

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, April 23, 2008

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; 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 Knapp made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of April 9, 2008 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
SPECIAL USE PERMIT RENEWAL  
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 Fairport ER Post on April 9, 2008; affidavit of posting was also April 9, 2008.

Debra Garbeck-Stubbs appeared before the Board and asked that her Special Use Permit to operate a dog grooming business at 581 West Whitney Road be renewed. She said there have been no changes to the business in the year it has been in operation.

Supervisor Smith asked if there had been any complaints about the business. Building Director Copp said there had not. Supervisor Smith called for questions from the audience. There were none.

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

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that the Special Use Permit to operate a dog grooming business at 581 West Whitney Road be renewed with the same conditions: that the hours of operation not exceed 8:00 am to 5:00 pm Monday through Saturday. The Permit is in effect for the life of the business.

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

PUBLIC HEARING  
SPECIAL USE PERMIT  
LICENSED SCHOOL-AGE DAY CARE  
1683 EAST 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 Fairport ER Post on April 9, 2008; affidavit of posting was also April 9, 2008.

Arthur Bates appeared for Bates-Rich Beginnings Child Care, 1 Hamilton Road, Fairport NY. He said the property at 1683 East Whitney Road, which is adjacent to the existing school, has been operating as an in-home day care center. He would like to go from an in-home day care center to a school-age program which would be licensed by New York State Office of Children and Family Services. He said this program would be used to separate the school-age children from the younger children: the facility at 1 Hamilton Road would be used for toddlers - pre-K, the facility at 1683 East Whitney Road would be for school-age children.

Councilperson Glossner asked if all day care programs were supervised by New York State. Mr. Bates said they were.

Supervisor Smith asked about traffic. Mr. Bates said that parents would use the Hamilton Road center parking lot.

Councilperson Saum asked if it was possible to walk from one facility to the other. Mr. Bates said it was. He said there was a path through the berm which allowed pedestrian traffic between the two buildings.

Councilperson Saum asked if there would be an enclosed outdoor play area for the new facility. Mr. Bates said there would be an area enclosed with a wooden fence.

Supervisor Smith asked if the proposal needed site plan approval. Building Director Copp said it did; the applicant will need to appear before the Planning Board. Supervisor Smith said the issues of traffic would be dealt with then.

A man in the audience asked if there was a medical facility on the property. Mr. Bates said there was not. He said that the day care center is connected to Strong Medical Center by computer and camera. The program allows a physician to examine a child's ear, for example, via the computer camera and make a diagnosis. There is a pediatrician on call for serious problems.

Councilperson Glossner asked if there was a nurse on duty. Mr. Bates said there was not; they are not required to have a nurse on staff.

Councilperson LaFay asked about the number of employees. Mr. Bates said there were 28 employees. They do not all work at the same time but are spread across several shifts.

Supervisor Smith asked how the day care center on Hamilton Road was doing. Mr. Bates said it was going well. He said that several of the people who were in opposition to the facility before it was built are now using it for day care for their children.

Supervisor Smith asked if there were any problems with the neighbors to the west. Mr. Bates said that the neighbors who had had the most concerns were the owners of 1683 East Whitney Road. They have sold that property to Bates Rich Beginnings, have moved to a new location, and are actively involved in the day care center. The neighbors further to the west have no problem with the proposed changes.

Building Director Copp said there have been no complaints about the day care at 1 Hamilton Road.

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.

A motion was made by Councilperson Knapp, seconded by Councilperson La Fay, that the proposal be granted a Negative Declaration under the New York State Environmental Quality Review Act (SEQR). The site has been used for in-home day care; the only change is in the age of the children being cared for.

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

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the request for a Special Use Permit to operate a licensed school-age day care at 1683 East Whitney Road be granted. The Board has reviewed Section 208-54 of the Code of the Town of Perinton and finds the proposal in compliance.

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

PUBLIC HEARING  
REZONING REQUEST  
584 WEST WHITNEY ROAD  
LIMITED COMMERCIAL TO INDUSTRIAL  
MINI-WAREHOUSES

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 Fairport ER Post on April 9, 2008; affidavit of posting was also April 9, 2008.

Supervisor Smith began by reviewing the rezoning process. The Town Board's role in the rezoning process is to review and determine the best use for the land in question. The proposed project will be considered in general terms but, should the rezoning be approved, site-specific issues such as lighting, parking, building size and location, would be addressed by the Planning Board during the site plan approval process.

The Order for Hearing, the first public meeting about a rezoning proposal, was held on March 26, 2008. The applicant explained the proposal and answered questions from Town Board members.

The Public Hearing will begin with a presentation by the developer on the proposed project. He will answer questions from the audience about the proposal. The Town Board will listen to the answers to those questions as well as comments from the audience on the rezoning proposal. The Board's principal role at the Public Hearing is to listen to input offered.

At the close of the Public Hearing, the Board will refer the proposal to the Perinton Planning Board for its review. While the Planning Board will look at the proposed project in general terms, it will be specifically addressing the land use issues of rezoning. Its recommendation to the Town Board would be in terms of land use; any site-specific issues would be addressed only if the property is rezoned.

The Conservation Board will look at environmental issues affected by the proposed rezoning and will provide its recommendations to the Town Board.

The Town Board makes its decision based on its review of the proposal, comments from the audience at the Public Hearing and the recommendations of the Conservation and Planning Boards.

Robert Jacobson appeared before the Board to explain the rezoning application. He said that the request is to rezone the northern four acres of a 4.59 acre parcel from Limited Commercial to Industrial to allow construction of four mini-warehouses, each with 50 self storage units. The .59 acres fronting Whitney Road would remain Limited Commercial and would be developed for retail use. Mr. Jacobson showed elevation drawings of buildings similar to those he hoped to construct.

He said there would be no incursion into the woods on the northern boundary of the parcel; it would be left as a buffer between the new construction and the Deer Run townhouses. Because most of the trees in the woods are deciduous he would add a row of pine trees to increase the buffering between the two parcels. He would like to have a 25' wide grass strip between the lot line and the chain link fence surrounding the mini-warehouses. There would be low lighting at the fence line and motion detector lighting on the buildings to provide 24 hour access for patrons. The driveway to the buildings would be a 25' wide binder drive. He reviewed an aerial photograph of the site for the Board and audience.

Councilperson Glossner asked about the trees to the south of the woods. Mr. Jacobson said those might need to be removed.

Bryant Griffin, 51 Braeloch Crossing, addressed the Board. He is the president of the Deer Run Townhouse Association and presented the concerns of the Deer Run homeowners. He said the homeowners had three concerns about the site plan: the lighting along the fence enclosing the mini-warehouses, the buffer zone along the north border between the proposed development and their homes, and the creek and wetlands.

Mr. Griffin said that they have talked to the developer about blocking the light and the view from the new buildings. To that end, they would like to see evergreen trees planted on the edge of the woods to provide a year-round buffer from the lighting. They would also like to be sure that the lighting along the fence is as low-level as possible so that there is no light pollution in their neighborhood.

They also want to be sure there is no environmental damage to the creek or the wetlands near the north edge of the property. Councilperson Glossner asked if that area north of the proposed development was LDD. Mr. Copp said it was and, as such, would need review by the Conservation Board. Mr. Place said that the area will need SEQR review to address the environmental issues if the rezoning is approved and the proposal moves to the Planning Board for site plan approval.

Mr. Griffin said that the Homeowners' Association's second concern was that this development might lead to an increase in intrusive zoning. He asked why the zoning had to be changed to Industrial. Was it possible to keep the property zoned Limited Commercial and still offer this use with a variance?

Attorney Place said that it was not possible to provide this use with Limited Commercial zoning. However, he said that the Board could vote to make the rezoning contingent on limiting the use of the property to mini-warehouses. That would prevent future development of the property for other uses allowed in Industrial zoning and would insure a better transition to the residential area to the north.

Building Director Copp said that this property was zoned Industrial from 1954 - 1990. It was rezoned to Limited Commercial to allow uses which would provide services to the neighborhood: restaurants, shops etc. The front portion of the property was perfect for Limited Commercial; the proposed use was probably better for the rear portion than Limited Commercial uses since it would generate less traffic.

Mr. Griffin said the home-owners would like to see the rezoning contingent on keeping the use as proposed or restricted to Limited Commercial uses.

Judy McNulty, 647 Thayer Road, asked if this was spot zoning. Mr. Copp said that the property to the east was Industrial; the property to the west was Limited Commercial.

Supervisor Smith said that the Town tries to sort out the best ways to provide services to residents, usually in areas zoned Limited Commercial. Mini-warehouses are a much-needed use which can only be met in industrial or full commercial zoned areas.

Supervisor Smith asked if the project would require a storm water detention pond. Commissioner Beck said it would. Mr. Jacobson said it would either be constructed in the north-west corner of the property or on Town land just north of the property.

A man in the audience asked about the removal of unsightly towers near this parcel. Supervisor Smith said the towers are on an adjacent parcel and are not part of this proposal. He said they provide cell phone and cable TV service to the north-west part of the town.

A man in the audience asked if there would be environmental review. Supervisor Smith said there would be. If the rezoning request is approved the proposal will then appear before the Planning Board for site plan review. That will include a review of landscaping, traffic, lighting and environmental issues.

There being no more questions or comments from 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 LaFay, that the request to rezone 4 acres of property at 584 West Whitney Road from Limited Commercial to Industrial be referred to the Planning Board.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### PRESENTATION: AUBURN TRAIL PROJECT

Brian Emmelson, Director of Recreation and Parks for the Town of Victor, appeared before the Board. He said that the Town of Victor, Perinton and Pittsford have received a Transportation Enhancement Grant to convert the old Auburn Railroad Line into a hike/bikeway. The Town of Victor has received funding to construct the portion of the trail proposed for Victor and Perinton. They have hired Fischer Associates to provide design services.

Chris Smith, Fischer Associates, reviewed the probable design of the trail as it passes through Victor and Perinton. He said they hope to begin construction of the trail in 2008 and finish it in 2009.

Councilperson LaFay asked about uses for the trail. Mr. Smith said it would be used for non-motorized uses: hiking, biking, running and cross-country skiing.

Councilperson Glossner asked how wide the trail would be. Mr. Smith said the stone dust trail would be 10' wide with 2' wide shoulder wherever possible.

Councilperson Knapp asked about emergency access. Mr. Emmelson said there were bollards at all road crossings. The middle bollard can be removed to allow emergency vehicle access and to allow maintenance of the trail.

Councilperson Knapp asked about the construction schedule. Mr. Emmelson said they hoped to have the basic trail done in two years. Amenities will be added later.

Councilperson Knapp asked if the trail would be extended into Pittsford. Mr. Smith said they hoped to take it beyond Powder Mills Park past Knickerbocker Road to the canal.

Councilperson Saum asked about construction along Woolston Road. Mr. Smith said that portion of the trail would be on-road (on a widened shoulder) or on a sidewalk.

Supervisor Smith asked about easements for the trail. Mr. Emmelson said the Auburn Railroad right-of-way was owned by RG&E, which had granted 15 plus 15 year easement for the trail.

Supervisor Smith thanked Mr. Emmelson and Mr. Smith for reviewing the plans for the trail with the Perinton Town Board.

APPROVE THE USE OF TOWN LANDS  
GENESEE VALLEY HARRIERS  
CROSS COUNTRY RUN

Supervisor Smith said that the Genesee Valley Harriers Running Club would like to host a cross country run in the Town of Perinton. The proposed race, to be held on Saturday, October 18, 2008, would be based at Jensen Farms on Turk Hill Road and would traverse the Town-owned lands of Indian Hill, Thayer Road and the Dewitt open space. The group successfully hosted the same race in 2007.

Councilperson Glossner asked if the Genesee Valley Harriers will provide insurance for the event. Supervisor Smith said they would provide insurance through the USA Track & Field Inc.

Councilperson LaFay made a motion, seconded by Councilperson Glossner, that the Board approve the use of Town lands for the Genesee Valley Harriers Jensen Stables Ultimate Cross Country Challenge on October 18, 2008, with the following conditions: that the Genesee Valley Harriers designate the Perinton Pride Fund as one of the beneficiaries of event proceeds and conduct a pre-event inspection and post-event clean-up of Town lands.

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

APPROVE CHANGES TO EGYPT FIRE ASSOCIATION MEMBERSHIP

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the following change in the membership of the Egypt Fire Association be approved:

Active firefighter	Joseph A Pinto
	9 Wolfboro Drive
	Fairport, NY 14450

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

DECLARATION OF SURPLUS EQUIPMENT  
DEPARTMENT OF PUBLIC WORKS

Commissioner Beck said that he was requesting the following items be declared surplus equipment by the Town Board. They will then be sent to the Palmyra Municipal Auction on May 10, 2008. The items are:

- 2 1993 Giant Leaf Vacuums
- 1 1998 John Deere 5400 Tractor with 60" side flail and 96" rear flail
- 1 1999 Chevrolet ¾ ton four-door pickup with lift-gate
- 1 1998 John Deere 544H Front-end loader with 2.25 yard clam bucket
- 1 1998 Freightliner FL-70 low profile dump truck with 9' all-season body and Tenco front plow and wing
- 1 Stone plate tamper, model # S-38A
- 1 Gorman-Rupp 3" water pump, model # 83A
- 1 Homelite generator, model # 9A115-1
- 1 Ram-lift truck-mounted electric crane with 1000 lb. winch, model # 040524
- 2 6'x6' aluminum pickup bed covers
- 1 scaffold system, 3 5'x7'x 5' section, 5 platform, 15' tall
- 1 General Motors pickup tailgate

A motion was made by Councilperson Saum seconded by Councilperson LaFay, that the above items be declared surplus.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

DPW REDEVELOPMENT PROJECT  
CHANGE WORK ORDERS

Commissioner Beck said that LeChase Construction, Project Manager for the DPW Redevelopment Project, has recommended the following change work orders.

Building Innovation Group (BIG), Interiors, Acoustical & Wall Finishes, has three change work orders. The first, for the removal and replacement of structural steel in the wash bay piers, is the result of Christa Construction's incorrect installation of the piers. They have been removed and re-poured. The \$2,199.00 cost to BIG will be offset by a credit from Christa Construction. The second change work order has two parts. The first part is for repairs to the concrete sidewalk at the Administration Building. BIG damaged the sidewalk after it had been installed. BIG will pay for the repairs - a credit of \$424.00. The same repair will show as a \$424.00 charge from Christa Construction. The second part, in the amount of \$470.00, is for new locksets and door closures for one of the interior Administration Building doors. The third change work order, in the amount of \$206.00, is for additional closures on the front door to the Administration Building.

Christa Construction, Masonry, has three change work orders. The first has two parts. Part 1, in the amount of \$424.00, is for repairing the concrete sidewalk damaged by BIG. Part 2 is for the installation of in-floor anchors at the Fleet Maintenance Building. The anchors were part of the original specs, but were not bid until recently. The cost, \$2,640.00, is part of the original budget for the project. The second change work order is the credit for the structural steel removal at the wash bay piers, in the amount of \$2,199.00. The third, in the amount of \$2,852.00 is a change in foundation design required by the metal building manufacturer. The foundation design included in the bid specs was generic; review of those specs once the building supplier had been identified necessitated the change.

Landmark Enterprises, Site Work, has one change work order, in the amount of \$716.00. This change work order includes a credit of \$600 for dumpsters which were not used during demolition and the addition of downspouts on the

Administration Building, the existing Vehicle Storage Building and the new Vehicle Storage Building which were not included in the original design.

Thurston Brothers, Plumbing, is a no-cost change order for some mechanical changes in the plumbing system.

Billitier Electric, Electric, has two change work orders. The first, in the amount of \$8,804.00 has three parts. The first part, in the amount of \$6,730.00, is for revisions to the fiber optic lines that supply telephone and data service from Town Hall to the DPW site. The revisions will allow the Administration Building and Highway Garage to remain in operation during construction. Part 2, in the amount of \$1,498.00, is for the addition of several new strobe lights in the new Vehicle Storage Garage that are required for the fire detection system. Part of the cost of this change will be reimbursed by Bergmann Associates because of a design error. Part 3, in the amount of \$576.00, is for the temporary power needed to vent the Fleet Maintenance Building to comply with OSHA regulations. The second change work order, in the amount of \$293.00, is for minor changes in the electric system at the new Vehicle Storage Building.

Monroe Piping and Sheet Metal, HVAC, has two change work orders. The first, in the amount of \$3,024.00, has two parts. Part 1 is for refrigerant removal from the existing air conditioning units at the old DPW offices. The item was not included in the original bid documents. Part 2, in the amount of \$2,116.00, is for changes made to the make-up air system sock in the new Vehicle Storage Building. A portion of this cost will be paid for by Bergmann Associates, due to an error in design. The second, in the amount of \$1,936.00, is for modifications to the make-up air duct socks at the Fleet Maintenance and existing Vehicle Storage buildings.

Commissioner Beck said that the total of these change work orders was \$20,941.00; he said the DPW Redevelopment Project was still well within budget.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the above change work orders be approved as recommended by Commissioner Beck. Each is the result of a change in conditions and was not foreseen in the original plans.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### AUTHORIZE FUNDS TRANSFERS

Supervisor Smith said that the Board has received a memo from Finance Director Kevin Spacher asking that several project funds be closed and the balance in those funds transferred to existing accounts. Sewer project funds to be closed are: Stone Creek Sewer Project, balance \$638.00; Kreag Road (Extension 41) Sewer Project, balance \$511,279.32; and Whitney Road Sewer Project, balance \$1,728.34

Finance Director Spacher recommends the fund balances be transferred to the Debt Service Fund and used to make future principal and interest payments on sewer bonds and notes.

In addition, there are two Recreation and Parks Department projects which can be closed. They are: Trimatec Acquisition and Rehabilitation Project, balance \$14,107.66 and Aquatics Center project, balance \$43,039.02.

Finance Director Spacher recommends the fund balances be transferred to the Special Recreation Fund and used for future needs of the Recreation and Parks Department.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the above projects be closed and the balances be transferred to the funds recommended by Finance Director Spacher.

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

GRANT OF EASEMENT AND RIGHT OF ENTRY  
TO MONROE COUNTY  
CARTER ROAD CULVERT PROJECT

Supervisor Smith said that Monroe County plans to improve a culvert on Carter Road in the Town of Perinton. The project is adjacent to Town-owned lands at the corner of Carter and Furman Roads. The County has asked for a permanent easement over Town of Perinton lands, tax map #141.03-1-3.1. In addition, the County has asked for the right of entry to the easement for the purpose of construction, re-construction or maintenance of the project

Councilperson Knapp made a motion, seconded by Councilperson Saum, that the Town of Perinton agree to permanently donate land on the east side of Carter Road, tax map # 141.03-1-3.1 (identified on Map 10, Parcel 1, prepared by the Monroe County DOT, dated April 14, 2008) as an easement for highway purposes. The Town would agree to execute and deliver to the County good and marketable title by permanent easement for highway purposes connected with the highway system of the County and for public utilities appurtenant. The Monroe County Director of Transportation, his agents and contractors and any utility company, together with their agents, workmen and employees may immediately enter upon the easement for the purpose of the construction, reconstruction or maintenance of the culvert project and adjoining facilities. The County will indemnify the property owners from any and all claims or damages that may result as a consequence of such entry on to the easement. The County shall pay for any title and tax searches necessary to complete this acquisition.

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

AUDIT APPROVED

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Audit #4 for April 2008 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

APRIL AUDIT	
General Fund	\$97,421.33
Town Outside of Village	54,479.89
Recreation	46,071.10
Highway General Repair	5,633.86
Highway Snow & Miscellaneous	70,816.86
Joint Sewer	82,803.71
Special Recreation	4,530.29
Perinton Ambulance District	6,115.08
Egypt Fire Protection District	143.21
Fairmont Hills Maintenance District	315.00
DPW Redevelopment	347,607.09
Pinecrest - Exit 51	<u>1,505.40</u>
	\$717,442.82 Total

The above items were numbers 1084 - 1449.

APRIL MANUAL I

General Fund	\$70,952.94
Town Outside of Village	2,959.29
Recreation	42,679.13
Joint Sewer	14,977.61
Midlands Lighting District	446.29
Lake Lacoma Lighting District	14.47
Meadows Lighting District	432.50
Deer Run Lighting District	1,534.75
Misty Meadows Lighting District	<u>120.62</u>
	\$134,117.60 Total

The above items were paid with checks # 69890 -69894, 69904 - 69911.

Ayes: Smith, Knapp, Glossner, 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 9:05 pm.

Respectfully submitted,

Susan C. Roberts  
Town Clerk