

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, May 9, 2007

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	David C. Glossner	Councilperson
	Carolyn H. Saum	Councilperson
	Joseph H. LaFay	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; W. Scott Copp, Director, Building Department; Susan C. Roberts, Town Clerk; T. C. Lewis, James Brasley, Planning Board; Robert Salmon, Zoning Board of Appeals; Chris Fredette, Conservation Board.

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

Councilperson Knapp made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of April 25, 2007 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Glossner, Saum, LaFay  
Nays: None  
Unanimously approved.

PUBLIC HEARING  
SPECIAL USE PERMIT  
DOG GROOMING BUSINESS  
581 WEST WHITNEY ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Perinton Fairport Post on April 26, 2007; affidavit of posting also April 26, 2007.

Debra Garbeck-Stubbs appeared before the Board. She has run a dog grooming business in Brighton for 26 years but would like to relocate to Perinton. She requested that the Town Board grant her a Special Use Permit to operate a grooming business at 581 West Whitney Road. She will offer professional grooming services for all breeds of dogs and cats.

Supervisor Smith asked how many pets would be on site at one time. Ms. Garbeck-Stubbs said that she would see 10 to 15 clients a day; only two or three would be on the premises at one time - each for two to three hours.

Supervisor Smith asked if the animals would be outside. Ms. Garbeck-Stubbs said they would be inside. Councilperson Glossner asked if they would be confined. Ms. Garbeck-Stubbs said they would.

Councilperson Saum asked about the hours of operation. Ms. Garbeck-Stubbs said she would be open 8:30 am - 4:30 pm, Monday - Saturday. Councilperson Saum asked if she would board pets. Ms. Garbeck-Stubbs said she would not.

Supervisor Smith asked if there were any questions from the audience. There being none, and all those wishing to be heard having been heard, the Public Hearing was closed.

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the proposal be granted a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because it is an appropriate use for the site

(the business will be in a Commercial District, near railroad tracks and a service garage), there will be no evening hours, there will be no exterior noise and there will be a minimum amount of traffic generated.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that a Special Use Permit be granted for a dog grooming business at 581 West Whitney Road with the condition that the hours of operation not exceed 8:00 am to 5:00 pm Monday through Saturday. The Permit is for one year, until May 9, 2008.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

PUBLIC HEARING  
SPECIAL USE PERMIT  
CONSTRUCTION OF TWO TWO-FAMILY HOUSES  
125 LOUD ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Perinton Fairport Post on April 26, 2007; affidavit of posting also April 26, 2007.

Peter Vars, BME Associates, appeared with the applicant, Eric Hynes. Mr. Hynes is requesting a Special Use Permit to construct duplexes in a Residential B zoned district at 125 Loud Road. The proposal is to subdivide approximately 2.05 acres into two lots, then construct a 2,860 sq. ft. two-story unit with a detached 1150 sq. ft. garage on each parcel. The subdivided parcels would be large enough to meet the minimum lot standards for Residential B. They would be connected to public water and sanitary sewers; each would have its own driveway.

Mr. Vars said that steep slope LDD lands were along the west property line. The LDD would not be impacted by the development. He said that removing the LDD acreage from the parcel still left enough land to meet minimum Residential B setbacks for each of the proposed lots.

Mr. Vars said that the proposal was consistent with the zoning of the property, was consistent with the 2000 Master Plan and was compatible with neighboring properties, including multi-family residences near the property. He asked the Town Board to become the Lead Agent for SEQR for this proposal and to refer the proposal to the Planning and Conservation Boards for their review.

Councilperson Glossner asked Mr. Vars if the units would be rental. Mr. Vars said they would. Councilperson Glossner asked what the proposed rents would be. Mr. Hynes said that the expected rent was \$1,000 per month per unit. Councilperson Glossner asked if the units were two or three bedroom. Mr. Hynes said they were three bedroom units.

Councilperson LaFay asked why the developer was proposing detached garages. Mr. Vars said the lots were narrow and deep; the garage needed to be placed behind the house.

Supervisor Smith said that the proposed units appeared to be long and narrow. Mr. Vars said that, because of the lot configuration, the structures needed to be long and narrow.

Supervisor Smith asked for questions or comments from the audience.

Ann Parks, 103 Loud Road, addressed the Board. She said that, at present, there were no multifamily residences on Loud Road. Two multifamily residences would not be consistent with the single-family houses on the street, especially in an area where larger lots are located immediately to the east, north and south of the parcel.

She said that the proposal was not consistent with the 2000 Master Plan, which recommended that the density and intensity of development be closer to the four corners in Egypt (Loud, Mason and Pittsford-Palmyra Roads) and become less dense the more distant from the center. The subject property is .3 miles from that intersection, and is the last parcel of land zoned Residential B. Properties to the south are zoned Residential Sensitive. This parcel should be single family construction to serve as a transition from the Residential B single family houses to the north to the Residential Sensitive single family houses to the south.

Ms. Parks said that the scale of the proposed structures is inappropriate. The neighboring houses are smaller in scale; the neighboring outbuildings are much smaller than the proposed garages. She said that surface water drainage was already a problem; construction of the proposed structures would only worsen an existing condition.

In conclusion, Ms. Parks said that, while the proposal may be allowed in Residential B areas it is inconsistent with the conditions of the existing neighborhood, with the Egypt subarea guidelines and with the 2000 Town of Perinton Master Plan.

Councilperson Glossner asked if there were other duplexes on Loud Road. Mr. Vars said there was one further north on Loud Road. Ms. Parks said that was owner occupied.

Lois Watts, President of the Egypt Hills Neighborhood Association, said the proposed duplexes were inconsistent with the area and would alter the rural character of the neighborhood.

Stanislaus Popen, 130 Loud Road, asked if the proposal was consistent with Town Code. Building Director Copp said that the setbacks and lot size met the restrictions of Residential B.

Judy McNulty, 647 Thayer Road, said that four units, each with three bedrooms, seemed too intensive for such a small property.

Gwendolyn Linn, 4 Saddle Ridge, said she was not opposed to the idea of constructing duplexes on the site. However, she said that the proposed structures did not fit in with the rural character of the surrounding houses, including the house just to the north of the property. She said that if such construction were to be approved it should be carefully planned and designed so that it looked like single family construction. She asked the Town Board to look at the duplexes on the south side of Ayrault Road just east of the Ayrault Road bridge. She said those buildings are duplexes but have been so carefully designed and placed on the site that they appear to be single family houses.

Jack Male, 87 Loud Road, asked what the current road frontage was. Mr. Vars said it was 232 feet. Mr. Male said much of the property could not be used because of LDD. He believed that the area which could be used for construction was too small for what was proposed. Mr. Male asked Commissioner Beck how much land would be needed for a drainage easement. Mr. Beck said that 15' would be needed.

David Wolf, 18 Teal Drive, asked that no new construction take place on Loud Road until the Town has finished its water flow study for the Egypt area and has determined where water is going and how to control it. He said that there is already flooding in the area and was concerned that any new project would add to it.

There being no further questions or comments from the Board or the audience, and all those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Town Board declare its intent to serve as Lead Agent under SEQR for the proposed project.

Ayes: Smith, Knapp, Glossner, Saum, LaFay  
Nays: None  
Unanimously approved

Councilperson Glossner made a motion, seconded by Councilperson LaFay, that the proposed project, including sub-division of the subject property and the construction of two two-family houses be referred to the Planning and Conservation Board for their recommendations.

Ayes: Smith, Knapp, Glossner, Saum, LaFay  
Nays: None  
Unanimously approved

PUBLIC HEARING  
AMENDMENTS TO SECTION 208-22  
CODE OF THE TOWN OF PERINTON  
STORAGE OF MATERIALS

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Perinton Fairport Post on April 26, 2007; affidavit of posting also April 26, 2007.

Building Director Copp said that the Town has seen increased use of portable on-site deliverable storage units (PODS). In many instances the PODS have been left in residential driveways for extended periods of time, acting as storage sheds for the owners of the property. He said that roll-off dumpsters are also becoming more prolific in residential neighborhoods, occasionally left on site for many months. He said that the Codes Committee is proposing the following changes to Section 208 of the Code of the Town of Perinton to regulate the length of time each can remain on site.

*Deleted text*

**Added text**

**§ 208-22. Storage of materials.**

*No materials of any kind shall be stored in any district, except for the construction of structures to be actually erected upon the premises where such materials are stored within one year from the beginning of such storage and except for farm produce and farm machinery, unless a permit therefore shall be obtained from the Board of Appeals.*

**The outside storage of construction materials, construction dumpsters, portable or temporary storage units or construction equipment may have a negative impact on the adjoining properties and is limited by these regulations.**

**A, Portable on-site deliverable storage units (PODS) are permitted to be on a property for a period of time not to exceed fourteen (14) days. The use of these shall be limited to no more than twice in any twelve month period.**

**B. The use of roll-off dumpsters on residential properties is limited to a duration of fourteen (14) days, once in a twelve (12) month period or for thirty (30) days if there is an active building permit on the property. On non-residential property the use is limited to the period a permit is active on**

**the property and the location is required to be at the rear or sides of the building, if at all possible.**

**C. The Planning Board may approve the outside storage of materials as part of a Site Plan approval for non-residential properties. The above regulations do not apply to activities related to farming operations, as such are defined within the New York State Agriculture and Markets Law.**

**D. An individual or business seeking relief for these regulations may apply to the Zoning Board of Appeals for a Special Permit for outside storage of materials, PODS or dumpsters.**

**E. Dumpsters other than those used for construction purposes require approval from the Planning Board and are required to be screened from ground view, per 208-14M.**

David Wolf, 18 Teal Drive, questioned the time limits imposed by the changes. He asked whether or not a homeowner doing a major remodeling project could complete the work in 30 days. Mr. Copp said that an extension could be obtained from the Zoning Board of Appeals. Supervisor Smith asked if the Codes Committee had asked local contractors about the time limit. Mr. Copp said it had; contractors felt most projects could be completed in 30 days, although they would prefer 45.

Mr. Wolf asked if 14 days was long enough to allow a homeowner to pack in preparation for a move. He suggested that a longer time period might be helpful.

Ronald Lovell, 24 Laird Lane, asked if the proposed change dealt with anything besides construction materials and PODs, for example, debris. Mr. Copp said that debris was covered by other sections of the Town Code.

John DeSeyn, 340 Wilkinson Road, said that the time limits set by the ordinance changes were too short for the home owner doing his own work.

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

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the proposed changes to Section 208-22 of the Code of the Town of Perinton, Storage of Materials, be referred to the Planning and Conservation Boards for their recommendations.

Ayes: Smith, Knapp, Glossner, Saum, LaFay  
Nays: None  
Unanimously approved

PUBLIC HEARING  
NEW CHAPTER  
CODE OF THE TOWN OF PERINTON  
CHAPTER 204  
WIND ENERGY CONVERSION

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Perinton Fairport Post on April 26, 2007; affidavit of posting also April 26, 2007.

Building Director Copp said that the size and cost of wind generators have decreased, making it affordable to use them for the generation of electricity for private property, as well as commercial properties. The Codes Committee has reviewed a number of ordinances which regulate the location and construction of wind generators and their support towers. He asked the Board to consider the following changes to the Code of the Town of Perinton:

## Added Text

### Chapter 204 Wind Energy Conversion

#### A. Purpose:

The Town of Perinton recognizes the increased demand for alternative energy generating facilities and the need for the more inexpensive power that wind turbine facilities may provide. Often these facilities require the construction of single or multiple wind turbines. The purpose of these regulations is to protect the community's interest in properly locating wind turbine towers in a manner consistent with sound land planning, while also allowing private and commercial providers to meet their power generating objectives.

#### B. Definitions:

**Small Wind Energy Conversion System ("Small WECS")** – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 KW, is less than sixty five (65) feet in total height and which is intended to primarily reduce on-site consumption of utility power.

**Wind Energy Conversion System ("WECS")** – a machine that converts the kinetic energy in the wind into a usable form, commonly known as a wind turbine or windmill, located on a structural tower and less than two hundred (200) feet in total height.

**Wind Energy Conversion Facility** – Any Wind Energy Conversion System, Small Wind Energy Conversion System, including all related infrastructure, electrical lines and substations, access roads and accessory structures where the facility is for the generation of power for use on-site.

**Commercial Wind Energy Conversion Facility ("CWECSF")**  
Wind generating facilities which generate original power on-site to be transferred to a transmission system for distribution to customers or sale to a distribution company. The definition of commercial wind energy conversion facilities shall not include individual wind energy conversion facilities erected and used for private use.

#### C. Permitted and Prohibited Uses:

1. A small WECS may be permitted within all zoning districts, provided the property is five (5) acres or larger in size, a Special Permit from the Zoning Board of Appeals is granted and a building permit is issued. The Zoning Board of Appeals shall apply the requirements of Section D1 through D8, D10 and D11 of this code in addition to those requirements found in Section 208-54.
2. A WECS Facility may be permitted within non-residential districts on lots five (5) acres or larger in size, with a Special Permit from the Town Board, a Site Plan approval from the Planning Board and a building permit.
3. A Commercial Wind Energy Conversion Facility may be permitted in Industrial, RT 1-2-5, RT 2-5 and Residential Sensitive districts on lots forty (40) acres or larger in size, with a Special Permit from the Town Board, a Site Plan approval from the Planning Board and building permits.
4. No Wind Energy Conversion Facilities shall be located within a Limited Development District.

**D. Additional Standards:**

**No Special Permit shall be granted for a WECS or a CWECSF and/or transmission system unless it is determined by the Town Board that the proposed use meets all of the following criteria, in addition to the Special Permit and Site Plan review criteria found in sections 208-54 and 208-53 of the Town of Perinton Code.**

- 1. No experimental, homebuilt or prototype wind turbines shall be allowed without documentation from a licensed professional engineer estimating the probable blade or ice throw distance in the event of failure, a submittal of the complete design specifications and calculations and an acceptance by the Town Board of setbacks which may exceed the minimums established elsewhere in the code.**
- 2. The minimum required setback distance between each WECS or CWECSF and any property line, overhead utility lines, any dwelling or other building or structures that can be occupied, other than the control structure for the turbine, any other wind turbine towers or other above-ground generation facilities shall be no less than 1.5 times the proposed tower height plus the rotor radius.**
- 3. No WECS or CWECSF shall be installed in any location along the major axis of an existing microwave communications link where its operation has a likely potential to produce electromagnetic interference in the link's operation.**
- 4. No WECS or CWECSF shall be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antenna (including residential reception antenna) for radio, television, wireless phone or other wireless communication systems would produce electromagnetic interference with signal transmission or reception.**
- 5. Use of nighttime, and overcast daytime condition stroboscopic lighting to satisfy tower facility lighting requirements for the FAA shall be subject to on-site field testing before the Town Board as a prerequisite to the Town Board approval with specific respect to glare and visibility to existing residential uses within 500 feet of each tower for which such strobe lighting is proposed.**
- 6. No WECS or CWECSF shall be installed in any location that would substantially detract from or block the view of a portion of a recognized scenic viewshed, as viewed from any public road right-of-way, public body of water, or publicly owned land within the Town of Perinton or extends beyond the border of the Town of Perinton.**
- 7. WECS and CWECSF shall be located with relation to property lines so that the level of noise produced during wind turbine operations shall not exceed 50 dba, measured at the boundaries of all of the closest parcels owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of the issuance of any special permit for such facilities.**
- 8. No WECS or CWECSF shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.**
- 9. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet, unless a fence enclosure is provided to limit unauthorized or accidental access to the spinning rotors.**

**10. All power transmission lines from the WECS or WECSF to on-site substations or the property boundaries shall be underground.**

**11. Written procedures acceptable to the Town Board for emergency shutdown of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit or facility. Such information shall be secured in a lock box acceptable to the Town.**

**12. A digital elevation model-based project visibility map showing the impact of topography upon the visibility of the project from locations throughout the region, to a distance of five (5) miles from the center of the project shall be provided. The scale used shall depict a 3 mile radius no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features and other landmarks.**

**13. Color photographs, at least 3 inches by 5 inches, taken from locations selected by the Town within a three mile radius of the boundaries of the facility site shall be provided. Said photographs shall be computer enhanced to simulate the appearance of the as-built aboveground site facilities as such would appear from said locations. The number of photographs to be submitted shall be equal to the number of proposed individual wind turbines plus three, but in no event less than three.**

**E. Liability Insurance:**

**Prior to issuance of a Building Permit for a WECS or CWECSF and continuing thereafter construction until such facility is removed from the site, on an annual basis the applicant shall provide documentation satisfactory to the Town of the existence of liability insurance coverage with reasonable limits as set by the Town Board in consultation with the Town's insurance advisor, for property damage, injury or death resulting from the construction, placement, use, maintenance or operation of a WECS or CWECSF, by the owner of the site.**

**F. Removal of Obsolete WECS, CWECS Facilities:**

**1. Obsolete or unused Small WECS, WECS, CWECSF and accessory structures shall be removed from any site within four months of the discontinuance of the use thereof. The owner of the site shall notify the Town in writing within ten (10) days of the discontinuance of the use of such facility. Failure to notify the Town and/or remove the obsolete or unused WECS or facility in accordance with these regulations shall be a violation of this law and shall be enforced in accordance with Chapter 115 of the Town Code.**

**2. Upon approval of a Special Permit for the construction of a CWECSF, the applicant shall provide and maintain a performance bond issued by a surety provider licensed in New York State in a form acceptable to the Town or such other security acceptable to the Town for the removal of the WECS and facilities and property restoration in an amount acceptable to the Town Board.**

**3. When a Special Permit is renewed or modified, the Town Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the WECS or CWECSF and property restoration.**

David Wolf, 18 Teal Drive, asked what the smallest lot size was for a Wind Energy Conversion System (WECS). Mr. Copp said the lot must be at least 5 acres in size.

John DeSeyn, 340 Wilkinson Road, asked if WECS could be installed in LDD areas. Supervisor Smith said the Town Board would want Conservation Board input on that possibility.

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

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the new section of Town Code, Section 204, Wind Energy Conversion, be referred to the Planning and Conservation Boards for their recommendations.

Ayes: Smith, Knapp, Glossner, Saum, LaFay  
Nays: None  
Unanimously approved

PUBLIC HEARING  
STONE CREEK SUBDIVISION  
OFF-SITE SEWER

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Perinton Fairport Post on April 26, 2007; affidavit of posting also April 26, 2007.

The Town Board reviewed a memo from the Conservation Board, dated May 7, 2007, which recommended a Negative Declaration under SEQR.

A motion was made by Councilperson Knapp, seconded by Councilperson Glossner, that the proposed off site sewer construction be granted a Negative Declaration under SEQR because, as per the Conservation Board memo of May 7, 2007, the project will provide a significant environmental benefit to the Town by eliminating at least seven residential septic systems and one commercial septic system and providing sewer connections for future development in the area.

Ayes: Smith, Knapp, Glossner, Saum, LaFay  
Nays: None  
Unanimously approved

TOWN OF PERINTON    MONROE COUNTY    NEW YORK

-----  
In the Matter of a proceeding pursuant to §192-a  
of the Town Law of the State of New York for Excess Sewer HEARING MINUTES  
Facilities to authorize the expenditure of not to exceed        & DETERMINATIONS  
\$21,000 for the construction of Stone Creek Subdivision Offsite  
Sanitary Sewer for Perinton Consolidated Sewer District No. 8  
-----

At a hearing before the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on May 9, 2007 at 8 p.m., local time, there were:

Present:        Supervisor James E. Smith; Councilpersons Patricia S. Knapp, David C. Glossner, Carolyn H. Saum and Joseph LaFay  
Absent:        None  
Also Present: Susan C. Roberts, Town Clerk; Thomas C. Beck, Commissioner of Public Works; Robert M. Place, Town Attorney

The Supervisor called the hearing to order and called upon Commissioner Beck, who stated that this is a public hearing under §192-a of the Town Law for excess sewer facilities to authorize the expenditure of not to exceed \$21,000 for a portion of the construction of Stone Creek Subdivision Offsite Sanitary Sewer for Perinton Consolidated Sewer District No. 8.

This would involve the construction of approximately 111 feet of 8 inch sanitary sewer, with manholes, wyes, laterals and appurtenances necessary for the operation of same with legal, engineering and easement acquisition expense at an estimated cost of not to exceed \$21,000 to be financed by the issuance of general obligation bonds by Perinton Consolidated Sewer District No. 8.

The Town has complied with the requirements of the State Environmental Review Process and State Environmental Quality Review Act (SEQR). This has been declared a unlisted action under NYCRR 617. The Town Board assumed Lead Agent status after uncoordinated review, and issued a negative declaration.

The Supervisor called for the presentation of documentary evidence necessary for the Town Board to make the investigations and determinations required by statute. The following documents were submitted in evidence:

1. The Short Environmental Assessment Form and negative declaration resolution.
2. Engineering Report prepared by the Town Engineer.
3. Resolution for this Hearing made by the Town Board on April 11, 2007.
4. Notice of Hearing dated April 11, 2007.
5. The Affidavit of Publication of the Perinton-Fairport Post showing the publication of a certified copy of the Notice of Hearing on April 26, 2007.
6. The Affidavit of Susan C. Roberts showing that a copy of the Notice of Hearing was posted on the Sign Board maintained by the Town Clerk on April 26, 2007.

The Supervisor directed that the foregoing documentary evidence, if not already filed, be filed with the Town Clerk and considered a part of the record of this hearing.

The Supervisor asked if there were any questions from the members of the Board or the public in regard to this project.

A man in the audience asked why the Town was paying part of the cost of the sewer. Commissioner Beck said that the developer was providing a service to the Town by constructing this sewer instead of a private grinder pump station, which was all that was required for the Stone Creek subdivision. The off-site sewer will provide sewer service for seven existing homes and a gas station on Pittsford-Palmyra Road and will be available for any new construction. The benefit to the Town is worth the Town's portion of the cost of construction.

The Supervisor declared the Public Hearing closed. The Town Board considered the comments and documentary evidence presented at the formal public hearing of May 9, 2007. It has examined the environmental significance of the proposed action, the engineer's report which includes maps showing the course of the relief sewer, the proofs of posting and publication and has considered all other documents and statements presented to it, and after thorough discussion and due deliberation, the following Resolution was offered by Councilperson Knapp and was seconded by Councilperson Saum:

**NOW, THEREFORE, IT IS DETERMINED AS FOLLOWS:**

Section 1. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined to be in the public interest to provide for the construction of a sanitary service consisting of approximately 111 feet of 8 inch sanitary sewer, with manholes, wyes, laterals and appurtenances necessary for the operation of same with legal, engineering and easement acquisition expense at an estimated cost of not to exceed \$21,000 and the same is hereby authorized subject to the provisions of Section 3 hereof.

Section 2. The Town Board, acting as Lead Agent under authority of NYCRR 617, has determined that the above action will not have significant adverse effect on the environment.

Section 3. Detailed plans, easements and specifications and a careful estimate of the expense of the aforesaid relief sewer with necessary appurtenances for operation of same are hereby directed to be prepared by the Engineer for the Town who is hereby directed to assist in the preparation of a proposed contract and to submit the same to this Town Board for examination and approval.

Section 4. The proposed contract will not be let for public bidding until all necessary easements and/or permits for said relief sewer have been obtained from the regulatory agencies, affected property owners and from the Environmental Facilities Corporation.

Section 5. Perinton Consolidated Sewer District No. 8 is to apportion the cost of same and the financing thereof upon the several lots and parcels of land within the Perinton Consolidated Sewer District No. 8 in the manner provided by law.

Section 6. The Town Clerk is hereby authorized to certify a copy of this resolution and to cause such certified copy to be filed in the Monroe County Clerk's Office.

Section 7. This resolution is to take effect immediately.

On roll call vote directed by the Supervisor the following votes were recorded:

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Whereupon the Supervisor declared the resolution adopted.

DECISION  
SPECIAL USE PERMIT  
CONSTRUCTION OF A WALGREENS PHARMACY  
PITTSFORD-PALMYRA AND MOSELEY ROADS

Supervisor Smith said that a Public Hearing on the Special Use Permit had been held on February 28, 2007. At that time the Town Board referred the construction of the proposed Walgreens to the Planning and Conservation Boards for their recommendations. In addition, the Town hired an architect, at Walgreens' expense, to review the proposed plans for the Town. The proposal was also referred to the Planning and Conservation Boards for their recommendations.

Jerry Goldman, Esq., acting for Corner Perinton LLC, reviewed the changes to the site plan for the proposed Walgreens. He said the new plan is in line with requests from the Town. The green space has been expanded from 18' to 25'; it will now be 35% of the site instead of 28%. The building set-back will now conform to front set-back requirements; the rear set-back is closer to conformity. The number of parking spaces has been reduced from 72 to 61. The interior traffic pattern has been revised: there will be better circulation on site and there will be an escape lane from the drive-up window lane.

Councilperson Glossner asked about the distance from Moseley Road to the parking lot and to the building. Mr. Goldman said there would be 125' to the parking lot and 250' to the building.

Councilperson Glossner asked if there would be landscape berms. Mr. Goldman said there would be berms to help screen the parking lot. He said that there would be breaks in the berms to provide pedestrian access to the site.

Mr. Goldman then reviewed the changes to the facade. He said that the Town Board had concerns about the roof height, the blank walls and the plainness of the

facade. Walgreens has worked with Town staff and the Town's architectural consultant to create a new design for the building.

While the square footage will remain the same the building will now be square instead of rectangular, decreasing the mass. The service elements have been moved to the south side of the building; the drive up window will be on the west side of the building. Architectural detailing resembling windows has been added to the facades.

The roof will be mansard-style in varying heights, the highest point at 25'. There will be decorative pilasters (attached columns) and color trim at the windows.

Judy McNulty, 647 Thayer Road, asked about the size. Mr. Goldman said the number of square feet was the same; the building was now square, not rectangular, and appeared less massive.

John DeSeyn, 340 Wilkinson Road, asked if the style and scale of the building was relative to Perinton Hills. Mr. Goldman said it was. Mr. DeSeyn asked if there was an aerial map which would show the entire corner as it was now with the proposal superimposed. Mr. Goldman said there was not.

David Wolf, 18 Teal Drive, asked about the traffic flow in the plaza. Mr. Goldman said it would remain the same; Walgreens would use the existing driveways.

John DeSeyn asked if the drive up window needed a Special Use Permit. Supervisor Smith said one was not needed in Commercial zoning.

Councilperson Knapp made a motion, seconded by Councilperson Saum, that, as per the Conservation Board memo dated March 22, 2007, the proposal be granted a Negative Declaration under SEQR because roads in the area are well able to handle traffic that would be generated by this project. The intersection has been recently upgraded; there is no direct access to either Rte 250 or 31. The principle existing access drive has a traffic signal. The proposed project fits the land use; suggested changes in building design, architectural treatment and scale have been agreed to. Green space has been increased and landscaping added to minimize the mass of the building and blend in with existing landscape.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that the Special Use Permit for construction of a 14,820 sq. ft. Walgreens at the south west corner of Pittsford-Palmyra and Moseley Roads (Rtes 31 & 250) be granted. The building will be constructed in accordance with building elevations set forth on an architectural rendering prepared by Bergmann Associates entitled Walgreens Pharmacy, Perinton, NY, May 8, 2007, option # 2, as confirmed by a memo from the Town's architectural consultant, Hanlon Architects, dated May 8, 2007.

The site plan prepared by Costich Engineering, dated April 5, 2007, which resulted in a reduction in parking, enhancement of green space and reduction in the number of variances, has been considered as part of the granting of the Special Use Permit.

The Special Use Permit is conditioned upon receipt of site plan approval from the Perinton Planning Board and the applicant obtaining a Building Permit by May 9, 2008.

The application is in conformance with Section 208-54 D.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

DECISION  
SPECIAL USE PERMIT  
TIM HORTONS RESTAURANT DRIVE UP WINDOW  
BUSHNELL'S BASIN

Supervisor Smith said that the proposed drive up window needed a Special Use Permit from the Town Board because it was in a Limited Commercial district. The Public Hearing for this proposal was held April 11, 2007. It was then referred to the Planning and Conservation Boards for their recommendations.

Supervisor Smith said the applicant has worked with the Town since the Public Hearing to modify the proposal.

Mel Farmer, Stantec Consulting Services, was present and reviewed changes made since the last presentation. He said that the building has been moved south to meet the 30' side building setback, which increased the area of the proposed landscape buffer between this parcel and the building to the north. The buffering is supplemented by a proposed board-on-board fence along the north property line.

The building has been shifted approximately eight feet to the east, away from Rte 96, to allow the addition of a porch along the front of the proposed restaurant, should one be requested by the Historic Architecture Commission (HAC). The applicant has committed to working with the HAC to create an acceptable architectural design accommodating the historic nature of the Basin.

The service window and speaker have been shifted to the east, away from the north property line. The drive-through speaker will be constructed with a volume adjustment feature to minimize sound to that of ambient levels.

Drive-through stacking has been reduced from ten spaces to nine. The drive-through entrance is accessed from the internal shared driveway; stacking will not affect traffic on either Kreag or Pittsford-Victor Roads.

Proposed parking has been reduced from 24 to 18 spaces, increasing the amount of green space to 39% of the parcel.

In a memo dated April 22, 2007, the Planning Board questioned the intensity of use of a drive up window in Limited Commercial, but felt the development could be considered consistent with the intent of Limited Commercial zoning, given the building's reduced size and scale, the relocation of the proposed drive up window, the additional screening to the adjacent property, the increased green space and the pedestrian-friendly design of the restaurant.

The Conservation Board believes that impacts from the stacking of vehicles in queue lines may be mitigated by careful design sensitive to parameters including carbon dioxide, noise, light pollution and water quality. The planting of carbon dioxide tolerant plants around the drive up can act as both a sound and visual buffer. The Conservation Board said that, given the context of existing traffic patterns and volume, the impacts may not be significant.

Councilperson Glossner asked if the plantings would be carbon dioxide absorbing. Mr. Farmer said they would be.

Councilperson Knapp asked about the tree types. Mr. Farmer said they would plant a mix of deciduous and evergreen trees and low shrubs. Councilperson Knapp asked about the order board. Mr. Farmer said the board had been moved away from the neighboring property. The board will be constructed with volume control so that noise does not exceed ambient levels.

Supervisor Smith asked if the order board was near the building to the north. Mr. Farmer said it had been moved so that it was south and east of the rear facade of the neighboring building. Mr. Farmer said that all lighting along the north side of the building would be under the building soffit; there would be no light poles.

Councilperson Knapp asked about signs. Mr. Farmer said they would work with the HAC. There would be no building-mounted signs; all would be ground signs.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the proposal for a drive up window for Tim Hortons be given a Negative Declaration under SEQR because, as per the Conservation Board memo of May 4, 2007 the applicant is planting carbon dioxide tolerant plants which will act as sound and visual buffers and will help reduce carbon dioxide emissions, and has presented preliminary designs to address water quality. The use will not be a traffic generator but will predominantly sell its products to those already passing by the site.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

Councilperson Glossner offered the following motion, seconded by Councilperson Knapp, for approval of a Special Use Permit for a drive up window at Tim Hortons Restaurant in Bushnell's Basin: "Although the parcel is zoned Limited Commercial, the code is silent regarding drive-up windows. This has left it in the hands of the Board as a Special Use Permit application. The Town Board has considered the following factors in recommending approval:

- This use will not be a traffic generator as a destination use, but will predominately sell its product to those already passing by the site.
- The zoning directly across the street is Commercial, which would allow this usage by right.
- The restaurant's scale is small, in keeping with the zoning. The seating, and therefore the parking, are well below that allowed in the zone (33 vs. 90).
- The architectural treatment is reflective of the Basin's heritage and the applicant has shown a very sincere willingness to work with the Town to create a building and site that fit in the Basin.
- The site plan has been amended to show additional consideration to the neighboring property through distance, screening, speaker volume controls and restrictions on the drive through hours. Required variances have been reduced or eliminated.
- The owner of the parcel went to considerable effort to manage the on-site traffic in the entire area, eliminating curb cuts and providing rear lot access to Kreag Road. It should be noted that the objecting neighbor did not cooperate with these efforts.
- This application does not set a precedent, as uses not listed in the Code are meant to be reviewed by the Board and judged on the individual application's merits. Each application is separate and distinct and can easily have different outcomes.
- The Town Board finds that the application is in conformance with the standards for Special Use Permits set forth in 208-54D

The Special Use Permit for a drive up window at Tim Hortons Restaurant in Bushnell's Basin shall be granted with the following conditions:

1. The site plan will be in general conformity with revised plans submitted.
2. The hours of operation shall be no greater than 5am to Midnight
3. The drive-thru will close at 10 pm
4. There will be no building mounted signs
5. A speaker control must be provided to regulate the volume of the order board for the drive up window to no more than the ambient sound level at the property line

6. Receipt of site plan approval from the Town Planning Board and Historic Architecture Commission
7. A Building Permit must be obtained by May 9, 2008

Supervisor Smith asked for comments from the audience.

A person in the audience asked if the entire site was zoned Limited Commercial. Supervisor Smith said it was.

There were questions about access to the site from Rte 96. Supervisor Smith said that the original curb cut would be closed. The restaurant would share a driveway with Town & Country Travel, moving the driveway away from the intersection of Kreag Road and Rte 96 and eliminating a curb cut. Mr. Farmer explained that Rte 96 will be restriped; a refuge lane will be provided for left hand turns into Tim Hortons and Brueggers Bagels.

Horace Becker, 8 Rollingwood Drive, said that, while he had always praised the Town of Perinton for the way it has taken care of Bushnell's Basin, he believed the drive up window would increase the level of commercialism in the Basin.

Maryann King, 3 Powdermill Drive, asked about copies of the Bushnell's Basin Master Plan. Supervisor Smith said they were available in the Town Clerk's Office.

David Wolf, 18 Teal Drive, asked if a traffic study had been done. Commissioner Beck said one had been done; it has been reviewed by SRF Associates, Monroe County Department of Transportation and New York State Department of Transportation. The proposed project will not change the operation levels on Rte 96 and will have no detrimental impact on traffic in the Basin. There was conversation about traffic in the Basin.

A man in the audience asked about the stacking lane. Mr. Farmer said the average number of cars in the stacking lane would be six cars. The man asked if that was true during peak hours. Mr. Farmer said it was.

David Wolf, 18 Teal Drive, said that there should be no left turns into or out of the site, only right hand turns. He said that adding the drive up window was not pedestrian friendly.

Michael Jones, attorney for Victor and Jean Krym, said that the issue before the Town Board is use. He said that a drive up window should not be allowed in a Limited Commercial zoning. The intensity of use from a drive up window will blur the distinction between Commercial and Limited Commercial zoning and should not be approved.

A man in the audience said that there was already too much congestion in the Basin and the drive up window should not be allowed.

Jack Dailey, 1 Great Oak Lane, said that the Basin was changing; there was too much development in the area.

Linda Baker, 31 Great Oak Lane, said that approval of the drive up window will decrease the property values of the neighborhood which will decrease the tax base in the Town of Perinton.

A woman in the audience said that there was already too much traffic and approval of this project would increase the traffic.

John DeSeyn, 340 Wilkinson Road, asked about the number of parking spots. Mr. Farmer said there would be 18. Mr. DeSeyn asked how many employees would be working at one time. Mr. Farmer said there would be a maximum of six employees working at peak times. Mr. DeSeyn asked what percentage of sales was

through the drive up window. Mr. Farmer said about 60% of the volume at peak times was through the drive up window.

Mr. DeSeyn said he had environmental concerns about the drive up window.

A man in the audience said he had concerns about trash blowing from Tim Hortons through the neighborhood.

John Dailey, 1 Great Oak Lane, Pittsford, NY 14534, read the following statement into the record:

"To the extent any determination by the Town has been made with respect to the compliance of this project with Zoning Codes and Special Use Permits and which determination we differ, we now register our formal complaint and will follow up appropriately with a formal petition to the Zoning Board of Appeals to satisfy all timing requirements."

Supervisor Smith called for a vote on the motion. The votes were:

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

AWARD OF BID  
2008 MEDIUM DUTY CAB CHASSIS TRUCK  
WITH DUMP BODY AND HOIST

Supervisor Smith reported that, on May 8, 2007, bids were received for a 2008 medium duty cab chassis truck with dump body and hoist. In a memo dated May 9, 2007, Commissioner of Recreation and Parks James Donahue recommended that the bid be awarded to Van Bortel Ford, the second low bidder, as its bid met all specifications. The low bidder did not meet the Gross Vehicle Weight specifications.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the bid for a 2008 Ford F-550 medium duty cab chassis truck with dump body and hoist be awarded to Van Bortel Ford Inc., 7325 Rte 96, Victor N.Y. 14564, for a bid of \$35,795, as it was the lowest bidder to meet bid specifications.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

AUTHORIZE COMPREHENSIVE YOUTH SERVICES AGREEMENT

Councilperson Knapp offered the following resolution, seconded by Councilperson Glossner:

WHEREAS, the Town of Perinton wishes to participate in the Integrated County Plan 2001-2003, approved September 13, 2001 by the New York State Office of Children and Family Services for Monroe County, and

WHEREAS, on January 9, 2007, the Monroe County Legislature authorized the execution of an agreement with the Town of Perinton for youth services, and

WHEREAS, only the County can apply for State aid under the plan for participating municipalities, and



