

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 22, 2015

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; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

Supervisor Barker called the meeting to order at 7:30 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 8, 2015 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
SPECIAL USE PERMIT RENEWAL
SOUTHEAST QUADRANT MOBIL CRITICAL CARE UNIT, INC.
2527 BAIRD ROAD

Supervisor Barker called the following Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on April 9, 2015; affidavit of posting was also April 9, 2015.

Gary Hart, Treasurer of SEQ, represented the Southeast Quadrant Mobil Critical Care Unit, Inc. and stated that they are requesting a renewal of their Special Use Permit to continue to operate at 2527 Baird Road in Perinton. The Town Board approved the initial Special Use Permit on January 23, 2013 and granted renewal of the Special Use Permit on April 9, 2014.

Mr. Hart stated that the SEQ has abided by the terms of the original Special Use Permit issued on January 23, 2013, which were no more than three response vehicles on site at any time and no emergency lights or sirens are to be used leaving 2527 Baird Road until a response vehicle reaches an intersection with a county road. He requested that the Special Use Permit be made permanent with no expiration. Supervisor Barker added that there have been no complaints regarding the operation of the Southeast Quadrant Mobile Critical Care Unit, however the usual practice is to approve a five year renewal.

Chris Fredette, Conservation Board, asked whether there would be any modification to the original request and both Supervisor Barker and Mr. Hart agreed that there would be no modifications. Councilperson Van Vreede asked whether there would be any proposed changes to the structure on site and Mr. Hart stated that 2014 Special Use Permit renewal had outlined some construction, but that is not in the current plan.

There being no further questions, and all those wishing to be heard having been heard, the Public Hearing were closed.

Councilperson LaFay put forth the following resolution and motion, which was seconded by Councilperson Van Vreede:

WHEREAS, the requested Special Use Permit:

- is a renewal that allows the continued operation of the Southeast Quadrant Mobile Critical Care Unit; and
- represents an operation beneficial to the entire Perinton community, ensuring that emergency responders are conveniently located within the Town and able to respond to emergencies as quickly as possible; and
- represents an operation that has never been the subject of complaints in its two years of operating on the property; and
- is in general harmony with the Town's recent Comprehensive Plan and Zoning Ordinances; and
- is generally consistent with the overall standards set forth in Chapter 208 of the Town Code, I move that this request for the Special Use Permit renewal be granted under the following conditions:
 - No more than three response vehicles on site at any time.
 - No emergency lights or sirens are to be used leaving 2527 Baird Road until a response vehicle reaches an intersection with a county road.
 - Special Use Permit to expire in five years (April 22, 2020).

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

PUBLIC HEARING
SPECIAL USE PERMIT RENEWAL
EPSILON ASSOCIATES AUTO SALES
1276 FAIRPORT ROAD

Supervisor Barker called the following Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on April 9, 2015; affidavit of posting was also April 9, 2015.

The applicant, Ugur Ozturkoglu, requested a renewal of his Special Use Permit to allow the operation of Epsilon Associates Auto Sales, located at 1276 Fairport Road. The Town Board approved the initial Special Use Permit on February 27, 2013. At the time, the Board indicated that it intended to retire (or sunset) motor vehicle sales uses from the Fairport Road corridor and transition to more convenient shopping and personal services associated with a pedestrian-friendly commercial area developed on a human-scale.

Supervisor Barker asked whether Mr. Ozturkoglu understood the vision and proposed Mixed Use Zoning for that corridor of Perinton. Mr. Ozturkoglu stated that he was aware in general, but not aware that auto sales were not a part of the Town's vision for that area. Mike Doser, Director of Code Enforcement and Development, stated that the Town has received a few sign code complaints for the auto sales in the past few years. He added that the Can Kings business in the same plaza has also had issues for pallets of recyclables on the sidewalk and overall would like the plaza property to be picked up.

Mesut Vardar, owner of the property at 1276 Fairport Road stated that Epsilon Auto has not had any signs out in the last nine months and that the sign mentioned might have been from the Bay Goodman Pizza location and that he has spoken

to that tenant. He also added that Can Kings has been careful to put only the day's work out in front of their location. He then stated that they will be using a locked and gated enclosure in the back of the property for their recyclables going forward. Mr. Vardar said that Epsilon has been there for 20+ years and having the use "sunsetting" would be unfortunate. He stated that the paving on the property at 1276 Fairport Road would be new and that they gave an easement for a sidewalk for access to the back of the property by CVS for the benefit of the Town and felt that would improve the use. Mr. Ozturkoglu also added that many of his customers are Perinton residents and that he sees his business as a benefit to residents.

Supervisor Barker stated that there was a spirited debate about the Special Use Permit renewal in 2013 as it is the vision as outlined in the Town Comprehensive Plan to get cars sales out of that corridor of Perinton through the proposed Mixed Use zoning. Mr. Ozturkoglu asked about the timing of the rezoning and Supervisor Barker stated that it is his goal to move that forward by the end of 2015. Mr. Vardar stated that he thought that he understood that existing businesses would not be effected and Supervisor Barker agreed that most would not, however Epsilon Auto Sales has a Special Use Permit allowing the use for a defined period of time.

There being no further questions, and all those wishing to be heard having been heard, the Public Hearing were closed.

Councilperson LaFay put forth the following resolution and motion, which was seconded by Councilperson Hanna:

WHEREAS, the requested Special Use Permit:

- is a renewal that allows the continued operation of Epsilon Associates Auto Sales, located at 1276 Fairport Road; and
- Provides the property owner with time to transition the current use to the anticipated Mixed Use District zoning uses; therefore
- I move that this request for the Special Use Permit renewal be granted under the following conditions:
 - Hours will be Monday through Saturday, 10 a.m. to 7 p.m., and Sunday, 12 noon to 5 p.m.
 - No more than 25 vehicles on the lot at any one time.
 - No repairs are to be done at the location – 1276 Fairport Road.
 - Special Use Permit expires in one year (April 22, 2016).

Councilperson Van Vreede stated that with the proposed changes to zoning in the corridor, there are many dominos that need to fall to complete the rezoning and he proposed a two year expiration for the Special Use Permit. Mr. Vardar asked about other businesses like muffler shops on Fairport Road and Supervisor Barker stated that they do not have special use permits and would be grandfathered in with a change in zoning. Mr. Vardar stated that there is a value to the business and that the resale value would be impacted. Councilperson LaFay stated that was a good reason to give a two-year renewal and an opportunity to relocate the business. He suggested that the applicant work with Mr. Doser's office to see if there are other Perinton locations for his business. Supervisor Barker added that the vision has been consistent for Fairport Road and Mixed Use Zoning since the 1990 and 2000 Comprehensive Plans. Councilperson Havens agreed with Councilperson Van Vreede to make the Special Use Permit a two year renewal.

Councilperson Van Vreede put forth the following amended resolution and motion, which was seconded by Councilperson Havens:

WHEREAS, the requested Special Use Permit:

- is a renewal that allows the continued operation of Epsilon Associates Auto Sales, located at 1276 Fairport Road; and
- Provides the property owner with time to transition the current use to the anticipated Mixed Use District zoning uses; therefore

- I move that this request for the Special Use Permit renewal be granted under the following conditions:
 - Hours will be Monday through Saturday, 10 a.m. to 7 p.m., and Sunday, 12 noon to 5 p.m.
 - No more than 25 vehicles on the lot at any one time.
 - No repairs are to be done at the location – 1276 Fairport Road.
 - Special Use Permit expires in two years (April 22, 2017).

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

APPROVE APPOINTMENT
PART TIME COURT CLERK

Supervisor Barker stated that the Town Board has a memo from Justices Arnold and Klonick recommending the appointment of Elizabeth Wager-Stenclik as a part time Court Clerk working in the Town of Perinton Justice Court. Ms. Wager-Stenclik has experience working in other justice courts and her proposed start date would be April 27, 2015.

Councilperson Hanna made a motion, seconded by Councilperson Havens to approve the appointment of Elizabeth Wager-Stenclik as a part-time Court Clerk working in the Town of Perinton Justice Court, beginning April 27, 2015.

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

AUTHORIZED STORM AND SANITARY SEWER EASEMENT RELEASES
AND AUTHORIZE SUPERVISOR TO SIGN RELEASES
THE GLEN AT PERINTON

DPW Commissioner Beck stated that The Glen at Perinton apartment project (Uniland Development, located in Perinton Hills Plaza) features the construction of six (6) apartment buildings on a previous commercial site. In order to provide space to construct the new buildings, approximately 900 LF of existing storm and sanitary sewer that previously served the commercial use on the site have to be removed and new storm and sanitary sewers installed in more appropriate locations.

He added that the easements that provided Town access to the former storm and sanitary sewers no longer serve any purpose to the Town and therefore are not needed. He stated that he has prepared easement release documents for the Board review and the Supervisor's signature once the release is approved by the Town Board.

A motion was made by Councilperson LaFay, seconded by Councilperson Hanna, that the existing easements located at The Glen at Perinton be abandoned and that the Supervisor be authorized to sign the release of easement documents.

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 Havens, that the following changes in the membership of the Egypt Fire Association be approved:

Addition to Rolls

Mr. Michael P. Henning
36 Red Post Crescent
Fairport, NY 14450

Mr. Zachary M. Young
16 Little Spring Run
Fairport, NY 14450

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

APPROVE CHANGE ORDER #1 FINAL
BUSHNELL'S BASIN SIDEWALK

DPW Commissioner Beck asked for the Town Board to consider approving a final change order for the Bushnell's Basin Sidewalk Project. This Change Order contains five (5) items that have been added to the original contact bid amount submitted by Keeler Construction. Taking into consideration the dollar value associated with each, the total cost of this Change Order is \$14,494.59.

Commissioner Beck stated that the revised contract amount after incorporating this Change Order will be \$213,440.59, which is \$61,559.41 below the approved budget amount for this project. The addition of the following items was the result of unexpected field conditions or utility conflicts that occurred during the construction of this project:

1. **Item – 950.01:** \$1,701.09 is proposed to be **added** to the Contract. This increase is a result of having to extend an existing water service for #613 Pittsford-Victor Road from behind the new retaining wall to the front edge of the new sidewalk.
2. **Item – 950.02:** \$5,488.26 is proposed to be **added** to the Contract. This increase is a result of additional grading work and topsoil placement to match existing grades to ensure proper transition from the new sidewalk to adjacent lawn/road shoulder areas.
3. **Item – 950.03:** \$330.95 is proposed to be **added** to the Contract. This increase is a result of the installation of a manhole frame and cover in the new sidewalk to ensure proper access to the sanitary lateral cleanout for #597 Pittsford-Victor Road.
4. **Item – 950.04:** \$3,600.00 is proposed to be **added** to the Contract. This increase is a result of the installation of four (4) pedestrian signal push button stations.
5. **Item – 950.05:** \$3,374.29 is proposed to be **added** to the Contract. This increase is the result of a utility conflict with the new retaining wall and decorative lighting and lampposts (including associated wiring) for #613 Pittsford-Victor Road.

Councilperson Van Vreede asked about the difference between a “push button only” and a “push button station”. Commissioner Beck stated that he believes a “push button only” has only one button and the station has more than one and that one of the locations works two different directions. Councilperson Hanna asked about item #5 and Commissioner Beck stated that the resident gave the Town an easement to be on his property to fit the wall in and there was wiring disturbed by building the retaining wall.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that the above change work order be approved as recommended by Commissioner Beck. Each is the result of a change in conditions and was not foreseen in the original plans.

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

APPROVE PART-TIME SEASONAL EMPLOYEE CODE ENFORCEMENT AND DEVELOPMENT

Code Enforcement and Development Director Doser stated that the department would like to add a seasonal part-time employee in preparation for the busy building season. Last year, Paul Alguire worked in this position and did a great job and therefore Mr. Doser would like to bring him back in the same capacity. Mr. Alguire is a master electrician and is also a certified NYS code enforcement official. Director Doser requested that the Town Board accept Paul Alguire as a seasonal part-time appointment for the CED at a rate of \$[] per hour.

Councilperson LaFay asked how long the department would need Mr. Aguire and Mr. Doser responded through the end of August. Commissioner Beck added that this is slated to be a much busier construction season than the Town has had in a while. Councilperson Havens asked whether Mr. Alguire has his own business and Mr. Doser stated that he works nights for the East Irondequoit School District.

Councilperson Havens made a motion, seconded by Councilperson Hanna to accept Paul Alguire as a seasonal part-time appointment for the CED at a rate of \$[] per hour.

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

Councilperson Hanna asked about the new equipment at the Egypt Park and Commissioner Myers said that the installer was on site for the new playground equipment and that it would be ready in 2 to 3 weeks.

AUDIT APPROVAL

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede that Audit #4 for April 2015 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

MARCH MANUAL 2

General Fund	2068.95
Recreation	106.32
Joint Sewer	34.99
Lake Lacoma Lighting Dist	16.20
Meadows Lighting Dist	474.41

Deer Run Lighting Dist 68.63
\$2,769.50 Total

The above items were numbers 96514,96784 and 96784.

APRIL AUDIT

General Fund	33,220.13
Town Outside of Village	74,684.32
Recreation	119,898.84
Highway General Repair	16,133.76
Highway Snow & Miscellaneous	185,734.11
Joint Sewer	29,914.83
Special Recreation	24,282.08
B Basin Fire Protect Dist	712.65
Egypt Fire Protect Dist	79.54
Fairmont Hills Maint Dist	320.00
Basin Canal Port	<u>2,400.00</u>
	\$487,380.26 Total

The above items were numbers 96819-97010.

APRIL MANUAL 1

General Fund	90,096.08
Town Outside of Village	6,802.70
Recreation	34,665.85
Joint Sewer	9,427.33
Midlands Lighting Dist	453.74
Lake Lacoma Lighting Dist	15.13
Meadows Lighting Dist	458.76
Deer Run Lighting Dist	1,594.79
Misty Meadows Lighting Dist	<u>122.63</u>
	\$143,637.01 Total

The above items were numbers 96787-96791, 96801-96802, 96812-96816.

APRIL MANUAL 2

General Fund	3,093.25
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The above items were numbers 96817, 97011-97012.

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 meeting was adjourned at 8:10 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk