

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, July 25, 2012

PRESENT:	James E. Smith	Supervisor
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen C. Van Vreede	Councilperson
ABSENT:	Patricia S. Knapp	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; 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 VanVreede, that the minutes of the Town Board meeting of July 11, 2012 be approved as submitted by the Town Clerk.

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

ORDER FOR HEARING
AMENDMENT TO SECTIONS 122, 205 & 208
OF THE CODE OF THE TOWN OF PERINTON
HYDROFRACKING

Supervisor Smith stated there are proposed changes to Sections 122, 205 and 208 of the Code of the Town of Perinton (regarding hydrofracking) to be presented by Town Attorney Place. Attorney Place stated there are three basic changes to the Code and the first specifically deals with proposed natural gas and petroleum extraction (hydrofracking). The change to the overall zoning ordinance would state that activities are only permitted if specifically set forth in the ordinance. Attorney Place also stated that the section of Code which deals with excavation was somewhat general and may have opened the door for hydrofracking and therefore deletions were made that may have left any loopholes in the Code. The proposed code change also specifically precludes any output from hydrofracking from being disposed of in the High Acres landfill.

Joe Hoff, Priscilla Petersen and Rosemarie Stepanik from the Citizens Alliance for a Pristine Perinton (CAPP) organization thanked Attorney Place for his hours of work on the Code additions and revisions.

A motion was made by Councilperson Havens, seconded by Councilperson LaFay, that 8:00 pm on August 22, 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.

PUBLIC HEARINGS
AMENDMENTS TO THE CODE
OF THE TOWN OF PERINTON

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 July 12, 2012; affidavit of posting was also July 12, 2012.

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. Mr. Doser also stated that there are newly identified uses such as parking for senior living and care facilities and nursing homes as part of this 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:]

<u>Use</u>	<u>Number of Parking Spaces Required</u>
<u>Residential</u>	
<u>One-family</u>	<u>3</u>
<u>Two-family dwellings (3 each unit)</u>	<u>6</u>

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
Nonresidential	
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 Offices	
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
Retail or convenience stores less than 25,000 square feet	
Minimum	10
Per 1,000 square feet of GLFA	5

Shopping centers and mall	
Between 25,000 and 400,000 square feet of GLFA, per 1,000 square feet of GLFA	4.5
Grocery retail that exceeds 50,000 square feet of GLFA in a single store, per 1,000 square feet of GLFA	6
Food service	
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	10
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	6
Where take-out, delivery or catering service is provided, per delivery vehicle specifically designated (a sign: "For delivery use only" shall be provided)	1

Where customer take-out is provided, per vehicle space specifically designated (a sign: "For pickup only" shall be provided)	As determined by the Planning Board
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Cinemas	
Less than 10% of GLFA is incorporated into a shopping center of less than 100,000 square feet of GLFA, per 100 seats	3
More than 450 seats is incorporated into a shopping center of 100,000 to 200,000 square feet, per each 100 seats over 450	3
Less than 750 seats is incorporated into a shopping center of over 200,000 square feet	No additional spaces required
Industrial/commercial	
Motor vehicle maintenance and repair, per repair bay	6
Industrial manufacturing areas, per 400 square feet of gross floor area	1
Warehousing uses, per 3,000 square feet of gross floor area	1

Assembly, restaurants, recreation	
Bowling alleys	
Per lane	5
Additional, per each 5 persons of calculated occupancy for accessory uses	1
Tennis, handball courts, etc.	
Per court	3
Additional, per each 3 persons of calculated occupancy for accessory uses	1
In assembly areas and other places of public assembly 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)	1
Place of worship, per each 3 persons of calculated occupancy	1

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

**TOWN OF PERINTON PARKING
CALCULATION CHART**

RESIDENTIAL	<u>SINGLE/MULTI-FAMILY DWELLINGS</u>	
	USE	NO. OF PARKING SPOTS
	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
	<u>SENIOR HOUSING/HEALTH-CARE FACILITIES</u>	
	USE	NO. OF PARKING SPOTS
	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
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NON-RESIDENTIAL	<u>TEMPORARY HOUSING OCCUPANCY</u>	
	USE	NO. OF PARKING SPOTS
	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
	<u>OFFICES</u>	
	USE	NO. OF PARKING SPOTS
	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

NON-RESIDENTIAL continued	<u>RETAIL OR CONVENIENCE STORES LESS THAN 25,000 SQUARE FEET</u>	
	USE	NO. OF PARKING SPOTS
	Minimum	10
	per 1,000 square feet of GLFA	5
	<u>SHOPPING CENTERS AND MALLS</u>	
USE	NO. OF PARKING SPOTS	

	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)

NON-RESIDENTIAL continued	<u>OTHER</u>	
	USE	NO. OF PARKING SPOTS
	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

ASSEMBLY, RESTAURANTS, RECREATION	<u>BOWLING ALLEYS</u>	
	USE	NO. OF PARKING SPOTS
	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
	<u>TENNIS, HANDBALL COURTS, ETC.</u>	
	USE	NO. OF PARKING SPOTS
	Per court	3

	Additional, per each 3 persons of calculated occupancy of accessory uses as determined by the New York State Building Code.	1
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ASSEMBLY, RESTAURANTS, RECREATION continued	<u>OTHER</u>	
	USE	NO. OF PARKING SPOTS
	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	

ASSEMBLY, RESTAURANTS, RECREATION continued	USE	NO. OF PARKING SPOTS
	Educational Uses	As determined by the applicant and the Planning Board
DAY CARE USES, OTHER THAN HOME DAY CARE	USE	NO. OF PARKING SPOTS
	Per each 5 clients	1
	Per employee	1

	Reservoir parking areas adjacent to client drop-off area	10
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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.

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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.

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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.

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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 such as a Letter of Credit.

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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.

T.C. Lewis, 14 Southcross Trail, asked about the section of code dealing with hedges and whether that meant that a hedge could be any height. Mr. Doser stated that the hedge could be any height, but not in the right of way or cause a traffic danger. Supervisor Smith added that the hedge cannot be in front of a right-of-way line and that hedges cannot impede visibility at an intersection. Mr. Lewis asked about a home on Kreag Road where the house is completely hidden by the hedges and another home that is currently painted red and whether that is allowed under Town Code. Attorney Place stated that Section 149-6 of the Town Code says "No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a historic district, nor shall any person make any material changes in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley or the public right-of-way, without first obtaining a certificate of appropriateness from the Commission", but does not specifically address hedge height or house color. Supervisor Smith stated that this particular section will be reviewed to become more specific and Attorney Place stated that he would speak with the Historic Architecture Commission.

Judith McNulty, 647 Thayer Road, asked for further clarification of the Sections 201-2 and 201-5 regarding the storage of vehicles – specifically the definition of a cargo truck, where they can park and the parking of recreational vehicles.

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

Councilperson LaFay made a motion, seconded by Councilperson Havens, to refer the five Code changes to the Town Conservation and Planning Boards for their comments.

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

APPROVE CHANGES 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 changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

In-Active Firefighter
To Non-Resident Active

Mr. Ken Klei
Railroad Ave Lower
Victor, NY 14564

Non-Resident Active Firefighter

Mr. Tyler Tornstrom
6987 Pittsford-Palmyra Road
Fairport, NY 14450

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

APPROVE JULY INVOICES FOR PAYMENT

Supervisor Smith stated that the Board has 7 invoices before them for payment for capital projects in the Town. The invoices are associated with ongoing projects, for which a multi-step pay application review process was instituted at the beginning of each project to coincide with the Town's regularly scheduled audits. The general audit schedule for the Town was altered for July and changing the payment application review process for each of these projects would result in a significant delay in payment, thus negatively impacting each contractor's monthly cash flow. The invoices are for 4 individual companies; Larsen Engineers, Gordon J. Phillips, Inc., Macedon Landscaping, Inc. and Crane Hogan Structural Systems.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the payment of the seven invoices as outlined above.

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

DECISION
AMENDMENT TO SECTION 174-3 OF THE
CODE OF THE TOWN OF PERINTON
SIGNS

Supervisor Smith stated that the Town Board held a Public Hearing on May 23, 2012 regarding an amendment to Section 174-3 of the Code of the Town of Perinton regarding Signs. The proposed amendment would omit the phrase “signs in such areas shall preferably be of the same size, shape, color and aesthetic style”. The language remains which states “shall be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion”. Supervisor Smith further stated that this takes out the statement that could be interpreted as rigid and leaves the statement that has more flexibility which leaves the Planning Board with full discretion regarding which signs they approve or do not approve.

Supervisor Smith stated that the Board has a memo back from the Planning Board July 18, 2012 meeting unanimously endorsing the Code change.

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the amendment to Section 174-3 of the Code of the Town of Perinton regarding Signs 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, Saum, LaFay, Havens
Nays: None
Unanimously approved.

Councilperson Havens made a motion, seconded by Councilperson Van Vreede to accept the following amendment to Section 174-3 of the Code of the Town of Perinton citing the recommendation of the Planning Board memo dated July 20, 2012 in which they unanimously supported the proposed Code Change.

The proposed amendment to § Section 174-3 follows:

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Delete text

§ 174-3. Purpose.

- A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types and of signs on the inside of any building that are observable from the outside. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising, distractions and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way and to improve beauty and community environment. It is the intention of this chapter to regulate all exterior signs and interior signs which are visible from the exterior of the building.
- B. It is further intended that in commercial, industrial and restricted business areas, all signs within one complex shall be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion. *Signs in such areas shall preferably be of the same size, shape, color and aesthetic style.*

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

Judith McNulty, 647 Thayer Road, expressed her unhappiness with the sign code change and stated that she believes it will lower the homogeneous look of the plazas in Town. Supervisor Smith stated that the Town would have a difficult time denying a business the use of their own logo on a sign. He also stated that Mrs. McNulty's neighborhood association brought to the Town Board's attention that the previous code was not being complied with, and therefore, the preferable choice was to amend the code.

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