PENFIELD TOWN BOARD MEETING AGENDA
Wednesday October 2, 2013 7:30 PM
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call
II Public Hearing – 2014 Preliminary and Special Districts Budget
III Communications and Announcements
IV Public Participation
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Law and Finance
13T-186 Authorize the Town Comptroller to attend the PERMA Board Meeting
13T-187 Authorizing Sale of Town Owned Property at 1589 Penfield Road to Ellison Heights LLC
13T-188 Approval of Issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 64 Square Foot Addition for Ice Cream Service and a 120 Square Foot Deck Addition at 1794 Penfield Road
13T-189 Approval of Issuance of a Special Permit to Allow the Construction of a 1,280+/- Square Foot Office Building at 2041 Penfield Road
13T-190 Approval of an Incentive Zoning Application and Final Subdivision and Site Plan Approval to Allow 10 Single Family Homes on 5.6 acres at 1229 Fairport Nine Mile Point Road known as Abbington Place Phase I-D

Public Works
13T-191 2013/2014 Snow and Ice Removal for Town owned Roads
13T-192 2013/2014 Snow and Ice Removal for Town owned Parking Lots and Town owned Facilities Public Safety -None

Community Services
13T-193 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business
X New Business
XI Public Participation
XII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, October 2, 2013 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

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

Also Present:   Amy Steklof        Town Clerk
                Richard Horwitz      Town Attorney
                Bob Beedon           Town Comptroller
                Chris Bilow          Director of Recreation
                Jim Costello         Director of Developmental Services
                Rose Iascone         Budget Officer
                Ronnie Williams      Director of Public Works

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain stated that there was misinformation put out by certain individuals that the Town Board would be discussing the Safe Act at this Town Board meeting. The Town Board has not had any discussions concerning this matter, nor is it on the agenda for this evening.

Supervisor LaFountain called on the Penfield Fire Company to share information on its important upcoming events.

2nd Assistant Chief Earl Lubanski stated he was here to promote the Fire Prevention Open House to be held on Tuesday, October 8, 2013 at the Fire Station #1 from 6:30 PM to 8:30 PM. Chief Lubanski reminded residents to check the batteries in their smoke detectors and carbon monoxide detectors. For more information please visit www.penfieldfire.org.

Councilman Quinn presented certificates recognizing the Penfield Youth winners of the Fire Prevention Essay contest. For the 5th and 6th grade category: Fifth-grader James Bruneau – 4th place County and 3rd place State; Fifth-grader Paul Sims – 5th place County and 5th place State; Fifth-grader Zachary Tilkins - 10th place County. For the 7th and 8th grade category: Seventh-grader Jessica Santiago – 2nd place County; Seventh-grader Amanda Feda – 7th place County and 4th place State. Congratulations to all the essay winners.

Public Hearing #1    2013 Preliminary and Special Districts Budget

Bob Beedon, Town Comptroller gave a presentation highlighting the major aspects of the 2014 Preliminary and Special Districts Budget.

On September 11, 2013, Supervisor LaFountain presented the 2014 Tentative Budget. The public comment period continues through October 9, 2013 and the Town Board will approve the Final 2014 Budget at the next Town Board Legislative Session to be held on October 16, 2013. You may find the details of the Preliminary Budget on the Town website at www.penfield.org, as well as view copies in the Department of Finance, The Penfield Public Library and in the Town Clerk’s Office.

There will be no tax increase for 2014. The Town Property tax rate will remain at $2.64. The proposed 2014 budget of $15.8 million is less than the current 2013 budget. With a 1.41% growth in the property tax assessment the budget will fund all operations. 2014 expenses are impacted by the full funding of retirement cost at 20% of salary, a 12% increase in Workers Compensation cost, 10% increase in General Liability cost and a 12.5% increase in premium cost for medical insurance for 2014.

The Monroe County mortgage tax paid directly to the Town of Penfield is projected to be $1,050,000.00 for 2014. This is up $50,000 from 2013. The 2014 home building market is projected to continue at the same level as 2013.
The tax levy will provide approximately $105,156 more than the 2013 budget. With reduced costs and controlled spending, the Town of Penfield will be able to maintain most of the same quality services as in 2014.

Councilman Moore thanked Supervisor LaFountain for getting the budget out early this year, and said the Town of Penfield was the second Town out of 19 towns to have the budget become public.

Councilman Moore asked Mr. Beedon to be specific on what the $6,000 line item for the sale of equipment was for.

Mr. Beedon replied that it is for scrap metal and for a vehicle the Town hopes to sell.

Councilman Moore also asked Mr. Beedon to confirm that the $42,000 for the rent of cell towers is revenue?

Mr. Beedon replied yes.

Councilman Moore then asked if the cell tower at the top of Harris Whalen Park is included in the figure?

Mr. Beedon replied yes.

In reference to the Engineering Department, Councilman Moore asked if the $35,000 designated for GIS is for new mapping of the Town and if so will it be available on line once the project is completed?

Mr. Beedon replied yes.

Councilman Moore asked if it is correct that the Town contributes approximately $4,500 toward Election Inspector pay and that the Town is in partnership with the Monroe County Board of Elections?

Mr. Beedon stated yes.

Councilman Moore also asked if it is correct that the Town contributes $10,000 for Crossing Guards?

Supervisor LaFountain stated that is correct and that he has had discussions with Stephen Grimm, Superintendent of Schools to look into cost effective ways to help children cross the street safely when walking to school.

Councilman Moore inquired if the $10,000 budget item for Municipal Parking includes the spaces adjacent to the Penfield Fire Station on Five Mile Line Road?

Mr. Beedon replied yes.

Councilman Moore asked how many parking spaces are available in the Four Corners Area?

Jim Costello, Director of Developmental Services, stated the Penfield Fire District has approximately 25 spaces and the Town works with them to maintain the property. Mr. Costello went further to say that the Town also has a parking lot south of NYS RTE 441 which has 50 spaces and there are approximately 19 spaces along Five Mile Line Road. There are also 13 spaces on the north side of Five Mile Line Road and a 13 space grouping on the north side of Penfield Road. Mr. Costello stated that all together there is well over 100 Public Parking spaces in that area.

Councilman Moore asked if the $50,000 line item slated for sidewalk funding is for new sidewalks and the maintenance of the existing sidewalks?
Mr. Beedon stated yes.

Councilman Moore asked if the $13,000 put aside for Veterans Memorial Park is used for the maintenance and upkeep of the park?

Mr. Beedon stated yes.

Councilman Moore asked if there is adequate funding in the budget for maintenance and upkeep of the Amphitheater?

Mr. Beedon replied yes.

Councilman Moore inquired if there is funding set aside for the maintenance and upkeep at Sherwood Fields, in particular the Don Cranston Bridge?

Mr. Beedon replied yes.

Councilman Moore noted that the Town offers a number of recreation activities and there has not been a change in the activities offered. He also noted that the funding levels adequately fund the different recreation programs offered to Penfield youth, adults and seniors.

Councilman Moore stated that he has had discussions with Chris Bilow, Director of Recreation and he is pleased that there are a large number of programs offered to Penfield residents. He noted that last year over 900 recreation programs were offered.

Councilman Moore asked Mr. Beedon if the Town adequately funds the Town Historian.

Mr. Beedon stated yes.

Councilman Moore also asked if the Town’s Fourth of July Celebration is adequately funded and consistent with what has been done in the past.

Mr. Beedon said yes.

Councilman Moore asked if the Consolidated Local Street and Highway Improvement Program (CHIPS) funding from NYS that helps repair and maintain Town roads will be the same as the funding in 2013.

Mr. Beedon said yes.

Councilman Moore asked Mr. Beedon to clarify for the residents what the Town’s credit rating of Aa2 means.

Mr. Beedon stated that a favorable rating such as Aa2 helps minimize taxpayer costs and helps the Town when borrowing money is necessary.

Councilman Moore mentioned that he is happy to see the Town continue its relationship with Penfield Little League, Penfield Youth Soccer, Penfield Lacrosse and Penfield Youth Football. He noted the budget shows reimbursements coming to the Town in the form of revenues due to longstanding partnerships. He also noted that the Town puts a lot of effort in maintaining the fields the youth groups use at the Town parks.

Councilman Moore asked Town Clerk Amy Steklof if the 2014 Town Budget includes the ability to continue hosting the Rabies Clinic that is held every year?

Town Clerk Steklof replied yes and stated that Town staff helps with the event each year and therefore it is not necessary to hire extra help. This in turn keeps the cost down.
Councilman Moore also asked Town Clerk Steklof to confirm that the Town Clerk budget continues to support her efforts with the online dog licensing program.

Town Clerk Steklof stated that she brought the online dog licensing to the Town in an effort to continue providing more customer service options and to make Town business easier for the Town’s taxpayers. She went on to say that when she purchased the online dog licensing software program, she negotiated a one (1) time low cost that included a payment plan that would not put a strain on the Town Clerk’s budget.

Councilman Moore also inquired about the $9,000 line item for records retention.

Town Clerk Steklof stated that when she was elected Town Clerk in 2009 the Town retained records by microfilm which was quite costly and was not a long term solution to records preservation. After much research Town Clerk Steklof came across waferfiche technology which is an environmentally friendly silicon technology that is waterproof and fire proof and does not require climate control. It takes up very little storage space which keeps the budget down while putting in use a product that meets the archival needs of the Town.

Councilman Moore made some final comments noting that out of 19 Towns, the Town of Penfield has the fourth lowest tax rate of $2.64 and thanked Supervisor LaFountain for maintaining the $2.64 tax rate for the past several years. Councilman Moore also noted that the 2014 tax rate that will be voted on in a couple of weeks is less than what the Town’s tax rate was in 2003.

Councilman Moore asked Mr. Beedon to clarify that the Town’s 2014 budget will be voted on prior to the November 5th General Election.

Mr. Beedon stated that in the 31 years he has worked for the Town of Penfield, the budget has always been voted on before the election.

Councilwoman Kohl stated she feels the 2014 Town Budget is thorough and well done.

Councilwoman Metzler noted that at the end of 2012 the Town was $2 million under budget showing that the Town maintains its fiscal health. Councilwoman Metzler also noted that only $.08 of the tax dollar goes to the Town of Penfield, and the rest goes to other taxing entities.

Councilman Quinn asked Chris Bilow, Director of the Recreation Department, whether funding has been incorporated in the 2014 Recreation budget for implementing some of the recommendations listed in the Recreation Department’s Five Year Master Plan?

Mr. Bilow stated yes, and mentioned that the plan was put together with a program emphasis and not a facility emphasis.

Councilman Quinn stated that it appears that there is a $10,000 decrease in the budget for the Penfield Ambulance and that he was wondering if the decrease will inhibit services?

Mr. Beedon said it will not.

Supervisor LaFountain stated that it is important to note the ongoing, State driven unfunded mandates that continue to come down to the Town such as the 20% increase for pension costs. Under the Town’s Health Care Consortium, the Town negotiated a reasonable 9% increase but then with the Affordable Health Care Act an additional 3.5% was imposed due to fees and taxes in order to make the Affordable Health Care Act work.

Supervisor LaFountain also stated that out of the $15.8 million budget, 9.8% of it goes to salaries, health care and pension costs.
Public Participation

Steve Grimm, Penfield School Superintendent thanked the Supervisor, Town Board, Department Heads and Staff for their efforts on creating the Town Budget and the ability to offer high quality programs on a continual basis as well as the upkeep of the facilities, parks and roads. Mr. Grimm stated that since his recent move to the Town of Penfield he has been able to enjoy the Town Parks with his family. He is very impressed with the quality of the services and the facilities in the Town.

Jeff Burns, 39 Scarborough Park asked where in the budget is the Cell Tower Rental that provided $47,000 of income last year?

Mr. Beedon stated it is general revenue under the Town Supervisor’s budget.

Supervisor LaFountain stated that typically the Supervisor’s office will work with the Town Attorney on negotiating contracts and therefore will reflect as revenue coming in under the Supervisor’s budget.

Mr. Burns also inquired about electrical usage in the Town and was wondering why the budget reflects actual usage being lower than what was budgeted for this past year and upcoming year. He pointed out that with utility rates dropping the budget seems to indicate a surplus for this year.

Mr. Beedon stated the actuals will be shown after December 31st.

Mr. Burns asked Supervisor LaFountain to get back to him with actual figures on what the Town’s consumption is in electricity and gas. He stated that by looking at the budget it seems that it is anticipated that utilities will go up next year.

Supervisor LaFountain stated it is anticipated to go up by 20%.

Mr. Burns asked if the Town is using any green electricity?

Supervisor LaFountain said to the best of his knowledge the Town is not.

Tim Murphy, 48 Corral Drive acknowledged the hard work and fiscal restraint he has seen in the budget and commended Mr. Beedon for the many years he has worked in the Town of Penfield preparing the budget.

Mr. Murphy spoke of the stable tax rate versus total taxes the residents pay. He stated the Town taxes do continue to rise and that the full equation includes the tax rate plus assessment on homes. He also stated that after researching pension costs he would like residents to realize that the part time Town Board members receive a pension benefit.

Supervisor LaFountain stated that by Law it is required to offer benefits to all employees and Councilwoman Metzler added unless the employees are already in the NYS retirement. She went on to say that if you are already in the NYS Retirement system and you take a part time job with a municipality, you are mandated by NYS to contribute to the retirement system.

Mr. Murphy asked what projects are included in the $209,000 capital outlay Parks and Buildings line?

Mr. Beedon stated $100,000 is for piping that needs to be redone for the Town Hall building and the Penfield Community Center as well as for the roof on the Highway building. The piping component is a two (2) year project. The other $109,000 is for maintaining the parks.

Mr. Murphy asked in reference to cut spending, how much is attributable to head count reduction?
Supervisor LaFountain stated that most of the reduction in staffing was done by natural attrition. Over the past four (4) years, approximately nine (9) employees have not been replaced. In the 2014 budget there are no monies for additional head count. Supervisor LaFountain went on to say that shared services and resources with the School District are opportunities the Town Board continues to take advantage of.

Mr. Murphy inquired whether there are plans for reduction in head count?

Supervisor LaFountain stated that the goal is not to lay anyone off.

Mr. Murphy stated there was not much talk about the Fire Districts, and in moving forward the year over year cost of the Fire Districts should be discussed. He stated, in particular, the possible aligning of the vote with other elections so as to give more visibility to it. Mr. Murphy asked if there are any plans in regard to spending Town resources for the Senior population?

Supervisor LaFountain stated they are looking to bring the Senior Options for Independence (SOFI) program to Penfield. He also stated that there has been some discussion towards bringing a Senior Center to Penfield that would include services and support for seniors by day and then renting the center to residents on nights and weekends.

The full Public Hearing may be found on the Town website at www.penfield.org.

Communications and Announcements

1. The General Election Day will be Tuesday, November 5, 2013. Voting hours are from 6:00 AM to 9:00 PM.

2. Fire Prevention Week is October 6 through October 12, 2013. The main focus will be on “Preventing Kitchen Fires.” For helpful tips on Fire Safety please visit www.nfpa.org.

3. The Penfield Fire Company, located at 1838 Penfield Road, will hold an Open House on Tuesday, October 8, 2013 from 6:30 PM to 8:30 PM. For more information please visit www.penfieldfire.org.

4. The Fall Recycling Event will be held on Saturday, October 5, 2013 from 9:00 AM to 3:00 PM at the DPW Complex, 1607 Jackson Road. Please note, for Household Hazardous Waste disposal year-round, call Monroe County DES at 753-7600, option 3. For more information call 340-8710 or visit www.monroecounty.gov/ecopark.

5. Congratulations to all 200 runners who participated in the 11th Annual Family First Penfield 5K Challenge this past Sunday. Results of the race can be seen at www.penfieldrec.org.

6. The Town Offices will be closed on Monday, October 14, 2013 in observance of Columbus Day.

7. This year’s Family Halloween Fun event at the Penfield Community Center, 1985 Baird Road will be held on Friday, October 18, 2013. All events will take place from 6:00 PM to 8:00 PM. For more information call the Recreation Department at 340-8655, option 6.

8. The Barn Owl’s First Birthday Party Celebration will be held Saturday, October 5, 2013 from 10:00 AM to 4:00 PM. For more information please visit www.penfieldrec.org.
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(Communications and Announcements - Continued)

9. The Penfield Rotary Fall Euchre Tournament will be held on Sunday, October 6, 2013 at 2:00 PM at the Legacy, 40 Willow Pond Way. Check-in time is at 1:30 PM with the games beginning at 2:00 PM. To register online or for more information go to www.penfieldrotary.org.

10. The Town of Penfield and Penfield Rotary will hold their annual Community Bike Drop at Penfield Community Center on Saturday, October 5, 2013 from 10:00 AM to 2:00 PM. For more information visit www.rcommunitybikes.net.

11. Councilwoman Kohl’s next Community Chat will be held Tuesday, October 15, 2013 from 5:30 PM to 7:00 PM at the Penfield Library.

Public Participation

Catherine Dean, 138 Millford Crossing, Town Liaison and member of the School Board invited the Town Board to participate in more Penfield School functions and is looking to keep collaborations on going with the Town Board.

Town Clerk Amy Steklof stated she enjoyed participating in Penfield’s Homecoming Weekend festivities and conversing with Penfield High School students at the Homecoming football game.

Steve Grimm, 6 Millford Crossing stated that the community is the core of what makes the schools as wonderful as they are. Mr. Grimm went on to say that the Town Board supports quality programming by providing all of the different activities for families within the community 365 days a year.

Mr. Grimm also spoke of the great partnership between the schools and the Town and the sharing of ideas which helps provide great opportunities for the children.

Nancy Schwab, 2024 Baird Road spoke on behalf of the “gun safety act” and acknowledged her nephew who had been shot and killed at the Colorado theatre shooting last year. Mrs. Schwab went on to say that her husband and five (5) sons are hunters and that she does not have a problem with people owning guns, but feels there should be a waiver to include background checks before issuance of a license. She would also like the license to include a registration form to be filled out that registers guns already owned. She hopes people will become more cautious.

Gia Arnold, 1620 Qualtrough Road spoke in favor of the Town Board passing a Resolution to repeal the Safe Act. She stated that there have already been 354 municipalities that have passed Resolutions to repeal the Safe Act. She said the most important reason to repeal the Safe Act is that it is unconstitutional. She stated that the State Legislature passed the law using the message of necessity so they were able to by-pass the normal three (3) day waiting period for public comment. She also stated the Law turns law abiding gun owners into criminals if they do not register their guns properly. She also stated no one would be able to inherit guns under the statute. Ms. Arnold handed out literature to the Town Board supporting the repeal of the Safe Act.

Ryan Krumm, 3405 Atlantic Avenue spoke in favor of passing a Resolution to repeal the Safe Act. He feels the Safe Act is unethical and unconstitutional and that it makes criminals out of otherwise law abiding citizens. He stated that under the Safe Act, all assault weapons must be registered by April 15, 2014 and recertified every five (5) years. Mr. Krumm encouraged Penfield residents to write or call the Town Board in support of passing a Resolution to repeal the Safe Act. Mr. Krumm provided copies of existing Resolutions for reference and handouts that capture the information pertaining to the Safe Act. For more information he suggests visiting www.nysaferesolutions.com.
Reverend Philip Shaefer, 47 Brougham Drive spoke against repealing the Safe Act. He feels that it is appropriate to regulate guns as they are a dangerous instrument. He stated that he is a Civil Libertarian and he depends on the Government and the good sense of his fellow citizens to make sure everyone has the freedom to walk down the street without getting shot.

Ken Corpus, 1991 Empire Boulevard, Webster, NY stated that there are a lot of misconceptions about guns. He stated that he finds it ironic that possessing an illegal firearm is a misdemeanor while owning a previously legal gun violates the Safe Act and is considered a felony. He feels that the Safe Act does not make anyone safer. He stated that the 2nd Amendment is a right guaranteed by the founding fathers. He also stated that it is not about the gun, but about the person carrying the gun. Mr. Corpus asked what it would take for the Town Board to put a Resolution together?

Supervisor LaFountain encouraged everyone to speak to their representatives and stated that there have been very few citizens that have contacted him regarding the Safe Act. He said that because of this, it is not something the Town Board plans to consider in the near future. Supervisor LaFountain went on to say that the Town Board takes all items that citizens bring before them seriously.

Mr. Corpus handed out a list of municipalities that have passed legislation in favor of repealing the Safe Act.

Lance Brokaw, 3409 Atlantic Avenue stated he would also like to see the Safe Act repealed. He stated he would like everyone to speak out for repeal of the Law and suggested contacting Local and State Government Officials to have the Law changed.

Art North, 317 Panorama Trail stated he is a member of the NRA, belongs to the Genesee Conservation Club and has been a gun owner since age 13. He stated he used to work for a company that developed armor to protect soldiers from assault weapons. He stated that he does not know why anyone should want to own an assault weapon. He stated he owns many guns, rifles and pistols and has not been effected in anyway by the passage of the Safe Act.

Mr. North stated he would like to petition the Town Board to either go on record supporting the Safe Act or do nothing and let the State, Federal Government and the courts make a determination.

Mike Rodenhouse, 82 Woodline Drive stated that whoever decorated the wall behind the dais thought about the 2nd Amendment.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of August 21, 2013, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#13T-186 Authorize the Town Comptroller to attend the PERMA Board Meeting by Moore

WHEREAS, the Town Comptroller is on the Board of Directors for the workers compensation carrier, Public Employers Risk Management Association, and
(Resolution #13T-186 - Continued)

WHEREAS, the PERMA Board Meeting will be held on October 23, 2013 located in Latham, New York and will be paid fully for mileage and hotel expenses by PERMA, and

NOW BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting on October 23, 2013.

Moved: Moore
Seconded: Kohl

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

Adopted

#13T-187 Authorizing Sale of Town Owned Property at 1589 Penfield Road to Ellison Heights LLC by Moore

WHEREAS, The Town Board has determined that the Town owned property at 1589 Penfield Road, consisting of 1.28 +/- acres is surplus and not required for Town activities; and

WHEREAS, the Town of Penfield has had an appraisal prepared by Midland Appraisal Associates to determine a fair market value for said property, that being $7,000; and

WHEREAS, the adjacent property owner, Ellison Heights, LLC has offered to purchase said property for $7000; and

WHEREAS, 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 action is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has determined that the sale of the subject property will not create an adverse impact to the environment;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Purchase and Sale Contract submitted by Ellison Heights, LLC for the sale of property at 1589 Penfield Road in the amount of $7,000 and subject to all requirements as prescribed by the Town Attorney.

Moved: Moore
Seconded: Quinn

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

Adopted

#13T-188 Approval of Issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 64 Square Foot Addition for Ice Cream Service and a 120 Square Foot Deck Addition at 1794 Penfield Road by Moore

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 and Article IX-9-2 of the Code to allow a 64 square foot addition for ice cream service and a 120 square foot deck addition at 1794 Penfield Road, located in the Four Corners (FC) zoning district;
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 September 18, 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 a 64 Square Foot addition for ice cream service and a 120 Square Foot deck addition at 1794 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 a 64 Square Foot addition for ice cream service and a 120 square foot deck addition at 1794 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or tenant of the proposed office building shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a commercial use other than that proposed by the applicant.

2. The applicant proposes to construct a 64 Square Foot (8’ x 8’) addition on the south side of the structure for the purpose of serving ice cream to walk up customers and a 120 Square Foot (10’ x 12’) deck on the north side of the structure to provide outdoor dining which will be displaced with the construction of the 64 Square Foot addition. Said area shall not exceed the setbacks on the north and east sides of the existing structure.

3. The applicant shall be permitted to have outdoor dining until 10:00 PM on a nightly basis.

4. The applicant shall comply with the occupancy requirements for outdoor dining to be established by the Penfield Fire Marshal in accordance with the New York State Building Code. The applicant shall also obtain any/all necessary permits from the Building Department prior to construction.

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 tenants of the Penfield Place complex be adversely impacted by those patronizing this business.

6. The applicant shall not be permitted to have any type of entertainment or music to the exterior of the restaurant.

7. 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 deck and ice cream window. No Certificate of Compliance shall be issued by the Building Department for said construction until the dumpster, cardboard container and grease container are properly enclosed to the satisfaction of the Building Inspector.

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.
(Resolution #13T-188 – Continued)

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 20 years and now proposes to add the sale of ice cream where patrons can walk up to a service window on site. He also proposes to construct a deck to accommodate that portion of the outdoor dining area that will be lost with the construction of the ice cream walk up window.

2. The applicant also proposes to maintain handicapped accessibility to the building, the deck and ice cream window.

3. The applicant has demonstrated that there are adequate parking facilities on site as there is a shared parking agreement for all tenants of the Penfield Place complex, which was required by the Town at the time the complex was subdivided into separate lots.

4. The applicant has maintained compliance with all applicable codes and regulations pertaining to the operation of a sit-down restaurant during the time he has operated at this location.

5. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district.

6. The applicant shall be permitted to have outdoor dining until 10:00 PM on a nightly basis. Although the applicant has pre-existing non-conforming hours of operation in the Four Corners, those extended hours apply to the restaurant itself as it was the only entity that existed at the time of the adoption of the Four Corners zoning district.

7. The applicant has not had nor does he propose to have any music or other form of entertainment on the premises at any time and the Board has required that no music or other entertainment be permitted on site without approval of it.

Moved: Moore  
Seconded: Metzler

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

Adopted

#13T-189 Approval of Issuance of a Special Permit to Allow the Construction of a 1,280 +/- Square Foot Office Building at 2041 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-49-C of the Code to allow the construction of a 1,280 +/- Square Foot office building at 2041 Penfield Road, located in the Planned Development (PD) zoning district;
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 September 18, 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 Special Permit to allow the construction of a 1,280 +/-
Square Foot office building at 2041 Penfield Road, in the Planned
Development (PD) zoning district and the Public Hearing was closed and
decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for a
SPECIAL PERMIT to allow the construction of a 1,280 +/- Square Foot
office building at 2041 Penfield Road is hereby GRANTED subject to the
following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town
Clerk and pay the appropriate fee. The SPECIAL PERMIT is
non-transferable. Any subsequent owner or tenant of the
proposed office building shall be required to apply for and
obtain a SPECIAL PERMIT from the Town Board to operate a
commercial use other than that proposed by the applicant.

2. The applicant shall comply with the conditions set forth by
the Planning Board in its Resolution granting site plan
approval, dated September 26, 2013,

3. The applicant shall comply with the occupancy requirements to
be established by the Penfield Fire Marshal in accordance
with the International Building Code and obtain any/all
necessary permits from the Building Department.

4. Adequate on-site parking shall be available at all times to
accommodate the businesses that are proposed to operate from
this site. At no time shall adjacent property owners be
adversely impacted by those working at or patronizing this
site.

5. The applicant shall comply with the requirements of the
Planning Board and Town Engineer to ensure that this proposal
satisfactorily addresses concerns raised by neighbors
relating to drainage and buffering.

6. The applicant shall be required to obtain a permit from the
New York State Department of Transportation for the purpose
of removing one (1) of the horseshoe driveway curbcuts onto
Penfield Road (NYS Route 441).

7. The applicant shall be required to construct a sidewalk along
his property frontage on the east side of Sanders Farm Drive
and shall submit a sidewalk easement, in the Town’s format,
acceptable to the Town Attorney.

8. This site 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 Special Permit pursuant
to the requirements of Article XI-11-14 of the Zoning
Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant’s proposal is classified
as an Unlisted action pursuant to the requirements of the State
Environmental Quality Review Act (SEQRA). The Planning Board, acting as
the lead agency has determined that this proposal will not have a
significant effect on the environment and prepared a determination of
non-significance for the action of granting preliminary and final site
plan approval as more particularly set forth in its Resolution of
approval dated September 25, 2013.
The Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicant owns the subject parcel on which he operates his tax preparation business. His intent is to construct a 1,280 +/- Square Foot office building to provide space for his son to allow him to conduct his tax preparation and law businesses at this site.

2. The applicant satisfactorily demonstrated that the traffic volumes to and from the site will be minimal as they will generally be by an appointment only basis.

3. The applicant proposes to construct adequate parking facilities on site to accommodate the existing building at 2041 Penfield Road as well as the proposed 1,280 Square Foot office building and the previously approved 6,000 Square Foot office building at 30 Sanders Farm Drive.

4. The applicant has demonstrated that he will comply with all applicable codes and regulations. In addition, the applicant proposes to address existing drainage concerns raised by adjacent owners to the south and buffering concerns to the west of this site.

5. The applicant’s proposed office is a specially permitted use within the Planned Development (PD) zoning district. The Board finds this proposal to be properly scaled to both the adjacent residences and other businesses operating in this area of Penfield.

Moved: Moore  
Seconded: Kohl  

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

Adopted

#13T-190 Approval of an Incentive Zoning Application and Final Subdivision and Site Plan Approval to Allow 10 Single Family Homes on 5.6 acres at 1229 Fairport Nine Mile Point Road known as Abbington Place Phase I-D by Moore

WHEREAS, on May 4, 2011, the Town Board granted approval of an Incentive Zoning application under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law for the Abbington Place Subdivision and also granted Preliminary Overall Subdivision and Site Plan approval for a 99 lot single family residential subdivision on 49.1 acres and Final Subdivision and Site Plan Approval for 29 single family lots in Phase I of the project, subject to conditions set forth in its Resolution 11T-125 of 2011; and

WHEREAS, the Town Board has received an application for final subdivision and site plan approval for the development of 10 residences in Phase I-D of the Abbington Place Subdivision under Articles VIII-8-2 and XI-9-2 of the Code on 5.6 +/- acres in the Rural Residential 1 (RR-1) zoning district at 1229 Fairport Nine Mile Point Road; and

WHEREAS, the Town Board has received an application requesting Final Subdivision and Site Plan Approval for 10 lots in Phase I-D of the subdivision subject to the requirements of Town Board Resolution 11T-125; 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 September 18, 2013, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of granting Final Subdivision and Site Plan Approval to allow 10 single family homes on 5.6 acres, located at 1229 Fairport Nine Mile Point Road, and the Public Hearing was closed and decision was reserved; and

WHEREAS, the Penfield Town Board acting as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) had classified this proposal as an Unlisted Action prior to granting Preliminary Overall Subdivision and Site Plan Approval and Final Subdivision and Site Plan Approval for the project and issued a Negative Declaration determining that this action will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Final Subdivision and Site Plan approval for 10 lots in Phase I-D of the development, be and the same are hereby APPROVED subject to the following conditions; and

1. The applicant shall be responsible for providing the outstanding amenities outlined in the Town Board’s Findings Statement Resolution No. 10T-198 dated September 1, 2010. which identified them as follows:
   - Necessary financial support and participation in the proposed relief sewer within the Town of Webster as identified in the sewer capacity study prepared by BME Associates, December 2003 and subsequent preliminary cost data prepared by Schultz Engineering for Visca Homes in the Town of Webster dated August 2009, both on file with the Penfield Engineering Department. The applicant shall be required to submit an amount of $500 per lot at the time a building permit is requested and prior to its issuance.
   - The developer shall provide cash contribution payment of $3,250 per each lot above the RA-2 conventional yield of the property, that being 10 lots, totaling $32,500 for the specific purpose of designating funds to the Town’s drainage fund and to the Town’s highway fund to provide the Highway Department the ability to address public works projects that benefit the Town residents as deemed necessary.

2. Compliance with or agreements reached on the recommendations of the Penfield Project Review Committee’s memo dated September 11, 2013, except as otherwise provided herein. Obtaining the signature of the Town Engineer indicates compliance with this requirement.

3. Compliance with or agreements reached on all of the engineering requirements with the Town Engineer and obtaining his signature on the plan indicates compliance with this requirement.


5. Submission of all easements to implement the approved plan. Easements shall be submitted in the Town’s format and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.

6. Compliance with the Town of Penfield’s Street Tree Planting Policy and Sidewalk Policy.
7. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas, construction sequence, and other applicable measures deemed appropriate by the Town Engineer.

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

9. Furnishing the Town with a Letter of Credit, in an amount to be approved by the Town Engineer. Said Letter of Credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.

10. The applicant shall remove all debris, broken limbs, and deleterious growth from proposed Phase I-D to the satisfaction of the Town Engineer. This work shall be covered in the Letter of Credit.

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

12. The final site plan for these phases shall contain proper notations regarding the possible presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall field tile be permitted to exist near home foundations.

13. The submission of all the required documents for roadway dedication, all to be in the Town’s format, accompanied by the proper filing fees and acceptable to the Town Attorney, prior to obtaining the signature of the Director of Developmental Services on the final plans.

14. The dedication of land to the Town of Penfield shall be subject to the acceptance by the Penfield Town Board, for those parcels identified on the plat map. This shall take place upon completion of the final phase of development and after sediment resulting from construction activity is removed from said areas as directed by the Town Engineer and in a format acceptable to the Town Attorney.

15. A notation shall appear on the plat map “Town owned lands are intended to remain in a natural undisturbed condition and shall not be routinely Town maintained.”

16. Permanent markers are to be placed at the boundary of Town owned lands and easements in locations and designs subject to the satisfaction of the Town Engineer. Said markers are to be placed after general site grading is completed and prior to the issuance of Certificate of Occupancy for each affected lot. This item shall be included in the developer’s Letter of Credit.

17. All sanitary sewer connections are to be approved by the Town Engineer, the Town of Webster and the Monroe County Health Department. All funds for such improvements shall be covered in the Letter of Credit.
(Resolution #13T-190 – Continued)

18. Compliance with the Town’s Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; specifically that a single access to this property shall be provided from Route 250 until such time as the project is connected to an adjacent property to the east or to the south of this subdivision to provide alternate means of ingress and egress for this project.

19. The applicant shall work with the Building Inspector to establish street addresses for all proposed buildings. Any new street names must be approved by Monroe County 911 and the Town of Penfield.

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

21. A notation shall be placed on each corner lot with the subdivision stating that: “Any modification in the placement of a home from the location shown on the site plan, must be submitted in writing to the Building Inspector prior to application for a building permit for review and approval for compliance with the minimum setback requirements as set forth on the approved Site Plan.”

22. No walkout basements shall be permitted without the approval of the Town Engineer. In the event that walkout basements are approved, basements that are substantially exposed shall have siding compatible with the main structure installed to within 24” of ground level in order to provide an attractive appearance from all sides.

23. The applicant shall pay a recreation fee for each proposed structure on the site at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.

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

25. Compliance with all requirements of any Federal, State, County or local agency.

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

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

28. The approved site plan must be properly filed in the Town Clerk’s Office prior to the issuance of a building permit.

29. Compliance with all of the requirements of the Director of Developmental Services regarding this matter. Furthermore, the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.

30. Upon completion of all phases of development of this project, the applicant shall be required to submit an overall final subdivision plat which combines all lands to be dedicated to the Town of Penfield. Upon obtaining the signature of the Town Supervisor, the applicant shall be required to have said subdivision plat recorded in the Monroe County Clerk’s Office.

AND BE IT FURTHER RESOLVED, that The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:
Subdivision Approval: Factors for Consideration

1. Character of the land, including topography and watercourses. - The site is well suited for development. There is no designated watercourse flowing through the property, however the applicant has modified the project layout to address the collection of storm water and reduction of volume of flow leaving the site prior to it discharging to Four Mile Creek. One (1) of the two (2) storm water management facilities have been constructed on the site to mitigate storm water concerns voiced by area neighbors and is properly functioning as proposed. The Town Board is satisfied with the overall layout of the project.

2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. - This project is consistent with the Town of Penfield 2010 Comprehensive Plan which recommended higher densities for this area of Penfield.

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

4. Street layout and design. - The Board has reviewed the proposed street layout and design.

5. Street Names. - The street names have been reviewed and found acceptable by Monroe County 911.

6. Arrangement of lots. - The lot and building arrangement remains exactly as that approved by the Town Board in its Preliminary Overall Subdivision and Site Plan Approval on May 4, 2011 in Resolution 11T-125.

7. Drainage Improvements. - Drainage improvements were installed for previous phases of the project and have significantly reduced and mitigated drainage impacts to area property owners. Additional improvements in the form of a bio-retention facility in conjunction with this phase will further reduce and mitigate drainage impacts to adjacent property owners.

8. Utility Sidewalk and Pedestrian access and conservation easements. - Pedestrian patterns have been considered and will utilize sidewalks both within the proposed subdivision as well as a trail to provide pedestrian accessibility for those residents residing on the proposed Whitespire Lane. Said pedestrian access will be constructed with an impervious, durable material as directed by the Town Engineer.

9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. - The project required the construction of two (2) storm water management facilities that area intended to revert back to their natural states, which will be owned by the Town of Penfield and maintained through a Special Improvement District which was created at the time Phase I of this project was approved.

10. Density Calculation. - The density calculation was established in Resolution No. 10T-198 of 2010 and approved in Resolution 11T-125 of 2011 and remains the same.

11. Special benefited districts required including, but not limited to, sidewalks and trails, lighting, sewer, storm water management facilities, parks, and other embellishments. - A specially benefited district for the overall subdivision was created for each listed amenity as a condition of Phase I of the project.
12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department’s criteria as well as the Ordinance. - The site will be serviced by a dedicated sanitary sewer system. No on-site sewage disposal systems (septic systems) are proposed.

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

Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. - The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks are proposed to provide pedestrian access throughout the project. The project’s roadways are designed to connect to the adjacent properties to the south and west of the site to provide for multiple means of ingress and egress as development occurs on those properties as requested and considered during the application review.

2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. - The applicable factors have been found to be acceptable by the Board.

3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. - There are few trees in the areas of proposed development. Trees will be installed as a condition of site plan approval, in compliance with the Town’s Street Tree Policy.

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

5. Adequacy of storm water, sanitary waste disposal, and public water facilities. - The storm water management facility that services these phases of development was constructed in conjunction with the development of phase I-A of the project and is functioning as designed.

6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. - The Board has worked with the applicant and his site contractor to limit the number of hours per week and have established a timeframe that top soil will be screened on the site to provide a quieter environment to the existing and proposed property owners in the neighborhood.

7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. - There are no EPOD’s on this site.
8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, IBP, LWRP and any others. - Of those documents, plans, laws, acts and reports listed, the following are applicable:

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

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

   c. Design and Construction Specifications - As previously noted the plan complies with all requirements of the Specifications with the exception of the Town Board waiver for road radii requirements to minimize filling on the site.

   d. SEQRA- The environmental review of this action is consistent with SEQRA.

   e. The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay. All storm water flows to Four Mile Creek which directly flows to Lake Ontario.

9. Provisions for adequate drainage away from walls or structures. - the applicant is required to comply with the requirements of the Town’s Specifications and Design Criteria which requires positive drainage away from all structures.

10. Agreements, easements and other required legal documentation shall be approved by the Town Attorney. - No construction will be permitted for this project until such time as all legal documentation has been reviewed and approved by the Town Attorney and appropriate staff members.

11. The impact of the proposed use on adjacent land uses. - The adjacent land uses include agricultural lands surrounding the site. Those lands are also subject to development pressure based on their accessibility to sanitary sewers. It is anticipated that said properties will be similarly developed as the subject property over the next several years. The adjacent property owners to the west of the site requested that the Town Board require the developer to provide road access to their easterly property line to allow future development on their property to tie into said proposed road. The Board did so and the applicant complied. The applicant to the south of this site requested the Town Board to provide a right-of-way to his property along with access to a sanitary sewer for the future development of his site as well as providing sanitary access to his residence. The Board did so and the applicant complied. Finally the owner to the south requested that the Town Board require the applicant to install an earthen berm along the common property line to prevent drainage from the project from entering onto his site. At the applicant’s request, the Board did so and the applicant complied. The Town Board, in granting the neighbor’s request is doing so to the extent that the Town is honoring his request. The Town assumes no liability in the event that the berm prevents storm water from positively draining from the adjacent property. The Town Board was concerned that since the Town has no drainage easement over the lands immediately east of Route 250 that there may be an adverse impact to the properties to the west of Route 250 in the event that positive drainage was not maintained east of Route 250.
The applicant secured a letter from the property owner on the east side of Route 250 allowing the Town access to his property to resolve any drainage issues in emergency situations. The applicant proposes to install an additional bio-retention facility in this phase of development to address drainage issues on the west side of the property. These actions resolved the Board’s issue.

12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of the recreation fee shall be noted on the plat. See condition #25.

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

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

Moved: Moore  
Seconded: Quinn

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

Adopted

Public Works

#13T-191  2013/2014 Snow and Ice Removal Town owned Roads by Metzler

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

Bid to perform Snow and Ice Removal services for Town owned Roadways.

BE IT FURTHER RESOLVED, that the 2013/2014 Snow and Ice Removal services covered by such sealed proposals are in accordance with the specifications prepared by the Director of Public Works, and on file with the Town Clerk. The sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM local time on Thursday, October 24, 2013 and then and there be opened and read publically.

Moved: Metzler  
Seconded: Moore

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

Adopted
#13T-192  2013/2014 Snow and Ice Removal for Town owned Parking Lots and Town owned Facilities by Metzler

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

Bid to perform Snow and Ice Removal services for all Town owned Parking Lots and Town owned facilities.

BE IT FURTHER RESOLVED, that the 2013/2014 Snow and Ice Removal services covered by such sealed proposals are in accordance with the specifications prepared by the Director of Public Works, and on file with the Town Clerk. The sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM local time on Thursday, October 24, 2013 and then and there be opened and read publically.

Moved:  Metzler
Seconded:  Kohl

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

Adopted

Public Safety - None

Community Services

#13T-193  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 Penfield Recreation Women’s Fall Soccer League, 9/28/13 - 11/2/13, for a fee of $38.00 per game:

Gordon Cruickshank, 83 Woody Lane, Rochester, NY  14625

Voucher to be submitted 10/16/13.


Lifespan of Greater Rochester Inc., 1900 S. Clinton Ave., Rochester, NY 14618, c/o Ann Marie Cook, provide Eldersource Care Management for Town of Penfield residents in the 2013 calendar year for a fee of $700.00. Voucher to be submitted on 10/2/13.

SORA, 3 Edmar Court, Henrietta, NY 14467, Provide umpire services, team registration and league softballs for Summer Softball League, 5/30/13 - 8/22/13. Registration fee $25 per team, softballs $38.00 per dozen, $26.00 & $37.00 for umpire services (single/double games.) Invoice submitted at conclusion of 2013 league, voucher to be submitted 10/16/13.

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, provide musical entertainment October 18th for Halloween event for a fee of $200.00 and provide a Trio for the Christmas Holiday event December 6th for a fee of $400.00. Vouchers to be submitted 10/2/13 and 11/20/13.

Sherry Murray, 76 Chippenham Dr., Penfield, NY 14526, Instructor for youth Pre School Adventures 9/20/13 – 11/22/13, for a fee of 75% of class revenues. Vouchers submitted on 10/2/13 and 11/6/13.
Penfield Town Board, October 2, 2013

(Resolution #13T-193 - Continued)

Moved: Kohl
Seconded: Quinn

Vote:

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Adopted

Old Business - None

New Business - None

Public Participation

Ed Lindskoog, 18 High School Drive, stated there will be a hike on the Rifle Range Trail in Lucien Morin Park on October 12, 2013 at 10:00 AM.

Mr. Lindskoog mentioned that he has been meeting with Councilwoman Kohl to discuss beautifying the Four Corners Area, and is concerned with the amount of leaves that remain on the sidewalks and in the catch basins. He would like the Town to address the issue.

Supervisor LaFountain stated that work for the drainage project is nearly completed on Liberty Street and that he will inform Ronnie Williams, Director Public Works, of the issue.

Adjournment

Supervisor LaFountain adjourned the meeting at 10:33 PM.

Amy Steklof, RMC
Town Clerk