

PERINTON TOWN BOARD MEETING  
 1350 Turk Hill Road, Fairport, NY 14450  
 Wednesday, February 13, 2013

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

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Debbie Brown, Deputy Town Clerk; Nicholas Morabito, Town Assessor; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

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

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that the minutes of the Town Board meeting of January 23, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
 CONSERVATION EASEMENTS 2013

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on January 17, 2013; affidavit of posting was January 17, 2013.

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

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

Mr. Morabito stated that last year there were 117 conservation easements encumbering over 2847 acres of land, which represents approximately 13% of the Town acreage. There are four easements due to expire on March 1, 2013 and all four of these

easements are before the Town Board for renewal. Three new applications were received this year. Assessor Morabito said that all of the proposed easements have received favorable recommendations by the Perinton Conservation Board as well as the Monroe County Planning Department. He pointed to a Town map, which highlights properties currently involved in the conservation easement program. The parcels in dark green are current conservation easements and those in light green areas are existing farming easements. The parcels in purple are up for renewal in 2013.

Assessor Morabito stated that with the Town Board approval, there will be 119 easements on record totaling 2,870 acres.

Supervisor Smith asked Mr. Morabito to point out the easements under consideration and also whether the Sharp property was on County Line Road. Mr. Morabito stated that it was an error and that the location is actually 485 Loud Road.

Supervisor Smith asked Assessor Morabito to explain the genesis of the small new conservation easements being considered and Mr. Morabito stated that the land needs to be sub-dividable and developable (with LDD land removed). Town Attorney Place added that there must also be some public benefit to adding the property to the conservation easement program.

Chris Fredette, 3 Cabernet Circle and Conservation Board member, stated that the Conservation Board had reservations about adding the two parcels on Oak Grove Lane due to their size, but offered that they are contiguous to the Taylor property already under easement and in heavily wooded areas.

John Haggerty, 1 Oak Grove Lane, added that his property and Mrs. Stahl's property at 3 Oak Grove backs up to the Taylor property, which has been under easement for approximately 15 years. Supervisor Smith added that his concern is whether the Town is preserving a landowner's backyard with a public program and whether that is appropriate or not. He added that there are probably many homeowners that would like to have an easement on some part of their land and enjoy the tax benefit, but would the community gain from that?

Mrs. Stahl, 3 Oak Grove Lane, added the Taylors are looking at selling their parcel and that she has been approached to sell part of her land to allow more homes on the property. She further stated that her neighbor at 6 Oak Grove Lane has an easement which was approved in 2011, which she feels is the same approval she is looking for. She elaborated that their houses are literally in the woods with a very small grass area surrounding. Supervisor Smith asked whether they would really want to sell their land for development and have a house in their backyard and Mrs. Stahl stated that if a house were built behind her, she would never see it.

Chris Fredette, Conservation Board, added that there is a historic site on the property at 1 Oak Grove on the squares and circles map (Rochester Museum) which would make the land worthy of preservation too.

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

<u>Tax Map Acct #</u>	<u>Owner/Property Location</u>	<u>Acres</u>	<u>School/Yrs/Type</u>
167.13-1-1	Fannie N. DeMuth Ayrault Road Fairport, NY 14450	23.25	Fairport/15/Farming
167.13-1-14	Fannie N. DeMuth	47.36	Fairport/15/Farming
167.13-1-16	127 Ayrault Road Fairport, NY 14450	4.65	Fairport/15/Farming
180.04-1-51.111	Howard and Janet Sharp 485 Loud Road Fairport, NY 14450	22.49	Fairport/5/Conservation

195.01-1-34.2          Anthony Arena                                  69.85   Victor/6/Farming  
Victor Road  
Victor, NY 14564

New Conservation Easements in 2013:

179.13-2-40          John and Mary Ellen Haggerty                  1.4Pittsford/8/Conservation  
1 Oak Grove Ln  
Pittsford, NY 14534

179.13-2-41          Patricia A. Stahl                                  .75Pittsford/5/Conservation  
3 Oak Grove Ln  
Pittsford, NY 14534

195.01-1-34.11          Anthony Arena                                  43.33   Victor/6/Farming  
255 Daley Road  
Victor, NY 14564

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

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the acceptance of the four 2013 renewal Conservation Easements be granted a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because granting the easements preserves open space, limits development and therefore creates no adverse environmental impacts.

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

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

RESOLVED: that the Town Board of the Town of Perinton does hereby accept, and authorize the Supervisor to sign on behalf of the Town of Perinton, the four renewal Conservation Easements as presented by Assessor Morabito and that the three new easements be tabled for consideration at the February 27, 2013 Town Board meeting.

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

**AWARD BID  
BOILER FOR PERINTON COMMUNITY CENTER**

Recreation and Parks Commissioner Myers stated that the Recreation and Parks department opened bids on January 31, 2013 for a replacement boiler for the Perinton Community Center. Two bids were submitted and Crosby-Brownlie submitted the lowest bid of \$92,000 and \$78 per hour prevailing wage for any additional work necessary outside the specification of the bid.

Commissioner Myers requested that the Town Board accept the bid from Crosby-Brownlie, Inc. and stated that they are very familiar with the quality workmanship that they provide and comfortable with their ability to perform this job with excellence.

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp to accept the bid from Crosby-Brownlie, Inc. for an amount of \$92,000 for material and labor and \$78 per hour prevailing wage for any additional work necessary outside the specification of the bid.

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

AWARD BID  
INDIAN VALLEY SEWER PHASE 3

DPW Commissioner Beck stated that on February 1, 2013, bids were opened for the construction of the Extension No. 58 to Consolidated Sewer District No. 8, otherwise known as Phase III of the Indian Valley Sanitary Sewer Project. He stated that eight bids were received, with cost amounts ranging from a low of \$2,288,822 to the high bid of \$2,528,793.15. Villager Construction, Inc., a local company with offices located at 425 Old Macedon Center Road in Perinton, submitted the low bid.

Commissioner Beck stated that Villager Construction has been a general contractor for similar projects throughout the Greater Rochester area for well over 25 years and has been the Town's contractor on past sanitary sewer construction projects, the most recent being the Orchards Sanitary Sewer Extension.

Commissioner Beck reminded the Board that this is the second letting for this phase of the project and that all bids for the first letting were rejected. He further stated that Villager's bid is \$87,834.48 less than the lowest bid submitted in the first round.

Commissioner Beck added that the approved budget for all three phases of the Indian Valley Sanitary Sewer Project is \$11,800,000.00 and that when the total construction costs for Phases I and II of the project are combined with this bid, it results in an actual total cost of construction cost that is approximately \$1,376,000.00 less than the budgeted construction cost for the entire project.

Commissioner Beck also provided a letter from William VanAlst of Larsen Engineers recommending the award of the project to Villager Construction and Commissioner Beck added his personal recommendation for the bid award.

Councilperson Knapp made a motion, seconded by Councilperson Van Vreede to award the bid for the construction of Extension No. 58 to Consolidated Sewer District No. 8, otherwise known as Phase III of the Indian Valley Sanitary Sewer Project to Villager Construction Inc. for the amount of \$2,288,822.00.

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

DECISION  
AMENDMENT TO SECTION 208  
OF THE CODE OF THE TOWN OF PERINTON  
ITEMS RELATING TO AGRICULTURE

Director of Code Enforcement and Development Doser stated that he has made a presentation to the Planning Board regarding the proposed changes to Section 208 of the Code of the Town of Perinton regarding Agriculture. The Town Board has a memo from Planning Board Chairman, Mark Anderson, unanimously supporting the proposed changes. Mr. Doser stated that the proposed changes are based on the recommendations of the recent Farmland Protection Plan that was accepted by the Town Board in 2012. Mr. Doser further stated that Perinton has a strong and proud agricultural heritage and that the purpose of the additions and revisions is to further define and support agricultural activity in the Town.

Supervisor Smith reviewed that the Town Board held a Public Hearing on January 9, 2013 and referred the proposed changes to the Planning Board as required by State Law.

The revisions to Section 208 follow:

§ 208-8 Definitions.

**AGRICULTURAL ACTIVITY**

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land or agricultural structures for growing agricultural products, and cutting timber for sale.

**AGRICULTURAL PRODUCTS**

Those products as defined in § 301, Subdivision 2, of Article 25-AA of the New York State Agriculture and Markets Law.

**AGRICULTURAL STRUCTURE**

Any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural activity on an active farm on five acres of land or more.

**FARM**

Any parcel of land five acres or more, used for agricultural activities or farm operations, or land defined in § 301, Subdivision 4, of Article 25-AA of the New York State Agriculture and Markets Law as "land used in agricultural production." It includes necessary agricultural structures and the storage of equipment used.

**FARM OPERATION**

The land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in § 301, Subdivision 13, of Article 25-AA of the Agriculture and Markets Law and "timber processing" as defined in § 301, Subdivision 14 of Article 25-AA of the Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

§ 208-11. Nonconforming uses or structures.

- A. Any nonconforming use or structure now lawfully existing may be continued only on the premises and in the buildings and structures where it now exists.
- B. § 208-25. Buffer areas for certain abutting properties.
  - A. Where a lot containing public buildings or grounds or a lot in any Townhouse, Apartment, Restricted Business, Industrial or Commercial District abuts a lot in a Residential AA, A, B or C, Residential Transition 1-2-5, Residential 2-5 or Residential Sensitive District, the side and rear setbacks for such lot containing public buildings or grounds or such lot in a Townhouse, Apartment, Restricted Business, Industrial or Commercial District on said abutting line shall be bordered by a buffer area to be erected along said property line as part of site plan approval by the Planning Board.
  - B. Where new residential development abuts property that has been utilized for agricultural production during the past year, a buffer shall be incorporated into the residential development that effectively limits access from residences to farm fields. Acceptable buffers may include natural features such as streams or tree plantings or fences. The Planning Board shall determine whether the proposed buffer is of sufficient size, width, height and/ or configuration to ensure that it would be effective in limiting access to farm fields from the new residential development.

§ 208-32. Class B District.

The following regulations shall apply to the Class B District:

A. Uses permitted. The following uses are permitted:

- (1) Single-family detached dwelling which may have an attached or detached private garage.
- (2) Two-family detached or semidetached dwelling with an attached or detached garage may be approved by the Planning Board if the developer applies for the same with concept subdivision approval and if the applicant has received a special permit from the Town Board, as provided for in § 208-54 of this chapter. The buildings must be in harmony with and complementary to the single-family residences provided for said subdivision. Applicants shall notify neighboring property owners within 500 feet of the boundary of these proposed subdivisions at least one week and not more than three weeks prior to the scheduled Town Board hearing for the special permit.
- (3) The conversion of an existing dwelling from a one-family to a two-family dwelling or the construction of a two-family detached or semidetached dwelling on a preexisting lot may be permitted upon a special permit from the Zoning Board of Appeals as provided in § 208-54 of this chapter. If a special permit is granted, applicants building new units or modifying the exterior of existing structures must obtain site plan approval from the Planning Board.
- (4) Public buildings and grounds. (See § 208-8, Definitions.)
- (5) One-story accessory building. (See § 208-14G herein.)
- (6) All uses as permitted and regulated in Townhouse Districts under § 208-34 herein.
- (7) Customary home occupation. (See § 208-8, Definitions.)
- (8) Agriculture and agricultural structures for agricultural activity.

B. [NO CHANGES]

C. [NO CHANGES]

D. Setbacks.

- (1) The minimum front setback shall be 50 feet, the minimum side setback 15 feet and the minimum rear setback 15 feet.
- (2) On corner lots, the minimum setback from each highway shall be the same as the front setback from each highway.
- (3) If the lot will be served by sanitary sewers, the minimum side setback shall be 12 feet instead of 15 feet.
- (4) Single-family semidetached dwellings may have one zero-foot side yard.
- (5) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.

[§ 208-36. Residential Transition 1-2-5.](#)

- A. Purpose and locational criteria. The purpose of this district will be to encourage large-lot residential development in areas where conditions of the environment, availability of utilities and surrounding land use patterns dictate that residential densities and the amount

of land covered by impervious surfaces remain low. Generally these are areas farther from commercial/service centers, acting as transition between conventional suburban residential development densities and rural densities, and where both sewer and water are expected.

B. Uses permitted. The following uses are permitted:

- (1) A single-family detached dwelling, which must have a two-car private garage.
- (2) One-story accessory building. (See § 208-14Gherein.)
- (3) Customary home occupation. (See § 208-8, Definitions.)
- (4) Public buildings or grounds (see § 208-8, Definitions), excluding convalescent centers, hospitals and other group quarters not located in an existing single-family home.
- (5) Agriculture and agricultural structures for agricultural activity.

C. (3) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.

D. (1) [NO CHANGES]

(2) Special conditions: clustering.

(a) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres, according to § 208-48.

(b) Clustering shall result in the reservation of land from development. Larger lots or open spaces created by the use of § 278 shall be treated in one of the following manners:

[1] Dedication to the public.

[2] Reservation from development with land held in common by a community association.

[3] Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space or agricultural qualities of the development, to minimize land disturbance and to maintain natural open space or agricultural land values.

(c) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieve the design guidelines of the district.

(d) A maintenance and environmental management plan shall be submitted for all nonpublic reserved open space or agricultural lands.

(e) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.

(f) Clustered lots shall not be allowed to front on arterial or collector streets.

(g) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.

§ 208-37. Residential Transition 2-5.

- A. Purpose and locational criteria. The purpose of this district will be to encourage large-lot residential development in areas where conditions of the environment, availability of utilities and surrounding land use patterns dictate that residential densities and the amount of land covered by impervious surfaces remain low. Generally these are areas farther from commercial/service centers, acting as transition between conventional suburban residential development densities and rural densities, and where public water but not sanitary sewers are expected.
- B. Uses permitted. The following uses are permitted:
- (1) A single-family detached dwelling, which must have a two-car private garage.
  - (2) One-story accessory building. (See § 208-14G herein.)
  - (3) Customary home occupation. (See § 208-8, Definitions.)
  - (4) Public buildings or grounds (see § 208-8, Definitions), excluding convalescent centers, hospitals and other group quarters not located in an existing single-family home.
  - (5) Agriculture and agricultural structures for agricultural activity.
- C. (3) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.
- D. (1) [NO CHANGES]
- (2) Special conditions: clustering.
- (a) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres, according to § 208-48.
- (b) Clustering shall result in the reservation of land from development. Larger lots or open spaces created by the use of § 278 shall be treated in one of the following manners:
- [1] Dedication to the public.
  - [2] Reservation from development with land held in common by a community association.
  - [3] Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space or agricultural qualities of the development, to minimize land disturbance and to maintain natural open space or agricultural land values.
- (c) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieve the design guidelines of the district.
- (d) A maintenance and environmental management plan shall be submitted for all nonpublic reserved open space or agricultural lands.
- (e) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.

(f) Clustered lots shall not be allowed to front on arterial or collector streets.

(g) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.

§ 208-38. Residential sensitive district.

A. Purpose and locational criteria. The purposes of this district are to:

- (1) Assure that lands identified in the Comprehensive Plan as having exceptional environmental values are developed with minimal disturbance to the environment.
- (2) Maintain low density in areas with poor transportation networks and physical constraints to development.
- (3) Assure compatible types and densities of development.
- (4) Encourage innovation in subdivision design.

B. Uses permitted. The following uses are permitted:

- (1) One single-family dwelling per lot which must have a two-car garage.
- (2) One-story accessory building to single-family dwelling.
- (3) Customary home occupations.
- (4) Agriculture and agricultural structures for agricultural activity
- (5) Public buildings and grounds, as defined in this chapter, shall not be permitted, except in accordance with § 208-12 or 208-13.
- (6) The following uses, upon obtaining a special permit from the Town Board as provided in § 208-54.
  - (a) Kennels, provided that there is at least five acres and that there is no outside keeping of animals.

C. (2) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.

D. [NO CHANGES]

E. [NO CHANGES]

F. Special conditions: clustering.

(1) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres.

(2) Clustering shall result in the reservation of land from development. Larger lots, agricultural land or open spaces created by the use of § 278 shall be treated in one of the following manners:

(a) Dedication to the public.

(b) Reservation from development with land held in common by a community association.

(c) Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space or agricultural qualities of the development to minimize land disturbance and to maintain natural open space or agricultural land values.

(3) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieves the design guidelines of the district.

(4) A maintenance and environmental management plan shall be submitted for all reserved nonpublic open space or agricultural lands.

(5) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground-or surface waters.

(6) Clustered lots shall not be allowed to front on arterial or collector streets.

(7) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.

§ 208-51. Open Space Preservation.

A. [NO CHANGES]

B. In order to carry out this intent, an application for an open space preservation project shall address the following objectives:

(1) The preservation and enhancement of the natural features of the site.

(2) The accommodation of land uses and physical site arrangements which are not contemplated under conventional zoning but which would further the development goals of the Town.

(3) The creation of more usable open space and/or recreation area.

(4) The preservation of trees, scenic vistas, outstanding natural topography and geologic features, the retention of productive agricultural land and/or the prevention of soil erosion.

(5) The provision of a more desirable environment than what would be possible through the strict application of existing zoning.

(6) The promotion of the general health, safety and welfare of the Town.

C. [NO CHANGES]

D. [NO CHANGES]

E. The Planning Board's report and recommendations to the Town Board should consider the following:

(1) The suitability of the tract(s) for the general type of open space or farmland preservation proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.

(2) The adequacy of major roads, utilities and other facilities and services to serve the development.

(3) That the proposal is conceptually sound and that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, hiking trail system and drainage system.

(4) The Town's Comprehensive Plan and/or other plans or policies used to guide development in the Town.

§ 208-53. Site plan review.

A. Prior to issuing a building permit for the construction of a building, change of use of a building, change to an existing site plan or for a building where the site plan approval has expired, on a lot in any district, except for one-family dwellings or two-family dwellings in approved subdivisions outside of the Residential Sensitive Zoning District and except for agricultural structures, the Director of the Building Department shall refer the site plans for construction on such lot to the Planning Board for its review and approval. Within a Residential Sensitive Zoning District site plan approval in accordance with § 208-38H and 208-53J of this Code is required. Except for one-family dwellings or two-family dwellings in approved subdivisions, no building permit or certificate of occupancy for a change in use of an existing premises shall be issued except in accordance with standards and procedures set forth in this section.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that the amendment to Sections 208 (items relating to agriculture) 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, Van Vreede  
Nays: None  
Unanimously approved.

Councilperson Knapp made a motion, seconded by Councilperson Van Vreede 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 February 13, 2013.

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

DECISION  
SPECIAL USE PERMIT  
VILLAGE SPORTS  
2830 BAIRD ROAD

Supervisor Smith stated that at the January 23, 2013 Town Board meeting, a Public Hearing was held regarding a Special Use Permit application for Village Sports, 2830 Baird Road. The applicant, Glenn Collins, was present and Code Enforcement and Development Director Doser reviewed the requested changes to Mr. Collins' Special Use Permit application. Mr. Doser reviewed the major changes, which are the addition of adult leagues and games and removal of school age programs. Mr. Doser also reviewed a neighbor's (Mr. Colbert, 2808 Baird Road) concern with the application and the fact that people are turning around in his driveway, perhaps when they miss the Village Sports entrance. Mr. Collins believes that this situation may actually be due to the business on the corner of Baird and Fairport Road and Mr. Doser has agreed to monitor the situation and speak with the other business owner. Mr. Collins has also agreed to light the sign at the entrance to Village Sports and to trim bushes covering his sign to make the sign more visible.

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that the proposal to approve the Special Use Permit for Village Sports at 2830 Baird Road be given a Negative Declaration under the New York State Environmental Quality Review Act

(SEQR) because the approval of the Special Use Permit will not negatively affect the environment.

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

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that, having reviewed Section 208-54 of the Code of the Town of Perinton and having found this application to be in conformity with it, the Board approved the application for a Special Use Permit to operate Village Sports at 2830 Baird Road with the following conditions:

1. Site Plan Approval reverts to 2009 site plan approval
2. Existing building may house a full size ice rink (185' x 85' or less)
3. Existing building will have ice and turf year round
4. The building will also contain the following: party rooms, game room and children's activity rooms, small pro shop with skate sharpener, play maze, snack bar, Training Area, synthetic ice, general sitting area, and parent only area with bar (beer and wine).
5. The following activities will be allowed:
  - a. Birthday parties-For children approximately 3 to 12 years old, operated mostly during weekends and occasionally during the week
  - b. Lobby with food and seating licensed with Dept. of Health and NYS Liquor Authority.
  - c. Summer camp-For 100 children, from June through Labor Day Weekend, weekdays, from 7 a.m. to 6 p.m.
  - d. Youth sports classes-For children ages 2 to 12 years, groups of 6 to 12, during various times of the year, youth sports classes in soccer, lacrosse, ice hockey, field hockey, baseball, and beginner ice skating, seven days per week, 9 a.m. to 6 p.m., each class lasting 50 minutes
  - e. Pre-school-For children ages 3 to 5 years old, groups of 10 to 15, half-day pre-school program, weekdays, 9 a.m. to 12 p.m.
  - f. Sports Training for all ages
  - g. Ice hockey rentals
    - i. Rink: for youth hockey games and practices, with limited seating and no large-scale youth hockey tournaments
    - ii. Adult leagues and games
  - h. Open Skate: limited to 75 skaters on the large rink
  - i. Hockey training-off-ice hockey training area
  - j. Turf rental-For local sports teams (training area)
  - k. Private parties/lock-ins-For 15 to 75 people when no other activity occurring, lock-ins limited to scout troops and church groups and typically operate from 8 p.m. to 8 a.m.
  - l. Daycare building-For 40 children, ages 6-months old to 12-years old, daycare in detached 5,000-square foot building on southwest part of property. Licensed through NYS.
6. Code Enforcement and Development will inspect the property by June 1, 2013.
7. The Special Use Permit will expire on Feb. 13, 2014.

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

#### APPROVE PURCHASE OF PCC LOBBY FURNITURE

Commissioner of Recreation and Parks Myers stated that the lobby of the Perinton Community Center is very busy at all times throughout the day and the seating in the lobby area is starting to show heavy wear and tear. Commissioner Myers has engaged Merkel Donahue to recommend new seating sets and they have provided a quote from the Integra line for three arched seating sets (ganged groups). Each group will cost \$4,159.20 for a total of \$12,477.60. Mr. Myers stated that in addition, the existing “ripple” bench has proven to be very popular, as it is easy to pull up to the windows and look into the aquatics center. He requested that the Town Board also approve the purchase of a second “ripple” bench at a total cost of \$555.00.

The total cost of this purchase is \$13,032.60 and the items can be purchased off New York State contract #PC64024.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the Commissioner of Recreation and Parks be authorized to purchase new furniture for the Community Center Lobby as outlined above and to approve that the funds be transferred from the Capital Reserve Fund for Recreation Equipment to the Recreation Equipment Fund in an amount not to exceed \$13,500.00.

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

This use of Capital Reserve Fund monies is subject to Permissive Referendum. Supervisor Smith explained that there would be a legal notice publication 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.

#### APPROVE RECREATION WEARING APPAREL BID CHANGE

Commissioner of Recreation and Parks Myers stated that he has received notification from one of the wearing apparel bidders, Cooley Group, that they are no longer able to honor the price that they submitted for item #19 at the January 10, 2013 bid opening. The Cooley Group is pulling their bid out of consideration and therefore Commissioner Myers is recommending that item #19 be awarded to the second lowest bidder, Mugs N More. Commissioner Myers stated that the Mugs N More bid is \$49.32 higher than the bid submitted by Cooley Group.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the award of item #19 from the January 10, 2013 Wearing Apparel bid opening to Mugs N More.

Ayes: Smith, Knapp, LaFay, 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 Knapp, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Resident Active Member to  
Exempt Member:

Adam Horneber  
4 Smallwood Drive  
Pittsford, NY 14534

David Testa  
12 Manorshire Dr. Apt. 1  
Fairport, NY 14450

Non-Resident Active Member to  
Exempt Member:

Tom Huber  
26 Engle Place  
Rochester, NY 14620

Non-Resident Active Member to  
In-Active Firefighter:

Dennis Zimmerman  
508 ½ Garfield Street  
East Rochester, NY 14445

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

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of January 2013 be approved.

Ayes: Smith, Knapp, LaFay, 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 8:30 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk