

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, August 28, 2013

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

ABSENT: 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; Stacey Estrich, Parks Director; Scott Allen, Parks Foreman; T.C. Lewis, Planning Board.

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

Councilperson Havens made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of August 14, 2013 be approved as submitted by the Town Clerk.

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

PRESENTATION
RED RIBBON CAMPAIGN

Debra Tandoi, co-chair of the Fairport/Perinton Chemical Prevention Advisory Council (CPAC), appeared before the Board. Ms. Tandoi reviewed the past year's work of CPAC. CPAC was established twenty-five years ago with a mission to work with the Fairport-Perinton community to maximize resources to educate and empower youth and adults in the pursuit of the reduction of alcohol, tobacco and other drug usage by youth. Ms. Tandoi asked the Town Board to continue supporting Red Ribbon Week, which will be held October 20 through October 26, 2013.

Ms. Tandoi introduced Jillian Russo, winner of the 2013 Red Ribbon logo contest. This year's Red Ribbon campaign theme is "Healthy Me is Drug Free!" Supervisor Smith presented Jillian with a plaque to thank her for her efforts.

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that \$1,500 be appropriated to pay for the cost of ribbons for the annual Red Ribbon Campaign.

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

ORDER FOR HEARING
AMENDMENT TO SECTION 208 OF THE CODE OF THE TOWN OF PERINTON
LIMITED COMMERCIAL DISTRICT ZONING

Director of Code Enforcement and Development Doser stated that Limited Commercial is a zoning district that the Town introduced in 1990 as a way to emphasize small, more intimate, commercial development that provides convenient shopping and other personal services to nearby neighborhoods. He further stated that this zoning represented a departure from the standards of the Town's general Commercial zoning, which emphasizes larger commercial entities and complexes, automobile access and automobile-related amenities.

Over the years, the Town has rezoned 19 properties in Bushnell's Basin, the Baird/Whitney Road area and the Hamlet of Egypt to Limited Commercial. Mr. Doser stated that despite that small number, the basic concepts behind Limited Commercial are still relevant, and perhaps even more relevant today as society continues to struggle with rising fuel costs. At its core, Limited Commercial has always been about convenience, enabling people to walk or bike from their homes to retail areas. Now it can be pivotal in reducing household fuel expenses.

Mr. Doser said that Perinton's Limited Commercial zoning was visionary, and it meshes well with national market trends, but it needs to be adapted for today. Municipalities across the country have taken Perinton's essential Limited Commercial concept further with zoning that emphasizes retail convenience, while also relaxing rules on strict separation of uses and encouraging a blend.

The Town has been working with local planner Matt Ingalls on modifying Limited Commercial zoning. Mr. Ingalls recommends the Town keep the code's nucleus intact, but modify bulk area requirements, and add specific architectural and site plan standards. The most significant change is adding residential uses and renaming Limited Commercial to "Mixed Use District." He added that the idea is to create synergetic zoning where commercial, office and residential uses exist side-by-side, creating a thriving and lively pedestrian-friendly atmosphere that fosters a sense of community often seen in hamlets and villages. Mixed Use District zoning is most appropriate in pockets of the Town's most well-traveled roadways, such as Fairport Road, Baird/Whitney Road West, Pittsford-Victor Road and Pittsford-Palmyra Road.

Mr. Doser asked the Board to set a date for a Public Hearing to consider the following proposed changes:

§ 208-43. Mixed Use Zoning District

The code proposal in its entirety follows:

§ 208-43. Mixed-use District

A. Intent

The intent of the district is as follows:

- (1) To foster a combination of appropriately scaled land uses and activities that support the goals and objectives contained in the Town's Comprehensive Plan as well as other land use and design plans.
- (2) To provide areas within the Town for locating a mix of commercial, office, civic, and residential uses serving the day-to-day convenient shopping and personal service needs of neighborhood areas and to assure the compatibility of such areas with nearby residential development.
- (3) To create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving, and shopping. It is the intent of the Mixed-use District to ensure that typical, "strip commercial" development is avoided and that future private development will actively and positively engage the public realm.

B. Uses and Restrictions

The following uses shall be permitted in the Mixed-use District:

- (1) All uses first permitted in Restricted Business District with the exception of hotels and motels, provided that such uses do not exceed 6,000 square feet in area.
- (2) The uses in Table 1, when conducted within a completely enclosed building. Such uses are not to exceed 2,500 square feet in total area and individual buildings are not to exceed 10,000 square feet in size.

Table 1

USE GROUP Use Category	Mixed-use District
P= permitted by-right, SP = special use permit required TB = special use permit by Town Board, ZBA = special use permit by Zoning Board of Appeals	
R E S I D E N T I A L	
Live/Work Space located above the ground floor	P
Live/Work Space, ground floor	SP (TB)
Dwelling Units located above the ground floor	P
Multi-unit (4 unit max) Residential	SP (TB)
Townhouse	SP (TB)
Two-Flat (two units only, one above the other)	SP (TB)

USE GROUP Use Category	Mixed-use District
PUBLIC AND CIVIC	
Public buildings and grounds	SP (TB)
Commercial schools	P
C O M M E R C I A L	
Grocery store	P
Apparel store	P
Drugstore	P
Antique and/or consignment store	P
Bookstore	P
Laundromat	P
Beauty parlor, barbershop	P
Apparel repair and alteration	P
Bakery	P
Florist shop	P
Artist studio	P
Restaurants, coffee shops or other similar places principally serving food and drink for inside consumption, provided that occupancy does not exceed 90 persons	P
Sporting goods store	P
Bicycle sales and repair	P
Bed and Breakfast	SP (TB)
Veterinary office and/or kennels, provided that there is no outside keeping of animals and adequate soundproofing is provided so that the ambient sound level at the property boundaries is not elevated more than 10 decibels on the A-weighted scale as measured at a fast response with an instrument satisfying the requirements of ANSI S1.2-1983.	SP (TB)
Drive-Through Facility (SP by TB if in Historic District)	SP (ZBA)
OTHER	
Outdoor entertainment.	SP (ZBA)
Any combination of permitted residential or non-residential uses.	P
Permitted uses exceeding the thresholds established in Subsection <u>B</u>	SP (TB)
Uses which are consistent with the intent of this district (see § <u>208-43A</u>) and which are similar to uses permitted in § <u>208-43B(2)</u> .	SP (TB)

- (3) All principal and accessory uses shall be conducted within completely enclosed structures, except for an outdoor eating area associated with a restaurant, provided that:
- (a) All structures and uses are contained within the setbacks.
 - (b) Total number of outdoor seats are approved by the Planning Board.

- (4) No business establishment in any Mixed-use Zone shall be open to the public, except during the hours of 5:00 a.m. to 12:00 midnight.
- (5) Site plan approval. No site preparation or construction shall commence until site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved. Site plan approval shall not be required for the expansion or modification of any existing single-family residential use as long as the proposed expansion or modification remains solely a single-family use.
- (6) No nonresidential use shall be established by the conversion of any structure or premises originally designed for a residential use unless the existing residential character of the building shall be retained. No design or structural changes, additions or extensions shall be made to the front of any such structure, except as necessary to provide required means of ingress, egress, light and ventilation. No additions or extensions shall be made to the side(s) of any such existing residential structure unless the residential character of the whole shall be retained and upon approval of a detailed site plan.

C. Dimensional Regulations

- (1) Lot areas greater than one acre shall require a special use permit issued by the Town Board.
- (2) Lot size. The minimum width of a lot shall be 80 feet, and the minimum area shall be 10,000 square feet.
- (3) There shall be no minimum size requirements for buildings or structures.
- (4) Setbacks shall be as follows:

Yard	Setback for Principal and Accessory Structures (feet)	
	Minimum	Maximum
Front, from right-of-way	10	30
Side, abutting nonresidential district*	15	-
Rear, abutting nonresidential district*	15	-
Side and rear, abutting residential* district	30	-

* Common wall buildings excluded.

On corner lots, both yards abutting streets shall be considered front yards.

See § 208-25 for buffer requirements.

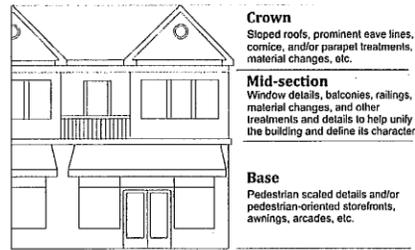
- (5) Maximum overall building height shall be two stories and not exceed 35 feet.
- (6) Minimum building height shall be 22 feet.
- (7) Lot coverage. Total lot coverage, including structures, parking areas and other impervious surfaces shall not occupy more than 75 percent of the total lot area. The remainder of the lot shall be landscaped area.
- (8) No more than three delivery vehicles shall be used in the operation of said business.
- (9) Parking, landscaping, buffering, signing and other special provisions shall be established per other sections of this chapter and constructed in accord with the design criteria and construction specifications of the Town of Perinton.
- (10) The Planning Board may, at its discretion, waive or modify requirements pertaining to provisions in Subsection C.

D. Building Placement, Orientation, and Frontage

- (1) To the maximum extent practicable, buildings shall be arranged to orient to the streets and to frame the corner at the intersection of two streets.
- (2) All applications shall include a list of building materials with identified colors and dimensions to be approved by the Planning Board.
- (3) Common wall buildings are encouraged.
- (4) Street Frontage
 - (a) A minimum of 50 percent of the street frontage shall be occupied by one or more of the following design elements:
 1. Building frontage;
 2. Landscaped entryway signage or features; and/or
 3. Site amenities including, but not limited, to public sitting and/or gathering space, decorative walls, art, clocks, etc.
 - (b) Prohibited design elements
 1. Motor vehicle parking;
 2. Motor vehicle access drives, drive lanes or aisles, except those which are necessary to provide direct access to a public street.
- (5) Building Composition
 - (a) The design of the structure and signs shall be of a compatible architectural style and treatment with surroundings.
 - (b) Buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials and colors.

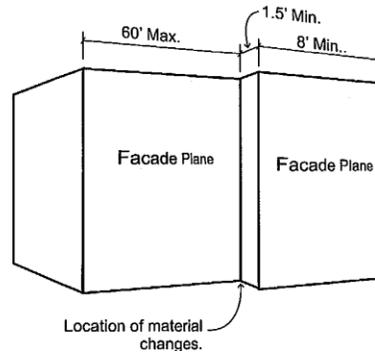
- (c) Architectural details or features such as dormers, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

A well articulated base, mid-section, and crown can be achieved in all building types and sizes including multi-story buildings, as depicted in the illustration to the right, and single-story buildings, as depicted directly below.



(6) Facade Composition

- (a) All buildings shall have a prominent street level entrance visible and accessible from the public sidewalk.
- (b) Buildings located on corner lots shall have a building entrance located on the corner that faces the intersection of two public streets, to the extent practicable.
- (c) Varied building designs that avoid long, flat facades are required.
 1. The vertical plane of the building facade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies) especially at ground level.
 2. No facade shall exceed 60 feet in horizontal length without a change in facade plane. Changes in facade planes shall be no less than 1.5 feet in depth and no less than 8 feet in length.
 3. Any changes in exterior building material shall occur at interior corners.



4. All facades shall be designed to be consistent in regard to architectural style, materials, and details.

(d) Transparency

1. A minimum of 50 percent of the street-facing, ground floor facades for nonresidential uses shall be comprised of clear windows that allow views into the interior of the building.
2. Ground floor facades for residential uses shall provide a minimum transparency of 20 percent.
3. Ground floor transparency shall be measured between 2 feet and 10 feet above the adjacent sidewalk.

E. Mechanical Equipment and Dumpsters

- (1) Air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and other similar mechanical equipment and refuse storage containers and facilities shall be thoroughly screened from view from the public right-of-way and from adjacent properties. Screening shall be architecturally compatible with the style, materials, colors, and details of the building.

F. Pedestrian Access and Circulation

- (1) An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - (a) The primary entrance or entrances to each building, including pad site buildings;
 - (b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with non-residential development;
 - (c) The public sidewalk system along the perimeter streets adjacent to the development;
 - (d) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
 - (e) Where practicable and appropriate, any adjacent public park, greenway, hiking trail, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

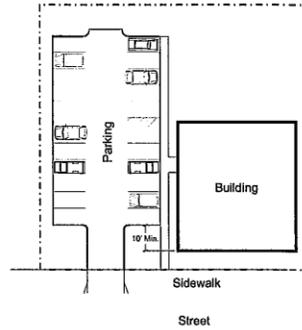
G. Vehicular Access and Circulation

- (1) Joint access with contiguous parcels shall be encouraged. Access points to public highways shall be spaced no closer than 150 feet (edge to edge).
- (2) To the extent practicable, non-residential and mixed-use sites shall be designed to provide cross access and a unified circulation pattern with adjacent sites. Techniques to achieve this include but are not limited to, shared driveways, shared access roads and cross access easements.
- (3) To the extent practicable, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.

- (4) Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.
- (5) Drive-up facilities and associated drive lanes shall be located in either the side yard or rear yard.

H. Off-street Parking Areas

- (1) Location
 - (a) No parking shall be permitted in the front yard.
 - (b) Off-street parking may be located in the rear yard or side yard. Side yard parking shall be located a minimum of 10 feet behind the front facade.
 - (c) Parking, or access to parking, shall not exceed 50 percent of lot frontage.

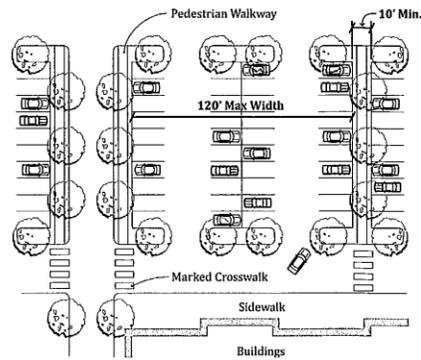


- (2) Number of Spaces
 - (a) Retail businesses shall provide 3 spaces per 1,000 square feet of gross floor area.
 - (b) All other uses shall be subject to the requirements in Section § 208-16.
 - (c) The maximum number of off-street parking spaces for any building or use shall not exceed 150 percent of the minimum parking requirement as indicated in Section §208-16.

(3) Parking Blocks

In order to reduce the scale of parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than 40 spaces.

- (a) Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least 10 feet wide, a landscaped median or berm at least 10 feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least 10 feet wide.
- (b) Each parking block shall have consistent design angles for all parking within the block. Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).



Parking Blocks
Parking blocks shall be compact, well landscaped with designated pedestrian facilities.

(4) Pedestrian Walkways

All parking blocks which contain more than 25 stalls, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance, public sidewalk along the street and/ or central location. At a minimum, walkways shall be provided between every parking block and meet the following standards:

- (a) Shall be designed and built in accordance to the Town's Design Criteria;
- (b) Shall be distinguishable from vehicular ways by pavement material, texture, or raised in elevation;
- (c) Shall have adequate lighting for security and safety;
- (d) Shall comply with the American with Disabilities Act (ADA).

(5) Shared Parking

Shared parking is encouraged in the Mixed-use District to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours.

(a) General: The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:

- 1. A convenient pedestrian connection between the properties exists; and
- 2. The properties are within 1,000 feet of each other on the same side of the street; and
- 3. The availability of parking for all affected properties is indicated by approved directional signs.
- 4. The contractual agreement is approved between involved property owners.

(b) Number of Spaces Required.

- 1. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
- 2. Where the uses to be served by shared parking have overlapping hours of operations, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total may be reduced by 10 percent:
 - a. The parking areas share a property line; and
 - b. A vehicular connection between the lots exists; and

- c. A convenient, visible pedestrian connection between the lots exists; and
- d. The availability of parking for all affected properties is indicated by approved directional signs.

(6) Bicycle Parking

- (a) Bicycle parking shall be provided at 10 percent of the motorized vehicle parking requirements but not less than 2 bicycle spaces and not more than 20 bicycle spaces for any use.
- (b) Bicycle parking shall be located and clearly designated in a safe and convenient location. Accessibility to bicycle parking shall be equivalent to the motor vehicle spaces provided.
- (c) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.
- (d) Bicycle parking sign shall be visible from the main entrance of the structure or facility.

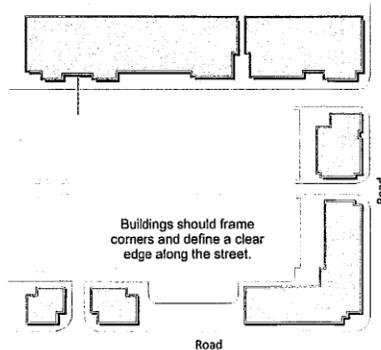
I. Multi-Building Developments

The following provisions are intended to ensure that traditional, “strip commercial” centers are avoided in the Mixed-use District.

(1) Overall Site Layout and Building Orientation

All primary and pad site buildings shall be arranged and grouped so that their primary orientation, typically the façade containing the primary customer entrance, complements adjacent development and frames and/or encloses on at least two sides:

- (a) the corner of an adjacent street intersection;
- (b) a primary pedestrian and/or vehicle access corridor within the development site; or
- (c) a public sidewalk, space or other public site amenity.



(2) Pad Sites and Buildings

- (a) The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of the primary development.
- (b) To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create usable places between

In the development pattern above, out-buildings front directly on the street and define a clear edge. The pad sites on the corners make a strong architectural statement and provide a sense of arrival to the development center. Parking is on the interior of the block and does not dominate the street frontage.

buildings. The even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is discouraged.

- (c) Wherever practicable, spaces between adjoining pad site buildings should be improved to provide small pockets of customer parking, pedestrian connections, small-scale site amenities, or focal points. Examples include but are not limited to:
 - 1. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
 - 2. A public seating or outdoor eating area;
 - 3. An area landscaped with a variety of plant materials emphasizing four-season colors, textures, and varieties; or
 - 4. Public art, fountains, or other special features.
 - (d) Pad site buildings shall incorporate the same materials and colors as those on the primary building(s) in the development or center. Significant departures from "off-the-shelf" standardized building design may be required to meet this standard.
 - (e) Pad site entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design elements.
- (3) Freestanding Kiosks and Automated Teller Machine (ATM) Structures
- (a) All kiosk-type buildings and structures shall be integrated with the overall commercial or center development, and shall be subject to the same guidelines as all other buildings within the development.
 - (b) Freestanding kiosks and drive-up ATM structures shall not be located along the primary access street frontage.
 - (c) Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.
 - (d) Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in section I.2.

J. Landscaping

- (1) Building Setback Landscaping
 - (a) Building setback areas along streets, access ways, or along private drives, shall be landscaped with a minimum of 1 shade tree per 40 feet of linear frontage.
 - (b) Building setback areas shall include compact massings of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
 - (c) Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.

- (2) Building Foundation Landscaping
 - (a) Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
 - (b) Plantings shall be massed and scaled as appropriate for the entryway size and space.
 - (c) Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.
- (3) Interior Parking Lot Landscaping
 - (a) The interior of all uncovered parking blocks containing 10 or more spaces shall be landscaped according to the provisions in this subsection.
 - (b) The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
 - (c) One shade tree shall be planted for every 5 parking spaces.
 - (d) Landscaped berms shall be at least 10 feet wide, a maximum of 3 feet high, and include a maximum slope of 3:1.

K. Lighting

These provisions are intended to limit the adverse impacts of light through spillover; provide attractive lighting fixtures and layout patterns that complement the architectural and landscape character of the development and contribute to unified exterior lighting design; and provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development.

- (1) Applicants shall submit a unified lighting plan and cut sheets of proposed lighting fixtures for review and approval by the Planning Board.
- (2) Fully Shielded and Full Cut-off Light Fixtures Are Required

The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off:

- (a) Public street and pedestrian lighting;
- (b) Parking lots;
- (c) Pathways;
- (d) Buildings and structures;
- (e) Recreational areas;
- (f) Billboards;
- (g) Product display area lighting; and
- (h) Building overhangs and open canopies.

(3) Building-Mounted Lighting

- (a) Lighting may be used only to highlight specific architectural features or primary customer or building entrances. General floodlighting of building facades is not permitted.

(4) Parking Area Lighting

- (a) Parking areas shall include the minimum lighting necessary to ensure adequate vision and comfort, and to not cause glare or direct illumination onto adjacent properties or streets or public/private rights-of-way.
- (b) No lighting with a greater intensity than 1/2 footcandle, measured at five feet above the ground at the property line, shall be installed adjacent to a residential district. All such lighting shall be approved by the Planning Board.
- (c) Lighting shall not exceed 16 feet high as measured to the top of the fixture from grade.
- (d) See § 208-16C for additional provisions.

(5) Pedestrian Area Lighting

- (a) Lighting fixtures for pedestrian walkways, outdoor plazas and similar public gathering places shall be decorative and compatible the architectural and landscape character in the development.
- (b) Lighting fixtures should be color-correct types such as halogen or metal halide to ensure true-color at night and ensure visual comfort for pedestrians.
- (c) Lighting shall be either low-level fixtures and/or a combination of bollards and uplighting in order to create a "human scale" environment.
 - 1. Pedestrian area lighting shall be between 12 feet and 14 feet high as measured to the top of the fixture from grade.
 - 2. Bollard-type lighting shall be no more than 4 feet high.

A motion was made by Councilperson Havens, seconded by Councilperson Knapp, that 8:00 pm on September 25, 2013 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss the amendment to Section 208 of the Code of the Town of Perinton pertaining to Mixed-use Zoning Districts.

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

APPROVE APPOINTMENT
PARKS LABORER

Commissioner of Recreation and Parks Myers stated that the Parks Department has an opening on staff for the Laborer position at the Parks Operation Center and that he has been working with Parks Director Estrich and Parks Foreman Allen to interview candidates. Commissioner Myers recommended the appointment of Robert Van Camp for the non-competitive laborer civil service position.

Mr. Van Camp currently owns and operates his own fireplace installation business and has worked as an operator and mechanic for Jennings Tractor, Seneca Meadows Landfill and Erie Power Equipment. Commissioner Myers stated that Mr. Van Camp also possesses skills in outdoor landscapes and hardscapes, as well as building systems maintenance such as electrical and plumbing.

Commissioner Myers recommended that the Board approve Robert Van Camp for the full time Laborer position, effective September 3, 2013 at a salary of \$[] per hour.

Councilperson Knapp made a motion, seconded by Councilperson Havens to approve Robert Van Camp for the full time Parks Operations Laborer position, effective September 3, 2013 at a salary of \$[] per hour.

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

APPROVE APPOINTMENT TOWN ENGINEER

DPW Commissioner Beck stated that the search and selection process to fill the Town Engineer position, vacated by the retirement of Tim Oakes, has spanned the past three months. Commissioner Beck received 27 resumes from many qualified individuals, interviewed 10 candidates with the final two candidates being interviewed by the Town Board.

Commissioner Beck stated that Robert Kozarits was the unanimous selection of all Town Staff and Town Board members. Mr. Kozarits graduated from the State University at Buffalo with a degree in Civil Engineering and obtained his NYS Professional Engineer's License in 1999. Mr. Kozarits began his career with the NYS DOT in Poughkeepsie, New York where he spent four years designing and writing contract specifications for highway projects.

Commissioner Beck further stated that Mr. Kozarits has also spent time with Stantec Consulting Group and Passero Associates as a Senior Project Engineer and Project Manager. Mr. Kozarits has worked with the Monroe County Department of Transportation since 2007 as a Transportation Project Manager where he has managed two large highway reconstruction projects in Perinton; Jefferson Avenue and Lincoln Road. Commissioner Beck also stated that Mr. Kozarits is not only a competent engineer but also adept at customer relations.

Commissioner Beck stated that because Town Engineer is a competitive title under Civil Service Law and since there is no current list for Town Engineer, Mr. Kozarits's appointment must be provisional until such time Civil Service schedules an exam and Mr. Kozarits successfully completes it. Commissioner Beck recommended that the Town Board approve the provisional appointment of Robert Kozarits to the position of Town Engineer, at a salary of \$[] effective September 23, 2013.

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve the provisional appointment of Robert Kozarits to the position of Town Engineer, at a salary of \$[] effective September 23, 2013..

Ayes: Smith, Knapp, LaFay, Havens

Nays: None
Unanimously Approved

APPROVE APPOINTMENT
JUNIOR COURT CLERK

Supervisor Smith stated that the Town Board has a memo from Judges Klonick and Arnold stating that there is an opening in the Perinton Town Court for a Junior Court Clerk. Maureen Nix has accepted a job in the CED office beginning in November. The Senior Court Clerk, Jan Spencer and the two Town Judges have conducted interviews with a number of very qualified candidates and are recommending the appointment of Lucy Schram for the position of Junior Court Clerk, effective September 3, 2013 at an annual salary of \$[].

Councilperson Knapp made a motion, seconded by Councilperson Havens to appoint Lucy Schram to the position of Junior Court Clerk, effective September 3, 2013 at an annual salary of \$[].

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

DECISION
AMENDMENT TO SECTION 208 OF THE CODE OF THE TOWN OF
PERINTON
OUTSIDE DINING

Supervisor Smith reviewed that the Town Board held a Public Hearing on August 14, 2013 and referred the proposed changes to the Planning Board as required by State Law. At the Planning Board's August 21, 2013 meeting the Code change was discussed and the Planning Board is in agreement that this would be a positive change to the Code.

The revisions to Section 208 follow:

§ 208-41. Commercial District...

A. Uses permitted...

(1) [NO CHANGES]

(2) [NO CHANGES]

(3) [NO CHANGES]

(4) The following uses, when conducted in connection to a completely enclosed building:

(a) Drive-through facilities. In addition to site plan approval and any other applicable provisions for special permits, the Board of Appeals may grant a permit for a drive-through window, provided the applicant prepares a plan that

shows the location of at least 10 stacking spaces and demonstrates the use will not be detrimental to on-site traffic patterns, off-site traffic and adjacent properties. When a drive-through facility is located in a Town-designated historic district, see § 208-41A(5)(r).

- (b) Outside dining. The Planning Board shall approve outside dining through a site plan approval. Preparation of food for catering purposes for consumption off the premises is permitted as an incidental use.

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that the amendment to Section 208 (outdoor dining) of the Code of the Town of Perinton be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) based upon the fact that this code change will in no way negatively impact the environment.

Ayes: Smith, Knapp, LaFay, Havens
Nays: None
Unanimously approved.

Councilperson Havens made a motion, seconded by Councilperson LaFay to approve the amendment to Section 208 of the Code of the Town of Perinton regarding outdoor dining citing the recommendation in the Town Planning Board's memo dated August 26, 2013.

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

AUDIT APPROVAL

A motion was made by Councilperson LaFay, seconded by Councilperson Havens that Audit #8 for August 2013 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

AUGUST AUDIT

General Fund	118,225.18
Town Outside of Village	135,658.51
Recreation	131,035.50
Highway General Repair	403,513.07
Highway Snow & Miscellaneous	224,117.12
Joint Sewer	24,732.17
Perinton Ambulance Dist	542.88
BB Fire Protect Dist	140.38
Fairmont Hills Maint Dist	640.00
Wisteria Grove Maint Dist	990.50
Woolston Road Project	4,274.70
RS&E Pedestrian Bridge	668.94
Indian Valley Sewer Project	<u>246,409.47</u>
	\$1,290,948.42 Total

The above items were numbers 90847-91072.

AUGUST MANUAL

General Fund	86,834.65
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Town Outside of Village	5,031.43
Recreation	34,045.92
Joint Sewer	8,232.80
Midlands Lighting Dist	434.80
Lake Lacoma Lighting Dist	15.18
Meadows Lighting Dist	459.42
Deer Run Lighting Dist	1,501.62
Misty Meadows Lighting Dist	117.52
	\$136,673.34Total

The above items were numbers 90810-90815, 90819-90820, 90831-90832, 90834-90835.

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

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk