PENFIELD TOWN BOARD AGENDA

Wednesday, April 6, 7:30 PM

Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing To Consider Amendments to Articles II and VII of the Penfield Zoning Ordinance

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – March 2, 2011 and March 16, 2011

VII Petitions

VIII Resolutions by Function

Law and Finance
#11T-111 Authorization to change Dog Impoundment Fees
#11T-112 Appointment to Zoning Board of Appeals
#11T-113 Approval of Incentive Zoning Application and Preliminary & Final Subdivision to allow the Subdivision of an Existing Single Family Residence and Development of 28 Townhouses at 2433 Penfield Road in the RR-1 Zoning District
#11T-114 Adoption of Local Law No. 1 of 2011 – Repealing Local Law #3 of 1996 “Penfield Environmental Quality Review Law (PEQR)”

Public Works
#11T-115 Authorization to Advertise for Sealed Proposals for new Sidewalk Construction Bids

IX Old Business

X New Business

XI Public Participation

XII Adjournment
The Regular Meeting of the Penfield Town Board was held on Wednesday, April 6, 2011 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  
R. Anthony LaFountain  Supervisor  
Linda Kohl  Councilwoman  
Andrew Moore  Councilman  
Robert Quinn  Councilman

Absent:  
Paula Metzler  Councilwoman

Also Present:  
Amy Steklof  Town Clerk  
Richard Horwitz  Town Attorney  
Jim Costello  Director of Developmental Services  
Doug Fox  Town Planning Consultant  
Harold Morehouse  Building and Zoning Administrator  
Andy Suveges  Building/Code Compliance Inspector

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by the Penfield High School Varsity Cheerleaders.

Penfield Fire Company Chief, Jeff Withall promoted the Volunteer Recruit New York Open House to be held at the Penfield Fire Company Station #1, 1838 Penfield Road, on April 9, 2011 from 11:00 AM to 3:00 PM.

Chief Withall thanked the Town for allowing the Penfield Fire Company to advertise their fund drive.

Supervisor LaFountain recognized the Penfield High School Varsity Cheerleaders who recently attended a National Cheerleading Competition in Kentucky.

Debbie McCord, parent of one of the cheerleaders, announced that the Varsity Cheerleading team came out on top as National Champions and also received the Superior Showmanship Award.

Supervisor LaFountain congratulated the cheerleaders for their success.

Councilwoman Kohl and Councilman Quinn assisted Supervisor LaFountain in handing out Certificates of Recognition to each member of the cheerleading team.

Public Hearing #1 – To Consider Amendments to Articles II and VII of the Penfield Zoning Ordinance

The Town Clerk read the title of Notice of Public Hearing, said Notice was published in the Penfield Post on March 24, 2011, posted on the website and on the Bulletin Board. Mr. Horwitz declared the Hearing properly before the Board.

Andy Suveges, Building/Code Compliance Inspector gave a brief overview of the proposed modifications to Article II “Definitions” and Article VII “Signs” of the Penfield Zoning Ordinance.
Supervisor LaFountain stated that the current Sign Ordinance has been in place for over 30 years.

Eileen Wrona, owner of Enchanted Rose Garden, 1850 Penfield Road read a statement in which she spoke out against the proposed changes to the Sign Ordinance. Ms. Wrona stated she feels that it is too restrictive and that it would not allow her to advertise in the way she feels she would need to in order to attract customers. Ms. Wrona would like the Ordinance to be re-examined.

An e-mail was received that spoke in favor of the proposed modifications to the Sign Ordinance. The e-mail also suggested that temporary signs be removed within 48 hours of an advertised event, otherwise a small fine should be imposed for violations.

(Public Hearing #1 - Continued)

The Town also received an e-mail from Mark Sowden, 904 Phaeton Drive, which stated his concern that the restriction of only (5) five signs would seriously curtail the ability for Non-Profit Organizations to fundraise. The e-mail also stated Mr. Sowden’s concern that Article VII-20 is overly restrictive.

Chuck Fox, 1555 Harris Road called in regard to Boy Scout Troop 312. Mr. Fox stated that they hold (2) two fundraisers in the Town of Penfield, a Pancake Breakfast and a Christmas Tree Sale. Mr. Fox is concerned about the Ordinance’s restrictions regarding signs on the side of the road.

Hearing closed.

Communications and Announcements

1. The next Town of Penfield Passport Night will be held Thursday, April 7, 2011 from 5:30 to 7:30 PM in the Penfield Town Hall Auditorium, 3100 Atlantic Avenue. For more information call Town Clerk Steklof at 340-8629 or Monroe County Clerk’s office at 753-1600.

2. The Penfield Young Open and Honest Players (YOHP) will be holding auditions for their summer musical, “The Mystery of Edwin Drood” on April 26 and April 28, 2011 starting at 5:00 PM at the Penfield Community Center, 1985 Baird Road. For more information call 340-8664.

3. The Jackson Road shoulder reconstruction project is underway as of today between Jackson Road Extension and Atlantic Avenue and also Jackson Road around the State Road area.

4. Penfield Trails Committee will host a free outdoor hike in Channing Philbrick Park on Saturday, April 9, 2011 at 10:00 AM to register call 340-8655.

5. Supervisor LaFountain paused the Town Board meeting in order to talk to Councilwoman Paula Metzler via live remote from Harris Hill Elementary School where she was attending the “Night of a Thousand
Stars” celebrity reading event, as a representative of the Town Board. The event is run by the Harris Hill Fifth Graders. Supervisor LaFountain thanked the entire PCTV staff for making this live broadcast the first in Penfield TV History.

6. Penfield Town Offices will be closed Friday, April 22, 2011 in observance of Good Friday.

7. The next “Living Next to Stormwater Ponds II” will be held in the Town Hall Auditorium, 3100 Atlantic Avenue on Tuesday, April 12, 2011 at 7:00 PM.

8. Supervisor LaFountain recognized Atria residents, Martha Jean E. for her birthday on April 4th, Mary T. for her birthday on April 5th, and Margaret D. for her birthday on April 7th and thanked Atria residents and staff for their support of the Town.

9. Penfield’s 2011 Spring Clean up will kick-off Saturday, April 9, 2011 from 9:00 AM to Noon. “Pick up the Parks” is a partnership of Monroe County Parks and Sunnking Electronics Recycling. Ellison Park in Penfield is included in the Spring Clean Up. For more information contact Ryan Lloysen at rloysen@monroecounty.gov or (585) 753-7281.

10. Household Hazardous Waste Collection for Penfield and Webster will be held on Saturday, April 16, 2011 from 7:45 AM to Noon at the Town of Webster Highway Garage, 1005 Picture Parkway. To make an appointment call (585)-340-8710.

(Communications and Announcements – Continued)

11. Councilwoman Kohl’s next Community Chat will be held on Saturday, April 9, 2011 from 9:00 AM to 10:30 AM at Bruegger’s Bagels, Panorama Plaza, 1601 Penfield Road.

12. The Town of Penfield Recreation Department will hold the Children’s Egg Hunt on Saturday, April 16, 2011 at 10:00 AM in Rothfuss Park, 1648 Five Mile Line Road.


Public Participation

Andrew William Kelley, 11 Panorama Trail commented on the sidewalk project stating he has been unable to find any updated information on the Town’s website relating to Panorama Trail.

Mr. Kelley stated that he feels that the lack of sidewalks near his home poses a dangerous situation for pedestrians.
Mr. Kelley also stated he was puzzled as to why the Town would go out for bids on sidewalk construction without the residents being informed of where the sidewalks would be placed.

Supervisor LaFountain explained that the Town typically receives bids first and then decides where the sidewalks will go.

Supervisor LaFountain also stated that completing the sidewalk project on Panorama Trail is a high priority and sidewalk installation for 2011 will be discussed at the next Town Board Work Session on Wednesday, April 13th.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of March 2 and March 16, 2011. Councilman Quinn seconded, and all voted “aye.”

Petitions - None

Resolutions by Function

Law and Finance

#11T-111 Authorization to Change Dog Impoundment Fees by Moore

WHEREAS, Section 8 of the Penfield Dog Licensing and Animal Control Law authorizes the Penfield Town Board to make changes to impoundment fees, and

WHEREAS, the Town Board desires to update and change said fees to reflect current costs.

NOW, THEREFORE, BE IT RESOLVED, THAT the impoundment fees set forth in Section 8 D (1) (2) and (3) are hereby changed as follows:

(1) Not less than $20.00 for the first 24 hours or part thereof and $15.00 for each additional 24 hours or part thereof for the first impoundment of any dog owned by that person.

(2) Not less than $30.00 for the first 24 hours or part thereof and $15.00 for each additional 24 hours or part thereof for the second impoundment of any dog owned by that person.

(Resolution #11T-111 - Continued)

(3) Not less than $50.00 for the first 24 hours or part thereof and $15.00 for each additional 24 hours or part thereof for the third and subsequent impoundments of any dog owned by that person.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-112 Appointment to Zoning Board of Appeals by Moore

BE IT RESOLVED, that Roseann Denoncourt, 51 Scarborough Park, Penfield, NY, be appointed to the Zoning Board of Appeals for a term expiring December 31, 2012, at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-113 Approval of an Incentive Zoning Application and Preliminary and Final Subdivision and Site Plan Approval to Allow 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 #140-2-1-50 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 Site Plan and Resubdivision Approval under Articles VIII-8-2 and XI-9-2 to allow 28 Townhomes on 16.2 +/- acres located at 2433 Penfield Road; 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 an unlisted action and the Town Board hereby determines that this action will not result in a significant adverse environmental impact to the environment; and

WHEREAS, on February 16, 2011, in Resolution No. 11T-089 the Town Board adopted a Findings Report for the Incentive Zoning Application for the proposed 28 Townhomes on 16.2 +/- acres located at 2433 Penfield Road; 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 March 9, 2011, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of Incentive Zoning Approval and Preliminary and Final Site Plan and Resubdivision Approval to allow 28 Townhomes on 16.2 +/- acres located at 2433 Penfield 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 Resubdivision approval, be and the same are hereby APPROVED subject to the following conditions:

(Resolution #11T-113 - Continued)
1. Compliance with or agreements reached on all of the requirements that may be raised by the Project Review Committee including, but not limited to those raised in their memos dated January 21, 2010, November 17, 2010 and March 23, 2011. The applicant shall obtain the signature of the Town Planner on the final site plan which shall indicate compliance with this requirement.

2. Compliance with or agreements reached in the memo from Jim Costello, Director of Developmental Services, dated March 22, 2011.

3. Compliance with or agreements reached on the recommendations of the Penfield Planning Board memo dated February 3, 2011.

4. Compliance with or agreements reached on the recommendations of the Penfield Conservation Board’s report dated February 1, 2011.

5. The signature blocks shall be provided on the subdivision plat and site plan as required by Section 1.1 of 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.


7. The amenities warranted by this Incentive Zoning application have been determined by the Town Board and shall be furnished as follows:
   a. $250,000 shall be paid to the Town of Penfield.
   b. The applicant shall provide senior housing which is both affordable and unique to the Town of Penfield. The applicant will identify variable price points to provide options to those proposing to live in the 28 townhomes.

Further, the furnishing of such amenities described above in paragraph (a.) 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.

8. 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.

9. 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.

10. 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 association 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.

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

12. The final exterior architectural details pertaining to the proposed townhouses shall be the same as those reviewed by the Town Board under the Arbor Ridge Subdivision application located immediately west of the subject property.

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

14. 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.

15. 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.
16. The applicant shall petition the Town Board for extension of the Consolidated Sanitary Sewer District to serve this property.

17. 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 the above described Incentive Zoning amenity payment(s) should be paid in accordance with the terms and conditions of this Resolution.

18. 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 stormwater management facilities.

(Resolution #11T-113 – Continued)

19. A homeowner’s association shall be established by the applicant which shall be responsible for the continuous maintenance of all common areas and all storm water management facilities to be held in private ownership.

20. 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.

21. Submission of a plan for exterior lighting to be approved by the Town Engineer; said plan shall show lighting localized and unobtrusive. The applicant shall also be responsible for petitioning the Town Board for the creation of an Intensified Lighting District.

22. All sanitary sewer connections are to be approved by the Superintendent of Sewers, the Town Engineer and the Monroe County Health Department.

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

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

25. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location and time frame for mailbox rack installation.
26. 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.

27. 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.

28. 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 Town Supervisor.

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 - Stormwater runoff has been accommodated to the satisfaction of the Town Engineer. 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. - This project is consistent with the Town of Penfield Comprehensive Plan 2010.

3. Current Development Regulations and Specifications. - The applicant shall comply with all current requirements. See condition No. 5, above.

4. Street layout and design. - The Board has reviewed the proposed street layout and design. The road design complies with the Town’s Design Criteria for distance and design.

(Resolution #11T-113 - Continued)

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.

7. Drainage Improvements. - Drainage improvements have been designed to mitigate the project’s impacts on drainage. A private pond will be installed and the design reflects input from the Town Engineer. The pond will be owned and maintained by the project’s homeowners association.

8. Utility Sidewalk and Pedestrian access and conservation easements. - Pedestrian patterns have been considered and will utilize path systems within the project site. The Board will not require sidewalks along one side of the project as it is a cul-de-sac with no through traffic.
The Board will not require sidewalks along the property frontage on Penfield Road because there are no sidewalks to connect to if they were constructed. The applicant is proposing an interior pedestrian sidewalk and trail system to provide access to all areas of the development for its 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 federal wetlands. The open spaces will be owned and maintained by a homeowner’s association.

10. Density Calculation. - The density calculation results in a density of 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.

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 a Sewer District extension and the Intensified Lighting District. The applicant is familiar with the Town’s process to establish said districts.

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 & trails are proposed. The project’s roadways comply with the Town’s Design Criteria for residential development.

(Resolution #11T-113 - Continued)

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 clustering of structures and road placement in areas with little to no mature vegetation as well as the preservation of existing vegetation, where practical and effective. In addition, the applicant, Director of Developmental Services Jim Costello, and the owner of 2445 Penfield Road, Mr. Tim Crane, have walked the property together and discussed the landscaping needed to appropriately buffer the townhouses from 2445 Penfield Road. The applicant has permitted Mr. Crane the ability to remove and transplant from his site any number of trees and plantings he deems necessary to supplement buffering along his property line. In addition, Mr. Barbato will provide additional landscaping at the Town’s direction to finalize the buffering of the easterly property line.

4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. - While this project involves townhomes that are considered single family residences, the project also entails, substantial common area and open space that will be available for passive and some active recreational activities of the residents.

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. Sanitary sewer capacity is available through the Town of Perinton.

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 townhome development adjacent to existing single family homes, no significant negative impacts have been presented. Buffering and setbacks were considered in the review of this project.

7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. - No environmentally sensitive areas are present on the project site and the project has been designed to minimize the disturbance to the existing forested areas.

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, for density, setbacks, lot area, among others, as more fully explained in the Findings Report dated February 16, 2011.

(Resolution #11T-113 – Continued)

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


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.

9. Provisions for adequate drainage away from walls or structures. – See Conditions Nos. 8 and 14, above.

10. Maintenance agreements, easements and other required legal documentation shall be approved by the Town Attorney. – See Condition Nos. 9 and 17, above.

11. The impact of the proposed use on adjacent land uses. – 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.

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 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. Town Board Resolution No. 11T-089 wherein the Town Board adopted a Findings Report for the Incentive Zoning Application on February 16, 2011.

3. Historic Resources Survey for the Town of Penfield (Spurgeon C. King, September, 1991)

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

   (Resolution #11T-113 – Continued)


   d. Memo from Jim Costello dated March 22, 2011.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-114 Adoption of Local Law No. 1 of 2011 – Repealing Local Law #3 of 1996 Titled, “Penfield Environmental Quality Review Law (PEQR)” by Moore

WHEREAS, by Resolution No. 261 of 1977, the Town of Penfield adopted the Environmental Quality Review Law (PEQR) of the Town of Penfield, which established procedures to implement Article 8 of the New York State Environmental Conservation Law for local Penfield agencies; and

WHEREAS, in 1978, under Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA) came into existence, establishing procedures for all New York State, regional and
local government agencies to provide comprehensive environmental reviews of government actions; and

WHEREAS, on June 1, 1987, SEQRA underwent significant revisions, reflecting court interpretations, case law and other sources to provide clarification and better direction on compliance; and

WHEREAS, on December 21, 1987, the Town of Penfield adopted Local Law No. 2 of 1987, providing revisions to PEQR to reflect recently adopted changes in SEQRA; and

WHEREAS, on January 1, 1996, further changes to SEQRA were implemented, following state-wide public comment and a Generic Environmental Impact Statement; and

WHEREAS, revisions to PEQR, by Local Law No. 3 of 1996 were also adopted to accurately reflect those changes to SEQRA; and

WHEREAS, over the following 15 years, the Town of Penfield has been evaluating the value of PEQR as it relates to environmental quality and its differences with the State’s SEQRA regulations, determining that there are few examples of higher levels of environmental protection afforded to the Town of Penfield that cannot be obtained through proper implementation of the SEQRA regulations; and

WHEREAS, based upon this evaluation, a Public Hearing on the possible repeal of PEQR was held on February 16, 2011, for the purpose of hearing public comments on value of maintaining a Local Law, when a comprehensive State law exists; and

WHEREAS, comments made at the Public Hearing reflected opinions that the Local Law, while effectively serving the Town of Penfield during latter part of the twentieth century, has become an administrative burden, provides no additional environmental protection for the Town that is not afforded by the SEQRA regulations and is, in fact, redundant legislation that should not be continued; and

(Resolution #11T-114 – Continued)

WHEREAS, the Town Board of the Town of Penfield has requested and received input from the Monroe County Department of Planning & Development, Referral PN11-5Z, dated March 15, 2011, containing no comments; and

WHEREAS, the Town Board of the Town of Penfield has prepared and considered an Environmental Assessment Form to properly consider the potential impacts of repealing Local Law No. 3 of 1996 and has found that the repeal of said Local Law will not have any potentially significant adverse impacts for the following reasons:

1. There are very few differences between PEQR and SEQRA and many sections of PEQR simply refer to specific sections within SEQRA.

2. The reduced thresholds contained in PEQR for Type I actions have generated a significant amount of administrative burden, without demonstrating any benefit to the environment.
3. The most important aspect of an environmental review of an action is the determination of significance, or whether the action may or may not have any potentially adverse significant impacts on the environment. SEQR has a well-established procedure for determination of significance, which is fully explained and explored in the SEQRA Handbook, available through the New York State Department of Environmental Conservation (NYSDEC).

4. Through past correspondence provided by Mr. Robert Shearer, Deputy Regional Permit Administrator for NYSDEC (dated February 22, 1996) and Mr. Thomas Goodwin, Senior Environmental Planner for the Monroe County Department of Planning & Development (dated February 28, 1996), it was noted that state and regional agencies experience confusion and frustration with local environmental regulations that differ from the state regulations that other agencies follow. It was also noted that reliance on only the SEQRA regulations would not be less protective of the environment and would provide better consistency for coordinated reviews of actions. These comments were offered in 1996, when Penfield was previously considering repeal of PEQR. At that time, the revisions to SEQRA were so new that it was determined prudent to delay this action until there was more experience with 1996 SEQRA revisions. However, the comments still reflect appropriate rationale for repeal.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY IS ENACTED by the Town Board of the Town of Penfield Local Law No. 1 of 2011, to be known as Repealing Local Law #3 of 1996 Titled, “Penfield Environmental Quality Review Law (PEQR)” as follows and as set forth in “Schedule A” annexed hereto; and

BE IT FURTHER RESOLVED, that this Law will be effective upon its filing with the Secretary of State by the Town Clerk upon adoption.

Moved: Moore  
Seconded: Quinn

Vote:  
Kohl       Aye  
Metzler  Absent  
LaFountain  Aye  
Moore  Aye

Adopted

See “Schedule A” at end of Minutes

Public Works

#11T-115  Authorization to Advertise for Sealed Proposals for the New Sidewalk Construction Bids by Metzler

WHEREAS, the Town of Penfield desires to construct sidewalks within the Town in accordance with the Town Sidewalk Policy, and
WHEREAS, the Town of Penfield is committed to providing safe pedestrian access ways for its residents, and

BE IT RESOLVED, that the Town Engineer be, and hereby is, authorized to advertise, in the manner prescribed by Law, for sealed proposals for sidewalk installation, replacement of existing asphalt sidewalks and damaged concrete sidewalks where needed.

BE IT FURTHER RESOLVED, that installation methods and materials covered by such sealed proposals shall be in accordance with plans and specifications which have been prepared by the Town of Penfield Engineering Department and are to be advertised on April 14th and received in the Office of the Town Clerk until 11:00 AM, EST, Friday, April 29th, 2011, at which point they are to be opened and publicly read.

Moved: Quinn
Seconded: Moore

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

Adopted

See Attachment at End of Minutes

Public Safety - None

Community Services

#11T-116 Authorization for Supervisor to Sign Penfield Community Television Contract by Kohl

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the following contract for videographer services:

Jason R. Darnieder
1331 Marsh Road
Pittsford, NY  14534

Katherine Quigley
979 Five Mile Line Road
Webster, NY  14580

BE IT FURTHER RESOLVED, that the fee is $18.00 for each consecutive hour as determined by the Cable Coordinator and staff.

Moved: Kohl
Seconded: Quinn

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

Adopted
#11T-117  Advertise for Bid Athletic Field Marker by Kohl

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

(Resolution #11T-117 - Continued)

One (1) Athletic Field Marker

BE IT FURTHER RESOLVED, that the Athletic Field Marker covered by such sealed proposal are in accordance with the specifications prepared by the Director of Parks and Facilities, and on file with the Town Clerk. Sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM Local Time on Tuesday, April 26, 2011 and then and there be opened and read publicly.

Moved: Kohl
Seconded: Moore

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

Adopted

#11T-118  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:

Ghost Riders Drum & Bugle Corps, 216 Wycliff Drive, Webster, NY 14580, Independence Day Parade, 7/2/11, for a fee of $650.00. Voucher to be submitted 6/1/11.

Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Euchre on 4/25/11 – 6/6/11 for a fee of 75% of total program revenue. Voucher to be submitted on 6/1/11.

Allen Hopkins, 111 Newcastle Road, Rochester, NY 14610, Provide musical entertainment “Allen Hopkins and the Canal Crew” for “Kids Fest” at the Penfield Amphitheater on July 21, 2011 for a fee of $500.00. Voucher to be submitted on 6/15/11.

Moved: Kohl
Seconded: Quinn

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

Adopted
Old Business - None

New Business - None

Public Participation

Rose Hanscom, 145 Anytrell Drive stated that she just came from attending a Core Belief meeting with the Webster Central School District at which there was a discussion about recognizing the Webster Central School District students who are residents of Penfield.

Ms. Hanscom also stated she would like all drivers on the road to be aware of bicyclists and to please give them the right-of-way.

Ms. Hanscom asked why there are construction flags on Jackson Road?

Supervisor LaFountain stated that they are improving drainage and repaving the road.

Ms. Hanscom also asked whether sidewalks will be installed in that area?

Supervisor LaFountain responded there are no plans at this time.

Adjournment – Supervisor LaFountain adjourned the meeting at 8:53 PM.

Amy Steklof
Town Clerk
Schedule “A”

Hearing: 02/16/11
Adopted: 04/06/11
Effective: 04/11/11

TOWN OF PENFIELD
LOCAL LAW # 1 of the YEAR 2011

Repealing Local Law #3 of 1996
Titled, “Penfield Environmental Quality Review Law (PEQR)”

Section 1. Local Law #3 of 1996 titled, “Penfield Environmental Quality Review Law (PEQR)” is hereby repealed.

Section 2. This Local Law will take effect immediately upon filing with the Secretary of State of the State of New York. A copy of the Local Law must be filed with the Commissioner of the Department of Environmental Conservation.
NOTICE TO BIDDERS

The _______ Town of Penfield _______ will receive sealed proposals for
(Town or Village or Agency)

2011 Sidewalk Construction

Proposals shall be received and bids publicly opened and read on:

29th, April _______ at _______ 11:00 am _______
(Day) (Date) (Time)

At _______ Town of Penfield Town Hall, 3100 Atlantic Ave. _______
(location of bid opening)

This project is partially funded by the U.S. Department of Housing and Urban Development (HUD) through the Monroe County Community Development Administration. Therefore, all federal regulations governing contracts apply, including Labor Standards Provisions and Davis-Bacon wage rates, Equal Employment Opportunity regulations and Section 3 Provisions.

Contract bid documents may be obtained at Town of Penfield, Town Hall

CONTRACT BID DOCUMENTS may be examined at:

Town/Village of _______ Penfield _______

Builders’ Exchange, 180 Linden Oaks, Suite 100, Pittsford, NY 14534, Dodge Report Office, 30 Erie Canal Drive, Suite H, Rochester, New York 14626; the Monroe County Department of Planning and Development, Community Development Administration, 8100 City Place, 50 West Main Street, Rochester, New York 14614, and

_________ Town of Penfield 3100 Atlantic Ave. _______
(Engineering firm, town, village or agency address)

By order of: _______ Amy Steklof, _______ Town Clerk _______