

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, November 14, 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; James A. Donahue, Commissioner, Recreation & Parks; Susan C. Roberts, Town Clerk; Karen L. Heim, Deputy Town Clerk; T. C. Lewis, Planning Board.

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

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the minutes of the Town Board meeting of October 24, 2007 be approved as submitted by the Town Clerk.

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

ORDER FOR HEARING  
REZONING REQUEST  
1135 FAIRPORT ROAD  
RESIDENTIAL B TO RESTRICTED BUSINESS  
HEALTH CLUB AND FITNESS CENTER

Robert Cantwell, BME Associates, represented the applicant, 1157 LLC. He said that the request for rezoning was to allow the construction of a single-story, 9,440 sq. ft. health and fitness club. The site is bounded by railroad tracks to the south, a commercial business to the east, a golf course and commercial buildings to the north and a residence to the west.

The applicant also owns the office building at 1157 Fairport Road; an application to combine the two parcels into one will be submitted to the Planning Board at the time of site plan application.

The applicants have reviewed the 2000 Fairport Road Subarea Comprehensive Plan Update. They have met with the Town's architectural consultant and have incorporated his suggestions into the proposal. They have also met with the site plan review committee.

The existing single family house at 1135 Fairport Road will be removed and replaced with the new building. The existing parking lot for 1157 Fairport Road will be reconfigured to accommodate both buildings and allow an additional 65 parking spots. There will be no direct access to the health club from Fairport Road. The existing curb cut will be closed; all access will be from Sunset Trail.

Landscaping, lighting and stormwater management will be improved on both parcels. The building at 1157 Fairport Road will be upgraded with interior and facade improvements. Both buildings will have two front facades: the north facade, facing Fairport Road and the south facade, facing the parking lot.

Under Section 208-14 Q of the Code of the Town of Perinton, Public Buildings and Grounds, the proposed use will need a Special Use Permit from the Town Board. The application for that Permit has been submitted.

Councilperson Glossner asked about buffering between the new building and the residence to the west. Mr. Cantwell said that there will be a 50' buffer to the property line. Buffering between the new construction and the residence to the west will be improved. The two houses are now 70' apart; the new building will be 100' from the residence to the west.

Councilperson Saum asked if there would continue to be parking in front of the building at 1157 Fairport Road. Mr. Cantwell said there would be.

Councilperson LaFay asked how many parking spots now existed. Mr. Cantwell said there were 85. He said that adding 65 spots would meet Town requirements for both buildings.

Councilperson Knapp asked about the time frame for this construction. Mr. Viola said that the facade work on 1157 Fairport Road would begin immediately, weather permitting. The work on the new structure would begin as soon as all the approvals were given.

Councilperson Knapp asked who would manage the health club. Mr. Viola said that the tenants would be managing the club.

Councilperson Glossner asked if there would be buffering between the parking lot and the house to the west. Mr. Cantwell said additional plant material would be used supplement the existing trees. He said the landscaping plan would be reviewed when the project was before the Planning Board.

Supervisor Smith asked if the applicants would like to have the Public Hearings for the Special Use Permit and the rezoning request held on the same evening. Mr. Cantwell said they would.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that Wednesday, December 12, 2007 at 8:00pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY 14450 be set as the date, time and place for a Public Hearing to consider rezoning property at 1135 Fairport Road from Residential B to Restricted Business.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

#### NEW YORK STATE SNOW & ICE CONTRACT

Commissioner Beck presented the 2008 New York State Snow and Ice Contract to the Board. He said that the Town plows 70.29 lane miles of New York State highways and will be reimbursed for total expenditures on a time and materials basis. He asked the Board to authorize the Supervisor to sign the contract extension.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the Supervisor be authorized to sign the New York State Municipal Snow and Ice Agreement which states, in part:

WHEREAS, the Commissioner of Transportation of the State of New York (the Commissioner) and the Town of Perinton have entered into Agreement #D139724, entitled "Snow and Ice Agreement between the New York State Department of Transportation and the Town of Perinton" dated June 28, 1978; and

WHEREAS, the term of the said agreement is for a period of three years commencing July 1, 1978 and the said agreement provides that the parties may, at the end of each year of the term of the agreement, extend such term for an additional year; and

WHEREAS, the present term of the agreement, as extended, expires June 30, 2009; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner shall furnish the Town of Perinton with a suitable map for each term of the agreement, or for any extended term thereof, modified to show the changes, if any, to the state highways affected by this agreement; and

WHEREAS, Section 10 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual covenants and benefits between the parties,

1. The aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the Town of Perinton is hereby extended for a period of one year; now to expire on June 30, 2010, unless further extended.
2. The state highways or parts thereof affected by this agreement are as delineated on the attached map, agreed upon by the Commissioner and the Town of Perinton, which shall be effective for the remainder of the term of the agreement commencing July 1, 2008, unless changed by future agreement between the Commissioner and the Town of Perinton.
3. All the terms and conditions of the original contract remain in effect except as follows: the estimated expenditure as specified in Section 10 of the aforementioned agreement shall be \$3,083.9888 per lane mile for 70.29 lane miles for a total of \$216,773.57 for the 2007/2008 season and for the remainder of the term of the agreement commencing July 1, 2007, unless changed by future update.

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the Commissioner and the Town of Perinton.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

INTERMUNICIPAL AGREEMENT  
VILLAGE OF FAIRPORT  
ICE RINK MAINTENANCE

Commissioner of Recreation and Parks Jim Donahue reported that, in January 2006, the Town signed an agreement with the Village of Fairport, in conjunction with the Fairport Village Partnership, to construct and maintain an artificial ice rink at Fairport Junction. The agreement for that collaboration has been revised. He asked the Board to approve the revised agreement, which stipulates that the Village will construct and dismantle the rink and the Town will maintain it.

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

WHEREAS, the Town of Perinton and the Village of Fairport wish to operate and maintain an ice skating rink to be located on Village-owned land at Fairport Junction; and

WHEREAS, the Town and the Village deem it in their best interest to enter into an inter-municipal agreement pursuant to Article 5-G of General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED: that the Town of Perinton agrees to

1. Maintain the ice rink system according to rink manufacturer specifications including providing the appropriate supplies and materials (water, heat, lighting). Maintenance includes removing snow from and scraping the ice surface when feasible and providing a top coat of water as needed.
2. Provide liability insurance for ice surface and ice rink maintenance.
3. Notify the Fairport Police in the event of vandalism
4. If a warming shelter is provided, the Town will maintain the interior of the shelter and store appropriate equipment there
5. Assist in promoting the ice rink with news releases and information in the seasonal program brochures
6. Provide staff support to the ice rink oversight team. The oversight team consists of representatives from the Village of Fairport, Town of Perinton and the Fairport Village Partnership.

BE IT FURTHER RESOLVED, that the Village of Fairport agrees to

1. Work to construct and dismantle the artificial ice rink system
2. Store the ice rink materials
3. Provide and post signs pertaining to "no supervision and "in emergency call."
4. Provide hook-up for water and electricity
5. Maintain the parking lot surface (snow removal, salting etc.)
6. Provide liability insurance for ice rink materials from malfunction and insurance for the general skating area (exclusive of rink)
7. Provide staff support to the ice rink oversight team.

This agreement shall run from November 14, 2007 through December 31, 2010, unless it is extended or terminated. Either party may terminate this agreement upon ninety (90) days notice to the other. The Town and Village agree to waive any requirement for filing a Notice of Claim with respect to any action arising out of the performance of this contract. Each party shall indemnify and hold harmless the other party for any claims arising out of the negligent performance of their respective duties under the agreement. The agreement may not be changed or modified in any respect, unless it is in writing and signed by both parties. All notices under this agreement shall be mailed by first class mail.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### STONEBROOK PLANNED DEVELOPMENT DISTRICT

Robert Cantwell, BME Associates, appeared for the applicant, A. D Longwell. The proposal for a Planned Development District on 45.2 acres south of Rte 31, between Loud and Thayer Roads was first heard by the Town Board in August 2005. The Town Board Public Hearing on the proposal was held on October 26, 2005. At that time the proposal was referred to the Planning and Conservation Boards for preliminary and final site and subdivision approval.

The Town Board declared itself Lead Agent for this proposal under the New York State Environmental Quality Review Act (SEQR). The proposed rezoning was determined to be a Type 1 action. The Board gave the proposal a Negative Declaration under SEQR on August 22, 2007.

Preliminary approval was granted by the Planning Board on August 1, 2007; final overall site plan approval and final subdivision approval were granted by the Planning Board on November 7, 2007. The project has now returned to the Town Board for Planned Development District rezoning.

Mr. Cantwell said that the proposal is for 36 single family detached houses, 52 townhouses, a 1.9 acre commercial/office parcel and approximately 20.5 acres of Town and Homeowners Association (HOA) common lands. Section I, the first to be constructed, would consist of 19 single family detached homes, 17 townhouses and approximately 10.7 acres of common lands. A section of the Crescent Trail would cross land owned by the HOA in the northwest corner of the development.

Supervisor Smith asked about the initial proposal to have through traffic between Loud and Thayer Roads. Mr. Cantwell said that the general consensus through the planning process was to eliminate the through-road. It was believed that a road between Loud and Thayer Roads would bring through-traffic to the residential development. Mr. Cantwell said other traffic calming devices would be used to prevent Stonebrook Drive from becoming a through-road between Rte 31 and Loud Road.

Mr. Cantwell said that the original drainage design had been modified to meet concerns about its affect on down-stream properties. He said the landscaping plans show buffers to Rte 31, along the northern boundary of the development, north of Stonebrook Drive, and along the eastern boundary of the development, between the development and properties on Loud Road. The landscaping also includes the construction of a trail system through the HOA lands for use by Stonebrook residents.

Supervisor Smith asked about concerns voiced by Joan Alliger, a neighbor to the south of the proposed development. Mr. Cantwell said that Ms. Alliger was concerned about the close proximity of the southern-most house in the development to her farm. He said that her property line is 350' from the closest residence in the development; her house is 450'. Mr. Cantwell said the developer has agreed to set up a 100' deed-restricted buffer strip at the southern edge of the development and is moving the closest house further from the property line.

Supervisor Smith asked about the property immediately to the west of the development. Mr. Cantwell said landscaping will be maintained between that property and the development for buffering.

Judy McNulty, 647 Thayer Road, said that the neighborhood association is very pleased with the project. They believe it has improved greatly since it was first proposed.

Supervisor Smith asked about controlling traffic at Stonebrook Drive and Loud Road. DPW Commissioner Beck said that several options were reviewed through the planning process. The one approved by the Planning Board seemed to be the safest for this proposal. Other options may be reviewed if changes are ever proposed for the property at the corner of Loud Road and Rte 31.

Supervisor Smith asked about the name of the development. He said that the Board had hoped the applicant would be able to use a name tied to the historic district of Egypt. Building Director Copp said that the applicant had worked with the Town Historian and had submitted several names to Monroe County. All the submissions were rejected by 911.

Supervisor Smith said that the Town Board would like time to digest all the information it has received this evening. He said that a decision on the rezoning would be made at the November 28, 2007 Town Board meeting.

#### PARKS OPERATIONS CENTER HIRE

In a memo dated November 1, 2007, Recreation & Parks Commissioner Jim Donahue, asked the Board to approve the hiring of Jeffrey Cooper as Parks Department laborer.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that Jeffrey Cooper, 28 Kilkenny Court, Fairport, NY, be hired as a laborer in the Parks Department beginning November 19, 2007 at a salary of \$13.27 per hour.

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

AUTHORIZE ADVERTISEMENT FOR BIDS  
RECREATION SUPPLIES, WEARING APPAREL  
ARTS & CRAFTS SUPPLIES  
DPW AND RECREATION & PARKS EQUIPMENT

Supervisor Smith said the Board had received memos from both the Recreation & Parks Commissioner and the DPW Commissioner asking for authorization to bid for supplies and equipment for the year 2008. These are budgeted items; authorizing the bidding process in 2007 means the materials will be available throughout 2008.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the Commissioner of DPW be authorized to advertise for bids for a new 2008 ten-wheeled cab and chassis, a new 2008 25 cu. yd. packer body with hydraulics, a new 2008 3 cu. yd. wheeled loader, a new diesel tractor with side and rear flail mowers and a tow-behind hydro seeder, and the Recreation & Parks Commissioner be authorized to advertise for bids for recreation supplies, arts & crafts supplies, wearing apparel and necessary equipment for the Parks Department.

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

BONDING: RECEIVER OF TAXES

Supervisor Smith reported that, as required by Section 25 of Town Law, the Town Board annually approves the bonding of the Receiver of Taxes and Assessments. He asked that the Board do so for the year 2008.

The following resolution was offered by Councilperson Glossner, seconded by Councilperson Knapp:

WHEREAS, Constance D. Allen, residing in the Town of Perinton, County of Monroe, State of New York, has been duly appointed to the office of Receiver of Taxes and Assessments of the Town of Perinton, New York, and

WHEREAS, under Section 25 of Town Law, said Receiver of Taxes and Assessments is required to execute and file an official undertaking, and the amount of such undertaking having been fixed by the Town Board of the Town of Perinton, in the manner provided for by law, in the sum of \$1,000,000, for faithful performance of her duties,

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Perinton approves the continuation of policy #104421086 held by Travelers Casualty and Surety Company of America, to provide bonding for Constance D. Allen, Receiver of Taxes and Assessments, and Carol S. Johnston, Deputy Receiver of Taxes and Assessments and directs that this resolution and the bond be filed in the office of the Town Clerk.

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

Supervisor Smith said that the Board had received a memo from Barbara Clay, dated November 9, 2007, recommending the appointment of two part-time cleaners: one for Town Hall and one for the Community Center. He asked the Board to make those appointments.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that Lisa Derks, 26 DeLand Park B, Fairport NY be hired as a part-time cleaner for the Perinton Town Hall, effective November 1, 2007 at a salary of \$10 an hour, and Roger White, 40 Rolling Hill Drive, Fairport, NY, be hired as a part-time cleaner for the Community Center, effective November 5, 2007 at a salary of \$9.50 per hour.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### EGYPT FIRE ASSOCIATION MEMBERSHIP CHANGES

A motion was made by Councilperson LaFay, seconded by Councilperson Knapp, that the following changes to the membership of the Egypt Fire Association be approved:

In-district Active

Andrew Mullings  
98 Shagbark Way  
Fairport, NY 14450

William Davidson  
349 Ayrault Road, Apt 93  
Fairport, NY

Brendon Schwartz  
24 Whitebrook Drive  
Fairport, NY

Brian Young  
56 Wincanton Drive  
Fairport, NY 14450

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### NEW YORK STATE CANAL CORPORATION CONTRACT

Commissioner Beck reported that the Town of Perinton has received a grant from the New York State Canal Corporation in the amount of \$225,000 for the relocation of Cobb's Lane and for improvements to the canal trail between the Parks Operations Center and the Public Works facility. The scope of the work includes relocating approximately 2,561 linear feet of Cobb's Lane from the Parks Operations Center to the DPW Operations Center, constructing approximately 2,561 linear feet of a 10 foot wide asphalt-paved trail, constructing a trailhead parking lot near the existing information kiosk, and constructing a floating dock to launch non-motorized boats. Trail enhancements will include installation of two picnic tables and a bicycle rack.

A portion of the work, in the amount of \$108,826.00, has already been budgeted through the DPW redevelopment project and includes the portion of Cobb's Lane from the fleet maintenance building to the cold storage building. The materials cost of the remaining portion of the road is estimated to be \$286,000.00. Town employees

will complete the majority of the work, with only a small portion being completed by private contractors.

Commissioner Beck asked the Board to authorize the Supervisor to sign the grant contract.

Councilperson Knapp made a motion, seconded by Councilperson Glossner, that the Supervisor be authorized to sign contract #C100787 with the Canal Corporation, titled Cobb's Lane Relocation Erie Canal Trail Improvement and Enhancements, which states, in part, that the State funding will cover no more than 50% of the total cost of the project. The Town shall provide funds, services or materials for the completion of the project. The grant will be used solely for eligible expenses and no materials purchased with the grant will be used for any purpose other than the project. Construction requirements, reimbursement procedures and indemnification are specifically described in the grant contract.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### LEAVE OF ABSENCE

Supervisor Smith stated that the Parks & Recreation Commissioner Donahue has received a request for a leave of absence from Janelle Reed, Recreation Supervisor so that she may care for her infant twins.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that Recreation Supervisor Janelle Reed be granted a leave of absence until March 3, 2008, so that she may care for her twins, who were recently discharged from the neonatal intensive care unit.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the reports from the Finance Director, Town Clerk and the Building Department for the month of October be approved.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A woman in the audience asked about construction of a pedestrian bridge over the Erie Canal near the DPW site. Commissioner Beck said that the planning process for the bridge was beginning; construction was expected to occur in late 2009.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:55 pm.

Respectfully submitted,

Susan C. Roberts  
Town Clerk