

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

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

ABSENT: David C. Glossner Councilperson

ALSO PRESENT: Thomas C. Beck, Commissioner of Public Works; W. Scott Copp, Director, Building Department; Susan C. Roberts, Town Clerk; Karen L. Heim, Deputy Town Clerk; James Brasley & 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 9, 2008 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved.

PUBLIC HEARINGS
REZONING REQUEST, EAST SIDE MASON ROAD
RESIDENTIAL B TO TOWNHOUSE
AND
SPECIAL USE PERMIT
CREST MANOR NURSING HOME &
INDEPENDENT LIVING FACILITY

Supervisor Smith opened the Public Hearings and asked the Clerk for proofs of publication and affidavits of posting of the legal notices. Proofs of publication were given in the Fairport ER Post on July 9, 2008; affidavits of posting were also July 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.

An Order for Hearing, the first public meeting about a rezoning proposal and the first formal step in an application for rezoning, was held on June 25, 2008. A notice in the Town's paper of record, the Fairport ER Post, notified residents of that meeting. The developer explained the proposed rezoning to the Town Board and to the audience and answered questions about the project. The developer asked that a date be set for a Public Hearing on the rezoning.

Supervisor Smith said that Pride Mark Homes held a neighborhood meeting to explain the proposal on May 14, 2008. They arrived early this evening to again explain the proposal and answer neighbors' questions before the start of the more formal Public Hearing.

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 Town of Perinton Conservation and Planning Boards and Monroe County's Planning and Development Department.

All three boards will also review the requested Special Use Permit for construction of the nursing home and the independent living facility.

Betsy Brugg, Fix, Spindelman, Brovitz & Goldman, appeared for the applicant, Pride Mark Homes. Pride Mark Homes is requesting the rezoning of approximately 27.4 acres of land located along Mason Road north of Pittsford-Palmyra Road from Residential B to Townhouse to allow the construction of 100 ranch-style townhouses, a clubhouse, tenant storage and maintenance building. In addition to the rezoning, Pride Mark Homes will be requesting a Special Use Permit to allow construction of a new Crest Manor Living and Rehabilitation Center on Pittsford-Palmyra Road (Rte 31) east of the Northern Nurseries property. A second phase of that project will be construction of an independent living facility. The project has been planned so that there will be no variances necessary to build it as proposed.

Ms. Brugg said that the proposal would provide transition between the single-family residential properties to the north, east and west and the industrial property to the immediate south. New York State regulated wetlands occupy portions of the property to the east and will serve as a buffer between the townhouses and the single family residences.

The wetlands will be preserved. Neither the wetlands nor the buffer zone for the wetlands will be disturbed. Trails through the wetlands will be maintained as they presently exist.

Buffering will be provided along Mason Road and between the development and the neighbors to the north. She said that Townhouse zoning allows a density of three to six units per acre. The townhouses will have two bedrooms, two baths, recessed two-car garages and front porches. There will be sidewalks and street lights within the development and a connection to the Crescent Trail. It will be a self-contained neighborhood constructed in a village style. The roads in the development will not connect to either Broadmoor Trail or Wolfboro Drive. The developers anticipate serving a demographic that includes senior citizens, empty-nesters or young adults without children.

Ms. Brugg said that the proposal is in accordance with the 2003 Hamlet of Egypt Subarea Plan and Guidelines in that it provides an alternative housing type, enhances the hamlet character, is laid out in a "village" style, has sidewalks and street lights and connects to the Crescent Trail.

Ms. Brugg said that the proposed nursing home also meets criteria laid out in the Egypt Subarea Plan and Guidelines.

A man in the audience asked why the zoning can be changed from residential to townhouse. Supervisor Smith said that the Town of Perinton does not pre-zone property. It is open to change. When rezoning is proposed, the Town addresses that proposal. He said that the Town tries to conform to the Master Plan and the subarea plans, which more clearly state its long-range goals.

Robert O'Shaughnessy, 44 Shagbark Way, asked if the density was three units per acre or six units per acre. Ms. Brugg said that it was three units per acre if the wetlands were factored in; six per units if only the area outside the wetlands was considered.

Lois Watts, 404 Bluhm Road, asked if the proposed development was in the Egypt Historic District. Building Director Copp said that the front of the parcel facing Pittsford-Palmyra Road was in the district; the district extends 200' on either side of the road. The district does not extend up Mason Road. The cemetery is designated historic, but is a stand-alone site and not part of the district.

Judy McNulty, 647 Thayer Road, asked if the proposal would go before the Historic Architecture Commission (HAC) since it abuts an historic district. Supervisor Smith said it does not have to go before the HAC but the Town Board could request that it do so.

Mr. Copp said that the front facade of the proposed nursing home and the landscaping between that building and Rte 31 would be addressed by the HAC.

Tim Mack, 265 Mason Road, asked about sidewalk construction along Mason Road. Commissioner Beck said that there are sidewalks planned for the west side of Mason Road, but they would not be constructed in the immediate future.

Mr. Mack asked how many units were proposed. Ms. Brugg said the proposal was for 100 units. Mr. Mack said that would add 200 cars to the daily traffic on Mason Road. Supervisor Smith said that the Board would compare the amount of traffic that would be generated by this proposal against the amount of traffic that would be generated if the land were developed as currently zoned.

Matthew Lenhard, 73 Broadmoor Trail, asked if this application fell under Section 208-34A (1) of Town Code, which restricts townhouse density to 10% of the developable land in a district of 40 developable acres or more. Mr. Copp said it did not; that section of Code referred to townhouse construction in areas which are zoned Residential AA, A, B or C. If this were rezoned to Townhouse it would fall under 208-34A(2). Mr. Lenhard asked what the maximum density was. Mr. Copp said that it was eight townhouse units per acre.

Mr. Lenhard asked why the zoning was being changed from residential. Supervisor Smith said that Townhouse zoning was still residential zoning; the proposed change was from Residential B to Townhouse - both were residential zoning classifications.

Linda Ross, 86 Broadmoor Trail, asked if the developer was targeting empty nesters. Ms. Brugg said they were. Ms. Ross asked why the development was not age-restricted. Ms. Brugg said that there were many age groups which could be attracted by this type of housing, including young single adults and married couples without children.

Bill Wilcox, 361 Loud Road, asked how many houses would be allowed if the land was developed as Residential B. Mr. Copp said that he did not have a current plan for the property if it were developed as Residential B - that is single family and two-family houses. His recollection from an earlier proposal for this site was that 120 units could be constructed. Mr. Wilcox asked if all the units would be rental. Ms. Brugg said they would.

Lois Watts, 404 Bluhm Road, said that, if the parcel was not age-restricted, there would be no way to prevent families with children from moving in. Ms. Brugg said that the rents for the units would be \$1400 to \$1500 a month for a two-bedroom unit. She believed that families would need more space than that.

A woman in the audience asked about lighting around the nursing home and the independent living facility. Mark Costich, Costich Engineering, engineer for the project, said that the lighting design has not yet been done. He said that the Town of Perinton has very strict lighting regulations. Any wall-mounted lighting would be for security only, not to illuminate the building, and so would angle down, not across the building facade. He said that parking light poles would be about 20' tall, with cut-off fixtures which would only shine down so there would be no glare or spill to bother the neighbors. Mr. Costich said that lighting around the townhouses would be residential in nature. The woman asked if street lighting could be eliminated in the development. Mr. Costich said that this would be a village-like development and would have street lighting to encourage pedestrian traffic.

Supervisor Smith said that lighting was one of the issues which would be dealt with by the Planning Board if the rezoning was approved. He said that the public was welcome to attend those meetings as well.

Judy McNulty, 647 Thayer Road, said that she thought the proposed street lay-out was ugly and asked if it met the Egypt Subarea Plan design criteria. Supervisor Smith said that the Planning Board would review the Subarea Plan before making any decisions about site plan issues for this proposal.

Mike Colton, 84 Broadmoor Trail, asked about the trails through the wetlands. Mr. Costich said that there would be no change to the trails through the wetland. The trail along the stream would be updated to provide a better walking surface.

Mr. Colton asked if the building coverage was greater than that allowed by code. Mr. Costich said that buildings covered 16% of the property if the wetlands were included in the property measurement; 26% if they were not. Mr. Colton asked about the percentage of green space. Mr. Costich said that green space comprised 60% of the site if the wetlands were considered; 49.4% if they were not. Mr. Costich said that wetlands are not static; he said that the wetland study is being updated to determine the current boundaries of the wetland on the parcel.

Kim Colton, 84 Broadmoor Trail, said that a rental community would attract families, not the empty nesters, active adults and senior citizens who are the target clientele. She said the project should be age-restrictive.

Ms. Colton said that renters would not care for their property the way a homeowner would. She asked why the developers weren't building a single family development. Ms. Brugg said that a transitional use was needed between the single family houses to the north and the industrial area to the south; this proposal would provide that transition.

Dan Hook, 35 Broadmoor Trail, asked how this development would affect the assessments of nearby houses. Supervisor Smith said that any affect to assessments would be considered before any decision would be made regarding the rezoning proposal.

Jack Finkle, 100 Broadmoor Trail, asked when the Egypt Subarea Guidelines was last updated. Mr. Copp said it was updated in 2003. Mr. Finkle suggested that, because of the recent changes to the intersection of Rte 31 and Mason Road, the plan should be further updated. Supervisor Smith said that the current update reflected all those changes; it was updated because those changes had been planned.

A woman in the audience asked what would happen if the units didn't rent. James Barbato, developer, said that Pride Mark has had studies done to be sure the proposal is reasonable. The current appraisal is that there is a need for this type of housing at these rates.

A woman in the audience asked how the addition of 100 families could not negatively affect the wetlands. Ms. Brugg said the wetland and its buffer will not be impacted by the development. Supervisor Smith said that the Perinton Conservation Board will review all environmental concerns raised by the proposed development to be sure they are all addressed.

A woman in the audience said she was worried about the number of employees at the nursing home and how they would affect traffic.

Mike Colton, 84 Broadmoor Trail, asked about the tax base. Who would bear the burden if school taxes went up because of children in the subdivision? Supervisor Smith said that rental property pays taxes on full value. He said the Board would address the issue of the possible increase in the number of children if the property were developed as Residential B or Townhouse.

Mr. Colton asked about Crescent Trail. Mr. Costich said that the trail will remain as it is. There will be trees and green space between the townhouses and the trail. The sidewalks in the development will be separate from the trail.

Kim Colton, 84 Broadmoor Trail, asked if the Town could force Pride Mark to make this development age-restrictive. Supervisor Smith said that he did not know; he would find that out from the Town attorney.

Lawrence John, 246 Mason Road, said that traffic was a problem and that adding 200 - 400 additional cars a day would make things worse. He asked why the roads in the development weren't connecting with the existing stub roads. Ms. Brugg said that the plan was designed to keep additional traffic out of the single family neighborhoods.

Supervisor Smith said a traffic study would be done as part of the rezoning process.

Jack Male, 87 Loud Road, said that sidewalks were needed on Mason Road.

A man in the audience asked about maintenance, who would be responsible for maintaining the development? Supervisor Smith said the project was private property; the developers would be responsible for maintenance.

Someone asked about the location of the ponds, would they be moving water or stagnant water? Would there be a problem with mosquitoes? Mr. Costich said this type of drainage basin is required in every community in New York State. The ponds would be similar to those in Mason Valley but better designed because of changes made to pond design since the Mason Valley ponds were built.

A man in the audience asked why Pride Mark's earlier proposal was withdrawn. Mr. Copp said that the proposal was put on hold because of NYSDOT's proposed changes to Rte 31 and to the intersection of Mason, Loud and Pittsford-Palmyra Roads. During the road improvement process the 2003 Egypt Subarea Guidelines were updated. This proposal reflects the updates to the Subarea Guidelines as well as the road improvements.

Paul Barden, 15 Waycross Road, asked how the two proposals differed. Mr. Copp said the current proposal was less dense. The earlier proposal was for 186 one, two and three-bedroom townhouse-style luxury apartment units. The units would be constructed in both legs of the L-shaped property. The current proposal is for fewer townhouses, ranch-style, all two-bedroom, in the Mason Road section of the parcel. The portion of the parcel which faces Pittsford-Palmyra Road will be used for construction of Crest Manor Nursing Home and the independent living facility.

A woman in the audience asked if there were three proposals before the Board. Supervisor Smith said there were two: rezoning 27.4 acres from Residential B to Townhouse and a Special Use Permit for construction and operation of the nursing home

and independent living facility. They could be addressed separately but, since they will be constructed by the same developer and will affect the same neighborhood, they are being reviewed together.

Darlene Wisnewski, 41 Broadmoor Trail, said she had concerns about the two-story section of the independent living facility being too large. She also suggested that, in planning the pond, the developer consider some way to make it less attractive to geese.

Judy McNulty, 647 Thayer Road, said that the buffer shown was not large enough to protect the cemetery. She asked that a 60' buffer be provided on all sides of the cemetery.

Lois Watts, 404 Bluhm Road, said that, although the proposed density was allowed, she would prefer to see a less rigid layout with a lighter density.

A woman in the audience asked if the sidewalks would lead into the Mason Valley subdivision or be confined to the proposed development. Mr. Costich said they would lead to Mason Road and Pittsford-Palmyra Road. Otherwise they would be limited to the development and would not lead to neighboring subdivisions.

A man in the audience asked about grading. Would this development be lower than Mason Road or would the site be brought up to the Mason Road level? Mr. Costich said there is a significant grade change. The developer will do minimal grading but will not bring the site up to the Mason Road level. Supervisor Smith said that the Town does not usually allow extensive filling on building sites.

W. Guche, 39 Broadmoor Trail, said he was opposed to the project if it was not developed with single family residences.

A woman in the audience asked if the developers had considered a Conover Crossing-type development.

S. Chris Fredette, Perinton Conservation Board, said the Conservation Board has several concerns about the project. She said many of them would be addressed if the rezoning was approved and the project moved to the Planning Board. The concerns mentioned were:

1. Traffic.
2. Re-delineating the wetlands.
3. Were there drain tiles left in the fields by the farmer who used the property?
4. Would there be changes to the Crescent Trail?
5. There should be a significant vegetative buffer to protect the cemetery.
6. Limited Development District (LDD) needs to be designated.
7. The stream through the property is a White Brook tributary. The developer will need a NYSDEC permit.
8. The soils need to be checked for stability.
9. The water table on site is high. That issue needs to be addressed.
10. The watershed needs to be addressed.
11. The developer will need to provide a long form Environmental Assessment Form (EAF).

Supervisor Smith said that this proposal will be referred to the Conservation Board as well as the Planning Board at the end of the Public Hearing.

A man in the audience asked if there would be sidewalks along the trail. Mr. Costich said there would not. The trail and sidewalks would be separate. The trail through the wetlands would not be disturbed in any way. The trail along the stream would be improved, but would still be a trail.

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 LaFay made a motion, seconded by Councilperson Saum, that the proposal to rezone 27.4 acres of land east of Mason Road, north of Rte 31 from Residential B to Townhouse and the request for a Special Use Permit to construct and operate a nursing home and an independent living facility on 12.5 acres north of Rte 31 be referred to the Planning and Conservation Boards.

Ayes: Smith, Knapp, Saum, La Fay
Nays: None
Unanimously approved

PUBLIC HEARING
SPECIAL USE PERMIT RENEWAL
THE SANDBOX
1350 FAIRPORT ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting of the legal notice. Proof of publication was given in the Fairport ER Post on July 9, 2008; affidavit of posting was also July 9, 2008.

Diana Morey, 200 Kreag Road, Fairport NY, addressed the Board. She said that she has been operating The Sandbox for about a year. She said she is pleased with how successful it has been; she asked the Board for a renewal of her Special Use Permit so that she may continue the business.

Supervisor Smith asked her about parking. She said that during the quieter times of the year parking was adequate but during school vacations, especially when there was inclement weather, parking was a very real problem. She said that people park in both lots at Perinton Park and along both sides of O'Connor Road. She said she is especially worried about parking on the east side of O'Connor Road because drivers do not expect to see pedestrians crossing that road.

She has lowered the maximum occupancy at The Sandbox from 90, the number allowed by Town Fire Code, to 75 because that helps with traffic both inside and outside the building. She has talked to her landlord about the parking problem. His employees try to leave the parking spots near her business open, but can't always do that. She also encourages patrons to use the lot behind the building and enter through the side door.

Supervisor Smith asked how full the parking lot was. Ms. Morey said that on normal days it was close to full; on holidays and vacations parking spilled out into the park. She is only open to the public three hours on weekend days. The rest of the weekend hours are for private parties. That limits the number of cars in the lot at any one time.

She said she was concerned about safety. She has talked to the Town about allowing parking only on the west side of O'Connor Road so that families do not have to cross the street.

Supervisor Smith asked if there was enough parking to accommodate two similar business at the site. Ms. Morey said there was not. Her business is enough to keep the lot full most days; a similar business would only exacerbate the parking problems. She has talked to her landlord about the remaining rental space in the building and has expressed her hope that the next tenant will be for office use and will need only one or two parking spaces.

Supervisor Smith asked Mr. Copp if there had been any complaints about the business. Mr. Copp said the only issues were parking.

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 LaFay, seconded by Councilperson Saum, that the Special Use Permit to operate The Sandbox be renewed, with the same conditions: that weekday hours of operation be from 9:00 am to 6:00 pm and weekend hours of operation be from 9:00 am to 7:00 pm. The Permit will be in effect for as long as the business remains on the site.

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

PUBLIC HEARING
OPERATIONS SHIFT
ECONOMIC DEVELOPMENT ZONE
PRIDE SERVICES INC.

Supervisor Smith opened the Public Hearing and asked for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on July 16, 2008; affidavit of posting was on July 9, 2008.

Supervisor Smith reported that Pride Service, Inc. has been located in the Town of Perinton since 2004. The company needs to relocate but has been unable to find comparable space in the Town of Perinton. It wishes to locate in the City of Rochester Economic Development Zone but must first have the consent of the Perinton Town Board before that relocation can occur. He asked if there were any questions or comments from the audience. There being none, and all those wishing to be heard having been heard, the Public Hearing was closed.

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

WHEREAS, Pride Services Inc., doing business as Pride Commercial Appliance Services, operated in Perinton from 2004 to 2008, and

WHEREAS, physical problems prevented Pride Services, Inc. from remaining at 7450 Pittsford-Palmyra Road, Perinton, beyond 2008, and

WHEREAS, Pride Services, Inc. attempted to relocate in Perinton in 2008 but could find no comparable space, and

WHEREAS, the Town Board has heard public comments that extraordinary circumstances existed to warrant the relocation of Pride Services, Inc. to the City of Rochester Economic Development Zone.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Perinton consents to the relocation of Pride Services Inc. from Perinton to the City of Rochester Economic Development Zone

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

DECISION
SPECIAL USE PERMIT
CAR WASH AT 1200 FAIRPORT ROAD

Supervisor Smith said that the Public Hearing regarding a Special Use Permit to construct and operate a car wash at 1200 Fairport Road was held on June 11, 2008. The proposal was then referred to the Planning and Conservation Boards for their recommendations. The proposal has also been analyzed by Larsen Engineers to determine its conformance to the 2000 Baird Road - Fairport Road - Whitney Road

Subarea Report and Recommendations and the 2000 Guidelines for Environmental Protection and Growth Management.

The Conservation Board has recommended a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the facility will treat spills and leaks with oil and grit separators, the car wash will treat stormwater runoff with a facility that meets the guidelines of the Irondequoit Creek Coalition, the Fairport Road strip fronting the carwash, the golf course and the building that will replace the current Dry Clean Express will benefit from an improved access point, making use of the existing signal light at Sunset Trail, and the aesthetics of the area will be improved.

The Planning Board, in a memo dated June 23, 2008, recommended granting the Special Use Permit because the project would improve the appearance of an unattractive site along a major gateway in the town, it would provide a neighborhood service to the residents of the immediate area, it would improve traffic flow by eliminating curb cuts and providing access to the light at Sunset Trail for neighboring parcels. The Planning Board believed the proposed site plan was adequate to accommodate the buildings and paved areas, along with landscaping along the street frontage and stormwater management in the rear of the site. The proposal appears to satisfactorily address the concerns that commonly arise with a high-intensity use like a car wash, including traffic management and car stacking (which will be behind the buildings to screen them from Fairport Road), preservation of the character of the surrounding neighborhood and sufficiency of land to accommodate the use while still providing adequate required green space.

The analysis done by Larsen Engineers concluded that although the car wash and associated retail buildings were not the type of development anticipated in past planning studies, the properties have been for sale for sufficient time to test the market for various development concepts, and no one has come forward with the type of project recommended. The proposed uses are compatible with surrounding development. The setback zoning variances enable the buildings to be developed closer to the road, which are more consistent with Fairport Road streetscape design recommendations. The application is compliant with most of the Special Use Permit review standards. The scale of the project and capital expenditures would not prevent re-development should a larger-sized project that incorporated the golf course be proposed in the future.

The joint access roadway lining up with the Sunset Trail traffic light is essential to the successful and safe operation of the development. There are several factors that could influence construction of the joint access. If the joint access cannot be constructed, the car wash portion of the project loses its primary public benefit, potentially adds to traffic congestion in the area, and causes risk to public safety.

There is potential to improve the project's design, especially streetscape improvements, rear-yard parking and access, and building placement that could be addressed by the Planning Board during Site Plan Approval.

Although the current application is for a Special Permit for a car wash, the opportunity that this application provides for additional marketable properties is an equally or more important community benefit.

Councilperson LaFay made a motion, seconded by Councilperson Knapp, that, as per the Conservation Board memo of June 9, 2008, the project be given a Negative Declaration under SEQR.

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

The following motion was offered by Supervisor Smith, seconded by Councilperson LaFay:

I move that the Special Use Permit requested by Landers Enterprises, LLC be approved. The Conservation Board has recommended in favor of this application as has the Planning Board. The Board has had an analysis of this proposal done by Ken Gordon of Larsen Engineers. His findings are that this application is compatible with the Town Comprehensive Plan and Section 208-54 of the Town Code. These findings are hereby incorporated into this motion.

Conditions of approval:

1. Site Plan shall include access to the Sunset Trail traffic light and a common access drive as shown on the plan submitted. Cross access easements shall be incorporated for all adjoining properties. All joint cross-easements shall be filed before a building permit shall be issued. Physical access to the light shall be constructed before a certificate of occupancy/operation for the car wash is issued.
2. The applicant has agreed to return to the Board if the car wash stacking impedes traffic operations on Fairport Road or interferes with internal circulation on the cross-access common driveway.
3. The Historic Architecture Commission shall be included in the review of site plans to insure compatibility with historic architectural patterns of the area.
4. Site Plans shall be in substantial compliance with the plans submitted for this Special Use Permit application. The architectural design of future buildings shall be consistent with plans approved for Phase One. These design plans shall be reviewed by the Historic Architecture Commission and include as many of the design elements from the Fairport Road study as are reasonably possible, including decorative lighting, trees and planting beds in front of the buildings and pedestrian benches.
5. All washing is to be inside buildings and doors facing Fairport Road shall be closed except when vehicles exit.
6. The applicant has agreed that the car wash will be constructed first. The ancillary building to the car wash will be constructed within one year of the opening of the car wash. The second parcel will be developed within one year of the expiration of the current leases for businesses in the existing building. If this timeline cannot be met, the applicant will return to the Town Board to discuss the reasons why.

Discussion followed. Councilperson Knapp asked if the project would be developed in two phases or three. Ms. Landers said they hoped to develop it in two: the car wash and ancillary buildings first, then the separate building.

Building Director Copp asked if they would return to the Town if stacking became a problem. Mr. Landers said they would. If there were stacking issues there would be safety issues.

Supervisor Smith said the Town would like to see the buildings constructed as follows: first the car wash, the ancillary building within one year of the opening of the car wash and the second parcel within one year of the expiration of the current leases. The applicant agreed that that was an ideal time line. They said they would return to the Town Board for an extension if necessary.

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

Councilperson Knapp said that the Town had long hoped that the entire parcel, including the golf course, would be developed as a whole. This approval meant that that would not happen. She asked the applicants to make this proposal one that they would all be proud of.

CONSIDER DONATION OF OPEN SPACE
JANDERS RUN SUBDIVISION

Michael Montalto, Parrone Engineering, addressed the Board. He said that Tomax Homes is developing property east of Turk Hill Road off Pebble Hill Road near the power lines. The subdivision has received preliminary subdivision approval from the Planning Board for Section 1. The developer plans to donate open space to the Town of Perinton as each section is approved; that donation is necessary before Final Site Plan Approval is granted by the Planning Board. He would like to address the portion of land associated with Section 1 at tonight's meeting.

The Open Space associated with Section 1 is a total of .13 acres and is adjacent to the RS&E hike/bikeway. The parcel, along the southern border of Section 1, is approximately 20' by 283'.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Town accept the donation of .13 acres of open space from Tomax Homes.

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

AWARD BID
DEMOLITION CONTRACTS
245 AYRAULT ROAD

Commissioner Beck said that, on July 16, 2008, bids were opened for the demolition of the house at 245 Ayrault Road. The lowest bidder was Sinisgalli Inc. Mr. Beck has checked their references and recommends that the bid be awarded to them.

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the bid for demolition of the house at 245 Ayrault Road, tax #165.14-2-15, be awarded to Sinisgalli Inc., 350 Western Drive, Rochester, NY 14692, for a bid of \$14,000 as it was the lowest bidder.

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

APPROVE CHANGES TO THE MEMBERSHIP
EGYPT FIRE ASSOCIATION

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

Active Firefighter	James L. Herberger 20 Otterden Lane Fairport, NY 14450
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Removed from Rolls	Tod Viniski 35 Wincanton Drive Fairport, NY 14450
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Ayes: Smith, Knapp, Saum, LaFay
Nays: None
Unanimously approved

APPROVE CHANGE IN MILEAGE RATE

In a memo dated July 16, 2008, Finance Director Kevin Spacher informed the Board that, given the increase in fuel and other associated expenses, the IRS has increased its standard mileage rate from \$.505 to \$.585. He asked that the Board consider such a rate change for Town employees who use their personal vehicles for Town business.

A motion was made by Councilperson LaFay, seconded by Councilperson Knapp, that the mileage rate for Town employees who use their personal vehicles for Town business be increased from \$.505 to \$.585, effective July 1, 2008.

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

APPROVE CHANGE IN HOURS OF OPERATION CHASE KARATE ACADEMY

Supervisor Smith said that, in a letter dated June 16, 2008, Christopher Chase, owner of Chase Karate Academy, asked for expanded hours for the karate studio planned for Hitching Post Plaza. He received a Special Use Permit to operate the studio on June 11, 2008.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the approved hours of operation for Chase Karate Academy, Hitching Post Plaza, be changed to 7 am to 11 pm seven days a week. This change will be in effect for one year, until July 23, 2009, at which time the Board will review the Special Use Permit.

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

STATUS REPORT 86 MIDVALE DRIVE

Supervisor Smith asked Building Director Copp for a report on the status of the unsafe building at 86 Midvale Drive. Mr. Copp said he has visited the building many times since the Public Hearing on June 25, 2008 and has seen no indication of any attempt to move forward with demolition. There has been no application for a demolition permit. The building continues to deteriorate; there are now many open windows. The front door is blocked with a cinder block but is otherwise open.

On June 25, the Board directed Robert Elliott, owner of the house, to begin demolition on or before July 14 and complete demolition by July 23rd. No work has been done. In accordance with Section 95 - 10 of the Code of the Town of Perinton, Mr. Copp asked the Board to declare the removal of the building an emergency and authorize the Commissioner of Public Works to immediately cause the demolition of the building. The expenses of the demolition are to be assessed against the land on which the building is located. They will be levied and collected in the manner provided in Article 15 of the Town Law of the State of New York for the levy and collection of a special ad valorem levy.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that, as per Mr. Copp's report, the demolition of the building at 86 Midvale Drive,

tax #152.06-1-8, be declared an emergency, the Commissioner of Public Works be authorized to immediately cause the demolition of said building and the costs for demolition be assessed to the property.

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

VOLUNTEER BOARD APPOINTMENT

The following resolution was offered by Councilperson LaFay, seconded by Councilperson Saum:

WHEREAS, Mark Gwaltney has resigned from the Recreation Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, that Stephen C. Van Vreede, 130 Selborne Chase, Fairport, NY 14450 be appointed as a member of the Recreation Advisory Board, with a term to expire on December 31, 2012.

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

AUDIT APPROVED

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Audit #7 for July 2008 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JULY AUDIT

General Fund	\$40,882.20
Town Outside of Village	40,660.42
Recreation	78,449.53
Highway General Repair	530,210.21
Highway Snow & Miscellaneous	65,397.97
Joint Sewer	7,293.86
Debt Service Sewer	2,930.00
Egypt Fire Protection District	234.27
Fairmont Hills Maintenance District	1,165.00
Wisteria Grove Maintenance District	323.00
O'Connor Road Relocation Project	53,072.82
DPW Redevelopment	523,824.12
RS&E Pedestrian Bridge Project	22,691.79
Orchards Sewer Project	2,202.00
Pinecrest - Exit 51	<u>5,808.00</u>
	\$1,375,145.19 Total

The above items were numbers 2152 - 2457.

JULY MANUAL

General Fund	\$58,253.47
Town Outside of Village	2,970.51
Recreation	41,108.04
Joint Sewer	8,051.71
Midlands Lighting District	428.11
Deer Run Lighting District	1,396.78
Misty Meadows Lighting District	<u>115.71</u>
	\$112,324.33 Total

The above items were paid with checks # 70757, 70768 - 70777.

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 10:10 pm.

Respectfully submitted,

Susan C. Roberts
Town Clerk