

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, March 9, 2011

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| 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; Jeffrey Myers, Commissioner of Recreation and Parks; Jennifer A. West, Town Clerk; Stacey Estrich, Parks Director; Michael Doser, Director of Code Enforcement and Development; 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 February 23, 2011 be approved as submitted by the Town Clerk.

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

AWARD DPW & PARKS AND RECREATION EQUIPMENT BIDS

DPW Commissioner Beck stated that there are seven pieces of equipment that are approved to be replaced in 2011. Commissioner Beck said that, on February 16, 2011, bids were opened for two of the items. He asked the Board to approve the following two bid purchases and one purchase off of the State bid contract:

HIGHWAY DEPARTMENT

ITEM # 1: ONE NEW 2011, 4 DOOR, 4x2 ¾ TON HEAVY DUTY PICKUP TRUCK

This item will be purchased from the New York State Bid Contracts. It will replace Perinton #5. Commissioner Beck anticipates spending an additional \$1,000.00 on this vehicle, for the in-house installation of emergency lighting, tool box, and a tool rack. Commissioner Beck recommended that item #1 be purchased from the NYS Bid Contract (Van Bortel Ford) for the amount of \$19,511.25, and an additional \$1,000.00 expense be approved for the lighting, tool box and tool rack.

ITEM #5: ONE NEW 2011, 25 CUBIC YARD REFUSE PACKER BODY WITH HYDRAULICS TO BE INSTALLED ON OWNER SUPPLIED CHASSIS

Commissioner Beck stated that two bids were received for this item. The low bid was submitted by Cyncon Equipment, Inc. Their bid met specifications as advertised. Commissioner Beck recommended that Item #5 be awarded to Cyncon Equipment, Inc. for the amount of \$59,716.00.

SEWER DEPARTMENT

ITEM #1 ONE NEW COMBINATION, SINGLE ENGINE SEWER CLEANER WITH POSITIVE DISPLACEMENT PUMP TO BE INSTALLED ON OWNER SUPPLIED CHASSIS

There were three bids for this equipment, the lowest bid coming from Joe Johnson Equipment USA, Inc. in the amount of \$208,864.00. Their proposal will provide the Town with a Vactor Plus 2110P-18 Plus machine with a Roots 824 RCS Positive Displacement Vacuum System and a 10 Cubic Yard Body. The Vactor machine offers an accumulator option for the machine's water pump system that allows for smoother operational water flows for a cost of \$2,440.00. Commissioner Beck recommended that Item #1 be awarded to Joe Johnson Equipment USA, Inc. for the amount of \$208,864.00 and to add on the option for the water pump system in the amount of \$2,440.00.

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the bids for DPW Equipment for the Highway and Sewer and the purchase from the NYS Contract be awarded as recommended by Commissioner Beck.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

RECREATION AND PARKS

Commissioner of Recreation and Parks Myers stated that the Recreation and Parks 2011 budget includes plans to purchase three trucks for the Parks Division. The three trucks are on the current NYS Contract for vehicles. Parks Director Estrich has discovered a method to save more money than the NYS purchase price, by purchasing the cab and chassis assemblies off the NYS contract, and separately purchasing the truck boxes and accessories from another vendor and having them complete the installation of the additional equipment and accessories. The vendor, Thru-Way Springs, Co. provided the lowest of the three quotes provided to the Parks Department. This will yield a savings of \$7,827.10.

Commissioner Myers requested that the Town Board authorize the purchase of the three trucks from the NYS contract, as well as the truck boxes and additional equipment from Thru-Way Springs, Co. for a total price not to exceed \$82,000.00.

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the three Parks trucks be purchased from the NYS Contract as recommended by Commissioner Myers and that the truck boxes and additional equipment be purchased from Thru-Way Springs, Co. for a total price not to exceed \$82,000.00.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AUTHORIZE PAYMENT TO P. CUCCHIARA CONSTRUCTION, INC.

DPW Commissioner Beck stated that he is requesting that the Town Board authorize a payment request for P. Cucchiara Construction, Inc. Cucchiara is the primary contractor for the Bushnell's Basin Canal Improvement Project and this invoice is requesting payment for work performed in January and early February 2011. The request for payment came to Commissioner Beck's office (via Parrone Engineers) too late in February for submission to the Town's monthly audit and we'd like to pay them in a timely manner.

Councilperson Knapp made a motion, seconded by Councilperson Saum to authorize the payment of \$30,103.12 to P. Cucchiara Construction, Inc.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE SEWER UNIT AGREEMENT

DPW Commissioner Beck reviewed a sewer unit transfer agreement between the Town of Perinton and Pride Mark Homes. The agreement would allow Pride Mark Homes to transfer 7 sewer units from the land they own in the Town of Perinton, located on Fellows Road, to a parcel of land located adjacent to their Arbor Ridge Development on Fellows Road in the Town of Penfield. The agreement also indicates that at a future date, when a minimum of 50% of the townhomes in Arbor Ridge I & II Developments have been constructed, the Town of Perinton will measure sanitary flows being generated. If the flows are found to be below a pre-determined level, then all or a portion of the 7 units being transferred from the Fellows Road property can be restored. Commissioner Beck stated that this is a mutually beneficial agreement that will provide sewer services to a development in the Town of Penfield and provide the Town of Perinton Sewer District with an economic benefit in that Perinton will receive Principal and Interest, as well as Operation Maintenance fees for each sewer unit used by the Town of Penfield.

Councilperson Knapp asked whether the Town would get further down the road and regret this transfer and Commissioner Beck stated that the Town is very conservative in the way that it calculates sanitary sewer units and will carefully protect the needs of the vacant land remaining in Perinton.

Councilperson Knapp made a motion, seconded by Councilperson Saum to authorize Supervisor Smith to sign the sewer unit transfer agreement with Pride Mark Homes.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE APPOINTMENT ASSESSMENT BOARD OF REVIEW

Supervisor Smith stated that the Town Board has a memo from Town Assessor Morabito stating that Wendy Callin has resigned her position on the Board of Assessment Review effective April 1, 2011. Ms. Callin's appointment ends as of September 30, 2012.

Mr. Morabito is recommending that the Town Board approve the appointment of Robert Kubera to complete Ms. Callin's current term. Mr. Kubera has been a temporary BAR member and is employed as the Supervising Real Property Appraiser, City of Rochester, Bureau of Assessment. Mr. Kubera has both residential and commercial experience and resides in the Town of Perinton at 105 South Ridge Trail.

Councilperson LaFay, made a motion, seconded by Councilperson Havens, to appoint Robert Kubera, 105 South Ridge Trail, Perinton, as a permanent member of the Board of Assessment Review.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE PERMANENT APPOINTMENT
RECREATION AND PARKS DEPARTMENT

Parks Director Estrich stated that Bob Ellis is retiring from full time service with the Parks Department on March 19, 2011 and as a result of Mr. Ellis's departure, Ms. Estrich is requesting that Rob Cooper be promoted from Parks Laborer, to Grounds Equipment Operator. Mr. Cooper's promotion would be effective as of March 21, 2011 and he would start at a rate of \$per hour.

Councilperson Havens made a motion, seconded by Councilperson Saum to approve the promotion of Rob Cooper to Grounds Equipment Operator effective March 21, 2011 at a rate of \$per hour.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE ABANDONMENT OF TOWN EASEMENT

Town Attorney Place stated that the Goddard School at Basin Meadows Professional Park is expanding and to allow that to happen some of the construction will occur within a Town drainage easement. The Town of Perinton would need to abandon that portion of the easement to allow this to move forward. Perinton's drainage needs can still be met without this easement.

Councilperson LaFay made a motion, seconded by Councilperson Saum to approve the abandonment of a portion of an existing Town easement at Basin Meadows Professional Park as described by Attorney Place.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

DECISION
AMENDMENT TO SECTIONS 208 and 78 OF THE CODE OF THE
TOWN OF PERINTON
KENNELS

Supervisor Smith stated that the Town Board held an Order for Hearing on January 12, 2011 regarding an amendment to Section 208 of the Code of the Town of Perinton regarding Kennels. On February 9, 2011, the Public Hearing was held with no opposition to the Code change. All changes to Section 208 (Zoning) are referred to the Town Planning Board and they returned a memo dated March 8, 2011 in which they stated that they have reviewed the law, discussed it and support the proposed code change.

Councilperson Saum made a motion, seconded by Councilperson Havens, that the amendment to Sections 208 and 78 of the Code of the Town of Perinton regarding Kennels be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) based upon the fact that this code change will in no way negatively impact the environment.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

Councilperson Knapp made a motion, seconded by Councilperson Havens to accept the following amendment to Sections 208 and 78 of the Code of the Town of

Perinton citing the recommendation of the Planning Board memo dated March 8, 2011 in which they unanimously supported the proposed Code Change.

§208-8 Definitions

KENNEL -- Any premises on which five or more dogs four months old or older are kept.

§208-38 Residential sensitive district.

- A. Purpose and locational criteria. The purposes of this district are to:
- (1) Assure that lands identified in the Comprehensive Plan as having exceptional environmental values are developed with minimal disturbance to the environment.
 - (2) Maintain low density in areas with poor transportation networks and physical constraints to development.
 - (3) Assure compatible types and densities of development.
 - (4) Encourage innovation in subdivision design.
- B. Uses permitted. The following uses are permitted:
- (1) One single-family dwelling per lot which must have a two-car garage.
 - (2) One-story accessory building to single-family dwelling.
 - (3) Customary home occupations.
 - (4) Agriculture and normal accessory buildings for agricultural purposes which meet the standards set forth in § 208-11A.
 - (5) Public buildings and grounds, as defined in this chapter, shall not be permitted, except in accordance with § 208-12 or 208-13.
 - (6) The following uses, upon obtaining a special permit from the Town Board as provided in Section 208-54.
 - (a) Kennels, provided that there is at least 5 acres and that there is no outside keeping of animals.
- C. [NO CHANGES]
- D. [NO CHANGES]
- E. [NO CHANGES]
- F. [NO CHANGES]
- G. [NO CHANGES]
- H. [NO CHANGES]
- I. [NO CHANGES]

ARTICLE VII, Restricted Business, Industrial and Commercial Districts

§ 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:
- (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 spaces are provided for each.

- (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 and/or kennels, 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.

§ 208-40 Industrial District.

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

- (1) Customary and ordinary industrial uses which are conducted wholly within the enclosed walls of a building, including warehousing, are permitted. Those uses of lands, buildings, structures or processes which may or shall be noxious, injurious or in any way harmful to persons or property by reason of the production or emission of dust, smoke, refuse, odor, gas fumes, noise, radiation, vibrations or similar circumstances or conditions are expressly prohibited.
- (2) Hotels or motels. (See § 208-45.)
- (3) All uses first permitted in a Restricted Business District.
- (4) A solid waste facility may be permitted upon obtaining a permit from the Zoning Board of Appeals as provided in § 208-21 of this chapter, provided that it meets the following criteria:
 - (a) The parcel is greater than 100 acres in size.
 - (b) The facility and related improvements are set back greater than 100 feet from any property line.
 - (c) Appropriate measures are taken to minimize the visual impact of any operational activities and equipment and dropoff facilities are provided along adjacent public roads.
- (5) Veterinary office and/or kennels, 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.

(6) Adult uses.

(7) Miniwarehouses.

- B. Design criteria. The architectural treatment and general appearance of all buildings and grounds shall be of such quality of design as to be a visual asset to the area in which they are located. Such determination shall be made by the Planning Board.
- C. Landscaping. The front yard of all lots and the exterior side yard of a corner lot shall be landscaped and shall include the provision of vegetation of suitable levels of maturity to protect and enhance the overall quality of the environment. In the case of through lots where the rear or side yard is also visible from public highways or residential areas, similar requirements shall be imposed wherever appropriate.

§ 208-41 Commercial District.

- 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).
 - (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.
 - (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:
 - [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 and/or kennels, 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, 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.

- (3) [NO CHANGES]
- (4) [NO CHANGES]
- (5) [NO CHANGES]

B. [NO CHANGES]

§ 208-42 [NO CHANGES]

§ 208-43 Limited Commercial District.

A. [NO CHANGES]

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

- (1) [NO CHANGES]
- (2) [NO CHANGES]

(3) The following uses, upon obtaining a special permit from the Town Board as provided in § 208-54:

- (a) Veterinary office and/or kennels, 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.
- (b) [NO CHANGES]
- (c) [NO CHANGES]
- (d) [NO CHANGES]

C. [NO CHANGES]

§ 78-11. Penalties for offenses.

Any person who violates this article or knowingly permits the violation of this article or any of the provisions thereof shall be deemed to have committed an offense against this article, and any person convicted of any such violation after investigation and hearing shall be punishable (as pursuant to Chapter 115 of the Town Code).

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

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 February 2011 be approved.

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

Darren Miller, 1 Mill Valley Road, asked whether any of the Town Board members had attended the open house on March 8, 2011 at High Acres Landfill. Supervisor Smith stated that Commissioner Beck, Conservation Board Chairman Ken Rainis and he were at the open house representing the Town. Supervisor Smith stated

that his impression was that everyone in attendance came away understanding the landfill operation and its components much better than when they arrived and the open house was, therefore, successful.

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