

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, September 10, 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; Jeff Myers, Commissioner of Recreation and Parks; Susan Frykholm, Deputy Town Clerk; Michael Doser, Director of Code Enforcement and Development; Kevin Spacher, Finance Director; T.C. Lewis, Planning Board; Ken Rainis, Conservation Board Chairman.

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 LaFay, that the minutes of the Town Board meeting of August 27, 2014 be approved as submitted by the Town Clerk.

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

ORDER FOR HEARING
REZONING REQUEST
FAIRPORT ROAD
COMMERCIAL DISTRICT TO MIXED USE DISTRICT OR
RESTRICTED BUSINESS ZONING

Director of Code Enforcement Doser stated that the Town of Perinton is proposing to rezone 34 properties (approximately 36 acres) along the Fairport Road corridor from Commercial District zoning to Mixed Use District or Restricted Business zoning. Specifically, 32 of the properties would be rezoned to Mixed Use District zoning and two of the properties north of Fairport Road and west of Baird Road (area of Island Valley Golf Course) would be rezoned to Restricted Business zoning. The proposal complies with the 2011 Town of Perinton Comprehensive Plan, and should help Fairport Road continue its revitalization.

Director Doser added that among the goals of Mixed Use District zoning:

- (1) It aims 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 neighborhood areas and to assure the compatibility of such areas with nearby residential development.
- (2) It aims to create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving, and shopping. 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.

Town Staff met with owners of the prospective properties on November 14th, 2013, and briefed them on the proposed rezoning plan. The attendees were generally positive about the rezoning and felt that it would enhance the Fairport Road corridor. Director Doser added that it is important to note that this proposed rezoning, by itself, will not physically alter Fairport Road. The proposed rezoning is not related to a project currently under consideration by the Town of Perinton. Should the rezoning be approved, specific proposed projects on the newly rezoned properties would still require site plan approval from the Planning Board.

Mr. Doser stated that the rezoning is sponsored and led by the Town as the result of the findings and goals from the 2011 Town of Perinton Comprehensive Plan, a plan crafted by professional planners with the help of input from leaders in the public and private sectors, and Town of Perinton property owners. The Town Board accepted the plan in 2011. He asked the Town Board to schedule a Public Hearing on the rezoning.

Judy McNulty, 647 Thayer Road, asked whether the Mixed Use zoning designation would preclude parking of cars on an empty lot as was the case at Jefferson Avenue and Route 31F and Director Doser said that would not be allowed under Mixed Use zoning.

Daniel O'Neill, 81 Aldrich Road, asked whether the affected business owners would be notified in writing of the Public Hearing and Supervisor Barker stated that they would be, just as they had been back in July of 2014, when the Public Hearing was originally scheduled and subsequently postponed.

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that October 8, 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 of 34 properties along the Fairport Road corridor from Commercial District zoning to Mixed Use District or Restricted Business zoning.

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

DECISION
AMENDMENT TO SECTION 208 OF THE CODE
OF THE TOWN OF PERINTON
MIXED USE DISTRICT ZONING

Supervisor Barker stated that the Town Board held an Order for Hearing for the proposed Amendments to the Limited Commercial District on July 9, 2014 and a Public Hearing on August 13, 2014 and referred the proposed changes to the Planning Board and Conservation Board. The Planning Board responded with a memorandum of support dated September 5, 2014 and the Conservation Board responded with a memorandum of support dated August 28, 2014. The proposed changes were also referred to Monroe County Planning and their memo of August 8, 2014 states that they have no comment.

Councilperson LaFay moved and Councilperson Havens seconded the motion to grant a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) to the Amendments to Section 208-43 (Mixed Use Zoning District) finding that the proposed changes to the existing Limited Commercial District will not have any adverse impacts on the environment and will ultimately enhance the visual impacts of future construction and will help mitigate future traffic flow and parking issues for properties in this zoning district.

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

Councilperson Van Vreede made a motion seconded by Councilperson Hanna to approve the proposed Amendment to Code Section 208-43 Mixed Use District adopting the rationale in the Conservation Board's memorandum dated August 28, 2014 and the Planning Board's memorandum dated September 5, 2014. These Amendments will create a synergetic zoning district where commercial, office, and residential uses will be able to exist side by side, creating a thriving and lively pedestrian-friendly atmosphere. The new Mixed Use District will provide a combination of compatible uses at an appropriate scale and will provide an extra level of scrutiny for large commercial uses. These changes are consistent with the Town's 2011 and 2000 Comprehensive Plan updates.

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

DECISION
SPECIAL USE PERMIT
ROC MARTIAL ARTS
584 WHITNEY ROAD

Supervisor Barker stated that Under Town Code §208-14Q, the Public Buildings and Grounds provision, the Town Board held a public hearing on August 13th, 2014, to consider a special use permit allowing a karate studio at 584 Whitney Road West (parcel ID 152.07-1-16). The Town Board referred the application to the Planning Board and Conservation Board for general input.

The following SEQRA resolution was put forth by Councilperson LaFay and seconded by Councilperson Van Vreede:

WHEREAS, the proposed use of 584 Whitney Road West is consistent with the predominant character of the existing built landscape; and

WHEREAS, the proposed use of 584 Whitney Road West do not affect any wetlands or other protected environmental features and natural resources; and

WHEREAS, the proposed use of 584 Whitney Road West will not result in a substantial increase in traffic or noise above present levels; and

WHEREAS, the proposed rezoning of land and proposed use of 584 Whitney Road West received a letter of support from the Conservation Board, dated August 28th, 2014;

THEREFORE BE IT RESOLVED, that this action will not result in any significant adverse environmental impact.

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

Councilperson Havens made a motion, seconded by Councilperson Hanna to approve the following resolution:

WHEREAS, the application for the proposed use of 584 Whitney Road West (parcel ID 152.07-1-16) was heard by the Town Board on August 13th, 2014, and was referred to the Planning Board and Conservation Board; and

WHEREAS, the applicant's proposed use was reviewed by the Conservation Board on August 19th, 2014, and the Conservation Board issued a letter recommending approval, dated August 28th, 2014; and

WHEREAS, the applicant's proposed use was heard by the Planning Board on September 3rd, 2014, and received a letter of unanimous support, dated September 5th, 2014; and

WHEREAS, the applicant's proposed use is consistent with the following objectives of the 2011 Town of Perinton Comprehensive Plans for Whitney Road:

1. Becoming a neighborhood destination for convenience services, offices, parks and employment opportunities;
2. Attracting commercial development in existing centers, including opportunities for infill, redevelopment;

THEREFORE, BE IT RESOLVED, that the requested special use permit is consistent with §208-54 of the Town Code of Perinton and that a permit be issued for the allowance of a martial arts studio at 584 West Whitney Road (parcel ID 152.07-1-16) under the following conditions:

1. The structure is to feature tan siding, green fabric awnings, red/tan/brown stone/brick veneer base, and a peaked parapet as shown on the "proposed front elevation," submitted and dated "July 7, 2014."
2. The remaining south, east and west elevations are to match the main front façade with tan siding, red/tan/brown stone/brick veneer base, and a peaked or decorative parapet.
3. The area between the gravel and asphalt parking areas is to be separated by some type of landscaped feature/island that will soften the transition between the two surfaces.
4. All construction equipment is to be hidden from street view and behind the building.

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

AWARD BID PARKS AND RECREATION VEHICLE

Commissioner of Recreation and Parks Myers stated that the Recreation & Parks Department received three bids for a Cargo Utility Commercial Vehicle. The bids were opened on Thursday, September 4th at 2:00pm.

The three bids were received from West Herr Ford out of Hamburg, Vision Ford in Greece, and Marina Auto Group in Webster. All three proposals met the specifications of the bid. Vision Ford submitted the lowest bid price.

Commissioner Myers requested that the Town Board approve the bid submitted by Vision Ford, for a Ford F-250 High Roof Transit, in the amount of \$33,349.00. This purchase was budgeted for in the 2014 Department Budget, and funds will be drawn from the Parks Equipment line.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to accept the bid from Vision Ford for a Ford F-250 High Roof Transit, in the amount of \$33,349.00.

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

AUTHORIZE REOPENING OF JEFFERSON AVENUE SEWER PROJECT ACCOUNT

Finance Director Spacher stated that in May the Town Board authorized the transfer of \$28,123 from the Jefferson Avenue Sewer Project to the Bond and Note Repayment Fund, closing out the project. He further stated that construction on the sewer was completed in 2011 and it was assumed that there would be no more expenses related to the project.

Director Spacher added that the project included the reconstruction of Jefferson Avenue done by Monroe County. Not long ago, and 2 ½ years after the work was complete, the Town received an invoice from Monroe County for \$283,018.20 as additional billing for work they did on the project. Director Spacher added that the projected budget and borrowing authorization for this project is \$3,500,000 and excluding the bill from Monroe County, the Town has spent \$1,121,877 to date and are well under budget.

Director Spacher asked the Town Board to authorize the return of the \$28,123 transferred in May, as the money is still needed for the project. He added that the plan is to sell a BAN for \$260,000 and with the proceeds from that and this returned money, the Town will pay this last invoice plus the costs related to the borrowing and then close the project again.

Councilperson Van Vreede asked whether the invoice had been reviewed and was a legitimate expense and Commissioner Beck stated that it had been reviewed and was legitimate. Councilperson Van Vreede also asked what the rationale was in waiting two plus years to send an invoice. Commissioner Beck stated that Monroe County usually takes about a year to close a project and that the Town hired the engineer that was in charge of that project. He added that New York State takes 3-4 years to close a project and send out final billing.

Councilperson LaFay made a motion, seconded by Councilperson Havens to authorize the reopening of the Jefferson Avenue Sewer Project account and to authorize the transfer of the \$28,123 back to the account.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
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 Hanna, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Resident Active Firefighter	Mr. Brian J. Ocque 53 Acorn Lane Fairport, NY 14450
Resident Active to Non Resident Active	Mr. Christopher Noyes 233 Brittany Lane Pittsford, NY 14534
Expelled from Department	Mr. Jordan Leshner 3 Hanningfield Circle Fairport, NY 14450

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

AUTHORIZE SUPERVISOR TO SIGN ANNUAL ASSESSMENT CONTRACT

Supervisor Barker explained that the Town has various assessment responsibilities which must be carried out from time to time. For the past nine years, the Town has contracted with David Miller, the owner of Assessment & Valuation Services to do a review of the Town's assessment roll, to maintain compliance with the State's requirements and to allow the Town to make sure that the assessment roll is current. Mr. Miller is an expert in melding computers together with real estate values and running models to accurately determine new values. Town Assessor Morabito is requesting that Supervisor Barker sign a contract in the amount of \$7,500 to provide this service for 2015. This cost was outlined in the 2015 Assessment Office budget.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens that Supervisor Barker be authorized to sign the contract with David Miller, Assessment & Valuation Services, in the amount of \$7,500.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
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, Tax Receiver and the Code Enforcement and Development Department for the month of August 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 8:25 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk