

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, February 27, 2013

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen 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; 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 Knapp, that the minutes of the Town Board meeting of February 13, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
SPECIAL USE PERMIT  
EPSILON ASSOCIATES AUTO SALES  
1276 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 February 21, 2013; affidavit of posting was also February 21, 2013.

Town Attorney Place recused himself from this application, as he is the applicant's attorney. Vincent Pigula, owner of Epsilon Associates Auto Sales explained that he has lived in Perinton since 1980, is a registered Pharmacist and loves vehicles. He further stated that he has had a small car dealership in Brockport since 1988. Mr. Pigula stated that he has come before the Board to renew a Special Use Permit (SUP), which was granted to the previous owner of the auto sales business located at 1276 Fairport Road and has since expired.

Mr. Pigula stated that his intent is to sell good, reliable used cars to the public, with prices in the range of \$4,000-15,000. He intends to procure the automobiles from local auctions and will sell them with a minimum of a three month, 3,000 mile drive time warranty.

Mr. Pigula further stated that he will not have derelict cars on the premises and trades will be serviced at a garage in Marion, NY. There will be no servicing of vehicles or oil changes at the Perinton location. He intends to have someone on premises to sell the vehicles during open hours. He also stated that he is going to be painting and putting up flower boxes to make the location look nice and understands the Town's intent to improve the Fairport Road corridor business district.

Supervisor Smith reviewed the conditions for the previous Special Use Permit granted and Mr. Pigula stated that he would like to make a change to be open on Sundays from 12-5PM.

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

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the proposal to approve the Special Use Permit for Epsilon Associates Auto Sales located at 1276 Fairport 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, Havens, Van Vreede  
Nays: None  
Unanimously approved

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp, 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 Epsilon Associates Auto Sales at 1276 Fairport Road with the following conditions:

1. Hours will be Monday through Saturday 10am to 7pm and Sunday 12 noon to 5pm.
2. No more than 25 vehicles on the lot at any one time.
3. No repairs are to be done at the location – 1276 Fairport Road.
4. Special Use Permit expires in two years.

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

ORDER FOR HEARING  
SPECIAL USE PERMIT  
STONEBROOK PLANNED DEVELOPMENT DISTRICT

Todd Longwell, 7 Stonebridge Lane, Pittsford, stated that he is a builder and developer and owns the property in Egypt between Loud and Thayer Road which was rezoned in 2007 as a Planned Development District. Mr. Longwell reviewed the proposed changes to his previous plan which includes a section of road (which connects to Pittsford-Palmyra Road) to be included in section 1 of the project to allow for grading and access by Fairport Municipal Commission to provide electric service to the development. Other changes would include 32 single-family dwellings (decrease of four), 49 townhomes (decrease of three), 3 two-family units (increase of six units) and a community clubhouse (new structure in place of 3 approved townhouses) and three two-unit duplex home sites where four patio homes were originally approved.

Judith McNulty, 647 Thayer Road, asked Mr. Longwell to point out Loud and Thayer Roads on a map and Councilperson LaFay gave her his map.

Mr. Longwell stated that the architecture has changed slightly and that he has presented architectural sketches to the Town Historic Architecture Commission. Mr. Longwell showed the Town Board and audience the renderings of the patio homes, clubhouse and a three-unit townhouse. He stated that the intent is to end-load one of the garages for the three unit townhouses to avoid having the garages dominate and to be more visually pleasing.

Supervisor Smith stated that as a procedural matter, the applicant is before the Board to request a Public Hearing date to hear the application. He stated that with the Planned Development District, changes are to be made, per the Town Code, by way of Special Use Permit. This application will come before all Town Boards and the public will have the ability to comment through the Public Hearing process.

Judith McNulty, requested that the applicant consider renaming the community and stated that this area is where the Town of Perinton started and she would prefer a more historic name. Mr. Longwell stated that all naming must be managed through Monroe County 911 with no duplication of names in the County which makes it difficult.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Knapp, that 8:00 pm on March 13, 2013 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss the proposed changes to the Planned Development District for A.D. Longwell, known as the Stonebrook Residential Community.

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

#### DISCUSSION 2013 CONSERVATION EASEMENTS

Supervisor Smith stated that there was a Public Hearing at the February 13, 2013 Town Board meeting to hear the 2013 Conservation Easements. The four renewals were approved and the three new easements were tabled for further discussion.

Councilperson Knapp expressed her concern over two of the easements, 1 Oak Grove Lane for 1.4 acres and 3 Oak Grove Lane for .75 acres. She stated that she does not see the public benefit in their receiving a conservation easement as they are the back ends of the homeowners' lots and difficult to access. Councilperson Knapp also expressed concern over the size of the lots, as the easements granted are typically over 5 acres in size. She is in favor of granting the farming easement to the property located at 255 Daley Road.

Councilperson LaFay agreed with Councilperson Knapp, but stated that he knows that there is a neighboring property with an easement of a similar size and that he is looking at this in the totality of the situation and taken as a whole across the three properties, may fit within the letter of the law but not the spirit of the law.

Councilperson Havens stated she agrees with Councilperson LaFay and that there is rationale behind granting these easements. Councilperson Havens and LaFay both stated that they are in agreement with Councilperson Knapp and in favor of granting the farming easement as well.

Councilperson Van Vreede stated that his biggest concern over the two easements in question is access to the portions of the lots that would be under easement and that the lack of access would inhibit development anyway.

Mrs. Stahl, 3 Oak Grove, asked whether the Town Board members were familiar with Oak Grove and stated that there is a road which was used for forestry work on the larger parcel and that there is an access road by #6 and #8 Oak Grove, just past the pool house. She also shared satellite images of the area and identified the access road and trail. Mrs. Haggerty, 1 Oak Grove, stated that there are four parcels approved for development (Taylor property), and that part of that is under a conservation easement. Mr. Haggerty added that the property at #6 Oak Grove was approved for a conservation easement for 1.4 acres in 2011, which is the same as his request.

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that the acceptance of the 43.33 acre farming easement at 255 Daley Road be granted a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because granting the easement preserves open space, limits development and therefore creates no adverse environmental impacts.

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

Councilperson LaFay offered the following resolution, seconded by Councilperson Havens:

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 farming easement at 255 Daley Road.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Havens to approve the Conservation easements at 1 Oak Grove and 3 Oak Grove.

Ayes: LaFay, Havens,  
Nays: Smith, Knapp, Van Vreede  
Motion denied

Supervisor Smith explained his vote by stating that the Town's policy in the past has been to not accept applications for easements of less than 10 acres of land.

#### ANNOUNCE END OF PERMISSIVE REFERENDUM BUDGET TRANSFERS

Supervisor Smith announced that the time of Permissive Referendum for the transfer of funds out of Capital Reserve Funds and into Operating Funds has passed.

#### AUDIT APPROVAL

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede that Audit #2 for February 2013 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

#### FEBRUARY AUDIT

General Fund	75,673.60
Town Outside of Village	82,027.27
Recreation	68,640.49
Highway General Repair	8,402.49
Highway Snow & Miscellaneous	160,166.43
Joint Sewer	5,652.90
Special Recreation	48,866.58
Debt Service Sewer	1,237.00
Perinton Ambulance	1,078.88
RS&E Ped Bridge Project	486.00
Indian Valley Sewer Project	<u>28,222.47</u>

\$480,454.11 Total

The above items were numbers 87661-87886.

FEBRUARY MANUAL 1

General Fund	86,467.46
Town Outside of Village	4,994.74
Recreation	29,292.53
Joint Sewer	8,530.34
Midlands Lighting Dist	430.80
Lake Lacoma Lighting Dist	17.01
Meadows Lighting Dist	485.94
Deer Run Lighting Dist	1,524.32
Misty Meadows Lighting Dist	<u>116.43</u>
	\$131,859.57Total

The above items were numbers 87628-87634, 87645-87647, and 87658-87659.

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 meeting was adjourned at 8:35 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk