

PERINTON TOWN BOARD MEETING  
 1350 Turk Hill Road, Fairport, NY 14450  
 Wednesday, May 14, 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; Kevin Spacher, Finance Director; 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 Havens made a motion, seconded by Councilperson Hanna, that the minutes of the Town Board meeting of April 23, 2014 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
 REZONING REQUEST  
 WASHINGTON STREET  
 RESTRICTED BUSINESS OR INDUSTRIAL ZONING TO  
 COMMERCIAL DISTRICT ZONING

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 May 1, 2014; affidavit of posting was also May 1, 2014.

Director of Code Enforcement and Development Doser stated that the Town is proposing to rezone the following four properties (4.77 total acres) to Commercial District zoning:

Street	Tax Number	City, St, Zip	Current Zoning
333 North Washington Street	139.13-3-4	East Rochester, NY 14445	Restricted Business
347 North Washington Street	139.13-3-3	East Rochester, NY 14445	Restricted Business
355 North Washington Street	139.13-3-2	Rochester, NY 14625	Restricted Business
359 North Washington Street	139.13-3-1	Rochester, NY 14625	Industrial

Mr. Doser pointed out the four properties on a map and added that the new zoning would match the Town of Pittsford’s zoning (C2-Commercial) for the adjoining properties directly to the west, and will better fit the development along North Washington Street and Panorama

Trail. He added that the proposed rezoning is simply an administrative matter and does not immediately affect environmental resources.

Mr. Doser also stated that it is important to note that the proposed changes will not impact the current legal uses and structures on the properties that are permitted under the current zoning. Future uses under the proposed zoning will continue to allow professional offices, and expand to include retail and motor vehicle sales.

Kathleen Kaiser, 68 East Avenue, asked Mr. Doser why the Town is pursuing this rezoning and Mr. Doser stated that the current zoning is either restricted business or industrial and the likelihood of having the type of uses that are in Perinton match the type of uses in Pittsford under our zoning requirements is not high. He added that they felt it would be better to have the zoning in the two towns match (commercial to commercial) to allow the full use of development proposals.

Councilperson Van Vreede asked if all four parcels were split with a portion in Pittsford and Mr. Doser said that they all are with the exception of 359 N. Washington (owned by Rae Clark, Jr.).

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 Van Vreede to refer the application for the proposed rezoning of 333 North Washington, 347 North Washington, 355 North Washington and 359 North Washington Street to Commercial District zoning to the Town Planning and Conservation Boards.

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

PUBLIC HEARING  
SPECIAL USE PERMIT  
347 N. WASHINGTON STREET, LLC

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 May 1, 2014; affidavit of posting was also May 1, 2014.

Kurt Rappazzo, MRB Group represented the applicant, 347 N. Washington Street, LLC along with Michael Sclachetka of Dick Ide Volkswagen who represented the applicant and the owner. Mr. Rappazzo stated that they were appearing before the Board to request a Special Use Permit to sell and display automobiles on their parcel at 347 N. Washington Street. He pointed to the parcel on a map and stated that it is north of the existing Dick Ide Volkswagen property. He added that they purchased the property to expand its use and provide a unique opportunity. Mr. Rappazzo stated that the intent is to develop the property separate from the existing dealership and sell and display vehicles from all three of its dealerships. This would enable their customers to side-by-side comparison shop for Volkswagens, Hondas and Mazdas.

Mr. Rappazzo went on to explain that Dick Ide wishes to provide parking for 102 display vehicles, along with four visitor/employee spaces. They also wish to display up to six vehicles within the front setback on N. Washington Street. He also stated that the parking lot would be adequately lit and screened by a berm and landscaping on the front setback. He stated that permanent access to the property would be through the existing dealership (and not directly from N. Washington Street).

Mr. Rappazzo stated that Dick Ide intends to demolish the existing residential structure and remodel the existing garage to serve as a remote sales office and maintenance equipment storage.

Councilperson Van Vreede asked about the potential difficulty of customers interested in seeing the display vehicles navigating the parking lot and Mr. Rappazzo stated that potential customers would most likely be with sales representatives of Dick Ide.

There being no additional questions, 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 refer the application for the Special Use Permit to sell and display automobiles on the parcel owned by Dick Ide at 347 N. Washington Street to the Town Planning and Conservation Boards.

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

ANNOUNCE END OF PERMISSIVE REFERENDUM  
PURCHASE OF PARKS AND RECREATION VEHICLES

Supervisor Barker announced that the time of Permissive Referendum for the purchase of Parks and Recreation vehicles has expired.

APPROVE BASIN VIEW SANITARY AND SEWER TRANSMISSION AGREEMENT  
TOWN OF PITTSFORD AND TOWN OF PERINTON

Town Attorney Place stated that twelve single-family homes will be added along Route 96 in the Town of Perinton (Basin View Subdivision) and that this is in an area of Perinton that drains by gravity toward Pittsford sanitary sewers and storm water collection systems. Pittsford has agreed to accept and transmit sanitary sewage to the Irondequoit Interceptor Sewer and storm water drainage through the existing Pittsford collection system to Irondequoit Creek. Attorney Place stated that the Town of Perinton also accepts some units from Pittsford and therefore the following "unit for unit credit" agreement was crafted with the Town of Pittsford attorney, Rich Williams, and is before the Board for review and signature by the Town of Perinton and Pittsford Supervisors.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the following Basin View Sanitary and Sewer Transmission Agreement with the Town of Pittsford and to have the Supervisor sign the agreement:

**AGREEMENT** made effective as of \_\_\_\_\_, 2014, between the Town of Perinton ("Perinton"), a municipal corporation with its principal office at 1350 Turk Hill Road, Fairport, NY 14450, and the Town of Pittsford ("Pittsford"), a municipal corporation with its principal office at 11 South Main Street, Pittsford, NY 14534.

W I T N E S S E T H:

**WHEREAS**, the Town Board of Perinton acts as a Board of Commissioners for the Perinton Consolidated Sewer District No. 8 created in Perinton, which has authority over both sanitary sewage and storm water drainage in said Town; and

**WHEREAS**, the Town Board of Pittsford acts as a Board of Commissioners for the Pittsford Consolidated Sewer District created in Pittsford, which has authority over both sanitary sewage and storm water drainage in Pittsford; and

**WHEREAS**, the west line of Perinton is also the east line of Pittsford; and

**WHEREAS**, certain areas of Perinton drain by gravity toward Pittsford sanitary sewers and storm water drainage collection systems and Perinton, including an approximately 9.8 acre area, located on the south side of Jefferson Road, west of Thornell Road, currently owned by Route 96, Inc. and/or Longwell Builders, LLC, on which a residential subdivision, known as

the “Basin View Subdivision”, has received Perinton Planning Board approval and which will result in the development of twelve (12) single family homes; and

**WHEREAS**, the parties hereto desire to enter into the within Agreement, in order to provide for the transmission of sanitary sewage from Perinton through Pittsford to the Irondequoit Interceptor Sewer and of storm water drainage through the existing Pittsford collection system to Irondequoit Creek, involving the aforesaid Basin View subdivision;

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Pittsford agrees to accept and transmit to the Irondequoit Interceptor Sewer of the Irondequoit Bay Pure Waters District all sanitary sewage coming from the single family homes within the Basin View Subdivision in Perinton under the terms of this Agreement and to maintain and keep in repair those portions of the Pittsford collection system within the boundaries of the Town of Pittsford.

2. The parties mutually acknowledge that there currently exists a separate “Sanitary and Storm Water Sewer Transmission Agreement” between them, having a current term beginning January 1, 2009 and ending December 31, 2018, which such Agreement involves the transmission of sanitary sewage and storm water from Pittsford to Perinton and which involves the “Arlington Sewer District” (“Arlington Agreement”).

3. For making its collection system available to Perinton and for maintaining and repairing the Pittsford portion of the collection system, and so long as this Agreement, or any extension thereof, as well as the Arlington Agreement, or any extension thereof, both remain in full force and effect, Perinton agrees to make a unit for unit deduction in the annual charge to be paid by Pittsford to Perinton for the aforesaid Arlington Agreement.

4. Further, prior to each and every unit within the Basin View Subdivision being connected to the sewer system, Perinton will collect from the developer or owner a Sewer Connection Fee, in the amount of \$100.00 and will remit the same to Pittsford.

5. In the event that, at any time, the Arlington Agreement is no longer in effect, Perinton will, thereafter, make an annual payment to Pittsford, for making its collection system available to Perinton for the aforesaid Basin View Subdivision, in accordance with the following procedures:

(a) By June 30th of each year, Perinton will submit to Pittsford, in writing, a revised count of the number of units of the Basin View Subdivision that have been connected to and will flow through Pittsford’s system as of January 1<sup>st</sup> of the coming year. In the event that Perinton does not so notify Pittsford, the unit count shall remain the same.

(b) By August 31<sup>st</sup> of each year, Pittsford will submit to Perinton, in writing, the new, per unit, rate for use of the system, which shall not exceed the then existing rate in Pittsford for its operation and maintenance charge per sewer unit.

(c) The total to be paid by Perinton for the applicable year shall be the total number of units, as referred to in paragraph “a” above, multiplied by the per unit rate, as referred to in paragraph “b” above.

(d) Pittsford will send a payment statement to Perinton on or about February 1<sup>st</sup> of each year and Perinton shall make payment to Pittsford within forty five (45) days of receipt of such statement.

6. Pittsford agrees to accept and transmit through its separate storm water drainage system all storm water coming from those portions of Basin View Subdivision in Perinton naturally draining to Pittsford.

7. This Agreement shall apply only to the Pittsford Arlington Sewer District and Extensions thereto which are listed in Schedule A attached hereto. No future extensions of this District or newly created Districts are to be served under this Agreement without the prior written consent of Perinton.

8. This Agreement shall remain in effect until December 31, 2018, provided, however that the terms of this Agreement are subject to the terms of an existing agreement between Perinton and the Irondequoit Bay Pure Waters District of the Monroe County Pure Waters Agency dated June 9, 1997. If said Pure Waters agreement is terminated prior to the termination date for this Agreement set forth above, for any reason whatsoever, this Agreement shall also be terminated as of that termination date.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized officers and effective as of the day and year first above written.

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

**AUTHORIZE DECLARATION OF SURPLUS HIGHWAY  
SEWER AND SUPERVISOR EQUIPMENT**

DPW Commissioner Beck presented the Town Board with a list of equipment from the Highway Department, Sewer Department, and Supervisor's Office and requested that the Town Board declare it as surplus, to facilitate its liquidation.

He added that this equipment will be sent to the Palmyra, New York Municipal Auction held in May 2014. Currently in its 29<sup>th</sup> year, this auction is a highly respected outlet for used municipal equipment. The auction is well attended, attracting bidders from across the country. Bidding at this auction is accepted from on site auction attendees, as well as from those participating through the internet. Commissioner Beck stated that the Town has received excellent returns on equipment sent to this event in the past, as compared to accepting trade-in value at the time of purchasing equipment.

Councilperson Havens made a motion, seconded by Councilperson Hanna to declare the list of equipment from the Highway Department, Sewer Department, and Supervisor's Office presented by Commissioner Beck as surplus, to facilitate its liquidation

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

**AUTHORIZE INVOICE PAYMENT  
VAN BORTEL FORD**

DPW Commissioner Beck stated that Van Bortel Ford was the successful bidder on several vehicles that were purchased as part of the 2014 budget. He stated that the vehicles were delivered to the DPW in late March and invoiced about a week later. These invoices did not make the April audit and are required to be paid in 45 days.

Commissioner Beck requested that the Town Board authorize payment from his regular budget to pay the invoices at this point in time, rather than waiting for the regular May audit.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to authorize the payment of the invoices to Van Bortel Ford.

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

APPROVE APPOINTMENT OF PART-TIME CLERK  
DEPARTMENT OF PUBLIC WORKS

DPW Commissioner Beck stated that until recently, with the appointment of Maureen Nix, the retirements of Kathy Roland and Sue O'Leary, created two clerical vacancies in the D.P.W. Office. He added that Maureen started working full-time in the office two weeks ago and is working out very well.

Commissioner Beck stated that he has been using one of the highway employees that has temporary employment restrictions, due to a medical condition, to answer telephones, file and make copies. The employee's restrictions were recently removed and he has returned to his position in the Highway Department. Commissioner Beck plans on filling the remaining vacant position within the next few months.

Commissioner Beck stated that Kathy Roland contacted him recently and indicated she and her husband are moving back into the area. She inquired about the possibility of working part-time during the summer months and he said that he would like to take her up on the offer. Her knowledge about the general office operations will be an asset in Maureen's ongoing training.

Commissioner Beck proposed to offer Kathy the opportunity to work 15 hours per week, at a rate of \$[] per hour beginning in late May.

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve the appointment of Kathy Roland as Part-Time Clerk in the Department of Public Works at a rate of \$[] per hour.

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

APPROVE EXPENDITURE  
CNU CONFERENCE

Code Enforcement and Development Director Doser stated that the Congress for New Urbanism (CNU) is being held in Buffalo June 4-7, 2014. Mr. Doser stated that the CNU is the leading organization promoting walkable, mixed-use neighborhood development, sustainable communities and healthier living conditions.

Mr. Doser stated that the program would be a valuable source of information, helping the Town stay ahead of today's most pertinent planning issues and trends, and helping Perinton maintain its status as a desirable community in which to live.

Councilperson Havens made a motion, seconded by Councilperson Hanna to approve the expenditure of \$900 for the four-day conference and overnight accommodations for Mr. Doser to attend the CNU.

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

APPROVE CHANGES TO THE MEMBERSHIP  
OF THE EGYPT FIRE ASSOCIATION

A motion was made by Councilperson Van Vreede seconded by Councilperson LaFay, that the following changes in the membership of the Egypt Fire Association be approved:

Addition to Rolls

Mr. Cal Fitch  
321 Mason Road  
Fairport, NY 14450

Move to Out of District Status

Mr. Patrick Geiger  
Perinton Manor Apartments  
Fairport, NY 14450

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 April 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 8:23 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk