phases of development.

   b. Installation of the sanitary sewer to a location to be approved by the Superintendent of Sanitary Sewers to provide access by those remaining property owners on Five Mile Line Road that do not have sanitary sewer service. The applicant shall also provide a sanitary easement to the southerly property line at a location to be determined by the Superintendent of Sanitary Sewers to provide for the future elimination of the sanitary lift station located on Crossbow Drive.

   c. Installation of plantings along the southerly property line to provide adequate buffer from the residents of Crossbow Drive, subject to the approval of the Town’s Landscape Consultant.

   d. Submission of $10,000 to reimburse the Town of Penfield for the installation of sidewalks along the storm water management facility on Plank Road.

Further, the furnishing of such amenities described above in Condition No. 5 shall be provided and/or secured by a Letter of Credit and/or agreement which shall be acceptable in form and substance to the Town of Penfield and the Town Attorney, and shall be executed prior to obtaining the signature of the Town Supervisor on the final plans.

6. Limits of disturbance as identified on the final site plan shall be strictly enforced throughout site and building construction at the direction of the Town Engineer. Further, the limits of disturbance shall be shown on the site,
grading, utility and landscaping plans. Areas to be preserved as noted on the site plan are to be protected by an above ground orange construction fence per the approval of the Town Engineer and shall be installed prior to any disturbance. Protection measures shall continue until the site is stabilized or the issuance of a Notice of Termination for the development has been issued. The Town Engineer may grant adjustments to the designated tree preservation areas to allow for the removal of a tree designated for retention. The owner or developer will need to demonstrate that there are special conditions that could not have been anticipated at the time the plan was submitted that create unreasonable hardships or practical difficulties that affect sight distance, drainage, utilities, or tree health viability. The Town Engineer may also defer such adjustments to the Town Board, in the event that proposed adjustments may impact the approved buffer of the approved project. The Town Engineer may require additional conditions deemed necessary in the course of construction to fulfill the intent of this Board’s original preservation plan, including additional plantings.

(Resolution #11T-092 - Continued)

7. The final site plan shall contain proper notations regarding the probable presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall the field tile be permitted to exist in close proximity to foundations. The Building Inspector may require some home foundations to be constructed with both interior and exterior footer drains to minimize the impacts associated with high ground water levels.

8. The applicant shall be responsible for the placement of a permanent conservation easement containing a restrictive covenant prohibiting development over the woodland areas to be preserved on the subject property. The homeowners shall be responsible for ensuring that said woodland areas are preserved and that no future development is permitted within the limits of the conservation easement.

9. All site work is to be in compliance with the standards of Chapter 29 – Article V of the Code.

10. Compliance with all requirements of any Federal, State, County or local agency having jurisdiction in the development of this site.

11. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas and other applicable measures deemed appropriate and acceptable to the Town Engineer.
12. Submission of a final landscape plan subject to the approval of the Town Board and its Landscape Consultant. Obtaining the signature of the Landscape Consultant on the final landscape plan indicated compliance with this requirement.

13. The finished ground level adjacent to each building foundation wall shall be graded in such a manner as to provide positive drainage away from the structure and shall be subject to the approval of the Town Engineer and Building Inspector.

14. The applicant shall petition the Town Board for extension of the Intensified Sidewalk District to serve this property.

15. The applicant shall obtain an EPOD permit from the Town Clerk and pay the appropriate fee for any disturbance within the Watercourse and Woodland EPOD’s on the site. The applicant shall calculate the amount of disturbance to each EPOD, in acres or portions thereof, which shall be displayed on the final site plan.

16. Furnishing the Town with a Letter of Credit in an amount to be approved by the Town Engineer. Said Letter of Credit shall insure that: (1) all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield; and (2) that $10,000 of the Incentive Zoning amenity payment should be paid in accordance with the terms and conditions of this Resolution.

17. Submission of all easements, roadway dedication documents, petitions and covenants to implement the approved plan. Said documents shall be submitted in the Town’s format and accompanied by the required filing fees prior to obtaining the signature of the Town Planner on the final site plan. This shall include an inspection easement for all storm water management facilities.

(Resolution #11T-092 – Continued)

18. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.

19. Compliance with the Town’s Street Lighting Policy.

20. Compliance with the Town’s Street Tree Policy.

21. All sanitary sewer connections are to be approved by the Superintendent of Sewers, the Town Engineer and the Monroe County Health Department.
22. The applicant shall provide the Town of Penfield with a copy of all applicable permits, including copies of the Monroe County Highway permits and New York State Department of Environmental Conservation Water Quality Certification.

23. The applicant shall clean the entire parcel, including areas within the “proposed tree clearing limit” of any debris, dead vegetation, or unnatural materials to the satisfaction of the Town Engineer.

24. Structures with walk-out basements or basements that are substantially exposed shall have siding compatible with the main structure installed to within 24 inches of ground level in order to provide an attractive appearance from all sides of the structure.

25. The applicant shall work with the Building Inspector to establish addresses for all proposed buildings. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location for mail box rack installation.

26. Construction is to begin within one (1) year from the date of this Resolution.

27. The approved subdivision plat must be properly recorded in the Monroe County Clerk’s Office prior to the issuance of a building permit.

28. Compliance with the Penfield Town Board’s policy of payment of a Recreation Fee per lot at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.

29. A notation shall be placed on each corner lot within the subdivision stating that: “Any modification in the placement of a home from the location shown on the site plan must be submitted in writing to the Building Inspector prior to application for a building permit for review and approval for compliance with the minimum setback requirements of the Penfield Zoning Ordinance.”

30. This Resolution of approval with conditions shall be printed in its entirety and contained on at least (1) one sheet within the site plan set.

31. Compliance with all of the requirements of the Town Planner regarding this matter.

AND BE IT FURTHER RESOLVED, that the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Planning Department.
(Resolution #11T-092 – Continued)

The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

Subdivision Approval: Factors for Consideration

1. Character of the land, including topography and watercourses. – The Tufa Glen Watercourse flows through the property and the applicant has modified the project layout to avoid disturbance to the majority of the stream within the development portion of the site. A regional storm water management facility has been constructed on the site through the Incentive Zoning requirements of this proposal and is fully operational. The Board is satisfied with the overall layout of the project.

2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. – The project was not initially in conformity with the Zoning Map in that a 4.22 acre portion of the site was zoned for Business Non-Retail use. The Town Board has rezoned that portion of the site to R-1-20 which brings the site into conformity with the Zoning Map. This project is consistent with the Town of Penfield 2010 Comprehensive Plan.

3. Current Development Regulations and Specifications – The applicant shall comply with all current requirements.

4. Street layout and design – The Board has reviewed the proposed street layout and design. The redesign of the road layout from (3) three private drives on cul-de-sacs to a dedicated looped road provides a safer design for the subdivision and its residents. It also provides for a looped water service which provides for greater fire protection for the residents.

5. Street Names – Street names will be reviewed and found acceptable by Monroe County 911 and the Penfield Fire Marshal.

6. Arrangement of lots. – The lot and building arrangement is acceptable to the Town Board in that they will provide additional buffer to the residents of Crossbow Drive and will also reduce the removal of mature trees in phase III of the project.

7. Drainage Improvements – Drainage improvements have been designed and installed to mitigate the project’s impacts on drainage.

8. Utility Sidewalk and Pedestrian access and conservation easements. – Pedestrian patterns have been considered and will utilize sidewalks both along Five Mile Line Road and within the project site. Sidewalks will also be installed south of the

3100 Atlantic Avenue, Penfield, New York 14526, USA
Tel: (585) 340-8600 • Fax: (585) 340-8667 • www.penfield.org
project on Five Mile Line Road to Crossbow Drive to provide pedestrian accessibility for those residents.

9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. - The project will preserve several acres of natural features on the site, including woods and wetlands through the use of conservation easements.

10. Density Calculation - The density calculation was established in Resolution No. 175 of 2006 and remains the same.

11. Special benefited districts required including, but not limited to, lighting sewer, water, ponds, parks, or other improvements. - Specially benefited district formation will be required for an Intensified Sidewalk District. The applicant is familiar with the Town’s process to establish said district.

(Resolution #11T-092 - Continued)

12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department’s criteria as well as the Ordinance. - The site will be serviced by sanitary sewers. No on-site sewage disposal systems (septic systems) are proposed.

13. Documents required for dedication of public improvements. - Sanitary sewers and roadways are proposed to be dedicated to the Town and extension of the water system will be dedicated to the Monroe County Water Authority. The preparation of petitions and ultimate dedication of the facilities to each agency will be required.

Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. - The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks are proposed. The project’s roadways comply with the Town’s Design Criteria for residential development.

2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. - The applicable factors have been found to be acceptable by the Board.
3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. - The Board has had discussions with neighbors and the applicant regarding buffering, tree preservation, tree planting and finds that the approved project provides a reasonable balance between the proposal and existing homes in the area. Buffering will include the placement of vegetation in areas with little to no mature vegetation as well as the preservation of existing vegetation, where practical and effective.

4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. - Not applicable.

5. Adequacy of storm water, sanitary waste disposal, and public water facilities. - The Board has reviewed the applicant’s Engineering Report and has received input from the Town Engineer and other staff regarding the adequacy of these facilities. The Board is satisfied that adequate capacity exists.

6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. - As this project will be a single family single family residential development adjacent to existing single family homes. The redesign of the project from that originally approved will provide for greater buffer from the properties on Crossbow Drive and will provide additional tree preservation in phase III of the project. Tree preservation along portions of the south property line are incorporated as well as additional buffer tree planting. Buffering and setbacks were considered in the review of this project.

(Resolution #11T-092 - Continued)

7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. - A portion of the Woodland EPOD will be disturbed in phases II and III but the applicant has identified mitigation measures that will minimize disruption such as redesigning the road system to allow for the placement of homes further away from the Woodland EPOD than originally proposed. The Town Board granted a waiver from the Town’s Design Specifications to allow a modification to the road radii to accommodate tree preservation and the lots are reconfigured to allow flexibility in placement of the homes on the sites where the EPOD is located.
8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, PEQRLL, IBP, LWRP and any others. Of those documents, plans, laws, acts and reports listed, the following are applicable:

   a. Ordinance – The Town Board, under Local Law No. 2 of 2003 is empowered to modify the Town’s Zoning Ordinance through the Incentive Zoning application process. All applicable Ordinance sections are complied with and the Town Board has superseded the Ordinance through the use of Incentive Zoning.

   b. Master Plan – The Town Board has determined that this project, as proposed and herein approved, is consistent with the Town of Penfield 2010 Comprehensive Plan, for density and use.

   c. Design and Construction Specifications – As previously noted the plan complies with all requirements of the Specifications with the exception of the Town Board waiver for road radii requirements to accommodate tree preservation on site.

   d. SEQRA and PEQRLL – The environmental review of this action is consistent with both SEQRA and PEQR.

   e. The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay, although Tufa Glen Creek does discharge to Irondequoit Creek and ultimately Irondequoit Bay and storm water management proposed for this site is consistent with the recommendations of the Irondequoit Bay Plan.

9. Provisions for adequate drainage away from walls or structures. – See Conditions Nos. 7 and 13, above.

10. Agreements, easements and other required legal documentation shall be approved by the Town Attorney. – See Condition Nos. 5, 16 and 17, above.

11. The impact of the proposed use on adjacent land uses. – The adjacent land uses include a church to the north of the site and residential homes to the south, east and west. Buffering of adjacent residential homes is being provided through tree preservation efforts for existing wooded areas and planting of additional trees where none now exist.

12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a
subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit

(Resolution #11T-092 - Continued)

and said requirement for the payment of the recreation fee shall be noted on the plat.

AND BE IT FURTHER RESOLVED, that Section 276 of the Town Law states that “Conditional Approval of the final plat shall expire within one hundred eighty (180) days after the date of the Resolution granting conditional approval unless such requirements have been certified as complete.”

AND BE IT FURTHER RESOLVED, that this section also states that “The Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if in its opinion such intention is warranted by the particular circumstances thereof, not to exceed (2) two additional periods of ninety (90) days each.”

The Board bases its findings and decision to APPROVE this application on the following:

1. Submissions, written and electronic, as well as oral testimony of the applicant and the public.

2. Previous approvals granted by this Board in Resolutions No. 175 of 2006 and #07T-140 of 2007.

3. Input from other agencies, including but not limited to:


Moved: Moore
Seconded: Quinn

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

Adopted

Public Works

#11T-093  Authorization to Attend Highway Superintendents “Grassroots Campaign” for Local Roads & Bridges in Albany NY by Metzler
WHEREAS, THE NYS Association of Town Highway Superintendents (NYSTHSA) and the NYS Association of County Highway Superintendents (NYSCHSA) co-sponsor a “Grassroots Campaign” in Albany, NY each year, to advocate for an increased share of transportation funding for “Local” roads and bridges, and

WHEREAS, “Local” roads make up 87% of the total highways in New York State and “Local” bridges make up 50% of the total bridges in New York State, and

WHEREAS, the Town of Penfield received approx $163,000.00 last year from NYS for local road maintenance, and

WHEREAS, the NYSTHSA/NYSCHSA “Grassroots Campaigns” have been very successful in the past at Advocating for maintaining our fair share of “Local” Roads & Bridge funding, and

NOW, THEREFORE, BE IT RESOLVED, that Jim Fletcher, Highway Superintendent be and hereby is authorized to attend the NYSTHSA/NYSCHSA “Grassroots Campaign” for Local Roads & Bridges in Albany, NY, March 8-9, 2011 and that reasonable expenses will be reimbursed which are budgeted in the 2011 budget.

(Resolution #11T-093 – Continued)

Moved: Metzler
Seconded: Moore

Vote:

Kohl Aye
Metzler Aye
LaFountain Aye
Quinn Aye

Adopted

Public Safety -None

Community Services

#11T-094 Professional Services for Energy Management Interface with Highway Building by Kohl

BE IT RESOLVED, that the Town of Penfield Parks and Facilities Department be authorized to sign a contract for professional services to upgrade Energy Management Interface with Highway Building.

WHEREAS, the Town of Penfield desires to contract for professional services to upgrade Andover Energy Management to Interface with Highway Building.

WHEREAS, Day Automation Systems Inc. is the sole source provider for Andover System.
NOW, BE IT RESOLVED that the Town of Penfield enter into a contract with Day Automation Systems Inc. to interface with Highway Building for a not-to-exceed cost of $23,283.

BE IT FURTHER RESOLVED that funds for this upgrade are included in the Parks & Facilities budget as part of the American Recovery and Reinvestment Act of 2009.

Moved: Kohl
Seconded: Quinn

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

Adopted

#11T-095 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:

Towpath Volunteers Fife and Drum Corps, PO Box 31, Macedon, NY 14502, Independence Day Parade, 7/2/11, for a fee of $750.00. Voucher to be submitted 6/1/11.

Webster Marching Band, 875 Ridge Road, Webster, NY 14580, Independence Day Parade, 7/2/11, for a fee of $900.00. Voucher to be submitted 6/1/11.

Young Explosives Corporation, PO Box 18653, Rochester, NY 14618, to provide fireworks display Saturday, July 2, 2011 for a fee of $10,000.00. Voucher to be submitted on 6/1/11.

Music Rochester, Inc., PO Box 12732, Rochester, NY 14612, to provide Gap Mangione and his big band to perform Saturday, July 23, 2011 at Penfield Amphitheater for a fee of $2600.00. Voucher to be submitted on 7/6/11.

(Resolution #11T-095 - Continued)

Bob Sneider, 730 Edgewood Avenue, Rochester, NY 14618, to provide the Bob Sneider Group to perform Tuesday July 12 for “Cool Jazz” for a fee of $800.00. Voucher to be submitted on 6/15/11.

Rod Blumenau, 38 Brantley Way, Penfield, NY 14526, to provide entertainment “The King's Swingers” Tuesday, August 2 for “Cool Jazz” 7:00 PM – 9:00 PM for a fee of $750.00. Voucher to be submitted on 7/6/11.
Jim Doser, 14 Summer Glen Dr., Penfield, NY 14526, to provide the Jim Doser Group to perform Tuesday July 26, 2011 for “Cool Jazz” for a fee of $700.00. Voucher to be submitted on 7/6/11.

Jamie Cosco, 1906 Crittenden Road, Apt. 8, Rochester, NY 14623 to provide musical entertainment Ruby Shooz on Saturday July 30, 2011 Amphitheater Music Program for a fee of $1,200.00 voucher to be submitted on 7/6/2011.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business

#11T-096 Authorization for Susan Kreiser to Attend Seminar on Stormwater Design on Redevelopment Projects by Metzler

WHEREAS, the Monroe County Soil & Water Conservation District offers a (1) one day training program on Stormwater Design on Redevelopment Projects; and

WHEREAS, Susan Kreiser is a member of the Planning Board and the Watershed Management Committee and this class will greatly improve her knowledge and understanding of stormwater issues for upcoming projects; and

WHEREAS, the Town Board supports the continued education of volunteers on Town committees; and

WHEREAS, NYS Law requires the continued training of board members; and

WHEREAS, the cost of this program is $230.00 and it will be split between the Engineering Department and the Planning Department from their respective training budget lines.

NOW, THEREFORE, BE IT RESOLVED, that Susan Kreiser is hereby authorized to attend the Stormwater Design on Redevelopment Projects, to be held on March 1st at the Henrietta Fire Training Facility. The registration fee of $230.00 will be allocated from the Engineering and Planning Departmental conference budget line.

Moved: Metzler
Seconded: Moore

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

Legislator Debbie Drawe, 5 Cobblestone Crossing, congratulated Councilman Quinn and Dave Renner on the birth of their sons.

Ms. Drawe informed Supervisor LaFountain that resident Rose Hanscom had been in the audience earlier this evening and wanted Ms. Drawe to let the Supervisor know what a great job he did in delivering the State of the Town Address.

Ms. Drawe informed the Town Board that the Monroe County Health Department is working with the State Health Department to provide free vaccination clinics for the Whopping Cough Vaccine known as Pertussis. The clinics will be held on Monday, February 28, March 7, 14, 21 & 28, 2011 at the Monroe County Health Department at 111 Westfall Road. For more information call 753-5150. A free Whooping Cough Vaccination Clinic will also be held on Saturday, February 26, 2011 from 9:00 to Noon at the Rochester Public Market.

Ms. Drawe stated she will hold office hours along with Legislator Dan Quatro on Monday, February 21, 2011 from 6:00 – 8:00 PM at the Penfield Community Center.

Adjournment - Supervisor LaFountain adjourned the meeting at 9:23 PM.

Amy Steklof
Town Clerk
Schedule
"A"

WINDHAM WOODS SUBDIVISION
DESCRIPTION OF LANDS ZONED BN-

All that tract or parcel of land situate in the Town of Penfield, County of Monroe, State of New York, all as shown on a map entitled "Windham Woods Plat Map Section 2", prepared by Costich Engineering, P.C., having Drawing No. 4730 CA100, dated 10/18/2010, said map to be filed in the Monroe County Clerk's Office, being more particularly bounded and described as follows:

Beginning at a point at the easterly bounds of Five Mile Line Road- County Road 18 (66' R.O.W.), said point being the northwesterly corner of Lot No. 203; thence

1. N89°43'03"E, a distance of 864.52 feet to a point; thence
2. N00°16'57"W, a distance of 161.13 feet to a point; thence
3. N88°51'22"E, a distance of 422.77 feet to a point; thence
4. S00°19'10"E, a distance of 398.46 feet to a point; thence
5. S89°43'03"W, a distance of 261.85 feet to a point; thence
6. N24°44'32"W, a distance of 204.30 feet to a point; thence
7. S89°43'03"W, a distance of 941.06 feet to a point; thence
8. N00°16'56"W, a distance of 45.00 feet to the point and place of beginning.