

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, May 8, 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; T.C. Lewis, Planning Board; Chris Fredette, Conservation 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 LaFay, that the minutes of the Town Board meeting of April 24, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
AMENDMENT TO SECTION 60 OF THE CODE
OF THE TOWN OF PERINTON
RESIDENCY REQUIREMENTS

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 April 18, 2013; affidavit of posting was also April 18, 2013.

Town Attorney Place stated that this proposed code clarifies and codifies which Town officers must be residents of the Town of Perinton.

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Chapter 60. RESIDENCY REQUIREMENTS

§ 60-1. Appointed Officers.

The following appointed town officers must be electors of the town at the time of his or her appointment, or as soon thereafter as may be practical, and must remain electors of the town throughout his or her term of office:

- A. **Deputy Town Clerk**
- B. **Assessor**
- C. **Director of Finance**
- D. **Town Attorney**

- E. Commissioner of Parks and Recreation
- F. Commissioner of Public Works
- G. Highway Superintendent
- H. Budget Officer
- I. Receiver of Taxes
- J. Planning Board Members
- K. Zoning Board of Appeals Members
- L. Assessment Review Board Members
- M. Historic Architecture Commission Members
- N. Recreation & Parks Advisory Board Members
- O. Environmental Conservation Board Members

§ 60-2. Other Appointed Officers.

All other appointed town officers need not be electors of the town at the time of appointment nor throughout his or her term of office, but they shall be required to maintain their primary residence within Monroe County or a contiguous county thereto.

§ 60-3. Effective Dates.

Any newly hired officer to whom §60-2 applies shall have 120 calendar days from the date of hire to relocate his/her primary residence in accordance with the requirements of this chapter. This local law shall take effect immediately upon filing with the Secretary of State as prescribed by law.

§ 60-4. Home Rule.

The provision in §60-2 permitting some appointed Town Officers to serve whether or not such person is a resident of the Town of Perinton and/or an elector of the Town of Perinton shall supercede the requirements of local residency set forth in §3, Subdivision 1, of the Public Officers Law of the State of New York and shall also supercede the requirement of being a local elector set forth on §23, Subdivision 1, of the Town of Law of the State of New York.

§ 60-5. Failure to Comply.

The failure of an officer to comply with the residency requirements of this chapter shall result in disqualification from office and employment and shall result in a vacancy in the office and position so affected.

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

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the proposed additions to Section 60 of the Code of the Town of Perinton as outlined above.

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

Supervisor Smith stated that the Town Board rezoned the Stonebrook Development on November 28, 2007 and heard a request for hearing to amend the Planned Development District on February 27, 2013. On March 13, 2013 the Town Board held a Public Hearing in this matter and referred the plan to the Planning Board, Conservation Board and Historic Architecture Commission with the following conditions:

- 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.

Councilperson LaFay asked about the pedestrian connections within the development. DPW Commissioner Beck confirmed that all of the connections from the original proposal are still there – Crescent Trail, Thayer Road, sidewalks, etc.

Supervisor Smith further stated that the Town Board has approved a SEQR Negative declaration for this property and the Planning Board and Historic Architecture Commission have both approved the plan.

Supervisor Smith moved that the Town Board approve the applicant's request for a special use permit. The requested changes to the previously approved plan are minor in nature. The addition of a clubhouse will enhance the project and will have no adverse impact on the neighborhood. The proposed elevations are appropriate for the neighborhood and the clubhouse will not be visible from any off site surrounding residences. The Proposed substitution of three 2-unit duplex home sites in the southwestern portion of the project, where four single-family homes on estate lots were originally approved, is in general harmony with and will promote the general purposed and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance. The proposed location of the southernmost residential structure is 70' further away from the southern boundary line than for the previously approved home site. It is unlikely that anyone off site will be able to see these duplex units. All of these units are more than 270' away from the road. Furthermore, all of these duplex units will be single story and constructed using elevations that will make these units look like single-family homes. The approval would be conditioned on further Town Board approval of any final project and dedicated street names and incorporating the original conditions that were put on the proposal when it was sent to the Town's Planning Board, Conservation Board and Historic Architecture Commission. The following original 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.
- In addition, the developer is required to obtain approval of the subdivision/project name and the name of the dedicated road from the Town Board (by resolution) prior to filing the map.

Councilperson Van Vrede seconded the motion as outlined above.

Ayes: Smith, Knapp, LaFay, Havens, Van Vrede

Nays: None
Unanimously Approved

**AUTHORIZE DECLARATION OF SURPLUS HIGHWAY AND SEWER
DEPARTMENT EQUIPMENT AND AUTHORIZE ITS SALE**

DPW Commissioner Beck requested that the following equipment be declared as surplus so that it may be sold at the municipal live and on-line auction in Palmyra, NY on May 11, 2013.

Highway Department

Perinton 66	Highway	2003	CHEVY	3/4 TON PICK-UP
Perinton 211	Highway	2002	FORD F-550	1 TON DUMP
Perinton 16	Highway	2001	INTERNATIONAL	6 WHEEL DUMP TRUCK
Perinton 30	Highway	2001	STERLING	6 WHEEL DUMP TRUCK
Perinton 112	Highway	2005	JOHN DEERE	544 J Loader
Perinton 71	Highway	1985	Stone	Cement mixer 1651155
Perinton 98	Highway	1999	Hunter	Tire changer
Not On Inventory			Linsey	Sand Blaster
Perinton 38	Highway	2000	GMC-VAC ALL	13 CY HOPPER

Sewer Department

PT-16 Sewer 2008 Ford F-250 3/4 TON PICK-UP

Councilperson Knapp made a motion, seconded by Councilperson Havens to declare the Highway and Sewer equipment as surplus, as outlined by Commissioner Beck above and to authorize the sale of the equipment through live and online auction as described above.

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

**AUTHORIZE CHECKS FOR HESS PROPERTY PURCHASE
O'CONNOR ROAD REALIGNMENT PROJECT**

DPW Commissioner Beck stated that he is requesting that the Town Board approve the issuance of two checks to acquire the Hess Property as part of the O'Connor Road Realignment Project. The Town Board has previously approved extending an offer to the Hess Corporation, Hess has agreed to that offer and is in the process of executing the deed.

Commissioner Beck requested that the Town Board execute two checks for closing, one in the amount of \$213,000 for the property that will become the right-of-way and the other for \$45,000 for the "remainder" of the property.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede to approve the issuance of two checks to acquire the Hess Property as part of the O'Connor Road Realignment Project as outlined above.

Ayes: Smith, Knapp, LaFay, Havens, 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 April 2013 be approved.

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

Judith McNulty, 647 Thayer Road, stated that she believes that the Town should fine establishments that do not follow the Town Code and cited Sakura Garden as an example of a business that has signs that do not meet the Town Code.

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

Respectfully submitted,

Jennifer A. West
Town Clerk