

JOINT PERINTON/EAST ROCHESTER TOWN BOARD MEETING

East Rochester Village Hall
120 West Commercial Street
East Rochester, NY 14445
Monday, January 12, 2009 7:30pm

TOWN OF PERINTON

PRESENT: James E. Smith Supervisor
David C. Glossner Councilperson
Carolyn H. Saum Councilperson
Joseph H. LaFay Councilperson

ABSENT: Patricia S. Knapp Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Carol S. Johnston, Deputy Town Clerk; Jennifer A. West, Deputy Town Clerk.

VILLAGE OF EAST ROCHESTER

PRESENT: Jason Koon Mayor
Michael Flanigan Village Trustee
John Alfieri Village Trustee
Mark Florack Village Trustee
Andrew Serrano Village Trustee

ALSO PRESENT: Marty D'Ambrose, Village Administrator; Raymond Parrotta, Clerk-Treasurer; Bill Smith, East Rochester Attorney.

Supervisor Smith called the meeting to order at 7:30 pm and introduced the Town of Perinton Board and staff present. East Rochester Mayor Jason Koon introduced the Village of East Rochester Trustees and staff present.

PUBLIC HEARING
LANDS TO BE ANNEXED
PERINTON TO EAST ROCHESTER
EAST ROCHESTER TO PERINTON

Supervisor Smith reviewed that the Town has had annexation discussions with the Village of East Rochester about two parcels of land, one in East Rochester, the other in Perinton. For this purpose a joint hearing is being held. These minutes reflect the Perinton portion of the required actions.

Supervisor Smith opened the Public Hearing and asked the Town of Perinton Deputy Clerk for proof of publication and affidavit of posting for the Paxton petition. Proof of publication was given in the Fairport ER Post on December 17, 2008; affidavit of posting was also December 17, 2008.

The first parcel, on the east side of Marsh Road, north of the Conrail right of way, abuts a car wash which is in the Village of East Rochester. The owner of the car wash wishes to expand his business; he would prefer working with one municipality rather than two. He has asked the Village of East Rochester to annex the Perinton parcel so that the two properties can be combined for his expansion proposal. The second parcel, north of Linden Avenue, west of Irondequoit Creek, is owned by the Town of Perinton but is in the Village of East Rochester. The Town of Perinton would like to annex this parcel so that it was in the town.

The legal actions before the Town are A.) Allowing the Paxton Parcel (identified as tax account number 152.13-3-7.2 and containing .72 of an acre of land) to be annexed by East Rochester and B.) Accepting the Linden Avenue parcel (identified as

tax account number 139.55-1-2.2 and containing .9 of an acre of land) into the Town of Perinton.

A gentleman in the audience asked whether the land to be annexed by Perinton was in a flood plain and whether it was part of Penfield's Channing Philbrick Linear Park. Supervisor Smith answered that this is vacant land and would remain so, is in the Irondequoit Creek Flood Plain and is not part of Penfield's Park.

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

Both annexations are unlisted actions under SEQR.

Councilperson Glossner made a motion, seconded by Councilperson Saum that the proposal to annex the Paxton property to East Rochester be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR). No adverse impacts are created by annexation of the Paxton parcel to East Rochester because the annexation of this property will in no way negatively affect the environment. Mr. Paxton's parcel is contiguous to other commercial property and is owned by him. The annexation to East Rochester will ensure uniform development on the Paxton parcels.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Councilperson Glossner made another motion, seconded by Councilperson Saum that the proposal to accept the annexation of the Perinton-owned parcel also be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR). There are no adverse impacts created by accepting this parcel, it is vacant land next to Perinton parkland and the use of the land will not change.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

BOARD APPROVAL OF ANNEXATION

Supervisor Smith stated that each board must now approve both the annexation of land by the other community and the acceptance of the land into the Town.

Supervisor Smith stated that the petition for the annexation of the Paxton parcel to East Rochester complies with the requirements of Article 17 of the General Municipal Law. The annexation of the Paxton parcel to East Rochester is in the overall public interest as it will ensure uniform development on the Paxton parcel. Permitting this annexation to East Rochester obviates the need to obtain approval from two municipalities for any future development of the Paxton parcel. This property will remain in the East Rochester school district and the Forest Hills fire district. There is no detriment to special districts where this property is located. There is no net loss to the Town of Perinton as East Rochester has consented to the annexation of a parcel of approximately the same size to Perinton.

Councilperson Glossner made a motion, seconded by Councilperson LaFay, to approve the East Rochester petition.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Regarding the East Rochester approval of Perinton's petition, Supervisor Smith then stated that the petition for the annexation of the Perinton-owned parcel to the Town of Perinton complies with the requirements of Article 17 of the General Municipal

Law. The annexation of the Perinton parcel to the Town of Perinton is in the overall public interest as it is already owned by the Town of Perinton, is adjacent to Perinton parkland, and its use will not change. Permitting this annexation to Perinton obviates the need to involve East Rochester in future decisions regarding this property that is owned by the Town of Perinton. This property will remain in the East Rochester school district and the Forest Hills Fire District. There is no detriment to special districts where this property is located. There is no net loss of land in East Rochester, as Perinton has consented to the annexation of a parcel of approximately the same size to East Rochester.

Councilperson LaFay made a motion, seconded by Councilperson Saum, that Perinton accept the annexation of the Perinton-owned parcel to the Town of Perinton.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

East Rochester Trustee Flanigan then asked whether each municipality would be free to rezone their parcel if desired and the Town and Village attorneys both agreed that they would.

There being no further business before the Boards and no further questions from the audience, the meeting was adjourned at 8:00 pm.

Respectfully submitted,

Carol S. Johnston
Deputy Town Clerk