

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, March 13, 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; Debbie Brown, Deputy Town Clerk; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Stacey Estrich, Parks Director; Chris Fredette, Conservation 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 February 27, 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
STONEBROOK PLANNED DEVELOPMENT DISTRICT

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 March 7, 2013; affidavit of posting was also March 7, 2013.

Supervisor Smith explained that the Stonebrook development was approved in 2007. He further explained that under the Planned Development District in the Town Code, this is a rezoning, which takes the form of a very exact site plan and subdivision layout. The purpose behind coming up with this type of zoning was to approve exactly what was going to be built so that the community could follow the plan through the Town Board and Planning Board and comment on the exact details. In 2007, an exact plan (PDD rezoning) was approved for Stonebrook and due to economic conditions, the plan has not advanced in the interim. Mr. Longwell, the builder and developer of Stonebrook, is now ready to proceed but some things have changed in his plan which require a Special Use Permit which itemizes the proposed changes. Supervisor Smith stated that tonight’s meeting allows for public comment, no decisions will be made by the Town Board and the applicant will be referred to the Town Planning and Conservation Boards and Historic Architecture Commission for their review and approvals. The purpose of tonight’s Public Hearing is not to discuss the entire overall plan as approved in 2007, but just those components that are changing.

Jack Male, 87 Loud Road asked why the project did not go back to “square one” if it was not started by January 2009. Town Attorney Place explained that the Town Code for Planned Development Districts was changed in late 2010 and Mr. Longwell’s approval was granted prior to 2010 when the PDD code had no expiration date. When the Code was amended, Mr. Longwell was given two years to begin construction.

Patty Stolarczyk, 60 Loud Road, asked whether the Town has a noise ordinance as there has been construction near her property at 6:15 am. DPW Commissioner Beck stated that the Town does not have a noise ordinance and that they have talked to the

contractor and developer regarding not starting construction until 7 am on weekdays and 8 am on weekends. Marie Heerkens, 61 Loud Road, also expressed concern over bull dozers by her house making her house shake and stated that the operators did not know where her property line was. DPW commissioner Beck stated that he was handling the issues that he knew about with the developer and Mr. Longwell offered his phone numbers to any resident with concerns.

Ms. Stolarczyk also stated that she talked to Mr. Doser regarding why her property could not be subdivided and housing constructed as in Stonebrook. Supervisor Smith explained that property owners are allowed to develop their property according to the zoning that is in place for their property.

The developer's presentation then began as Robert Cantwell, BME Associates, stated that he represents the builder and developer, Todd Longwell, who owns the property in Egypt between Loud and Thayer Road which was rezoned in 2007 as a Planned Development District. Mr. Cantwell reviewed the proposed changes to the 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 include the replacement of a 3-unit townhouse cluster with a community center building and the replacement of 4 single-family patio homes with two-unit structures (6 units). These changes result in a new configuration of 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). He further stated that the duplex home in the furthest southwest corner of the property is now 70 feet further from homes on Thayer Road than in the 2007 plan. Mr. Cantwell also stated that the duplexes will be single story homes replacing the original single-family homes which were two stories. The revised plan still includes a 13,700 sq. ft. commercial building and approximately 20 acres of open space as in the original plan.

Mr. Cantwell stated that they have submitted, with the revised plan, a proposed community clubhouse with outdoor swimming pool. The clubhouse would be owned and maintained by Stonebrook Development, LLC.

Mr. Cantwell stated that the architecture has changed slightly and that he has presented architectural sketches to the Town Historic Architecture Commission. Mr. Cantwell 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.

Mr. Cantwell then detailed the specific changes in the four phases of the plan and also pointed out the key changes on a site plan map.

Town Attorney Place pointed out that the developer is actually decreasing the density in the development as there is now a clubhouse where housing units were originally planned.

Councilperson Havens asked about the plans for the commercial building and Mr. Cantwell stated that it would be driven by prospective tenants and could be for example, office use, mixed use, some commercial on the first floor and offices on the second floor.

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

Jack Male, 87 Loud Road
Patty Stolarczyk, 60 Loud Road
William Guche, 39 Broadmoor Trail
Marie Heerkens, 61 Loud Road
Theresa Leone, 455 Thayer Road
Lois Watts, 404 Bluhm Road
Judith McNulty, 647 Thayer Road

Many expressed concerns over the traffic in the area and wanted to know if a traffic study had been done. DPW Commissioner Beck stated that a traffic study was done prior to the original approval. Concerns were expressed about the Loud Road/31 intersection and Supervisor Smith explained that it is a NYS controlled intersection, and that there is right-of-way for a turn lane if NYS approved it.

Judith McNulty, 647 Thayer Road, reiterated her request that the applicant consider renaming the community and street names 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.

Lois Watts, 404 Bluhm Road, stated that she was President of the Egypt Hills Neighborhood Association when this application first came about in 2005. She stated that she was impressed by Mr. Longwell then as he came and presented his plan to the neighbors and that the look of the proposed housing was historic, fit with the neighborhood and was upscale in nature. She stated that in 2005, the association requested that any changes be minimal and is discouraged now that the proposed changes are significant.

Supervisor Smith commented that with a Planned Development District, all plans are transparent all through the approval process and open for public comment. He further stated that Town staff has been involved in particular with the plans for the single-family homes. Mr. Longwell stated that those homes were to be two story and would now be single story (lower profile to neighbors), would have one end load garage (making it look like a single family home) and would be moved 70 feet further from existing homes.

Several neighbors expressed concern when they learned that the units would most likely be rental, that there would be duplexes in this plan and that the property is neighboring Residential A and Residential Sensitive zoning and would be rental versus owned. Supervisor Smith explained that a municipality has no legal control over whether a project is for sale or for rent as is the case with an individual home. Town Attorney Place added that the Stonebrook development, as currently approved is single-family lots which would be sold and that the taxes paid to the Town would most likely be higher with single-family lots. Mr. Longwell added that what he is doing as far as building this development is no different whether the units are sold or rented and that he as the owner of the property will maintain it well. He further stated that he is doing what he thinks is right to be successful in the marketplace and may start out as rentals and then change to sales.

Mr. Cantwell added information based on representing various developers and the trends in the market as far as rentals. He stated that BME was recently involved with a rental townhouse property in Perinton and researched home values through the Town Assessor's office and found that there was no degradation of adjacent property values. He also stated that there is an attraction to rental property in later life by people who don't want to leave Perinton (have "social equity") and want the property to be maintained by a maintenance company. Mr. Longwell stated that the rentals in Stonebrook would be \$1,550 to \$2,400 per month.

William Guche, 39 Broadmoor Trail, challenged Mr. Longwell's logic favoring rentals given the fact that the Assessor says that demand is high for single family homes and the assessments for homes such as Mr. Guche's are high, why rent? Supervisor Smith explained the assessment process stating that the Assessor is obligated to follow the market and that NYS requires that home assessments be within 5% of the market value.

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

Councilperson Knapp made a motion, seconded by Councilperson LaFay to progress the application to the Town's Planning Board, Conservation Board and Historic Architecture Commission. The following conditions were attached to the application by the Town Board:

- The location of the proposed dwellings on the private drive closest to the residents on Thayer Road be at least 70 feet further away than they were on the original plan

- The above dwellings be one story buildings
- There will be side load entrances on the above dwellings (on one end) so that they don't have the look of traditional duplexes
- When the developer goes to the Historic Architectural Commission, other street names and development names are considered.

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

PLANNING AND CONSERVATION BOARD APPOINTMENTS

Supervisor Smith stated that David Kates retired from the Planning Board in December 2012 and Norm Gardner, current Conservation Board member has expressed an interest in the Planning Board vacancy.

The following resolution was offered by Councilperson LaFay, seconded by Councilperson Knapp:

BE IT RESOLVED, that Norm Gardner, 43 Country Corner Lane, Fairport, NY, be appointed as a member of the Planning Board, to fill out Mr. Kates term to expire on June 30, 2019.

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

Mr. Gardner's movement to the Planning Board creates a vacancy on the Conservation Board and the Town Board has interviewed Sandra Neu and recommends her to fill the vacancy. Ms. Neu has a bachelor's degree in architecture, has served as a project manager on a variety of capital projects and has been a Town resident for 24 years.

The following resolution was offered by Councilperson LaFay, seconded by Councilperson Van Vreede:

BE IT RESOLVED, that Sandra Neu, 38 Pebble Hill Road, Fairport, NY, be appointed as a member of the Conservation Board, with a term to expire on June 30, 2014.

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

PARKS DEPARTMENT EQUIPMENT PURCHASE REQUEST

Commissioner of Recreation and Parks Myers stated that the Recreation and Parks Department has budgeted for an extended cab pickup truck and two zero turn mowers to be purchased in 2013.

Commissioner Myers is recommending two Toro zero turn mowers. The first is a Toro Z Master 6000 (60 inch cut) and the second a Toro Z Master 7000 Diesel (72 inch cut) from Grassland Equipment. He further stated that they are both on NYS contract PC64358 for \$9,867.90 and \$13,095.60 respectively and both include a 5-year warranty/1200 hours and 2-year warranty on their engines.

Commissioner Myers is recommending the purchase of a Ford F150 extended cab pickup truck also on NYS Contract PC 65855 for \$23,182.38 from Van Bortel Ford.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to approve the purchase of two mowers and one pickup truck as outlined by Commissioner Myers above for a total amount not to exceed \$47,000.00. These purchases are a part of the 2013 Parks Equipment budget.

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

APPROVE 2013 DPW EQUIPMENT ACQUISITIONS

DPW Commissioner Beck stated that he is requesting approval to purchase equipment, which was also approved in the 2013 DPW budget. He further stated that this year three items are slated to be acquired through New York State Bid Contracts. Four items are proposed to be acquired through a Chautauqua County bid that allows “piggy backing” by other governmental or municipal agencies.

Highway Department

Item #1 One – New, 2013, Super Duty Cab & Chassis With Dump Body, Hydraulics, Hydro Turn Plow, Material Spreader Controller, Hydraulics, Lighting and Radio. (Replacement for Per. 211)

This item is proposed to be purchased from two vendors. The Cab and Chassis is proposed to be acquired through the Chautauqua County Equipment Bid that was awarded to Van Bortel Ford in the amount of \$36,892.64. The remaining portion of the vehicle is proposed to be acquired through Thruway Spring for the amount of \$12,397.00. This includes the hydro turn plow, material spreader controller, and hydraulics. Commissioner Beck anticipates spending an additional \$6,000.00 on this vehicle, once received, for the in-house installation of emergency lighting, and fabrication of the material spreader. Commissioner Beck recommended that Item #1 be purchased from Van Bortel Ford and Thruway Spring for the amount of \$49,289.64, and an additional \$6,000.00 expense be approved for the lighting and material spreader for a total price of \$55,289.64.

Item #2 One – New, 2013, Front End Loader With 4 in 1 Bucket, Rear View Camera, and Vendor Mounting of Owner’s Scale. (Replacement for Per. 112)

This item will be purchased from the New York State Bid Contracts through Milton Cat. Commissioner Beck recommended that Item #2 be purchased from New York State Bid Contract (Milton Cat) for the amount of \$147,624.00.

Item #3 Two New Heavy Duty Six-Wheel Cab & Chassis with 8’ Dump Bodies, Plow Equipment, Material Controllers, and Associated Hydraulics. (Replacements for Per. 16 & Per. 20.)

These two items are proposed to be acquired through the Chautauqua County Equipment Bid that was awarded to Regional International and Cyncon Equipment in the amount of \$176,391.73 per vehicle. The DPW anticipates spending an additional \$6,000 per vehicle for the in-house installation of emergency lighting, and fabrication of the material spreader. Commissioner Beck recommended that Item #3 be purchased from Regional International and Cyncon Equipment in the amount of \$352,783.46, and an additional \$12,000.00 expense be approved for the lighting and material spreader fabrication for a total cost of \$364,783.46.

Item #4 One New 2013, 4x2 Crew Cab Pickup with Lift Gate (Replacement for Per. 66)

This item is proposed to be acquired through the Chautauqua County Equipment Bid that was awarded to Van Bortel Ford in the amount of \$25,187.30. The DPW will also be acquiring, as an option to the contract through Van Bortel, an electric lift gate to be mounted on the rear of the truck bed. Cost of the lift gate installed is, \$3,051.40 bringing the total acquisition cost to \$28,238.70. Commissioner Beck also requested approval of additional \$3,000.00 expenditure for emergency lighting and radio installation. Commissioner Beck recommended that Item #4 be purchased from Van Bortel Ford for the amount of \$28,238.70, and an additional \$3,000.00 expense be approved for emergency lighting and radio installation, bringing the cost to \$31,238.70.

Sewer Department

Bid Item #1

One – New, 2013, Super Duty Cab & Chassis With Dump Body, Hydraulics, Hydro Turn Plow, Material Spreader Controller, Hydraulics, Lighting and Radio. (Replacement for PT. 12)

This item is proposed to be purchased from two vendors. The Cab and Chassis is proposed to be acquired through the Chautauqua County Equipment Bid that was awarded to Van Bortel Ford in the amount of \$36,892.64. The remaining portion of the vehicle is proposed to be acquired through Thruway Spring For the amount of \$12,397.00. This includes the hydro turn plow, material spreader controller, and hydraulics. The DPW anticipates spending an additional \$6,000.00 on this vehicle, once received, for the in-house installation of emergency lighting, and fabrication of the material spreader. Commissioner Beck recommended that Item #1 be purchased from Van Bortel Ford and Thruway Spring for the amount of \$49,289.64, and an additional \$6,000.00 expense be approved for the lighting and material spreader for a total price of \$55,289.64.

Bid Item #2 One New 2013, 4x2 Crew Cab Pickup with Lift Gate (Replacement for PT. 16)

This item is proposed to be acquired through the Chautauqua County Equipment Bid that was awarded to Van Bortel Ford in the amount of \$25,187.30. The DPW will also be acquiring, as an option to the contract through Van Bortel, an electric lift gate to be mounted on the rear of the truck bed. Cost of the lift gate installed is, \$2,858.55 bringing the total acquisition cost to \$28,045.85. Commissioner Beck also requested approval of additional \$3,000.00 expenditure for emergency lighting and radio installation. Commissioner Beck recommended that Item #2 be purchased from Van Bortel Ford for the amount of \$28,045.85, and an additional \$3,000.00 expense be approved for emergency lighting and radio installation, bringing the cost to \$31,045.85.

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve the purchase of DPW Highway and Sewer equipment as outlined by DPW Commissioner Beck above.

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

APPROVE CHANGES TO THE MEMBERSHIP
OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC

A motion was made by Councilperson Van Vreede, seconded by Councilperson Knapp, that the following change in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

| | |
|-----------------------------|----------------------------|
| Resident Active Firefighter | Scott Frederick |
| | 56 Manorshire Drive Apt. 6 |
| | Fairport, NY 14450 |

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

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

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