PENFIELD TOWN BOARD AGENDA

Wednesday, October 15, 2014 7:30 PM

Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes – September 17, 2014

VI Petitions

VII Resolutions by Function

Law and Finance
14T-170 Adoption of Final Budgets for Fiscal Year 2015 for the Town of Penfield
14T-171 Authorization for Supervisor to Sign Lease Agreement with the Penfield Central School District
14T-172 Authorize the Town Comptroller to Attend the PERMA Board Meeting
14T-173 Authorizing Purchase of a Portion of Property at 2126 Five Mile Line Road from DiPrima Properties II, LLC
14T-174 Authorizing Purchase of a Portion of Property at 1825 Penfield Road from Ronald and Joyce Baroody
14T-175 Granting Preliminary and Final Site Plan and Resubdivision Approval to Allow a 9,120 Sq. Ft. Office Building at 2154 Fairport Nine Mile Pt. Rd.
14T-176 Granting Modifications to the Incentive Zoning Application and Preliminary and Final Resubdivision and Site Plan Approval at 56, 63, 67 and 71 Kings Mill Court in Windham Woods Subdivision – Section 2 – Phase B
14T-177 Granting Incentive Zoning for Resubdivision Approval and Preliminary Overall Site Plan Approval to Allow 3 Structures Totaling 15,080 Sq. Ft. and Final Site Plan Approval to Allow the Proposed 6,000 Sq. Ft. Structure at 2146 and 2152 Fairport Nine Mile Pt. Rd.
14T-178 Granting Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval to Allow the Demolition of the Structures at 2107 and 2111 Five Mile Line Road to Permit the Construction of a 3,490 Sq. Ft. Structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road with Outdoor Dining at 1816 Penfield Road
14T-179 Authorization for Supervisor to Sign and Submit Justice Court Assistance Program Grant Application

Public Works
14T-180 Authorization for Supervisor to Sign an Intermunicipal Agreement with Monroe County for the Stormwater Coalition of Monroe County

Public Safety
14T-181 Advertise for Bids to Maintain, Clean-Up and Secure Properties as Required under Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code

Community Services
14T-182 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, October 15, 2014 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

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

Also Present:  
Amy Steklof  
Richard Horwitz  
Robert Beedon  
Bernadette Brinkman  
Town Clerk  
Town Attorney  
Town Comptroller  
Library Director  

Supervisor LaFountain called the meeting to order - The Pledge of Allegiance was led by Bernadette Brinkman.

Councilwoman Linda Kohl presented a Proclamation to Librarian Bernadette Brinkman that recognized “Friends of Libraries Week” in Penfield, NY October 19 - 25, 2014. Ms. Brinkman thanked the Friends of the Penfield Library for their hard work and for contributing to the success of this year’s book sale. She announced that $28,000 was raised for the event and will go toward paying for all the programming the Library offers along with initiatives that help pay for new technology that everyone in the community can enjoy.

Town Clerk Amy Steklof read an e-mail written by Mary Maley, President of the Friends of the Public Library that thanked the Town Board for bestowing this honor to the “Friends” and also thanking everyone for all the ways that they contribute to the success of the Book Sale.

Ms. Brinkman stated that the “Friends” have developed a program in which books are now made available for purchase all year long for a suggested donation of $1.00 for hardcover books and $.50 for paperback books. This program has already been a big success.

Communications and Announcements

1. If you are using the installment option for tax payments, second and third installments must be made payable to the Monroe County Treasury. Please contact the Tax Office with any questions.

2. The General Election will be held on Tuesday, November 4, 2014. Voting hours are from 6:00 AM to 9:00 PM. Those who vote in Election District #10 and whose polling site has been at Grande Vie Senior Living Facility will now vote at the Penfield Fire Hall Station #1, 1838 Penfield Road. If you have not received your postcard alerting you to this change, please call the Town Clerk’s Office at 340-8629 or contact the Board of Elections at 753-1550.

3. Councilman Quinn reminded residents to use caution and stay safe when Trick or Treating on Halloween. He also reminded residents that November 2, 2014 is Day Light Savings Time and to change your clocks back an hour as well as check the batteries in your smoke detectors.

4. The Town’s Annual Historic Ghost Walk will be held Friday, October 17, 2014 from 6:00 PM to 8:00 PM. Reservations can be made ahead of time by calling the Recreation Department at 340-8655, Option 6. Tickets are $5.00.

5. The Town of Penfield will hold a Public Information meeting regarding Baker Commodities on Monday, November 17, 2014 at 7:00 PM in the Town Hall Auditorium, 3100 Atlantic Avenue. For more information call 340-8630.
Communications and Announcements – Continued

6. The next Environmental Discussion series topic, “Ten Things: Practical Steps for Lower Carbon Living” will be held on October 20, 2014 at 6:30 PM at the Penfield Town Hall Auditorium. All sessions are free. To register and for more information call 340-8655, option 6, or visit www.penfieldrec.org.

7. The Town offices will be closed on Tuesday, November 11, 2014 in observance of Veteran’s Day.

8. The Penfield Players will put on the production of Gore Vidal’s "The Best Man." The production will run from Saturday, November 1, until November 15, 2014. All performances will be held at the Penfield Community Center at 8:00 PM, with the exception of November 2, which will be held at 2:00 PM. To order tickets, please call 340-8655 or go to www.penfieldrec.org.

9. Penfield Recreation will hold their Annual Halloween celebration on Friday, October 7, 2014 from 6:00 PM to 8:00 PM at the Penfield Community Center. A pizza dinner will be available for $5.00 a person beginning at 5:30 PM. To purchase tickets in advance contact the Recreation Office at 340-8655. Tickets will also be available at the door.

10. Penfield Rotary will hold its Annual Fall Euchre Tournament on Sunday, November 2, 2014 at the Legacy, 40 Willow Pond Way. Tickets are $20.00 per person before October 31 or $25.00 the day of the event. Proceeds will benefit Camp Haccamo. For more information, please visit www.penfieldrotary.org.

11. Councilwoman Kohl’s next Community Chat will be held on Tuesday, October 21, 2014 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

12. The Rotary Bike Drop was held on Saturday, October 4, 2014. 202 bikes were received. Approximately 1,000 bikes have been received in the four (4) years since the event began.

Public Participation

Bob Reid, 275 Parkview Drive again spoke of Baker Commodities odor issues. He stated that there have only been four (4) odor complaints in the last month which is an improvement from the 60 odor complaints reported from the previous month. He would like more information on what is causing the odors. Mr. Reid asked whether there will be any advance information pertaining to the findings from NYSDEC before the upcoming Public Information meeting.

Supervisor LaFountain stated that once the report comes out the NYSDEC will send it electronically and it will then be placed under the Bakers Commodities section of the Town’s website.

Mr. Reid stated that most of the Petition items that were presented to the Town Board this past July have not been acted upon. Mr. Reid read a series of questions pertaining to the operations of the plant. In particular he asked the Town Board if a company should be allowed to operate if it is not in compliance with its permit.

Councilman Moore stated the Town Board sent a letter July 24, 2014 that asked if Baker Commodities is fully compliant with its current NYSDEC permit. The NYSDEC sent a response letter dated August 6, 2014 which no one was satisfied with and that is one of the reasons the Town Board has chosen to hold a Public Information meeting with the NYSDEC.

Mr. Reid stated that he was referring to the Town’s pre-existing non-conforming use permit, which at the time, did not allow them to expand their business. They believe the operation has significantly increased and feels a new permit may be in order. (Mr. Reid’s full list of questions can be found on the Town’s website)
Penfield Town Board, October 15, 2014

(Public Participation - Continued)

Mr. Reid expressed concern that the e-mail chain that notifies residents of the important issues pertaining to Baker Commodities is not reaching everyone in the surrounding neighborhoods and feels that it would be better to send the information by mail.

Dan Quatro, County Legislator representing the 15th Legislative District, that covers a portion of Penfield and Webster, stated that the County Legislature has started their budget process and congratulated and thanked the Town Board for how well they have collaborated with the County Legislature and cooperated with other entities in Monroe County including Monroe Community College to help manage costs and protect the quality of life in Penfield.

Legislator Quatro stated the Town of Penfield has the forth lowest tax rate in Monroe County and congratulated the Town Board for the Town’s AA2 credit rating.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of September 17, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions

Resolutions by Function

Law and Finance

#14T-170 Adoption of Final Budgets for Fiscal Year 2015 for the Town of Penfield by Moore

WHEREAS, the Town Board of the Town of Penfield having on the 1ST day of October 2014 commencing at 7:30 PM, duly held a Public Hearing on the preliminary budgets for the fiscal year beginning January 1, 2015, and

WHEREAS, all requirements of Article 102 through 109 of the New York State Town Law for preparation and adoption of the General, Highway, and Library Budgets have been met, and

WHEREAS, all requirements of Article 15 of the New York State Town Law for preparation and adoption of the Special District budgets have been met, and

WHEREAS, in addition to the above legal requirements, a presentation of the 2015 Tentative Budget was made at the Town Board Legislative meeting on September 3rd and,

WHEREAS, all persons desiring to be heard in the matter of the budgets of the Town of Penfield for fiscal year 2015 having been fully heard,

NOW THEREFORE, BE IT RESOLVED, that the Final Budgets for the General, Highway, and Library Funds, and the Special Districts be and the same are hereby adopted as the annual budgets for the fiscal year beginning January 1, 2015, and that such annual budgets as so adopted, be entered in detail in the Minutes of the proceedings of this Town Board, and the annual budgets made available for public inspection at the Town Clerk’s Office during normal business hours as well as in the Finance Office at the Town Hall located at 3100 Atlantic Avenue, and the Public Library at 1985 Baird Road, and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Penfield prepare and certify as provided by Law, duplicate copies of said annual budgets together with Assessment Rolls for the Town, and deliver one of such copies to the Supervisor of this Town, and that the Supervisor shall present such copy to the Monroe County Legislature, as required by Law.
(Resolution #14T-170 – Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#14T-171 Authorization for Supervisor to Sign Lease Agreement with the Penfield Central School District by Moore

WHEREAS, that the Town of Penfield and the Penfield Central School District have an existing Intermunicipal Agreement. This agreement governs the use of District facilities by the Town and the use of Town facilities by the District. The agreement has proved to be mutually beneficial to residents of the District and the Town; and

WHEREAS, the Penfield Central School District desires to lease portions of storage space at Channing H. Philbrick Park from the Town of Penfield, and

NOW, BE IT RESOLVED, that the Town Supervisor is authorized to sign a Lease Agreement, on file with the Town Clerk, between the Town of Penfield and the Penfield Central School District, in a format acceptable to the Town Attorney. This Resolution is adopted subject to a Permissive Referendum and the Town Clerk be and she is hereby directed to post and publish a Notice in the manner prescribed by Law.

Moved: Moore
Seconded: Quinn

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

Adopted

#14T-172 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

WHEREAS, the PERMA Board Meeting will be held on October 29, 2014 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 29, 2014.

Moved: Moore
Seconded: Metzler

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

Adopted

#14T-173 Authorizing Purchase of a Portion of Property at 2126 Five Mile Line Road from DiPrima Properties II, LLC by Moore

WHEREAS, The Town Board proposes to purchase a portion of property at 2126 Five Mile Line Road, consisting of 0.109 +/- acres for the purpose of creating a public parking facility in the southeast quadrant of the Penfield Four Corners; and
(Resolution #14T-173 – Continued)

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 $50,300; and

WHEREAS, the property owner, DiPrima Properties II, LLC has offered to sell said requested portion of the property for $50,300; 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

WHEREAS, the subject action is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Purchase and Sale Contract for the purchase of a portion of property at 2126 Five Mile Line Road in the amount of $50,300; and

BE IT FURTHER RESOLVED, that this Resolution is adopted subject to a thirty (30) day Permissive Referendum period and the Town Clerk be, and she is hereby directed to post and publish a Notice in the manner prescribed by Law.

Moved: Moore
Seconded: Kohl

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

Adopted

#14T-174 Authorizing Purchase of a Portion of Property at 1825 Penfield Road from Ronald and Joyce Baroody by Moore

WHEREAS, the Town Board proposes to purchase a portion of property at 1825 Penfield Road, consisting of 0.181 +/- acres for the purpose of creating a public parking facility in the southeast quadrant of the Penfield Four Corners; 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 $10.00 per square foot; and

WHEREAS, the property owners, Ronald T. and Joyce Baroody have offered to sell said requested portion of the property for $10.00 per square foot; 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

WHEREAS, the subject action is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Purchase and Sale Contract for the purchase of a portion of property at 1825 Penfield Road in the amount of $79,220; and

BE IT FURTHER RESOLVED, that this Resolution is adopted subject to a thirty (30) day Permissive Referendum period and the Town Clerk be, and she is hereby directed to post and publish a Notice in the manner prescribed by Law.

Moved: Moore
Seconded: Quinn
Resolution #14T-174 – Continued

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

Adopted

#14T-175 Granting Preliminary and Final Site Plan and Resubdivision Approval to Allow a 9,120 Sq. Ft. Office Building at 2154 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Site Plan and Resubdivision Approval under Articles VIII-8-2 and XI-9-2 and a Conditional Use Permit under Article X-10-4-E of the Code to allow a 9,120 square foot office building on 1.45 +/- acres in the Business Non-Retail (BN-R) zoning district at 2154 Fairport-Nine Mile Point Road;

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 17, 2014, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of Preliminary and Final Site Plan and Resubdivision Approval to allow a 9,120 square foot office building at 2154 Fairport-Nine Mile Point Road, and the Public Hearing was closed and decision was reserved.

RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA during the Incentive Zoning approval which was granted by the Town Board at which time. The requirements for SEQRA for the overall development concept for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; and

AND BE IT FURTHER RESOLVED, that the applicant’s request for Preliminary and Final Site Plan and Resubdivision Approval to allow a 9,120 square foot office building at 2154 Fairport-Nine Mile Point Road is hereby GRANTED subject to the following conditions:

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

2. The Town Board approves the applicant constructing the proposed office building with a 73 foot rear setback based on its willingness to buffer the adjacent residential properties to the satisfaction of the Town Board and the adjacent property owners.

3. The applicant shall submit a Landscape Plan which shall be reviewed, approved and signed by the Town’s Landscape Consultant. Said Landscaping Plan shall be in a form acceptable to the Town Board that addresses neighbor concerns for adequacy of buffering of the office building; said landscaping shall be installed to the Town Board’s satisfaction prior to the issuance of a Certificate of Occupancy for the for the first tenant of the proposed office building. An appropriate amount of funds shall be placed in the Letter of Credit to cover the cost of the approved landscaping materials and installation. Upon completion of the construction of the office building and landscaping, the applicant or his representative shall meet on site with the Director of Developmental Services and the adjacent property owners to verify that said landscaping effective buffers the building from the adjacent residents. If determined that the buffer is visually effective, the funds in the Letter of Credit shall be released to the applicant. If it is determined that the buffer needs to be further embellished, the applicant and Director of Developmental Services shall determine the location and materials needed to
finalize the buffer to the Town’s satisfaction. Upon completion of the buffer embellishment, the funds will then be released to the applicant. A two-year maintenance bond shall be required to insure landscaping is properly maintained.

4. The applicant shall submit all LUAMP fees shall be submitted prior the issuance of the first Certificate of Occupancy for the proposed building.

5. The Town Engineer shall approve the final plan for exterior lighting, specifically that such plan shows lighting, which is localized and unobtrusive. All light fixtures shall be 90% cutoff luminaires. All wall mounted lighting shall be compatible with the adjacent residential neighborhood. Wall-pac™ fixtures will not be permitted. Shields shall be installed on all fixtures as directed by the Town Engineer.

6. All parking lot lighting shall be consistent with the specifications of the existing lighting that has been approved for this complex.

7. Compliance with the standards of Chapter 29 – Article IV of the Code of the Town of Penfield, which deals with the maintenance of parking and accessory areas.

8. The applicant shall furnish 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.

9. 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.

10. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.

11. All proposed wall mounted and directory signage shall be submitted for review and approval by the Town Board and the Building Inspector prior to the issuance of a sign permit. All signage shall be in compliance with the requirements of the Penfield Zoning Ordinance.

12. Refuse collection for this site shall only be permitted between the hours of 6:30 AM and 6:30 PM, Monday through Friday.

13. The emergency egress doors proposed to be installed at the rear of the building shall be used for emergency egress only. They shall not be used as an access for employee break purposes at any time.

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

15. 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.

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

17. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE SITE PLAN.
The Board bases its decision to approve this proposal on the following findings:

1. The applicant shall be permitted to construct a 9,120 square foot one (1) story office building with a potential for three (3) leased spaces. The applicant proposes to initially lease two (2) of the spaces to one (1) tenant for use as a medical office and the other to a second tenant for professional office purposes. The uses proposed for the site are permitted uses within the Business Non-retail zoning District.

2. The proposed structure is designed in such a manner that it is architecturally compatible with the residences immediately to the east of it and to the day care center immediately to the south. In addition, the Board believes that the office use proposed by the applicant will provide the adjacent residences with the ability to quietly enjoy their properties as this use operates within the permitted hours of operation of the Business Non-retail district.

3. The applicant has requested that the proposed building be constructed with a 73 foot rear setback rather than the 75 foot setback which was proposed in the concept plan for the site and was the setback approved for Doodlebugs Child Care Center. The Penfield Zoning Ordinance requires a minimum 50 foot setback for development in a Business Non-retail zoning district which abuts a single family zoning district. The Board based its decision to allow a two (2) foot encroachment due to the applicant's willingness to provide a visually effective landscape buffer between the building and the adjacent residences to the east of the site. In addition, it was noted that the residences are located further from the building than the residents abutting the Doodlebugs building. The residents most directly impacted by the construction walked the site with Town staff, the applicants engineer and landscape architect and determined the two (2) foot setback was negligible if the landscaping proposed and agreed upon by all parties is properly installed. The Town Board has required that the funds for landscaping in the Letter of Credit be held in place until the desired buffer is fully installed to the satisfaction of the Board and the adjacent residents.

4. The approval of the proposed office building is consistent in size with the originally approved concept plan for the Penfield Landings Complex. The building, as designed, with the landscaping required of the applicant, will create a visually effective buffer for the adjacent residents to the east of the site from the remainder for the Penfield Landing Complex to be constructed, as well as other existing commercial uses on Route 250.

5. The applicant has demonstrated to the Town Engineer that the storm water generated by this development was considered in the overall approval of the site and will be addressed by the existing treatment proposal, which has been constructed on-site, and is being maintained by the property owners within the complex.

6. The project will be serviced by public water and connection to a sanitary sewer.

7. The applicant proposes to install exterior lighting that will be adequately shielded so as to minimize impacts to adjacent residential neighbors.

Moved: Moore
Seconded: Metzler
Penfield Town Board, October 15, 2014

(Resolution #14T-175 – Continued)

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

Adopted

#14T-176  Granting Modifications to the Incentive Zoning Application
          and Preliminary and Final Resubdivision and Site Plan
          Approval at 56, 63, 67 and 71 Kings Mill Court in Windham
          Woods Subdivision – Section 2 – Phase B by Moore

WHEREAS, an application has been received by the Penfield Town Board,
under Local Law No. 2 of 2003, known as the Town of Penfield Incentive
Zoning Law, to consider Preliminary and Final Resubdivision and Site
Plan Approval to allow the resubdivision of lots 213, 214, 215 and 216
within the Windham Woods subdivision to create one (1) additional lot to
the approved 56 lot subdivision granted by the Town Board in Resolution
11T-092 on February 16, 2011; 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

WHEREAS, the subject application is determined to be an Unlisted action
pursuant to the requirements of the State Environmental Quality Review
Act (SEQRA); and

WHEREAS, the Town Board of the Town of Penfield held a Public Hearing at
the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526
on October 1, 2014 at 7:30 PM on said date, to consider said application
and to hear all persons on the question of consideration of said
application; and

WHEREAS, other than the applicant’s presentation to the Town Board, no
other input was received from the public and the Hearing was closed;

NOW, THEREFORE BE IT RESOLVED, that the applicant’s request for a
modification to the original Incentive Zoning application to allow
Preliminary and Final Resubdivision and Site Plan Approval to allow the
resubdivision of lots 213, 214, 215 and 216 within the Windham Woods
subdivision to create one (1) additional lot to the approved 56 lot
subdivision granted by the Town Board in Resolution 11T-092 on February
16, 2011 is hereby GRANTED subject to the following conditions:

1. Compliance with or agreements reached on all of the engineering
requirements that may be raised by the Town Engineer. The
applicant shall obtain the signature of the Town Engineer on the
final site plan which shall indicate compliance with this
requirement.

2. The signature blocks shall be provided on the subdivision plat and
site plan as required by the Town of Penfield Development
Regulations and Specifications, with the exception that the
Planning Board Chairperson’s signature block shall be replaced
with the Town Supervisor’s signature.

3. Compliance with the comments concerning this application from the
Development Review Committee as contained in Monroe County
Department of Planning’s Referral #PN14-382S, dated September 24,
2014.

4. Compliance with all requirements of the Town of Penfield Design
and Construction Specifications.

5. All site work is to be in compliance with the standards of Chapter
29 – Article V of the Code.
6. Compliance with all requirements of any Federal, State, County or local agency having jurisdiction in the development of this site.

7. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas and other applicable measures deemed appropriate and acceptable to the Town Engineer.

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

9. 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.

10. Compliance with the Town’s Street Tree Policy.

11. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department.

12. Structures with walk-out basements or basements that are substantially exposed shall have siding compatible with the main structure installed to within 24 inches of ground level in order to provide an attractive appearance from all sides of the structure.

13. The applicant shall work with the Building Inspector to establish addresses for all proposed buildings. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location for mail box rack installation.

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

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

16. Compliance with the Penfield Town Board’s policy of payment of a Recreation Fee per lot at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.

17. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY AND CONTAINED ON AT LEAST ONE (1) SHEET WITHIN THE SITE PLAN SET.

18. Compliance with all of the requirements of the Town Planner regarding this matter.

AND BE IT FURTHER RESOLVED, that the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Planning Department.

The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

1. The addition of one (1) lot has a nominal impact to the project as all of the lots involved in the resubdivision are at least 48% larger that the smallest lot in the entire subdivision.

2. The location of the remaining lots was originally planned to include a storm water control facility. The developer’s contribution to the regional stormwater pond constructed by the Town of Penfield eliminated the need for an additional facility.
3. The developer has agreed to relocate the drainage pipe under Kings Mill Court to reduce a potentially dangerous and hydraulically inefficient configuration. This relocation resulted in additional costs for engineering and permitting that were not expected when the preliminary approval was granted. The developer requested that the NYSDEC accept a more efficient culvert location, however the permit process would require additional expenditure up to $15,000.

4. The Town of Penfield is not impacted by the additional lot as all homes are accessed from the existing road or a private drive. No additional utilities were required to service the additional lot.

Moved: Moore
Seconded: Kohl

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

Adopted

Granting Incentive Zoning for Resubdivision Approval and Preliminary Overall Site Plan Approval to Allow Three (3) Structures Totaling 15,080 Sq. Ft., and Final Site Plan Approval to Allow the Proposed 6,000 Sq. Ft. Structure at 2146 and 2152 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Resubdivision approval, including Preliminary Overall Site Plan approval for the development of three (3) structures of 4,080, 5,000 and 6,000 square feet (totaling 15,080 square feet) on 2.1 acres and Final Site Plan approval under Article XI-9-2 of the Code to allow the 6,000 square foot structure in the Business Non-Retail (BN-R) zoning district at 2146 and 2152 Fairport-Nine Mile Point Road; 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

WHEREAS, the subject application is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW THEREFORE, BE IT RESOLVED, that the applicant’s request for Incentive Zoning and Preliminary and Final Resubdivision approval, including Preliminary Overall Site Plan approval for the development of three structures of 4,080, 5,000 and 6,000 square feet (totaling 15,080 square feet) on 2.1 acres and Final Site Plan approval at 2146 and 2152 Fairport-Nine Mile Point Road is hereby GRANTED subject to the following conditions:

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

2. The applicant may construct the proposed 6,000 square foot commercial building with a potential for multiple tenant spaces as proposed. The applicant has secured AT&T for a sales and service store and Chipotle Mexican Grill. The applicant shall be responsible for ensuring that the proposed tenants including any tenant to be determined shall request and obtain a Conditional Use Permit from the Town Board prior to leasing the subject spaces.
The applicant shall be required to obtain Final Site Plan approval for the two (2) remaining structures that have received Preliminary Site Plan approval prior to their construction.

3. The applicant shall submit a Landscape Plan which shall be reviewed, approved and signed by the Town’s Landscape Consultant. Said landscaping plan shall be in a form acceptable to the Town Board that addresses neighbor concerns for adequacy of buffering of the office building; said landscaping shall be installed to the Town Board’s satisfaction prior to the issuance of a Certificate of Occupancy for the for the first tenant of the proposed office building. An appropriate amount of funds shall be placed in the Letter of Credit for the office building to cover the cost of the approved landscaping materials and installation. Upon completion of the construction of the office building and landscaping, the applicant or his representative shall meet on site with the Director of Developmental Services and the adjacent property owners to verify that said landscaping effective buffers the building from the adjacent residents. If determined that the buffer is visually effective, the funds in the Letter of Credit may be released to the applicant. If it is determined that the buffer needs to be further embellished, the applicant and Director of Developmental Services shall determine the location and materials needed to finalize the buffer to the Town’s satisfaction. Upon completion of the buffer embellishment, the funds will then be released to the applicant. A two-year maintenance bond shall be required to insure landscaping is properly maintained.

4. The applicant shall submit the Incentive Zoning fee upon request for a building permit for the 6,000 square foot building. All LUAMP fees shall be submitted prior the issuance of the first Certificate of Occupancy for the 6,000 square foot building.

5. The Town Engineer shall approve the final plan for exterior lighting, specifically that such plan shows lighting, which is localized and unobtrusive. All light fixtures shall be 90% cutoff luminaires. All wall mounted lighting shall be compatible with the adjacent residential neighborhood. Wall-pac™ fixtures will not be permitted. Shields shall be installed on all fixtures as directed by the Town Engineer.

6. All parking lot lighting shall be consistent with the specifications of the existing lighting that has been approved for this complex.

7. Compliance with the standards of Chapter 29 - Article IV of the Code of the Town of Penfield, which deals with the maintenance of parking and accessory areas.

8. The applicant shall furnish 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.

9. 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.
10. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.

11. All proposed wall mounted and directory signage shall be submitted for review and approval by the Town Board and the Building Inspector prior to the issuance of a sign permit. All signage shall be in compliance with the requirements of the Penfield Zoning Ordinance.

12. Refuse collection for this site shall only be permitted between the hours of 6:30 AM and 6:30 PM, Monday through Friday.

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

14. 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.

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

16. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE SITE PLAN.

The Board bases its decision to approve this proposal on the following findings:

1. The applicant has requested preliminary overall approval for the development of three (3) structures and final approval for the 6,000 square foot structure which is part of the Farash property now known as Penfield Landing that received Incentive Zoning approval from the Town Board on July 19, 2006. The applicant will be responsible for paying the Incentive fee that the other commercial retail developers have paid as a condition of Incentive Zoning approval for the site. The two (2) remaining buildings are proposed to be located at 2146 Fairport Nine Mile Point Road which is separate from the Incentive Zoning proposal for the Farash property. These buildings have received only received preliminary site plan approval and are subject to obtaining final site plan approval before they can be developed and will be assessed the same Incentive fee as was required for the Penfield Landing Complex. Further, the applicant proposes to relocate the existing driveway at 2146 Fairport Nine Mile Point Road to serve the development proposed for that property. He proposes to and will be required to construct the access road to the current Trau property at 2195 Penfield Road at the time of the first of the two (2) remaining proposed buildings are to be constructed.

2. The proposed structure is designed in such a manner that it is architecturally compatible with other commercial buildings in the area.

3. The applicant’s engineer has demonstrated to the Town Engineer that he can properly collect, detain treat stormwater through an underground containment system and then discharge it to the existing pond which serves the Penfield Landing Complex without adversely impacting the area or downstream properties.

4. The Town Board has required that a portion of the funds for landscaping in the Letter of Credit be held in place until the desired buffer is fully installed to the satisfaction of the Board and the adjacent residents.
5. The approval of the proposed 6,000 square foot commercial building is approximately half the size of the building originally approved concept plan for the Penfield Landings Complex. The other two (2) buildings proposed for 2146 Fairport Nine Mile Point are properly sized and scaled for the subject property and will provide, the landscaping required of the applicant, to retain and enhance an existing visually effective buffer for the adjacent residents to the east of the site from the proposed development at 2146 Fairport Nine Mile Point Road.

6. The project will be serviced by public water and connection to a public sanitary sewer.

7. The applicant proposes to install exterior lighting that will be adequately shielded so as to minimize impacts to adjacent residential neighbors and is consistent with the Penfield Landing exterior lighting plan.

8. The property owner has ensured cross access and parking on the remaining portion of the Penfield Landing Complex and will provide cross access and parking on the property at 2146 Fairport Nine Mile Point Road once constructed. The applicant will be responsible for constructing access from the Penfield Landing Complex, through 2146 Fairport Nine Mile Point Road to the Trau property to the north to create alternate access to Penfield Road for his project as well as the Penfield Landing Complex.

Moved: Moore
Seconded: Quinn

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

Adopted

#14T-178 Granting Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval to Allow the Demolition of the Structures at 2107 and 2111 Five Mile Line Road to Permit the Construction of a 3,490 Sq. Ft. Structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road with Outdoor Dining at 1816 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval pursuant to Articles III-3-97, VIII-8-2 and IX-9-2 of the Code to allow the demolition of the structures at 2107 and 2111 Five Mile Line Road to permit the construction of a 3,490 sq. ft. structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road, and with outdoor dining at 1816 Penfield Road located in the Four Corners (FC) zoning district; 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

WHEREAS, the subject application is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action will not have a significant impact to the environment; and

WHEREAS, other than the applicant’s presentation to the Town Board, no other input was received from the public and the Hearing was closed;
NOW, THEREFORE BE IT RESOLVED, that the applicant’s request for the issuance of a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval pursuant to Articles III-3-97, VIII-8-2 and IX-9-2 of the Code to allow the demolition of the structures at 2107 and 2111 Five Mile Line Road to permit the construction of a 3,490 sq. ft. structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road, and with outdoor dining at 1816 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. Said CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to operate a restaurant at this location.

2. The applicant shall submit an agreement identifying his proposed maintenance responsibilities for Schaufelberger Park in return for his right to utilize a portion of the park as shown on the approved site plan for outdoor dining as part of the redevelopment of Mark’s Pizzeria. Said agreement shall be in a form and substance satisfactory to the Town Board and Town Attorney.

3. The applicant shall submit a reciprocal cross access and parking agreement, in the Town’s format that provides for mutual access and parking on his property with adjacent owners. The adjacent owners shall be responsible for granting similar easement on their properties as a condition of any future approvals for said properties.

4. The Penfield Fire Marshal shall determine the permitted number of tables and chairs permitted by the New York State Building Code and submit a recommendation to the Town Board as to the appropriate amount of outdoor seating for the proposed outdoor dining area, based on the final configuration of the outdoor dining area.

5. The applicant does not propose nor shall he be permitted to have at any time, any form of outdoor entertainment, music or otherwise within the outdoor dining area without approval by the Town Board.

6. The applicant proposes to install plaques on the proposed structure which will provide historic information. The design and content of said plaques shall be reviewed and approved by the Town Board and Town Historian prior to their installation.

7. The applicant shall submit a final sign package for the site which shall be reviewed and approved by the Town Board and Historic Preservation Board prior to permit issuance by the Building Department.

8. The applicant’s contractor shall confer with the Department of Public Works staff regarding the protection or replacement of the carillon control box currently located adjacent to the structure to be demolished at 2111 Five Mile Line Road prior to any demolition activity. The applicant shall be responsible for the relocation of said control box at his costs it is determined that it is necessary to relocate it to allow for the demolition and subsequent construction to occur without adversely impacting it.
9. Compliance with or agreements reached on all of the engineering requirements that may be raised by the Town Engineer. The applicant shall obtain the signature of the Town Engineer on the final site plan which shall indicate compliance with this requirement.

10. The signature blocks shall be provided on the subdivision plat and site plan as required by the Town of Penfield Development Regulations and Specifications, with the exception that the Planning Board Chairperson’s signature block shall be replaced with the Town Supervisor’s signature.

11. Compliance with the comments concerning this application from the Development Review Committee as contained in Monroe County Department of Planning’s Referral #PNI4-2725S, dated July 21, 2014.

12. Compliance with all requirements of the Town of Penfield Design and Construction Specifications.

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

14. Compliance with all requirements of any Federal, State, County or local agency having jurisdiction in the development of this site; specifically, the applicant shall obtain a permit from the Monroe County Department of Transportation for the relocation of the driveway on Five Mile Line Road and shall obtain all permits required of the Monroe County Health Department to operate the proposed pizzeria.

15. The final grading plan shall contain a full schedule of erosion control implementation and other applicable measures deemed appropriate and acceptable to the Town Engineer.

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

17. 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.

18. All storm and sanitary connections are to be approved by the Town Engineer.

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

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

21. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY AND CONTAINED ON AT LEAST ONE (1) SHEET WITHIN THE SITE PLAN SET.

22. The applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Planning Department.

The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:
(Resolution #14T-178 – Continued)

1. The applicant has requested that he be permitted to demolish the two (2) buildings he owns at 2017 and 2111 Five Mile Line Road. He stated that he has owned the buildings for several years and has invested over $100,000 to improve them, but that they are old and would require several hundred thousands of dollars to bring them into a condition that would make them truly marketable and fully compliant with the New York State Building Code.

2. The two (2) properties, although not historically designated, are located in the Five Mile Line Road and the property at 2111 Five Mile Line Road was the site of a newspaper printed during the Civil War by a twelve year old girl by the name of Ellen Theresa Williams, more commonly known as “Little Nellie”. The applicant is sensitive to the history associated with the building and has proposed to provide historic documentation of the property in the form of historic plaques to be incorporated in to the exterior of the proposed building. The applicant has conferred with the Historic Preservation Board and the Town Historian and all agree that his proposal will provide a medium to educate the public of history that occurred at this location. The applicant will work with the Town Historian and Town Board to ensure the design, format and content on the proposed plaques is appropriate and factually correct.

3. The applicant stated that the buildings have been rehabilitated several times by him and the prior owners to such an extent that they no longer look anything like they did during the period that the newspaper operated at the site. The Town Historian provided historical data for the site along with a photograph of 2111 Five Mile Line Road during the 1960’s. There is no resemblance of that building to the current building. The building at 2107 where the current pizzeria operates was a residence until the 1970’s when a storefront was added to it and was ultimately converted to a restaurant, where several pizzerias operated from it prior to the applicant purchasing it and installing Mark’s Pizzeria there.

4. The Historic Preservation Board and the Town Board concur that the structures are in need of more renovation than the applicant or any subsequent owner would be willing to invest and therefore, have determined that the structures should be removed rather than ultimately become visual blight to the Four Corners. The applicant has worked extensively with the Historic Preservation Board and Town staff to develop architectural elevations that are consistent with the historic fabric of the Four Corners.

5. The Town’s Architectural Consultant has made recommendations to ensure that the proposed building complies with the elements of the Four Corners Design Standards and is comfortable that the building elevations reflect those standards.

6. The applicant has conferred with the Monroe County Department of Transportation and proposed to relocate the existing driveway currently located between the two (2) buildings further to the most northerly portion of his property at 2107 Five Mile Line Road and allow only one (1) way traffic to the site to minimize traffic congestion onto Five Mile Line Road. The Monroe County Department of Transportation is supportive of his proposal. The Town has agreed to eliminate two (2) on street parking spaces to accommodate a bypass lane. The cost of the elimination of the two (2) spaces shall be provided by the applicant.
7. The applicant proposes to construct a 3,490 sq. ft. structure for a Mark’s Pizzeria at 2107 and 2111 Five Mile Line Road which will provide sit-down for 52 patrons and take-out service. In addition he has proposed outdoor dining at 1816 Penfield Road which is owned by the Town of Penfield and is commonly known as Schaufelberger Park with the Town Board’s permission. The applicant feels that the park is underutilized and that outdoor dining would bring the public to it so that it could be more of an asset to the Town and the Town Board concurs. He has offered to take over the maintenance responsibility of the park as a condition of allowing him to utilize a portion of it adjacent to the proposed pizzeria. The Town and the applicant will determine the specific details of his responsibilities in an agreement mutually acceptable to both parties prior to the issuance of a Certificate of Occupancy.

8. The applicant is proposing additional improvements in the form of creating additional landscaped areas on his property and the Town park and will provide additional pedestrian interconnectivity with other businesses. He is proposing to construct additional parking spaces on his site, as well as additional parking spaces on the adjacent property at 1806 Penfield Road where the Canandaigua National Bank currently operates. His intent is to ensure that the pizzeria does not adversely impact the bank’s parking facilities.

9. The applicant does not propose any form of entertainment in the outdoor dining area and none is approved with this application. The applicant will be required to request and obtain approval from the Town Board any form of entertainment, live or otherwise if so desired in the future.

10. The applicant will provide the Town with a reciprocal cross access and parking agreement to allow his immediate neighbors to access their properties from Five Mile Line Road and to park on his site, if necessary. The Town Board will require those neighbors to provide the same rights and courtesies to the applicant as it reviews and grants them site plan approval.

11. The Town Engineer had reviewed and approved all technical aspects of the proposal related to storm water collection, site layout and utility installation and is satisfied with the redevelopment of the site as proposal.

12. The Town Board conducted a Public Hearing regarding this proposal on August 6, 2014. No public input was received during or after the Public Hearing.

Moved: Moore
Seconded: Metzler

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

Adopted

#14T-179 Authorization for Supervisor to Sign and Submit Justice Court Assistance Program Grant Application by Moore

WHEREAS, the Town of Penfield Justice Court Department wishes to apply for a Justice Court Assistance Program Grant to upgrade Town Justice Courts, and
NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign a grant application for the State Justice Court Assistance Program for upgrades to the Town of Penfield Courts in an amount not to exceed $30,000 and to be the official representative acting in connection with the application and, as required, executing the contract.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#14T-180 Authorization for Supervisor to Sign an Intermunicipal Agreement with Monroe County for the Stormwater Coalition of Monroe County by Metzler

WHEREAS, the Town of Penfield has been a member of the Stormwater Coalition of Monroe County since its inception in 2000, and

WHEREAS, the Stormwater Coalition provides assistance to the Town of Penfield with their compliance of the Clean Water Act, and

WHEREAS, the Town Board has determined it is in the best interest of the Town and its residents to continue its participation in the Stormwater Coalition, and

WHEREAS, the Town Attorney has reviewed the Intermunicipal Agreement and approves the execution of said agreement.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the Intermunicipal Agreement with Monroe County to continue participation in the Stormwater Coalition of Monroe County.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#14T-181 Advertise for Bids to Maintain, Clean-Up and Secure Properties as Required under Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code by Quinn

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

WHEREAS, the Building and Zoning Office has the need to maintain or secure properties failing to comply with the minimum requirement of Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code;
NOW, THEREFORE, BE IT RESOLVED, that the Building & Zoning Administrator be, and hereby is, authorized to advertise, in a manner prescribed by Law, for sealed proposals for the maintenance, clean-up and securing of properties that have failed to be maintained in accordance with the Town Code requirements; and

BE IT FURTHER RESOLVED, that the services covered by such proposals shall be in accordance with the specifications prepared by the Building and Zoning Administrator. Sealed proposals are to be received in the office of the Town Clerk until 11:00 AM local time Friday, November 7, 2014 and there and then are to be opened by the Town Clerk.

Moved: Quinn
Seconded: Metzler

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Adopted

Community Services

#14T-182 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:

Amend Resolution 14T-161 - Mark Vogt, Sports ABCs for Tots, change payment to 70% of total revenue. Voucher to be submitted on 11/5/14.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth 7/9/14 – 8/20/14 & 9/20/14 – 11/22/14 and adults 7/7/14 – 8/13/14 & 9/15/14 – 12/15/14 for the fee of 70% of program revenues. Voucher to be submitted on 10/15/14 & 12/3/14.

Isabella Delisanti, 1580 Sweets Corners Rd., Fairport, NY 14450, Instructor for Combo Sports Camp, 7/21/14 – 7/24/14, for a fee of $21.00 per day, voucher to be submitted 10/15/14.

Ken Scott, 107 Fairview Circle, Webster, NY 14580, Director Penfield POPS Band, 9/8/14 – 7/30/15 for a fee of $75.00 per session. Vouchers to be submitted monthly.

Moved: Kohl
Seconded: Quinn

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Adopted

Old Business - None
New Business - None
Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 9:01 PM.

Amy Steklof, RMC/CMC
Town Clerk