PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 14, 2010

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 and Development; John Beck, Deputy Director Code Enforcement and Development; Carol Johnston, Deputy Town Clerk; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

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

Councilperson Havens made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of March 24, 2010 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
OPEN SPACE ACQUISITION/USE OF FUNDS
ALLEN PROPERTY

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on March 26, 2010; affidavit of posting was March 22, 2010.

Supervisor Smith stated that the Town of Perinton is interested in purchasing part of the Allen property on Pannell Road. The property is 22.39 acres and the purchase price would be $92,000. Supervisor Smith explained that the Town has approached the Allens, agreed upon a purchase price and have had a purchase offer submitted and accepted. The offer is contingent upon the holding of a Public Hearing, the approval of the Town Board and is subject to Permissive Referendum. Supervisor Smith then showed an Open Space map for the Town of Perinton and the location of the Allen property on Pannell Road just south of Pannell Circle, south of Route 31 on the Eastern side of Monroe County and the Eastern side of Perinton near the Macedon Town line. This same parcel was before the Town Board for acquisition in July of 2007. At that time, the sellers were unable to provide clear title to the property.

Supervisor Smith showed an aerial view of the surrounding area and identified the property proposed for purchase. The back third of the property is wetland and much of the remainder is a field, which may be leased out and farmed in the future. The RS & E trail borders the property on the South side. Supervisor Smith indicated that the main egress and ingress to the property would be by way of the RS & E trail. Supervisor Smith identified a portion of the property that is a potential site for leaf composting and/or chipping wood.

This acquisition would further the Town's goal of preserving land, particularly wetlands. Part of the land is a section of the Whitebrook Wetlands and therefore has environmental and ecological benefit to the community and maintains the rural nature next to the RS & E in this area of Town. The monies to pay for this land are in the Open Space Acquisition Capital Reserve Fund.

Supervisor Smith stated that some of the surrounding land is owned by Lucas Greenhouses and individual homeowners all of whom were unlikely to sell their property. Another adjacent property was donated to the Town by Dr. Kraai approximately 25 years ago. Supervisor Smith stated that much of the other surrounding land is wetlands or land that will not change in use.

Chris Fredette, 3 Cabernet Circle, spoke on behalf of the Conservation Board, stating that they are very much in favor of the acquisition.

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

Councilperson Saum made a motion, seconded by Councilperson Havens, that the proposal for the purchase of 22.39 acres of Open Space owned by the Allen Family be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the purchase will in no way negatively affect the environment.

Councilperson Knapp made a motion, seconded by Councilperson Saum, to approve the purchase of 22.39 acres of land on Pannell Road (known as tax account # 181.01-1-35) from the Allen Family for $92,000 and that an amount not to exceed $95,000 (cost of property plus any associated costs) be appropriated from the Capital Reserve Fund for Open Space Acquisition.

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

This action is subject to Permissive Referendum. Supervisor Smith explained that there would be a legal notice publication and a thirty day waiting period, after which the action by the Town Board becomes final. If there were a petition filed by individuals saying they do not think this is a good idea, there would be a regular referendum held in the community regarding the matter.

PUBLIC HEARING
PROPERTY ACQUISITION/USE OF FUNDS
CHARDONNAY DRIVE

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on March 26, 2010; affidavit of posting was March 22, 2010.

Supervisor Smith stated that the Town plans to build a connector road between Chardonnay Drive and Courtney Drive, behind the Courtney Commons shopping plaza, in the summer of 2010. Over the last ten to fifteen years, residents have expressed concern over the access from Chardonnay Drive on to Route 31 where making a left turn in particular is very problematic. In order to complete this project, the Town needs to acquire .473 acres of land from Perinton Park Manor. The purchase price of this land will be $55,000 and there are expenditures and fees associated with this purchase in the amount of $15,000. The budget for the entire road construction project is $755,000. Supervisor Smith is requesting that the Town Board set aside $710,000 from the Road Repair Capital Reserve Fund and $45,000 from the Sidewalk Capital Reserve Fund to fund the land acquisition and the road construction.

Chris Fredette, 3 Cabernet Circle, stated that she believes that as a regular user of Moseley Road, when passing Cannock Road, it is her perception that people take chances trying to turn left onto Moseley Road from Cannock and that this road construction project will help with that situation as well.

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

This action is also subject to Permissive Referendum.

Councilperson Saum made a motion, seconded by Councilperson Havens, that the proposal for the purchase of .473 acres of land owned by the Perinton Park Manor be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the purchase will in no way negatively affect the environment. The project as a whole was previously granted an negative declaration by the Board.

Councilperson Knapp made a motion, seconded by Councilperson Saum, to approve the purchase of .473 acres of land on Chardonnay Drive for $70,000 (including fees and closing costs) from Perinton Park Manor. Councilpersons Knapp and Saum also moved to approve the $755,000 for the road construction project, which includes the property acquisition, and to appropriate $710,000 from the Road Repair Capital Reserve Fund and $45,000 from the Sidewalk Capital Reserve Fund to fund the project. Said motion is subject to permissive referendum.

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

ORDER FOR HEARING
REZONING REQUEST
LOUD ROAD AND THAYER ROAD
RESIDENTIAL B TO RESIDENTIAL A

Director of Code Enforcement and Development Doser began by stating that the Hamlet of Egypt provides a vital mixture of residential and commercial development in the Town of Perinton. As more commercial interest in the corridor occurs, it is important for the Town to maintain a buffer to the residents south of Pittsford-Palmyra Road in order to preserve the Hamlet's character. The following zoning changes are designed to provide a more gradual transition from properties that are commercially zoned to properties that are residentially zoned. The strategy is to allow for larger lots as the zoning transitions into Residential Sensitive and Residential Transition 2-5.

Mr. Doser stated that the proposed zoning changes affect two pockets of Residential B zoning, one along Thayer Road and one along Loud Road. Mr. Doser pointed out the two areas on a map and specific area description of the Loud Road Residential B area follows:

Beginning at a point in the centerline of Loud Road (49.5' R.O.W.), at its intersection with the extension of the southerly property line of Tax Account #180.02-1-35, said point also being approximately 927'± southerly of the centerline intersections of Loud Road and Pittsford Palmyra Road, thence,

1. Easterly and along the southerly boundary line of Tax Account #180.02-1-35 a distance of 250.78' to a point in the southeasterly corner of Tax Account #180.02-1-35, thence,

2. Northerly along the easterly boundary of Tax Account #180.02-1-35 a distance of 100.00' to a point in the southerly property line of Tax Account #180.02-1-74, thence,

3. Westerly along the southern boundary of Tax Account #180.02-1-74 a distance of 3.88' to a point, in the southwesterly corner of Tax Account #180.02-1-74, thence,

4. Northerly along the westerly boundary lines of Tax Account #180.02-1-74 and #180.02-1-75 a distance of 255.22' to a point in the southerly boundary of Tax Account #180.02-1-26, also being the northwesterly corner of Tax Account #180.02-1-75.

5. Easterly along a portion of the southerly boundary line of Tax Account #180.02-1-26, also being the same as the southerly boundary of lands N/F of Keenan Subdivision a distance of 344.27' to an angle point in said southerly boundary line, thence,

6. Continuing in a westerly direction along the southerly boundary of lands N/F of Keenan Subdivision a distance of 212.00' to a point in the southeast corner of Tax Account #180.02-1-26, thence,

7. Northerly through lands N/F of Keenan Subdivision along the easterly boundary of Tax Account #180.02-1-26 a distance of 322.33' to a point in the southerly boundary line of lands N/F of the Town of Perinton, said point also being the northeasterly corner of Tax Account #180.02-1-26, thence,

8. Southeasterly along the southerly boundary of lands N/F of the Town of Perinton also being the northerly boundary of lands N/F of Keenan Subdivision and the northerly most boundary of Tax Account #180.02-1-78 a distance of 338.79' to a point in the most northeasterly corner of Tax Account #180.02-1-78, thence,

9. Southerly along the easterly boundary of lands N/F of Twin Ponds Subdivision Phase 2 and a portion of the N/F Twin Ponds Subdivision Section 1, a distance of 1159.8' to a point, thence,

10. Easterly along a northerly boundary line of the Twin Ponds Subdivision Section 1 a distance of 116.92' to a northeasterly corner of said subdivision, thence,

11. Southerly along an easterly boundary of the N/F Twin Ponds Subdivision Section 1, a distance of 218.94' to a point in the southeasterly corner of said subdivision, thence,

12. Westerly along the southerly boundary of N/F Twin Ponds Subdivision, Section 1 a distance of 1191.54' to a point in the centerline of Loud Road, thence,

13. Northerly along the centerline of Loud Road a distance of 50'± to a point of intersection with the extension of the southerly boundary of Tax Account #180.02-1-50, thence,

14. Westerly along the southerly boundary of Tax Account #180.02-1-50 a distance of 330.71' to a point in the southwesterly corner of Tax Account #180.02-1-50, thence,

15. Northerly along the westerly boundaries of Tax Account #180.02-1-50, #180.02-1-53 and #180.02-1-54 a distance of 715.64' to a point in the northwesterly corner of Tax Account #180.02-1-54, thence,

16. Easterly along the northerly property line of Tax Account #180.02-1-54 a distance of 315.74' to a point in the centerline of Loud Road, thence,

17. Northerly along the centerline of Loud Road a distance of approximately 22±' to the point and place of beginning.

Mr. Doser stated that these two areas (the Loud Road Residential B area) encompass twenty-one properties and about thirty-four acres of land. The Thayer Road Residential B area includes three properties and four acres of land and its specific description follows:

Beginning at a point in the centerline of Thayer Road, at its intersection with the northerly boundary of the N/F Niagara Mohawk Power Corporation, thence,

18. Northwesterly along the northerly boundary of the N/F Niagara Mohawk Power Corporation, also being the southerly boundary of Tax Account #180.02-1-88 a distance of 808.08' to a point in the southwest corner of Tax Account #180.02-1-88, thence,

19. Northeasterly along the westerly property line of Tax Account #180.02-1-88 a distance of 200.00' to a point in the northwesterly corner of Tax Account #180.02-1-88, thence,

20. Southeasterly along the northerly boundary of Tax Account #180.02-1-88 a distance of 621.60' to a point, said point being the southwesterly corner of Tax Account #180.02-1-87, thence,

21. Northeasterly along the westerly boundary of Tax Account #180.02-1-87 a distance of 100' to a point in the northwesterly corner of Tax Account #180.02-1-87, thence,

22. Southeasterly along said northerly boundary of Tax Account #180.02-1-87, a distance of 224.75' to a point in the centerline of Thayer Road, thence,

23. Northeasterly along the centerline of Thayer Road and continuing in a straight line a distance of approximately 175'± to its point of intersection with the extension of the easterly property line of Tax Account #180.02-1-59, thence,

24. Southerly along the easterly property line of Tax Account #180.02-1-59 a distance of approximately 667'± to a point in the northerly right-of-way of N/F Niagara Mohawk Power Corporation, thence,

25. Northwesterly along the northerly boundary of N/F Niagara Mohawk Power Corporation, also being the southerly boundary of Tax Account #180.02-1-59 a distance of 344.20' to the point and place of beginning.

The change from Residential B to Residential A zoning allows for a large lot and a transition into the more sensitive zoning areas of Residential-Sensitive and Residential Transition 2-5. Supervisor Smith added that Residential B zoning allows for making an existing lot into a duplex lot and this is not the case in Residential A Zoning areas.

Judith McNulty, 647 Thayer Road, introduced Paul Conaway, 471 Thayer Road, who is the President of the Egypt Hills Neighborhood Association and stated that they are very happy with the zoning proposal.

An Order for Hearing, the first public meeting about a rezoning proposal is the first formal step in an application for rezoning. At this time, the proposal has been explained and Mr. Doser has asked that a date be set for a Public Hearing.

A motion was made by Councilperson Havens, seconded by Councilperson Saum, that May 26, 2010 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing to consider the proposed zoning changes, one along Thayer Road and one along Loud Road, from Residential B to Residential A zoning.

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

ORDER FOR HEARING
AMENDMENT TO SECTION 208
DRIVE-THROUGH CODE FOR HISTORIC DISTRICTS

Director of Code Enforcement and Development Doser stated that drive-through facilities have been an issue of concern for town officials 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 explained that the Town of Perinton contracted with Bergmann Associates in June of 2009 for a study of drive through facilities in Perinton's historic districts. Historic districts exist to acknowledge and maintain a link with Perinton's heritage. Therefore, new development in historic districts requires more careful planning and consideration in order to ensure that the historic districts retain their intended character and ambiance.

Last fall, Bergmann Associates worked closely with a taskforce of volunteer board members and staff members on this initiative. Section 208-54 (B) and (E) reference specific regulations for drive-throughs in historic districts. The main highlights are:

1. Minimum lot size shall be 30,000 square feet.
2. Noise-decibel levels shall not exceed 60 dBA at closest residential property line.
3. Menu boards and ordering windows shall be located completely behind the structure at the rear of the property.
4. Hours of the drive-through opertation shall be limited to 6:00AM to 10:00PM.
5. Proposed drive-through facilities shall be sited a minimum of 350 feet from the nearest existing drive-through facility, measured from property line to property line.
6. The Town Board shall be responsible for review and rendering of decisions on Special Use Permit applications within Town-designated Historic Districts, including special use permits required for drive-throughs.

Chris Fredette, Conservation Board member, asked about a drive through which was planned by Mamasans and would have put the drive through up against houses at the rear of the property. Supervisor Smith explained that Mamasan's particular permit has expired and Mr. Doser added that this is covered in the existing code and was not detailed in the changes.

T.C. Lewis, 14 Southcross Trail and Planning Board member, asked about the location of the order pick-up at drive-throughs and Mr. Doser said that it could be on the side of a building. Judith McNulty, 647 Thayer, asked whether Tim Horton's in Bushnell's Basin complies with the new code and Mr. Doser said that it does. Mrs. McNulty also expressed her concern with drive-throughs, the stacking of cars that occurs, and the exhaust emitted. Supervisor Smith stated that the global goal of the code change is to limit the number of drive-throughs in historic districts.

The proposed changes to § Section 208 follow:

Added text

Deleted text

§ 208-8 Definitions.

COMPLETELY ENCLOSED BUILDING – A structure where all activity associated with the use occurs inside. Drive-through facilities, whether a stand-alone kiosk or associated with a traditional retail or service structure, shall not be considered completely enclosed buildings.

DRIVE-IN EATING OR DRINKING ESTABLISHMENT -- Any eating or drinking establishment which is designed for the consumption of food or beverages outside of an enclosed dining room.

DRIVE-THROUGH FACILITY: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations. A drive-through facility shall not be considered a completely enclosed building. Automated teller machines and drive-in bank tellers shall be considered drive-through facilities.

RESERVOIR SPACE -- Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or parking space required by § 208-16 of this chapter. One reservoir space shall be 20 feet long and eight feet wide.

STACKING LANE - An area comprised of stacking spaces and driving lanes provided for vehicles waiting for service at a drive–through facility that is physically separated from other traffic, parking spaces, and pedestrian circulation on the site.

§ 208-39 Restricted Business District.

A. Uses permitted in the Restricted Business District. The following uses shall be permitted when conducted within a completely enclosed building: [Amended 10-26-1994 by L.L. No. 7-1994; 9-23-1998 by L.L. No. 2-1998]
   (1) Administrative, banking, professional or executive offices, but not including retail sales, manufacturing or servicing of merchandise upon the premises and not including any use first permitted in any Commercial or Industrial District. Banks are permitted to have drive-in tellers and automated teller machines (ATMs) if at least 10 *reservoir* ***stacking*** spaces are provided for each. ***When located in a Town-designated historic district, as identified on the official Town Zoning Map, drive-in tellers and drive-up automated teller machines require the granting of a special permit from the Town Board. Drive-in tellers and drive-up automated teller machines are subject to the Additional Standards for Drive-Through Facilities in Historic Districts in § 208-54E.*** [Amended 7-26-2006 by L.L. No. 4-2006]
   (2) The following uses for treatment and care of human beings, including but not limited to medical buildings consisting of offices or clinics for physicians, osteopaths, dentists, chiropractors, chiropodists, podiatrists, opticians and optometrists.
   (3) Public buildings and grounds. (See § 208-8, Definitions.)
   (4) Meeting rooms for private clubs, lodges or fraternal organizations.
   (5) Fire station and/or ambulance service headquarters.
   (6) Hotels or motels (see § 208-45.)
   (7) As an accessory use to any of the above, a restaurant, newsstand, barbershop, hairdresser, pharmacy, storage or other incidental personal service in connection with a permitted use, but only when conducted and entered from within the building, provided that no exterior display or advertising shall be made of such use.
   (8) As an accessory use to any of the above, a club swimming pool, provided that such pool is located entirely within an enclosed building. Outdoor pools may be granted by the Board of Appeals upon application for a special permit. The Board shall apply the provisions of § 208-54 hereof as well as any other standards deemed necessary or proper to protect neighboring properties.
   (9) Veterinary office, provided that there is no outside keeping of animals and adequate soundproofing is provided so that the ambient sound level at the property boundaries is not elevated more than 10 decibels on the a-weighted scale as measured at a fast response with an instrument satisfying the requirements of American National Standards Institute (ANSI) S1.2-1983 and a special permit is granted by the Board of Appeals. The Board shall apply the provisions of § 208-54 hereof as well as any other standards deemed necessary or proper to protect the neighboring properties.
B. Regulation of permitted uses shall be as provided in § 208-42 of this chapter.

§ 208-41 Commercial District. [Amended 10-13-1977 by L.L. No. 7-1977; 8-22-1984 by L.L. No. 2-1984; 9-14-1988 by L.L. No. 5-1988; 3-28-1990 by L.L. No. 2-1990; 8-28-1991 by L.L. No. 6-1991; 2-12-1992 by L.L. No. 1-1992; 10-26-1994 by L.L. No. 7-1994; 7-26-1995 by L.L. No. 5-1995; 9-23-1998 by L.L. No. 2-1998]

A. Uses permitted. The following uses shall be permitted in the Commercial District:

(1) Any use first permitted in a Restricted Business or an Industrial District, except solid waste facilities and adult uses.

(2) The following uses when conducted within a completely enclosed building:

(a) Stores and shops for the conducting of any retail business, subject to the regulations found in § 208-14A(4)(p) and (q). [Amended 4-14-1999 by L.L. No. 1-1999]

(b) Personal service establishments, i.e., barbershops, beauty parlor, shoe repair, laundromat, dry cleaning or laundry pickup stations.

(c) Restaurants, coffee shops or other places serving food or beverages inside. *In addition to site plan approval and any other applicable provisions for special permits, the Board of Appeals may grant a permit for a drive-up window for pick-up of food, provided the applicant prepares a plan that shows the location of at least 10 reservoir spaces and demonstrates the use will not be detrimental to on-site traffic patterns, off-site traffic and adjacent properties. The Board of Appeals may grant a special permit to allow outside dining, subject to the provisions of § 208-54. The Board of Appeals may require a site plan approval from the Planning Board as part of its approval of the special permit. Preparation of food for catering purposes for consumption off the premises is permitted as an incidental use.* [Amended 12-30-2002 by L.L. No. 7-2002; 7-26-2006 by L.L. No. 4-2006]

(d) As an accessory use, shops for the manufacture or processing of articles incidental to the conduct of a retail business lawfully conducted on the premises, provided that:

[1] All such articles manufactured or processed are sold at retail on the premises.

[2] Not more than four persons are engaged in such manufacturing or processing at any one time in any one establishment.

[3] Such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.

(e) Vending machines, only when located wholly within the main building, except as listed below: [Amended 5-9-2001 by L.L. No. 4-2001]

[1] Public telephones and newspaper vending machines may be located outside of a building.

[2] Ice dispensing machines may be located outside or next to, but not in front of, the building.

(f) Veterinary office, provided that there is no outside keeping of animals and adequate soundproofing is provided so that the ambient sound level at the property boundaries is not elevated more than 10 decibels on the a-weighted scale as measured at a fast response with an instrument satisfying the requirements of ANSI S1.2-1983.

(3) The following uses, when conducted outside of an enclosed building:

(a) Outdoor display and storage of plants and accessories on the same parcel of land as a garden store, hardware store or landscape gardener which is situate in a permanent structure.

(4) The following uses, when conducted in connection to a completely enclosed building*:*

(a) Drive-through facilities. In addition to site plan approval and any other applicable provisions for special permits, the Board of Appeals may grant a permit for a drive-through *drive-up* ***window*** *for pick up of food****, provided the applicant prepares a plan that shows the location of at least 10 stacking*** *reservoir* ***spaces and demonstrates the use will not be detrimental to on-site traffic patterns, off-site traffic and adjacent properties. When a drive-through facility is located in a Town-designated historic district, see § 208-41A(5)(r).***

(b) Outside dining. The Board of Appeals may grant a special permit to allow outside dining subject to the provisions of § 208-54. The Board of Appeals may require a site plan approval from the Planning Board as part of its approval of the special permit. Preparation of food for catering purposes for consumption off the premises is permitted as an incidental use.

(5) *(4)* The following uses, upon obtaining a special permit from the Town Board as provided in § 208-54 of this chapter. *If a special permit is granted, it will be necessary for the applicant to obtain site plan approval from the Planning Board.* ***Applicants shall obtain approval of a special permit before seeking site plan approval from the Planning Board.***

(a) Hotels or motels. (See § 208-45.)
(b) Motion-picture theaters, theaters and auditoriums for the performing arts. Drive-in theaters are not permitted.
(c) New or used motor vehicle sales.
(d) Gasoline service stations or public garages, provided that entrances and exits are aligned with the center lines of existing intersecting public rights-of-way or are located more than 100 feet from the closest edge of a street intersection and that no service appliance is installed within 50 feet of any street or lot line. For additional requirements, see § 208-44.
(e) Limited-use gasoline stations which have just gasoline pumps and a building for shelter of personnel constructed as an integral part of a shopping center. The station shall not have direct access to or from public highways, nor shall there be a garage, lubrication facilities or sale or lease of parts, accessories, vehicles or trailers associated with them.
(f) Minimarts associated with gas stations. (See § 208-44).
(g) Car washes, provided that no entrance or exit drive shall be located within 100 feet of any street intersection and provided that there are at least 30 reservoir spaces as defined herein for the first wash rack or wash lane and 20 reservoir spaces for each additional wash rack or wash lane.
(h) Monument sales, provided that all cutting and engraving processes are conducted within an enclosed building.
(i) Boat or marine sales or service.
(j) Laundry or dry-cleaning plants.
(k) Custom shops, including but not limited to electrical, heating, printing, plumbing or woodworking shops.
(l) Miniwarehouses.
(m) The following uses, provided that they are conducted within a completely enclosed building or within an area enclosed by a suitable solid fence or wall:
[1] Building materials supply, including incidental millwork.
[2] Machine or tool sales, rental or service.
(n) Farm implement dealer. [Amended 4-14-1999 by L.L. No. 1-1999]
(o) Funeral homes. [Amended 4-14-1999 by L.L. No. 1-1999]
(p) A retail use that exceeds 8,000 square feet in gross leasable floor area (GLFA) within a stand-alone building. [Amended 4-14-1999 by L.L. No. 1-1999]
(q) A retail use that exceeds 15,000 square feet in GLFA within or attached to an existing plaza. [Amended 4-14-1999 by L.L. No. 1-1999]

(r) Drive-through facilities, when located in a Town-designated historic district, as identified on the official Town Zoning Map. Drive-through windows are

subject to the Additional Standards for Drive-Through Facilities in Historic Districts in § 208-54E.

§ 208-42 Regulations applicable to all Restricted Business, Industrial and Commercial Districts.

A. Development area. [Amended 3-28-1990 by L.L. No. 2-1990; 7-26-1995 by L.L. No. 4-1995]
   (1) In order to prevent strip-type development, to produce more harmonious appearance and to promote public safety by reducing access cuts to and from public highways, all development must take place in areas which have a minimum frontage of public highways of 400 feet and a minimum size of 10 acres. Ownership need not be in one owner but adjacent owners similarly zoned may apply jointly if their aggregate holdings meet these requirements and agree to a coordinated development plan. Individual lots may be used within a development area. Adjacent property owners will be required to give mutual easements for vehicular traffic across their properties to permit vehicles to get to limited points of access to and from public highways.
   (2) The frontage, area restrictions and setbacks defined below may be modified by the Planning Board if the owner can show that such modification is consistent with the intent of this section.
B. Size of lot.
   (1) In a development area. The minimum width of a lot shall be 200 feet and the minimum area 40,000 square feet.
   (2) Not in a development area. The minimum width of a lot shall be 300 feet and the minimum area 60,000 square feet.
C. Size of building or unit. There shall be no minimum size requirements.
D. Setbacks. The minimum front setback shall be 85 feet, the minimum side setback 30 feet and the minimum rear setback 30 feet, except as provided in § 208-25 of this chapter.
E. Lot coverage. [Amended 5-9-2001 by L.L. No. 4-2001]
   (1) Within a Restricted Business Zoning District, a minimum of 40% of the parcel shall be utilized as green space.
   (2) Within a Commercial or Industrial Zoning District, a minimum of 35% of the parcel shall be utilized as green space.
   (3) Within any of the above zoning districts, the maximum area of the parcel covered by buildings or structures shall not exceed 30%.
F. Residential uses. No residential uses are permitted except as living quarters in part of a building having a permitted use herein where such residential use is incidental to the permitted use of said building. Said living quarters shall have a minimum area of 800 square feet.
G. Access. Access points to public highways shall be minimized and spaced no closer together than 350 feet and entrances and exits shall be aligned with the center lines of existing intersecting public rights-of-way or be located more than 100 feet from the closest edge of a street intersection. [Amended 3-28-1990 by L.L. No. 2-1990]
H. Landscaping. The front setback shall include an area at least 50 feet in depth along the highway or highways bordering the lot, which shall be suitably landscaped and maintained by the owner. Owners of all existing developed lots shall have three years from the effective date of this chapter to plant similar landscaped areas. Shrubs, hedges, berms, fences or walls shall be planted or constructed so as to screen parking areas from highways wherever topography will feasibly permit such screening. ***Additional standards are required in § 208-54E. Additional Standards for Drive-Through Facilities in Historic Districts.***
I. Architectural treatment. The design of structures must be of uniform architectural style and treatment. Signs should be of a uniform style in both lettering and design. Clear, legible directional signing is encouraged. Such determinations shall be made by the Planning Board. [Amended 10-13-1977 by L.L. No. 7-1977; 2-12-1992 by L.L. No. 1-1992]
J. Site plan approval. No site preparation or construction shall commence until plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
K. Use. The following use may be conducted in any of said districts: a landscape architect or garden nursery situated in a permanent structure. Said use shall include

the outdoor planting, display and storage of plants, trees and accessories, but shall not include retail sales unless in a commercial district. [Added 5-25-1977 by L.L. No. 5-1977]

§ 208-54 Special permits. [Amended 3-28-1990 by L.L. No. 2-1990; 6-27-1990 by L.L. No. 4-1990; 6-27-2001 by L.L. No. 5-2001; 3-13-2002 by L.L. No. 2-2002]

A. Purpose. Special permit uses are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration and special impact to determine, against fixed prescribed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the need and benefit against the local impact and effect.
B. Initiation. An application for a special permit may be filed by the owner of, or the person having a contractual interest in, the subject property. Such application shall be on forms provided by the Town of Perinton *Building* ***Code Enforcement and Development*** Department and be accompanied by a nonrefundable fee, as established by the Town Board. Within 62 days of receipt of a complete application, the appropriate board shall hold a public hearing. ***The Town Board shall be responsible for review and rendering of decisions on special permit applications within Town-designated Historic Districts.*** Following the public hearing and a determination under SEQRA, the board shall render a decision on the matter within 62 days, unless the time frame has been extended by mutual agreement.
C. Effect of permit. A special permit issued in accordance with the provisions of this chapter shall authorize only the special permit use for which the permit is granted. Any use for which a special permit is granted shall be deemed a use permitted on the property upon which it is located, except that for any additional use or enlargement of such use, a separate use permit shall be required for each addition or enlargement. The special permit may include reasonable conditions related to the proposed use, which the issuing board determines to be necessary or appropriate to ensure that the applicable standards and safeguards set forth in this section for the use can be and will be met and/or adhered to. Unless the approving board specifies a different period, a special permit shall be valid for a period of one year. Failure to exercise, maintain or continue a use which has been granted a special permit for a period of one year shall render such permit void.
D. Standards for special permits. Before granting approval to any special permit use, the approving board shall determine whether the proposed special use will, among other things, satisfy the following considerations:
   (1) The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
   (2) The public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
   (3) The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance.
   (4) The proposed use will not interfere with the preservation of the general character of the neighborhood in which such building is to be placed or use is to be conducted and that the proposed use will, in fact, be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
   (5) The physical characteristics and topography of the proposed site make it suitable for the proposed special use.
   (6) The proposed special use provides sufficient landscaping and/or other forms of buffering to protect surrounding land uses.
   (7) The property has sufficient, appropriate and adequate area for the use, as well as reasonably anticipated operation thereof.
   (8) Access to facilities is adequate for the estimated ***vehicular and pedestrian*** traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion.
   (9) Adequate parking and internal ***vehicular and pedestrian*** traffic circulation can be accommodated on the property in compliance with other sections of the Code, taking into account adequate buffering and landscaping.

(10) Adequate facilities exist or can be integrated into the site development to properly deal with stormwater runoff, sanitary sewers, fire protection, electrical power needs, refuse or other waste that may be generated, odors, noise or lights which may go beyond property boundaries.

(11) The natural characteristics of the site are such that the proposed use may be introduced on the property without undue disturbance or disruption of important natural features, systems or processes and without negative impact to groundwater and surface waters on and off the site.

(12) The proposed use can and will comply with all provisions of this chapter and of the Code which are applicable to it and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation.

E. Additional standards for drive-through facilities in Historic Districts. Drive-through facilities shall be sited and designed in such a way to reinforce the walkable, village-like characteristics of the historic areas and shall pay special attention to the relationship between the building and the public street. Front yards shall not be used for parking. Buildings shall provide direct pedestrian connections between the main entrance and the public sidewalk. Before granting approval to any special permit use for a drive-through facility within Town-designated Historic Districts, the Town Board shall determine whether the proposed special use meets the following criteria:

(1) Minimum lot size shall be 30,000 square feet.

(2) Drive-through menu boards and ordering windows shall be located completely behind the structure at the rear of the property. Fifty percent of the total stacking lanes shall be located at the rear of the property and must be shielded from view by the building, hardscape or landscape treatments.

(3) The capacity of the drive-through stacking lanes should not interfere with the overall traffic flow within the parking lot. A length of 180 feet by a minimum of 10 feet in width of space should be available for on-site vehicular stacking. Stacking lanes should be clearly delineated with striping, curbing or landscaping and physically separate from the public sidewalk to the main entrance and from the on-site parking area to main entrance.

(4) Each parcel with a drive-through facility shall be limited to one point of shared ingress and egress. Where possible, cross access to the closest shared drive shall be provided.

(5) Noise. Decibel levels shall not exceed 60 dBA at the closest residential property line.

(6) The drive-through speaker box shall be a minimum of 100' from the closest residential structure.

(7) Menu boards shall be a maximum of 20 square feet with a maximum height of 5 feet and shall be shielded from any public street and residential properties with decorative treatments and landscaping.

(8) Landscaping along exterior lot lines shall include a 12-foot wide vegetative buffer of trees and shrubs or a six-foot fence screening constructed of low maintenance natural materials, including brick, stone, or wood with a vegetative buffer of 5 feet.

(9) Hours of the drive-through operation shall be limited to 6:00AM to 10:00PM.

(10) Proposed drive-through facilities shall be sited a minimum of 350 feet from the nearest existing drive-through facility, measured from property line to property line.

(11) Luminaries/lighting fixtures shall not exceed 16 feet in height in vehicular areas and 10 feet in pedestrian areas.

(12) Flood and area lighting shall be prohibited.

(13) No outdoor lighting shall have an intensity greater than ½ footcandle at the property line.

(14) The Town Board may grant relief from these design standards if it determines that the application still meets the objectives of 208-54 and the goals set forth above.

F. *E.* Temporary activity permit. [Added 7-26-2006 by L.L. No. 4-2006]

(1) Purpose. The Town of Perinton recognizes that from time to time property owners and organizations wish to undertake activities which are temporary in nature that are not listed as permitted uses within the Zoning Code but provide a benefit or service to the community. These include, but not exclusively, fund-raising events by not-for-profit organizations, outside sales and displays, fireworks displays and large public gatherings. These activities are recognized as important to the sense of community, and with careful planning they will not be detrimental to public safety or the general welfare of the community.

(2) *Temporary activity permit* ***Issuance***.

(a) The Zoning Board of Appeals may issue a temporary activity permit for the use of a specified area in any zoning district for temporary activities, not otherwise permitted in such zoning district. The Commissioner of Public Works, or designated representative, may require the applicant to submit such information as may be required, including the location of all structures on the premises where the proposed temporary activity is to be conducted.

(b) In granting a temporary activity permit, the Zoning Board of Appeals may impose such conditions on the temporary activity permit as are necessary to ensure that the standards for special use permits are met, as set forth in § 208-54B.

(c) Any temporary activity permit granted hereunder may be revoked immediately by the Commissioner of Public Works, or designated representative, in the event that the use granted violates any of the conditions of its issuance or shall have become a public nuisance.

G. *F.* Notice of application. All applicants for special permits or temporary activity permits shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than 10 days prior to and up to the date of the hearing. The Town shall advertise the application in the official newspaper of the Town, as required by § 274-b of the Town Law. [Amended 7-26-2006 by L.L. No. 4-2006]

H. *G.* Revocation of special permit and temporary activity permit. A use authorized by a special permit may be revoked by the original approving board if it is determined, after a public hearing, that there has been a material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by said permit. [Amended 7-26-2006 by L.L. No. 4-2006]

Supervisor Smith asked that the Board set a date for a Public Hearing to discuss the proposed changes to Chapters 208 of the Code of the Town of Perinton.

A motion was made by Councilperson Havens, seconded by Councilperson Knapp, that 8:00 pm on May 26, 2010 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss proposed changes to Sections 208 of the Code of the Town of Perinton.

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

Town Attorney Bob Place asked whether these code changes would be referred to the Planning Board at this time and Supervisor Smith stated that they would be referred after the Public Hearing to allow the inclusion of public comment.

CODE ADOPTION
AMENDMENT TO SECTION 208 OR THE CODE
OF THE TOWN OF PERINTON
PODS AND DUMPSTERS

Deputy Director of Code Enforcement and Development Beck explained that this code change has been through an Order for Hearing and Public Hearing. Mr. Beck is now seeking adoption of Section 208-14T. The Public Hearing was held on February 24, 2010, the Planning Board commented on the proposed code at their March 3, 2010 meeting and the Town Board has those comments. The section of code was revised to include the Planning Board comments and the revised code follows:

SECTION 208-14 T:

Purpose and Intent: The outside storage of, construction dumpsters and, portable or temporary storage units may have a negative impact on the adjoining properties and is limited by these regulations.

(1) Portable on-site deliverable storage units (PODS) are permitted to be on a property for a period of time not to exceed thirty (30) days per calendar year.

(2) The use of roll-off dumpsters on residential properties is limited to a duration of thirty (30) days, or for forty-five (45) days if there is an active building permit on the property. On non-residential property the use is limited to the period a permit is active on the property and the location is required to be at the rear or sides of the building, if at all possible.

(3) Only one (1) portable on-site deliverable storage unit (PODS) or roll-off dumpster shall be located on a residential property at a time.

(4) The above regulations do not apply to activities related to farming operations, as such are defined within the New York State Agriculture and Markets Law.

(5) Relief from the requirements found in 1, 2 & 3 above may be granted by the Director of Code Enforcement & Development to allow an extension to the times stated above.

(6) Dumpsters other than those used for construction purposes require site plan approval from the Planning Board and are required to be screened from ground view, per 208-14M.

Councilperson LaFay made a motion, seconded by Councilperson Havens that Section 208-14T of the Code of the Town of Perinton be adopted.

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

END ESTOPPEL PERIOD

Supervisor Smith announced that the estoppel period for bonding for construction of the Jefferson Avenue sewer had ended.

APPROVE TRAFFIC CONTROL DEVICES

Commissioner Beck said that Monroe County Department of Transportation is responsible for installing traffic control devices on county roads. The County would like to change the operation of the emergency signal on Turk Hill

Road at the intersection with the Perinton Volunteer Ambulance Corps and, under the New York State Manual of Uniform Traffic Control Devices, has requested the Town Board to approve the change in the signal. The County would also like to change the regulatory bridge clearance height sign for the railroad overpass over Marsh Road to a height of 11'9" and, under the New York State Manual of Uniform Traffic Control Devices, has requested the Town Board to approve the installation of the sign. The third change is to change the northbound and southbound inbound curb lanes on Turk Hill Road approaching Ayrault Road to exclusive right turn lanes and, under the New York State Manual of Uniform Traffic Control Devices, has requested the Town Board to approve the installation of those lanes.

Councilperson Havens proposed the following resolutions, seconded by Councilperson Saum:

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 an emergency traffic signal at the intersection of Turk Hill Road and Perinton Volunteer Ambulance Corps.

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

WHEREAS, Monroe County, pursuant to authority granted by Section 1651 and 1652-a of the New York State Vehicle and Traffic law, has requested to change the regulatory bridge clearance height sign for the railroad overpass over Marsh Road to a height of 11'9".

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

WHEREAS, Monroe County, pursuant to authority granted by Section 1651 and 1652-a of the New York State Vehicle and Traffic law, has requested to change the northbound and southbound inbound curb lanes on Turk Hill Road approaching Ayrault Road to exclusive right turn lanes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Perinton does hereby establish such regulation. Said right turn lanes 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 BUDGET AMENDMENT AND CONTRIBUTION TO SENIOR LIVING COUNCIL

Supervisor Smith stated that the Town of Perinton, Village of Fairport and Perinton Churches Housing provide annual financial support for the Senior Living Council, an organization which provides services for Perinton's senior citizens. Among the services provided are housing at Roselawn and Rose Hollow and the Senior Options for Independence (SOFI) program. Councilperson Knapp is the Town's liaison to and Secretary of this organization.

SOFI provides services for Perinton and Fairport senior citizens which help them stay in their own homes and maintain their independence. Clerk West said that her office has had reason to call SOFI for senior citizens who were in need of support and has seen the results of SOFI's assistance.

Supervisor Smith explained that this was missed last fall and therefore, the 2010 budget will need to be amended to increase the revenue for the Interest and Penalty on Property Tax by $6,500 and increase the appropriation for Programs for the Aging by $6,500.

A motion was made by Councilperson Havens, seconded by Councilperson Saum, that the Town Board approve funding of $6,500 as its contribution to the Senior Living Council for 2009-20010 and that the Board amend the 2010 Town Budget by increasing the appropriation in the Programs for the Aging by $6,500 and increasing the revenues for the Interest and Penalty on Property Taxes by $6,500.

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

APPROVE CHANGES TO THE MEMBERSHIP
OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC

A motion was made by Councilperson Saum, seconded by Councilperson Knapp, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Non- Resident Firefighter	Mr. Michael Munier 38 Aldwick Rise Fairport, NY 14450
Remove from Roster	Mr. Andrew Lucas 8 Bittersweet Road Fairport, NY 14450
	Mr. Martin West 83 Park Road Pittsford, NY 14534
	Mr. Scott Johnson 39 Musket Drive Pittsford, NY 14534

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

APPROVE CONTRACT FOR 2010 COMPREHENSIVE PLAN

Director of Code Enforcement and Development Doser stated that Perinton's dedication to careful planning and thoughtful consideration of land development is one reason why the community continues to flourish. The Town's Comprehensive Plan has played a key role. Approximately every 10 years since 1959, the Town has updated its Comprehensive Plan to ensure that land-use strategies remain current with emerging social trends. The last update occurred in 2000, and it is time to update the plan again.

Mr. Doser went on to explain that during the past few months, a selection committee comprised of Town Board members and Town staff evaluated comprehensive plan proposals from seven engineering and architectural firms with extensive municipal planning and design backgrounds. The committee assessed the proposals and interviewed five finalists. After an exhaustive process, the committee selected Bergmann

Associates as its choice to complete the 2010 Town of Perinton Comprehensive Plan Update.

Mr. Doser stated that the committee recommends Bergman for its experience in municipal planning, its thoroughness in implementing the comprehensive plan process, its understanding of issues facing the Town, and its exceptional resources needed to carry out the plan. The firm's meticulous approach will mean that all of the Town's stakeholders have an opportunity to shape and form the 2010 Comprehensive Plan Update during the course of the 12-month process expected to complete the plan. Perinton resident Andy Raus will be Bergmann's project manager and lead the efforts. Mr. Raus grew up in Perinton and lives in the Village of Fairport with his wife and children.

The cost of the 2010 Comprehensive Plan Update is $55,000.

Judith McNulty, 647 Thayer Road, asked whether the plan update would focus on any particular area. Supervisor Smith stated that there is room in the plan to do that but no decision has been made regarding that at this point in time.

Councilperson Havens made a motion, seconded by Councilperson Saum, to approve the contract with Bergmann Associates in the amount of $55,000, to complete the 2010 Town of Perinton Comprehensive Plan Update.

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

TOWN AGRICULTURAL AND FARMLAND PROTECTION GRANT

Supervisor Smith stated that the Town applied for an agriculture grant from New York State in 2008. The purpose was to study the sustainability of agriculture in the Town of Perinton and the preservation of agricultural lands in the Northeast and Southeast portions of Perinton. It was anticipated that the grant would be awarded a few years ago and the study completed as a prelude to doing the 2010 update to the Town Master Plan, but the funding was cut off at that time. The $25,000 grant will now be used in conjunction with the Comprehensive Plan and allow the study to look specifically at agriculture in the Town of Perinton.

RECOGNITION SUE O'LEARY

Supervisor Smith stated that he had attended the Fairport School Board meeting prior to tonight's Town Board meeting. May is Scholarship month and there is always a joint proclamation between the Town, Village of Fairport and the School District. There was a discussion of the Dollars for Scholars Program and their efforts on behalf of Fairport High School students. This year's recipient of the Dollars for Scholars Volunteer of the Year was Sue O'Leary who works at the Department of Public Works as Commissioner Beck's Secretary and does the GIS work for the Town. Sue has computerized the Dollars for Scholars application process, which receives and ranks greater than 200 applications each year. Sue's expertise has brought order and simplicity to a complicated and difficult task.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of March 2010 be approved.

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

Chris Fredette, on behalf of the Conservation Board, complimented the Code Enforcement and Development Department on the new timing and placement of the Public Notice Signs.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 9:00 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk