

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, February 8, 2012

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen C. Van Vreede	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Nicholas Morabito, Town Assessor; Michael Doser, Director of Code Enforcement and Development; 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 Van Vreede made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of January 25, 2012 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Abstain: Havens
Approved

PUBLIC HEARING
CONSERVATION EASEMENTS 2012

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 January 19, 2012; affidavit of posting was January 19, 2012.

Nicholas Morabito, Assessor, reported that open space preservation has been an objective of Perinton Town government for many years. In the 1970's the town developed a Conservation Easement program that assisted in retention of open space. The easement program allows property owners to enter into a legal agreement or easement with the Town. In return for entering into this agreement, the Town grants a tax abatement to the parcel under easement. The agreement states that the property owner agrees to retain the present use of their land for a term of at least five years. Longer terms are available and encouraged and provide a greater tax incentive for the property owner. In the event that an easement is broken, or requested to be cancelled, before the term expires, the property owner is required to pay back up to five years of tax benefits they received as well as a penalty. The penalty monies are placed in a reserve fund for the acquisition of open space.

These funds have assisted the Town in acquiring 1,400+ acres of open space land over past years. There are two types of easements, the Conservation Easement previously described and a Conservation Easement for farming purposes. The conservation with farming easement carries the same conditions as well as the requirement that the property be actively farmed. Mr. Morabito stated that over the past thirty years as many as 159 parcels and over 6,000 acres of land have been involved in the easement program.

There are eleven easements due to expire on March 1, 2012. Ten of these easements are before the Town Board. The remaining parcel is not being renewed, for estate planning purposes. Two new applications were received this year. Assessor Morabito said that all of the proposed easements have received favorable recommendations by the Perinton Conservation Board as well as the Monroe County Planning Department. He pointed to a Town map, which highlights properties currently involved in the conservation easement program. The parcels in dark green are current conservation easements and those in light green areas are existing farming easements. The parcels in purple are up for renewal in 2012.

Assessor Morabito stated that with the Town Board approval, there will be 115 easements on record totaling 2,920 acres.

Assessor Morabito asked the Board to accept the following proposed easements:

<u>Tax Map Acct #</u>	<u>Owner/Property Location</u>	<u>Acres</u>	<u>School/Yrs/Type</u>
140.04-1-31	Mary A Barnum 283 Furman Road Fairport, NY 14450	5.65	Fairport/10/Conservation
141.03-1-16.2	Timothy Brown	21.96	Fairport/10/Farming
141.03-1-17.1	Furman Road Fairport, NY 14450	8.50	Fairport/10/Farming
141.04-1-13	LenMar, Inc 255 County Line Road Fairport, NY 14450	9.8	Fairport/15/Conservation
154.01-1-49	James & Rebecca Krause	4.29	Fairport/5/Conservation
154.01-1-50	100 & 102 Wakeman Road Fairport, NY 14450	9.79	Fairport/5/Conservation
154.01-1-53.1	William & Darlee Provinski 186 Wakeman Road Fairport, NY 14450	17.40	Fairport/5/Farming
180.02-1-60	Joan Alliger 200 Thayer Road Fairport, NY 14450	10.03	Fairport/10/Farming
181.01-1-33	Phillip Long, Donald Long	36.70	Fairport/5/Conservation
181.03-1-13.1	Donna Torrens Pannell Road Fairport, NY 14450	33.00	Fairport/5/Conservation

New Conservation Easements in 2012:

181.01-1-34	David & Kathleen Garland 167 Pannell Road Fairport, NY 14450	11.57	Fairport/10/Farming
194.02-1-18.4	David Autovino & Audrey McNally 6800 Spring Creek Dr Victor, NY 14564	5.00	Victor/25/Conservation

Judith McNulty, 647 Thayer Road, asked if the Town has a definition of farming. Mr. Morabito stated that it could be a tree farm, actively farmed or pasture land

for horses. Mr. Doser added that there is a definition in the Town Code. Ms. McNulty also asked how much of a plot must be farmed to be considered a farm plot. Supervisor Smith stated that the majority of the tillable acreage must be used as a farm to be considered a farming parcel.

Joe Hoff, 6 Woodcliff Terrace asked if there is a prohibition regarding extraction of minerals for the land under conservation easement. Town Attorney Place stated that the Town Code does not permit the extraction.

