

PERINTON TOWN BOARD MEETING
 1350 Turk Hill Road, Fairport, NY 14450
 Wednesday, September 26, 2012

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen C. Van Vreede	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Debbie Brown, Deputy Town Clerk; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Chris Fredette, Conservation Board; Andrew Rodman, Conservation Board; Robert Salmon, Conservation Board; T.C. Lewis, Planning Board.

Supervisor Smith called the meeting to order at 8:00 pm and introduced the Board and staff present.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of September 12, 2012 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
 Nays: None
 Unanimously Approved

PUBLIC HEARING
 MASON ROAD NORTH OF ROUTE 31
 RESIDENTIAL B TO PLANNED
 DEVELOPMENT DISTRICT

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on September 13, 2012; affidavit of posting was also September 13, 2012.

Supervisor Smith stated that the purpose of the Public Hearing was to hear from the public in favor or not in favor of the proposed rezoning. The first step is to hear from the developer regarding their intent with this project and then have an opportunity to ask questions and/or make comments. Supervisor Smith stated that the Board did not intend to take action at this meeting and will take time to absorb the information. October Town Board meetings will be dedicated to the 2013 budget presentation. He urged the audience to contact Town Clerk West or himself (or check the Town website www.perinton.org) to learn of future meeting dates regarding this proposal.

Mark Costich of Costich Engineering spoke on behalf of Pridemark Development and introduced Pridemark’s representatives, Jim Barbato, Jr. and Jim Barbato, Sr. Mr. Costich explained that he is a civil engineer and his role is to work on the design of the project with the developer and his architect. He stated that he would review the physical and environmental aspects of the proposed project and the site itself. He stated that the site is a 39.9-acre L-shaped parcel currently zoned Residential B on the corner of Route 31 and Mason Road and pointed the site out on a map. He further stated that Costich Engineering has done a property survey, a topographic survey, sub-surface explorations, records search of all utilities and features around the site and has engaged a specialist to locate the wetlands and flag them. All public utilities (sewer, water, gas,

electric) are available to this site. The NYS DEC wetlands are identified on the map as PR-9 and are about 7 acres of the site. Mr. Costich stated that the first requirement would be to avoid the wetland area and provide a 100-foot buffer around the wetland. Access to the site would be from both Route 31 (one access) and Mason Road (two accesses) with a main corridor road through the property and sidewalks and trails throughout the project with a connection to the Crescent Trail.

Mr. Costich stated that they are obligated to look at storm water runoff when they develop properties and will be designing storm water management plans in accordance with the NYS DEC Phase 2 regulations. Storm water would be collected from the site with a storm sewer system. Run-off would be looked at prior to development and after (with a requirement to hold and reduce runoff). Mr. Costich stated that water quality would also be looked at as the DEC mandates this. Various techniques such as rain gardens could be used. He stated that the plan has generous setbacks, landscaping and buffering for the benefit of the adjacent property owners. Roadways and common areas (landscaping, mowing, snow plowing) would be maintained by the developer. Lighting would be similar to residential neighborhoods in Town with 100-150 foot spacing and ten-foot high street lamps.

Mr. Costich further stated that there are four types of homes in this project. One is a single family one story detached home, the second is a one story ranch townhome, the third is a three story apartment building and the fourth is a "green-style" skilled nursing facility. The project would be phased with the first phase being the access off Mason Road and would include single family, townhomes and independent living apartments. Phase two would be more townhomes and apartments, phase three would be greenhouse homes and phase four would be townhomes and single family homes.

Jim Barbato, Jr., Pridemark Development, stated that they believe that the new plan (Creekstone) meets the needs of the Town and is consistent with the goals of the Town Comprehensive Plan with the growing 55 and over demographic clearly identified and also with the Egypt Subarea plan. The Egypt subarea plan identifies the parcel with four zoning designations—planned residential low density which Mr. Barbato identified on the map, medium density which would be the center core of the project and planned residential business (along Route 31). Mr. Barbato stated that they are sensitive to the residents of Mason Valley and have proposed single-family homes next to single-family homes. Their plan does not have any commercial in it and in its place has two single family homes in that place as a "gateway" to the development. He further stated that Creekstone is consistent with the subarea plan as far as density per each zone.

Mr. Barbato stated that Pridemark/Creekstone would have a mix of four different product types. The single story bungalows (28 units) would be approximately 1400 to 1600 square feet with a projected rental range from \$1600 to \$1800 per month. There would also be four Green House style nursing homes (for skilled nursing), which would be single story homes of approximately 8000 square feet each and owned and operated by St. John's Nursing Home. Each Green Home would have ten private bedrooms and bathrooms with one resident in each room. The third type of home would be townhouses (50 units in 11 buildings) of approximately 1300 square feet with a rental range of \$1400 to \$1500 per month. The last type of home proposed would be apartment units of 700 to 1300 square feet with a projected rental range of \$800 to \$1400 per month. 88 apartments (in four buildings) are planned for this project on three floors with elevators in each building and 12 garages per building. The community center would be 3500 square feet with similar architecture to the residential units including a proposed outdoor pool, computer center, exercise facilities, gathering space, lounge area, etc. Mr. Barbato reiterated that there would be sidewalks in the area, walking trails and streetlights making this a pedestrian-friendly community. There are also two garage buildings planned for property maintenance equipment storage and flexible storage for residents of the community. The architecture will be traditional style with Craftsman elements, which is consistent with the Egypt Subarea plan.

Mr. Barbato stated that Pridemark hosted an informational meeting for the neighbors in this area and sent out 86 invitations and had an estimated 35 people attend. Concerns were regarding traffic and the access to Route 31 and landscape berm and

buffering adjacent to the pond. Mr. Barbato stated that overall the reaction to this proposal was more positive than to previous proposals. Mr. Barbato offered a tour of their Chili facility for all Town residents to see the property. He also stated that they are 100% occupied at that property and serving a need of the community.

Mr. Barbato stated that the densities fit within the area plan. Low density residential calls for 3-6 units per acre and the medium density calls for 6-8 units per acre. The Pridemark plan calls for 39.9 acres with 174 units or 4.4 units per acre. With the buffer deducted from the acreage, there would be 32.8 acres with 174 units or 5.3 units per acre, which is allowed in the density per the plan.

The following individuals commented or had questions at the Public Hearing:

Cindy Platteter, 165 Bent Oak Trail
Beverly Schenker, 5 Conover Crossing
Barry Schenker, 5 Conover Crossing
Bill Guche, 39 Broadmoor Trail
Bill Davidson, 21 Waycross Road
Karilyn Hansen, 10 Conover Crossing
Paul Nesser, 10 Tenbury Way
Matt Lenhard, 73 Broadmoor Trail
Matt Dailey, Wallingford Rise
Diana Lagenor, 353 Mason Road
Connie Bertucci, 242 Mason Road
Liza Mortimer, 273 Mason Road
Eric Egger, 6 Misty Meadow Way
Lori Arnold, 154 Bent Oak Trail
Michael Hunzek, 33 Broadmoor Trail
Susan Wojciechowski, 7 Conover Crossing
Melanie Plummer, Briggsboro
Mike Wisnewski, 41 Broadmoor Trail
Steven De Smitt, 74 Shagbark
Joel Jacobs, 45 Broadmoor Trail
Larry John, 246 Mason Road
Joshua Kempf, 241 Mason Road
Michelle O'Brien, 81 Broadmoor Trail
David Hansen, 10 Conover Crossing
Dorothy Jacobs, 45 Broadmoor Trail
Bob Perrilleon, 8 Misty Meadow Way
Sam Messer, 78 Nettlecreek Road

Many expressed concerns over occupancy (filling) of senior living facilities and whether the developer totally understood "skilled nursing". Some felt that the developer did not understand the needs of empty nesters, did not feel that there was demand for senior housing, was too large a development and seniors would not be attracted to the type of housing (rental) proposed by Pridemark. A gentleman expressed concern over the 8 patio homes being built by a different developer at Pittsford-Palmyra Road and Victor Road where construction has stopped. He further asserted that this was a way for the Town to make more tax money. Supervisor Smith explained that a new development would pay property taxes, however, it is not extra money to the Town, just re-divides the pie differently. Another gentleman asked whether the St. John's portion of this would be tax exempt and Supervisor Smith stated that the non-profit organizations are typically tax exempt, however some pay a PILOT (Payment in lieu of taxes) to the Town and this is yet to be determined.

Others were concerned about the effects of the traffic on Mason Road and Ayrault Roads, no light at Ayrault and Mason intersection and no sidewalks causing safety issues on Mason Road. Mr. Costich stated that the basis for traffic generation is the Institute of Traffic Engineers. They do studies around the country regarding how much traffic is generated for a given use and Mr. Costich stated that the uses in the

Pridemark project have much lower traffic generation than a non-senior population. Another resident stated that this area is already too congested and becomes very hazardous with two more roads from Mason Road into and out of the proposed development. Supervisor Smith added that a traffic study would be required of the applicant as part of the rezoning process as would the building of sidewalks or a contribution to the Town sidewalk fund.

Others asked about the buffering and potential removal of trees and expressed concerns about new trees proposed washing out in major rainstorms. One gentleman expressed his concern over more water in the forever wild area, drainage and standing water which could lead to West Nile Virus concerns. There were also concerns over the proposed streetlights shining into the neighboring yards. Residents asked about the height of berms and whether there would be berms on Mason Road. Mr. Costich replied that there will be berms on Mason Road, however they have not been designed yet, and will be designed based upon "line of sight" and Mr. Costich added that there are multiple techniques (rain garden, ponds) to handle water management which would be part of the final design of the project.

Several residents asked why the property would not be developed the way it is currently zoned and stated that they felt there was a conflict with the development plans and the goals of the Comprehensive Plan and Egypt Subarea plan. Mr. Barbato stated that he wants to meet the needs of the community and is following the "transitional use" as identified in these documents laid out by the Town. Supervisor Smith stated that a property owner has the right to request a change in zoning and that we are not a Town that "pre-zones" property. He used the example of the corners of 31 and 250, which were originally zoned residential and moved through the rezoning process to become what the Town and community thought it should be. The Comprehensive Plan and Subarea plans are meant to be guidelines and informational and they will be reviewed thoroughly along with the Zoning maps prior to making any decisions.

Several audience members asked why this proposed rezoning plan would be better for the Town than leaving it as currently zoned. Supervisor Smith stated that this would also be addressed prior to moving forward. Mr. Barbato added that he believes that his plan "meets the market" better than the current zoning. A gentleman asked whether this plan could be modified. Supervisor Smith stated that the Planned Development District is a relatively new zoning designation and gives the public an opportunity to have input throughout the process with Planning Board, etc. and changes can be made before bringing any plan back to Town Board for final approval. A woman in the audience asked whether there could be a compromise and stated that there is a need in the Town for single story, patio type homes for all ages.

A concern was raised over the impact to services such as fire department coverage and school growth. Mr. Barbato stated that he did not feel it was his responsibility to consider the effect on services. He further stated that it is not a developer's responsibility and Supervisor Smith stated that the Town will look at those impacts as part of the project review. Mr. Barbato reiterated that the project would be built in phases with the roads and infrastructure built along with those phases. He estimated 3-4 years of construction time to finish the project.

A woman asked about the rezoning approved for the Longwell property behind the Hess station and whether this would "overload" the area. Supervisor Smith stated that this would be taken into consideration as this proposal moves along.

A gentleman asked why rentals? Mr. Barbato stated that is was a business decision for Pridemark. A woman asked what would happen if these units do not rent to seniors and Mr. Barbato stated that it would be open to all and stated that their Chili project is 88% senior and empty nesters. Much concern was expressed over turnover in these units and less than full occupancy, stating that senior housing has been overbuilt.

A gentleman asked about the boundary of the cemetery and the historical section of Route 31 that borders the property. Mr. Barbato stated that there is a 60 foot buffer around the cemetery and that they are about 100 feet away from the cemetery with

any buildings. Supervisor Smith stated that the section of Route 31 would have to go through the Town Historic Architecture Commission and meet the façade requirements. A woman asked that the aesthetics of the three story apartment buildings be considered in the proposed surroundings.

A woman in the audience stated that she believes that this development is growth and a good thing.

A gentleman in the audience read a letter which was delivered to the Town Board on behalf of 130 people. This letter asked the Town Board to reject the Pridemark rezoning proposal. This letter and all other correspondence delivered/emailed to the Town Board are on file in the Perinton Town Clerk's office as part of the official record and are available to the public.

A woman stated that she believes that the Town Board has a responsibility to the people who live here to protect the character of the area. She said that they bought homes in this area because it is peaceful, quiet and safe and requested that the Board preserve the character of the area.

There being no additional questions, and all those wishing to be heard having been heard, the Public Hearing was closed. Supervisor Smith reiterated that this item would not be on a future agenda until at least November.

ORDER FOR HEARING 2013 TOWN BUDGET

Councilperson Havens made a motion, seconded by Councilperson Van Vreede, that October 24, 2012 at 8 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY 14450 be set as the date, time and place for a Public Hearing on the 2013 Town of Perinton budget.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously approved

An Informational Hearing on the 2012 Budget will be held at the October 10, 2012 Town Board meeting.

AUTHORIZE DECLARATION OF SURPLUS DPW EQUIPMENT

DPW Commissioner Beck stated that the Town Board has a memo from him requesting that six pieces of DPW equipment be declared surplus so that it may be sold at the Monroe County Municipal Auction to be held on October 6, 2012 at the Fleet Center located on Paul Road.

The list of DPW equipment is as follows:

Highway Department

PER 14 1996 LS-9000 Plow Truck
PER 33 1999 10 Wheel Plow Truck
PER 9 2002 S-10 Pickup

Sewer Department

PT 2 2007 2500 Silverado, 4x4 Ext Cab
PT 21 2006 Dakota, 4x4 Ext Cab
PT 30 2007 2500 Silverado 4x4 Reg Cab with Plow

A motion was made by Councilperson Van Vreede, seconded by Councilperson Knapp, that the DPW equipment documented above be declared surplus equipment and sold at Monroe County Municipal Auction to be held on October 6, 2012.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously approved

VOLUNTEER BOARD APPOINTMENT

Supervisor Smith stated that Robert Kubera has completed his first year as a permanent member of the Board of Assessment Review (BAR). Mr. Kubera's term expires at the end of September 2012. Mr. Kubera has indicated an interest in continuing to serve the Town on this volunteer board. He is the Supervising Real Property Appraiser for the City of Rochester, Bureau of Assessment. He has both residential and commercial experience and has been a temporary BAR member for the 2006, 2008 and 2010 Town-wide updates. Supervisor Smith recommended that the Town Board approve the appointment of Bob Kubera to an additional five-year term on the Board of Assessment Review.

The following resolution was offered by Councilperson LaFay, seconded by Councilperson Havens:

BE IT RESOLVED, that Robert Kubera, 105 South Ridge Trail, Fairport, NY, be appointed as a member of the Board of Assessment Review, with a term to expire on September 30, 2017.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

APPROVE PURCHASE OF NEW PHONE SOFTWARE

Supervisor Smith stated that the Board has a memo from Finance Director Spacher indicating that the Town's current telephone system vendor is phasing out support for the current software operating system. At this time, Mr. Spacher is recommending the migration to a new version of the software at a cost of about \$18,000, which would allow the use of the current telephone hardware for the foreseeable future. Supervisor Smith stated that the cost of the original phone software and hardware was \$85,000 and it would cost in excess of \$100,000 to replace the entire system. Funds for this purchase would come from the Payment in Lieu of Taxes revenue line and the Unallocated Building Equipment expense account.

Councilperson Knapp made a motion, seconded by Councilperson LaFay to authorize the purchase of replacement phone software in the amount of \$18,000 and to amend the budget increasing the Payment in Lieu of Taxes revenue line and the Unallocated Building Equipment expense account by \$18,000.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

APPROVE ABANDONMENT OF TOWN DRAINAGE EASEMENT
THE MIDLANDS SECTION 2

Town Attorney Robert Place explained that the Town has a request from Anco Builders to abandon a portion of a Town Drainage Easement, which is no longer being used. He further stated that the pipe in the easement has been relocated to carry the drainage in a different direction, and the applicant has provided an easement for the new location and this action, if taken, cleans up the title.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to abandon the Town Drainage easement at the Midlands Section 2 and authorize Supervisor Smith to sign said abandonment.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

APPROVE EXTENSION OF NO PARKING ZONE
AYRAULT ROAD

DPW Commissioner Beck stated that in July of 2011, the Town Board approved the installation of a "No Parking Anytime" zone on a portion of Ayrault Road. The western limit of the No Parking Zone, on the South side of Ayrault, is currently located at the intersection of Ayrault Road and Hogan Road.

Commissioner Beck stated that about a month ago, the Town received two notifications of a site distance concern at the Ayrault/Hogan Road intersection. Commissioner Beck met with the owner of Clawson's Deli who was very receptive to eliminating one of the site distance concerns in his parking lot and also to extending the No Parking Zone (across the front of his property) on the south side of Ayrault to Willowick Drive. Commissioner Beck then sent a letter on August 31, 2012 to Terrence Rice, Director of Transportation for Monroe County, explaining this situation and requesting authorization to extend the No Parking Zone on the south side of Ayrault Road, westerly to Willowick Drive. Mr. Rice replied in the affirmative.

Councilperson Havens made a motion, seconded by Councilperson Knapp to approve the extension of the No Parking Anytime zone on the south side of Ayrault Road, westerly to Willowick Drive.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

APPROVE CHANGES TO THE MEMBERSHIP
OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Resident Active Firefighter	Mr. David Carpenter 37 South Cross Trail Fairport, NY 14450
Active Member to Lifetime Member	Mr. Monty Alberts 17 Little Sprint Run Fairport, NY 14450

Active Member to Exempt
Member

Mr. Jeff Gulick
41 Brookside Drive
Fairport, NY 14450

Active Member to Exempt
Member

Mr. Tom Bryant
4 Tall Tree Lane
Fairport, NY 14450

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #10 for September 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

AUGUST AUDIT 3

General Fund	803.39
Recreation	103.21
Lake Lacoma Lighting District	14.46
Meadows Lighting District	439.15
Deer Run Lighting District	<u>43.95</u>
	\$1,404.16 Total

The above items were numbers 86197 and 86209.

SEPTEMBER AUDIT

General Fund	68,664.92
Town Outside of Village	96,827.99
Recreation	92,293.21
Highway General Repair	594,293.02
Highway Snow & Miscellaneous	60,345.39
Joint Sewer	14,639.43
Debt Service Sewer	3,212.00
B Basin Fire Protect Dist	35,280.00
Fairmont Hills Maint Dist	1,775.00
O'Connor Rd Relocation Proj	11,529.33
RS&E Ped Bridge Project	622,618.13
Jefferson Ave Sewer Project	6,625.51
Indian Valley Sewer Project	<u>168,418.43</u>
	\$1,776,522.36 Total

The above items were numbers 86245-86490.

SEPTEMBER MANUAL 1

General Fund	79,892.90
Town Outside of Village	4,474.39
Recreation	32,347.27
Joint Sewer	7,476.06
Forest Hills Fire Protect Dist	81,907.50
Midlands Lighting Dist	437.07
Lake Lacoma Lighting Dist	14.93
Meadows Lighting Dist	445.87
Deer Run Lighting Dist	1,506.70
Misty Meadows Lighting Dist	<u>118.13</u>
	\$208,620.82Total

The above items were numbers 82641, 86210-86213, 86224-86230, and 86242.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

There being no further business before the Board and no further questions from the audience, the Board adjourned at 9:50 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk