

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, February 25, 2015

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

ABSENT: Peg S. Havens Councilperson

ALSO PRESENT: Thomas C. Beck, Commissioner of Public Works; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Susan Frykholm, Deputy Town Clerk; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

Supervisor Barker called the meeting to order at 7:30 pm and introduced the Board and staff present.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of February 11, 2015 be approved as submitted by the Town Clerk.

Ayes: Barker, LaFay, Van Vreede, Hanna

Nays: None

Unanimously Approved

PUBLIC HEARING
AMENDMENT TO SECTION 78-11 C OF THE CODE OF THE TOWN OF PERINTON
ANIMALS CODE

Supervisor Barker opened the Public Hearing and asked the Deputy Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on February 5, 2015; affidavit of posting was also February 5, 2015.

Code Enforcement and Development Director Doser stated that the Town of Perinton Animal Control Office recently had its annual inspection by the NYS Department of Agriculture and Markets. The inspector uncovered an inconsistency between the Town's policy for returning licensed dogs to their owners and the NYS Agriculture and Markets Law.

He stated that is has been a longtime policy that the Animal Control Officer would typically return any licensed dog to its owner without charging a seizure fee. The policy partially served as an incentive to keep dogs licensed. Unfortunately, the NYS Agriculture and Markets Inspector deemed this policy to be inconsistent with the current Town Code.

Mr. Doser stated that the proposed code change would allow the Animal Control Office to seize any licensed dog up to 24 hours before the seizure fee would be assessed. Any unlicensed dog seized would automatically be assessed.

The proposed code change follows:

Add text

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Chapter 78-11

Care and redemption or disposition of impounded dogs.

- A.** Every dog seized shall be properly fed and cared for at the expense of the Town of Perinton until disposition thereof as herein provided and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.

- B.** If the dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice by serving personally or by certified mail, return receipt requested, such owner, or an adult member of his family, with a notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed as herein provided.
- ~~**C.** The owner of a dog so seized may redeem the dog within seven days if notice is served in person or nine days if served by mail, by paying to the Town Clerk the seizure fee for the first offense, with an increase of \$10 for each additional offense, as the cost of the seizure plus an additional charge for the cost of feeding and caring for such dog.~~
- C.** The owner of a dog so seized may redeem the dog within seven days if notice is served in person or nine days if served by mail. A seizure fee will be charged to the owner of any licensed dog, if held by the Animal Control Officer for more than 24 hours. A seizure fee will charged for any unlicensed dog seized by the Animal Control Officer. Seizure fees will be payable to the Town Clerk, plus any additional charges for the cost of feeding and caring of such dog.
- D.** If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be made available for adoption or euthanized. In the case of adoption, the purchaser must pay the adoption fees and obtain a license before the dog is released from custody. In all cases, the dog control officer shall maintain a complete record of any seizure and subsequent disposition of any dog as required by Article 7 of the Agriculture and Markets Law of the State of New York.

Councilperson LaFay asked whether this situation comes up very often and Commissioner Beck said the Animal Control Officer does many dog seizures but frequently tries to unite the licensed dog with the owner and Supervisor Barker added that we have had a resident-friendly policy particularly for licensed dogs. Judith McNulty, 647 Thayer Road asked how many dogs were allowed at one residence in the Town and Mr. Doser stated that 4 adult dogs are allowed.

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

Councilperson LaFay made a motion seconded by Councilperson Hanna to approve the amendment to section 78-11C of the Code of the Town of Perinton regarding seizure fees.

Ayes: Barker, LaFay, Van Vreede, Hanna

Nays: None

Unanimously Approved

PUBLIC HEARING
AMENDMENT TO SECTION 280-8 C AND 138-5 OF THE CODE OF THE TOWN OF PERINTON
DEFINITIONS

Supervisor Barker opened the Public Hearing and asked the Deputy Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on February 5, 2015; affidavit of posting was also February 5, 2015.

Code Enforcement and Development Director Doser stated that this is a public hearing regarding two changes to definitions in the Town of Perinton Code. The first change is to the Town's definition of building height in § 208-8 (Zoning). The new definition would model the New York State Building Code definition, which reflects the most accepted universal practice for how building height is calculated:

Proposed definition change follows:

Add text

~~Delete text~~

HEIGHT OF BUILDING (current definition)

~~The vertical distance measured from the elevation of the finished grade to the highest point of the roof.~~

BUILDING HEIGHT (proposed definition)

The vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge of gable, hip or gambrel roofs.

Councilperson Van Vreede asked whether the average elevation pertained to the finished grade surrounding the entire structure and Director Doser stated that was correct. Councilperson Hanna asked whether some existing buildings would be “out of Code” given the new definition and Mr. Doser stated that he did not think that would be true given the building height limit of 40 feet in the Town.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the proposed amendment to Section 208-8 of the Code of the Town of Perinton pertaining to the definition of building height be referred to the Town Planning and Conservation Boards.

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

Code Enforcement and Development Director Doser stated that the second change requested is to modify the definition of “Substantial Damage” in §138-5 of the Town of Perinton Code (Flood Damage Prevention). This revised language is required to allow Perinton residents the opportunity to seek reimbursement for an “Increased Cost of Compliance” grant from FEMA in the event of repetitive loss due to flooding.

Proposed definition change follows:

Add text
~~Delete text~~

SUBSTANTIAL DAMAGE (current definition)

~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.~~

SUBSTANTIAL DAMAGE (proposed definition)

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Councilperson Hanna asked whether last year’s flooding would be considered under this change and Mr. Doser stated that the Code change would be retroactive to cover those events. Councilperson Van Vreede asked for clarification on the calculations and whether each event would need to exceed 25% and Mr. Doser stated that it would be an average.

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

Councilperson Hanna made a motion seconded by Councilperson Van Vreede to approve the amendment to Section 138-5 of the Code of the Town of Perinton regarding substantial damage.

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

ORDER FOR HEARING
ARISTA DEVELOPMENT
1669 PITTSFORD-VICTOR ROAD
INDUSTRIAL TO COMMERCIAL ZONING

Ray Trotta of Hollandtrotta, Inc. stated that he represents Arista Development for a project to rezone 7.9+ acres of land located at 1669 Pittsford-Victor Road, in the Town of Perinton, from Industrial

to Commercial zoning. Mr. Trotta identified the property on a map and stated that it is outside Eastview Mall and the last property in Perinton abutting Victor and the western most entrance to the mall by 84 Lumber. He stated that there is a flood plain thorough the center of the property. He added that there is a Federal flood plain and a DEC flood plain and identified them on the map. Mr. Trotta stated that it is difficult to develop this property as one parcel due to the wetland area. He stated that they met with NYS DOT to identify where the driveways would be and two were approved on either side of the wetland, serving the two sides of the parcel.

Mr. Trotta stated that they are proposing a maximum structure size of 5,000 sq. ft. for the corner of the parcel closest to the mall, that it would be single story, probably retail and possibly a restaurant and most likely a single tenant. The other area would be +/- 12.5-13,000 sq. ft. and is proposed as a high end jewelry store and will drive the other tenant in that space. Mr. Trotta also identified the parking areas, grade changes on the site and potential building design for the two areas. Mr. Trotta stated that their intent was to request a Public Hearing for the change in zoning to allow retail development and potentially a restaurant on that site to better serve the offices along Route 96.

Councilperson LaFay asked whether there would be a way to access the proposed restaurant from the other proposed building and road on site. Mr. Trotta stated that they tried and it would be possible, however, the developer had no interest and it would require crossing a creek. Mr. Trotta stated that the NYS DOT approved turns both ways onto Route 96 out of both driveways on the property. He also stated that they would be willing to discuss connecting to the traffic signal at Route 250 but could not be constrained by the timing required to get that in place for this current project.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Hanna, that March 25, 2015 at 7:30 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 rezoning of 7.9 acres of land located at 1669 Pittsford-Victor Road from Industrial to Commercial zoning.

Ayes: Barker, LaFay, Van Vreede, Hanna

Nays: None

Unanimously Approved

DECISION
REZONING REQUEST
WHITNEY TOWN CENTER
INDUSTRIAL TO RESIDENTIAL B ZONING

Supervisor Barker stated that the applicant for Whitney Town Center had come before the Town Board, as a condition of their Special Use Permit granted on July 9, 2014 to request that 5.640 acres of land, located approximately at 666 Whitney Road West, be rezoned from Industrial District to Residential B district zoning.

The Town Board granted a negative SEQR declaration and a Special Use Permit for 151 senior citizen apartments in three buildings on July 9, 2014. The Special Use Permit approval included a condition requiring the rezoning of the northern portion of the property from Industrial to Residential B, providing an added protection for the surrounding residents and ensuring that the property's future would not include Industrial uses. The rezoning does not affect the current Special Use Permit for the three senior citizen apartment buildings. The rezoning proposal was heard by the Planning Board on February 18, 2015 and the Conservation Board on February 17, 2015.

Councilperson LaFay stated that,

WHEREAS, the requested rezoning fulfills a condition of approval for the applicant's Special Use Permit granted by the Town Board; and received letters of support from the Planning Board on February 19, 2015, and the Conservation Board on February 20, 2015; and is in general harmony with the Town's recent Comprehensive Plan and Zoning Ordinances; and is generally consistent with the overall standards set forth in Chapter 208 of the Town Code, I move that this request for rezoning be granted. The motion was seconded by Councilperson Van Vreede.

Ayes: Barker, LaFay, Van Vreede, Hanna

Nays: None

Unanimously Approve

AUTHORIZE PURCHASE OF EQUIPMENT FOR PARKS

Commissioner of Recreation and Parks Myers stated that as part of the 2015 budget process, the Parks Department was approved to purchase three new pieces of equipment. The three approved pieces of equipment include a zero turn mower, a Bobcat loader, and a vehicle and equipment shop lift.

The Toro Zero Turn mower is their model 74274, 72" Turbo Force deck with a 25 hp Kubota engine. This piece of equipment is on state contract, and will cost \$12,832.40. It will replace a Toro mower that has been in the fleet since 2001.

The Bobcat loader is the T650 T4 Compact Track Loader. It is currently on state contract, and the purchase will include 2 attachments, enclosed cab for year-round use, and high flow hydraulics. Also, the attachments that the Town has for the Volvo Loader, are also compatible with the Bobcat. The cost of the Bobcat is \$65,321, and Parks will enter a similar program as DPW, in that they will trade-in the Bobcat every 2 to 3 years, for a brand new machine and warranty.

The current Parks shop lift has capacity limitations that exclude the fleet dump trucks and the 15 passenger bus. The Parks Maintenance Mechanic obtained three quotes for a BendPak 4-Post Car Lift, with a 14,000 pound capacity. The lowest quote was provided by Automotive Service Equipment (ASE) Deals, for a price of \$6,977.75.

The sum of the three purchase prices is \$85,131.15. This sum is \$131.15 over the budgeted amount in the Parks Equipment Budget Line (03.7110.200). Commissioner Myers requested Town Board approval to purchase the three above mentioned pieces of equipment. He stated that to fund the purchase the Board would need to increase the Parks Equipment Expense Line by \$150.00, as well as decrease the Parks Repairs and Maintenance Line (03.7110.406) by \$150.00.

Councilperson Van Vreede asked what the Bobcat loader was used for and Commissioner Myers stated that it is very versatile, is currently used for snow removal and with all of the attachments can be used for mowing on slopes, etc.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the purchase of the three pieces of equipment outlined by Commissioner Myers for a purchase price of \$85,131.15.

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

Councilperson Hanna made a motion, seconded by Councilperson LaFay to increase the Parks Equipment Expense Line by \$150.00, and decrease the Parks Repairs and Maintenance Line (03.7110.406) by \$150.00.

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

AUTHORIZE PURCHASE AND INSTALLATION OF NEW SWINGS AT EGYPT PARK

Commissioner of Recreation and Parks Myers stated that Egypt Park will be receiving a substantial upgrade to its' play apparatus in the spring of 2015. Through a grant program, he was able to purchase a completely new playground designed in a barn theme, for \$102,217.56 in the fall of 2014. The original cost of this playground was \$164,938.00. He added that he will spend another \$70,238.00 this spring for the installation costs of this playground. All of these funds are coming out of the Special Recreation account, and were budgeted for in the annual department budget.

Commissioner Myers added that as the existing equipment at the park is upgraded, the Town must adhere to the newer regulations as part of the Americans with Disabilities Act. Part of this law

requires a certain number of opportunities for persons with physical impairments to utilize the equipment safely. Currently, the existing swing set does not meet those standards.

Commissioner Myers requested approval to purchase a new swing set, that will meet the required standards of the ADA. The new set will cost \$24,282.08, however, \$17,715.00 of that amount covers the cost of the 1,600 square foot poured-in-place safety surface, following the requirements of the ADA. Again, the funds for this purchase and installation will come out of the Special Recreation account, and was included in the 2015 department budget. The equipment and installation costs are covered under the US Communities contract. Several of the Town's play equipment purchases have come from this purchasing contract.

Councilperson LaFay asked whether this would be up and running this summer and Commissioner Myers confirmed that both the playground and swing set would be ready for summer use. Commissioner Myers stated that the playground will go on the current tennis court location. The new swing set will go where the current swing set is located.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede to approve the purchase and installation of a new swing set at Egypt Park for the amount of \$24,282.08.

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

AUTHORIZE SEASONAL HELP TOWN CLERK/RECEIVER OF TAXES OFFICE

Supervisor Barker stated that the Town Board has a memo from Town Clerk West stating that at various times during the year, the Town Clerk's office is extremely busy and needs personnel back up to be able to provide a continued high level of service to our residents. Clerk West requested approval to appoint Sue O'Leary, 12 Conover Crossing, Perinton, as a part-time seasonal worker to work as needed in the Town Clerks' office. She recommended that Sue be paid \$[] per hour which is consistent with the level of contribution expected from her.

Councilperson Van Vreede made a motion, seconded by Councilperson Hanna to approve the hiring of Sue O'Leary as a part-time seasonal worker working in the Town Clerk/Receiver of Taxes office at the rate of \$[] per hour.

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

ANNOUNCE END OF ESTOPPEL PERIOD BOND REFUNDING

Supervisor Barker announced that the estoppel period for the Bond Refunding had ended.

APPROVE APPOINTMENT OF PERMANENT CROSSING GUARD

Supervisor Barker stated that the Board had a memo from Community Services Coordinator Barb Clay recommending the appointment of Douglas Mitchell, 3 Santa Drive, Pittsford, NY 14534 as a full-time crossing guard for the Town of Perinton. Mr. Mitchell would be stationed at the Lincoln/Eaglehead intersection and his rate of pay would be \$[] annually. Mr. Mitchell's spouse will become a substitute crossing guard for the Town of Perinton.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the appointment of Douglas Mitchell, 3 Santa Drive, Pittsford, NY 14534 as a full-time crossing guard for the Town of Perinton, and the appointment of Jackie Mitchell as a substitute crossing guard for the Town of Perinton.

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

AUDIT APPROVAL

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede that Audit #2 for February 2015 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

FEBRUARY AUDIT

General Fund	62,415.03
Town Outside of Village	20,767.04
Recreation	91,250.49
Highway General Repair	608.72
Highway Snow and Misc.	127,620.55
Joint Sewer	90,734.19
Debt Service Sewer	134.50
Basin Canal Port	2,852.50
O'Connor Road Relocation	5,211.55
Indian Valley Sewer	<u>98.00</u>
	\$402,692.57Total

The above items were numbers 96193-96480.

FEBRUARY MANUAL 1

General Fund	89,833.27
Town Outside of Village	6,752.00
Recreation	37,130.50
Joint Sewer	9,405.20
Midlands Lighting Dist	472.44
Lake Lacoma Dist	17.11
Meadows Lighting Dist	487.41
Deer Run Lighting Dist	1,640.36
Misty Meadows Lighting Dist	<u>127.69</u>
	\$145,865.98Total

The above items were numbers 96147-96151, 96163-96164, 96166-96168, 96178-96179.

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

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk