

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, November 20, 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; Ken Rainis, Conservation Board Chairman; T.C. Lewis, Planning Board; Michael Barker, Supervisor-Elect.

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 Van Vreede, that the minutes of the Town Board meeting of November 13, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
SPECIAL USE PERMIT
WHITNEY TOWN CENTER, LLC
666 WHITNEY 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 November 7, 2013; affidavit of posting was also November 7, 2013.

Supervisor Smith explained that the Public Hearing was an opportunity for the developer to explain his proposal, answer any questions that neighbors or Board members may have and hear comments regarding the proposed use of the property. He further explained that the Town Board did not intend to make any decisions on the proposal that evening as there are many environmental issues involved with this proposal and the next step would most likely be to come back to Town Board for a recommendation under the State Environmental Quality Review Act (SEQRA).

John Stapleton, of Marathon Engineering introduced Matt Newcomb, also from Marathon Engineering and Jim Taylor – the builder, applicant and sponsor of the proposed project. Mr. Stapleton explained that they are seeking a Special Use Permit to apply the buildings and grounds overlay district zoning to their project at 666 Whitney Road, Perinton. Mr. Stapleton referred to a map of the area and stated that their property is north of Whitney Road between Lonesome Road and the Deer Run development and borders single family homes and is currently zoned Industrial. There is also a vacant former Rochester Telephone building on the property and parking lots. He further stated that there has been soil remediation on the property (2009) and that there are environmental considerations on the property including three wetlands. All three wetlands are federal wetlands under the jurisdiction of the US Army Corps of Engineers

along with Perinton LDD (Limited Development District) adjacent to the area of potential development.

Mr. Stapleton stated that the existing development's zoning is Industrial and that Mr. Taylor's 2009-2010 proposal was an Industrial development use for the remaining property. Given changes in the economy, discussions with Town staff and input from neighbors, the new proposal is for a project with two separate usages/properties. The first project would be for the vacant 28,500 sq. ft. building located at 666 Whitney Road. Mr. Stapleton stated that they are proposing to rehabilitate the building into professional offices and retail space. They do not have tenants but believe that the project would appeal to a coffee shop, florist, and/or light medical (small neighborhood services) type businesses. This project would include 181 parking spaces, a walking trail and gazebo with the intent to dress up the streetscape along Whitney Road. The parcel away from Whitney Road is 14.7 acres and would include three buildings of senior rental apartments. Building A would be three stories, contain 59 units of one and two bedroom apartments with 66 surface level parking spaces and 16 garage spaces. Building B would also be three stories with 53 units, 59 surface spaces and 34 garage parking spaces. Building C is proposed to be two stories, with 39 units with 55 surface parking spaces and 12 garage spaces. Mr. Stapleton stated that they realize that they are below the required ratio of parking spaces to units as required by Town Code and that there will be more discussion with the Planning Board as this application progresses. He further stated that there may be some shared parking for residents of the apartments with the retail building on Whitney Road.

Mr. Stapleton reviewed the utilities on the site, stating that there is an existing Town sanitary sewer, Monroe County water main and that storm drainage/management would be designed in accordance with NYS DEC Phase 2 requirements.

Mr. Stapleton reiterated that they are requesting a Special Use Permit to apply the Buildings and Grounds overlay district zoning to allow the development of the proposed senior apartments. He also added that they will be providing a traffic study and will update their wetland delineation with the US Army Corps of Engineers.

Councilperson LaFay asked whether the apartments are age restricted and Mr. Stapleton stated that they are age restricted in the zoning of the Town in that 90% of residents have to be 55 or older and they are market rate apartments for seniors. Supervisor Smith asked what "market rate" translates to in dollars and Mr. Taylor stated that that meant \$900 to \$1,200 in monthly rent and that rents would not be subsidized.

The following individuals commented or had questions at the Public Hearing:

Pascal and AnneMarie Sureau, 83 Braeloch Crossing
Susan DePuy, 644 W. Whitney Road
Donna Marie Cozine-Mills and Craig Mills, 95 Lonesome Road
Carol and John Engel, 43 Fairvale Drive
John and Becky Castellano, 638 Whitney Road
Greg Kennedy, 89 Braeloch Crossing
Dennis Cannioto, 97 Braeloch Crossing
Kristina Galton, 91 Braeloch Crossing
Beth Wheeler, 31 Fairvale Drive

In response to questions, Supervisor Smith explained that the entire property is defined by the address 666 Whitney Road. Originally two Special Use Permits were requested but it was determined that the application for the driveway that goes from the front two buildings to the rear building crosses a Limited Development District and does not need a Special Use Permit as it is a residential use. He further stated that the other Special Use Permit is necessary for senior housing to be built under the Public Buildings and Grounds section of the Town Code. He also added that site plan

approval will be needed, along with a traffic study and SEQRA determination prior to any Town Board final decision on the Special Use Permit.

Residents asked where the water, snow etc. will go from this proposed development. Mr. Stapleton explained that the water flows from east to west and that stormwater will be collected and flow under the internal road and be discharged to the stormwater management facility, which will address the stormwater quality and quantity. He further stated that they are not allowed to release stormwater at a rate that is any greater than what is released from the site today. Supervisor Smith stated that this would be looked at fully during site plan review by the Planning Board.

Other residents were concerned about the disturbance to the wetlands. Mr. Stapleton reiterated that the wetlands are federal wetlands and that the developer is allowed to disturb up to .1 acre without the Army Corps of Engineers involvement. The Town also has a Conservation Board which has its own process as far as requirements for disturbance to an LDD. The current proposal's wetland disturbance is .1 acres versus .3 acres in the 2009 application. A question was also asked about contaminated soil that was present during the applicant's previous application and Mr. Taylor quoted a letter from the DEC stating that it had been taken care of and that no further remediation was necessary.

Other residents were concerned about knocking down trees for the walking trail proposed on the property and disturbance to wildlife in the area with building as there are no other "consecutive wooded areas" left in Town.

Mr. Stapleton stated that they are uncertain at this stage whether the project would be built in phases. Mr. Sureau asked whether there were enough units in the front two residential buildings of the project. Supervisor Smith explained that the developer applies for what he believes to be a viable project. Mr. Taylor stated that he needs critical mass and that 150 units would be his breakeven point. Ms. Mills asked whether apartments could be built above the existing building to achieve the 150 units desired. Mr. Taylor stated that the existing structure could not take the weight. Mr. Taylor stated that there is significant demand at this price point for senior rental apartments.

Craig Mills asked about the Town's setback requirements and Supervisor Smith stated that they are measured from the property line. Any variances to the requirements would be subject to Zoning Board approval. He also asked whether the property would be fenced and about the security of their properties which back up to the proposed development.

A resident asked about the traffic study with current concerns about the Whitney/Baird intersection's current traffic. Supervisor Smith explained that the first step is a scoping where Town Staff talks with the developer to determine what the study should look at, then the developer hires a traffic engineer to perform the study and then the Town hires a traffic engineer to review the study provided by the developer. He also explained that both Whitney and Baird Roads are County highways and under their control and that the County would review the traffic study as well. All of this process is public information.

John Engel, 43 Fairvale Drive asked about proposed lighting and Mr. Stapleton stated that it would most likely be shoebox type fixtures, 23 feet in height with details worked out during site plan approval. Supervisor Smith stated that the Town has standards which would be looked at carefully during that site plan phase.

Other residents expressed concern about property values given the fact that their property currently backs up to wetland with trees, has privacy and wildlife present and their concerns regarding the height of fences allowed in Town (6 feet in rear of property) which would allow the residents of a two or three story senior apartment to look into their backyards.

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 Havens made a motion, seconded by Councilperson LaFay to refer the application for a Special Use Permit to apply the buildings and grounds overlay district to the north end of the project located at 666 Whitney Road to the Town Planning and Conservation Boards.

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

Removal from Rolls	Mr. Pat Whelan. 40 Landsdowne Lane Rochester, NY 14618
Addition to Rolls	Mr. Patrick Geiger 76 Broadmoor Trail Fairport, NY 14450

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

**AUTHORIZATION TO BID
RECREATION SUPPLIES, WEARING
APPAREL, ARTS & CRAFT SUPPLIES
JANITORIAL SERVICES**

Recreation & Parks Commissioner Myers reported that it was once again time to seek bids for recreation supplies, wearing apparel and arts and crafts supplies. He asked the Board for authorization to bid for those supplies as well as janitorial services for the year 2014. These are budgeted items; authorizing the bidding process in 2013 means the materials will be available throughout 2014. Commissioner Myers stated that he would be mailing out specifications for the bids on December 16, 2013 and opening bids on January 9, 2014.

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the Recreation & Parks Commissioner be authorized to advertise for bids for recreation supplies, arts & crafts supplies, wearing apparel and janitorial services.

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

ADOPT SUPPLEMENTAL AGREEMENT NO. 2 FOR THE
O'CONNOR ROAD REALIGNMENT PROJECT

DPW Commissioner Beck explained that a supplemental agreement for a federally funded project authorizes Federal and State funding for the construction phase of the O'Connor Road Realignment Project in the amount of \$2,328,000.00 and provides authorization for the Town to seek reimbursement for the construction related expenses. He further stated that the Agreement requires that the Town confirm that it has appropriated this amount to front the costs for construction and construction related expenses.

Commissioner Beck added that Keeler Construction was the successful bidder with a contract amount of \$1,463,772.75 and Erdman Anthony's construction inspection supplement was \$383,000.00, bringing the project total cost to \$3,059,025.00. He added that the Town is being reimbursed by Federal and State Highway Funding for this project at a rate of approximately 95%, which means that the Town's share of project costs is approximately \$155,000.

Commissioner Beck requested that the Town Board complete the following actions:

1. Authorize a loan in the amount of \$328,000 from the Capital Reserve for Sidewalks Fund to the Capital Reserve for Road Repair Fund. This loan is necessary to front the construction costs for the project and will be re-paid when the Town is reimbursed by the Federal Highway Administration;
2. Authorize the transfer of funds in the amount of \$2,328,000 from the Capital Reserve for Road Repair Fund into the expense account that has been established for the O'Connor Road Project;
3. Adopt the following NYSDOT Resolution; confirming that the Town understands and accepts the stipulations of the supplemental agreement and has appropriated the funding necessary to deliver the project; and
4. Authorize the Town Supervisor to sign Supplemental Agreement No. 2 to the Master Federal Aid and Marchiselli Aid Agreement.

Commissioner Beck added that the first and second actions are subject to Permissive Referendum. Councilperson Van Vreede asked about the commitment by the Town to deliver the project and whether it has a timeframe attached. Commissioner Beck stated that we have hired the contractor and are in the final phase of the project.

Councilperson Van Vreede, made a motion, seconded by Councilperson Knapp to approve and complete the four actions above including the adoption of the following resolution:

WHEREAS, a Project for the O'Connor Road Relocation, PIN 4753.80 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 88% Federal funds and 12% non-federal funds; and

WHEREAS, as provided for by agreement with the NYS Department of Transportation, Design, ROW Incidental or ROW acquisition and Construction work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and

WHEREAS, the Town of Perinton desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of \$3,059,025.00, for design, right-of-way and construction.

NOW, THEREFORE, the Perinton Town Board, duly convened, does hereby

RESOLVE, that the Perinton Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Perinton Town Board hereby authorizes the Town Supervisor of the Town of Perinton to pay in the first instance 100% of the federal and non-federal share of the cost of \$3,059,025.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$3,059,025.00 is hereby appropriated from Town Capital Reserves, and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Perinton, shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Design Consultant thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Perinton of the County of Monroe, be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Perinton with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid-and state-aid eligible Project costs and all Project costs within appropriations, therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT ICE RINK AT FAIRPORT JUNCTION

Recreation and Parks Commissioner Myers stated that the Town of Perinton and the Village of Fairport entered into an Intermunicipal Agreement in 2007, for the operation and maintenance of the artificial ice rink at Fairport Junction. This agreement needs to be renewed.

By the terms of the agreement, the town (parks staff) will be responsible for the following:

- Maintain the ice rink surface according to rink manufacturer specifications: providing the appropriate supplies and materials are made available (i.e. water, lighting). Maintenance includes removing snow from and scraping the ice surface during normal park department operating hours and providing a top coat of water as needed.
- Provide liability insurance for ice surface and ice rink maintenance.
- Notify the Fairport Police in the event of vandalism.
- Assist with promoting the ice rink with news releases and information in seasonal program brochures and marketing tools within the Perinton Community Center.

- Provide staff support to the ice rink oversight team. Oversight team consists of representative(s) from the Village of Fairport, Town of Perinton and the Fairport Partnership for a Better Community.

Councilperson Havens made a motion, seconded by Councilperson LaFay to authorize Supervisor Smith to sign the revised Intermunicipal Agreement for the Ice Rink at Fairport Junction.

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

AUTHORIZATION TO BID 2014 HIGHWAY AND SEWER EQUIPMENT

DPW Commissioner Beck outlined the bid process and timing for the purchase of 2014 budgeted equipment for the Department of Public Works and is requesting its approval. He also stated that some required equipment would be acquired from NYS Bid Contracts.

Commissioner Beck stated that, annually, the DPW trades in one Bobcat skid steer and acquires one new Bobcat skid steer. Bobcat is a competitive skid steer supplier on the NYS Bid Contract list; therefore, all pricing has been arrived at through the NYS competitive bid process. This year Commissioner Beck requested authorization to trade in both of the Bobcat skid steers and acquire two new ones. For the past 8 years, DPW has been trading in one of the DPW's two skid steers annually for a net cost between \$3,000.00 and \$4,000.00. By doing so, the Town avoids any maintenance costs on the machine. As an example, new tires for a skid steer cost \$3,000 and must be replaced every twelve to eighteen months. Retaining the machine over a ten-year period would result in an expenditure of approximately \$25,000 for tires alone. With regular preventative maintenance costs and periodic repairs of about \$500 annually, the ten-year expenditure would easily total \$30,000.

Commissioner Beck further explained that this does not include the net cost to acquire a new machine at the end of a ten-year period. Trading a machine every two years maintains a fixed cost of approximately \$19,500 over the ten-year period. Because DPW has relatively low hours on both of the current machines, the Town has the opportunity to trade both for a total cost of \$5,000.00 this year. The skid steer purchase would be funded through the Capital Equipment line in the 2013 Drainage Account.

Councilperson LaFay made a motion, seconded by Councilperson Havens to authorize the bidding process for 2014 DPW Equipment purchases and/or the purchase from NYS Bid Contracts of equipment authorized in the 2014 budget and the trade-in of two Bobcat skid steers.

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

AUDIT APPROVAL

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede that Audit #11 for November 2013 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

OCTOBER MANUAL 2

General Fund	95,958.06
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The above item was paid with checks# 91695-91696.

NOVEMBER GENERAL ELECTION

General Fund 37,625.00

The above item was paid with checks# 91732-91922.

NOVEMBER AUDIT

General Fund	190,081.85
Town Outside of Village	133,161.09
Recreation	57,229.15
Highway General Repair	294,177.86
Highway Snow & Miscellaneous	29,669.83
Joint Sewer	5,084.30
Fairmont Hills Maint Dist	1,770.00
O'Connor Rd Relocation Proj	260,548.51
RS&E Ped Bridge Proj	3,991.50
Indian Valley Sewer Project	<u>24,191.76</u>
	\$999,905.85 Total

The above items were numbers 91923-92121.

NOVEMBER MANUAL 1

General Fund	87,136.00
Town Outside of Village	4,757.10
Recreation	28,850.26
Joint Sewer	7,782.52
Midlands Lighting Dist	424.07
Lake Lacoma Lighting Dist	16.07
Meadows Lighting Dist	471.99
Deer Run Lighting Dist	1,466.59
Misty Meadows Lighting Dist	<u>114.61</u>
	\$131,019.21 Total

The above items were numbers 91708-91715, 91727-91730.

NOVEMBER MANUAL 2

General Fund \$162.24

The above item was number 91731.

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

There being no further business before the Board and no further questions from the audience, the Board adjourned at 9:20 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk