

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, July 25, 2007

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

ABSENT: David Glossner 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; Carol S. Johnston, Deputy Town Clerk; T. C. Lewis, Planning Board; S. 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 July 11, 2007 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
OPEN SPACE ACQUISITION
127 PANNELL 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 Perinton Fairport Post on July 12, 2007; affidavit of posting also July 12, 2007.

Supervisor Smith gave an overview of the Town's open space program. For many years the Town has actively pursued the acquisition of open space as a way to enhance the quality of life in the town. Acquisition is usually for one of three reasons: to retain scenic vistas, to increase the Town's parklands or to preserve environmentally sensitive lands from development.

The Town of Perinton is considering acquisition of 22.9 acres, tax map #181.01-1-35, on the west side of Pannell Road, south of Rte 31 and north of the RS&E hike/bikeway. The property is owned by Robert and Beverly Allen, who would retain the portion of their property on which the house and greenhouses are sited.

The parcel has two components: a centrally located meadow and a 7.2 acre wetland on the western edge of the parcel. That wetland is part of the larger White Brook wetlands, much of which is already owned by the Town of Perinton. Acquisition of the parcel would increase the amount of Town-owned open space, would help preserve the White Brook wetlands and would continue the rural nature of the RS&E hike/bikeway.

A small portion of the meadowland would be used by the Perinton DPW as a staging area for compost. Leaves and woodchips collected by the Town would be stored and managed there. They would be allowed to compost; the compost would then be used as part of what is made available to residents twice a year. Access to the composting area would be from the RS&E hike/bikeway.

The Town has had the parcel appraised by an independent appraiser. The purchase price will be \$92,000. The Town would use money from the Open Space Capital Reserve Fund to make the purchase. It is necessary for the Town Board to approve the purchase and the transfer of funds from the Capital Reserve Fund for Open Space Acquisition. The use of these funds to make the purchase would be subject to Permissive Referendum. Supervisor Smith said that the sellers have some contingencies in the purchase offer; if those contingencies are not able to be addressed the sale will not be finalized.

Judy McNulty, 647 Thayer Road, asked if the acquisition included the house. Supervisor Smith said it did not; the house and greenhouses were excluded from the parcel that is for sale.

Phillip Long, Pannell Road, asked if the Allens would still be able to exercise their RS&E use rights. Attorney Place reviewed the abstract and said that the Allens did not have use rights for the hike/bikeway.

Ms. McNulty asked the Supervisor to review the White Brook wetlands which are already owned by the Town. Town-owned parcels include land just north of this parcel, immediately south of Rte 31, land south of the Erie Canal and land in White Brook Park. In addition, the Town has recently acquired rights to land adjacent to and south of White Brook Park.

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

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the purchase of 22.9 acres of land west of Pannell Road, tax map #181.01-1-35, be granted a Negative Declaration under the NYS Environmental Quality Review Act (SEQR) because the action will be increasing the amount of open space retained by the Town of Perinton.

Ayes: Smith, Knapp, Saum
Nays: None
Abstentions: LaFay
Approved with one abstention

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Town Board approve the purchase of 22.9 acres of land, tax # 181.01-1-35, for \$92,000. The sellers shall have 12 months from the date of transfer and closing to clear and remove the trees at the rear of the property which have already been cut. The Town of Perinton shall waive the payment of any penalties which result from the early termination of the conservation easement because the transfer is to the Town. The contract is contingent upon the sellers being able to convey clear title to the property to the Town of Perinton. In addition, the Town Board approves the transfer of up to \$100,000 (the purchase price plus any closing costs) from the Capital Reserve Fund for Open Space Acquisition by authorizing the amendment of the 2007 budget to increase the appropriation for the Purchase of Land and the Revenue for Transfer from Other Funds lines in the General Fund by \$100,000. Such transfer is subject to Permissive Referendum.

Ayes: Smith, Knapp, Saum
Nays: None
Abstentions: LaFay
Approved with one abstention

EGYPT FIRE ASSOCIATION MEMBERSHIP CHANGES

Councilperson Saum made a motion, seconded by Councilperson La Fay, that the Board approve the following changes to the membership of the Egypt Fire Association:

Out of District Member

David Marcucci

Removed from Rolls

Nina Colaruotolo
54 Chardonnay Drive
Fairport, NY 14450

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

DECISION
SPECIAL USE PERMIT
INDOOR PLAYGROUND
1350 FAIRPORT ROAD

Supervisor Smith said that the Public Hearing regarding this application was held on July 11, 2007. The matter was then referred to the Planning and Conservation Boards for their review.

In a memo dated July 24, 2007, the Conservation Board determined that, since there were minimal external changes to the building and site there would be no environmental impacts from using the existing building for an indoor playground.

In a memo dated July 24, 2007, the Planning Board voiced its support for the proposal. There were concerns about adequate parking, especially if a third business were located at the building at a later date. The applicant, Diana Morey, believed that there was adequate parking for her customers in the front (south) lot. She indicated to the Planning Board that there was an area for over-flow parking along the east side of the building which would still leave ten spots for an additional business.

The Town Board discussed the parking limitations and the hours of operation.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the proposal be granted a Negative Declaration under SEQR because, as per the Conservation Board memo of July 24, 2007, there will be no environmental impacts from the use of the existing building for an indoor playground.

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the Special Use Permit to operate an indoor playground at 1350 Fairport Road be granted with the following conditions:

1. Weekday hours of operation will be 9:00 am - 6:00 pm.
2. Weekend hours of operation will be from 9:00 am to 7:00 pm.
3. The Special Use Permit will expire in one year, on July 25, 2008.

The Board has reviewed Section 208-54 of the Code of the Town of Perinton and finds that this application will be in harmony with and promote the general purposes and intent of the Comprehensive Plan of the Town, will not interfere with the preservation of the general character of the neighborhood, may be introduced on the property without undue disturbance or disruption of the site and will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.

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

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

Respectfully submitted,

Susan C. Roberts
Town Clerk