

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, March 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; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board; Michael Barker, County Legislator.

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 March 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
TOPS MARKET LLC
FUELING FACILITY

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 March 14, 2013; affidavit of posting was March 14, 2013.

James Trasher of Clough Harbour & Associates, Project Engineer representing Tops Food Markets, introduced Lou Terragnoli from Tops Market and John DiMarco, II, the new owner of Perinton Square Mall. Mr. Trasher showed a proposed site plan and the location of the fueling facility which is proposed to be to the south east of the existing Tops Market in the existing parking area. Mr. Trasher explained that this same application came before the Town Board for a Special Use Permit in 2009 and received approval from the Town Board, Site plan approval and zoning variances. However, during the negotiation of the lease, the former owner of Perinton Square Mall passed away. Perinton Square Mall has since been sold to John DiMarco, II and the new owner has executed lease paperwork with Tops Food Markets for the proposed fueling station.

Mr. Trasher stated that he is now requesting a new Special Use Permit from the Town Board so that they can move forward with the other Town Boards for their approvals. Supervisor Smith reiterated that this is a reapplication for a Special Use Permit that was already approved on January 27, 2010.

Chris Fredette, Conservation Board, asked whether there were any changes from the 2009 application to the current application and Mr. Trasher stated that everything is the same, except the owner of Perinton Square Mall. Ms. Fredette asked

whether the applicant was willing to abide by the previous conditions from the former Special Use Permit and Mr. Trasher stated that they were.

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

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that the proposal for the addition of a fuel facility at the Tops Market located at 6720 Pittsford-Palmyra Road be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the addition will in no way negatively affect the environment.

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

Councilperson Knapp made a motion, seconded by Councilperson Havens that the Town Board approve a Special Use Permit (under section 208-41-A-4-e) for a Tops gasoline service station that is to be an integral part of the Perinton Square Mall. The Special Use Permit shall be conditioned on the following:

1. The applicant shall address internal traffic patterns as a part of their site plan application as detailed in letters from our Traffic Consultant (Erdmann & Anthony) dated November 30, 2009 and January 1, 2010. Internal drive aisles shall be more restricted to better channel traffic and eliminate unrestricted cross-access.
2. Signage shall be in accordance with the code and no variances shall be applied for.
3. No internal canopy lighting will be allowed. Any signage permitted on the canopy shall be limited to the west and south facades.
4. The hours of operation shall be no greater than 6 am to 11 pm.
5. A letter of credit or similar guarantee shall be posted with the town to provide for the removal of the gas station appurtenances (including tanks) should this service be abandoned (defined as non-usage for a one year period) by the applicant in the future.
6. A lighting plan must be approved by the Planning Board. Between the hours of 11:00 PM and 6:00 AM, and during any other non-operational hours of the gas station, only security lighting will be allowed.
7. Should construction not occur, the Special Use Permit shall expire coincident with site plan approval expiration.

Supervisor Smith stated that one of the 2010 conditions was already taken care of which is, "Included in this effort will be a change in the access into the mall from Route 31, giving entering cars the right-of-way and stopping cars exiting at that intersection" and that this was working well. Variances to these conditions will require Town Board approval.

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

**ANNOUNCE END OF PERMISSIVE REFERENDUM
PCC FURNITURE PURCHASE**

Supervisor Smith announced that the time of Permissive Referendum for the expenditure of monies for furniture in the Perinton Community Center has passed.

CONSIDER ON-CALL FIRE MARSHALL REMUNERATION

Code Enforcement and Development Director Doser stated that he is requesting the approval of the expenditure and implementation of an after-hours backup Fire Marshal program that is modeled after other Town departments that are also required to respond to “after-hours” requests for service. Mr. Doser’s proposed program establishes a weekly after-hours rotation that includes the Fire Marshal, Building Inspector and Assistant Building Inspector. The Fire Marshal would be on call for 22 weeks, while the Building Inspector and Assistant Building Inspector would provide coverage for 15 weeks each.

Mr. Doser recommended that the compensation component be modeled after the well-established program for the after-hours backup Animal Control Officer position, which allows full-time employees to receive a flat rate of \$200 to cover after-hours calls for a weekly period. Mr. Doser stated that this would require an amendment to the 2013 budget, which would increase the appropriation line for payroll and the revenue line for sales tax by \$6,000.

Supervisor Smith added that the Fire Marshal up to this point has been required to be “on-call” 52 weeks a year.

Councilperson LaFay made a motion, seconded by Councilperson Havens to amend the budget by increasing the appropriation line for payroll and the revenue line for sales tax by \$6,000 and to approve the remuneration plan for the on-call Fire Marshal as outlined by Mr. Doser.

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

APPROVE CONSULTING PROPOSAL WITH LU ENGINEERS

DPW Commissioner Beck stated that his department has been contacted by numerous residents of the Meadow Gate Subdivision with regard to a drainage issue that has manifested itself since the subdivision was built but primarily in the last three to five years in an area of the subdivision. The Town has a 40-foot drainage easement that runs across the rear yards of house numbers 22 through 39 Cambric Circle as well as house numbers 7 through 12 Amity Court. Commissioner Beck further stated that there is a 40-acre watershed behind these homes that sits uphill from the properties and backs up to McCoords Woods/Garnsey Road. He also explained that in total, the easement area and swale is approximately 2,400 feet long and ultimately discharges into a County Storm Sewer System adjacent to the Church of Latter Day Saints on Kreag Road.

Commissioner Beck explained that since the neighborhood was developed, many changes have occurred within the easement area and along the swale. Some have been made by nature, such as significant tree growth, and silting-in of portions of the swale area. Other changes have been man made including installation of fences, bridges and children’s play equipment. Commissioner Beck explained that what was once a fairly well defined swale has become choked with silt and is now ineffective in its conveyance of stormwater. He stated that this is further exacerbated by three natural spring areas that leach groundwater from the hillside to the swale area. Commissioner Beck and Town Staff have observed the condition of the swale and met with concerned residents regarding the condition of the easement area.

Commissioner Beck requested the approval to engage a consulting engineering firm to provide the Town with accurate survey data, topographic information and mapping capabilities. He solicited three quotes from local engineering firms to complete the survey work and recommended retaining the professional engineering services of Lu Engineers who provided the low quote of \$15,154.72. Other quotes were received from Larsen Engineers, \$23,918.00 and Erdman Anthony, \$15,515.00.

Commissioner Beck stated that once the survey is completed they will meet with the property owners to review the plan. Councilperson Knapp asked how the residents impacted would be communicated with regarding the survey and Commissioner Beck stated that he has already communicated by email and will reiterate the process by mail. Once the survey work is done, Commissioner Beck will hold an informational meeting for those residents affected by the work. Councilperson Knapp asked whether the neighbors would be given a “heads up” to remove plantings, trees, and play equipment in the affected swale area and Commissioner Beck stated that they would.

Councilperson Van Vreede asked whether Commissioner Beck expected this work to be completed this summer and Commissioner Beck stated that it would be if the weather cooperates.

Councilperson Knapp made a motion, seconded by Councilperson Van Vreede to approve the consulting contract for professional engineering services with Lu Engineers for an amount not to exceed \$16,000.00.

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

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #3 for March 2013 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

MARCH AUDIT

General Fund	61,961.74
Town Outside of Village	41,514.29
Recreation	66,020.23
Highway General Repair	10,471.73
Highway Snow & Miscellaneous	105,087.54
Joint Sewer	6,682.32
Perinton Ambulance	1,072.00
BBasin Fire Protect Dist	197.11
RS&E Ped Bridge Project	5,110.41
Jefferson Ave Sewer Project	1,260.00
Indian Valley Sewer Project	<u>108,897.09</u>
	\$408,274.46 Total

The above items were numbers 87925-88102 .

MARCH MANUAL 1

General Fund	85,390.71
Town Outside of Village	5,183.66
Recreation	33,094.60
Joint Sewer	8,718.46
Trust and Agency	65,500.49
Perinton Ambulance District	185,000.00
Bushnell's Basin Fire Protect Dist	775,549.00
Forest Hills Fire Prot Dist	41,378.50
Perinton Fire Prot Dist	863,136.00

Midlands Lighting Dist	455.96
Lake Lacoma Lighting Dist	16.08
Meadows Lighting Dist	472.53
Deer Run Lighting Dist	1,555.75
Misty Meadows Lighting Dist	<u>123.23</u>
	\$2,066,574.97Total

The above items were numbers 87887-87895, 87906-87912, and 87923.

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

Chris Fredette, 3 Cabernet Circle, commended the DPW for their clearing of the roads in Perinton this winter season. Ms. Fredette also expressed concern over the rocks bordering the sidewalks at the Town Hall and Community Center and Supervisor Smith stated the sidewalks would be replaced this summer and those stone borders would be revisited at that time.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk