

LEGAL NOTICE
TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter
of

**HEARING MINUTES &
DETERMINATIONS**

EXTENSION NO. 66 to PERINTON CONSOLIDATED SEWER
DISTRICT NO. 8
(Mason Road Sanitary Sewers)

At a hearing before the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on February 27, 2019 at 7:30 p.m., local time, there were:

PRESENT: Supervisor Ciaran Hanna; Councilpersons, Peg S. Havens,
Stephen C. Van Vreede, Seana Sartori and David Belaskas

ABSENT: None

ALSO PRESENT: Jennifer A. West, Town Clerk, Jason Kennedy, Commissioner of
Public Works and Joseph LaFay, Town Attorney

The Supervisor called the hearing to order and stated that the purpose thereof was to consider the establishment of Extension No. 66 to Perinton Consolidated Sewer District No. 8 to include lands located along Mason Road in the Woodland Acres and Scenic Acres Subdivisions in the Town of Perinton. He stated that on December 28 and February 4, 2019 letters were mailed to each of the residences in the proposed extension, advising them of the proposed extension and tonight's public hearing. Included in that letter was the statement of estimated costs.

The Supervisor called for the presentation of documentary evidence necessary for the Town Board to make the investigations and determinations required by statute. The following documents were submitted in evidence:

1. Report from Jason Kennedy, Commissioner of Public Works, recommending the creation of a new sewer district extension so that the lands along Mason Road in the Woodland Acres and Scenic Acres Subdivisions in the Town of Perinton could become part of Perinton Consolidated Sewer District No. 8.
2. Map, plan, and report, prepared by Robert J. Kozarits dated November 2018 showing the location of each residence.
3. The Order for Hearing made by the Town Board on December 12, 2018.

4. The Affidavit of Publication of the The Post Serving Brighton, East Rochester, Fairport, Henrietta, Pittsford showing the publication of a certified copy of the Order for Hearing on December 20, 2019.
5. The Affidavit of Jennifer A. West, showing that a copy of the Order for Hearing and Estimated Costs were posted on the Sign Board maintained by the Town Clerk on December 20, 2019.
6. The report of Ciaran Hanna, Supervisor, stating that on December 31, 2018 he mailed to each resident, a letter advising them of the public hearing and enclosed a statement of Estimated Costs and a copy of the Order for Hearing.
7. A letter from Robert M. Place, Town Attorney, dated December 17, 2018 mailing a certified copy of the Order for Hearing to NYS Office of State Comptroller, as required by the rules and regulations of the State of New York, including the estimated costs for the proposed extension.

The Supervisor directed that the foregoing documentary evidence, if not already filed, be filed with the Town Clerk and considered a part of the record of this hearing.

The Supervisor explained that this proceeding is on motion of the Town Board pursuant to Article 12-A of the Town Law. The adoption of a resolution for the creation of the sewer district extension will be subject to a permissive referendum, if such referendum is requested by proper petition filed with the Town Clerk within 30 days after the date of adoption of this resolution.

The Supervisor asked if there were any questions in regards to the formation of the District. There were none. The Supervisor declared the hearing closed and directed the Town Board to consider the evidence produced at the hearing and to take action on the map, plan and reports.

The members of the Town Board then examined the documents presented in evidence and considered the statements made at the hearing and after thorough discussion and due deliberation, the following Resolution was offered by Councilperson Sartori and was seconded by Councilperson Van Vreede.

WHEREAS, the Board has examined the map, plan and report prepared by Robert J. Kozarits, the proofs of posting and publication, the recommendation of the Perinton Conservation Board and has considered all other documents and statements presented to it and has examined into whether all of the property to be benefited by the proposed Extension was included therein and whether any property has been included therein which would not be benefited, and

WHEREAS, the Town has reviewed the potential environmental effects of the project and has complied with the requirements of the State Environmental Quality Review Act (SEQRA),

NOW THEREFORE, IT IS DETERMINED AS FOLLOWS:

1. The Order for Hearing was posted and published as required by law.
2. All the property and property owners within the proposed Extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed Extension.
4. It is in the public's interest to establish said Extension as described in the map, plan, and report.
5. That the maximum amount to be expended for the construction of said sewer system with all necessary appurtenances for the operation thereof is estimated to be \$350,000 and that the cost of construction of said improvements by the issuance of bond anticipation notes and bonds, the principal and interest of which are to be repaid in annual installments by the entire are comprising Perinton Consolidated Sewer District No. 8.
6. The proposed Extension was processed as an Unlisted SEQRA action. The temporary disturbance of soils and vegetation will be more than offset by the long term benefits of eliminating septic systems on developed lots. Therefore, this project is given a Negative SEQRA Declaration.
7. The area to be established as Extension No. 66 to Perinton Consolidated Sewer District No. 8 is described as follows:

**EXTENSION No. 66
TO
PERINTON CONSOLIDATED SEWER DISTRICT No. 8
TOWN OF PERINTON, MONROE COUNTY, NEW YORK**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Perinton, County of Monroe and State of New York, as shown on a map entitled " Extension No. 66 to the Town of Perinton, Consolidated Sewer District No. 8, Map and Plan" prepared by Robert J. Kozarits and dated 11/28/18, and bounded and described as follows:

PARCEL 1

Commencing at the point of intersection of the north property line of tax account 166.16-1-17 with the westerly R.O.W. of Mason Road, thence southerly along the westerly R.O.W. of Mason Road an approximate distance of 102' to the point of intersection of the north property line of tax account 166.16- 1-18 and westerly R.O.W. of Mason Road, said point also being the true point of beginning, thence,

1. Southerly along the westerly R.O.W. of Mason Road an approximate distance of 793' to the point of intersection of the south property line of tax account 166.16-1-24.1 with the westerly R.O.W. of Mason Road, thence,
2. Westerly along the south property line of tax account 166.16-1-24.1 an approximate distance of 218' to a point, thence,
3. Northerly, along the west property line of tax account 166.16-1-24.1 an approximate distance of 96' to a point, thence,
4. Easterly along the north property line of tax account 166.16-1-24.1 an approximate distance of 105' to a point, said point being the point of intersection of the west property line of tax account 166.16-1-24.2, thence,
5. Northerly, along the west property line of tax account 166.16-1-24.2 an approximate distance of 98' to a point, thence,
6. Westerly, along the south property line of tax account 166.16-1-22 an approximate distance of 275' to a point, thence,
7. Northerly, along the westerly boundaries of tax parcels 166.16-1-22, 166.16-1-20, 166.16-1-19 and 166.16-1-18 an approximate distance of 600' to a point at its intersection with the existing northerly boundary of tax account 166.16-1-18, thence,
8. Easterly, along the north property line of tax account 166.16-1-18 an approximate distance of 386' to the point and place of beginning.

PARCEL 2

Beginning at the point of intersection of the south property line of tax account 166.16-2-74 with the easterly R.O.W. of Mason Road, said point also being the true point of beginning, thence,

1. Northerly, along the easterly R.O.W. of Mason Road an approximate distance of 500' to a point of curvature, thence continuing along a curve to the right, with a radius of 30' an approximate distance of 30' to a point of tangency on the north property line of tax account 166.16-2-78, said point also being the southerly R.O.W. of Gabriel Drive, thence,
2. Easterly, along the southerly R.O.W. of Gabriel Drive an approximate distance of 145' to a point, thence,
3. Southerly, along the east property line of tax accounts 166.16-2-78, 166.16-2-77, 166.16-2-76, 166.16-2-75 and 166.16-2-74 an approximate distance of 530' to a point, thence,
4. Westerly, along the south property line of tax account 166.16-2-74 an approximate distance of 175' to the point and place of beginning.

PARCEL 3

Beginning at the point of intersection of the east property line of tax account 166.16-2-79 with the northerly R.O.W. of Gabriel Drive, said point also being the true point of beginning, thence,

1. Westerly along the northerly R.O.W. of Gabriel Drive an approximate distance of 145' to a point of curvature, thence continuing along a curve to the right, with a radius of 30' an approximate distance of 30' to a point of tangency on the easterly R.O.W. of Mason Road, thence,
2. Northerly, along the easterly R.O.W. of Mason Road an approximate distance of 100' to a point, thence,
3. Easterly, along the northerly property line of tax account 166.16-2-79 an approximate distance of 175' to a point, thence,
4. Southerly, along the east property line of tax account 166.16-2-79 an approximate distance of 126' to point and place of beginning.

The foregoing described lands are shown on a map entitled Extension No. 66 to Perinton Consolidated Sewer District No. 8, prepared by Robert J. Kozarits, competent engineer duly licensed by the State of New York showing the boundaries of the proposed Extension No. 66 to Perinton Consolidated Sewer District No. 8, and providing for the transmission of sewage to the Van Lare Sewage Treatment Plant which is operated by the Monroe County Pure Waters Agency. There is an existing contract between the Town of Perinton and the Monroe County Pure Waters Agency for transmission and treatment of sewage. The proposed map shows whether sewer service is provided to neighboring lots to the proposed extension.

8. That Extension No. 66 to Perinton Consolidated Sewer District No. 8 is hereby established, as of this date, to include the real property described in paragraph 7 above.
9. That pursuant to the requirements of Section 90 of the Town Law, that within ten (10) days after the adoption by the Town Board of this resolution establishing said Extension the Town Clerk shall give notice thereof, at the expense of the Town, by the publication of a notice in The Post Serving Brighton, East Rochester, Fairport, Henrietta, Pittsford, a newspaper regularly published in Monroe County and having general circulation within the proposed Extension. In addition, the Town Clerk shall post, or cause to be posted, on the bulletin board in her office a copy of such notice. Such notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution, describing the general terms, the proposed Extension and that such resolution was adopted subject to a permissive referendum.

On roll call, directed by the Supervisor, the following votes were recorded:

AYES: Hanna, Havens, Van Vreede, Sartori, Belaskas

NAYS: None

Whereupon the Supervisor declared the foregoing determination and resolution of approval of the creation of Extension No. 66 of to Perinton Consolidated Sewer District No. 8 is adopted.

Dated: March 7, 2019