



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

TOWN BOARD LEGISLATIVE AGENDA

Wednesday, September 6, 2023, 6:30PM

Supervisor Debbie Drawe, presiding

- I. Call to Order - Pledge of Allegiance - Roll Call
- II. Budget Officer's Message and Information Presentation on the 2024 Tentative Budget
- III. Public Hearing - To Consider Adoption of the 2023 Comprehensive Plan Update
- IV. Communications and Announcements
- V. Public Participation
- VI. Additions and Deletions to Agenda
- VII. Approval of Minutes - August 2, 2023
- VIII. Petitions
- IX. Resolutions by Function

Law and Finance

23T-177 Termination of Agreement with Property Registration Champions, LLC

23T-178 Setting Public Hearing on 2024 Preliminary and Special Districts Budget

23T-179 Budget Amendments in the General Fund for Recreation and Parks

23T-180 Authorization for the Supervisor to Sign a Professional Services Contract with BME Associates for Engineering Services Related to the Shadow Pines Property

23T-181 Authorization to Attend 2023 NYS Magistrate Court Clerk Conference

Public Works

23T-182 Authorization to Advertise for Sealed Proposals for New Sidewalk Construction Bids

23T-183 Authorization to Advertise for Sealed Proposals for a Stream Stabilization Project for Allen's Creek

23T-184 Authorization to Auction Surplus Equipment on October 7, 2023 at the Monroe County Municipal Fall Auction

23T-185 Purchase of One 2023 Chevrolet Silverado 3500HD

23T-186 Purchase of One 2024 Chevrolet Silverado 3500HD

23T-187 Purchase of One 2025 International HV 607 6-Wheel Truck with Sweeper Body

23T-188 State Environmental Quality Review Act (SEQRA) Review and Determination Associated with the Town of Penfield DPW Garage Project

Public Safety

23T-189 Emergency Repair/Secure

Community Services

23T-190 Authorization to Attend American Red Cross Instructor Trainer Training

23T-191 Appointments to the Parks and Recreation Master Plan Update Committee

TOWN BOARD LEGISLATIVE AGENDA

- X. Old Business
- XI. New Business
- XII. Executive Session
- XIII. Next Meeting: October 4, 2023
- XIV. Adjournment

This meeting will be video recorded and broadcast LIVE via the town's website www.penfield.org and the Town's Government Access Cable Channel 1303.

Questions regarding video coverage contact Penfield TV at (585) 340-8661.

PENFIELD TOWN BOARD RESOLUTION NO. 23T-177 September 6, 2023

BY: Councilperson Linda Kohl COMMITTEE: Law and Finance

NAME: Termination of Agreement with Property Registration Champions, LLC

WHEREAS, the Town of Penfield entered into an agreement with Property Registration Champions, LLC on January 9th, 2019 to provide services authorized pursuant to the ordinance, to register vacant, abandoned and foreclosed properties so that the community can properly address violations of the community's property maintenance codes: and,

WHEREAS, this agreement between the Town of Penfield and Property Registration Champions, LLC may be terminated by the Town of Penfield in the event of the insolvency of the Property Registration Champions, LLC or the commencement by or against the PRC of any case or proceeding under any bankruptcy, reorganization, insolvency or moratorium law or any other law or laws for the relief of debtors or the appointment of any receiver, trustee or assignee to take possession of the properties of the PRC, unless such petition or appointment is set aside or withdrawn or ceases to be in effect within thirty (30) days from the date of said commencement or appointment or the liquidation or dissolution of the PRC: and,

Now, Therefore Be It Resolved, according to the agreement made January 9, 2019, section 3 Term and Termination, this agreement between the Town of Penfield and Property Registration Champions, LLC (OBA Prochamps) 2725 Center Place, Melbourne, Florida is hereby terminated by the Town of Penfield under 3(b) Termination for Insolvency: and,

Now, Therefore Be it Further Resolved, this contract termination agreement to be reviewed and approved by the Town Attorney.

Moved: _____

Seconded: _____

Vote: Drawe _____

 Kohl _____

 Lee _____

 Ockenden _____

2023 AUG 18 AM 10:22
TOWN CLERK
PENFIELD, N.Y.

PENFIELD TOWN BOARD RESOLUTION NO. 23T-178 DATE: September 06, 2023

BY: Councilperson Kohl

COMMITTEE: Law and Finance

NAME **Setting Public Hearing on 2024 Preliminary and Special Districts Budget**

BE IT RESOLVED, that a public hearing on the proposed Town of Penfield 2024 Preliminary Budget and the 2024 Special Districts Budget be held on Wednesday, October 4, 2023 at 6:30 PM at the Penfield Town Hall, and that all persons wishing to be heard be given an opportunity at that time;

NOW THEREFORE BE IT FURTHER RESOLVED that the Town Clerk cause a notice of the public hearing to be published in the official newspaper at least ten days prior to the hearing, and

BE IT FURTHER RESOLVED that the legal notice shall also list a summary of the 2024 Budget as required by law and contain a statement that a copy of the Preliminary Budget will be available at the office of the Town Clerk at 3100 Atlantic Avenue, where any interested person may inspect it during office hours on or after September 19, 2023. A copy of the 2024 Preliminary Budget will also be available at the Public Library at 1985 Baird Road as well as online @penfield.org.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-179 DATE: September 06, 2023

BY: Councilperson Kohl

COMMITTEE: Law and Finance

NAME: **Budget Amendments in the General Fund for Recreation and Parks**

Whereas, increased registrations and attendance for Playgrounds/Youth programs at the Recreation Department require an increase in the appropriations from the program fees collected; and

Whereas, the Town of Penfield received a grant in the amount of \$5,000 from New York State for tree planting projects; and

Whereas, the Town Board determined to use said grant funds for the planting of trees on the former Shadow Pines Property; and

Whereas, the Town Board desires to have an up-to-date budget in relation to current appropriations and revenues;

Now, Be It Resolved that the attached 2023 budget amendments be approved:

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

Town Board 9/6/23
Recreation Department

Revenue	Amount	Appropriations	Amount
A00-7140-2001-0008 Judo	\$ 2,000.00	A00-7140-0004-4021 Judo	\$ 2,000.00
A00-7140-2001-0011 Soccer Program	\$ 11,000.00	A00-7140-0004-4031 Soccer Program	\$ 11,000.00
A00-7140-2001-0015 Excursions	\$ 4,000.00	A00-7140-0004-4026 Excursions	\$ 4,000.00
A00-7140-2001-0018 Sports	\$ 15,000.00	A00-7140-0004-4031 Sports	\$ 15,000.00
A00-7140-2001-0019 Specialty	\$ 16,000.00	A00-7140-0004-4032 Specialty	\$ 16,000.00
A00-7140-2001-0024 Swim Instruction	\$ 32,000.00	A00-7140-0004-4046 Swim Instruction	\$ 32,000.00
A00-7140-2001-0024 Playground Activities	\$ 50,000.00	A00-7140-0001-1013 Playground/Youth Seasonal Employees	\$ 22,000.00
		A00-7140-0004-4021 Playground/Youth Activities	\$ 17,000.00
		A00-7020-0004-4001 Credit Card Processing	\$ 8,000.00
		A00-7020-0004-4185 Brochure Printing	\$ 3,000.00
Total Recreation	\$ 130,000.00		\$ 130,000.00

Parks Department

Revenue	Amount	Appropriations	Amount
A00-1440-3089-0001 Sustainability & Energy	\$ 5,000.00	A00-7110-0004-4003 Park Maintenance	\$ 5,000.00
Total Parks	\$ 5,000.00		\$ 5,000.00

PENFIELD TOWN BOARD RESOLUTION NO. 23T-180

DATE: September 6, 2023

BY Councilperson Kohl

Law & Finance COMMITTEE

NAME: Authorization for the Supervisor to Sign a Professional Services Contract with BME Associates for Engineering Services Related to the Shadow Pines Property

WHEREAS, the Town Board of the Town of Penfield authorized BME Associates to complete site plans and bid specs for the Shadow Pines Development in 2022; and

WHEREAS, after public comment and feedback, the Board has requested that the design plans and specifications be revised; and

WHEREAS, BME Associates submitted a new proposal to prepare said site plan and supporting documentation at a cost not to exceed \$34,080; and

WHEREAS, the Board previously classified this project as a Type I action at its meeting on June 8, 2022; and

WHEREAS, the identified, involved, and interested agencies that were contacted declined lead agency status, so therefore, the Town Board, declared itself the lead agency pursuant to SEQRA for the review of above referenced project as a Type I action; and

WHEREAS, on September 28, 2022, the Board, acting as lead agency pursuant to SEQRA, having classified the proposed action as a Type I action, adopted the Full EAF Parts 2 and 3, and the Negative Declaration document. Accordingly, the submission of a Draft Environmental Impact Statement was not required.

NOW THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to sign a contract with BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450 to prepare a site plan and supporting documentation as identified in the Professional Services Contract attached hereto, at a cost not to exceed \$34,080; and

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-181 DATE: 9/06/2023

BY: Councilperson Kohl

COMMITTEE: Law & Finance

NAME: Authorization to Attend 2023 NYS Magistrate Court Clerk Conference

WHEREAS, the New York State Magistrates Court Clerk Annual Fall Conference has been scheduled at the Turning Stone Resort, Verona, NY, September 17th through September 20th, 2023; and

WHEREAS, this conference is designed to keep Court Clerks updated on changes in laws and procedures and provides educational opportunities for Court Clerks. Effective January 1, 2019, under the Rules of the Chief Judge, annual Court Clerk Training is now mandatory; and

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Court Clerks are hereby authorized to attend the 2023 New York State Magistrates Court Clerks Annual Fall Conference in Verona, New York. The funds to attend this conference are included in the 2023 Budget and will not exceed \$2,100.00.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-182

DATE: September 6, 2023

BY Councilperson Lee

COMMITTEE: Public Works

NAME Authorization to Advertise for Sealed Proposals for New Sidewalk Construction Bids

WHEREAS, the Town of Penfield desires to construct sidewalks within the Town, in accordance with the Town Sidewalk Policy; and

WHEREAS, the Town of Penfield is committed to providing safe pedestrian access for its residents; and

WHEREAS, the Town Board has allocated funds in the 2024 Sidewalk Fund for various sidewalk projects;

NOW, THEREFORE

BE IT RESOLVED, that the Town Engineer be, and hereby is, authorized to advertise, in the manner prescribed by law, for sealed proposals for new sidewalk installation and the replacement of damaged concrete sidewalks where needed.

BE IT FURTHER RESOLVED that installation methods and materials covered by such sealed proposals shall be in accordance with plans and specifications which have been prepared by the Town of Penfield Engineering Department and are to be advertised on September 28, 2023. The bids shall be received at the Office of the Town Clerk until 11:00 AM, EST, Friday, October 20, 2023, at which point they are to be opened and publicly read.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-183

DATE: September 6, 2023

BY Councilperson Lee

Public Works COMMITTEE

NAME Authorization to Advertise for Sealed Proposals for a Stream Stabilization Project for Allen's Creek

WHEREAS, the Town Board supports the Allen's Creek Stabilization Project and the need to create more stable stream conditions in this area; and

WHEREAS, the Town Board has been working with Barton and Loguidice Engineers for many years on the studies, stream analysis and the plans for the stabilization project; and

WHEREAS, all of the required permits from the New York State Department of Environmental Conservation and the United States Army Corps. have been obtained for this project; and

WHEREAS, The Town Board discussed the project at its work session meeting on October 12, 2022; and

WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act, classified this proposal as an Unlisted action and reviewed the Environmental Assessment Form and subsequently made a determination of non-significance and adopted a Negative Declaration for this proposal on October 19, 2022; and

WHEREAS, The Town has since completed a site walk through and public information meetings with all of the neighbors and stakeholders involved; and

WHEREAS, The Town discussed the project at its work session meeting on August 16, 2023; and

NOW, THEREFORE

BE IT RESOLVED, that the Town Engineer be, and is hereby authorized to advertise, in the manner prescribed by law, for sealed proposals for the stabilization project.

BE IT FURTHER RESOLVED that installation methods and materials covered by such sealed proposals shall be in accordance with plans and specifications which have been prepared by the Barton and Loguidice and are to be advertised on October 5, 2023. The bids shall be received at the Office of the Town Clerk until 11:00 AM, EST, November 3, 2023, at which point they are to be opened and publicly read.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-184 DATE: September 6, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: Authorization to Auction Surplus Equipment on October 7, 2023 at the Monroe County Municipal Fall Auction

WHEREAS, the Director of Public Works has identified the attached list of equipment as surplus and available for public auction; and

WHEREAS, the Town Supervisor and the Director of Public Works be granted the authority to amend the attached list prior to final designation as surplus equipment;

NOW, THEREFORE, BE IT RESOLVED, that the following list of equipment be declared surplus and that the Director of Public Works be and hereby is authorized to enter into agreement with Roy Teitworth, Inc, 6502 Barber Hill Road, Geneseo, New York 14454, to auction said equipment:

- 901 2008 Chevrolet Impala Vin # 2G1WB58KX81304078
- 2038 2010 Ford F-450 Stakebody w/ plow Vin # 1FDAF4HY6AEB36718

BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and the sale of this equipment be credited to the appropriate fund.

Moved: _____

Seconded: _____

Vote: Drawe _____

 Kohl _____

 Lee _____

 Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-185

DATE: September 6, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: Purchase of one 2023 Chevrolet Silverado 3500HD

WHEREAS, the Director of Public Works desires to purchase one 2023 Chevrolet Silverado 3500HD with stake body, from NYSOGS Contract # PC69048, from DeNooyer Chevrolet, 127 Wolf Road, Albany NY, for a total cost of \$72,969.50; and

WHEREAS, funds were allocated in the 2021 Parks Department Budget (A00-7110) for said vehicle but due to supply chain issues, the vehicle was unable to be purchased; and

WHEREAS, the Town Board approves appropriation of \$72,969.50 from the Unassigned General Fund Balance as an amendment to the 2023 Parks Department Budget (A00-7110) to fund this purchase in full;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be, and hereby is, authorized to purchase said vehicle.

Moved: _____

Seconded: _____

Vote:	Drawe	
	Kohl	
	Lee	
	Ockenden	

PENFIELD TOWN BOARD RESOLUTION NO. 23T-186 DATE: September 6, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: Purchase of one 2024 Chevrolet Silverado 3500HD

WHEREAS, the Director of Public Works desires to purchase one 2024 Chevrolet Silverado 3500HD with dump body and plow, from NYSOGS Contract # PC69048, from DeNooyer Chevrolet, 127 Wolf Road, Albany NY, for a total cost of \$80,595.00; and

WHEREAS, total funds of \$80,595.00 for said purchase are available in the 2023 Parks Department Budget (A00-7110);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be, and hereby is, authorized to purchase said vehicle.

Moved: _____

Seconded: _____

Vote:	Drawe	_____
	Kohl	_____
	Lee	_____
	Ockenden	_____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-187 DATE: September 6, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: Purchase of one 2025 International HV607 6-Wheel Truck with Sweeper Body

WHEREAS, the Director of Public Works desires to purchase one International HV607 SBA (HV607) cab and chassis with Tymco 600 sweeper body from Onondaga County Contract # ONGOV-106-19, Proposal # 17707-01 from Regional International Corporation, 1007 Lehigh Station Road, Henrietta NY, for a total cost of \$356,734.60; and

WHEREAS, the Town Board approves appropriation of \$356,734.60 from the Highway Capital Reserve Fund as an amendment to the 2023 Highway Department Budget (DA0-5130) to fund this purchase in full;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be, and hereby is, authorized to purchase said vehicle with sweeper body.

BE IT FURTHER RESOLVED, that the adoption of this resolution with respect to the expenditure from the Highway Capital Reserve Fund is subject to permissive referendum and the Town Clerk be, and hereby is, directed to publish and post notice in the manner prescribed by law.

Moved: _____

Seconded: _____

Vote:	Drawe	_____
	Kohl	_____
	Lee	_____
	Ockenden	_____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-188 DATE: September 6, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: State Environmental Quality Review Act (SEQRA) Review and Determination Associated with the Town of Penfield DPW Garage Project

WHEREAS, the Town of Penfield Town Board (hereinafter referred to as “Town Board”) has reviewed the New York State Environmental Quality Review Act (“SEQR”) Full Environmental Assessment Form (“EAF”) Part 1, prepared by the MRB Group (hereinafter referred to as “Town’s Engineer”) on the above-referenced Town of Penfield DPW Garage Project (hereinafter referred to as “Action”); and

WHEREAS, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review (“SEQR”) Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under the SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to ensure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby declare its intent to be designated as the lead agency for the Action and directs the Town Supervisor to sign and date the Full EAF Part 1.

BE IT FURTHER RESOLVED, that the Town’s Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

Penfield Town Board Resolution # 23T-189
By: Councilman Ockenden

September 6, 2023
Committee: Public Safety

Name: Authorization to Maintain Properties and Assess the Charges to the 2024 Property Tax Bills

WHEREAS, on March 4, 2020, the Town Board of the Town of Penfield adopted a resolution to enact Local Law#3 of 2015 entitled "A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF PENFIELD INTO A MUNICIPAL CODE TO BE DESIGNATED THE CODE OF THE TOWN OF PENFIELD; and

WHEREAS, the purpose of the Code of the Town of Penfield includes, among other things, to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring the securing and maintaining of all such properties within the Town that may become abandoned, neglected and/or otherwise inadequately secured by the owner thereof in accordance with the applicable property maintenance secure compliance code requirements of the Town of Penfield; and

WHEREAS, the property owner of:
2 Rockhurst Drive, Penfield, NY 14526 SBL#109.05-3-20

Have failed to maintain the subject properties in accordance with the applicable code requirements, which is resulting in concerns for the safety, health protection and general welfare of surrounding persons and properties; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board or the Town of Penfield hereby authorizes the Fire Marshal to have the properties appropriately secured; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said emergency repairs/secure during the year 2023 also be charged to the property receiving the required emergency call out service to the 2023/2024 property tax bill for the subject property will include a 25% administrative fee for service provided.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

Penfield
TOWN BOARD
2023 AUG 18 AM 10:22
PENFIELD, N.Y.

PENFIELD TOWN BOARD RESOLUTION NO. 23T-190

DATE 9/6/2023

BY: Councilperson Lee

COMMITTEE: Community Services

NAME: Authorization to Attend American Red Cross Instructor Trainer Training

WHEREAS, the American Red Cross provides Lifeguard Instructor Trainer Training to become certified to train lifeguard, CPR/AED, and First Aid instructors. Having a Penfield Recreation staff member with the certification will benefit the Town of Penfield for Aquatic programming and required certifications for Town staff.

NOW, BE IT RESOLVED, that the following Recreation staff be hereby authorized to attend the American Red Cross Instructor Trainer Training from 9/19/23 - 9/22/23 in Laurel, Maryland.:

Joel Freeman

Funds will be utilized from the Swim Instruction Expense Line in the 2023 budget and will not exceed \$1,250.00. Expenses include registration fees, meals, lodging, and fuel reimbursement.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

BY: Councilperson Lee

COMMITTEE: Community Services

NAME: Appointments to the Parks and Recreation Master Plan Update Committee

WHEREAS, the Town Board re-establishes the Parks and Recreation Master Plan Update Committee to update the 2019 Parks and Recreation Master Plan.

BE IT RESOLVED, the following be appointed to the Parks and Recreation Master Plan Update Committee until the Parks and Recreation Master Plan is approved by the Town Board in 2024;

Resident Members: Alex DiBella
 Don Hoyler
 William Lutomski
 John Schmeelk
 Neeraj Shah
 James Stampfer

Town Staff: Andrew Urckfitz
 Tim Masterton
 Sabrina Renner
 Pam Gerace

Town Board: Linda Kohl

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

TOWN OF PENFIELD
DPW GARAGE PROJECT

SEQR - INVOLVED AGENCY LIST

Town of Penfield Department of Public Works
Attn: Eric Tait, Director of DPW
1607 Jackson Road,
Penfield, New York 14526
publicworks@penfield.org

U.S. Army Corps of Engineers
Department of Army Buffalo District, Corps of Engineers
Attn: Regional Permit Administrator
1776 Niagara Street
Buffalo, New York 14207
[Email to LRB.NewYork.RegActions@usace.army.mil](mailto:LRB.NewYork.RegActions@usace.army.mil)

New York State Department of Environmental Conservation
Region 8
Attn: Regional Permit Administrator
6274 E Avon Lima Rd,
Avon, NY 14414
[Submit via http://fts.dec.state.ny.us/fts/](http://fts.dec.state.ny.us/fts/)

New York State Environmental Facilities Corporation
625 Broadway
Albany, New York 12207
info@efc.ny.gov

Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610
information@mcwa.com

Monroe County Department of Public Health
111 Westfall Road, Room 952
Rochester, New York 14620
mhealth@monroecounty.gov

TOWN OF PENFIELD
DPW GARAGE PROJECT

SEQOR – INTERESTED AGENCIES

Monroe County Planning Board
Rochelle Bell, Senior Associate Planner
50 W Main St,
Rochester, NY 14614
mcplanning@monroecounty.gov

NYS Office of Parks, Recreation and Historic Preservation
Joselyn Ferguson, Archeology Unit
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189
[Do not need to send project information](#)

Penfield Central School District
Attn: Thomas Putnam, Superintendent
P.O. Box 900,
Penfield, NY 14526
TPutnam@penfield.edu

New York State Department of Environmental Conservation
NY Natural Heritage Program
Attn: Heidi Krahlung, Environmental Review Specialist
625 Broadway, 5th Floor
Albany, New York 12233-4757
NaturalHeritage@dec.ny.gov

U.S. Department of Interior
Fish and Wildlife Service
Attn: Robyn Niver
3817 Luker Road
Cortland, New York 13045
fw5es_nyfo@fws.gov

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1485 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No <li data-bbox="121 892 1485 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <li data-bbox="121 924 1485 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):534.2
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	PN-2
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

**PROFESSIONAL SERVICES CONTRACT
FOR
Revised Site Plans for
Shadow Pines Property Phase 1
Town of Penfield, Monroe County, New York**

August 29, 2023

Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14526

A. Description:

BME Associates will prepare revised Site Plans and final Construction Documents for Phase 1 of the Shadow Pines property per direction of the Town Board of the Town of Penfield. BME Associates will prepare final Site Plans per Town review comments and Construction Documents for Phase 1 for bid and construction purposes.

B. Scope of Services / Fee:

1. Revised Site Plan Design Services:

Fee: \$9,500

- a) Completion of revised Site Plans per Town and agency comments to provide a final design for bid and construction purposes. The revised plan set will include Site Plan, Utility Plan, Grading Plan, Construction Erosion Control Plan, Landscape, Lighting and Detail sheets, as required.
- b) BME will revise and amend the Engineer's Report in support of the design based upon final plan revisions, as required.
- c) We will prepare an engineer's estimate of the proposed site improvements.

2. Construction Administration:

Estimated Fee: \$9,500

- a) Upon receipt of all approvals, we will prepare construction documents for your use in soliciting bids for site work. You will be responsible for soliciting the bids, negotiating with the contractor(s), and selecting the contractor. Information shown on contract document plans will take precedence over electronic files data.
- b) Assisting you with the selection of a contractor by checking and tabulating bids, arranging for, and conducting the preconstruction meetings, and reviewing the contractor's schedule.
- c) Preparation of contract documents will be based on a single contractor performing all site improvements. Site work specifications will be prepared in BME Associates' format and/or CSI format.

- d) Review of the contractors request for payment with a recommendation to you regarding completion of work requested for payment. We will not prepare the contractors statement nor be responsible for its content.
- e) We will review soil compaction reports, if required, however costs for the compaction testing will be paid by the contractor or per the specifications.
- f) Review and coordination of shop drawings and/or material submittals for use on the project We will coordinate shop drawing review with the Municipality or Governing Agency as required.
- g) Construction observation for installation and testing of watermain and related appurtenances, as required by the Health Department and/or the local water authority.
- h) Respond to RFI's as generated by the Contractor/Construction Manager or the Municipality/Governing Agency during construction.
- i) Preparation of change orders and field changes as generated during general site work operations, including coordination with the Owner, Municipality, Contractor and/or Construction Manager.
- j) When primary site work is complete, a site walk with you and the Contractor will be completed to prepare a punch list of remaining site work.

3. Record Drawings (if required): Estimated Fee: \$3,500

- a) We will prepare record maps showing the constructed sewer utilities and water services.

4. DOT Permits (Utility) (if required): Estimated Fee: \$2,500

- a) We will prepare the plans and applications necessary for the revised utility work permit from the respective owner of the highway right-of-way for the proposed utility connections, if required for new services.

5. Monroe County DOT Permits (Access): Estimated Fee: \$2,500

- a) We will prepare the plans and applications necessary for MCDOT access work permits for the proposed driveway curb cut location to County Road 13 (Whalen Road).
- b) We will address MCDOT comments and prepare the bond estimates.
- c) Any requirement by MCDOT for preparation of a traffic study or highway improvements to Route 13, including re-striping, will be completed as an Additional Service.

6. Construction Erosion Control:

Administration: Fee: \$2,500

- a) Preparation of the project Notice of Intent (NOI), 5-acre waiver letter, stormwater maintenance agreement, and certifications as required by NYSDEC General Permit GP-0-20-001 for Stormwater Discharges from Construction Activity. We will also prepare the necessary copies of the project SWPPP for distribution to you, the contractor, and municipality.

- b) Provide Additional Services regarding the SWPPP administration including site meetings, SWPPP modifications, and responding to regulatory agency inspection reports.
- c) Upon completion of site work and final site stabilization, we will complete a final site walk with the regulating authority and prepare the Notice of Termination (NOT) for you to file with NYSDEC.

Monitoring:

Estimated Fee: \$2,880

- a) Construction observation will be provided as required by the conditions of the permit, including preparation, and filing of the observation report and site photographs. The estimated fee is based upon a six (6) month construction duration for initial site work.

- **Tier I:** **\$120/report**

Provide reports during construction from the clearing and grubbing phase through paving and private utility installation.

- **Tier II:** **\$80/report**

Provide reports during building construction where site work is complete, or stabilization has been accepted.

7. Expenses (printing, copying, etc.):

Estimated Fee: \$1,200

Expenses, including AutoCAD files and the printing of plans, specifications, and reports, including those needed for review, the approval process and construction will be charged at direct costs. Outside services and/or sub-consultant fees contracted through BME Associates will be charged at direct costs times a multiplier of 1.1%. All permit and application fees will be paid directly by you.

8. Additional Services Offered

- a) The following services may be requested or required; however, the scope is not clearly defined at this time. These services will be provided for a quoted fee upon your request or on an hourly basis, as required: traffic study, geotechnical services, structural services and/or foundation design services, additional SEQRA information, any highway access improvements, gas/electric/voice/data services layout and design or use permits.
- b) This contract assumes that site development will not impact wetlands and does not include formal wetland delineations/jurisdictional determinations or environmental permits. However, our office can prepare delineations and permit applications if required.
- c) We assume all approvals will be handled administratively by the Town of Penfield and that no additional approval services will be required.

C. Conditions of Payment:

All services identified by **Fee** will be performed on a lump sum basis. All services identified with an **Estimated fee** will be performed hourly. Any additional services requested by you will be performed on an hourly basis and a fee estimate will be provided to you.

Billing will be done monthly with payment due within 30 days. Past Due invoices will be charged a 1½% per month finance charge.

D. Limitation of Liability:

You agree, to the fullest extent permitted by law, to limit BME Associates total liability, including consequential damages to you and to all contractors involved on the project for any and all damages or claim expenses (including attorneys' fees) arising out of this agreement, from any and all causes not to exceed \$25,000 or our fee, whichever is greater. This provision will survive the completion or any early termination of this agreement.

It is intended by the parties that this provision is not an indemnity but is a good faith agreement by the parties to place a reasonable and responsible limit for the amount assumed by each party.

BME Associates is not responsible for construction methods, techniques, procedures, or schedules. In addition, BME Associates is not responsible for a contractor's compliance with any applicable permit conditions or procedures, safety standards and/or precautions in connection with the construction contract.

BME Associates may use all information, requirements, reports, data, surveys, and instructions, whether provided by you or by others, in performing its services and is entitled to rely upon the accuracy and completeness thereof.

E. Period of Service and Termination:

Our obligation to render services under this contract will extend for a period, which may be reasonably required for the design and construction of the project. Unreasonable delay of the project beyond our control will be a basis for renegotiation or termination.

The obligation to provide further services under this agreement may be terminated by either party upon thirty (30) days written notice, in the event of substantial failure by the other party to perform in accordance with the terms of this agreement through no fault of the party terminating.

Either party may terminate this agreement upon thirty (30) days written notice for reasons identified elsewhere in this agreement, or for other reasons which may arise.

Irrespective of which party effects termination or the cause thereof, you will reimburse BME Associates for services rendered and costs incurred in accordance with our current fee schedule and expense reimbursement policy. Services will include those rendered up to the time of termination, as well as those associated with the termination itself, including any costs.

F. Successors and Assigns:

BME Associates and you are hereby bound, and the partners, successors, executors, administrators, and legal representatives of both parties are hereby bound to the other party to this Contract. Neither you nor BME Associates will assign, sublet, or transfer any rights under or interest in this Contract without the written consent of the other party. No assignment will release or discharge the assignor from any duty or responsibility under this Contract. Nothing contained in this Contract will prevent us from employing such independent professional associates and consultants as we may deem appropriate to assist in the performance of services proposed. All duties and responsibilities undertaken pursuant to this Contract will be for the sole and exclusive benefit of you and BME Associates and not for the benefit of any other party.

G. Ownership of Documents:

All drawings, specifications and other work produced by BME Associates for this Project are instruments of service for this Project only and will remain the property of BME Associates whether the Project is completed or not. Reuse of any of the instruments of service of BME Associates by you

on extensions of this Project or any other project without the written permission of BME Associates will be at your risk and you agree to defend, indemnify and hold harmless BME Associates from all claims, damages, and expenses including attorneys' fees arising out of unauthorized reuse of the instruments of service by you or by others acting on your behalf.

H. Severability and Survival:

Any provision of this agreement later held to be unenforceable for any reason will be deemed void, and all remaining provisions will continue in full force and effect. All obligations arising prior to the termination of this agreement, and all provisions of this agreement allocating responsibility or liability between you and BME Associates must survive the completion of the services hereunder and the termination of this agreement.

I. Resolution:

This contract contains a binding arbitration provision which affects your legal rights and may be enforced by the parties.

In the event of any dispute, claim, question, or disagreement arising or relating to this agreement or the breach thereof, the parties hereto will use their best efforts to settle the dispute, claim, question, or disagreement. To this effect, they will consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties. If they do not reach such solution within 60 days, then, upon notice by either party to the other, all disputes, claims, questions, or differences will be finally settled by non-binding mediation administered by the American Arbitration Association in accordance with the provisions of its Commercial Arbitration Rules.

Each party will be responsible for its share of the fees in accordance with the applicable Rules of Arbitration.

In the event that the dispute is not resolved through mediation, the parties may proceed to alternative dispute resolution as the parties mutually agree.

J. Indemnification:

The Parties mutually agree, to the fullest extent permitted by law, to indemnify and hold each other harmless from any and all damage, liability or cost (including reasonable attorneys' fees and defense costs) to the extent caused by their own negligent acts, errors or omissions and those of anyone for whom they are legally liable and arising from the project that is the subject of this agreement. Neither party is obligated to indemnify the other in any manner whatsoever for the other's own negligence.

Your signature below will constitute acceptance of this Contract between BME Associates and you for the services and fees as described herein. Please retain one (1) copy for your file and return an original signed copy within 30 days.

BME Associates

By: Andrew Spencer

By: Town of Penfield

Date

Date