

PERINTON TOWN BOARD MEETING  
 1350 Turk Hill Road, Fairport, NY 14450  
 Wednesday, October 23, 2013

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; Kevin Spacher, Director of Finance; Diane Riesenberger, Recreation Director; Stacey Estrich, Parks Director; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

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

Councilperson Havens made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of October 9, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
 2014 BUDGET

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on October 10, 2013; affidavit of posting was also October 10, 2013.

A summary of the 2014 proposed budget was distributed to those present. Supervisor Smith recapped by stating that Perinton has the third lowest full-value Town tax rate of the nineteen Towns in Monroe County. He stated that we have also been one of the three lowest in Monroe County for at least the last thirty-five years. Supervisor Smith explained that the budget is divided into five funds and within each of those funds he showed in the powerpoint presentation (and handout) the appropriations, estimated revenues, unexpended balances and amount to be raised by taxes. He also reviewed the three statutory categories for the budget, which are personal services, equipment and contractual expenses. Included in the personal services portion of the proposed budget is a 2% cost of living adjustment for the Town employees. Supervisor Smith stated that there would be minimal change in the Town's assessed valuation from 2013 to 2014, appropriations were up \$640,256, revenues and unexpended balances were up by \$438,993 and the net amount to be raised by taxes was a \$201,655 increase or a \$.05 increase in tax rate for residents in the Village of Fairport and for the Town outside the Village.

Supervisor Smith explained that in addition to having low taxes versus our sister communities in Monroe County, the Town Board also strives to have steady taxes with no peaks and valleys in the tax rate. Supervisor Smith pointed out a few items on the Fund Appropriations sheet. In the Employee Benefit category, the increase is due to the mandated cost increases in the NYS retirement system and health benefits for employees. Medical expenses are up \$140,000 with at least half due to the taxes

associated with the Affordable Health Care Act. Supervisor Smith pointed out that health care costs are up between 15 and 20% in the marketplace and the Town's participation in the Health Care Consortium has been a great benefit in holding the Town's increase to 3% (7.5% with the taxes). The Highway Expense line increased due to the seven-year rotating cycle of slurry sealing all Town roads. This increase is significantly less than major road repair and repaving so is cost-effective over the long haul.

On the revenue and unexpended balances side of the budget, Supervisor Smith pointed out the receipts in lieu of taxes line. This reflects property that is receiving tax exemption and pays an "in lieu of taxes" payment (or PILOT). In some of the cases, the exemptions are decreasing and the property is becoming taxable. The State Aid line shows an increase which is due to CHIPS money, which the state gives to localities to maintain our highway system. The increase in the Sales Tax line is due to steady growth in sales tax revenue. The increase in the Interfund Transfer line for 2014 reflects monies coming out of Capital Reserve Funds to fund annual expenditures (like highway repair).

Supervisor Smith reviewed pie charts showing the breakout of 2014 projected appropriations and revenues in the five fund groupings. On the appropriation side, the Highway Repair and Improvement goes from 17.6% of the budget in 2013 to 19.3% in 2014. On the projected revenue pie chart, the local tax segment went from 42.5% of the budget revenues in 2013 down to 42.1% in 2014.

Supervisor Smith reviewed proposed equipment purchases for 2014 and explained that the budget is similar to 2013 (down \$88,000 from 2013). He also explained that the Reserve Fund transfers were bumped up slightly relative to previous years with the intent to set aside more money in a savings account so that when unusual expenditures come along, the money is available to put towards the expense rather than having a spike in the Town tax rate.

Supervisor Smith showed a graph of Taxes for the Median Perinton Homeowner, explaining that the Town taxes are a very small portion of the total (6%) with many hands-on services at the resident's doorstep for that expenditure. The average Town of Perinton taxpayer pays \$396 in Town taxes out of a total of \$6,244.

Supervisor Smith then reviewed the complex Tax Cap Levy Calculation. The bottom line is that the Town is allowed to raise \$12,154,508 in taxes and he anticipates levying \$12,139,558 and being \$14,950 under the tax cap.

The next report reviewed by Supervisor Smith was the exemption impact report which is a public disclosure regarding exempt property in the Town, including among others, COMIDA, aged and veteran exemptions. 11.72% of property in Perinton is exempt.

T.C. Lewis, 14 Southcross Trail, asked how much of the Town's revenue comes from the landfill and Supervisor Smith stated that there is \$1.5 million in the budget for 2014 (under landfill permits on the revenue page). Mr. Lewis also asked how many years it would be until those revenues fall significantly and Supervisor Smith stated that it would be 12-15 years before the Town sees a drop.

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

Supervisor Smith stated that the Town Board would anticipate taking action on the 2014 Budget at the November 13, 2013 Town Board meeting. Supervisor Smith also thanked Finance Director Spacher and the Town department heads for their help in putting together a budget in difficult circumstances.

PUBLIC HEARING  
SALE OF TOWN-OWNED LAND  
FAIRPORT ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on October 10, 2013; affidavit of posting was also October 10, 2013.

Supervisor Smith stated that as part of the O'Connor Road Relocation Project, the Town had to acquire property on Fairport Road and he pointed this out on a map. One was the former Hess gas station property and Supervisor Smith stated that the new O'Connor road cuts a 60-foot swath through that property leaving two sections east and west of the new road that DiPrima Properties II, LLC would like to purchase from the Town. Supervisor Smith stated that Mr. DiPrima owns the adjacent property and the Town has entered into a sales contract with Mr. DiPrima to purchase the property for \$90,000. Supervisor Smith added that there are contingencies in the contract regarding what can be done with those properties so that there is some protection for the direction that the Town may want to go in for the future of those properties.

Supervisor Smith stated that this sale would be subject to permissive referendum and reviewed the contingencies in the contract and they are:

- A. The Holzwarth building located at 1322 Fairport Road must be demolished on or before by December 1, 2015. If this is not accomplished, \$1,000 per month shall be paid by the Buyer to the Seller each month thereafter until the demolition occurs.
- B. The new building to be constructed must either match the proposed front setback of the neighboring CVS building, which is currently going through the approval process for site plan, or be closer to Fairport Road as determined by the Perinton Planning Board. If the CVS building is not constructed, then any new building shall comply with the proposed zoning changes for Fairport Road.
- C. Parking and drive aisles between any new buildings and Fairport Road must be in compliance with the proposed Mixed Use district zoning regardless of that codes' implementation status in relation to this property. Relief from this requirement may be sought by either:
  - [1] An area variance from the Board of Appeals
  - [2] A Special Use Permit from the Town Board
  - [3] An amendment to this agreement whichever is deemed the most appropriate by the Seller.
- D. One ingress/egress from the southeastern portion of 1322 Fairport Road to Fairport Road will be permitted. One ingress/egress will be allowed from the northern portion of 1322 Fairport Road to O'Connor Road.
- E. The architecture of any new building to be constructed on 1322 Fairport Road (Holzwarth site) must substantially comply with the Town of Perinton proposed mixed use zoning classification. The architecture must be approved by the Town Board
- F. The Buyer agrees to purchase this property subject to the environmental issues identified by the DEC and to indemnify and hold harmless the Seller from any environmental issues associated with the property.

Judy McNulty, 647 Thayer Road asked if there was contamination on the Holzwarth site and Supervisor Smith stated that that was part of the Hess station contamination remediation.

T.C. Lewis, 14 Southcross Trail asked if anyone else had expressed an interest in purchasing these two properties and Supervisor Smith stated that they are very small and nothing could be done with them by themselves, therefore Mr. DiPrima is the only potential buyer.

Stacey Estrich, Parks Director asked whether there has been any progress in moving the cars from the Hoselton lot on the southwest corner of the Fairport Road and Jefferson Avenue intersection. Supervisor Smith stated that Hoselton has found a new location for the cars and Supervisor Smith is hopeful that a potential buyer will see

greater value in that site with the cars gone and the redevelopment of the other corners of the new intersection.

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

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the sale of .488 acres of land on Fairport Road by the Town of Perinton to DiPrima Properties II, LLC be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the sale will in no way negatively affect the environment.

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

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp the sell .488 acres of land on Fairport Road owned by the Town of Perinton to DiPrima Properties II, LLC for \$90,000 under the terms of the purchase and sale contract agreed upon by both parties.

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

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

**DECISION**  
**AMENDMENT TO THE CODE OF THE TOWN OF PERINTON**  
**LIMITED COMMERCIAL DISTRICT ZONING**

Supervisor Smith stated that the Town Board is at a point to make a decision relative to proposed changes to Section 208 of the Code of the Town of Perinton regarding Limited Commercial District Zoning.

Supervisor Smith reviewed that the Town Board held an Order for Hearing on August 28, 2013 and a Public Hearing on September 25, 2013 and referred the proposed changes to the Planning Board as required by State Law. The Town Board has a memo from the Planning Board dated October 21, 2013 wherein they endorsed the proposed changes for Limited Commercial District Zoning to Mixed Use Development Zoning.

The code proposal in its entirety follows:

**§ 208-43. Mixed-use District**

**A. Intent**

The intent of the district is as follows:

- (1) To foster a combination of appropriately scaled land uses and activities that support the goals and objectives contained in the Town's Comprehensive Plan as well as other land use and design plans.

- (2) To provide areas within the Town for locating a mix of commercial, office, civic, and residential uses serving the day-to-day convenient shopping and personal service needs of neighborhood areas and to assure the compatibility of such areas with nearby residential development.
  
- (3) To create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving, and shopping. It is the intent of the Mixed-use District to ensure that typical, “strip commercial” development is avoided and that future private development will actively and positively engage the public realm.

**B. Uses and Restrictions**

The following uses shall be permitted in the Mixed-use District:

- (1) All uses first permitted in Restricted Business District with the exception of hotels and motels, provided that such uses do not exceed 6,000 square feet in area.
  
- (2) The uses in Table 1, when conducted within a completely enclosed building. Such uses are not to exceed 2,500 square feet in total area and individual buildings are not to exceed 10,000 square feet in size.

**Table 1**

USE GROUP	Mixed-use District
Use Category	
P= permitted by-right, SP = special use permit required TB = special use permit by Town Board, ZBA = special use permit by Zoning Board of Appeals	
<b>R E S I D E N T I A L</b>	
Live/Work Space located above the ground floor	P
Live/Work Space, ground floor	SP (TB)
Dwelling Units located above the ground floor	CHAPTER 120. P
Multi-unit (4 unit max) Residential	SP (TB)
Townhouse	SP (TB)
Two-Flat (two units only, one above the other)	SP (TB)
<b>P U B L I C A N D C I V I C</b>	
Public buildings and grounds	SP (TB)
Commercial schools	P
<b>C O M M E R C I A L</b>	
Grocery store	P
Apparel store	P
Drugstore	P
Antique and/or consignment store	P
Bookstore	P
Laundromat	P
Beauty parlor, barbershop	P
Apparel repair and alteration	P

Bakery	P
Florist shop	P
Artist studio / gallery	P
Restaurants, coffee shops or other similar places principally serving food and drink for inside consumption, provided that occupancy does not exceed 90 persons	P
Sporting goods store	P
Bicycle sales and repair	P
Bed and Breakfast	SP (TB)
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.	SP (TB)
Drive-Through Facility (SP by TB if in Historic District)	SP (ZBA)
<b>OTHER</b>	
Outdoor entertainment.	SP (ZBA)
Any combination of permitted residential or non-residential uses.	P
Permitted uses exceeding the thresholds established in Subsection <a href="#">B</a>	SP (TB)
Uses which are consistent with the intent of this district (see § <a href="#">208-43A</a> ) and which are similar to uses permitted in § <a href="#">208-43B(2)</a> .	SP (TB)

- (3) All principal and accessory uses shall be conducted within completely enclosed structures, except for an outdoor eating area associated with a restaurant, provided that:
  - (a) All structures and uses are contained within the setbacks.
  - (b) Total number of outdoor seats are approved by the Planning Board.
- (4) No business establishment in any Mixed-use Zone shall be open to the public, except during the hours of 5:00 a.m. to 12:00 midnight.
- (5) Site plan approval. No site preparation or construction shall commence until site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved. Site plan approval shall not be required for the expansion or modification of any existing single-family residential use as long as the proposed expansion or modification remains solely a single-family use.
- (6) No nonresidential use shall be established by the conversion of any structure or premises originally designed for a residential use unless the existing residential character of the building shall be retained. No design or structural changes, additions or extensions shall be made to the front of any such structure, except as necessary to provide required means of ingress, egress, light and ventilation. No additions or extensions shall be made to the side(s) of any such existing residential structure unless the residential character of the whole shall be retained and upon approval of a detailed site plan.

### C. Dimensional Regulations

- (1) Lot areas greater than one acre shall require a special use permit issued by the Town Board.
- (2) Lot size. The minimum width of a lot shall be 80 feet, and the minimum area shall be 10,000 square feet.
- (3) There shall be no minimum size requirements for buildings or structures.
- (4) Setbacks shall be as follows:

**Setback for Principal and Accessory Structures (feet)**

<b>Yard</b>	<b>Minimum</b>	<b>Maximum</b>
Front, from right-of-way	10	30
Side, abutting nonresidential district*	15	-
Rear, abutting nonresidential district*	15	-
Side and rear, abutting residential* district	50	-

\* Common wall buildings excluded.

On corner lots, both yards abutting streets shall be considered front yards.

See § 208-25 for buffer requirements.

- (5) Maximum overall building height shall be two stories and not exceed 35 feet.
- (6) Minimum building height shall be 22 feet.
- (7) Lot coverage. Total lot coverage, including structures, parking areas and other impervious surfaces shall not occupy more than 75 percent of the total lot area. The remainder of the lot shall be landscaped area.
- (8) No more than three delivery vehicles shall be used in the operation of said business.
- (9) Parking, landscaping, buffering, signing and other special provisions shall be established per other sections of this chapter and constructed in accord with the design criteria and construction specifications of the Town of Perinton.
- (10) The Planning Board may, at its discretion, waive or modify requirements pertaining to provisions in Subsection C **items 2 through 10**.

**D. Building Placement, Orientation, and Frontage**

- (1) To the maximum extent practicable, buildings shall be arranged to orient to the streets and to frame the corner at the intersection of two streets.
- (2) All applications shall include a list of building materials with identified colors and dimensions to be approved by the Planning Board.
- (3) Common wall buildings are encouraged.
- (4) Street Frontage
  - (a) A minimum of 50 percent of the street frontage shall be occupied by one or more of the following design elements:
    - 1. Building frontage;
    - 2. Landscaped entryway signage or features; and/or

3. Site amenities including, but not limited, to public sitting and/or gathering space, decorative walls, art, clocks, etc.



(b) Prohibited design elements

1. Motor vehicle parking;
2. Motor vehicle access drives, drive lanes or aisles, except those which are necessary to provide direct access to a public street.

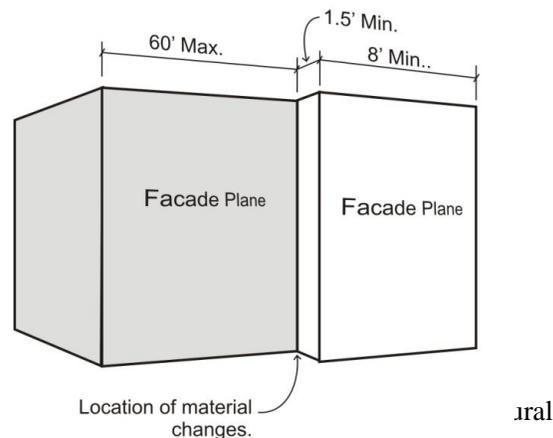
(5) Building Composition

- (a) The design of the structure and signs shall be of a compatible architectural style and treatment with surroundings.
- (b) Buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials and colors.
- (c) Architectural details or features such as dormers, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

*A well articulated base, mid-section, and crown can be achieved in all building types and sizes including multi-story buildings, as depicted in the illustration to the right, and single-story buildings, as depicted directly below.*

(6) Facade Composition

- (a) All buildings shall have a prominent street level entrance visible and accessible from the public sidewalk.
- (b) Buildings located on corner lots shall have a building entrance located on the corner that faces the intersection of two public streets, to the extent practicable.
- (c) Varied building designs that avoid long, flat facades are required.
  1. The vertical plane of the building facade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies) especially at ground level.
  2. No facade shall exceed 60 feet in horizontal length without a change in facade plane. Changes in facade planes shall be no less than 1.5 feet in depth and no less than 8 feet in length.
  3. Any changes in exterior building material shall occur at interior corners.



4. All facades shall be style, materials, and details.

(d) Transparency

1. A minimum of 50 percent of the street-facing, ground floor facades for nonresidential uses shall be comprised of clear windows that allow views into the interior of the building.
2. Ground floor facades for residential uses shall provide a minimum transparency of 20 percent.
3. Ground floor transparency shall be measured between 2 feet and 10 feet above the adjacent sidewalk.

**E. Mechanical Equipment and Dumpsters**

- (1) Air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and other similar mechanical equipment and refuse storage containers and facilities shall be thoroughly screened from view from the public right-of-way and from adjacent properties. Screening shall be architecturally compatible with the style, materials, colors, and details of the building.

**F. Pedestrian Access and Circulation**

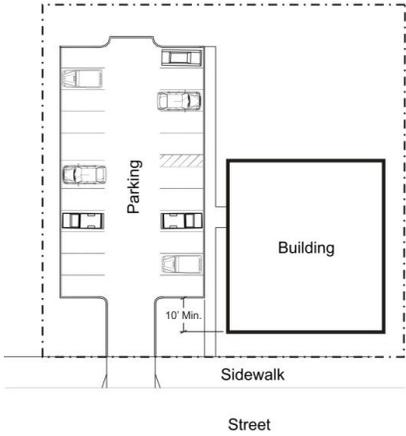
- (1) An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - (a) The primary entrance or entrances to each building, including pad site buildings;
  - (b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with non-residential development;
  - (c) The public sidewalk system along the perimeter streets adjacent to the development;
  - (d) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
  - (e) Where practicable and appropriate, any adjacent public park, greenway, hiking trail, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

**G. Vehicular Access and Circulation**

- (1) Joint access with contiguous parcels shall be encouraged. Access points to public highways shall be spaced no closer than 150 feet (edge to edge).
- (2) To the extent practicable, non-residential and mixed-use sites shall be designed to provide cross access and a unified circulation pattern with adjacent sites. Techniques to achieve this include but are not limited to, shared driveways, shared access roads and cross access easements.
- (3) To the extent practicable, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.
- (4) Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.
- (5) Drive-up facilities and associated drive lanes shall be located in either the side yard or rear yard.

**H. Off-street Parking Areas**

- (1) Location
  - (a) No parking shall be permitted in the front yard.
  - (b) Off-street parking may be located in the rear yard or side yard. Side yard parking shall be located a minimum of 10 feet behind the front facade.
  - (c) Parking, or access to parking, shall not exceed 50 percent of lot frontage.

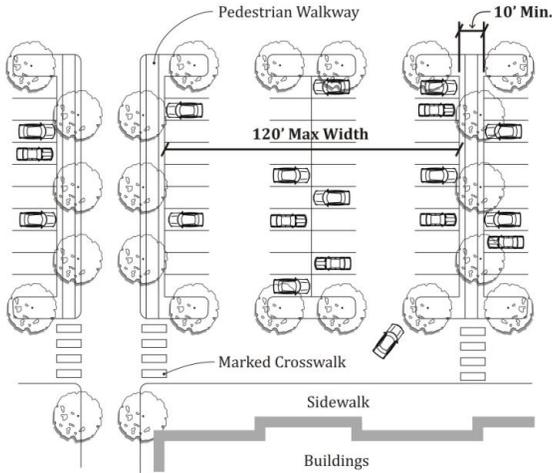


- (2) Number of Spaces
  - (a) Retail businesses shall provide 3 spaces per 1,000 square feet of gross floor area.
  - (b) All other uses shall be subject to the requirements in Section § 208-16.
  - (c) The maximum number of off-street parking spaces for any building or use shall not exceed 150 percent of the minimum parking requirement as indicated in Section §208-16.

(3) Parking Blocks

In order to reduce the scale of parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than 40 spaces.

- (a) Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least 10 feet wide, a landscaped median or berm at least 10 feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least 10 feet wide.
- (b) Each parking block shall have consistent design angles for all parking within the block. Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).



**Parking Blocks**  
*Parking blocks shall be compact, well landscaped with designated pedestrian facilities.*

(4) Pedestrian Walkways

All parking blocks which contain more than 25 stalls, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance, public sidewalk along the street and/ or central location. At a minimum, walkways shall be provided between every parking block and meet the following standards:

- (a) Shall be designed and built in accordance to the Town's Design Criteria;
- (b) Shall be distinguishable from vehicular ways by pavement material, texture, or raised in elevation;
- (c) Shall have adequate lighting for security and safety;
- (d) Shall comply with the American with Disabilities Act (ADA).

(5) Shared Parking

Shared parking is encouraged in the Mixed-use District to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours.

- (a) General: The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:
  1. A convenient pedestrian connection between the properties exists; and
  2. The properties are within 1,000 feet of each other on the same side of the street; and
  3. The availability of parking for all affected properties is indicated by approved directional signs.
  4. The contractual agreement is approved between involved property owners.
- (b) Number of Spaces Required.
  1. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
  2. Where the uses to be served by shared parking have overlapping **peak** hours of operations, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total may be reduced by 10 percent:
    - a. The parking areas share a property line; and
    - b. A vehicular connection between the lots exists; and
    - c. A convenient, visible pedestrian connection between the lots exists; and
    - d. The availability of parking for all affected properties is indicated by approved directional signs.

(6) Bicycle Parking

- (a) Bicycle parking shall be provided at 10 percent of the motorized vehicle parking requirements but not less than 2 bicycle spaces and not more than 20 bicycle spaces for any use.
- (b) Bicycle parking shall be located and clearly designated in a safe and convenient location. Accessibility to bicycle parking shall be equivalent to the motor vehicle spaces provided.
- (c) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.

- (d) Bicycle parking sign shall be visible from the main entrance of the structure or facility.

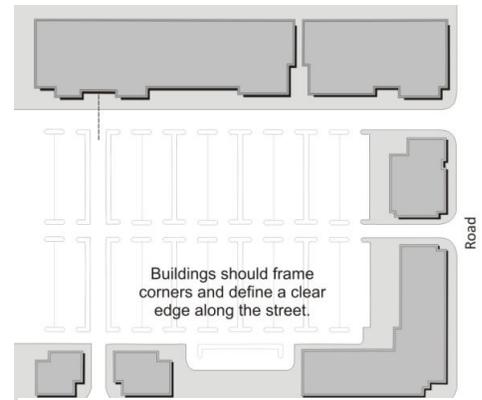
## I. Multi-Building Developments

The following provisions are intended to ensure that traditional, “strip commercial” centers are avoided in the Mixed-use District.

### (1) Overall Site Layout and Building Orientation

All primary and pad site buildings shall be arranged and grouped so that their primary orientation, typically the façade containing the primary customer entrance, complements adjacent development and frames and/or encloses on at least two sides:

- (a) the corner of an adjacent street intersection;
- (b) a primary pedestrian and/or vehicle access corridor within the development site; or
- (c) a public sidewalk, space or other public site amenity.



### (2) Pad Sites and Buildings

- (a) The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of the primary development.
- (b) To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create usable places between buildings. The even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is discouraged.
- (c) Wherever practicable, spaces between adjoining pad site buildings should be improved to provide small pockets of customer parking, pedestrian connections, small-scale site amenities, or focal points. Examples include but are not limited to:
  1. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
  2. A public seating or outdoor eating area;
  3. An area landscaped with a variety of plant materials emphasizing four-season colors, textures, and varieties; or
  4. Public art, fountains, or other special features.
- (d) Pad site buildings shall incorporate the same materials and colors as those on the primary building(s) in the development or center. Significant departures from "off-the-shelf" standardized building design may be required to meet this standard.
- (e) Pad site entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design elements.

*In the development pattern above, out-buildings front directly on the street and define a clear edge. The pad sites on the corners make a strong architectural statement and provide a sense of arrival to the development center. Parking is on the interior of the block and does not dominate the street frontage.*

- (3) Freestanding Kiosks and Automated Teller Machine (ATM) Structures
  - (a) All kiosk-type buildings and structures shall be integrated with the overall commercial or center development, and shall be subject to the same guidelines as all other buildings within the development.
  - (b) Freestanding kiosks and drive-up ATM structures shall not be located along the primary access street frontage.
  - (c) Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.
  - (d) Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in section I.2.

## **J. Landscaping**

- (1) Building Setback Landscaping
  - (a) Building setback areas along streets, access ways, or along private drives, shall be landscaped with a minimum of 1 shade tree per 40 feet of linear frontage.
  - (b) Building setback areas shall include compact massings of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
  - (c) Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.
- (2) Building Foundation Landscaping
  - (a) Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
  - (b) Plantings shall be massed and scaled as appropriate for the entryway size and space.
  - (c) Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.
- (3) Interior Parking Lot Landscaping
  - (a) The interior of all uncovered parking blocks containing 10 or more spaces shall be landscaped according to the provisions in this subsection.
  - (b) The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
  - (c) One shade tree shall be planted for every 5 parking spaces.
  - (d) Landscaped berms shall be at least 10 feet wide, a maximum of 3 feet high, and include a maximum slope of 3:1.

## **K. Lighting**

These provisions are intended to limit the adverse impacts of light through spillover; provide attractive lighting fixtures and layout patterns that complement the architectural and landscape character of the development and contribute to unified exterior lighting design; and provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development.

- (1) Applicants shall submit a unified lighting plan and cut sheets of proposed lighting fixtures for review and approval by the Planning Board.
- (2) Fully Shielded and Full Cut-off Light Fixtures Are Required

The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off:

- (a) Public street and pedestrian lighting;
  - (b) Parking lots;
  - (c) Pathways;
  - (d) Buildings and structures;
  - (e) Recreational areas;
  - (f) Billboards;
  - (g) Product display area lighting; and
  - (h) Building overhangs and open canopies.
- (3) Building-Mounted Lighting
    - (a) Lighting may be used only to highlight specific architectural features or primary customer or building entrances. General floodlighting of building facades is not permitted.
  - (4) Parking Area Lighting
    - (a) Parking areas shall include the minimum lighting necessary to ensure adequate vision and comfort, and to not cause glare or direct illumination onto adjacent properties or streets or public/private rights-of-way.
    - (b) No lighting with a greater intensity than 1/2 footcandle, measured at five feet above the ground at the property line, shall be installed adjacent to a residential district. All such lighting shall be approved by the Planning Board.
    - (c) Lighting shall not exceed 16 feet high as measured to the top of the fixture from grade.
    - (d) See § 208-16C for additional provisions.
  - (5) Pedestrian Area Lighting
    - (a) Lighting fixtures for pedestrian walkways, outdoor plazas and similar public gathering places shall be decorative and compatible the architectural and landscape character in the development.
    - (b) Lighting fixtures should be color-correct types such as halogen or metal halide to ensure true-color at night and ensure visual comfort for pedestrians.
    - (c) Lighting shall be either low-level fixtures and/or a combination of bollards and uplighting in order to create a “human scale” environment.
      1. Pedestrian area lighting shall be between 12 feet and 14 feet high as measured to the top of the fixture from grade.

2. Bollard-type lighting shall be no more than 4 feet high.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that the amendment to Sections 208 (Mixed Use Zoning District) of the Code of the Town of Perinton 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, LaFay, Havens, Van Vreede  
Nays: None  
Unanimously approved.

Councilperson Knapp made a motion, seconded by Councilperson Havens to approve the amendment to Section 208 of the Code of the Town of Perinton as recommended by the Director of Code Enforcement and Development, Michael Doser and per the recommendation of the Town Planning Board memo dated October 21, 2013.

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

#### APPROVE NYS DEC LICENSE ISSUING AGENT AGREEMENT

Town Clerk West explained that there are minor changes to the NYS DEC License Issuing Agent Agreement that require a Town Board resolution and approval at this time. One change is to identify another individual (in addition to the agent of record or Town Clerk) that would be able to be sell and train other agents under the new agent agreement. Another is to solidify the agreement in anticipation of migration to a new software vendor for the computer licensing system.

Councilperson Havens made a motion, seconded by Councilperson Van Vreede to approve the new NYS DEC Agent Agreement as distributed by Clerk West.

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

#### APPROVE NEW YORK STATE SNOW & ICE CONTRACT

Commissioner Beck presented the 2014 New York State Snow and Ice Contract to the Board. He said that the Town plows 70.29 lane miles of New York State highways and will be reimbursed for total expenditures on a time and materials basis. He asked the Board to authorize the Supervisor to sign the contract extension.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the Supervisor be authorized to sign and that the Town Board approve the New York State Municipal Snow and Ice Agreement which states, in part:

WHEREAS, the Commissioner of Transportation of the State of New York (the Commissioner) and the Town of Perinton have entered into Agreement #D139724, entitled "Snow and Ice Agreement between the New York State Department of Transportation and the Town of Perinton" dated June 28, 1978; and

WHEREAS, the term of the said agreement is for a period of three years commencing July 1, 1978 and the said agreement provides that the parties may, at the end of each year of the term of the agreement, extend such term for an additional year; and

WHEREAS, the present term of the agreement, as extended, expires June 30, 2015; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner shall furnish the Town of Perinton with a suitable map for each term of the agreement, or for any extended term thereof, modified to show the changes, if any, to the state highways affected by this agreement; and

WHEREAS, Section 10 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual covenants and benefits between the parties,

1. The aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the Town of Perinton is hereby extended for a period of one year; now to expire on June 30, 2016, unless further extended.

2. The state highways or parts thereof affected by this agreement are as delineated on the attached map, agreed upon by the Commissioner and the Town of Perinton, which shall be effective for the remainder of the term of the agreement commencing July 1, 2015, unless changed by future agreement between the Commissioner and the Town of Perinton.

3. All the terms and conditions of the original contract remain in effect except as follows: the estimated expenditure as specified in Section 10 of the aforementioned agreement shall be \$3,456.5177 per lane mile for 70.29 lane miles for a total of \$242,958.63 for the 2013/2014 season and for the remainder of the term of the agreement commencing July 1, 2013, unless changed by future update.

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the Commissioner and the Town of Perinton.

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

#### MONROE COUNTY SNOW & ICE CONTRACT AMENDATORY AGREEMENT

DPW Commissioner Beck presented the Board with a new contract agreement with Monroe County that modified the Inter-Municipal Agreement for Snow Removal and Ice Control Services for the 2013-2014 winter season. The original contract was instituted for a 10-year term from October 1, 2003 - September 30, 2013. Commissioner Beck stated that the new contract has a five-year term and is identical to the one expiring with the exception of the following two items:

- Lane mile cost adjustments are currently developed based upon changes in salt prices, labor rates and equipment rates. An additional criterion will be added that allows for a seasonal "intensity" factor. Data will be collected each year to enable the calculation of a "seasonal intensity adjustment" that will be a factor in determining the following years' lane mile rate.
- Yearly extensions and renewals will be permitted upon mutual consent of both parties.

The agreement compensates the Town of Perinton with a flat rate of \$3,629.00 per lane mile for plowing. Commissioner Beck added that the contract will remain as a lump sum agreement, not a time and material agreement. He also stated that there will now be

adjustments available to the lump sum payments based upon the severity of, or lack of during the winter season.

Councilperson LaFay offered the following resolution, seconded by Councilperson Van Vreede:

WHEREAS, Monroe County owns, operates and maintains a highway system in the towns and villages of the county, and

WHEREAS, the County Superintendent of Highways has general charge and supervision of the work of constructing, improving, repairing and maintaining all County roads, and

WHEREAS, County funds may be expended for the control and removal of snow and ice from County roads, and

WHEREAS, pursuant to the Monroe County Charter Section C6-19 B. (7) the County Director of Transportation may contract with the Town for delivery of County highway services; and

WHEREAS, the Town has appropriate snow and ice removal equipment and sufficient snow and ice control personnel to contract with the County for snow and ice control services; and,

WHEREAS, the Town Board has authorized the Agreement by Resolution adopted October 23, 2013.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and consideration hereinafter set forth and pursuant to Sections 118-b, 135-a and 142-d of the New York State Highway Law, the parties hereto mutually agree that the Town of Perinton will provide snow and ice control services on the County highway system and that the County will reimburse the Town for the provision of these services under a lump sum reimbursement contract.

BE IT FURTHER RESOLVED, that James E. Smith, Supervisor of the Town of Perinton is authorized to sign the above agreement for the Town of Perinton.

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

**ACCEPT COMMUNITY DEVELOPMENT BLOCK GRANT  
EGYPT PARK ADA SIDEWALK IMPROVEMENT PROJECT  
AND AUTHORIZE SUPERVISOR TO SIGN**

Commissioner Beck stated that in 2012 the Town was awarded \$16,004.00 from Monroe County through their Community Development Block Grant Program to construct an internal asphalt sidewalk within Egypt Park. The proposed sidewalk will meet the Americans with Disabilities Act Standards to allow for all users, including those with physical challenges the ability to safely reach the major amenities of Egypt Park, like the dog park area, the playground and restrooms. Commissioner Beck further stated that it is intended that the Town Forces will construct the improvements during the 2014 construction season and that the grant will fund 100% of the estimated project costs.

Councilperson Van Vreede offered the following resolution, seconded by Councilperson Knapp:

WHEREAS, the COUNTY has entered into an Agreement with the United States of America, Department of Housing and Urban Development (HUD) under the Community Development Block Grant Program, and

WHEREAS the MUNICIPALITY and the COUNTY desire to enter into an Agreement that provides for the Egypt Park ADA Improvements (hereinafter referred to as the "project" and described more fully in the Project Proposal attached to and made a part of this Agreement as Attachment A, and

WHEREAS, the Monroe County Legislature, by Resolution No. 163 of June 22, 2012, authorized the Monroe County Executive, or her designee, to execute contracts necessary to accomplish programs in the towns and villages participating in the Monroe County Consolidated Plan Consortium.

NOW, THEREFORE, the COUNTY and the MUNICIPALITY do mutually agree, in consideration of the covenants, terms and conditions contained in the contract and

BE IT FURTHER RESOLVED, that James E. Smith, Supervisor of the Town of Perinton is authorized to sign the above agreement for the Town of Perinton.

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 #10 for October 2013 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

#### OCTOBER AUDIT

General Fund	61,018.12
Town Outside of Village	102,698.85
Recreation	49,436.32
Highway General Repair	169,618.20
Highway Snow & Miscellaneous	182,770.24
Joint Sewer	2,739.03
Debt Service Sewer	1,000.00
Trust & Agency	250.00
Fairmont Hills Maint Dist	320.00
Wisteria Grove Maint Dist	990.50
Basin Canal Port	10,000.00
O'Connor Rd Relocation Proj	233,716.77
Woolston Road Proj	2,227.00
Indian Valley Sewer Project	<u>137,724.83</u>
	\$954,509.86 Total

The above items were numbers 91468-91694.

#### OCTOBER MANUAL

General Fund	85,613.08
Town Outside of Village	5,031.73
Recreation	29,457.09
Joint Sewer	7,999.27
Midlands Lighting Dist	409.91

Lake Lacombe Lighting Dist	15.21
Meadows Lighting Dist	459.39
Deer Run Lighting Dist	1,470.58
Misty Meadows Lighting Dist	<u>110.79</u>
	\$130,567.05Total

The above items were numbers 91435-91439, 91450-91454, 91465-91466.

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

Supervisor Smith added that the O'Connor Road Realignment project is coming along well and that the public will have an opportunity to help raze the Hess gas station at a demolition party on November 9, 2013 at 10:00 AM.

Chris Fredette, 3 Cabernet Circle and Conservation Board member, mentioned that garages in the Town have gotten larger over time and that 3 of the 7 items on the upcoming Zoning Board of Appeals agenda relate to oversize garage variances. Code Enforcement and Development Director Doser stated that garage size allowed has been increased in the Town Code over the last few years.

There being no further business before the Board and no further questions from the audience, the Board adjourned at 8:45 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk