

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, February 12, 2014

PRESENT:	Michael G. Barker	Supervisor
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Steven C. Van Vreede	Councilperson
	Ciaran T. Hanna	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; Kevin Spacher, Finance Director; Nick Morabito, Assessor; Susan Frykholm, Deputy Town Clerk; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

Supervisor Barker 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 22, 2014 be approved as submitted by the Town Clerk.

Ayes: Baker, LaFay, Van Vreede, Hanna
Nays: None
Abstain: Havens
Approved

PUBLIC HEARING
CONSERVATION EASEMENTS 2014

Supervisor Barker 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 January 23, 2014; affidavit of posting was also January 23, 2014.

Town Assessor Nick Morabito stated 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 assists in the 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 5 years. Longer terms are encouraged and provide for greater tax incentives for the property owner.

Assessor Morabito further stated that in the event an easement is broken, or requested to be cancelled before the term expires, the property owner is required to pay back up to 5 years of tax benefits they have received, as well as a penalty amount. The penalty monies are placed in a reserve fund for the acquisition of open space. These funds have assisted the Town in acquiring over 740 acres of open space land over the past several years.

Mr. Morabito added that there are 2 types of easements; the conservation easement 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. Over the past 30 years as many as 159 parcels and over 6,000 acres of land have been involved in the easement program. Last year there were 113 conservation easement parcels encumbering over 2,680 acres of land. This represents approximately 12.0 percent of the town's total acreage (22,496).

Assessor Morabito stated that there are 7 easements due to expire on March 1st of this year and that three are before the Town Board for approval. Four easements have been withdrawn totaling 10 parcels. No new applications were received. All of the applications before the Town Board have been reviewed by the Perinton Conservation Board, as well as the Monroe County Planning Department, and have received recommendation for approval.

Assessor Morabito showed the properties currently involved in the Conservation Easement program on a map and pointed out that the parcels in dark green are current conservation easements and those in light green are existing farming easements. He further stated that with Town Board approval, there would be 103 parcels on record in 2014, totaling approximately 2,557 acres.

Conservation Easements to be renewed in 2014:

<u>Tax Map Acct #</u>	<u>Owner/Property Location</u>	<u>Acres</u>	<u>School/Yrs/Type</u>
141.03-1-11.2	Stephen A Maneen and Dorothy Bortle-Maneen 815 Furman Road	12.98	Penfield/10/Farming
141.03-1-11.002	Furman Road Fairport, NY 14450	1.43	Fairport/10/Farming
180.02-1-40	Delbert and Marion Shelhamer 142 Loud Road Fairport, NY 14450	13.11	Fairport/10/Conservation
180.04-1-71.11	Carol B. Wohlrab 719 Thayer Road Fairport, NY 14450	16.35	Fairport/5/Conservation

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 Hanna, seconded by Councilperson Havens, that the acceptance of the three 2014 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: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved

Councilperson Hanna 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 three renewal Conservation Easements as presented by Assessor Morabito.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

PUBLIC HEARING
REZONING REQUEST
600-900 PERINTON HILLS OFFICE PARK
COMMERCIAL AND RESTRICTED BUSINESS TO APARTMENTS

Supervisor Barker 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 January 30, 2014; affidavit of posting was also January 30, 2014.

Mike Montalto, Costich Engineering introduced the applicant, Kevin Kirk of Uniland Development and the project architect, Jim Fahy for 600-900 Perinton Hills Office Park. He stated that their intent is to request rezoning of 6.429 acres of property from Commercial and Restricted Business zoning to Apartments on land located at Perinton Hills Office Park. Mr. Montalto stated that this is really a shift of the existing zoning lines and would not introduce another type of zoning in the area. The properties under consideration are at the south end of the site and would abut current apartments. Three office buildings would be removed in the office park and six apartment building would be constructed in the area with 10 units in each building.

Mr. Kirk explained that a change in design from their original plan now includes attached garages and more green space than the prior proposal.

Attorney Place asked about the rear setback and Mr. Montalto stated that it would be 40 feet.

Mr. Montalto stated that the proposed rezoning is consistent with the Town Master Plan and that 6.4 acres of the 12-acre parcel are proposed to be rezoned.

Councilperson LaFay asked if the only ingress/egress would be through the shopping plaza and Mr. Montalto stated that it would.

Councilperson Havens asked whether the proposed configuration of the apartments was the same as in the packets provided to Town Board and Mr. Kirk stated that it was the same number of units and the same size units. Mr. Montalto stated that they believe that the attached garages make the project more upscale. Mr. Fahy added they are aiming for more of a luxury apartment home with flat units (upper and lower floor), but a living experience like a single-family home with private laundry, private entry garages, private patios for the first floor units and covered porches on the second floor. All units will follow the "live to the rear" trend in the market with main living space (great room, master bedroom, kitchen) all to the rear of the apartment. Mr. Fahy added that the configuration of five of the six the buildings allows for a more private feel even though they would be constructed in an area with Commercial buildings.

Supervisor Barker asked about the proposed landscaping as the apartment renters would be entering through commercial space. Mr. Montalto stated that they are looking at a landscaping/sidewalk "sense of arrival" into the property. Mr. Fahy stated that there would be a mix of units (1, 2 and 3 bedroom) in each building.

Councilperson Havens asked what the range of rents would be and Mr. Kirk stated that they are still studying that, but believe that it would be slightly above \$1/sq. ft. rental range. Mr. Kirk stated that Uniland owns the four surrounding buildings and plans to keep them as office space at this point. Mr. Montalto stated that the intent is to make this a walkable community with sidewalks and links to the rest of the plaza. There is also a playground and stormwater management facility proposed.

Janis Wolpin, 713 Moseley Road, stated that she is opposed to the project. She is concerned about this project ruining her view, getting out of her driveway and water/drainage. She further stated her basement was flooded when Southern Hills was constructed and that she knows of a property near her that was condemned due to flooding.

T.C. Lewis, 14 Southcross Trail, asked about the street names and addresses for the new construction. Mr. Montalto stated that there would most likely not be new street names as they would not be dedicated streets and that the addresses would be some modification of 600-900 Moseley Road.

Scott Shaw, 7 Kingsley Circle, asked whether the developer would be asking for a PILOT agreement and Mr. Kirk said that they would not. Mr. Shaw asked about the storm water facility details and Mr. Montalto stated that they are not at the point to know if a

conventional storm water facility will be necessary. He further stated that the plaza is currently connected with a closed pipe system which discharges storm water to Route 31 and that pattern will not be changed.

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

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede to refer the application for the proposed rezoning request for 600-900 Perinton Hills Office Park to go from Commercial and Restricted Business Zoning to Apartments to the Town Planning and Conservation Boards.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ORDER FOR HEARING
REZONING REQUEST
BUSHNELL'S BASIN
COMMERCIAL AND RESIDENTIAL B TO
MIXED USE DISTRICT ZONING

Director of Code Enforcement and Development Doser stated that the Town is proposing to rezone 21 properties (approximately 16.11 acres) in the Hamlet of Bushnell's Basin to Mixed Use District zoning. Currently, 14 properties are zoned Commercial and seven properties are zoned Residential B. He further stated that the rezoning complies with the 2011 Town of Perinton Comprehensive Plan.

Mr. Doser stated that the intent of the Mixed Use District zoning is to foster a combination of appropriately scaled land uses and activities that support the goals and objectives contained in the Town's Comprehensive Plan as well as other land use and design plans. Also, the intent is to provide areas within the Town for locating a mix of commercial, office, civic and residential uses serving the day-to-day convenient shopping and personal service needs of the neighborhood areas and to assure the compatibility of such areas with nearby residential development. Mr. Doser also stated that the intent is to create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving, and shopping and that it is the intent of the Mixed-Use District to ensure that typical, strip commercial development is avoided and that future private development will actively and positively engage the public realm.

Mr. Doser then overviewed a powerpoint presentation and stated that Mixed Use Districts have become popular as people are looking for more active communities where they can walk and bike (car not always needed). Surveys also stated that the uses do not need to be separated and also that the mixed zoning appeals to baby boomers and Millennials (aka Generation Y - born between 1982 and 2000). Mr. Doser added that the properties being considered for rezoning in Bushnell's Basin are currently zoned Commercial and Residential B and the Commercial zoned properties are undersized by Perinton's Commercial zoning district standards. He also stated that the Residential B properties are in close proximity to Erie Canal amenities and that Mixed Use District uses are faithful to the 2011 Comprehensive Plan, a goal of which is to "Continue to leverage the Erie Canal as a resource to attract more tourism and business development opportunities in Bushnell's Basin and Fairport Road, between the railroad bridge and Perinton Park." Also, this area of Perinton was identified as appropriate for Mixed Use in the 2011 Comprehensive Plan. Another goal of the Comprehensive Plan is to maximize pedestrian safety and accessibility in these areas. Mr. Doser pointed out two other statements from the Comprehensive Plan that support Mixed Use District Zoning in Bushnell's Basin:

- "Future development in these areas should take into account traffic circulation, pedestrian connectivity, and opportunities for infill and redevelopment of existing buildings and sites."

- “These areas are appropriate for commercial, office and residential uses, whether in stand-alone buildings or within a single building. Higher density and concentrated development that serves both local neighborhoods and the larger community should be encouraged.”

Mr. Doser also stated that the Mixed Use zoning limits the large-scale retail development allowed in Commercial Zoning. Mixed Use zoning commercial/non-residential uses are extremely flexible. Mr. Doser then showed the 7 Residential B and 14 Commercial properties that are proposed to be rezoned on a map. The two gas stations in Bushnell’s Basin would remain Commercial zoning.

A motion was made by Councilperson Havens, seconded by Councilperson Hanna, that March 12, 2014 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing to discuss the proposed rezoning request for the properties in the Hamlet of Bushnell’s Basin to go from Commercial or Residential B to Mixed Use District Zoning.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

ACCEPT CONSERVATION BOARD FINDINGS ON HIGH ACRES LANDFILL ANNUAL PROGRESS UPDATE

Councilperson Hanna made a motion, seconded by Councilperson Van Vreede to accept the Conservation Board recommendations that the High Acres 2012/2013 Annual Progress Update be accepted by the Town of Perinton as meeting the following conditions of approval by the Town Board:

- Waste Management of New York (WMNY) to provide reports to the Conservation Board showing that noise levels emanating from the landfill do not exceed Part 360 standards; and
- WMNY to prepare and submit annual reports to the Town of Perinton summarizing the progress made in implementing the landscaping plan, and the wetland mitigation plans; and.
- WMNY will continue to evaluate the comprehensive assessment plan that will allow the creation of hedgerow and meadow type ecotones on closed landfill areas.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

APPROVE CHANGE TO AUTOMOBILE MILEAGE REIMBURSEMENT RATE

Finance Director Spacher stated that the Town has received notification from the Internal Revenue Service that the mileage reimbursement rate was reduced effective 1/1/14 from \$.565/mile to \$.56/mile. This needs to be revised in the fee schedule of the Organization Meeting minutes approved on January 2, 2014.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the decrease in the Town’s mileage reimbursement rate to \$.56/mile.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

APPROVE BUDGET TRANSFERS FROM
CAPITAL RESERVE FUNDS

Finance Director Spacher stated that the Board has a memo from him requesting budget transfers from the various Capital Reserve Funds. He further explained that each fall the budget includes the transfer of funds out of Capital Reserve Funds into the operating funds to be able to pay for planned purchases in the following year. At this time of year, we begin to expend the monies and need a motion from the Board to authorize the actual moving of the funds from the Capital Reserve Funds into the operating accounts. Director Spacher requested that the following transfers be approved:

\$120,000 from the Capital Reserve Fund for DPW Equipment to the General Highway Fund

\$30,000 from the Capital Reserve Fund for Parks & Recreation Equipment to the Parks & Recreation Fund

\$1,230,000 from the Capital Reserve Fund for Road Repair to the Part-Town Highway Fund

\$100,000 from the Capital Reserve Fund for Sidewalks to the Part-Town Fund

\$115,000 from the Capital Reserve for DPW Equipment Part-Town to the Part-Town Fund

Councilperson Havens made a motion, seconded by Councilperson LaFay, that the budget transfers from the Capital Reserve Funds be approved as requested. This action is subject to Permissive Referendum.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

AWARD BIDS
DPW EQUIPMENT

DPW Commissioner Beck stated that in December 2013, the Town Board approved a portion of the equipment acquisitions contained in the approved 2014 Highway, Sewer, and Code Enforcement Budgets, as well as acquisitions that were 2013 year end purchases. He then requested that the Board consider approving the second and last portion of the 2014 equipment acquisitions and one final 2013 year end purchase.

Commissioner Beck then reviewed the proposed acquisitions:

Highway Department

Item #3

One (1) – New 2014, Five (5) Ton, Dual Steel Drum, Vibratory Roller

Commissioner Beck stated that this item was advertised for public bid by the Town. Bids were opened on January 13, 2014. Four (4) bids were received for this item with prices ranging from a low of \$54,253.21 to a high of \$60,800.00. The low bid was submitted by Liftech Equipment and meets all major requirements of the specifications as advertised. Commissioner Beck recommended that the acquisition of Item #3 be awarded to Liftech Equipment for the total price, as bid, of \$54,253.21.

Item #6

Tire Recapping and Rim Refurbishing

Commissioner Beck stated that this item is not a capital equipment purchase. There currently is no bid that contains an option for recapped heavy truck tires or refurbished heavy truck rims and since the Town spends in excess of \$20,000.00 on these items each year, purchasing through a competitive bid process is required. This item was advertised for public bid by the Town. Bids were opened on January 13, 2014. Two (2) bids were received for this item with prices, based upon our estimated quantity requirements, ranging from a low of \$35,730.00 to a high of \$40,385.00. The low bid was submitted by Tallmadge Tire and meets all major requirements of the specifications as advertised. Commissioner Beck recommended that the acquisition of Item #6 be awarded to Tallmadge Tire at the price, as bid based upon the Town's estimated quantity requirements, of \$35,730.00.

Item #7

One (1) - New 2014 25 Cubic Yard Refuse Packer Body with Hydraulics. Body to be Installed on Owner Supplied Chassis

Commissioner Beck stated that this item was advertised for public bid by the Town. Bids were opened on January 13, 2014. One (1) bid was received for this item. The bid price was \$63,446.00. The low bid was submitted by Joe Johnson Equipment and meets all major requirements of the specifications as advertise. Commissioner Beck recommended that the acquisition of Item #7 be awarded to Joe Johnson Equipment for the total price, as bid, of \$63,446.00 and an additional \$3,000.00 be added to the bid price to cover emergency warning lights and vinyl signage that will be applied to the vehicle by Town employees after delivery. This brings the total price to \$66,446.00.

Sewer Department

Item #3

One (1) New, Emergency Standby Natural Gas Powered Generator

Commissioner Beck stated that this item was advertised for public bid by the Town. Bids were opened on January 13, 2014. One (1) bid was received for this item. The bid price was \$18,988.00. The low bid was submitted by Cummins Northeast and meets all major requirements of the specifications as advertised. Commissioner Beck recommended that the acquisition of Item #3 be awarded to Cummins Northeast for the total price, as bid, of \$18,988.00.

Councilperson Hanna asked about the tire bid and whether the Town saved any money versus the State bid last year and Commissioner Beck stated that the Town did save a little money this year.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede to approve the acquisitions for DPW as outlined by Commissioner Beck.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

VOLUNTEER BOARD APPOINTMENT BOARD OF ASSESSMENT REVIEW

Town Assessor Morabito stated that Fritz Grasberger retired this year as a permanent member of the Board of Assessment Review (BAR). Assessor Morabito recommended that Robert Housel, 16 Lookout View Road, Perinton complete Mr. Grasberger's current term of service.

Mr. Housel is the Owner-Senior Appraiser of Appraisal Associates, a local real estate appraisal and consulting firm. Mr. Housel has also served as a temporary BAR member for the 2004, 2006 and 2008 updates. Mr. Morabito stated that Mr. Housel has 25

years of residential appraisal experience and that coupled with his professionalism are qualities that Mr. Morabito feels would compliment his service to the BAR.

The following resolution was offered by Councilperson Havens, seconded by Councilperson Hanna:

WHEREAS, the term of Fritz Grasberger remains vacant as a member of the Board of Assessment Review and will expire on September 30, 2014,

NOW, THEREFORE, BE IT RESOLVED, that Robert Housel, 16 Lookout View Road, Fairport, NY be appointed as a member of the Board of Assessment Review, for the balance of Fritz Grasberger's term to expire on September 30, 2014.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

APPOINTMENT OF DEPUTY TAX RECEIVER

Town Clerk West stated that with the opening in the Town Clerk's office and the appointment of Debbie Brown as Deputy Tax Receiver and the appointment of Susan Frykhom as Deputy Clerk, it is now time to replace Susan in her Deputy Tax Receiver position. Debbie Brown and Clerk West interviewed six candidates for the position and unanimously agree to recommend Melanie Davison, 28 Kitty Hawk Drive, Perinton, as Deputy Tax Receiver. Melanie has business experience (multifunctional team leadership, project management, budgeting) working with Kodak and LiDestri Foods, a sparkling personality which Clerk West and Ms. Brown believe will connect with the Town residents and is heavily involved in the community. Melanie has a Bachelor's degree in Chemical Engineering and a Master of Science in Engineering Management.

Clerk West requested that the Town Board approve the appointment of Melanie Davison as Deputy Tax Receiver at a salary of \$[] with a start date of March 3, 2014.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to approve the appointment of Melanie Davison as Deputy Tax Receiver as outlined above.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
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, Tax Receiver and the Code Enforcement and Development Department for the month of January 2014 be approved.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

There being no further business before the Board and no further questions from the audience, the Board adjourned at 8:55 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk