PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, March 21, 2012
Supervisor R. Anthony LaFountain, 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 – February 15, 2012

VI Petitions

VII Resolutions by Function

Law and Finance
12T-086 Setting a Public Hearing for a Special Permit to Allow a Sports Apparel Shop at 2118 Five Mile Line Road – Four Corners (FC) Zoning District
12T-087 Appointment of Kevin Kane to the Board of Assessment Review
12T-088 Appointment of Robert Salvage to the Board of Assessment Review
12T-089 Appointment of Temporary Members to the Board of Assessment Review
12T-090 Setting a Public Hearing for Preliminary and Final Subdivision and Site Plan Approval to Allow the Subdivision of the Existing Residence and Development of Six (6) Duplex Units on 3.4 Acres at 2014 Five Mile Line Road

Public Works
12T-091 Authorization for Town Engineer to attend NY Chapter of American Public Works

Public Safety - None

Community Services
12T-092 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, March 21, 2012 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor
Linda Kohl    Councilwoman
Paula Metzler   Councilwoman
Andrew Moore   Councilman
Robert Quinn   Councilman
Also
Present:  Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. Passport night will be held on Thursday, March 29, 2012 in the Town Hall Auditorium from 5:30 to 7:30 PM. For more information contact Town Clerk Steklof at 340-8629 or steklof@penfield.org.

2. For residents that are paying the Town and County taxes with installments, the 3rd installment is due March 31st. Because this falls on a Saturday, the due date is extended to Monday, April 2, 2012.

3. Please make sure your dog is licensed, rabies vaccinations are updated, and all dogs are on leashes when out of their yard for safety of residents as well as pets.

4. Reminder to motorists, bicyclists and pedestrians, please share the road and obey all traffic laws.

5. The Young Open and Honest Players will hold auditions for the play “Harvey” on Wednesday, April 11 at 6:00 PM at the Penfield Community Center, 1985 Baird Road for ages 13-18. For more information call 340-8655.

6. The Penfield Library is hosting its 11th Annual “March into Arts” month and second annual “Spring into Arts Celebration.” Debra Dean, author of “The Madonnas of Leningrad” will be the featured speaker, Wednesday, March 28, 2012 at 7:00 PM. For more information log on to www.penfieldlibrary.org.

7. The Community mulch pile is now available at the Town Hall, 3100 Atlantic Ave, in the Columbus Crossing parking lot.

8. The 2012 Great Spring Clean-Up will be held on April 21, 2012 from 7:45 AM to 1:00 PM at the Highway Garage. Call for an appointment at 340-8710.

9. Saturday, April 28, 2012 will be “clean-up day” from 9:00 AM to Noon and starts at the Penfield Community Center. For more information call 340-8655, or go online at www.penfield.org.

10. The Electronics Recycling and Secure Document Destruction will be held on Saturday, April 28, 2012 at the Highway Department from 9:00 AM to 2:00 PM.

11. May 10-12, 2012 will be the Annual Spring Drop-Off at the Town Highway Department. Thursday and Friday will be from 9:00 AM to 6:00 PM and Saturday from 9:00 AM to 4:00 PM.

12. The Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, will be hosting a free computer/electronics recycling event on Sunday, April 1, 2012 from 9:00 AM to 2:00 PM. For more information contact Sarah Jane Clifford at 388-8686 or at www.gtc@frontiernet.net.
13. Tonight’s Penfield History Trivia Question is as follows: In 1846, the property at 2468 Penfield Road was built for Rufus and Lucinda Herrick. This property is located in which settlement area?
   A) Lloyd’s Corners
   B) Lovett’s Corners
   C) Graves’ Corners
   D) The Four Corners

   The answer is B - Lovett’s Corners

14. The Penfield Trail’s Committee will sponsor a free guided hike at Channing H. Philbrick Park on Saturday, April 14, 2012 at 10:00 AM. Participants are asked to register at 340-8655.

15. The Penfield Heritage Association and Local History Room will present “Songs of the Civil War” on Sunday, March 25, 2012 from 2:30 to 4:30 PM at the Penfield Library. Please call 340-8720 to register.

16. Councilwoman Kohl’s next Community Chat will be held Tuesday, April 17, 2012 from 5:30 PM to 7:00 PM in the new book area of the Penfield Library, 1985 Baird Road.

Public Participation

Jim Davidson stated he is in receipt of a letter from the Town which says the Town will no longer be cutting the grass in cul-de-sacs to save costs.

Mr. Davidson stated, if the Town does not want to cut the cul-de-sac grass they could pave it, but he feels it would be less expensive for the Town to continue cutting the grass.

Supervisor LaFountain stated that the Town cuts approximately 54 cul-de-sacs, but due to reduced staff and additional mandates the Town is looking to get out of the grass cutting service. The Town is giving residents options as to what they would like to see happen, such as having neighbors cut the grass, keep it in it’s natural state or have the area paved over.

Phyllis Korn, 71 Hillary Lane stated that the Pennsylvania Legislature has adopted a law, Article XIII, which gives gas and oil companies the right to drill anywhere.

Ms. Korn stated that this law overturns local zoning laws, can seize private property and muzzle physicians from disclosing specific health impacts of drilling fluids.

Ms. Korn stated she has additional material on Article XIII that she will leave with the Town Attorney.

Ms. Korn asked the Town Board to consider taking a look at what is possible legislatively and also to travel to Pennsylvania to see what is occurring and what has happened to the land.

Dr. Martin Korn, 71 Hillary Lane stated he appreciates the time the Town Board has been taking to look into the hydrofracking issue.

Dr. Korn stated he is concerned about the health and safety issues that are associated with hydrofracking. He also stated that the New York State Assembly has passed a Bill addressing the Department of Environmental Conservation proposed regulations that do not adequately address the issue. Dr. Korn stated that the Assembly Bill tries to protect the State should hydrofracking come to New York State.
Penfield Town Board, March 21, 2012

(Public Participation – Continued)

Dr. Korn also stated that the Senate has not yet addressed the issue. He hopes the Town Board will act appropriately in enacting legislation to help safeguard the Town of Penfield.

Dr. Korn also mentioned that banks will not mortgage land that has a gas lease attached to it and gave materials to the Town Board referencing this information (see attached). The information can also be accessed online.

Dr. Korn informed the Town Board there are some local and regional educational opportunities with useful information that he hopes the members of the Town Board will take advantage of. These educational opportunities on hydrofracking will be held, March 23, 2012 at 7:30 PM in the St. Luke’s Episcopal Church, March 26, 2012 at 7:00 PM in the Penfield Town Hall, April 13, 2012 from 1:00 PM to 5:00 PM at the Wood Library in Canandaigua, and April 19, 2012 at 7:00 PM in the First Unitarian Church of Rochester.

Supervisor LaFountain stated that Town Attorney Horwitz is looking at all of the submissions received and has made the hydrofracking issue one of his top priorities.

Deb Muratore, 3 Penview Drive, and a member of the “Penfield Citizens concerned about Hydrofracking” presented a flyer to the Town Board that relates to the April 13th educational meeting on hydrofracking that includes the meeting’s agenda.

Additions and Deletions to Agenda – None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 15, 2012, Councilwoman Metzler seconded and all voted “aye.”

Petitions – None

Resolutions by Function

Law and Finance

#12T-086 Setting a Public Hearing for a Special Permit to Allow a Sports Apparel Shop at 2118 Five Mile Line Road – Four Corners (FC) Zoning District by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-97 of the Code to allow a sports apparel shop at 2118 Five Mile Line Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” and determined the proposal to be a Type II action pursuant to SEQRA; 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 April 18, 2012, 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 a sports apparel shop at 2118 Five Mile Line Road, in the Four Corners (FC) zoning district; and be it further
RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

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Adopted

#12T-087   Appointment of Kevin Kane to the Board of Assessment Review
By Moore

WHEREAS, Kevin Kane, 11 Spring Side Lane, Penfield, NY 14625 has expressed his interest in serving on the Board of Assessment Review, and

WHEREAS, Kevin Kane will fill the unexpired term of Raymond Bliudnikas,

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of Penfield appoints Kevin Kane to the unexpired term on the Board of Assessment Review of the Town of Penfield, such term to expire on September 30, 2015.

Moved: Moore
Seconded: Quinn

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Adopted

#12T-088   Appointment of Robert Salvage to the Board of Assessment Review
By Moore

WHEREAS, Robert J. Salvage, 37 Tree Brook Dr., Rochester, NY 14625 has served on the Board of Assessment Review as a Temporary Member, and

WHEREAS, Robert J. Salvage has expressed his interest in serving on the Board of Assessment Review,

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of Penfield appoint Robert J. Salvage to a five (5) year term on the Board of Assessment Review of the Town of Penfield, such term to expire on September 30, 2016.

Moved: Moore
Seconded: Metzler

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Adopted
#12T-089  Appointment of Temporary Members to the Board of Assessment Review by Moore

WHEREAS, Article 5, Section 523-a of the New York State Real Property Tax Law allows the legislative body of any local government, in any year deemed necessary, to appoint temporary members to the Board of Assessment Review to serve as administrative hearing panel members as provided,

NOW, BE IT THEREFORE RESOLVED, that the Town Board of Penfield appoints the following Penfield residents to serve a one (1) year term as temporary members of the Board of Assessment Review as provided in Section 523-a of the New York State Real Property Tax Law. The term shall commence on September 30, 2011, and shall end on September 30, 2012.

Craig Schubmehl, 2042 Five Mile Line Road, Penfield, NY 14526

Eugene T. Oliver, 90 City View Dr., Rochester, NY 14625

Moved: Moore  
Seconded: Kohl

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

Adopted

#12T-090  Setting a Public Hearing for Preliminary and Final Subdivision and Site Plan Approval to Allow the Subdivision of the Existing Residence and Development of Six (6) Duplex Units on 3.4 Acres at 2014 Five Mile Line Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Subdivision and Site Plan approval for one (1) single family residence and six (6) duplex units under Articles VIII-8-2 and XI-9-2 of the Code on 3.4 +/- acres in the R-1-15 zoning district at 2014 Five Mile Line Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, NY 14526 on March 28, 2012 at 7:30 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) this proposal is classified as a Type I Action; and

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

Moved: Moore  
Seconded: Quinn

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

Adopted
Penfield Town Board, March 21, 2012

Public Works

#12T-091 Authorization for Town Engineer to Attend NY Chapter of American Public Works by Metzler

WHEREAS, the American Public Works Association is holding a two (2) day training conference; and

WHEREAS, the Town Board supports continued education of staff to stay current with technology and constantly changing regulations; and

WHEREAS, the NY Chapter provides an excellent training agenda that covers many areas of interest for the Town of Penfield; and

WHEREAS, NYS Education Law requires the continued training of professional engineers; and

WHEREAS, the cost of this program is $230 and it will be split between the Engineering Department and the Planning Department from their respective training budget lines.

NOW, THEREFORE, BE IT RESOLVED that Geoff Benway is hereby authorized to attend the NY Chapter of the American Public Works Association’s Annual Conference, to be held March 29 & 30, 2012 for a cost not to exceed $500. The cost will be allocated from the Engineering Department’s conference budget line.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None

Community Services

#12T-092 Authorization for Supervisor to Sign Recreation Contacts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Towpath Volunteers Fife and Drum Corps, PO Box 31, Macedon, NY 14502, Independence Day Parade, 6/30/12, for a fee of $750. Voucher to be submitted 6/6/12.

Dady Brothers, 256 Lake Road East Fork, Hamlin, NY 14464 entertainment for Kids Fest, 7/26/2012 for a fee of $500.00. Voucher to be submitted on 6/20/12.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None
Public Participation

Michael Demme, 77 Hilltop Drive stated he would like to open a photography studio at 1826 Penfield Road, the site of the former “Expressions in Photography” studio. Mr. Demme’s current location is in Pittsford, NY.

Mr. Demme stated that there will not be much difference from the previous studio at the Penfield Road location. Mr. Demme also stated that parking will be minimal and will be around the corner at the public parking lot on Five Mile Line Road.

He also said that five (5) to six (6) cars will be able to park in front of the property and clientele will be by appointment only with no standard hours of operation. The studio will be run by Mr. Demme and an additional employee.

Mr. Demme stated he plans on using the same sign with new signage on the façade.

Supervisor LaFountain asked what the square footage of the space is?

Mr. Demme stated that it is approximately 2,200 square feet.

Councilwoman Kohl asked if there have been any changes to the structure?

Mr. Demme stated that the only difference is that he has painted the structure.

Supervisor LaFountain asked when Mr. Demme would like to open his studio?

Mr. Demme stated he has a lease that is due to start April 1st, but plans to be fully operational by May 1st with the Town Board’s approval.

Councilwoman Metzler asked if this would be an additional studio to the others he already has.

Mr. Demme stated he is closing his Pittsford studio, but will continue to maintain a location in Buffalo for his advertising clients.

Supervisor LaFountain stated that when there is a like business replacing an existing business in the same facility, the Town Board attempts to streamline the process for Change of Use.

Councilwoman Metzler stated that the Town Board would like to see the prototype of the sign via email.

Legislator Debbie Drawe, 5 Cobblestone Crossing, thanked the Town Board for having an open, honest and proactive government in Penfield.

Legislator Drawe reported that the Monroe County Legislature authorized a contract with Windsong Construction, a Penfield owned company.

Legislator Drawe stated that Windsong Construction was the lowest bid for the construction services for the Penfield Road Bridge over the Irondequoit Creek. The County and the Town of Penfield are collaborating on the project.

Legislator Drawe stated that County Executive Maggie Brooks has taken the initiative to educate the public on Cyberbullying and held a symposium on March 20, 2012 which Legislator Drawe attended. The symposium was held at the Monroe Community Hospital.

Legislator Drawe also stated Penfield High School is initiating a program called “Pause Before You Post” to educate the students about the dangers of posting negative statements online.
Legislator Debbie Drawe along with Legislator Dan Quatro will hold office hours on Monday, March 26, 2012 from 5:30 to 7:30 PM in the Four Seasons Room at the Penfield Community Center, 1985 Baird Road.

Ed Lindskoog, 18 High School Drive, stated a number of residents surveyed Sherwood Fields to see if the Emerald Ash Borer has infected the ash trees there. Mr. Lindskoog hopes the Town will monitor the ash trees and remove any of the diseased or damaged trees that have been infected by the Emerald Ash Borer.

Supervisor LaFountain stated Bob Ainsworth, Parks Director and his staff have been surveying all of the Penfield parks and have found that many of the ash trees have been contaminated. There has been some selective cutting and trimming of those trees.

Supervisor LaFountain informed everyone that the Monroe County Horticultural Department will hold an event for all the Towns and Villages to discuss how to manage and contain the Ashborne tree disease.

Mr. Lindskoog would like the Town Board to speak with the two (2) School Districts about the Emerald Ash Borer problem.

Phyllis Korn stated that she and Dr. Korn enjoyed the Sherwood Fields hike that they participated in and are looking forward to future trail hikes in Penfield.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:40 PM.
Town Board Work Session was held on Wednesday, March 21, 2012 at 9:00 PM.

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

Also Present: Amy Steklof Town Clerk
              Richard Horwitz Town Attorney
              Jim Costello Dir. Of Developmental Services

Patricia Cantoni currently owns Divine Hair Salon located at 2118 Five Mile Line Road. Ms. Cantoni state she has outgrown where she is located now and needs a larger space to conduct her business. She would like to relocate her business next door at 2120 Five Mile Line Road which was previously the Hyjea Healthy Foods Deli.

Ms. Cantoni stated the size of her salon currently occupies a 400 square foot space and has two (2) salon chairs. The new location would be double in size allowing her to add two (2) to three (3) more chairs.

Ms. Cantoni also stated she would like to place two (2) seats outside the salon during the summer months to allow her clients to sit outside while waiting for their appointments to begin.

Ms. Cantoni stated she will need to move the plumbing from her current space to the other side to accommodate the new salon location. There is no on-site parking, however, Ms. Cantoni stated she has always had enough off-site parking available.

Supervisor LaFountain stated that Ms. Cantoni will need to make sure her business complies with the occupancy requirements established by the Penfield Fire Marshal in accordance with the International Building Code.

Ms. Cantoni stated that her signage is 9 ft. in size and that the size of the sign located at 2120 Five Mile Line Road is 8 ft. in size.

Jim Costello, Director of Developmental Services has not seen the sign for Diving Hair Salon yet, but will go to look at it and will discuss the Sign Ordinance requirements with Ms. Cantoni.

Ms. Cantoni stated she would like to change the front window. She would like half of the window to be a solid picture window with shutters on two (2) sides, and to have the window open up and down. She also said that the hours of operation will remain the same; Tuesday – Friday 10:00 AM – 8:00 PM and Saturday 9:00 AM – 5:00 PM.
Ms. Cantoni stated that the plumbing for the salon will be taken care of this weekend and that she hopes to begin operating the salon within the next week.

Olga Boychuk, the landlord of the property, stated that Ms. Cantoni is the perfect tenant.

Supervisor LaFountain stated that receipt of this application as a business relocation within the Town is consistent with the Town’s streamlining policy and that the Town Board will review the application for Administrative approval.

Adjournment

Supervisor LaFountain adjourned the meeting at 9:30 PM.

Amy Steklof
Town Clerk