

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, June 24, 2009

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

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Michael Doser, Director of Code Enforcement/Development.

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

Supervisor Smith opened the meeting with a moment of silence for Bill Likly. Bill passed away a few weeks ago. Bill served on the Town Board from 1966-1979 and was a well-respected Councilman.

Councilperson Havens made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of June 10, 2009 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None

APPROVE TRAFFIC CONTROL DEVICE

Supervisor Smith said that the Town has received a letter from Terry Rice of the Monroe County Department of Transportation. They are responsible for installing traffic control devices on town roads which intersect with county roads. The County would like to install a stop sign on Aldrich Glen at its intersection with Aldrich Road and, under the New York State Manual of Uniform Traffic Control Devices, has requested the Town Board to approve the installation of the stop sign.

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

WHEREAS, Monroe County, pursuant to authority granted by Section 1651 and 1652-a of the New York State Vehicle and Traffic law, has requested the establishment of a stop sign at the intersection of Aldrich Glen and Aldrich Road.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Perinton does hereby establish such regulation. Said stop sign will be installed in accordance with the New York State Manual of Uniform Traffic Control Devices.

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

APPROVE DRIVE-THROUGH STUDY CONTRACT BERGMANN ASSOCIATES

Director of Code Enforcement and Development Mike Doser reviewed a memo to the Town Board regarding drive-through facilities in the Town of Perinton. Drive-throughs continue to be a point of interest for town officials, businesses and

residents. It is likely that Perinton will see more plans for these facilities as service-oriented retail businesses open or continue to operate.

Mr. Doser would like to contract with Bergmann and Associates for a study on drive-through facilities in areas where there might be sensitivity to their presence. The firm's principal planner, Andrew Raus, a Perinton resident, would lead the project. The proposal calls for Bergmann to draft drive-through regulations based on the Town's current code for commercial districts, limited commercial districts and special use permits. Additionally, the firm would review the Town code to identify and eliminate any conflicting language or regulations, and provide an update report midway through the project. Then it would present the draft regulations to the codes committee and key stakeholders for review and comment. Finally, it would prepare the final drive-through regulations for standard code implementation.

The study will cost approximately \$6,500 and require 75 days to complete from the date of contract execution. Mr. Doser would like the study to be completed with recommendations by fall.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, to approve the signature of the contract with Bergmann and Associates for a Drive-Through study.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

VOLUNTEER BOARD APPOINTMENTS

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

WHEREAS, the term of James Brasley as a member of the Perinton Planning Board will expire on June 30, 2009,

NOW, THEREFORE, BE IT RESOLVED, that James Brasley, 10 Cambridge Court, Fairport, NY be reappointed as a member of the Perinton Planning Board, with a new term to expire on June 30, 2016.

WHEREAS, the term of James Brasley as Chair of the Planning Board will also expire on June 30, 2009,

NOW, THEREFORE, BE IT RESOLVED, that James Brasley, 10 Cambridge Court, Fairport, NY, be appointed Chair of the Planning Board with a term to expire on June 30, 2011.

WHEREAS, the terms of Thomas Young and William Space as members of the Zoning Board of Appeals will expire on June 30, 2009,

NOW, THEREFORE, BE IT RESOLVED, that Thomas Young, 7 Center Crossing, Fairport, NY and William Space, 7 Hara Crescent, Fairport, NY be reappointed as members of the Zoning Board of Appeals, with terms to expire on June 30, 2014.

WHEREAS, the terms of Ken Rainis, Chris Fredette, and Gerald Leone as members of the Perinton Conservation Board will expire on June 30, 2009,

NOW, THEREFORE, BE IT RESOLVED, that Ken Rainis, 45 Crossover Road, Chris Fredette, 3 Cabernet Circle, Fairport, NY and Gerald Leone, 863 Victor Road, Victor, NY, be reappointed as members of the Perinton Conservation Board with terms to expire on June 30, 2011.

WHEREAS, the terms of James Fassanella and Philip Wise as members of the Historic Architecture Commission will expire on June 30, 2009,

NOW, THEREFORE, BE IT RESOLVED, that James Fassanella, 20 Bellflower Circle, Fairport, NY and Philip Wise, 411 Ayrault Road, Fairport, NY be reappointed as members of the Historic Architecture Commission, with terms to expire on June 30, 2012.

WHEREAS, the term of Ann Parks as Chair of the Historic Architecture Commission will expire on June 30, 2009,

NOW, THEREFORE, BE IT RESOLVED, that Ann Parks, 103 Loud Road, Fairport, NY be reappointed as Chair of the Perinton Historic Architecture Commission with new term to expire on June 30, 2011.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

AUTHORIZE SUPERVISOR TO MAKE APPLICATION FOR AND ACCEPT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDING

Commissioner of Public Works Tom Beck explained that, as part of the American Recovery and Reinvestment Act (ARRA), about \$3.2 billion has been made available nationally through the Energy Efficiency and Conservation Block Grant Program (EECBG). Municipalities over a certain population size automatically received an allotment from this grant package. A few months ago, the US Department of Energy announced that the Town of Perinton would receive \$170,800 in Federal funding under the EECBG program. Eligible projects associated with this grant funding include: technical consultant services, residential and commercial building audits, financial incentive programs for energy efficiency improvements, building retrofits, transportation efficiency upgrades, energy building code and inspection services, distributed energy resource technologies, material conservation programs including recycling and source reduction, methane reduction and recapture projects from landfills, energy efficient traffic signals and street lighting and renewable energy projects for government buildings.

Commissioner Beck convened brainstorming sessions with Town of Perinton individuals including Supervisor Smith, Commissioner of Recreation and Parks Donahue, Parks Director Estrich, Deputy Commissioner of Public Works/Highway Spencer, Deputy Commissioner of Public Works/Sewer, John Kenrick; Town Engineer, Tim Oakes and more to develop a preliminary list of projects eligible under this funding program. The projects identified include: development of an Alternate Energy Feasibility Study for Town Hall and the Community Center with an estimated cost of \$25,000, replacement of old, inefficient field lights at Kreag Road Park with “green” lighting technology with an estimated material cost of \$100,000 from the grant funding and the creation of an Energy Efficiency and Conservation Strategy Plan with an estimated cost of \$45,800.

The following resolution was offered for adoption by Councilperson Knapp, which resolution was seconded by Councilperson Saum:

RESOLUTION TO AUTHORIZE SUBMITTAL OF THE APPLICATION FOR FUNDING ALLOCATED TO THE TOWN OF PERINTON THROUGH THE ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT PROGRAM

NOW THEREFORE BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF PERINTON, MONROE COUNTY, NEW YORK, AS FOLLOWS:

1. That the Supervisor of the Town Board of Perinton, Monroe County, New York, is hereby authorized as the official representative of the Town to make Application for and

to accept the \$170,800 in funding that was allocated to the Town by the U.S. Department of Energy through the Energy Efficiency & Conservation Block Grant Program.

2. That the Town of Perinton has reviewed, understands and agrees to the requirements of the program, consistent with all local laws and this resolution; and

3. That the Supervisor shall execute and submit an application to the administrative agency, sign all certifications and/or assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the grant award to provide such additional information as may be required.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT CONSULTANT PROPOSAL: STUART BROWN ASSOCIATES

Commissioner of Public Works Beck reviewed a letterform of a proposal from Stuart Brown of Stuart I. Brown Associates, Inc. Mr. Brown is proposing to prepare the application for funding for the Town of Perinton to secure funds allocated to the Town by the U.S. Department of Energy through the Energy Efficiency & Conservation Block Grant (EECBG). Their fee for preparing the initial application would be \$3,500. Tasks would include the completion of all forms and attachments including the Energy Efficiency & Conservations Strategy, coordination with the Town to ensure that all necessary requirements are met, and submission of the application online though FedConnect.

A motion was made by Councilperson Saum, seconded by Councilperson havens, to approve the proposal from Stuart I. Brown Associates, Inc. and payment of the consulting fee of \$3,500.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AMENDMENTS TO SECTION 208 OF THE CODE OF THE TOWN OF PERINTON FENCE CODE

Supervisor Smith stated that the Town Board held a Public Hearing on May 27, 2009 regarding a change to Section 208 of the Town Zoning Code dealing with fences. Three sections of the code are recommended for change and they are § 208-14, §208-24 and the definition section §208-8. The matter has been referred to the Planning Board and the Town Board received a memo back from them dated June 23, 2009 in which they concur with the Town Board. A suggested change in wording from the Planning Board was discussed, however the Town Board decided to keep the wording of the code changes as it reads in the May 27, 2009 Town Board minutes.

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the Code changes to Section 208 of the Code of the Town of Perinton be given a Negative Declaration under SEQR.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

Councilperson Havens made a motion, seconded by Councilperson Saum to accept the following changes to Section 208 of the Code of the Town of Perinton:

Deleted Text

Added Text

§ Section 208-8. Definitions

FENCE --- *A structure serving as an enclosure or barrier usually constructed of, but not limited to: wood, vinyl, masonry, stone, wire, metal or other manufactured material or a combination of material erected for the enclosure/separation of yard areas.*

HEDGE --- *A row of closely planted shrubs, or low growing trees forming a fence or boundary.*

WALL --- *An upright freestanding solid enclosure/barrier usually constructed of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area. (excluding retaining walls)*

§ Section 208-14. Application of regulations

C. Fences, walls and hedges.

- (1) *The face side of any fence erected in any district shall face the nearest abutting property, and all posts or supports shall be on the inside of said fence unless said posts or supports constitute an integral part of said face side. There are no restrictions on the height or style of hedges, walls or fences erected on that part of a lot to the rear of the front setback line. A hedge, wail or fence may be erected on that part of a lot in front of the front setback line, provided that it is not over three feet high except as modified for corner lots. Where land is used and occupied as a farm, such open-style fences as shall be necessary to restrain livestock shall be permitted as needed.*
- (2) *No fence, wall or hedge more than 3 feet in height shall be erected in front of the front setback line as defined herein.*
- (3) *No fence or wall more than 6 feet in height shall be erected in the side or rear yard.*
- (4) *A building permit must be issued for the installation of any fence and/or wall.*
- (5) *Any fence erected in a Commercial, Restricted Business, Industrial or Limited Commercial District shall be subject to Planning Board approval.*
- (6) *The provisions of the fence code do not apply to any fence for any inground or above ground pool (see § 208-24) or evergreen or solid fence screen for a recreational vehicle (see Chapter 201)*
- (7) *Where land is used and occupied as a farm, such open-style fences as shall be necessary to restrain livestock shall be permitted as needed.*
- (8) *On corner lots in any district, no fence, wall or other structure or hedges or other planting or vehicles, machinery or equipment more than three feet above the level of the adjoining street shall be erected, placed, maintained or parked within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines in accordance with the following schedule: [Amended 9-23-1998 by L.L. No. 2-1998]*

Intersecting Streets*	Equilateral legs of triangular area (feet)
Arterial / arterial	75
Arterial / collector	50
Arterial / any other type	50
Collector / collector	50
Collector / minor	25
Collector / rural road	25
Collector / dead end	25
Rural road / rural road	25
Rural road/ minor	25
Rural road / dead end	25
Minor / minor	15
Minor / dead end	15

* Note: These are defined in Chapter 182, Subdivision of Land, § 182-10.

- (9) *On Corner lots, the setback from the lot line abutting on each street shall be the front setback required on that street or highway.*
- (10) *Preexisting conditions that complied with the code in existence at the time of their installation may continue to exist, provided that they: [Added 9-23-1998 by L.L. No. 2-1998]*
- (a) *Do not represent a public safety concern as determined by the Commissioner of Public Works; or*
- (b) *Are not allowed to grow to impede the line of sight, and a clear line of vision is maintained below seven feet within the area defined in § 208- 14C (8) above. Determination of such impediment shall be made by the Commissioner of Public Works.*

**§ 208-24 Private swimming pools and other structural recreational facilities.
[Amended 10-13-1977 by L.L. No. 7-1977; 1-23-2002 by L.L. No. 1-2002]**

- A. Private swimming pools will be permitted in all residential districts, provided that there is an existing residence on said lot and the following regulations are complied with:
- (1) Fences. Outdoor swimming pools and filtering equipment located within three feet of the edge of a pool shall be entirely enclosed by an impassable fence extending from the ground to a height of not less than four feet *nor more than six feet* above the ground level. Such fence or enclosure shall be in compliance with the requirements of the New York State Uniform Fire Prevention and Building Code.

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

APPROVE ACCESS AGREEMENT
WASTE MANAGEMENT AND TOWN OF PERINTON

Commissioner of Public Works Tom Beck explained that the Fairport, Egypt and Bushnell's Basin Fire Departments are currently working together to determine the suitability of a 2-3 acre parcel of land, owned by Waste Management and located at the High Acres Landfill site on Perinton Parkway in Perinton, for development as a shared training site. They are working on developing an entity that can represent all three agencies in a future lease agreement for this property. Since the entity is not

currently in place, they have requested that the Town enter into an Access Agreement with Waste Management that will provide Stantec Engineers with the ability to take core samples and perform the wetland delineation. A draft of the agreement was reviewed with Town Attorney, Bob Place and he has made his changes.

Councilperson Knapp asked if Waste Management was giving this land at no cost and Commissioner Beck stated the arrangement would be a lease like they currently have with Fairport Baseball which is essentially no cost. Councilperson Knapp also asked if this cooperative effort would allow Penfield, East Rochester, and a couple of the other Fire Departments to use this training facility. This has been discussed with the three departments and a fee arrangement has been discussed for usage by departments other than the three that are incurring costs.

Councilperson LaFay made a motion, seconded by Councilperson Knapp to approve the Access Agreement between Waste Management and the Town of Perinton.

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

APPROVE ENGINEERING CONSULTANT BUSHNELL'S BASIN CANAL IMPROVEMENT PROJECT

Commissioner of Public Works Beck explained that the NYS Canal Corporation recently informed the Town of Perinton that any plans for docks, as part of the Bushnell's Basin Canal Improvement Project, must be for docks of a temporary nature rather than permanent fixtures. Any type of dockage constructed along the canal bank must be able to be removed within 30 days and no penetration of the concrete canal liner will be allowed. Because of these requirements, the original type of dock proposed, which has been used in other areas of the canal, will not be allowed in the Basin area.

Commissioner Beck found a design alternative, a floating dock system, which is currently in place in the Genesee River, which appears to be a system that will work in this situation. Fisher Associates is the engineering firm that designed the docks in the Genesee River, and has designed other docks along the Canal system and worked with the Canal Corporation in the past. Commissioner Beck has negotiated a cost for plans for a floating dock for the Bushnell's Basin Canal Project with Fisher Associates. Parone Associates had also agreed to incorporate the dockage design into the site plan.

Councilperson Knapp asked whether part of the floating dock would come out in the winter. Commissioner Beck explained that these particular docks would not as they have approximately two-inch diameter pipes that are attached to a "dead man" concrete structure sunk into the ground on shore. This attaches to the dock on hinges so that the dock can move up and down with the water line. When the water drains from the canal in the winter, the dock will lay up against the canal.

Commissioner Beck stated that fueling could be done from these docks. They can also be ADA accessible and there could be a canoe/kayak dock at the end of the dock at a lower elevation. Gates were also discussed for these floating docks, making them accessible for boaters only. In this case, there would be another walk way at the top of the canal allowing walking at the water's edge.

A motion was made by Councilperson Havens, seconded by Councilperson Knapp, that the Supervisor be authorized to sign a contract with Fisher Associates for Engineering Design and Construction Support Services for Boat Dock Design at a cost of \$13,700.

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

Supervisor Smith mentioned that the Town Board would be scheduling a site walk associated with the Special Use Permit for the property at 666 Whitney Road (tax account numbers 152.07-1-20 and 152.07-1-21). The Town Board agreed to schedule that site walk for July 9, 2009 at 6:00PM.

AUDIT APPROVED

A motion was made by Councilperson Saum, seconded by Councilperson LaFay that Audit #6 for June 2009 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JUNE AUDIT

General Fund	\$158,699.22
Town Outside of Village	6,397.52
Recreation	95,852.73
Highway General Repair	280,963.48
Highway Snow & Miscellaneous	31,423.21
Joint Sewer	13,023.62
Special Recreation	28,508.81
Fairmont Hills Maintenance District	623.00
Wisteria Grove Maintenance District	123.00
O'Connor Road Relocation Project	1,289.74
DPW Redevelopment	153,705.88
RS&E Pedestrian Bridge Project	42,288.27
RS&E Pedestrian Bridge Project	<u>16,193.65</u>
	\$829,092.13 Total

The above items were numbers 74211-74455.

JUNE MANUAL

General Fund	\$64,278.37
Town Outside of Village	2,490.61
Recreation	27,330.17
Joint Sewer	9,017.12
Forest Hills Fire Protection District	31,449.50
Midlands Lighting District	409.91
Lake Lacoma Lighting District	12.50
Meadows Lighting District	402.87
Deer Run Lighting District	1,415.85
Misty Meadows Lighting District	<u>110.79</u>
	\$136,917.69 Total

The above items were paid with checks # 74177-74181,74192-74196,74207-74209.

Ayes: Smith, Knapp, Saum, LaFay, Havens
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,

Jennifer A. West
Town Clerk