Paul Conaway, 471 Thayer Road, asked whether the landowner is permitted to do anything he wants with the land under easement such as clearing the land. DPW Commissioner Beck stated that if the land is in LDD zoning there would be restrictions on clear-cutting. Mr. Conaway stated that there is a parcel on Wakeman Road (across from #145) where the property owner is clearing trees. Mr. Morabito stated that he would look into this. Commissioner Beck also stated that the conservation easement prevents development primarily and Attorney Place added that the owner can continue doing what they are doing with the land. Supervisor Smith added that the Conservation Board has reviewed each of the potential easements in the field. He also stated that the land in the Conservation Easement program is a small percentage of the Town's total acreage (13%) and is meant to offer tax abatement to these land owners to allow them to stay on their property, retain their property and not feel like they have to sell it off to developers and therefore allowing development to occur rationally in the Town of Perinton.

Marion Fox, 81 County Clare Crescent, asked whether land under conservation easement can be used for hunting and specifically what the firearms law is in the Town to help the property owner whose land abuts the easement. Supervisor Smith stated that there is a law regarding firearms. Commissioner Beck added that there is a line on the Town map that runs north/south through the east side of Perinton and the ordinance says that west of that line hunting is allowed with written permission of the property owner. On the east side, no written permission is necessary, however on any land hunting cannot take place within 500 feet of the road or buildings under State DEC hunting laws.

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

A motion was made by Councilperson Havens, seconded by Councilperson Knapp, that the acceptance of the above 2012 Conservation Easements be granted a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because granting the easements preserves open space, limits development and therefore creates no adverse environmental impacts.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved

Councilperson Havens offered the following resolution, seconded by Councilperson Kanpp:

RESOLVED: that the Town Board of the Town of Perinton does hereby accept, and authorize the Supervisor to sign on behalf of the Town of Perinton, the Conservation Easements as presented by Assessor Morabito.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved

**AUTHORIZE ACCEPTANCE OF LAND TRANSFER FROM NYSDOT TO TOWN
OF PERINTON &
AUTHORIZE SUPERVISOR TO SIGN ASSOCIATED DOCUMENTS**

Commissioner Beck stated that there is a piece of land (part of the Park and Ride lot) in the Town that was part of the Kenney Place construction that needs to be transferred from the NYS Department of Transportation to the Town of Perinton. Although Kenny Place, the connector road between Courtney Drive and Chardonnay Drive, has been completed for over a year, the transfer of land from the NYSDOT is just catching up with the project. Commissioner Beck added that the Town Board must authorize the acceptance of the land at this point and designate Supervisor Smith as the official approved to sign all documents associated with the land transfer.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay to authorize the acceptance of the land and designate Supervisor Smith as the official approved to sign all documents associated with the land transfer

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved

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

A motion was made by Councilperson Havens, seconded by Councilperson Van Vreede, that the following change in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Resident Active to	Mr. Christopher Bane
Non- Resident Active	40 Gentian Way
	Fairport, NY 14450

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved

AUTHORIZE EXPENDITURES FOR PERMIT APPLICATION
FOR NYS CANAL CORPORATION EASEMENT

Commissioner Beck stated that as part of the O'Connor Road relocation project, which is partially federally funded, the Federal Highway Administration is requiring that the Town secure an easement over the portion of O'Connor Road, adjacent to Perinton Park, that occupies State (Canal Corporation) owned land. Commissioner Beck requested that the Town Board approve expenditures for \$95 for an application fee and \$500 for a review fee to facilitate the acquisition of the easement from the NYS Canal Corporation. The easement itself will be at no cost to the Town.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay, to approve the expenditure of \$95 for an application fee and \$500 for a review fee to facilitate the acquisition of the easement from the NYS Canal Corporation.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of January 2012 be approved.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved

Supervisor Smith acknowledged the members present from Citizens' Alliance for a Pristine Perinton (CAPP) and their request to make a presentation before the Town and Conservation Boards regarding hydrofracking. Supervisor Smith offered them a choice of February 22 or March 28, 2012 and stated that all Board members would be present on March 28 (but not February 22 or March 14). Mr. Hoff stated that someone from CAPP would get back to Supervisor Smith.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:35 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk