PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, May 18, 2011 7:30PM
Supervisor R. Anthony La Fountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II  Communications and Announcements

III  Public Participation

IV  Additions and Deletions to Agenda

V  Approval of Minutes –May 4, 2011

VI  Petitions

VII  Resolutions by Function

Law and Finance
#11T-137 2011 Budget Transfers-Computer Equipment
#11T-138 Acceptance of the Draft Annual Report for Compliance with the Phase II Stormwater Regulations
#11T-139 Authorization for Insurance Coverage 2011-2012
#11T-140 Authorize Town Supervisor to sign Insurance Consultant Agreement with B.M.A. Consulting Services, Inc.
#11T-141 Authorization for Supervisor to Execute a License and Hold Harmless Agreement with the Owner(s) of #33 Peak Hill Drive, for Continuance of a Garage Encroachment into a Sanitary/Storm Sewer Easement
#11T-142 Adoption of a Findings Report for Incentive Zoning Application to permit the Construction of 6 Duplex Units and Subdivision of the Existing Residence at 2014 Five Mile Line Road
#11T-143 Adoption of Amendments to the Penfield Zoning Ordinance
#11T-144 Setting a Public Hearing for a Special Permit to Allow the New Ownership and Operatorship of the Bayside Boat and Tackle Shop and Snack Bar at 1350 Empire Blvd.

Public Works
#11T-145 Awarding a Contract for the 2011 Sidewalk Construction Program
#11T-146 Proclamation to Support National Public Works Week in the Town of Penfield
#11T-147 Authorization to Attend Cornell Local Roads Program, 66th Annual School for Highway Superintendents
Penfield Town Board, May 18, 2011

The Regular meeting of the Penfield Town Board was held on Wednesday, May 18, 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 - 8:30 PM
Andrew Moore Councilman
Robert Quinn Councilman

Also Present: Amy Steklof Town Clerk
Bob Beedon Town Comptroller
Kathy Kanauer Town Historian

Absent: Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order – Pledge of Allegiance was led by members of the Penfield Volunteer Emergency Ambulance (PVEA).

Councilman Quinn stated that this week is National Emergency Medical Services (EMS) week commemorating men and women who volunteer for the Fire Department and Ambulance Services. Councilman Quinn recognized members of the Penfield Volunteer Ambulance and presented a Proclamation to them.

Ted Boccuzzi, current outstanding member of the year for the PVEA thanked the Town Board and Penfield residents for their support of the PVEA.

Supervisor LaFountain recognized and thanked the PVEA members as well as Councilman Quinn who also serves as a volunteer for the PVEA.

Communications and Announcements

1. Town Clerk Steklof introduced Jim Paduchowski and Dave Wolf from Kiwanis Club of Penfield-Perinton Foundation. Mr. Paduchowski announced that the annual Community Charity Golf Tournament at Shadow Lake Golf Club will be held on Monday, June 20, 2011 starting at 10:00 AM. This charity event is brought to the Penfield Community by the Town of Penfield and the local Kiwanis Club. All proceeds will benefit local charities. For more information go to www.penfieldperintonkiwanis.org or contact Geoff Benway at penway@penfield.org.

2. The Town of Penfield and the Monroe County Health Department will be hosting its free annual Rabies Clinic on Saturday, June 4, 2011 from 10:00 AM to Noon at the Penfield Sewer Garage, 1607 Jackson Road. For more information call 340-8616.

3. The Mobile DMV has been cancelled at the Town Hall for Tuesday, May 24, 2011 and will resume its Tuesday services at the Town Hall on May 31, 2011.

4. The Senior Citizen Police Academy graduation will be held at the Penfield Community Center, 1985 Baird Road in Court Room A on Thursday, May 26, 2011 at 9:30 AM. For more information go to www.penfield.org.

5. Councilman Quinn’s next office hours will be held on Saturday, May 21, 2011 at the Dunkin Donuts at Lloyd’s Corners, NYS Routes 250 and 441 at 8:30 AM – 10:00 AM. Councilman Quinn can be reached at quinn@penfield.org or by phone at 944-5752.

6. The Town of Penfield Memorial Day Ceremony of Remembrance will be held on Monday, May 30, 2011 at 10:30 AM in Penfield Veteran’s Memorial Park at the Amphitheater behind the Town Hall.
7. Willow Pond, located in the southern part of Penfield, has been declared a Dam by the Department of Environmental Conservation (DEC). Because of this, the Town was required to remove trees and grade the area at the Town’s expense. The Town has fulfilled the requirements of the DEC.

8. The Ruoff property which was purchased by the Town of Penfield, a while back, was found to have contamination on the property. The Town put in place a clean up process which has since been completed.

9. The Town of Penfield’s annual “Taste of Penfield” will be held on Friday, June 3, 2011 at 5:00 PM in Penfield Veteran’s Memorial Park at the Amphitheater behind the Town Hall. Tickets will go on sale at 4:30 PM and the Penfield High School’s Jazz Ensemble will play between 5:00 PM and 8:00 PM.

10. Penfield Little League will be hosting the 2nd annual “Honor our Heroes” program on Saturday, May 28, 2011 at 9:00 AM. The program will be held at the Penfield Veteran’s ball fields, (Zabkar Field) behind the Town Hall. For more information go to www.penfieldbaseball.com.

11. Residents can participate in the Rothfuss Park Farm Walk on Five Mile Line Road for the months of June, July and August with a different theme each month. A Farm Walk passport can be found in the red box at the playground. For more information call (585) 340-8655.

12. Councilman Moore recognized the Penfield Courtyard Marriott for winning the Diamond General Manager Award for General Manager Jeff Schott, and for winning the Platinum Circle Award for finishing the year in the top 5% of all Courtyard Hotels in overall guest satisfaction surveys. The hotel was also awarded the Responsive to Guests Needs Award Nationwide.

13. Penfield Recreation’s YOHP’s comic sketch “The Dining Room” will be held Friday, June 3 and Saturday, June 4, 2011 at 7:00 PM at the Penfield Community Center, 1985 Baird Road. For more information call (585) 340-8655.

14. The last (2) two days for the Penfield Players Spring Play “Horse Scents” will be held, Friday, May 20 and Saturday, May 21 at 8:00 PM in the Penfield Community Center. For more information go to www.penfieldplayers.org.

15. Councilwoman Kohl’s next Community Chat will be held Saturday, June 11, 2011 from 9:00 AM - 10:30 AM at Bruegger’s Bagels, Penn Fair Plaza, 2200 Penfield Road.

16. Kathy Kanauer, Town Historian will lead the Annual Memorial Day Walk in Oakwood Cemetery located on Baird Road on Friday, May 27, 2011 at 7:00 PM. For more information call (585) 340-8740.

Public Participation

Kathy Kanauer, Town Historian and representing the Historic Preservation Board announced that May is National Preservation Month. The Historic Preservation Board recognizes it by presenting the Jeff Crane Award to individual(s) who demonstrate careful stewardship of Penfield’s Architectural and Historic Heritage. This year’s award will go to the Centner Family who had resided at 1751 Penfield Road. The home was built in 1830.

Tom Cleary, 1250 Jackson Road asked if the Off Road Drainage Fund will be reimbursed when the shovel that was purchased through the fund is used for other Public Works jobs?
Supervisor LaFountain stated that the Drainage Fund will be reimbursed through incentive zoning for the full amount.

Mr. Cleary also asked if all of the Town Board members agree that there is no problem with the Cranberry Cove Pond?

Supervisor LaFountain stated that the Town Board continues to look into the matter.

Additions and Deletions to Agenda

Councilman Quinn moved to withdraw Resolutions #11T-145 and #11T-147, Councilman Moore seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 4, 2011. Councilman Quinn seconded and all voted “aye”.

Petitions

The Town received a Petition requesting the Penfield Town Board to amend zoning from R-1-20 to Business Non Retail of properties west of Harris Whalen Park on the north side of NYS Route 441 from 2092 Penfield Road to 2124 Penfield Road.

Resolutions by Function

Law and Finance

#11T-137  2011 Budget Transfers-Computer Equipment by Moore

WHEREAS, during 2011, the Town Board authorized the Storage Area Network Upgrade, and

WHEREAS, all the Computer Equipment was found on the State Contract, and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current income and expenditures,

NOW, BE IT RESOLVED, that the following 2011 Budget Transfer be approved in the General Funds as follows:

General Fund Appropriations:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade to Microsoft</td>
<td>$35,000</td>
<td>Computer Equipment</td>
<td>$35,000</td>
</tr>
<tr>
<td>Office 01-1680-0004-4003</td>
<td></td>
<td>01-1680-0002-2200</td>
<td></td>
</tr>
<tr>
<td>Medical Insurance</td>
<td>$20,000</td>
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</tr>
<tr>
<td>01-9060-0008-8001</td>
<td></td>
<td>01-1680-0002-2200</td>
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</table>

Total $55,000 $55,000

Moved: Moore
Seconded: Kohl

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

Adopted
Penfield Town Board, May 18, 2011

#11T-138  Acceptance of the Draft Annual Report for Compliance with the Phase II Stormwater Regulations by Moore

WHEREAS, the Town of Penfield has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA’s Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town’s efforts to protect and improve the water quality of our streams and waterbodies, and

WHEREAS, the public is invited to review the Draft Annual Report and provide input, and

WHEREAS, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Engineering Department, and

WHEREAS, the Annual Report must be submitted the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2011,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts said Draft Annual Report and is available for public review at the Town Hall, Community Library, and the Highway Department,

BE IT FURTHER RESOLVED, that all comments on the Draft Annual Report will be incorporated into the Final Annual Report to the NYSDEC.

Moved:  Moore
Seconded:  Quinn

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

Adopted

#11T-139  Authorization for Insurance Coverage 2011-2012 by Moore

WHEREAS, the Town Board requested that insurance quotes be obtained so that selection could be made for June 1, 2011 to May 31, 2012 insurance year, and

WHEREAS, the BMA Consulting Services Inc., acting as consultant to the Town has evaluated the (6) six proposals for our insurance coverage’s for the 2011-2012 insurance year on our Penfield Property and Liability insurance renewal June 1, 2011, and

NOW, BE IT RESOLVED that the insurance quote of $114,317 from the First Niagara Risk Management Company for coverage with Houston Casualty is approved as they met all the specifications for the Town of Penfield’s insurance needs for the 2011-2012 insurance years as follows:

<table>
<thead>
<tr>
<th>INSURANCE TYPE</th>
<th>INSURANCE CARRIER</th>
<th>AMOUNT</th>
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<tr>
<td>Property</td>
<td>Houston Casualty</td>
<td>$97,621</td>
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<tr>
<td>General Liability</td>
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<td>(Included in the Property)</td>
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<tr>
<td>Automobile</td>
<td>Houston Casualty</td>
<td>(Included in the Property)</td>
</tr>
<tr>
<td>Contractors</td>
<td>Houston Casualty</td>
<td>(Included in the Property)</td>
</tr>
<tr>
<td>Boiler</td>
<td>Houston Casualty</td>
<td>(Included in the Property)</td>
</tr>
<tr>
<td>Public Officials</td>
<td>Houston Casualty</td>
<td>(Included in the Property)</td>
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<tr>
<td>Crime</td>
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<tr>
<td>OCP (2)</td>
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<tr>
<td>Umbrella</td>
<td>Houston Casualty</td>
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<tr>
<td>Other Fees</td>
<td>NYS Motor Vehicle Fee</td>
<td>$790</td>
</tr>
<tr>
<td></td>
<td>NYS Fire Fees</td>
<td>$235</td>
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<tr>
<td></td>
<td>Total</td>
<td>$114,317</td>
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</tbody>
</table>

Moved:  Moore
Seconded:  Quinn

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

Adopted
Moved:  Moore
Seconded: Kohl

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

Adopted

#11T-140  Authorize Town Supervisor to sign Insurance Consultant
Agreement with B.M.A. Consulting Services, Inc. by Moore

WHEREAS, every year the Town of Penfield seeks proposals for the General
Liability insurance, and

WHEREAS, these proposals in the past have saved the Town of Penfield
thousands of dollars in insurance cost over the years, and

WHEREAS, it is expected that the Town of Penfield will receive insurance
quotations for 2012-2013 insurance year,

NOW, BE IT RESOLVED, that the Town Supervisor is authorized to sign the
insurance agreement with B.M.A. Consulting Services, Inc. effective from
June 1, 2011 to May 30, 2012 to put together the insurance
specifications and to award the insurance coverage after review and
approval by the Town Board. This agreement allows the Town to receive
competitive quotes for our insurance needs for the 2012-2013 insurance
needs for both the general liability insurance and the Town of Penfield
workers compensation insurance.

Funds for this service are included in the 2011 Adopted Budgets.

Moved:  Moore
Seconded: Quinn

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

Adopted

#11T-141  Authorization for Supervisor to Execute a License and Hold
Harmless Agreement with the Owner(s) of 33 Peak Hill Drive,
for Continuance of a Garage Encroachment into a Sewer
Easement by Moore

WHEREAS, an Instrument Survey done by Gary L. Dutton, L.S., dated
5/5/2011, for 33 Peak Hill Drive indicates that a corner of the garage
encroaches into a Sanitary/Storm Sewer Easement to the Town of Penfield,
and

WHEREAS, said encroachment is 0.20 feet into the Sanitary/Storm Sewer
Easement filed under Liber 3915 of Deeds, Page 38, and

WHEREAS, the Town Sewer Department has inspected the subject premises
and has verified that said encroachment, as it now exists does not
preclude the rights granted unto the Town of Penfield under said
easement nor will it pose a significant hindrance to future utility
maintenance efforts of the Town; and has recommended that the Town Board
enter into a License and Hold Harmless Agreement to allow said
encroachment to continue, in its present form and condition.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of
Penfield hereby authorizes the Supervisor to sign a License and Hold
Harmless Agreement with the Owners of 33 Peak Hill Lane, SBL# 093.19-2-
29, to allow the continuance of the garage encroachment into the
Sanitary / Storm Sewer Easement referenced above, and said Agreement
shall be in a form and substance acceptable to the Town Attorney; and
BE IT FURTHER RESOLVED, that the owner of said property shall comply with the requirements of said Agreement and insure that the encroachment does not exceed its current extent as shown on an instrument survey map done by Gary L. Dutton, L.S., dated 5/5/2011, incorporated herein by reference.

Moved: Moore
Seconded: Kohl

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<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Metzler</td>
<td>Absent</td>
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<td>Moore</td>
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<td>Quinn</td>
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Adopted

#11T-142 Adoption of a Findings Report for Incentive Zoning Application to permit the Construction of Six (6) Duplex Units and Subdivision of the Existing Residence at 2014 Five Mile Line Road by Moore

WHEREAS, the Town Board received an application for an Incentive Zoning proposal on February 24, 2011 to allow the construction of six (6) duplex units and subdivision of the existing single family residence at 2014 Five Mile Line Road; and

WHEREAS, the Town Board approved Resolution number #11T-086 thereby setting a Public Information meeting on March 16, 2011 to consider the conceptual plan and to hear all persons interested on the question of the possible construction of six (6) duplex units and subdivision of the existing single family residence at 2014 Five Mile Line Road; and

WHEREAS, the Town Board noted the incentives offered by the applicant in consideration of the project as follows:

1. Submission of $3,500 per each unit proposed above the permitted six (6) units, including the existing residence, that being seven (7) units totaling $24,500. The $3,500 may be submitted in equal installments upon request for a building permit for the first four (4) structures;

2. The replacement of 75 feet of 8” corrugated metal pipe (CMP) at High School Drive at Five Mile Line Road to resolve an existing drainage concern adjacent to the project area;

3. The replacement of 75 feet of 12” High Density Polyethylene (HDPE) pipe to address drainage issues at the Atria Senior Living Facility located north of the project;

4. Over sizing the proposed detention facility to address drainage concerns expressed by residents adjacent to the site;

5. Clean the swale on the high school property adjacent to the site.

The total cost of the proposed incentives is approximately $39,000 which equals $5,571 per unit for the seven (7) units in excess of the six (6) units permitted for this site; and

WHEREAS, after consideration of subsequent discussion, the Town Board finds the incentives proposed by the applicant to be acceptable and beneficial to the area immediately surrounding the project site; and
WHEREAS, the application for the proposed incentive zoning project has been reviewed by the Town Board and determined to be within the reasonable thresholds of additional density discussed, when coupled with a need for a variety of residential development and a project that will act as an appropriate transition between the Atria Senior Living Facility and the single family residences to the south of the project site, and where impacts to the Penfield school system are expected to be negligible.

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

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the application of six (6) duplex units and subdivision of the existing residence at 2014 Five Mile Line Road is in accordance with Amendment to Local Law No. 2 of 1995, as established by Resolution No. 66, dated January 15, 2003 merits further consideration; and

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 recommendations within the Town of Penfield Comprehensive Plan adopted on February 2, 2011, which supports allowing density increases in areas supported by available infrastructure, particularly in exchange for community benefits.

2. The project will result in mitigating persistent area drainage problems on properties adjacent to the project site.

3. The site can support six (6) single family detached residences if constructed in compliance with the requirements of the R-1-15 zoning district. The applicant proposes to construct six (6) duplex units which will be sized consistent with single family residences if they were constructed on the site.


5. Project Review Committee memo dated March 18, 2011.


7. Submissions and oral testimony of the applicant and the public; and

BE IT FURTHER RESOLVED, the Town Board hereby directs the applicant to prepare a site plan and subdivision plat for review by the Board, its staff, advisory agencies and the public, through a future Public Hearing, on a date to be determined by the Town Board once the site plan and subdivision application is considered complete.

Moved: Moore
Seconded: Quinn

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

Adopted
#11T-143 Adoption of Amendments to the Penfield Zoning Ordinance
by Moore

WHEREAS, the Town Board held Public Hearings on April 6, 2011 at 7:30 PM, to give all persons an opportunity to be heard on the proposed amendments to Article II “Definitions” and Article VII “Signs” the Penfield Zoning Ordinance, a copy of which is attached hereto and made a part hereof, known as Schedule “A”; and

WHEREAS, input was received by the Board at the Public Hearing regarding the proposed amendments to the Zoning Ordinance and decision was reserved in order to allow for submission of additional input regarding said amendments; and

WHEREAS, the Town Board has received adequate public input to consider adoption of said proposed amendments to the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the proposed amendments to the Penfield Zoning Ordinance, as set forth in Schedule “A” attached hereto and made a part of this Resolution be and the same are hereby adopted and the pertinent sections of the Zoning Ordinance be amended as provided in said Schedule “A”; and

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is, authorized and directed to give necessary notices of such amendments to the Zoning Ordinance to the departments, agencies and offices having jurisdiction in this matter and to cause said amendments to be entered into the Minutes of these proceedings and be published as prescribed by Law.

Moved: Moore
Seconded: Kohl

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

Adopted

See Schedule “A” and “B” at End of Minutes

#11T-144 Setting a Public Hearing for a Special Permit to Allow the New Ownership and Operatorship of the Bayside Boat and Tackle Shop and Snack Bar at 1350 Empire Blvd.
by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-94 of the Code to allow for new ownership and operatorship of the Bayside Boat and Tackle and accessory snack bar businesses located at 1350 Empire Blvd., located in the “LaSalle’s Landing Development (LLD) zoning district”;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the requirements of the State Environmental Quality Review Law; and be it further

RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 15, 2011, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow the change in ownership and operatorship of the Bayside Boat and Tackle and accessory snack bar businesses at 1350 Empire Blvd., in the LaSalle’s Landing Development (LLD) zoning district; and be it further
RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Quinn

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

Adopted

Public Works

#11T-145 Awarding a Contract for the 2011 Sidewalk Construction Program by Metzler - WITHDRAWN

#11T-146 Proclamation to Support National Public Works Week in the Town of Penfield by Metzler

WHEREAS, public works services in our community are an integral part of our citizens’ everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as sanitary sewers, street and highways, public buildings, parks, sidewalks, stormwater drainage systems, and the protection of our valuable water resources, and

WHEREAS, the health, safety, comfort, and quality of life of the Town of Penfield greatly depends upon these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependant upon the efforts and skill of our public works professionals, and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff our public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby proclaims that the week of May 15 to May 21, 2011 as National Public Works Week in the Town of Penfield and we call on all citizens and civic organizations to acquaint themselves with the issues in providing our public works and to recognize the contributions which the public works officials make every day to our health, safety, comfort, and quality of life.

Moved: Quinn
Seconded: Moore

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

Adopted

#11T-147 Authorization to Attend Cornell Local Roads Program, 66th Annual School for Highway Superintendents by Metzler - WITHDRAWN
Public Safety

#11T-148 Authorization to Post Temporary NO PARKING Signs by Quinn

WHEREAS, it is the Town of Penfield’s responsibility to promote and maintain public safety on roads within the Town of Penfield and

WHEREAS, Pursuant to New York State Vehicle & Traffic Law, Section 1660, the Town Board is granted the authority to authorize the establishment of traffic control devices on Town highways within the Town of Penfield and,

WHEREAS, the Town of Penfield wishes to keep the neighborhoods around the Town’s Independence Day Celebration, parade route and festivities at Harris Whalen Park accessible to emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and establishes that “NO PARKING” will be established along both and/or one side of all and/or parts of the following streets, for the duration of the Town’s Independence Day Celebration, parade and festivities at Harris Whalen Park; Baird Rd (north of Penfield Rd.), Peachtree Rd., Hotchkiss Circle, Wheelock Road, Kenmont Drive, Henderson Drive, Avomore Way, Hidden Meadow, Hillrise Drive, Lazy Trail, Valley Green Drive, Valley Green Circle, Maple Hill Farm Road, Maple Leaf Circle, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Highway Superintendent to post said temporary “NO PARKING” signs along both and/or one side of said streets.

Moved: Quinn
Seconded: Moore

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<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
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<th>LaFountain</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Metzler</td>
<td>Absent</td>
<td>Moore</td>
<td>Aye</td>
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<tr>
<td>Quinn</td>
<td>Aye</td>
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Adopted

#11T-149 Advertise for Bids to Maintain, Clean-Up and Secure Properties as required under Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code by Quinn

WHEREAS, the purpose of Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code is to prevent the gradual encroachment of blight, deterioration, unsightliness, property devaluation, the safety, health protection and general welfare of persons and property in the Town of Penfield; and

WHEREAS, the Building and Zoning Office has the need to maintain or secure properties failing to comply with the minimum requirement of Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code;

NOW, THEREFORE, BE IT RESOLVED, that the Building and Zoning Administrator be, and hereby is, authorized to advertise, in a manner prescribed by Law, for sealed proposals for the maintenance, clean-up and securing of properties that have failed to maintain lawn areas, exterior areas and/or properly secure doors and windows; and

BE IT FURTHER RESOLVED, that the services covered by such proposals shall be in accordance with the specifications prepared by the Building and Zoning Administrator. Sealed proposals are to be received in the office of the Town Clerk until 11:00 AM local time Friday, June 3, 2011 and there and then are to be opened by the Town Clerk.
Penfield Town Board, May 18, 2011

(Resolution #11T-149 - Continued)

Moved: Quinn
Seconded: Kohl

Moved: Quinn
Seconded: Kohl

Vote: 

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<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
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<tr>
<td>Metzler</td>
<td>Absent</td>
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Adopted

#11T-150 Recognizing May 15-21, 2011 as Emergency Medical Services Week by Quinn

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven (7) days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, the Penfield Town Board, in recognition of this event, does hereby proclaim the week of May 15-21, 2011, as EMERGENCY MEDICAL SERVICES WEEK, and

BE IT FURTHER RESOLVED that the Town Board encourages, thanks and admires all of the residents who choose to serve the community as a volunteer emergency medical service provider.

Moved: Quinn
Seconded: Moore, LaFountain and Kohl

Moved: Quinn
Seconded: Moore, LaFountain and Kohl

Vote: 

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Adopted

Community Services

#11T-151 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:

Kelly Bilow, 738 Gasberry Lane, Webster, NY 14580, to serve as Director of Girls Instructional Softball Combined Program 5/10/11-6/14/11 for a fee of $45.00 per session. Voucher to be submitted 6/15/10.
Penfield Town Board, May 18, 2011

(Resolution #11T-151 – Continued)

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None

New Business – None

Public Participation

Legislator Debbie Drawe, of the 9th District, 5 Cobblestone Crossing stated she had just arrived from participating in the “Ride of Silence” which was organized by Chris Bilow, Senior Recreation Supervisor of the Penfield Recreation Department. This event pays tribute to those who have been injured or killed in a biking accident involving an automobile.

Legislator Drawe announced that Penfield Central School District made the Forbes magazine list of top schools in America. Penfield was ranked #42.

Legislators Debbie Drawe and Dan Quatro’s next office hours will be held Monday, June 6, 2011 from 5:00 to 7:00 PM in the Four Seasons Room at the Penfield Community Center.

Kathy Cummins e-mailed the Town Board to announce the Shepherd Home “Get Up and Dance” event to be held on Sunday, June 5, 2011 from 2:00 to 5:00 PM at the Penfield Country Club, 1784 Jackson Road. More information can be found on the Shepherd Home website at www.shephardhome.org or call (585) 381-0890.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:31 PM.

Amy Steklof
Town Clerk

www.penfield.org 2011-06-03
ARTICLE VII

SIGNS

(As amended 9/2/86; effective 9/22/86)
(As amended 12/21/87; effective 1/2/88)
(As amended 4/18/88; effective 5/6/88)
(As amended 7/17/02; effective 8/4/02)
(As Amended 5/18/11; effective 6/1/11)

§7-1 Purpose and Scope

The purpose of this article is to provide standards to safeguard life, health, property and public welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town of Penfield.

It is further the purpose of this article to regulate all signs by controlling the quality and quantity of signs so as to provide for the identification of the various business and professional enterprises in the Town, while at the same time maintaining and improving the visual quality of the community.

§7-2 Procedures for Sign Permits.

After the effective date of this article and except as otherwise herein provided, no person shall erect, enlarge or structurally alter any sign without first obtaining a permit therefore from the authorized official. Application for the permit shall be made according to the following regulations:

Applications for sign permits shall be made in writing to the authorized official by the owner, lessee or erector and be accompanied by materials the authorized official may deem necessary such as, but not limited to: a scale drawing showing dimensions, proposed design, the legend, colors, materials, structural details and a tape or plot location map delineating the location of buildings, parking areas, other signs on the same property, frontage of each unit, and/or any fences or other obstructions in relation to the designated location of the proposed sign. Applicants shall show written approval from the owner of the property for such sign permits.

It shall be the duty of the authorized official upon filing of an application for a permit to erect, enlarge or structurally alter a sign, to examine such plans, specifications, and, if necessary, the building or premises upon which the sign is proposed to be erected. If it shall appear that the proposed sign is in compliance with all the requirements of this article and all other regulations of the Town of Penfield, the authorized official shall issue a permit for the proposed sign.

§7-3 Special Permit.
Application for signs, which are not permitted under this article, shall be made in writing to the authorized official. The authorized official may issue a permit for such a sign only after the Zoning Board of Appeals or the Town Board, in the case of the Four Corners and LaSalle’s Landing Districts, approves a special permit for such a sign. Upon referral of such an application to the applicable Board, a Public Hearing shall be held, with notice of such hearing published in accordance with Article XIV, Section 14-11. The Zoning Board of Appeals or the Town Board, in the case of the Four Corners and LaSalle’s Landing Districts may, after holding such Public Hearing, direct the authorized official to issue such permit. Before directing the authorized official to issue a sign permit, the Zoning Board of Appeals or the Town Board, as the case may be, shall find that the applicant has demonstrated the following facts to be true:

A. The proposed sign is in harmony with the standards for permitted signs and within the spirit of this article.
B. The proposed sign shall be compatible with and not be detrimental to neighborhood properties.
C. The proposed sign does not, by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.
D. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.
E. Where applicable, the proposed sign is necessary to adequately identify the business.

The existence of corporate or franchiser standards for the design, size or color scheme of signs shall not be deemed a material reason for granting a special permit.

§7-4 Sign Fees.
Prior to the issuance of any permit by the Town Clerk for the erection, enlargement or structural alteration of a sign, a fee shall be paid in accordance with the schedule of fees established by Resolution from time to time by the Town Board.

§7-5 Sign Measurement.
The area of double-faced signs shall be calculated as the total area of both sides for the purpose of assessing fees. The area of irregularly shaped signs or panel signs of individual letters shall be calculated by using the total rectangular area encompassed by the outline.

§7-6 Non-Transferable Permit.
No permit issued under the terms of this article shall be transferable to any person without the consent of the authorized official.

§7-7 Validation Period.
A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of six (6) months after the date of issuance of the permit.

§7-8 Change in Advertising Copy.
When a property is sold or changes tenancy, a permit shall be required to change the ad, copy or message on an existing sign. All such changes shall be reviewed and approved by the authorized official.

§7-9 Sign Maintenance Requirements.
The authorized official shall require the proper maintenance of all signs. Such signs, together with their supports, shall be kept in good repair. The display surfaces shall be kept neatly
Painted at all times. The authorized official may order the removal of any sign and its support structures that are not maintained by those parties being identified in accordance with the provisions of this article. Painting, repainting, cleaning or repair maintenance shall not be considered an erection or alteration, which requires a permit unless a structural change is made.

§7-10 Sign Location.

The location of all signs shall be subject to the approval of the authorized official unless otherwise specified by the Zoning Board of Appeals or the Town Board, as the case may be.

§7-11 General Provisions.

The following provisions shall apply to all signs erected, enlarged or maintained within the Town.

A. Illuminated signs or lighting devices may be permitted provided that such signs employ only lights emitting a light of constant intensity, and no sign shall be illuminated by, or contain flashing, or moving light or lights.

B. All illuminated signs or lighting devices shall be placed or directed so as to be localized and unobtrusive. All electrical installations associated with the installation, modification or replacement of any sign shall be inspected and approved by an authorized Town of Penfield electrical inspection agency in accordance with Article XIII of the Zoning Ordinance.

C. Except as may be permitted by this article, or any other provisions of the Zoning Ordinance, the use of pennants, banners, flags, balloons, spinners, streamers, moving signs, or flashing, glittering or reflective, animated or rotating signs or similar eye-catching devices shall not be permitted. Pre-existing signs in the above category shall conform to this revised regulation immediately upon the adoption of this article.

D. No attached sign shall extend above the roofline of the building to which it is attached.

E. Graphics, trademarks, and logos shall not exceed fifty (50) percent of the face area of any sign. In the case of a double-faced sign, the above shall not exceed fifty (50) percent per face.

F. No billboards shall be permitted.

G. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window, or fire escape, or so as to prevent free access from one part of a roof to any other part.

H. No sign other than safety related signs shall be attached to a fire escape.

I. No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device.

J. No sign of any size or description, except traffic signs placed by public agencies, or mailbox signs, may be erected, placed or maintained within the highway limits of public right-of-way within the Town of Penfield, except as otherwise approved by the Town Board and/or any applicable State or County agency.

K. No permanent sign which is suspended over any portion of the right-of-way or a public sidewalk or the easement in which the sidewalk is located shall be permitted or may remain unless the owner delivers to the Town of Penfield an indemnification agreement, in a form and substance acceptable to the Town Attorney, which holds harmless the Town of Penfield of liability or damage suffered by all persons by reason of the construction or maintenance of such sign; said agreement shall be submitted prior to the issuance of a sign permit.
L. Attached signs shall be securely fastened to the building or to structurally sound standards.

M. In addition to signs permitted in Sections 7-12 and 7-13, each separate business shall be permitted to display one (1) portable temporary on-site sign. Businesses shall be permitted to advertise their name, hours of operation and “OPEN” on one portable temporary on-site sign subject to the following: (1) every sign must be placed on the property where business is conducted and not within the right-of-way; (2) the purpose of such signs is intended to only advertise the business and its hours of operation. No product or pricing information shall be permitted on such signs; and, (3) such signs shall be displayed only during the hours of 6:00 a.m. and 11:00 p.m.

N. The discontinuance of business for a period of sixty (60) consecutive days at any given location shall require the immediate removal of all signs relating to said business.

O. Any sign found posted or erected within the Town of Penfield contrary to the provisions of this ordinance may be subject to removal and impoundment by the Town’s authorized official in the manner prescribed by law. The property owner, and/or the person considered responsible for any such illegal posting shall be cited and liable for the cost incurred in the inspection and/or removal thereof and the Town’s authorized official is authorized to effect the collection of said cost.

P. No person shall operate, stand, or park a vehicle on any property or cause such vehicle to be so operated, stood or parked for the purpose of advertising, except that advertising notices may be put on a motor vehicle when such vehicle is in use for normal delivery, passenger service or other legitimate business uses and not merely or mainly for the purpose of advertising.

§7-12 Freestanding Signs for Business and Industry.

A. No building to be served by a freestanding sign shall be setback less than thirty-five (35) feet from the front property line.

B. A freestanding sign identifying a property with:

   One (1) to three (3) separate businesses shall not exceed twenty (20) square feet per face.

   Four (4) to six (6) separate businesses shall not exceed thirty five (35) square feet per face.

   More than six (6) separate businesses shall not exceed fifty (50) square feet per face.

C. No property shall be permitted to have more than one (1) freestanding sign.

D. Freestanding signs shall be setback not less than twenty (20) feet from the front property line, twenty-five (25) feet from any adjacent commercial or industrial property and fifty (50) feet from any adjacent residential property.

E. Freestanding signs shall not exceed a height of twenty (20) feet.

F. Informational Signage.

   In addition to the signage requirements specified in the Zoning Ordinance, in cases where commercial development is serviced by an internal access road, said development may be identified by freestanding signs located where the access roads intersect existing roads. Such informational signs shall be subject to the following criteria:
1. Such sign(s) shall be of a freestanding directory nature and only contain the names and addresses of the businesses sharing the access road.

2. The sign(s) shall be no larger than forty (40) square feet in size per side of a double-faced sign.

3. Such sign(s) shall be located in such a manner that it is placed within the property on which the access road is located and setback a minimum of ten (10) feet off the macadam surface of said access road and twenty (20) feet from the right-of-way and not closer than fifty (50) feet to any adjacent residential property.

4. Illumination of such sign(s) shall only be from an external source.

5. Such sign(s) shall not be more than ten (10) feet in height and shall not obstruct vision for ingress/egress.

6. Such sign(s) shall be consistent in design and architectural treatment to other signage in said development subject to review by the Authorized Official, the Zoning Board of Appeals or the Town Board, as the case may be.

G. Waterfront Signage. (Adopted 4/18/88; Effective 5/6/88)

Signage for any development with frontage on Irondequoit Bay shall be subject to the following restrictions:

1. In addition to the freestanding sign permitted to identify the business at the right-of-way, one (1) additional freestanding sign may be placed no closer than twenty (20) feet from the water’s edge to further identify the business from the Irondequoit Bay. Such signs shall not exceed twenty (20) square feet in area.

2. All illuminated freestanding signs shall be externally lit and no "back-lit" illumination shall be permitted.

§7-13 Building Mounted Signs Permitted for Business and Industry.

A. Permanent sign(s) for business, industrial and professional uses attached to buildings or structures shall be located on the same premises as the business, industry or profession to which they refer.

B. The total area of all permanent business signs attached to buildings or structures (excluding freestanding signs) shall not exceed two (2) square feet in area for each linear foot of building adjacent to the space being used for business purposes. The area of freestanding signage shall be in addition to and not included in calculating the total area of other permanent business signs. The total area of all permanent industrial signs attached to buildings or structures (excluding freestanding signs) shall not exceed four hundred (400) square feet. The area of freestanding signage shall be in addition to and not included in calculating the total area of other permanent industrial signs. The property owner shall be responsible for submitting a sign package for his/her property, identifying all proposed sizes, colors, and designs for the signs to be installed, to the authorized official or appropriate board for approval.

C. Each individual business establishment, shopping center or industrial use shall be permitted to have one (1) identification sign attached to a building on the premises. The area requirements for such signage shall be consistent with the requirements of Article VII-7-13-B.
§7-14 Signs for Gasoline Service Stations.

A. Building mounted and freestanding signs identifying gasoline service stations shall comply with the requirements of sections 7-12 and 7-13 of this Ordinance.

B. One (1) two by three (2 x 3) foot four-sided sign providing information regarding the safe operation of self-service gasoline pumps shall be provided for each island where pumps are to be operated by customers.

C. Price signs shall be provided on all gasoline pumps as required by State Law but shall not require a permit. In no case shall pricing signs be incorporated in any wall mounted or freestanding business identification sign.

§7-15 Other Signs.

A. Signage permitted for farm market operations shall be consistent with the requirements for permanent signs as set forth in §7-12 and §7-13 of this ordinance, except in the case of farm markets where produce is offered on site, two (2) additional portable temporary, double faced, freestanding signs may be placed on the premises identifying the types of produce offered on site; such portable signs shall be placed on private property and not be located closer than ten (10) feet from any side or rear property line. In situations where "U-Pick" operations are not clearly visible from the right-of-way, the operator may request a permit from the authorized official to install portable temporary off-site signage, on private property at the nearest intersection, during the growing season to be advertised. No extension to said time frame shall be permitted without approval from the Zoning Board of Appeals. Such U-Pick signs shall be removed within seven (7) days after the end of the growing season to which they relate. (Revised 4/4/90; Effective 4/20/90)

B. Time and temperature devices may be permitted for business and industry, subject to the requirements of this article-regulating wall, freestanding and/or projecting signs.

§7-16 Residential Signs.

A. For single-family homes, one (1) nameplate sign not exceeding two (2) square feet per face in area indicating the name and address of the occupant. Nameplate signs may either be building or ground mounted. Ground mounted signs shall be placed on private property and shall not be located closer than ten (10) feet from any side or rear property line. Said signs shall not require a permit.

B. Each residential subdivision shall be permitted to install two (2) freestanding signs, at the entrance of each street as it intersects an existing town dedicated street, to permanently identify the name of the subdivision. Said signs shall not exceed twenty (20) square feet in area and any decorative supporting system shall not exceed forty (40) square feet in area inclusive. All such signs shall be located on private property, shall comply with all setback requirements in accordance with §7-12 of this ordinance and their maintenance shall be the responsibility of the owner on whose property said sign(s) are located. A deed restriction in a form and substance acceptable to the Town Attorney shall be submitted prior to the issuance of a sign permit.

§7-17 Traffic Control Signs.

Signs accessory to parking areas, designating entrances and exits to and from a parking area are limited to one (1) sign for each such exit and entrance, and to a maximum size of two (2) square feet each, (two (2) square foot per face) shall be permitted. No permit shall be required. The function of said signage shall be utilized for traffic control purposes only and not identification of use(s) on the property on which they are located.

§7-18 Parking Area Signs.
One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of six (6) square feet, shall be permitted, providing that on a corner lot two (2) such signs shall be permitted, one facing each street. Any parking area sign shall be placed on private property and shall not be located closer than ten (10) feet from any side or rear property line. Said sign shall not require a permit.

§7-19 Home Occupation Signs.

Where a home occupation is permitted by Article III 3-35-C, one (1) nameplate sign may be used to identify the home occupation. Such sign shall not exceed two (2) square feet per face in area and shall be located on private property, and not less than ten (10) feet from any side or rear property line. Said sign shall require a permit and may be building mounted or ground mounted. No portable temporary signage shall be permitted in association with such home occupation.

§7-20 Portable Temporary Signs.

A. Portable temporary signs shall not be permitted within any State, County or Town right-of-way, attached to fences, trees, utility poles, bridges, traffic signs, and shall in no way obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public. Such signs shall be located on private property and not closer than ten (10) feet from any side or rear property line.

B. Portable temporary on-site and/or off-site signs shall be permitted to be used in connection with publicizing any charitable or civic event or issue. Such signs shall be erected only on private property with the consent of the owner or occupant of the property on which such signs are located. Such signs shall be installed no more that fourteen (14) calendar days prior to and must be removed within two (2) days after the event to which they relate or decision on the issue to which they relate, as the case may be.

C. The use of one (1) portable temporary on-site sign used in conjunction with contractors, e.g. siding, roofing, painting, chimney sweeps, lawn maintenance, snow plowing, etc. pertaining to properties in the Town of Penfield is permitted from commencement to completion of work. Such sign shall be placed on private property and not be located closer than ten (10) feet from any side or rear property line. Said signs shall not require a permit.

D. The aggregate area of all temporary signs shall not exceed sixty (60) square feet on a single lot or premises.

§7-21 Real Estate Signs.

Signs advertising the prospective sale or rental of residential, commercial and industrial properties shall comply with the following standards:

A. Such signs shall not be permitted within any State, County or Town right-of-way, attached to fences, trees, utility poles, bridges, traffic signs, and shall in no way obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public. Such signs shall be placed on private property and not closer than ten (10) feet from any side or rear property line. Said signs shall not require a permit.

B. Undeveloped lots not exceeding one (1) acre in area that are being offered for sale or lease shall be permitted to display one (1) portable temporary sign. Such sign shall be erected on private and not closer than ten (10) feet from any side or rear property line. Said sign shall not require a permit.

C. Sites greater than one (1) acre in area that are being offered for sale or lease shall be permitted to display (1) 32 square foot single or double faced freestanding sign placed on such site to identify its sale, lease or proposed
development and shall be no more than eight (8) feet in height from adjacent
grade. Such sign shall be erected on private property and not closer than ten (10)
feet from any side or rear property line. Such signs shall require a permit and
shall be removed within two (2) days of completion of the sale, lease or
development of the subject site.

D. Single family residences for sale or lease are permitted to display one (1)
portable temporary on-site sign on site. Such sign shall be erected on private
property and not be located closer than ten (10) feet from any side or rear property
line. In addition to the portable temporary on-site sign, portable temporary off-
site signs may be displayed on off-site private property on Saturdays and
Sundays only between the hours of 10:00 a.m. and 6:00 p.m. directing
prospective buyers to the residence being offered for sale or rent. Said signs
shall be removed by 6:00 p.m. on each day. Said signs shall not require a
permit.

E. Developed commercial and industrial sites where the advertising of lease space
is necessary, the owner shall be permitted to display one (1) 32 square foot
single or double faced sign advertising the sale or lease of the structure(s) or
individual tenant spaces within the structure and shall be no more than eight (8)
feet in height from adjacent grade. Such sign shall be erected on private property
and not closer than ten (10) feet from any side or rear property line. Such signs
shall require a permit and shall be permitted for a period of one (1) year. All
such signs shall be removed within two (2) days of completion of the sale, lease
or development of the subject site. In addition, the property owner shall be
permitted to place signage inside of the window of the space to be leased
developing lease space available. No permit shall be required for such signs.
All such signs addressed in this section must be removed once the vacancy has
been leased.

§7-22 Driveway Signs.

Signs indicating the private nature of driveways, or trespassing signs shall be
permitted on the site provided that the size of any such sign shall not exceed one (1) square foot per
face. Such signs shall not be less than ten (10) feet from any side or rear property line. Such signs
shall not require a permit.

§7-23 Existing Signs.

Any sign existing and erected before the adoption of this article, which is
nonconforming and for which a permit was issued, shall be removed within three (3) years from June
1, 2011, except that in no event shall such an existing sign be required to be removed less than ten
(10) years from the date of issuance of the permit. Such nonconforming signs shall not be altered,
rebuilt, enlarged, extended, or relocated, unless such action changes a nonconforming sign into a
conforming sign as provided herein.

§7-24 Exemptions.

The following signs shall be exempt from permit requirements:

A. Public Signs – Signs of a noncommercial nature and in the public interest,
erected by or on the order of, a public officer in the performance of his/her public
duty, such as safety signs, danger signs, trespassing signs, traffic control signs,
memorial plaques, signs of historical interest and the like.

B. Integral - Names of buildings, dates of erection, monumental citations,
commemorative tablets and the like, when carved into stone, concrete or similar
material, or made of bronze, aluminum, or other permanent type construction are
considered an integral part of the structure.

C. Garage Sale Signs - Each property owner conducting a garage sale shall be
permitted to erect portable temporary on-site and/or off-site signs in conjunction
with said sale on private property only. Said signs shall be erected by the
individual conducting the sale no sooner than 24 hours prior to the sale and must be removed on the last day of said sale. Such signs shall not be permitted within any State, County or Town right-of-way, attached to fences, trees, utility poles, bridges, traffic signs, and shall in no way obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public. Such sign shall be erected on private property and not be located closer than ten (10) feet from any side or rear property line.

D. Ideological signs shall be exempted from the permit requirements, but shall comply with dimensional and setback requirements set forth in Article II of this ordinance.

§7-25 Political Signs. (Adopted 9/28/88; Effective 10/7/88) (Amended 12/18/96) (Amended 7/1/98) (Amended 7/26/01) (Amended 7/17/02) (Amended 5/18/11)

Each property owner, resident or tenant of any lot or premises may display portable temporary on-site signs subject to the following standards:

A. Such signs shall not require a permit.

B. Such signs must be removed within two (2) days after the election to which they relate. In cases where signs have been installed prior to a primary election, said signs may remain in place until after a subsequent general election, in which case they must be removed consistent with this section.

C. The owner or occupant of the property on which such signs are posted must consent to the erection of such signs.

D. The Political Town Party Leader or in the absence of a Political Town Party Leader, the candidate shall designate a sign coordinator responsible for compliance with this Section with respect to placement, size, location and maintenance during a campaign. The sign coordinator shall provide the Authorized Official with his or her name and appropriate means of contact, such as telephone number and/or e-mail address.

E. Such signs shall not be permitted within any State, County or Town right-of-way, attached to fences, trees, utility poles, bridges, traffic signs, and shall in no way obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public. Such sign shall be erected on private property and not closer than ten (10) feet from any side or rear property line.

F. Such signs shall be displayed on private property only and shall not be displayed on any publicly owned lands and shall comply with all other requirements of the law.

G. The aggregate area of all such signs shall not exceed sixty (60) square feet on a single lot or premises.

§7-26 Four Corners Signage. (Adopted 4/4/01) (Amended 5/18/11)

Businesses operating within the Four Corners District shall be subject to the requirements of Article VII of this ordinance, with the exception of the following:

A. Freestanding signs shall not be located closer than fifteen (15) feet to the front property line or closer than fifty (50) feet to any adjacent residential property;

B. Freestanding signs shall be no greater than eight (8) feet in height.

C. Illumination of wall mounted or freestanding signs shall only be from an
D. Such sign shall be consistent in design, architectural treatment and the use of materials with the buildings and uses it is intended to serve.

E. Businesses shall be permitted to display one (1) portable temporary on-site sign. Portable temporary on-site signs are permitted subject to the requirements of Section 7-11-M of this ordinance. The Town Board shall have jurisdiction regarding relief from the requirements of Section 7-26 of the ordinance.
Schedule “B”

Article II

Proposed Definitions

**Billboard:** Any freestanding sign that directs attention to a business, commodity, service or entertainment, other than for charitable or civic events or issues, conducted, sold or offered at a location other than the premises or site on which the sign is located.

**Charitable Event:** A sale, event or other activity, lasting thirty (30) days or less, conducted by a charitable organization for the purpose of generating financial profits or donations of monies, materials or services to benefit charitable causes.

**Civic Event:** A public event, lasting thirty (30) days or less, occurring within the Town of Penfield, including but not limited to parades, carnivals, festivals, displays and shows conducted by or in conjunction with the Town of Penfield.

**Lot:** A contiguous parcel of land in identical ownership throughout, bounded by other parcels or rights-of-way.

**On-Site Sign:** A sign relating in its subject matter to the premises on which it is located.

**Off-Site Sign:** A portable sign, which in its subject matter directs attention to a use, facility, service product or event at a location other than on the premises or site on which the sign is located, with the consent of the property owner on which such sign is located.

**Premises:** A lot, together with all the buildings and structures thereon.

**Portable Temporary Sign:** A sign not exceeding six (6) square feet in area per face or four (4) feet in height, located on private property, a minimum distance of ten (10) feet from any side or rear property line and designed or intended to be easily moved by a single person of average physical strength without the need of additional equipment and that is not permanently embedded in the ground or affixed to any building or other structure and that is intended or designed to be displayed for a limited time period.

**Site:** A parcel of land, a lot or a group of contiguous lots under single ownership that is in the process of being developed or proposed for development.

**Undeveloped Lot:** A lot on which the construction of any structure has not occurred.

**U-Pick Operation:** Farms, farm markets, orchards or similar agricultural operations where the customers of such operation harvest the fruits or products directly from the plant themselves in exchange for compensation to the owner or operator of such operation.
Public Safety
#11T-148 Authorization to Post Temporary NO PARKING Signs
#11T-149 Advertise for Bids to Maintain, Clean-Up and Secure Properties as required under Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code

#11T-150 Recognizing May 15-21, 2011 as Emergency Medical Services Week

Community Services
#11T-151 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business

IX New Business

X Public Participation

XI Adjournment