TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD MEETING AGENDA

Wednesday June 5, 2013 7:30 PM

Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Joint Informal Discussion – Town Board and Planning Board Informal Discussion Regarding the Possible Construction of 33 Single Family Attached Homes and two Apartment Buildings with a total of 36 Units on 32.67 +/- Acres.

III Public Hearing – To Allow the Sale of Concessions on Irondequoit Bay based from 1350 Empire Blvd., located in the LaSalle’s Landing Development (LLD) Zoning District

IV Communications and Announcements

V Public Participation

VI Additions and Deletions to Agenda

VII Approval of Minutes – May 1, 2013

VIII Petitions

IX Resolutions by Function

Law and Finance
13T-131 Authorization for Town Board to accept a Monroe County Community Development Block Grant (CDBG) for $37,250 for Panorama Valley Sidewalk Project and execute an agreement
13T-132 Approval of Issuance of a Conditional Use Permit to Allow Dog Grooming at 1850 Penfield Road
13T-133 Approval of Issuance of a Conditional Use Permit to Allow the Construction of an Outdoor Area at 1785 Penfield Road
13T-134 In the Matter of the Application of VILLAS AT EASTHAMPTON HOMEOWNER’S ASSOCIATION, Tax Certiorari Settlement
13T-135 Authorization for Town Clerk to Attend the 2013 Cornell Municipal Clerk’s Institute (CMCI)
13T-136 Authorize Supervisor to sign an Intermunicipal Agreement with Monroe County
13T-137 Authorization for Supervisor to sign an Agreement with NanoArk Corporation for Record Archival Services
13T-138 Authorize Supervisor to sign Insurance Consultant Agreement with Municipal Insurance Consultants Incorporated
13T-139  Authorization for Supervisor to sign an Agreement with Business Automation Services, Inc.

Public Works
13T-140  Approval of Out of District User Status for Property located at 1161 Fairport Nine Mile Point Road

Public Safety
13T-141  Authorization to Post Temporary NO PARKING Signs

Community Services
13T-142  Authorization for Supervisor to Sign Recreation Contracts

X    Old Business
XI   New Business
XII  Public Participation
XIII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, June 5, 2013 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, RMC  
Richard Horwitz  Town Attorney  
Jim Costello  Director of Developmental Services  
Mark Valentine  Planning Director  
Jim Burton  Planning Board Member  
Allyn Hetzke, Jr.  Planning Board Member  
Arsen Markarian  Planning Board Member  
Doug McCord  Planning Board Member  
Terry Tydings  Planning Board Member  

Absent:  Bill Bastian  Planning Board Member  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Public Hearing #1 – To Allow the Sale of Concessions on Irondequoit Bay based from 1350 Empire Boulevard, located in the LaSalle’s Landing Development (LLD) Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on May 23, 2013 and was posted on the Town Clerk Bulletin Board and Website. 9 postcards were mailed and three (3) Homeowners Associations were notified.

Ryan Chapell gave an overview of his proposal to allow him to operate a pontoon boat out of Bayside Boat and Tackle located at 1350 Empire Boulevard to sell concessions to boaters on Irondequoit Bay.

Mr. Chapell stated that he will be teaming up with Gary Brockler, owner of Penfield Hots and Greece Hots. The proposed menu will include, but not limited to hot dogs and hamburgers, italian sausage and fried foods. No alcohol will be served. Boat side delivery is planned. Up to two (2) employees will be working on the pontoon boat. The boat will be vinyl wrapped with the business sign on it. No passengers will ever board the boat. The food will be placed in to-go containers and delivered by fishing net. At night the boat will be docked at Bayside Boat and Tackle. Planned hours of operation will be seven (7) days a week from Noon to 9:00 PM, but may change depending on the amount of business they generate.

Mr. Chapell also stated they will work with the Health Department to properly dispose of wash water, grease, etc. and at no time will any of it end up in the bay. Garbage bags will be issued to customers for all garbage disposal and the bags will be collected from the customers when they come up to the pontoon boat throughout the day. The Auxiliary Coast Guard will be conducting an inspection of the boat. No decisions have been made in reference to music playing from the boat. There will be a hand wash sink on the boat as per the Monroe County Health Department.

Public Participation

Monica Gorlick, 54 S. Village Trail inquired what will customers do if they need to use the facilities?

Mr. Chapell stated there will be a “runner” boat to escort customers to shore.

Ms. Gorlick asked if the employees will be using plastic gloves?
Penfield Town Board, June 5, 2013

(Public Participation – Continue)

Mr. Chapell stated, “absolutely”. Mr. Chapell also stated that if there are any issues that occur with this business they will make sure the issues are rectified.

Jim Costello, Director of Developmental Services, stated more information will be given to the Town Board pertaining to Monroe County Health Department conditions prior to next week’s Town Board Work Session.

Hearing closed.

Joint Informal Discussion - Town Board and Planning Board Information Discussion Regarding the Possible Construction of 33 Single Family Attached Homes and Two (2) Apartment Buildings with a total of 36 Units on 32.67 +/- Acres located at 1185 Empire Boulevard, 1211 Empire Boulevard and 41 Woodhaven Drive

The Town Clerk read the title of the above Joint Informal Discussion; said Notice was published in the Penfield Post on May 23, 2013 and was posted on the Town Clerk Bulletin Board and Website. 60 postcards were mailed and three (3) Homeowners Associations were notified.

Bob Winans, Engineer for LaDieu Associates, introduced Jack Howitt of Howitt Realty and Hans DeSelms. Mr. Winans brought with him viewing boards with pictures of townhomes as they will look when built, an architecture rendering of the larger apartment buildings and an overall schematic site plan.

Mr. Winans gave an overview of the project stating that it consists of 33 single family townhomes on individual lots in the R-1-20 portion and 36 apartment units contained in two (2) and three (3) story buildings. The property is located on Empire Boulevard. The site consists of three (3) parcels; one is a five (5) acre piece located on the N.W. portion of the property which has access through a 20 foot wide easement out to Old Westfall Road and is adjacent to county land. The second parcel is east of the first parcel and fronts on Wilbur Tract Road and has some access over to Empire Boulevard. Both parcels are located in the LaSales Landing Development District. The third parcel is a larger parcel located on the south end and consists of 22 acres. Wilbur Tract Road runs through the property. The parcel is bounded by the NYS DEC wetlands and therefore they will be avoiding that area.

Mr. Winans also stated there is a private drive known as Pecora Drive, that runs up to Woodhaven Drive that is not well maintained. Part of the parcel is located in the R-1-20 district and part is in the LaSales Landing District. There is an existing sanitary sewer that runs from Empire Boulevard to around 1,000 feet into the site. A water main also runs from Empire Boulevard through the site to the private drive and then runs up to Woodhaven Drive. There is also a water main that runs from Old Westfall Road and down to Wilbur Tract Road. There are utilities that they can connect onto and use for the project. Wilbur Tract Road will be used as the main ingress and egress.

LaDieu Associates began working on the project last fall and the developer has met with neighbors explaining the project.

Councilwoman Metzler asked Mr. Winans to highlight any concerns the neighbors had.

Mr. Winans stated that one of the concerns raised is in regards to the traffic risks at the intersection of Empire Boulevard. He informed the Board that a traffic report was completed that involved an analysis based on National traffic standards, and will be given to the Town Engineer and State DOT so that they will have exact data to work with.
Mr. Winans also stated another concern was in reference to emergency access up to Woodhaven Drive and emergency vehicles creating a disturbance.

Hans DeSelms of Howitt Realty stated that the neighbors are concerned with losing access to the northern portion of the property, so they have proposed to leave that portion to the County park system and have that area stay forever green.

Planning Board members Jim Burton asked whether a Home Owner Association would be formed?

Mr. Winans stated that if lots are sold they would have to form an HOA. However, at this time the project is planned as rental units only.

Planning Board member, Arsen Markarian asked if the buildings will be on slabs or have basements?

Jack Howitt stated that the buildings will have basement areas.

Mr. Markarian asked whether there will be any play areas?

Mr. Howitt stated they have not specifically planned on any play areas.

Mr. Burton asked whether there will be a resident manager on the premises?

Mr. Howitt said yes, that the manager would take care of all maintenance.

Planning Board member AJ Hetzke asked who the units will be marketed towards?

Mr. Howitt stated the marketing will be fairly general but the town homes seem to be quite popular with empty nesters.

Supervisor LaFountain asked what the cost range of the rental units will be?

Mr. Howitt stated the units will be between 1,780 sq. ft. and 1,950 sq. ft. for two (2) or three (3) bedroom units and will rent for $1,495 to $1,580 per month.

Supervisor LaFountain asked what the range is for the apartment units?

Mr. Howitt stated they are unsure of the exact cost, but it could possibly be around $1,100 per month.

Councilman Moore asked will there be a nautical theme in the design of the project?

Mr. Howitt replied that they have attempted to incorporate a nautical theme in the designs of the project.

Councilman Moore also asked if the maintenance company would be maintaining the storm water retention pond?

Mr. Howitt stated yes.

Planning Board member Doug McCord asked if the view from the existing homes to the bay will be obstructed?

Mr. Winans stated that the view will not be obstructed.

Supervisor LaFountain inquired whether the State DOT imposed any requirements?
(Joint Informal Discussion – Continued)

Mr. Winans stated there have been no discussions with the State DOT as of yet.

Supervisor LaFountain also inquired about gas in the area and whether discussions have occurred with R G & E?

Mr. Winans stated he has had discussions with R G & E and plans are underway to install a larger main down to the site.

Councilman Quinn inquired when was the traffic study conducted?

Mr. Winan stated the traffic study was done a month ago and has been e-mailed to the Planning Department.

Public Participation

Many residents in the area voiced their concerns during the Public Participation section of the Informal Discussion. Their concerns were as follows:

1. The danger of trying to drive or walk out onto Empire Boulevard especially with the possible higher volume of vehicles and that there are no traffic signals to help with safety issues.

2. Concerns with making sure the current road is maintained.

3. Concerned that the capacity of the storage pump station is inadequate.

4. Concern that the private drive known as Pecora Drive would be used for construction vehicles.

5. Concern with the slope of the private drive.

6. Concern regarding water flow from the project on to the neighbor’s properties.

7. Concerns with trespassing onto the private properties.


Supervisor LaFountain suggested that if anyone has questions after tonight they can contact Jim Costello, Director of Developmental Services, or Mark Valentine, Director of Planning. Mr. Costello works with the Town Board as it relates to LaSalle’s Landing and Mr. Valentine supports the Planning Board. Both will be involved from a staff standpoint. A formal Public Hearing maybe held at a later date.

Hearing closed.

Communications and Announcements

1. The Town’s Annual Rabies Clinic was held this past Saturday. 152 pets were vaccinated.

2. The Town and County Tax collection ended on May 31, 2013. Please contact the Monroe County Treasurer at 753-1200 or go to 39 West Main Street, Room B2 with any questions regarding payments.

3. The American Red Cross will hold a Blood Drive at Penfield Community Center on Wednesday, June 19, 2013 from 1:00 PM to 6:00 PM. All donors will be entered to win a $200 gift card. Please contact the American Red Cross at 1-800-RED-CROSS to schedule an appointment.

4. The next Planning Board meeting will be held on Thursday, June 13, 2013 at 7:00 PM.
5. The Manitou Lake and NYS RTE 250 Mixed District Public Information Meeting will be held on Monday, June 17, 2013 at 7:00 PM.

6. The next Town Board meeting will be held Wednesday, June 19, 2013 at 7:30 PM.

7. The next Zoning Board Public Hearing will be held Thursday, June 20, 2013 at 7:00 PM.

8. Congratulations to the Penfield boys and girls Patriots Lacrosse Team for winning Section V Finals.

9. Penfield’s Young Open and Honest players will present Neil Simon’s “Brighton Beach Memoirs” on Friday and Saturday, June 7 and 8, 2013 at Penfield Community Center. For more information, please call 340-8655, option 6.

10. The Dayton’s Corners Pie Social will be held Sunday, June 9, 2013 from 2:00 PM to 4:00 PM at the Dayton’s Corners School House located at the intersection of Creek Street and Plank Road.

11. The Kiwanis Club of Penfield-Perinton Foundation and the Town of Penfield will host a Community Charity Golf Tournament to benefit local charities. The tournament will be held at Shadow Lake Golf Club on Monday, June 17, 2013. For more information, please contact Geoff Benway at 340-8683 or visit www.penfield.org.

12. The Town of Penfield Independence Day Celebration will be held Saturday, June 29, 2013. The parade will begin at 10:00 AM and will run from the Penfield High School to the Penfield Community Center. Activities will continue in the evening at Harris Whalen Park ending with a fireworks display.

13. Supervisor LaFountain recognized Town Clerk Amy Steklof for being awarded the New York State Town Clerk Association (NYSTCA) certification as a Registered Municipal Clerk. The award recognizes professional competency of Ms. Steklof in fulfilling the responsibilities of her office. Certification is granted only after an applicant has demonstrated that they have met the stringent education and experience requirements established by NYSTCA.

14. Supervisor LaFountain hosted the Penfield Cobbles School 2nd Grade at the Penfield Town Hall. The students learned about local government and local history.

15. The Penfield Little League Challenger Division Opening Day Ceremony will be held on Saturday, June 8, 2013 starting at 9:00 AM at the Veterans Memorial Park Ball Fields. For more information, please visit www.penfieldbaseball.com.

16. The Penfield Trails Committee will sponsor a free public hike at the Genesee Land Trust’s Hipp Brook Preserve and at Veteran’s Memorial Park on Saturday, June 8, 2013 at 9:00 AM. For more information and to register, please contact Penfield Recreation at 340-8655, option 6.

17. Penfield Boys Soccer Coach John Butterworth will be retiring. Coach Butterworth is a three-time All Greater Rochester Coach of the Year and 2005 finalist for the same honor nationally.

18. A book launch celebration will be held in the Penfield Library’s Braman Room for the Town’s new book, “Calvin Wooster Owen: Diary of a Nineteenth Century American.” The book will be on sale in the Town Clerk’s office, 3100 Atlantic Ave., at the Penfield Recreation Office and the Local History Room, 1985 Baird Road. Soft cover books at $34.50 and hard cover books are $49.50.
19. The Penfield Rotary’s $100,000 Hole-In-One Tournament will be held Tuesday, July 2, 2013 at 1:00 PM at Shadow Lake Golf Club. Qualifying dates will take place at Penfield Community Center, 1985 Baird Road on Friday, June 14, 5:30 PM to 8:00 PM, Saturday, June 15, 2013, 10:00 AM to 8:00 PM and Sunday, June 16, 2013 from 1:00 PM to 6:00 PM. For more information visit www.penfieldrotary.org.

20. Councilwoman Kohl’s next Community Chat will be held on Tuesday, June 18, 2013 from 5:30 PM to 7:00 PM at the Penfield Library.

Public Participation

Ed Lindskoog, 18 High School Drive, stated that the lawn at 2069 Five Mile Line Road has not been mowed for some time.

Councilwoman Kohl stated she spoke to Andy Suveges, Town Code Enforcer, and that Mr. Suveges is aware of the issue and will look into it further.

Mr. Lindskoog stated the property has not been maintained since last October.

Supervisor LaFountain stated that Mr. Suveges has served notice and he suspects a Resolution will be seen at the next Town Board meeting to authorize the mowing of the lawn at that property.

Calvin Frelier, 15 Old Westfall Road, inquired about the sewer project and that he had seen in the minutes that the price had gone up 20% from two (2) million to 2.4 million. He is wondering why there has been a price increase and would like the Town Board to address it. He feels the increase is high.

Supervisor LaFountain stated he would be happy to set up a meeting with Mr. Frelier, Mark DiFrancesco, Superintendent of Sewers, Bob Beedon, Town Comptroller and himself to go over the sewer project and the breakdown of the project’s cost and future estimates.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 1, 2013, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#13T-130 Authorization for Insurance Coverage 2013 - 2014 by Moore

WHEREAS, the Town Board requested that insurance proposals be obtained so that selection could be made for June 1st 2013 to May 31st 2014 insurance year, and

WHEREAS, the Municipal Insurance Consultants Inc., acting as consultant to the Town has evaluated the three (3) proposals for our insurance coverage’s for the 2013-2014 insurance year on our Penfield Property and Liability insurance renewal June 1, 2013, and

NOW, BE IT RESOLVED that the insurance quote of $137,502 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 2013-2014 insurance years as follows:
Penfield Town Board, June 5, 2013

(Resolution #13T-130 - Continued)

<table>
<thead>
<tr>
<th>INSURANCE TYPE</th>
<th>INSURANCE CARRIER</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability</td>
<td>Houston Casualty</td>
<td>$132,268.00</td>
</tr>
<tr>
<td>Property</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>Automobile</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>Contractors</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>Boiler</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>Crime</td>
<td>Houston Casualty</td>
<td>$3,457.00</td>
</tr>
<tr>
<td>OCP (2)</td>
<td>Houston Casualty</td>
<td>$1,018.00</td>
</tr>
<tr>
<td>Umbrella</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>Employment Practices</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>Public Officials</td>
<td>Houston Casualty</td>
<td>(Included in the Package)</td>
</tr>
<tr>
<td>NY Fire and Motor Vehicle Fee</td>
<td>Houston Casualty</td>
<td>$759.00</td>
</tr>
</tbody>
</table>

Total $137,502.00

Moved: Moore
Seconded: Kohl

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

Adopted

#13T-131 Authorization for Town Board to Accept a Monroe County Community Development Block Grant (CDBG) for $37,250 For Panorama Valley Sidewalk Project and Execute an Agreement by Moore

WHEREAS, the Town of Penfield is a member of the Monroe County Community Development Block Grant Urban Consortium; and

WHEREAS, the Town of Penfield has entered into a cooperation agreement to participate in the Community Development Program, and comply with the Federal laws and requirements regulating the program; and

WHEREAS, the Town of Penfield, New York, after consultation with the public, has identified an appropriate use of potential Community Development funding in the Town; and

WHEREAS, the Town of Penfield made application to the Monroe County Development Administration for a project that satisfied their determination; and

WHEREAS, the Monroe County Development Administration has awarded a grant for a maximum amount of $37,250 for the Panorama Valley Sidewalk project in the Town of Penfield; and,

WHEREAS, the Town of Penfield has deemed it in the best interest of the Town of Penfield to accept this grant; and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield accepts this grant and encourages the implementation of this project; and,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Agreement with Monroe County for said project and grant.

Moved: Moore
Seconded: Quinn

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

Adopted
WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit, pursuant to Article III-3-97 of the Code to allow dog grooming at 1850 Penfield Road, located in the Four Corners (FC) zoning district; 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 May 15, 2013, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow dog grooming at 1850 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE BE IT RESOLVED, that the applicants’ request for a CONDITIONAL USE PERMIT to allow a dog grooming shop at 1850 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicants shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee.

2. The applicants shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal, in accordance with the International Building Code and obtain all necessary permits.

3. Adequate on-site parking shall be available at all times to accommodate both the existing business (The Enchanted Rose Garden) and the proposed dog grooming shop operating at this location.

4. This operation shall not adversely impact adjacent or nearby property owners in any way, particularly with respect to potential noise impacts associated with barking dogs.

5. The applicants shall comply with the requirements of the Penfield Sign Ordinance and shall obtain a Sign Permit prior to the installation of any signage on the site.

6. The applicants are not proposing to utilize a dumpster to serve their business. In the event that a dumpster is proposed at a future date, the applicants will be required to install an enclosure to screen said dumpster from adjacent property owners.

7. The applicants do not propose to board any dogs in conjunction with this business and no boarding will be permitted in the future without approval from the Town Board.

8. This operation shall comply with all Federal, State, County and Town Codes.

9. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.

AND, BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA).

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicants have worked as dog groomers for a period of time and are proposing to lease the freestanding building behind The Enchanted Rose Garden at 1850 Penfield Road which had previously been leased to the Deliciously Different Catering Company.
2. The proposed dog grooming shop will consist of the two (2) applicants. No more than two (2) staff members will work on the site at any given time and all patrons will be scheduled on an appointment only basis.

3. The business will continue to provide a needed service to the residents of Penfield, particularly those residents living in and in close proximity to the Four Corners Area.

4. The applicants’ proposal is consistent with and furthers the goals and objectives the Four Corners zoning district.

Moved: Moore
Seconded: Metzler

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

Adopted

#13T-133 Approval of Issuance of a Conditional Use Permit to Allow the Construction of an Outdoor Area at 1785 Penfield Road

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit, pursuant to Article III-3-97 of the Code to allow the construction of an 864 square foot outdoor dining area at 1785 Penfield Road, located in the Four Corners (FC) zoning district; 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 May 15, 2013 at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow 864 square foot outdoor dining area at 1785 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow an 864 square foot outdoor dining area at 1785 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee.

2. The applicant proposes to construct a wrap around porch on the north (front) and east side of the building to provide outdoor dining to its patrons. The applicant shall be permitted to construct the proposed outdoor dining area along the front of the restaurant and said area shall not exceed the 22 foot front setback from the right-of-way of Penfield Road (NYS Route 441). In addition, the applicant shall also be permitted to construct the porch along the east side of the restaurant and shall not exceed a side setback of 15 feet to the easterly property line.

3. The applicant shall be permitted to have outdoor dining between the hours of 11:00 AM and 12:00 AM on a daily basis consistent with the permitted hours of operation for the Four Corners zoning district as set forth in Article III-3-102 of the Zoning Ordinance. The restaurant shall be closed to the public at midnight on a nightly basis.
4. The applicant shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal in accordance with the International Building Code and obtain any/all necessary permits from the Building Department, but in no case shall there be more than ten (10) tables with forty (40) seats on the porch at any time.

5. Adequate on-site and off-site parking shall be available at all times to accommodate the applicant’s business. At no time shall adjacent property owners or the right-of-way of Motts Lane be adversely impacted by those patronizing this business.

6. The applicant shall comply with all requirements of the New York State Liquor Authority with respect to serving alcohol in the proposed outdoor dining area.

7. The applicant shall not be permitted to have any type of entertainment to the exterior of the restaurant. The applicant shall only be permitted to have “piped” background music within the restaurant and on the deck. In no case shall the music exceed the boundaries of the property.

8. The applicant will be responsible for constructing a dumpster enclosure on the property that is properly sized to enclose the dumpster, cardboard container and grease container. The location, design and size of said enclosure shall be approved by the Director of Developmental Services. The dumpster enclosure shall be installed in conjunction with the construction of the proposed porch. No Certificate of Compliance shall be issued by the Building Department for said porch until the dumpster, cardboard container and grease container are properly enclosed to the satisfaction of the Building Inspector.

9. The applicant shall be required to landscape all disturbed areas adjacent to the proposed porch to the satisfaction of the Director of Developmental Services.

10. This operation shall comply with all Federal, State, County and Town Codes.

11. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review regarding this proposal is necessary.

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicant has operated a sit-down restaurant from this site for approximately one (1) year.

2. The site was approved for an occupancy of 148 persons, with an additional 32 persons permitted in a proposed 675 square foot outdoor dining area that was originally proposed on the east side of the restaurant. The applicant now proposes to construct an 864 square foot wrap around porch in the area of an original wrap around porch that was removed several decades ago. The applicant also proposes to construct a handicapped ramp on the east side of the building to provide access to the porch. No other access to the porch from the exterior of the building is proposed.
3. The applicant has demonstrated that there are adequate parking facilities on site and along Motts Lane to accommodate this business, and the proposed outdoor dining area which is proposed to be seasonal. The Town Board shall review and approve any intent on the applicant’s part to convert the porch into year around dining.

4. The applicant has maintained compliance with all applicable codes and regulations pertaining to the operation of a sit-down restaurant and sale of alcohol in the Town of Penfield.

5. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district in that her business results in the continuation of a business that was a mainstay of the Four Corners for the last 40+ years.

6. The applicant ends dining service at 10:00 PM and closes the business by midnight on a nightly basis. This proposal complies with the permitted hours of operation in the Four Corners zoning district and ensures that this business does not create any adverse impacts to area residents.

7. The applicant does not propose to have any live entertainment on the premises at any time and the Board has required that no live music be permitted on site without it granting a Conditional Use Permit for such entertainment. The applicant proposes the use of “piped” background music both within the restaurant and in the outdoor dining area.

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

An application form dated April 18, 2013.

A letter of intent dated April 18, 2013.

A plan for the proposed outdoor dining area dated April 18, 2013.

Submissions and oral testimony of the applicant at the Public Hearing on May 15, 2013

Moved: Moore
Seconded: Kohl

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

Adopted

#13T-134 In the Matter of the Application of Villas At Easthampton Homeowner's Association, Tax Certiorari Settlement by Moore

WHEREAS, In the Matter of the Application of VILLAS AT EASTHAMPTON HOMEOWNER’S ASSOCIATION heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2009/2010; for the premises located at 111 Maryview Drive (Tax map number: 094.02-1-19.1) located within the Town of Penfield, and

WHEREAS, after negotiations between the Attorney for the Town and the Attorneys for the Petitioner, a tentative agreement has been reached between parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the Stipulation on file in the Office of the Town Assessor, and
WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement for the Tax Certiorari proceedings brought by In the Matter of the Application of VILLAS AT EASTHAMPTON HOMEOWNER'S ASSOCIATION for the years 2009/2010; be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and she hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: Moore  
Seconded: Quinn

Adopted

#13T-135 Authorization for Town Clerk to Attend the 2013 Cornell Municipal Clerk's Institute (CMCI) by Moore

WHEREAS, the Cornell Municipal Clerks Institute (CMCI) is a premium educational opportunity provided by a partnership of several professional Clerk Associations; and

WHEREAS, the CMCI program serves to promote the continued education and professional development of Municipal Clerks to enable Clerks to better serve their Boards and Committees and perform as competent professionals; and

WHEREAS, Town Clerk, Amy M. Steklof, RMC applied for a scholarship through the New York State Town Clerk's Association, Inc to further her education while saving tax payer dollars, and

WHEREAS, the Association has found it fit to award a $400.00 scholarship to Town Clerk Steklof to put towards her educational goals;

NOW, THEREFORE, BE IT RESOLVED, that Town Clerk Steklof is hereby authorized to attend the Cornell Municipal Clerks Institute from July 14-18, 2013 in Ithaca, New York. The balance of the cost will be allocated from the 2013 departmental conference budget line.

Moved: Moore  
Seconded: Metzler

Adopted

#13T-136 Authorize Supervisor to Sign an Intermunicipal Agreement with Monroe County by Moore

WHEREAS, Monroe County, on behalf of the Sheriff, is desirous of obtaining certain refueling services of its vehicles from the Town of Penfield; and
WHEREAS, the Town Public Works Facility located 1607 Jackson Road includes a fueling depot and the parties have determined that the cooperative use of this fueling will afford mutual advantages in terms of convenience and cost efficiencies; and

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Intermunicipal Agreement with the County of Monroe for a term of September 1, 2013 through August 31, 2014.

Moved: Moore
Seconded: Kohl

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

Adopted

#13T-137 Authorization for Supervisor to Sign an Agreement with NanoArk Corporation for Record Archival Services by Moore

WHEREAS, the Town Clerk is the official keeper of all records and municipal documents, and

WHEREAS, the Town Clerk organizes, maintains and makes available all records to the public under the Freedom of Information Act and knows it is imperative to preserve all vital records, and

WHEREAS, NanoArk Corporation is an industry pioneer in document and archiving technology, and is a sole source manufacturer of Waferfiche Technology, and

WHEREAS, the Town Clerk has determined that NanoArk will significantly change the archival storage industry through use of Waferfiche, an environmentally-friendly silicon technology that is waterproof, fireproof and does not require climate control, and meets the archiving needs for the Town of Penfield.

NOW BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with NanoArk Corporation for record archival services subject to the approval of the Town Attorney.

Moved: Moore
Seconded: Quinn

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

Adopted

#13T-138 Authorize Supervisor to Sign Insurance Consultant Agreement with Municipal Insurance Consultants Incorporated 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 probably receive insurance quotations for 2014-2015 insurance year,
NOW BE IT RESOLVED, that the Town Supervisor is authorized to sign the insurance Agreement with Municipal Insurance Consultants Incorporated effective from June 1, 2013 to May 30, 2014 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 2014-2015 insurance needs for both the general liability insurance and the Town of Penfield workers compensation insurance.

Funds for this service are included in the 2013 Adopted Budgets.

Moved: Moore
Seconded: Metzler

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

Adopted

#13T-139 Authorization for Supervisor to Sign an Agreement with Business Automation Services, Inc.

WHEREAS, the Town of Penfield Department of Public Works will be participating with Business Automation Services, Inc. (BAS) as a Pilot Site for development of new software applications for Public Works which includes highway, sewer, and engineering; and

WHEREAS, the Town of Penfield has already purchased BAS Integrated Property System Software solutions for the Town Clerk’s Office and will leverage that investment by utilizing and modifying some of the existing functionality to develop and implement new public works software applications; and

WHEREAS, the Department of Public Works Director has determined that BAS Software will improve workflow and productivity within the Public Works and Engineering Departments;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board Authorize the Supervisor to sign an agreement, acceptable to the Town Attorney, with Business Automation Services, Inc., (BAS) for said Pilot Program as outlined in the Public Works Work Plan, (Attachment A), on file in the Office of the Town Clerk; and

BE IT FURTHER RESOLVED, that the Town will pay a total of $40,000 for this program in four $10,000 installments as follows: July, 2013, March, 2014, July, 2014 and July, 2015.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#13T-140 Approval of Out-Of-District User Status for Property Located at 1161 Fairport Nine Mile Point Road by Metzler

WHEREAS, Jim & Carolyn Laudani, owners of property located at #1161 Fairport Nine Mile Point Road, in the Town of Penfield, has requested Out-of-District User status for their property, in their letter dated May 9, 2013, and.
Penfield Town Board, June 5, 2013 15

(Resolution #13T-140 – Continued)

WHEREAS, this parcel is not presently within a sanitary sewer district or extension thereof;

NOW, THEREFORE, BE IT RESOLVED, that an Agreement, as provided in the Town Board’s Resolution No. 83 of 1982 be executed between said property owner(s) and the Town of Penfield providing for Out-of-District User status for the property located at #1161 Fairport Nine Mile Point Road, SBL# 095.01-1-58, and

BE IT FURTHER RESOLVED, that the Town Supervisor be, and hereby is, authorized to execute said Out-of-District User Agreement with the property owners, on behalf of the Town Board of the Town of Penfield.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#13T-141 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 Road (north of Penfield Road), Peachtree Road, Hotchkiss Circle, Wheelock Road, Kenmont Drive, Henderson Drive, Avonmore 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 Public Works Superintendent to post said temporary “NO PARKING” signs along both and/or one side of said streets;

Moved: Quinn
Seconded: Metzler

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

Adopted
Community Services

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:

The following persons to officiate soccer games for the in-house Penfield Recreation Soccer League, 6/3/2013 - 8/1/2013, for the fees of: $15.50 per 8/9/10 under game and $19.50 per 14/under game - returning officials to receive an additional $.25 per game for each summer season they have officiated with the Penfield Recreation League on a regular basis, up to a maximum of $2.00 per game:

Ed Doyle, 4 Pipers Meadow Trail, Penfield, NY  14526
Eric Mascadri, 90 Pennwood Dr., Apt D, Rochester, NY  14625
Eddie Doyle, 4 Pipers Meadow Trail, Penfield, NY  14526
Dave Coin, 280 Liberty Avenue, Rochester, NY  14622
Sara Hetzel, 87 Hampton Way, Penfield, NY  14526

Melanie Minotti, 42 Tall Tree Drive, Penfield, NY  14526, officiate Penfield Recreation Soccer League, 6/3/2013 - 8/1/2013 and instruct soccer for youth soccer programs, 7/8/13 - 8/2/2013 for a fee of $13.50 per program per day. Vouchers to be submitted monthly.

Missy Brewer, 1130 Brooktree Lane, Webster, NY  14580, instructor for Children’s Performance Class 6/25/13 – 7/19/2013 for a fee of 70% of total class revenue. Voucher to be submitted on 7/3/2013.

Mary Spring, 234 Rayfield Circle, Webster, NY  14580, Instructor for Spring into Laughter class 2/19/13 - 4/9/2013 for a fee of 70% of total revenue. Voucher to be submitted 6/19/2013.

Sherry Murray, 76 Chippenham Dr., Penfield, NY  14526, Instructor for Youth Pre School Adventures 7/10/13 – 8/7/13 and Culinary Kids Camp 6/24/13 and 8/12/13 for a fee of 75% of class revenues. Vouchers to be submitted on 7/3/13, 8/7/13 and 8/21/13.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None
New Business – None
Public Participation – None
Adjournment

Supervisor LaFountain adjourned the meeting at 10:12 PM.

Amy Steklof
Town Clerk