

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, June 27, 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; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; 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 Knapp made a motion, seconded by Councilperson Van Vreede, that the minutes of the Town Board meeting of June 13, 2012 be approved as submitted by the Town Clerk.

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

ORDERS FOR HEARING  
AMENDMENTS TO THE CODE  
OF THE TOWN OF PERINTON

Director of Code Enforcement and Development Doser stated that he is bringing forth five code modifications for the Town Board’s consideration and that all five have been approved by the Town Codes Committee.

The first code modification is related to off-street parking and loading sections. Mr. Doser stated that the Town has contracted with BME Associates on a parking study that updated that parking code, adding some new uses, and adjusting parking calculation formulas that should more accurately define the parking demands related to all uses. He further stated that the proposed code is largely based on a Monroe County Parking study and the recommendations by the Urban Land Institute and that the code has been adjusted so that the parking formula for uses of general assembly will be based on NYS Building Code.

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§ 208-8. Definitions.

**GROSS LEASABLE FLOOR AREA (GLFA) -- The total area designed for tenant occupancy and exclusive use, including any habitable/occupied basements, mezzanines or upper floors as expressed in square feet and measured from the center line of joint partitions and/or outside wall faces.**

**SENIOR HOUSING**

**A. SENIOR LIVING & CARE FACILITIES -- Senior Living and Care facilities may offer supportive services, personalized assistance, and supervision for**

**senior citizens who may need help with activities of daily living, but who do not require intensive health care as provided by a nursing home. These facilities have a central or private kitchen, dining, recreational, and other facilities with separate bedrooms or living quarters where the emphasis of the facility remains residential. This may include many housing forms including detached and attached dwelling units, apartments, and residences, and a variety of level of services to residents. They offer social activities, support assistance, and personal care on one campus.**

**B. NURSING HOMES -- A nursing home is any facility whose primary function is to care for persons who are unable to care for themselves. For example, rest homes (which are primarily for the aged), chronic care and convalescent homes. Traffic is primarily generated by employees, visitors and deliveries.**

208-16. Off-street parking and loading.

In all districts there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, improved and usable parking spaces for automobiles in accordance with the requirements of this section.

A. General conditions.

- (1) Each off-street parking space for any use shall measure a minimum of 9 feet by 18 feet and shall be designed with twenty-four-foot travel aisles for two-way travel *or fifteen-foot travel aisles for one-way travel.*
- (2) All paved parking areas, with the exception of those related to one-family and two-family dwellings, shall be hairpin striped in the following manner:
  - (a) Striping shall be yellow or white, three inches to four inches in width, outside dimension of the double stripe 12 inches. The area between each set of double stripes shall be eight feet minimum.
  - (b) Handicapped parking spaces shall be provided in **a location** ~~*an area, and location,*~~ **and number,** in accordance with the New York State Uniform Fire Prevention and Building Code.
- (3) Location. Off-street parking shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking space to the nearest public entrance of the building that such parking space is required to serve, along vehicular travel aisles or designated pedestrian walkways.
  - (a) For one- and two-family dwellings and for all types of residential structures in any district, spaces shall be on the same lot with the building they are required to serve.
  - (b) For townhouses, two spaces related to the unit (one wholly enclosed) and one additional guest space per unit *shall be within close proximity to the unit.* **shall be within 300 feet of the building they are required to serve.**
  - (c) For multiple-family dwellings, spaces shall be not more than 300 feet from the building they are required to serve.
  - (d) For hospitals, nursing homes, proprietary homes and other health-related facilities, spaces shall be not more than 500 feet from the building they are required to serve.

- (e) For uses other than those specified above, spaces shall be not over 600 feet from the building they are required to serve.

(4) Units of measurement.

- (a) *For the purpose of this section, "gross leasable floor area (GLFA)" shall be defined as the total area designed for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors as expressed in square feet and measured from the center line of joint partitions and/or outside wall faces.*

**(a) (b) The New York State Building Code shall be the source for defining assembly areas and determining occupancy in assembly areas.**

1. *Spaces without fixed seating for concentrated use, such as dance halls, auditoriums, bar/tavern, worship areas, nightclubs, etc., one person for each seven square feet of floor area.*
2. *Spaces without fixed seating for less concentrated use, such as conference rooms, dining rooms, recreation rooms, bowling alleys, excluding alley areas, recreation centers, one person for each 15 square feet of floor area.*
3. *Designated waiting areas, one person for each three square feet of floor area.*
4. *For spaces with fixed seating, the number of persons shall be designated by the number of fixed seats. For pews or similar bench-type seating, allocate one person for each 18 linear inches of bench.*

- (b)** (c) When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one parking space.

(5) Change in use, additions, alterations and enlargements. Whenever there is a change in use or an addition in floor area, a change in site usage or other units of measurement specified hereinafter to indicate the number of required off-street parking spaces and such change or addition creates the need for additional parking spaces, those additional parking spaces shall be provided. The Planning Board may waive the requirement for additional parking, provided that the additional parking spaces are designated as future parking spaces and meet the requirements as specified herein in § 208-16C(7).

(6) Collective provisions. Nothing in this section shall be construed to prevent collective provisions for off-street parking facilities for two or more buildings or uses, provided that the total collective sum shall not be less than the sum of the various uses as computed separately.

(7) Plans. Plans for the parking area shall be submitted to the Planning Board for site plan approval or to the Director of Code Enforcement and Development at the time of the application for the building permit for renovations or changes in use within a building that alter the **Gross Leasable Floor Area (GLFA)** or occupancy level.

(8) No dismantled, unlicensed, junked, nonoperating or for-sale vehicles shall occupy a designated parking space.

- (9) All business-related vehicles, service vehicles and sales fleet vehicles shall be parked in the rear of the property, unless otherwise approved by the Planning Board.
- (10) No vehicle, while parked, shall project into or over a designated pedestrian walkway or landscaped area. Wheel blocks may be required to limit this vehicular encroachment.
- (11) For drive-through or drive-up windows or establishments such as drive-up tellers, drive-up restaurant windows, etc., a minimum of 10 reservoir spaces for stacking of vehicles shall be provided. [For car wash requirements, see § 208-41A(4)(g) 208-41A(5)(g).

B. Required parking spaces.

- (1) Specific uses:

**[NOTE: DELETE HIGHLIGHTED CHART IMMEDIATELY BELOW AND REPLACE WITH NEW CHART THAT IMMEDIATELY FOLLOWS IT:]**

<b>Use</b>	<b>Number of Parking Spaces Required</b>
<b>Residential</b>	
One-family	3
Two-family dwellings (3 each unit)	6
Townhouse units (2 that are related to the unit, 1 of which is wholly enclosed and 1 additional space per unit within close proximity)	3
Multiple-family dwellings, per dwelling unit	3.5
Customary home occupations (in addition to the above requirements)	2
<b>Nonresidential</b>	
Hotels, motels and lodging houses, for each sleeping room and for each employee per shift. (Accessory uses shall be calculated at 50% of their required spaces as calculated separately.)	1
General Offices, Business, Professional	
<b>Offices</b>	
Business or professional, per 1,000 square feet of GLFA	4.25
Banks, per 100 square feet of public banking area (bank office area calculated as general office)	1
Medical and dental clinic, per doctor (in addition to the office requirement)	4
<b>Retail or convenience stores less than 25,000 square feet</b>	
Minimum	10
Per 1,000 square feet of GLFA	5

<b>Shopping centers and mall</b>	
<i>Between 25,000 and 400,000 square feet of GLFA, per 1,000 square feet of GLFA</i>	<b>4.5</b>
<i>Grocery retail that exceeds 50,000 square feet of GLFA in a single store, per 1,000 square feet of GLFA</i>	<b>6</b>
<b>Food service</b>	
<i>Up to 10% of the GLFA in a shopping center of 25,000 to 200,000 square feet, per 1,000 square feet of food service tenant area</i>	<b>10</b>
<i>Up to 5% of the GLFA in a shopping center of 100,000 to 200,000 square feet, per 1,000 square feet of food service tenant area</i>	<b>6</b>
<i>Where take-out, delivery or catering service is provided, per delivery vehicle specifically designated (a sign: "For delivery use only" shall be provided)</i>	<b>1</b>
<i>Where customer take-out is provided, per vehicle space specifically designated (a sign: "For pickup only" shall be provided)</i>	<b>As determined by the Planning Board</b>

<b>Cinemas</b>	
<i>Less than 10% of GLFA is incorporated into a shopping center of less than 100,000 square feet of GLFA, per 100 seats</i>	<b>3</b>
<i>More than 450 seats is incorporated into a shopping center of 100,000 to 200,000 square feet, per each 100 seats over 450</i>	<b>3</b>
<i>Less than 750 seats is incorporated into a shopping center of over 200,000 square feet</i>	<b>No additional spaces required</b>
<b>Industrial/commercial</b>	
<i>Motor vehicle maintenance and repair, per repair bay</i>	<b>6</b>
<i>Industrial manufacturing areas, per 400 square feet of gross floor area</i>	<b>1</b>
<i>Warehousing uses, per 3,000 square feet of gross floor area</i>	<b>1</b>

<b>Assembly, restaurants, recreation</b>	
<i>Bowling alleys</i>	
<i>Per lane</i>	<b>5</b>
<i>Additional, per each 5 persons of calculated occupancy for accessory uses</i>	<b>1</b>
<i>Tennis, handball courts, etc.</i>	
<i>Per court</i>	<b>3</b>
<i>Additional, per each 3 persons of calculated occupancy for accessory uses</i>	<b>1</b>
<b><i>In assembly areas and other places of public assembly</i></b> <i>General assembly uses and all other uses, per each 3 persons of calculated occupancy (as determined by the New York State Building Code) typical uses: art galleries, assembly halls, auditoriums, clubrooms, dance halls, exhibit halls, gymnasiums, libraries, funeral homes, motion-picture theaters, museums, nightclubs, recreation centers, restaurants, skating rinks, theaters)</i>	<b>1</b>
<i>Place of worship, per each 3 persons of calculated occupancy</i>	<b>1</b>

<b>Educational uses</b>	<b>As determined by the applicant and the Planning Board</b>
<b>For student use</b>	
<i>Per employee</i>	<b>1</b>
<i>Per each 3 persons for accessory assembly uses</i>	<b>1</b>
<b>Day-care uses (other than home day care)</b>	
<i>Per each 5 clients</i>	<b>1</b>
<i>Per employee</i>	<b>1</b>
<i>Reservoir parking areas adjacent to client drop-off area</i>	<b>10</b>
<b>Resident health-care facility</b>	
<i>Per each 4 clients</i>	<b>1</b>
<i>Per employee (typical uses: community residences, hospitals, nursing homes, sanitariums)</i>	<b>1</b>

<b><u>TOWN OF PERINTON PARKING CALCULATION CHART</u></b>		
<b>RESIDENTIAL</b>	<b><u>SINGLE/MULTI-FAMILY DWELLINGS</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	One-family	3
	Two-family dwellings	6
	Townhouse units (2 that are related to the unit, 1 of which is wholly enclosed and 1 additional space per unit within close proximity)	3
	Multiple-family dwellings (apartments) (per dwelling unit)	3
	Customary home occupations (in addition to the above requirements)	2
	<b><u>SENIOR HOUSING/HEALTH-CARE FACILITIES</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Senior housing, senior living & care facilities (per 2 residents)	1
	Senior housing, nursing homes (per 1.5 residents)	1
	Health-care facility (typical uses: hospitals, sanitariums)	1 per 4 clients, plus 1 per employee

<b>NON-RESIDENTIAL</b>	<b><u>TEMPORARY HOUSING OCCUPANCY</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Bed-and-breakfast residences	3, plus 1 per guest room
	Hotels, motels and lodging houses, for each sleeping room and for each employee per shift (Accessory uses shall be separately calculated at 50% of their standard required spaces.)	1
	<b><u>OFFICES</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Business or professional services, per 1,000 square feet of GLFA	5
	Banks, per 100 square feet of public banking area (bank office area calculated as business/professional services)	1
	Medical and dental clinic, per doctor (in addition to office requirement)	2

<b>NON-RESIDENTIAL continued</b>	<b><u>RETAIL OR CONVENIENCE STORES LESS THAN 25,000 SQUARE FEET</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Minimum	10
	per 1,000 square feet of GLFA	5
	<b><u>SHOPPING CENTERS AND MALLS</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Shopping centers (>25,000 square feet GLFA)	1 space per 200 square feet GLFA (includes restaurant, entertainment and/or cinema)

		space)
	Supermarket (<60,000 square feet GLFA)	1 space per 200 square feet GLFA)
	Supermarket (>60,000 square feet)	250 spaces, plus 1 space per 400 square feet GLFA)

<b>NON-RESIDENTIAL continued</b>	<b><u>OTHER</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Pharmacies with a drive thru	1 space per 300 square feet of GLFA
	Motor vehicle maintenance and repair, per repair bay	6
	Industrial manufacturing areas	1 per 1.10 peak shift employee or 1 space per 600 square feet of GLFA, whichever is greater
	Warehousing uses, per 3,000 square feet of gross floor area	1

<b>ASSEMBLY, RESTAURANTS, RECREATION</b>	<b><u>BOWLING ALLEYS</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Per lane	5, plus 1 per employee
	Additional, per each 5 persons of calculated occupancy of accessory uses as determined by the New York State Building Code.	1
	<b><u>TENNIS, HANDBALL COURTS, ETC.</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	Per court	3
	Additional, per each 3 persons of calculated occupancy of accessory uses as determined by the New York State Building Code.	1

<b>ASSEMBLY, RESTAURANTS, RECREATION continued</b>	<b><u>OTHER</u></b>	
	<b>USE</b>	<b>NO. OF PARKING SPOTS</b>
	General assembly uses and all other uses, per each 3 persons of calculated occupancy as determined by the New York State Building Code (typical uses: art galleries, assembly halls, auditoriums, clubrooms, dance halls, exhibit halls, gymnasiums, libraries, funeral homes, motion-picture theaters, museums, nightclubs, places of worship, recreation centers, restaurants, skating rinks, theaters)	1

	Personal service establishments (typical uses: Adult fitness center, hair salon, nail salons, massage parlors, karate studios, dance studios)	1 per 140 square feet
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	USE	NO. OF PARKING SPOTS
<b>ASSEMBLY, RESTAURANTS, RECREATION continued</b>	Educational Uses	As determined by the applicant and the Planning Board
<b>DAY CARE USES, OTHER THAN HOME DAY CARE</b>	USE	NO. OF PARKING SPOTS
	Per each 5 clients	1
	Per employee	1
	Reservoir parking areas adjacent to client drop-off area	10

If the proposed use is not named herein, the applicant may request a specific ruling from the Planning Board as to the number of parking spaces to be required for such proposed use.

C. Parking areas: development and maintenance. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

(1) Screening and landscaping.

- (a) Off-street parking for more than five but less than 75 vehicles shall be effectively screened on each side by a fence of acceptable design, undirected masonry wall, earthen berm, acceptable landscaping or compact evergreen hedge. Such screening shall be maintained in good functional condition.
- (b) In parking areas with a capacity of 75 vehicles or more, landscaping plans must be submitted showing the area broken up into smaller sections by aisles and landscaping, with adequate provisions for pedestrian walkways; such aisles shall be a minimum width of 10 feet.
- (c) The front setback area shall be screened using a landscaped berm; such berm shall be no less than five feet high and 40 feet wide at the base. The design shall be in accordance with the Town of Perinton Design Criteria and Construction Specifications.
- (d) All setback and buffer areas shall be planted, landscaped and maintained in accordance with the approved site plan.

(2) Setbacks. Parking areas shall be set back from the right-of-way as if it were a building, unless otherwise specified herein. Where parking areas are adjacent to a private drive or road, they shall be set back 50 feet. Side and rear setbacks shall be at least 15 feet from the lot line. The Planning Board may modify these setbacks at the time of site plan approval.

(3) Surface of the parking area. Any off-street parking area for more than five vehicles shall be surfaced with an asphaltic pavement so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation within the area. The Planning Board may alter this requirement at the time of site plan approval when special conditions exist.

(4) Lighting. No lights shall be erected, operated or maintained in connection with off-street parking in such a manner as to create an annoyance to surrounding properties or that create a public safety hazard due to glare. No lighting with a greater intensity than 1/2 footcandle, measured at five feet above the ground at the property line, shall be installed **and shall not exceed 16 feet in height from grade to bottom of light source.** All such lighting shall be approved by the Planning Board.

(5) Loading and unloading areas. Paved areas for maneuvering, loading and unloading of vehicles supplying buildings or uses shall be shown on the site plan and excluded from all computations of paved areas required for parking under this section.

(6) Locations for snow storage shall be provided and shown on the site plan.

(7) Planned future parking areas. All areas to be used for future parking and access shall be identified on the site plan approved by the Planning Board with the condition that consistent parking of vehicles on the public right-of-way or outside of the designated parking areas or on adjacent parcels of

land shall be the primary indicator of the need for conversion of planned future parking to functional parking areas. The need for conversion of future parking to functional parking shall be at the discretion of the Planning Board, based upon a review of the site and issuance of 120 days' notice.

- (8) Exceeding the required parking. Where a developing or developed parcel or use consistently exceeds the allotted parking spaces by parking of vehicles on the public right-of-way or outside of designated parking areas or within the fire lanes or on adjacent parcels of land, the Director of *Building **Code Enforcement and Development*** shall review the approved site plan for intensity of use. The Director of *Building **Code Enforcement and Development*** shall present these facts to the Town Board for action under § 208-57J of this Code.

The second amendment presented by Director of Code Enforcement and Development Michael Doser are changes to Section 208-41A (1) of the Code of the Town of Perinton. Mr. Doser stated that the proposed modification would prohibit industrial uses, such as a manufacturing facility from being located in a Commercial District, such as the areas where Wegmans, Perinton Hills Plaza and Perinton Square Mall are located.

He asked the Board to set a date for a Public Hearing to consider the following proposed changes:

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§ 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 **District** *or an Industrial District, except solid waste facilities and adult uses.*

The third amendment presented by Director of Code Enforcement and Development Michael Doser are changes to Sections 201-2 and 201-5 of the Code of the Town of Perinton. The proposed modification further specifies that recreational vehicle trailers are considered recreational vehicles. It also adds a definition for "Cargo Truck" and prohibits cargo trucks that exceed 20 feet in length from being permanently parked on public or private property in any residential district.

He asked the Board to set a date for a Public Hearing to consider the following proposed changes:

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§ 201-2. Definitions.

RECREATIONAL VEHICLE -- Any vehicle used for recreational purposes, including, **but not limited to, trailers used to transport such vehicles,** all-terrain vehicles, boats, boat trailers, camper trailers, jet skis, motorcycles, motorhomes and snowmobiles.

**CARGO TRUCK -- Any vehicle with a separate cab and freight area designed to transport goods or passengers.**

§ 201-5. Outside storage or parking of commercial, *or* construction vehicles **or cargo trucks.**

- A. No commercial or construction vehicle of any length shall be stored outside on any public property within the Town for a period in excess of eight hours, unless used in conjunction with construction on said property.
- B. No commercial vehicle **or cargo truck** having an overall length in excess of 20 feet, nor any semitractor, semi-tractor-trailer, semitrailer or construction vehicle of any length, shall be parked on any public or private property in a residential district unless temporarily in connection with a bona fide commercial service, sales or delivery to such property.
- C. A commercial vehicle, which is not a semitractor, semi-tractor-trailer, semitrailer or construction vehicle having an overall length of 20 feet or less, may be parked or stored outside on private property in a residential district subject to the following regulations:
- (1) Only one such vehicle per family may be parked or stored on any lot containing the dwelling of such family.
  - (2) Such vehicle shall only be parked or stored on the driveway or in the garage.
  - (3) The parking or storage of such vehicle shall be in full compliance with the requirements with Chapter 208, Zoning, § 208-16, of this Code and shall not preempt the use of space needed for the off-street parking of other vehicles.
  - (4) Such vehicle shall belong to an owner or occupant of the premises upon which it is being parked or stored.

The fourth amendment presented by Director of Code Enforcement and Development Michael Doser are changes to Section 208-14 C (2) of the Code of the Town of Perinton. The proposed modification eliminates hedges from consideration in item 2 of paragraph C, prohibiting fences and walls greater than 3 feet in height in front of the front setback line.

He asked the Board to set a date for a Public Hearing to consider the following proposed changes:

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§208-14

C. Fences, walls and hedges.

- (1) The face side of any fence erected in any district shall face the nearest abutting property, and all posts or supports shall be on the inside of said fence unless said posts or supports constitute an integral part of said face side.
- (2) No fence, **or** wall *or hedge* more than three feet in height shall be erected in front of the front setback line as defined herein.
- (3) No fence or wall more than six feet in height shall be erected in the side or rear yard.

- (4) A building permit must be issued for the installation of any fence and/or wall.
- (5) Any fence erected in a Commercial, Restricted Business, Industrial or Limited Commercial District shall be subject to Planning Board approval.
- (6) The provisions of the fence code do not apply to any fence for any in-ground or aboveground pool (see § 208-24) or evergreen or solid-screen fence for a recreational vehicle (see Chapter 201).
- (7) Where land is used and occupied as a farm, such open-style fences as shall be necessary to restrain livestock shall be permitted as needed.
- (8) On corner lots in any district, no fence, wall or other structure or hedges or other planting or vehicles, machinery or equipment more than three feet above the level of the adjoining street shall be erected, placed, maintained or parked within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines in accordance with the following schedule: ...

The fifth and final amendment presented by Director of Code Enforcement and Development Michael Doser are changes to Section 208-53 H (1) of the Code of the Town of Perinton. The proposed modification permits applicants who have received site plan approval for their projects to maintain approval beyond the 12-month time limit if they have a current instrument of financial security in place that is acceptable to the Town for the prospective project.

He asked the Board to set a date for a Public Hearing to consider the following proposed changes:

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§ 208-53. Site plan review.

H. Expiration of site plan approval.

- (1) Such site plan approval will automatically terminate one year after the same is granted unless a building permit has been issued and significant work has been commenced on the project **or the applicant has a current instrument of financial security in place for the prospective project that is acceptable to the Town, such as an active/valid letter of credit.**
- (2) Such site plan approval may be terminated for cause at any time after 10 days' written notice to the applicant.
- (3) Such site plan approval will terminate if a property remains vacant for more than one year.

A motion was made by Councilperson Havens, seconded by Councilperson LaFay, that 8:00 pm on July 25, 2012 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 the proposed changes to the Code of the Town of Perinton as listed above.

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

Nays: None

Unanimously Approved

## VOLUNTEER BOARD APPOINTMENTS

Supervisor Smith stated that many of the Town's Volunteer Board terms expire at the end of June and now are up for renewal.

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

WHEREAS, the term of David Kates as a member of the Perinton Planning Board will expire on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED, that David Kates, 52 Bending Oak Drive, Pittsford, NY be reappointed as a member of the Perinton Planning Board, with a new term to expire on June 30, 2019.

WHEREAS, the term of Vincent Arcarese as Chair of the Zoning Board of Appeals will expire on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED, that Thomas Young, 7 Center Crossing, Fairport, NY, be appointed Chair of the Zoning Board of Appeals with a term to expire on June 30, 2014.

WHEREAS, the term of Vincent Arcarese as a member of the Zoning Board of Appeals will expire on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED, that Vincent Arcarese, 159 Eaglesfield Way, Fairport, NY be reappointed as a member of the Zoning Board of Appeals, with a term to expire on June 30, 2017.

WHEREAS, the terms of John Minichiello, David Belaskas, Barbara Wagner, Andrew Rodman and Norm Gardner as members of the Perinton Conservation Board will expire on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED, that John Minichiello, 7 Freshfield Rise, Fairport, NY; David Belaskas, 8 Timway Circle, Fairport, NY; Barbara Wagner, 91 Waterford Way, Fairport, NY; Andrew Rodman, 150 Eaglesfield Way, Fairport, NY; and Norm Gardner, 43 Country Corner Lane, Fairport, NY be reappointed as members of the Perinton Conservation Board with terms to expire on June 30, 2014.

WHEREAS, the term of Kenneth Rainis as Chair of the Conservation Board will expire on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED, that Kenneth Rainis, 45 Crossover Road, Fairport, NY, be reappointed Chair of the Conservation Board with a term to expire on June 30, 2014.

WHEREAS, the term of James Fassanella and Philip Wise as a members of the Historic Architecture Commission will expire on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED, that James Fassanella, 20 Bellflower Circle, Fairport, NY and Philip Wise, 411 Ayrault Road, Fairport, NY be reappointed as members of the Historic Architecture Commission, with a term to expire on June 30, 2015.

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

Resident Active Firefighter

Mr. Manny Lopes  
67 Black Watch Trail  
Fairport, NY 14450

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

Nays: None

Unanimously Approved

APPROVE THIRD PARTY ELECTRICAL INSPECTION AGENCY

Director of Code Enforcement and Development Doser stated that the Town Code permits qualified electrical inspection agencies to apply for approval to become an agency that inspects electrical work related to building permits issued by the Town. He further stated that the Town has received an application from the New York Electrical Inspection Agency, whose principal is Fritz Gunther.

Mr. Doser stated that Mr. Gunther has been a NYS licensed professional home inspector since 1998 and a professional electrical inspector in the region since 2001 and has performed more than 12,000 electrical inspections. Mr. Gunther's agency also meets the criteria of the newly updated Town code section for third-party electrical inspection agencies and Mr. Doser has confirmed the quality of his references.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to approve New York Electrical Inspection Agency as an approved third-party electrical inspection agency for the Town of Perinton.

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

Nays: None

Unanimously Approved

APPOINT TEMPORARY RECREATION LEADER

Commissioner of Recreation and Parks Myers stated that Christopher Waldron was granted a provisional appointment as a Recreation Leader effective May 17, 2010. As a stipulation of the appointment, Mr. Waldron was required to pass the Recreation Leader Civil Service Exam and be reachable on the List of Eligible Candidates so that his appointment could be made permanent.

Commissioner Myers stated that Mr. Waldron is not on the List of Eligible Candidates, and therefore, his position must be vacated by June 29, 2012. Commissioner Myers requested that the Town Board temporarily appoint Christopher Waldron as a Recreation Leader, at a salary of \$[], effective June 29, 2012 for a time frame not to exceed 90 days.

Councilperson Knapp made a motion, seconded by Councilperson LaFay to approve the temporary appointment of Christopher Waldron as Recreation Leader as outlined above.

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

Nays: None

Unanimously Approved

AUTHORIZE DEPOSIT OF AUCTION PROCEEDS TO CAPITAL  
RESERVE FUNDS

DPW Commissioner Beck stating that the Sewer and Highway Departments submitted 12 pieces of equipment to be sold at the Municipal Equipment auction, which took place on May 13, 2012. Commissioner Beck stated that this included a Camel Sewer Vacuum truck, plow trucks and other vehicles. He further stated that the Department received a total of \$113,775.00, which yielded a larger return on Town used equipment through the auction than would have been realized through dealer trade-in. Mr. Beck is requesting that \$52,550.00 in proceeds be deposited into the Highway Equipment Capital Reserve Account, \$55,412.00 in proceeds be deposited into the Sewer Equipment Capital Reserve Account and \$5,813.00 be deposited into the General Town Fund.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to authorize that the \$113,775.00 in proceeds be deposited into the Capital Reserve Funds and General Town Fund as outlined by Commissioner Beck above.

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

APPROVE CONSULTANT CONTRACT FOR TRAIL IMPROVEMENT  
GRANT APPLICATION

DPW Commissioner Beck stated that NYS has recently announced that the second round of the Consolidated Funding Program is currently accepting applications for 2012/2013. One of the eligible categories in this round of funding is dedicated to trail improvements. Commissioner Beck further stated that Perinton's plan to construct a missing link in Crescent Trail, between Spring Lake Park and Linear Park, located in the Town of Penfield, would qualify for this funding source.

Commissioner Beck stated that he is seeking approval to contract with Stuart Brown Associates, a LaBella Company, to assist in the preparation of a grant application for this program, in an amount not to exceed \$3,500.00.

Councilperson Knapp asked what would happen when the trail hits Penfield property. Commissioner Beck stated that the Penfield portion of the trail is complete to the Perinton line now.

Councilperson Havens made a motion, seconded by Councilperson Knapp to authorize Supervisor Smith to sign a contract with Stuart I. Brown Associates in an amount not to exceed \$3,500.00 to assist in the writing of this grant application.

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

APPROVE CHANGES TO THE MEMBERSHIP  
OF THE EGYPT FIRE ASSOCIATION

A motion was made by Councilperson Knapp, seconded by Councilperson Van Vreede, that the following changes in the membership of the Egypt Fire Association be approved:

Removed from Active Rolls

Mr. Michael Le  
192 Hogan Road  
Fairport, NY 14450

Mr. Josh Young  
15 Little Spring Run  
Fairport, NY 14450

Approved as New Members

Ms. Michelle Heerkens  
161 Wilkinson Road  
Macedon, NY 14502

Mr. Steven Neel  
48 Shagbark Way  
Fairport, NY 14450

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

#### APPROVAL OF CHANGE ORDERS FOR COBB'S LANE PEDESTRIAN BRIDGE

Commissioner Beck recommended the following change work orders for the Cobb's Lane Pedestrian Bridge.

Change Order No. 1 deals primarily with types and quantities of backfill that will be used inside the south, north and west bridge abutments. The net amount of this Change Order would be an increase of \$677.

Change Order No. 2 addresses modifications to the navigation lights that will be attached to the new bridge. An additional 190 lineal feet of conduit and wiring had to be added to the project, due to the change in configuration of the electric lines that run adjacent to Cobb's Lane. The increased cost for the additional conduit and wiring was \$7,698.19. The size of the conduit and wiring on the bridge was reduced, which results in a credit of \$3,894.40 for this project. Including a markup of 5% (\$190.19), the total amount of this change order is \$3,993.98.

These changes result in a revised contract amount of \$1,716,187.29, which is \$511,358.00 below the budgeted construction amount.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the above change work orders be approved as recommended by Commissioner Beck. Each is the result of a change in conditions and was not foreseen in the original plans.

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

#### AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #6 for June 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

#### JUNE AUDIT

General Fund	55,346.91
Town Outside of Village	71,882.46
Recreation	82,024.61
Highway General Repair	494,881.83

Highway Snow & Miscellaneous	105,223.51
Joint Sewer	40,333.23
Special Recreation	77,480.00
Debt Service Sewer	2,866.00
Perinton Ambulance Dist	319.66
Bushnell's Basin Fire Protect Dist	2,330.14
Egypt Fire Protect Dist	672.76
Fairmont Hills Maint Dist	1,775.00
O'Connor Rd Relocation Proj	10,838.48
RS&E Ped Bridge Project	152,566.50
Indian Valley Sewer Project	<u>701,471.41</u>
	\$1,800,011.50 Total

The above items were numbers 85335-85596.

#### JUNE MANUAL 1

General Fund	80,299.02
Town Outside of Village	4,522.82
Recreation	27,067.79
Joint Sewer	8,507.51
Midlands Lighting Dist	412.13
Deer Run Lighting Dist	1,404.85
Misty Meadows Lighting Dist	<u>111.39</u>
	\$122,325.51 TOTAL

The above items were numbers 85312-85317, 85328, 85330-85333.

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

Larry Coon, 88 Waterford Way and a CAPP (Citizens Alliance for a Pristine Perinton) member, asked where the Town Board was in regards to a change to the Town Zoning Code regarding hydrofracking. Director of Code Enforcement and Development Doser stated that the Code change has been sent to the Conservation Board for comment and discussion at their July 17 meeting, which is open to the public. Supervisor Smith stated that the goal is to have an Order for Hearing on the Code change on July 25, 2012 and a Public Hearing on August 22, 2012.

Mr. Coon also stated that he heard that the Waterloo landfill is accepting hydrofracking waste and questioned whether High Acres might do the same. Supervisor Smith stated that High Acres has no intent of accepting the waste and that the Town is currently working on a new agreement with High Acres and that he has proposed that that prohibition be in the new agreement.

Supervisor Smith stated that the Bicentennial Celebration will begin on July 1, 2012 and encouraged all to visit the Perinton website ([www.perinton.org/events](http://www.perinton.org/events)) for details. Councilperson Knapp invited all to come and stated that all events during the two weeks are free.

There being no further business before the Board and no further questions from the audience, the Board adjourned at 8:30 pm.

Respectfully submitted,  
Jennifer A. West  
Town Clerk