

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, October 8, 2014

PRESENT:	Michael G. Barker	Supervisor
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Steven C. Van Vreede	Councilperson
	Ciaran T. Hanna	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Jeffrey Myers, Commissioner of Recreation and Parks; Susan Frykholm, Deputy Town Clerk; Michael Doser, Director of Code Enforcement and Development; Stacey Estrich, Parks Director; Diane Riesenberger, Recreation Director; Melanie Davison, Deputy Tax Receiver; Chris Fredette, Conservation Board; James Brasley, Planning Board.

Supervisor Barker 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 September 24, 2014 be approved as submitted by the Town Clerk.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

PUBLIC HEARING
REZONING REQUEST
FAIRPORT ROAD
COMMERCIAL DISTRICT TO MIXED USE DISTRICT OR
RESTRICTED BUSINESS ZONING

Supervisor Barker opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on September 18, 2014; affidavit of posting was also September 18, 2014.

Director of Code Enforcement Doser stated that the Town of Perinton is proposing to rezone 35 properties (approximately 36 acres) along the Fairport Road corridor from Commercial District zoning to Mixed Use District or Restricted Business zoning. Specifically, 33 of the properties would be rezoned to Mixed Use District zoning and two of the properties north of Fairport Road and west of Baird Road (area of Island Valley Golf Course) would be rezoned to Restricted Business zoning. The proposal complies with the 2011 Town of Perinton Comprehensive Plan, and should help Fairport Road continue its revitalization.

Director Doser added that among the goals of Mixed Use District zoning:

(1) It aims 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.

(2) It aims 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.

Director Doser stated that if you've driven through the Fairport Road corridor, it's evident that the Town has made a substantial investment there the past few

years. The aim is to make that area the proper gateway it should be to the Village of Fairport and the Town of Perinton.

The Town has created a notable four-way intersection at Jefferson and Fairport Road, with a beautiful parkway-like entrance into Perinton Park and added concrete sidewalks for better pedestrian mobility. The Town has also been instrumental in redeveloping the lot of Friendly's and 7-11 for the CVS Pharmacy, a much-needed retail presence in the area, demolished the Hess Station, and are working with the property owners on a plan to redevelop the Holtzwarth Automotive building. The Town is also currently working with a developer on a plan for the properties that formally housed Vincent Buick, and more recently, the vehicular storage for Hoselton Automotive. These are exciting times for the Fairport Road corridor, which was the Town's first main commercial area. Director Doser thinks that many would say it has seen better days. But the mixed use zoning is the shot in the arm this area needs in order for it to recapture and maintain its vibrancy.

Town Staff met with owners of the prospective properties on November 14th, 2013, and briefed them on the proposed rezoning plan. The attendees were generally positive about the rezoning and felt that it would enhance the area.

Director Doser stated that Mixed Use District zoning offers four major benefits to property owners:

1. Property owners can develop more of their land area.
2. Property owners have the opportunity to create additional revenue streams as the result of adding residential uses.
3. Residential, commercial, and office business uses can exist side-by-side, which creates greater density and a built-in customer base for businesses.
4. Specific architectural and landscaping standards ensure the corridor will maintain the desire setting.

Director Doser added that it is important to note that this proposed rezoning, by itself, will not physically alter Fairport Road. The proposed rezoning is not related to a project currently under consideration by the Town of Perinton. Should the rezoning be approved, specific proposed projects on the newly rezoned properties would still require site plan approval from the Planning Board.

The rezoning is sponsored and led by the Town of Perinton as the result of the findings and goals from the 2011 Town of Perinton Comprehensive Plan, a plan crafted by professional planners with the help of input from leaders in the public and private sectors, and Town of Perinton property owners. The Town Board accepted the plan in 2011. Mr. Doser stated that his presentation explains 1. What Mixed Use is ... 2. The demographic trends driving Mixed Use ... 3. Why it fits along Fairport Road ... 4. The key zoning requirements of Mixed Use.

Director Doser introduced Matt Ingalls of Ingalls Planning and Design who has worked in Mixed Use District zoning and planning for a long time and helped craft the Code for the Town of Perinton. Director Doser and Mr. Ingalls reviewed slides in a Powerpoint presentation which follows:

First, How'd You Hear About This?

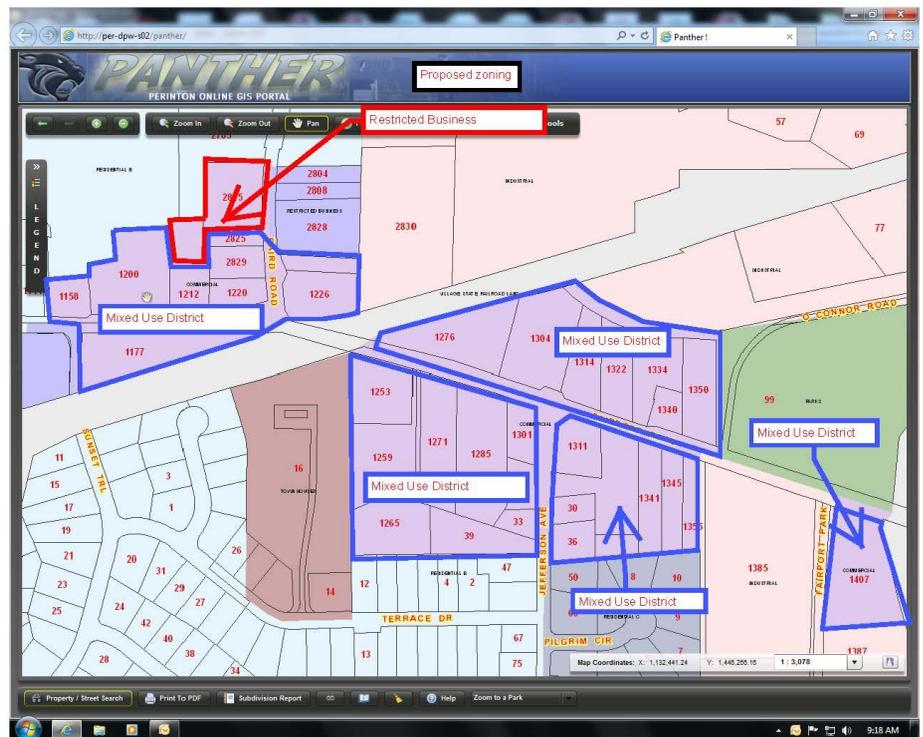
- A variety of notification to property owners:
 - Public Informational Meeting Nov. 14th, 2013
 - Notice mailed Nov. 5th, 2013
 - Original Public Hearing scheduled for July 23rd, 2014
 - Notice mailed July 15th, 2014
 - Notice mailed that hearing was postponed July 21st, 2014

- ❑ Public Hearing on October 8th, 2014
 - Notice mailed on Sept. 22, 2014
 - NOA signs posted around corridor perimeter Sept, 24, 2014
 - Legal notice printed in *Fairport-East Rochester Post* on Sept. 18th, 2014

Recent Highlights on Fairport Road

- ❑ The Town relocated O'Connor Road, creating a safer, more picturesque four-way intersection and scenic gateway into Perinton Park.
- ❑ The Town added concrete sidewalks along Fairport Road and designed a dedicated pedestrian access into park.
- ❑ The Town was instrumental in the following activities in order to encourage redevelopment:
 - ❑ Demolition of Friendly's and 7-11 for CVS Pharmacy
 - ❑ Hess Station demolition
 - ❑ Removal of vehicular storage from corner of Fairport Road and Jefferson

The following is a map of the proposed rezoning district:



What's Wrong with the Current Zoning?

- ❑ The properties are currently zoned "Commercial."
- ❑ Most of the Commercial-zoned properties are undersized by Perinton's Commercial Zoning District standards. Most properties fail to meet:
 - ❑ 60,000 sf (1.3 acre) minimum size
 - ❑ 300 foot lot width requirement
 - ❑ 85 foot front setback requirement
 - ❑ 30 foot side setback requirement

- ❑ Simply stated:
 - ❑ The Commercial-zoned properties are too small.
 - ❑ It is not likely that any of these properties could develop without a strong reliance on area/use variances from the Zoning Board of Appeals.
 - ❑ Mixed Use is a hybrid type of zoning that fits the size and features of Fairport Road.

The Mixed-use Concept is Not New to Perinton

- ❑ Mixed-use has been recommended for nearly 15 years
 - ❑ 1999 Fairport Road Business & Transportation Plan
 - ❑ 2000 Comprehensive Plan
 - ❑ 2010 Fairport Road Corridor Design Guidelines
 - ❑ 2011 Comprehensive Plan
- ❑ This area of Perinton was identified as appropriate for Mixed Use, according to the 2011 Comprehensive Plan:
 - ❑ “The Mixed-Use land use areas in the Town are defined along key corridors and existing hamlets, including Bushnell’s Basin, Egypt, Fairport Road, Whitney Road, and Route 31. The mixed-use land use classification should build upon the unique character of each mixed-use node.”
 - ❑ “These areas are appropriate for commercial, office, and residential land uses, whether in stand-alone buildings or within a single building. Higher density and concentrated development that serves both local neighborhoods and the larger community should be encouraged.”
- ❑ In addition, the properties are in close proximity to Erie Canal amenities. A goal of the 2011 Comprehensive Plan is to:
 - ❑ “Continue to leverage the Erie Canal as a resource to attract more tourism and business development opportunities in Bushnell’s Basin and Fairport Road, between the railroad bridge and Perinton Park.”

Was this Mixed Use Concept Studied?

- ❑ Yes, by many professionals.
 - ❑ Erdman Anthony & The Cavendish Partnership
 - 1999 Fairport Road Business & Transportation Plan
 - ❑ Larsen Engineers
 - 2000 Comprehensive Plan
 - ❑ edr, p.c.
 - 2010 Fairport Road Corridor Design Guidelines
 - ❑ Bergmann Associates
 - 2011 Perinton Comprehensive Plan
 - ❑ Ingalls Planning & Design
 - Certified Planner Matt Ingalls helped to draft this district proposal.

- All identified Fairport Road as an area most suited for mixed-use
- All plans included participation by community leaders from the private and public sector, developers, and property owners. They were reviewed by the public and accepted by the Town Board.

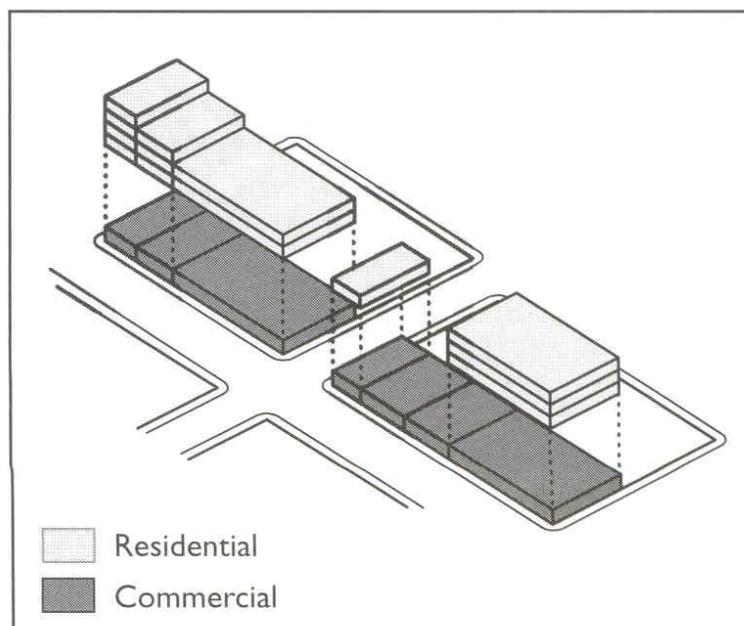
Why Mixed Use?

- Mixed Use District Zoning is a better fit than Commercial. It permits commercial/retail, residential, or professional office opportunities on smaller lots.
- Mixed Use limits large-scale strip development typically seen in Commercial Zoning.
- Property owners can develop more area of their properties with a greater number of uses.
- Accommodates multiple modes of travel
 - Motorists, bicyclists and pedestrians

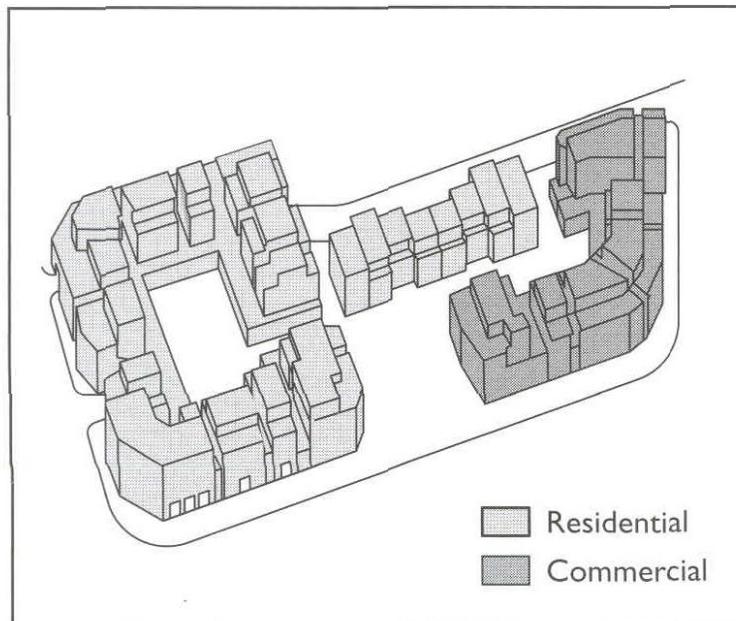
Matt Ingalls then continued the presentation with a definition of Mixed Use:

Mixed-use is - in a broad sense - any urban, suburban or village development, or even a single building, that blends a combination of compatible uses, where those functions are physically and functionally integrated, and also accommodates driving, walking, and bicycling.”

Mr. Ingalls added that people would agree that residents are walking and biking more than ever before. Many communities have or are planning to prepare active transportation plans to outline ways to improve bicycling and walking in our communities. Mixed use goes hand in hand with that concept. Mr. Ingalls added that Mixed Use can be vertical or horizontal.



Vertical Mixed-use



Horizontal Mixed-use

Our Communities are Changing

- Survey are showing that people are looking for more active communities.
 - Walk, bike, etc.
- We don't need to separate all uses.
- Changing demographics.
 - Baby boomers
 - Millennials

Generation Y — AKA the Millennials

- People in this group were born between 1982 and 2000.
- Now comprises 40% of the US population.
- But Gen Yers aren't looking for typical suburbia that some of them grew up in.
- They want compact, mixed use neighborhoods with nearby stores or restaurants they can walk to and with transit options, too.
- What do they want most when choosing a place to live?
- Walkability!

Benefits of Mixed-use

- Can often make projects viable with additional revenue streams
- Increases the viability of local shops and facilities and offers convenience to residents
- Provides more housing opportunities and choices
- Reduces energy use (e.g. reduced vehicular trips)
- Reduces infrastructure costs
- Reduces impervious surfaces
- Improves air quality
- Other

Mixed-use: It makes sense in some areas

- Town of Greece – Dewey Avenue Mixed-use District
- Town of Penfield – Currently considering mixed-use districts in three areas in the Town
- Democrat & Chronicle article- August 8, 2013
 - “Towns seek to remake suburbia”
 - Towns consider mixed use areas that appeal to a more diverse population*
- Several other Towns in New York State including the Town of New Scotland
 - RFP - Mixed-Use Zoning District & Site Design Standards

District 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.

Mr. Ingalls stated that there is a principle based building composition for Mixed Use which includes a base, mid-section and crown.

Building Character & Design

- Facade Composition
 - Buildings shall have a prominent street level entrance visible and accessible from the public sidewalk.
 - 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.
 - Varied building designs that avoid long, flat facades are required.

Land Uses

- Permitted Uses
 - offices/office space
 - grocery store
 - apparel store
 - drugstore, antique/consignment store
 - bookstore, laundromat, beauty parlor/barbershop
 - apparel repair/alteration, bakery, florist shop, artist studio

- restaurants/coffee shops, sporting goods store
- bicycle sales/repair, bed and breakfast, vet office/kennel
- public buildings and grounds, and medical buildings
- residential units
- Any combination of permitted residential or non-residential uses.
- Outdoor entertainment
 - with a special permit from the Zoning Board of Appeals.
- Drive-through
 - with a special permit from the Zoning Board of Appeals or Town Board (if in an historic district).
- Others which are consistent with the intent of this district and which are similar to permitted uses
 - with a special permit from the Town Board

Dimensional Regulations

- Lot size requirements
 - Between 10,000 and 43,560 square feet (one acre), with a minimum 80-foot width.
- Lot coverage requirements
 - The lot shall consist of at least 25 percent green space, and total lot coverage, including structures, parking areas and other impervious surfaces shall not exceed 75 percent of the total lot area.
- Buffer between Mixed Use District properties and residential zoning districts.
 - 50 feet.
- Setback requirements.
 - The front setback is between 10 to 30 feet.
 - The side and rear setback is a minimum of 15 feet.
 - Common wall buildings are excluded from side and rear setback requirements.
- Building size
 - Buildings cannot exceed 10,000 square feet in size. Uses cannot exceed 2,500 square feet in space.
 - Buildings and uses exceeding these thresholds may be approved with a special permit from the Town Board.
- Building height limitations
 - Buildings shall be between 22 and 35 feet in height and ideally two stories.
 - Buildings are not required to be two stories.
- Planning Board, at its discretion may waive or modify requirements pertaining to dimensional regulations, except for requests for lot areas exceeding one acre (which would require a special permit from the Town Board).

Parking

- Parking should be located in the side or rear property.
- Property owners may share parking and may have parking requirements reduced by 10 percent if uses do not overlap peak business hours.
- Bicycle parking is also required to be provided at 10 percent of the motorized vehicle parking or a minimum of two spaces and a maximum of 20 spaces.

Mr. Ingalls stated that “side yard” parking is ideal and that parking blocks shall be compact, well landscaped with designated pedestrian facilities. A gentleman asked whether Town parking garages would be possible. Mr. Doser stated that typically parking is provided by the business owner and Mr. Ingalls stated that parking below a business in the Mixed Use district would be feasible.

Multi-building Development

- Building should be situated so that they frame the roads and define street edges.

Landscaping Requirements

- Setbacks along streets should have a minimum of one shade tree per 40 feet of linear frontage.
- Setback areas should include ornamental plant materials, such as ornamental trees, flowering shrubs, perennials, and ground covers.

Director Doser then reviewed Frequently Asked questions and their answers:

- Misconception: Commercial vs. Mixed Use District
 - My property is currently zoned Commercial. I’d like a new gas station, car wash, or car repair shop on my land. I’m concerned because you can’t have those in Mixed Use District Zoning. But if my property stayed Commercial, I could have those, right?
 - No. Although those uses are permitted in Commercial Zoning, they require special permits from the Town Board.
 - The Town Board would determine the suitability of those uses based on the Town Comprehensive Plan, which does not support adding more of those land use types along Fairport Road.
 - What does that mean exactly?
 - Even under Commercial District Zoning, it is unlikely that a new gas station, car wash, or car repair shop would be approved along Fairport Road.
- How does Mixed Use District Zoning affect the existing use of my property?
 - Properties that comply under the current zoning standards are permitted to continue (as nonconforming uses under § 208-11 of Town Code).
 - Such nonconforming use shall not be enlarged, and the buildings, structures or premises shall not be altered or changed except to a conforming use.
 - Existing single-family residential uses may expand without site-plan approval as long as use remains solely for single-family.
 - Commercial property owners may market their properties for sale under the current permissible operating uses. If the commercial uses are not exercised and lapse for a period of one year, then future uses must abide by the new zoning standards.

- What does that mean exactly?
 - A current permissible operating use under current existing zoning may operate forever under two conditions:
 - There is no building/structural expansion.
 - There is no lapse of operation greater than one year.
 - Those conditions/rights are transferable to new owners who may acquire those properties.
- You mentioned buildings may be two stories. What may I do with the second floor?
 - Dwelling units
 - Live-work space
 - Office units
- May live-work space be on the ground floor?
 - Yes, with a special permit from the Town Board.
- May I build a townhouse, or multi-unit residential (apartment) or a two-flat (two units, one above the other)?
 - Yes, with a special permit from the Town Board.
- Is Mixed Use District Zoning new?
 - No. The Town recently modified Town Code §208-43, Limited Commercial Zoning, and renamed the zoning district, "Mixed Use District." This code enhances the existing Limited Commercial code and provides more development opportunities for property owners.
- What are the major advantages?
 - Property owners can develop more land area.
 - Residential units are permitted, offering an additional revenue stream for property owners.
 - Residential and commercial/retail uses exist among each other, creating a built-in customer base for businesses.
 - Specific architectural and landscaping standards ensure the corridor maintains the desired setting.

Director Doser summarized that The Town has made a substantial investment into Fairport Road. And property owners have all contributed in redevelopment as well: Landers Car Wash, Tom Wahl's, Mobil Dunkin Donuts, CVS, McArldes, Fairport Hots, Shooters, B&G Pizza, the Sandbox, the Alliance Group...just some of the projects that have come before the Town boards and received approval during the last 10 years.

Mr. Doser went on to say that the Town is hopeful to add to that list redevelopment of Holtzwarth and Hoselton relatively shortly. Working together, the public and private sector, that will really make Fairport Road the gateway, the gem it should be, to the Village of Fairport and the Town of Perinton.

Supervisor Barker added that the Board would not be voting on this proposed rezoning at the meeting but would refer the proposal to the Town Planning and Conservation Boards for their input and comment.

Adam Walters, attorney at Phillips Lytle LLP and representing Hoselton, handed the Town Board a letter, addressed the Town Board and stated "nobody disagrees with the concept that we need to work together to improve the Fairport Road corridor. Everybody is on

board with that concept. I'd also like to say at the outset that we'd much rather work with the Town than be in opposition. That said, there are definitely some significant concerns with the current Mixed Use proposal that's on the table. The issue is not mixed use to be clear. Everybody gets the concept of Mixed Use. It was a very 1930's Euclidian concept to break up your uses and our communities have suffered over the years as a result. Mixed Use makes a lot of sense and it really can work. The problem we have is with the Town's Mixed Use ordinance. There are some specific requirements in that ordinance that we think are particularly problematic. So the major issue that I think that I present to you that's on the table is really whether the Town's current Mixed Use zoning is a good fit for the Fairport Road section between the canal and the Baird Drive area. We would suggest to you that it is not and there are several reasons that it is not.

First, the building design requirements, the concept of building very small buildings along road frontage. They are very inconsistent with the development patterns that have happened along Fairport Road. So typically, you see that kind of zoning in downtown areas, in Villages that were developed at the turn of the century. Back in the day, we used to build our buildings that were small buildings that were expensive to heat and we built them right on the road frontage and that is a look and a feel that people like to recreate. If you look at the Fairport Road area, not a single property is built at the road frontage. It is all post World War II development, the corridor was the main connection between East Rochester and Fairport and everything has been developed low density with property set well back from the road with parking lots in front. So, you're really introducing a design concept that is very different than what's on the ground now and that means that in order to achieve the vision that's articulated you are really talking an awful lot of reinvestment and a lot of buildings need to go up to make that district look like some of the maps or pictures we say early on.

The other big issue really relates to building size limitations. There is a limit of 10,000 sq. ft. per individual buildings and 2,500 sq. ft. for individual uses. Mike highlighted earlier the CVS as positive development and guess what? You can't build a CVS under this code as it is too big—I think 14,000 sq. ft. and your limit is 2,500 sq. ft. for a single use and that is dramatically less. That means you can't have a CVS under this code. Now, sometimes you hear you can have a Special Use Permit from the Town Board, but if you've ever done development work, with the folks in the retail industry, you know that the first thing they do on their due diligence list when they are looking at new sites is to check what approvals are required. And when they see Special Use Permit it injects a certain level of discretion into the process that they are typically uncomfortable with which means they don't site in your Town. Mike talked earlier about why gas stations are not allowed even though they are in the code. It's because you need a Special Use Permit from the Town Board. Those same types of concerns keep business from locating that want to be in bigger box stores. At the end of the day, you have a very limited market that is going to be looking for 2500 sq. ft. that's going to be looking for that as maximum use. Again, think about 2,500 sq. ft. from an office perspective, a retail perspective. It is a very small part of the market that you are looking for. It really doesn't take into account how developers build buildings. Developers sign contracts with folks who want to go in the building and then they go get financing from the bank to build the project. When you are looking for these very small uses, it's very difficult to line up the leases and have these folks be bankable. So you're talking 2500 sq. ft., you're talking a lot of barber shops, retail shops, small things, antique stores, things that might not be as bankable as say a CVS. It's going to make it very hard to do development on Fairport Road. So, I think the concept is great, the discussion of this being a shot in the arm for the development of the area, we would suggest that it's not going to be a shot in the arm—not a positive shot in the arm. The way that the current Mixed Use is drafted for the Town, this will kill development along the area. You are really going to in essence lock in what's there, which I don't think is the goal anybody has.

We would also like to point out and I summarized in my letter very quickly, there are also some procedural deficiencies in terms of how this has come up. I know that we had done some FOIL requests asking for the County referral. You have to refer Comprehensive plans or rezoning to the County for review before you schedule your public hearings and I think someone realized when we did that back in July that that had not been done so the hearings were cancelled and it was taken care of. But there are other remaining deficiencies that have not been addressed and the most important of these would be the Town SEQRA compliance. So, when you do a rezoning you have to comply with SEQRA, you have to do an environmental analysis of the potential adverse environmental impacts and make a determination of significance. The Town's EAF says that there are no impacts, they always check that for every possible box, no impacts form this rezoning which we have now heard several times will greatly increase the ability of

landowners to build on their sites. Mixed use, more opportunity to build and higher density, fewer setbacks, smaller lots, we are increasing the density that you can build on the corridor and that means increased traffic. Fairport Road is one of the busiest roads around. I think that the traffic count was 23,000? You've got to look at what the potential impacts will be from an increase in density along the corridor. And I know that the EAF Part 3 says that we are going to deal with that later. Every project that comes in for development will have to go through site plan review and there will be a SEQRA process then. Problem is that the courts have said, quite clearly you can't do that. I've cited the principle case on that it's actually a Pittsford case, the Kirk-Astor Drive neighborhood association challenged a rezoning in Pittsford and the court, they too took the same approach, we'll deal with SEQRA when we get individual site plans in and the court said, you can't do that. You have to do SEQRA, you have to address SEQRA at the earliest possible time when you commit to a definite course of future decision making and that is at the time you rezone. So, there are some very significant potential SEQRA issue that we would suggest to you need to be addresses.

Other issues that really haven't been checked at all again, the box says no impacts, you are obviously very close to the Erie Canal which is a cultural resource, you are across from a Town Park which is a recreational resource and again there is no analysis of what the rezoning could do to those resources. Presumably, there could be some positive effects but there could also be some negative effects. The whole point of SEQRA is to make us look at that before you make a decision.

The last issue that I would highlight for you is that I think we would take the position that the 2011 Comprehensive Plan update does not specifically require that this section be rezoned Mixed Use under the Town's designation. In fact, the Plan does highlight some problems that we've highlighted for you why we think that this doesn't necessarily work. Highlights the fact that the district has a lot of odd shaped parcels which do not necessarily lend themselves to the Mixed Use build out that was articulated. There are large parcels, a number of large parcels that are well beyond the maximum lot size requirements. There are aesthetic challenges with the railroad bridge and crossing and how that all plays out and the Comprehensive Plan certainly does not suggest that just slapping on Mixed Use zoning is an answer for some of the problems that you have identified for this section of the Town.

So, in conclusion I would say that it is clear that a lot of hard work and a lot of effort has been put in over a lot of years. We are not suggesting that you need to scrap the whole thing and start over. But there are clearly some significant problems that need to be addressed. Hoselton and some of th other property owners, you have their attention, they are fully engaged and now is the time to sit down and talk about those issues and try to work out a solution so that everybody can feel comfortable and confident that the goal of improving the Fairport Road corridor can be achieved. We hope that the Town Board will take a go slow step by step approach. Again we know that you have been working on this for a lot of years, but there really are some significant challenges and we see some issues that shouldn't be too hard to address but we need a process to do that."

A gentleman asked for clarification regarding two story and 35 feet for the height of buildings and Director Doser stated that it should be two story and/or 35 feet without a Special Use Permit and added that he would clarify that wording.

Robert Kalb, attorney at Forsyth, Howe, O'Dwyer, Kalb and Murphy, P.C. read another statement that he presented to the Town Board. He represents 1177 Fairport Road, which is an auto dealer and body repair shop. He stated that his client does not necessarily oppose the rezoning as a general concept but believes that his properties unique location and surrounding area should exempt the property from the rezoning. He added that he does not believe that his client's property (land and building) or other large properties are suitable for the Mixed Use zoning. He requested that the Town Board make an exception for his client's property. Attorney Place clarified that the gas station is now included in the proposed rezoning. He also added that the current use is grandfathered and the client is permitted to continue with the existing use and that this particular property would not comply with current Commercial zoning requirement either and therefore, whatever they would want to do with the property in the future (outside of the current use) would require relief of some sort.

Al Gaesser, 1220 Fairport Road, stated that he thinks that the Town had put the cart before the horse with the rezoning and would love to see more walking and bicycling down by his property but it isn't feasible with the 40 mph speed limit and it would require a five lane

road with turning lanes. He added that there are no sidewalks on Baird Road. He stated that he has \$500,000 in that corner, that the Town would have to require that every building be demolished to accomplish the vision, including the car wash, there are water problems, bridges would have to be expanded and that there is no safe area for people on that road. He encouraged the Town to rethink the proposal. He stated that he finds it very difficult that the Town is trying to change the zoning and limit his property's use, encouraged the Town to think of the people and their safety and added that he doesn't believe that parking in the rear works.

Mary Grasso, 184 Jefferson Avenue, stated that she is a pedestrian and cannot cross her street due to the traffic. She added that the street is supposed to be 30 mph and the traffic is horrendous.

The owner of 1177 Fairport Road, Jeff Difulvio, stated that he grew and expanded his business in Fairport and believes that the size limitations will create more vacancies and high turnover versus allowing larger uses.

Ron Ciminelli, district manager for the AMF Bowling Center located at 1407 Fairport Road, read a statement "we feel that the proposed regulations are not in the best interest of our part of Town. Traffic along this area is already pretty heavy particularly in the morning and evening commute times. The new designation, we believe may allow for an increase in density of development along Fairport Road, which could potentially have a dramatic adverse impact on the businesses along the Fairport Road area. The proposed regulations simply put are inconsistent with what is there today and incompatible with the Fairport Road area as it is currently zoned (?). Not to mention this could majorly impact property values and future development rights. We respectfully request that Perinton Town Board leave the Fairport Road zoning as Commercial and along with the other businesses here we are certainly willing to work with the Town on future changes that may be beneficial for all".

Judith McNulty, 647 Thayer Road, questioned whether Fairport Road could be improved in a more simple manner by adding to the landscaping so that it is more leafy than it is currently and not harm the businesses that now exist there.

Richard Beers, Hoselton attorney, stated that he wrote a letter to the Town Board a month or so ago requesting that they participate in a task force with the property owners and never received a response. He continued that they are concerned with the impact of the rezoning on Hoselton's 5-acre parcel. The rezoning would overlay a maximum one-acre restriction on the parcel and he doesn't know how that would work for this parcel. He doesn't believe that this parcel feeds into the rationale that was presented for Mixed Use zoning—many of the parcels are too small for commercial zoning, don't meet the commercial zoning requirements. It's a solution in search of a problem from his perspective. He stated that they are more than willing to work with the Town on compatible uses and improve that corner to make it the gateway to the Village and Town. Attorney Place stated that he did talk to Mr. Beers and that he was on both of the committees for the two previous Comprehensive Plans and solicited input from properties owners, the community and did not get participation from Hoselton and some of the other property owners. Mr. Place added that the Town was waiting for the Hess station to be demolished and the O'Connor Road realignment to be completed to move forward with the rezoning. Mr. Walters added that he has been doing Comprehensive Plan updates and thinks that business get involved when there is a specific proposal in front of them. He also added that he has been involved in zoning protests over the years and has never seen greater than 50% of landowners of this many different types file zoning protests. He stated that he understood that that the rezoning would take a super majority vote to pass and agreed that the Town has certainly done a lot, no one questions the amount of time and effort and that we are at a crossroads where the decision made will have decades of implications.

Charlie Davis, 1259 and 1265 Fairport Road stated that his two parcels are flag lots. The mixed use on the flags lots would only be residential on those lots and two-story and encouraged more developer friendly zoning (that doesn't require Special Use Permit). He also suggested that if the Town is confident in the Mixed Use zoning to then grant total real estate tax abatement until there is an approved use and return on investment. He also added that walking and biking doesn't work six months out of the year in this area.

Al Gaesser, 1220 Fairport Road, added that he cannot plant any landscaping or trees by the road due to the amount of salt that is used on Fairport Road.

There being no additional questions, and all those wishing to be heard having been heard, the Public Hearing was closed.

Councilperson LaFay made a motion, seconded by Councilperson Hanna to refer the proposed rezoning of the Fairport Road to Mixed Use or Restricted Business zoning to the Town Planning and Conservation Boards.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT #3 TO THE CONTRACT BETWEEN THE
EGYPT FIRE PROTECTION DISTRICT,
THE EGYPT FIRE DEPARTMENT AND
THE TOWN OF PERINTON

The following motion was made by Councilperson Hanna, seconded by Councilperson Havens, that a Public Hearing be held on November 12, 2014, to approve an amendment to the contract for the Egypt Fire Protection District as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Perinton, Monroe County, New York, at the Town Hall, 1350 Turk Hill Road, Fairport, New York on November 12, 2014 at 8:00 p.m. for the purpose of considering amendment #3 to the contract with Egypt Fire Protection District and the Egypt Fire Association, Inc. to provide for the payment of \$668,149.00 per year instead of \$656,114.00 per year as previously provided.

All persons interested in the matter will be heard at such time and place.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT #3 TO THE CONTRACT BETWEEN
THE PERINTON FIRE PROTECTION DISTRICT,
THE VILLAGE OF FAIRPORT,
THE FAIRPORT FIRE DEPARTMENT
AND THE TOWN OF PERINTON

A motion was made by Councilperson Hanna, seconded by Councilperson Havens, that a Public Hearing be held on November 12, 2014, to approve Amendment #3 to the contract with the Perinton Fire Protection District as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Perinton, Monroe County, New York, at the Town Hall, 1350 Turk Hill Road, Fairport, New York on November 12, 2014 at 8:00 p.m. for the purpose of considering amendment #3 to the contract with Perinton Fire Protection District, the Village of Fairport and Fairport Fire Department to provide for the payment of \$828,154.00 instead of \$880,096.00 per year as previously provided.

All persons interested in the matter will be heard at such time and place.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT #3 TO THE CONTRACT BETWEEN
THE TOWN OF PERINTON, THE
FOREST HILLS FIRE PROTECTION DISTRICT,
THE TOWN/VILLAGE OF EAST ROCHESTER AND
THE EAST ROCHESTER FIRE DEPARTMENT

A motion was made by Councilperson Hanna, seconded by Councilperson Havens, that a Public Hearing be held on November 12, 2014, to approve amendment #3 to the contract with the Forest Hills Fire Protection District as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Perinton, Monroe County, New York, at the Town Hall, 1350 Turk Hill Road, Fairport, New York on November 12, 2014 at 8:00 p.m. for the purpose of considering amendment #3 to the contract with FOREST HILLS FIRE PROTECTION DISTRICT AND THE TOWN/VILLAGE OF EAST ROCHESTER AND EAST ROCHESTER FIRE DEPARTMENT to provide for the payment of \$ 148,043.00 instead of \$157,918.00 per year. All persons interested in the matter will be heard at such time and place.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT #1 TO THE CONTRACT BETWEEN THE
BUSHNELL'S BASIN FIRE PROTECTION DISTRICT
THE BUSHNELL'S FIRE ASSOCIATION AND
THE TOWN OF PERINTON

A motion was made by Councilperson Hanna, seconded by Councilperson Havens, that a Public Hearing be held on November 12, 2014, to approve an amendment to the contract with the Bushnell's Basin Fire Protection District as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Perinton, Monroe County, New York, at the Town Hall, 1350 Turk Hill Road, Fairport, New York on November 12, 2014 at 8:00 p.m. for the purpose of considering a amendment #1 to the contract with Bushnell's Basin Fire Protection District and Bushnell's Basin Fire Association, Inc. to provide for the payment of \$805,293.00 per year instead of \$790,788.00 per year as previously provided.

All persons interested in the matter will be heard at such time and place.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT #4 TO THE CONTRACT FOR THE PERINTON VOLUNTEER
AMBULANCE CORP, INC.

A motion was made by Councilperson Hanna, seconded by Councilperson Havens, that a Public Hearing be held on November 12, 2014, to approve amendment #4 to the contract with the Perinton Volunteer Ambulance Corp, Inc. as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Perinton, Monroe County, New York, at the Town Hall, 1350 Turk Hill Road, Fairport, New York on November 12, 2014 at 8:00 p.m. for the purpose of considering amendment #4 to the contract with THE PERINTON VOLUNTEER AMBULANCE CORP, INC. to provide for the payment of \$160,000.00. All persons interested in the matter will be heard at such time and place.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
DEBT SERVICE APPORTIONMENTS AND
ASSESSMENT FOR IMPROVEMENTS

The following motion was made by Councilperson Hanna, seconded by Councilperson Havens, that a date of November 12, 2014, be set to hold a Public Hearing to hear objections to the 2015 Debt Service Apportionment and Assessment for Improvements. The Town Board has apportioned the amount due and to become due for principal and interest during the calendar year of 2015 upon sewer bonds and bond anticipation notes issued by the Town of Perinton for the construction of improvements and has further determined the amount to be charged during the calendar year 2015 for the operation and maintenance of said improvements and has completed its assessment rolls for and in connection with said debt service apportionment and assessment for maintenance and operation of said improvements as follows:

SEWER DISTRICTS

Perinton Consolidated Sewer District No. 8 and extensions thereto.

The said expenses for such improvements will be apportioned and assessed upon such lots or parcels of land in said District and extensions thereto in proportion to the amount of benefit which the improvement shall confer upon the same, and will be levied and collected at the same time and in the same manner as other town charges.

FIRE PROTECTION DISTRICTS

Bushnell's Basin Fire Protection District, Egypt Fire Protection District,
Forest Hills Fire Protection District,
Perinton Fire Protection District

The fire protection districts provide services by contract with Bushnell's Basin Fire Association, Inc., Egypt Fire Association, Inc., not-for-profit corporations, the Village of Fairport and the Town/Village of East Rochester. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

LIGHTING DISTRICTS

Lake Lacoma Lighting District, Meadows Lighting District,
Midlands Lighting District, Misty Meadows Lighting District
Deer Run Lighting District

Lake Lacoma and Meadows Lighting Districts provide services by contract with Rochester Gas & Electric Corporation. Misty Meadows Lighting District and Midlands Lighting District provides service by contract with Fairport Municipal Commission. Deer Run Lighting District provides service by contract with Fairport Municipal Commission and Rochester Gas & Electric Corporation, for their respective franchise areas. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

PERINTON AMBULANCE DISTRICT

Perinton Ambulance District contracts with Perinton Volunteer Ambulance Corps, Inc., a not-for-profit corporation, to provide financial assistance including compensation insurance under the Volunteer Ambulance Workers' Benefit Law to enable it to provide an emergency medical service and a general ambulance service to sick or injured persons within the boundaries of the district which are the entire Town of Perinton including the Village of Fairport. The expense of such contributions are required to be assessed, levied

and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

PARK MAINTENANCE DISTRICTS
Fairmont Hills Park Maintenance District
Wisteria Grove Park Maintenance District

Whereas no public monies are extended for the maintenance of the improvements in the park maintenance district, the expenses for such maintenance by the Town of lawns and plantings within the maintenance areas of the Fairmont Hills and Wisteria Grove Park Maintenance Districts will be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

The assessment rolls for each of the above improvement districts and areas have been filed in the office of the Town Clerk of the Town of Perinton.

Notice is hereby given that the Town Board of the Town of Perinton will meet on November 12, 2014 at 8:00 pm local time at the Town Hall, 1350 Turk Hill Road, Fairport, NY for the purpose of hearing objections to said debt service apportionment and charges for maintenance and operation and that such assessment rolls may be inspected prior to said hearing at the Town Clerk's office, Town Hall, 1350 Turk Hill Road, Fairport NY and that they will be available at said hearing for inspection.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT TO SECTION 208-52 OF THE CODE
OF THE TOWN OF PERINTON
PLANNED DEVELOPMENT DISTRICT

Code Enforcement and Development Director Doser stated that during the last two years, the Town Board has rezoned and approved two areas as Planned Development Districts: Creekstone (Pride Mark Homes) and Stonebrook (Longwell Custom Homes). Both projects required careful review by the Town Board, Planning Board, Conservation Board and the Historic Architecture Commission. The process for approving both projects was fairly lengthy, with numerous appearances before various boards during each step of the approval path.

Director Doser further stated that the proposed modification of the Planned Development District code aims to clarify and streamline the process, eliminating an applicant's appearance before the appropriate boards, prior to formal acceptance of an application by the Town Board. The appropriate boards will still have ample time to review and study a proposed project under this proposal.

He asked the Board to set a date for a Public Hearing to consider the following proposed changes:

Add text
~~Delete text~~

Chapter 208. ZONING

Article IX. Open Space Preservation/Planned Development Districts

§ 208-52. Planned Development District (PDD).

A. Intent.

(1) The intent of this district is to permit the development of land for specialized purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis. Suitability of land proposed for such development shall be guided by the Comprehensive Plan, other plans and official policies used to guide development in the Town, and the existing and prospective character of surrounding land uses. The application of a planned development district shall result in development with certain advantages over that which would be obtained under conventional zoning; result in the preservation and enhancement of the natural, cultural or historic features of the site; result in land uses and physical site arrangements which are not contemplated under conventional zoning but which would further the development goals of the Town; reduce improvement costs through more efficient arrangement of varied land uses, buildings, circulation systems and infrastructure; and result in the promotion of the general health, safety and welfare of the Town.

(2) Where planned development is deemed appropriate through the rezoning of land to a Planned Development District by the Town Board, the set of use and dimensional specifications elsewhere in the zoning regulations are herein replaced by an approval process in which an approved development plan becomes the basis for continuing land use controls.

B. Permitted uses. All uses allowed within an area designated as a PDD are determined by the provisions of this section and the approval of the project.

(1) Residential uses. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with this article.

(2) Accessory commercial, service and other nonresidential uses. Commercial, service and other nonresidential uses may be permitted in residential zones (or required) where such uses are scaled primarily to serve the residents of the PDD and the immediate surrounding area. In general the uses first identified within the ~~Limited Commercial~~ Mixed Use Zoning District are considered appropriate. Consideration shall be given to the project as it exists in its larger setting in determining the appropriateness of such uses. In addition to residential uses, if the proposed project is located in a nonresidential zone, then the uses permitted in those districts are considered appropriate.

(3) Public building and grounds. Public buildings and grounds, as defined within this Code, shall be deemed to be a permitted use within the PDD.

C. Basic requirements.

(1) Planned Development Districts may be established by amendment to the Official Zoning Map, and may be approved in any developed or undeveloped areas of the Town where appropriate conditions exist.

(2) An application must be filed by the owner or jointly by owners of all properties to be included in the district. All approved plans shall be binding on all successors in interest of the applicants.

(3) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil or other dangers, annoyances or inconveniences. Soil conditions, groundwater level, drainage and topography and other factors shall all be appropriate to support both the kind and pattern of the intended use.

(4) All uses within an area designated as a Planned Development District are determined by the provisions of this section and the approved site plan of the subject project.

(5) The appropriate types of uses within the Planned Development District shall be guided by the Comprehensive Plan goals and objectives.

(6) The planned development regulations that follow shall apply generally to the initiation and regulation of all Planned Development Districts. The new regulations shall apply within the Planned Development District, where for a particular application, general zoning, subdivision or other regulations or requirements are waived or altered.

D. Design standards.

(1) The Town of Perinton Design Criteria and Construction Specifications for land development are adopted herein by reference, and shall establish the standard for project design and construction as appropriate.

(2) Tract perimeter standards. All dimensional requirements of conventional zoning districts shall apply to the perimeter of planned development projects on the sides where said planned development project abuts a conventional zoning district; these shall include setbacks and buffering requirements.

(3) General site development guidelines. These guidelines provide some direction to the designer to understand the maximum intensity of lot coverage envisioned by this Code; if the designer exceeds these guidelines he must provide a written rationale supported by the Comprehensive Plan's goals and objectives to substantiate the design.

(a) Maximum building coverage shall not exceed 35% of the total site or parcel area.

(b) Maximum coverage by all buildings, structures, parking areas and impervious surfaces shall not exceed 65% of the total site or parcel area.

(c) Maximum building height shall be ~~30~~ **40** feet, unless the Town Board finds that some greater height is reasonable and appropriate given the location of the development, the terrain involved and the nature of the development.

(d) Setbacks from public rights-of-way, private drives, structures and interior lot lines etc., shall be proposed by the designer. The Town Board shall approve such setbacks and these shall become binding upon the district.

(4) Standards for off-street parking, loading and signs for planned development district uses shall be guided by those for equivalent or similar uses in conventional zoning districts, but may be modified to better achieve site development objectives, during the site plan and subdivision approval process. If the designer proposes a variation from these conventional standards, they shall be presented as part of the district and approved by the Town Board.

E. Application procedure.

(1) It is the intent of this section to allow Planned Development Districts based on ~~four~~ **three** phases of review.

~~(a) — The first step is for the applicant to make a concept application to the Town Board for rezoning to a Planned Development District. This application shall be forwarded for comment and recommendations to the Planning Board, the Conservation Board and other boards and agencies as determined by the Town Board, if the Town Board determines it wants to hold a public hearing(s) on the application.~~

~~(b) — After a public hearing is held, and it is determined that the application has merit, the second step is that the Town Board will refer the application to the Planning Board for preliminary site plan approval and subdivision approval (if requested). The Town Board shall make a SEQRA determination at this time, utilizing a coordinated review with the Planning Board.~~

~~(c) — The third step in the development of a planned development project is obtaining final site plan approval and subdivision approval (if requested). If the project is in an historic district or includes a designated landmark, the applicant must also obtain a certificate of appropriateness from the Historic Architecture Commission.~~

~~(d) — After receiving site plan approval and subdivision approval (if requested), the applicant will return to the Town Board for final rezoning action based upon the site plan and approved subdivision plat (if requested). Upon receiving final rezoning approval, the Town's Official Zoning Map shall be amended to reflect the change in zoning.~~

(a) The first step is for the applicant to make an application to the Town Board for rezoning to a Planned Development District.

[1] The application is expected to be accompanied by conceptual plans in which the uses, building footprints, internal vehicular and pedestrian circulation, utility layouts, architectural treatment, setbacks, existing and proposed grades, landscaping, parking, lighting, signing, and other design objectives and standards for the district are shown.

[2] The concept (or sketch) plan shall be to scale, though it need not be to the precision of a finished engineering drawing. The application shall explain and show the following information.

(a) Location and extent of all proposed land uses, with areas in acres, as well as any proposed open space including the development guidelines proposed for setbacks, building size, lot coverage, parking, impervious surfaces and other similar land use restrictions found within the Zoning Code.

(b) All interior streets, roads, easements and their planned public or private ownership, as well as all points of ingress and egress from existing public rights-of-way.

(c) An area map showing the applicant's entire holdings and adjacent properties; that portion of the applicant's property under consideration; all properties, subdivisions, streets, easements, watercourses, LDD and other significant natural and built features within 500 feet of the applicant's property; and all uses and zoning of abutting lands.

(d) If residential in nature, description of the number of residential units, their dwelling type, number of stories, the overall architectural style and the overall density of the proposal. If nonresidential in nature, the number of stories, the range of building footprints, the total impervious surface, the architectural style and guidelines and the overall density of the proposal.

(e) The area water and sanitary sewer systems with proposed points of attachment to existing systems; the proposed storm water drainage system and its relation to existing systems.

(f) Description of the manner in which any common areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and other considerations relevant to the proposal.

(g) If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase.

(h) A description of any covenants, easements, restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.

(i) A written statement by the applicant setting forth the reasons why, in their opinion, the proposal would be in the public interest and would be consistent with the Town's goals and objectives.

(j) A long-form environmental assessment form (EAF) ~~with a completed visual addendum.~~

~~**B. — If the Town Board accepts the application, it will hold a public hearing on the rezoning request. After the public hearing, the Town Board shall determine whether the application has merit and should be sent to the Planning Board for site plan approval and subdivision approval (if requested). The submission to the Planning Board may be made only after the Town Board finds that the proposed district has community value and that the development area has adequate resources and public facilities, including transportation, water supply, waste disposal and fire protection to handle the development being proposed.**~~

[3] If the Town Board accepts the application, it will hold a public hearing on the rezoning request. After the public hearing, the Town Board shall refer the application to the Planning Board for review and recommendation. When required by § 239-e et seq. of the General Municipal Law, the applications shall be forwarded to the County Planning Board for its review. The Town Board and/or Planning Board may also refer the application to the Conservation Board, Town Engineer and Historic Architecture Commission as well as other local and county officials, representatives of federal and state agencies and consultants.

(a) The Planning Board report and recommendation to the Town Board shall include the following findings:

(i) The suitability of the tract(s) for the general type of development proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.

(ii) The adequacy of major roads, utilities and other facilities and services to serve the development.

(iii) That the proposal is conceptually sound and that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, hiking trail system and drainage system.

(iv) **The plans are consistent with the Town's Comprehensive Plan's goals and objectives and/or other plans or policies used to guide development in the Town.**

(b) **The Conservation Board's reports and recommendations, provided during preliminary review by the Planning Board, should consider all pertinent environmental issues.**

(b) **After receipt and review of any reports and recommendations, the Town Board shall determine whether the application has merit and should be sent to the Planning Board for site plan approval and subdivision approval (if requested). The submission to the Planning Board may be made only after the Town Board finds that the proposed district has community value and that the development area has adequate resources and public facilities, including transportation, water supply, waste disposal and fire protection to handle the development being proposed.**

[1] **After the Planning Board has had its initial public hearing, the Planning Board and the Conservation Board will make their SEQRA recommendations to the Town Board. The Town Board will then make a SEQRA determination utilizing coordinated review with the other involved Town Boards. Once the applicant has obtained a favorable SEQRA determination, the applicant will complete the site plan approval and subdivision approval process (if requested) with the Planning Board. If the project is in an historic district or includes a designated landmark, the applicant must also obtain a certificate of appropriateness from the Historic Architecture Commission.**

(c) **After the applicant receives the necessary site plan and subdivision approvals from the Planning Board and any required certificates from the Historic Architecture Commission, the applicant will return to the Town Board for final rezoning approval. Upon receiving final rezoning approval, the Town's Official Zoning Map shall be amended to reflect the change in zoning. The Town Board may, if it feels it is necessary, in order to protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet.**

G. Once the Town Board has granted the rezoning request, the applicant shall have one year to commence significant development on the site. Failure to commence significant site development within one year shall cause the land to revert to the original zoning classification(s).

H. For the purpose of regulating development and use of Planned Development District property after initial construction and occupancy, any changes other than tenant changes shall be subject to site plan review by the Planning Board. If use changes, or modifications to the established zoning restrictions placed upon the district under the original amendment are requested, these shall be processed as special use permits granted by the Town Board in addition to site plan approval by the Planning Board. It shall be noted, however, that properties lying within planned development districts are unique and shall be so considered by the Planning Board or Town Board when evaluating these requests; and maintenance of the intent and function of the planned development shall be of primary importance.

I. Required modifications during subdivision or site plan approval. If in the subdivision or site plan review process it becomes apparent that certain elements of the application, as it has been approved by the Town Board, are in need of modification, the applicant shall present a proposed solution. The Town Board shall then determine by resolution whether or not the modified plan is still in keeping with the intent of the zoning resolution.

J. Minor building additions to single-family residential units within the PDD, up to 15% of the original footprint may be permitted through the normal permitting process. Additions in excess of 15% shall receive a site plan approval from the Planning Board.

A motion was made by Councilperson Havens, seconded by Councilperson Van Vreede, that November 19, 2014 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing to discuss the proposed amendment to section 208 of the Code of the Town of Perinton – Planned Development District Zoning.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

2015 BUDGET INFORMATIONAL HEARING

The Supervisor filed the tentative 2014 Town of Perinton budget with the Town Clerk on October 3, 2014, and she in turn has filed this budget with the Town Board.

A summary of the 2015 proposed budget was distributed to those present. Supervisor Barker recapped by stating that Perinton has the third lowest full-value Town tax rate of the nineteen Towns in Monroe County. He stated that we have also been one of the three lowest in Monroe County for at least the last thirty-five years. Supervisor Barker explained that the budget is divided into five funds and within each of those funds he showed in the powerpoint presentation (and handout) the appropriations, estimated revenues, unexpended balances and amount to be raised by taxes. He also reviewed the three statutory categories for the budget, which are personal services, equipment and contractual expenses. Included in the personal services portion of the proposed budget is a 2% cost of living adjustment for the Town full-time employees. Supervisor Barker stated that there would be minimal change in the Town's assessed valuation from 2014 to 2015, appropriations were up \$613,907, revenues and unexpended balances were up by \$395,500 and the net amount to be raised by taxes was a \$210,707 increase or a \$.03 increase in tax rate for residents in the Village of Fairport and for the Town outside the Village.

Supervisor Barker explained that in addition to having low taxes versus our sister communities in Monroe County, the Town Board also strives to have steady taxes with no peaks and valleys in the tax rate. Supervisor Barker pointed out a few items on the Fund Appropriations sheet. The overall change is primarily due to the 2% cost of living increase to full-time employees. The Tax Collection/Clerk's office has gone down due to reorganization at the beginning of 2014. The Public Works category has also gone down due to the retirement of more senior/experienced employees. In the Employee Benefit category, the increase is due to the 10% increase in health benefit costs for employees.

On the revenue and unexpended balances side of the budget, Supervisor Barker pointed out that the Town expects slightly more revenue for the landfill due to the expansion in Macedon with the rail spur coming in. Recreation and Parks has a nice increase due to increased revenues from programs such as individual swimming lessons. The Interfund Revenues were removed from the 2015 budget as the plan was to have the Town Engineer earn money doing Capital Projects and that is not happening. Interest on Earnings just keeps decreasing because of the reality of business today.

Supervisor Barker reviewed pie charts showing the breakout of 2014 projected appropriations and revenues in the five fund groupings. On the appropriation side, the Highway Repair and Improvement goes from 19.3% of the budget in 2014 to 19.2% in 2015. On the projected revenue pie chart, the local tax segment went from 42.1% of the budget revenues in 2014 to 42.3% in 2015.

Supervisor Barker reviewed proposed equipment purchases for 2015 and explained that the total equipment budget is \$858,500 which would require \$130,000 in reserve fund transfers to make those purchases.

Supervisor Barker showed a graph of Taxes for the Median Perinton Homeowner, explaining that the Town taxes are a very small portion of the total (6%) with many hands-on services at the resident's doorstep for that expenditure. The average Town of Perinton taxpayer pays \$405 in Town taxes out of a total of \$6,310.

Supervisor Barker then reviewed the complex Tax Cap Levy Calculation. The bottom line is that the Town is allowed to raise \$12,364,159 and he anticipates levying \$12,363,669 and being \$490 under the tax cap.

The next report reviewed by Supervisor Barker was the exemption impact report which is a public disclosure regarding exempt property in the Town, including among others, COMIDA, aged and veteran exemptions. 11.49% of property in Perinton is exempt.

The public hearing on the 2015 budget will be held at the Town Hall at 8:00 pm on October 22, 2014.

APPROVE LEVY OF DELINQUENT MAINTENANCE COSTS ON
2015 TOWN TAX BILL

Town Clerk West stated that there are twelve properties which have had services provided by the Town of Perinton whose owners have not reimbursed the Town for those expenses. She asked the Board for permission to levy the delinquent amounts on the 2015 Town tax bill. These amounts are for expenses through June 30, 2014, the last date we can consider. In some instances, there are additional expenses for these properties, which will be levied on the 2016 Town tax bill if they are not paid before June 30, 2015.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that, pursuant to Article 15 of Town Law of the State of New York, bills 90 days or more in arrears be levied and collected in a special ad valorem levy on Town tax bills, and that the following properties be assessed for the delinquent amounts owed the Town:

2 Big Owl Rise	166.18-2-52	Lawn mowing	\$327.00
10 Lonesome Road	152.08-1-20	Lawn mowing	\$2,003.00
11 Lake Crescent	152.09-3-41	Lawn mowing	\$755.00
16 Tilegate Glen	153.56-1-18	Lawn mowing	\$63.00
19 Landmark Lane	152.17-2-68	Lawn mowing	\$125.00
22 Margo Drive	166.05-1-16	Lawn mowing	\$405.00
37 Harvest Road	165.06-3-17	Lawn mowing	\$631.00
47 Little Brook Drive	165.17-2-5	Lawn mowing	\$76.00
51 Selborne Chase	165.20-3-66	Lawn mowing	\$228.00
55 East Pointe	153.10-3-14	Lawn mowing	\$425.00
729 Moseley Road	180.05-1-27	Lawn mowing	\$272.00
6466 Pittsford-Palmyra Road	165.20-1-13	Lawn mowing	\$165.00
		Total	\$5,475.00

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

APPROVE STEP INCREASE
JUNIOR COURT CLERK

Supervisor Barker stated that the Town Board has a memo from Court Clerk Jan Spencer requesting that they consider approving a step increase of [] for Lucy Schram, Junior Court Clerk. Ms. Spencer stated that she has been consistently impressed by both Ms. Schram's attitude towards her work and her performance on the job. She also stated that Ms. Schram's interpersonal and communications skills have allowed her to develop strong working relationships with both the Town's defendants and staff.

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve a step increase of [] for Lucy Schram, Junior Court Clerk.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

APPROVE PAYMENT OF INVOICE
VAN BORTEL FORD

Commissioner of Recreation and Parks Myers stated that the Parks Department ordered a 2015 Ford F-250 from Van Bortel Ford on March 28, 2014. The truck was delivered on August 7th to the Parks Department. The Town received the invoice from Van Bortel on August 25th, and it was filtered to the appropriate department.

The invoice was temporarily misfiled and was submitted too late for the September audit and Town Board meeting. Commissioner Myers requested that the Town Board authorize the Town Clerk's office to issue a check to Van Bortel Ford in the amount of \$24,222.09 and he will hand deliver it to Van Bortel.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to authorize the Town Clerk's office to issue a check to Van Bortel Ford in the amount of \$24,222.09.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay, that the reports from the Finance Director, Town Clerk, Tax Receiver and the Code Enforcement and Development Department for the month of September 2014 be approved.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

There being no further business before the Board and no further questions from the audience, the Board adjourned at 9:55 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk