

**Minutes of the Town of Perinton  
Planning Board Meeting of January 7, 2015**

**Planning Board Members Present**

Mark Anderson, Chairman  
T.C. Lewis  
James P. Brasley  
Kenneth O'Brien  
Craig Antonelli  
Sandra Neu

**Absent**

Norm Gardner

**Conservation Board Members Present**

Barbara Wagner

**Town Officials Present**

Robert Place, Town Attorney  
Thomas Beck, Commissioner, DPW  
Robert Kozarits, Town Engineer  
Michael Doser, Director Code Enforcement & Development (CED)  
Lori Stid, Planning Board Clerk

Mr. Anderson called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

**New Application(s):**

**Lyons National Bank – Perinton branch – northeast corner of O'Connor Road & Fairport Road intersection.** BME Associates, as agent for Lyons National Bank, contract vendee of property owned by DiPrima Properties II, LLC and located at northeast corner of O'Connor Road and Fairport Road intersection (tax id#152.11-1-36 from the resubdivision of Lots 2 and 3 of CVS Subdivision), requesting preliminary and final site plan approval for proposed development of 1.16 acre site for a new 5,176 s.f. branch for Lyons National Bank.

**Presenter:** BME Associates, Linc Swedrock, P.E.  
**Zoned:** Commercial

Linc Swedrock, BME Associates presented the plan to the Board per letters which are shown below and are a part of the record. With him is Tom Kime, Chief Operating Officer of Lyons National Bank, Mike Colacino of Lyons National Bank and Jeff Ashland, Mossien Associates (architect for the project). They provided a revised lighting plan as indicated below to be more consistent with the light fixtures the bank has been using in their other locations. They have met with the Conservation Board and DPW and have provided some sketches for a water quality feature bio retention area. They are asking for a recommendation to the ZBA for the variances being requested. They are scheduled to be heard by ZBA on 1/26/15. Below memo compares the proposed mixed use with the existing commercial. There is an amenity shown in front of a pocket park area. They are keeping some of the trees along the east property line and are proposing a tan vinyl fence along the east property line to help to buffer the adjoining property line. There is some landscaping provided to break up the property a little bit. He acknowledges receipt of DPW/CED comments and has provided written response as shown below.



December 5, 2014

Planning Board  
Town of Perinton  
1350 Turk Hill Road  
Fairport, NY 14450

Attn: Lori Stid

**Re: Lyons National Bank – Perinton Branch**

**2438**

Dear Board Members:

On behalf of Lyons National Bank, we are pleased to submit Preliminary / Final Site Plans for the above-referenced project, and have enclosed the following application materials for your review:

- Fifteen (15) copies of the Preliminary / Final Site Plans
- Fifteen (15) copies of the Planning Board Application
- Fifteen (15) copies of the Owner Authorization to Make Application
- Fifteen (15) copies of the Short Form EAF
- Fifteen (15) copies of Property Deeds
- Fifteen (15) copies of the Preliminary Review Checklist
- Fifteen (15) copies of the Final Review Checklist
- Five (5) copies of Engineer's Report
- MCDPD Referral Form
- \$250.00 Site Plan Application Fee for Preliminary Approval
- \$250.00 Site Plan Application Fee for Final Approval
- Memo from BME Associates dated December 4, 2014 for a project comparison between the Commercial Zoning District and the proposed future Mixed Overlay Zoning District.
- Architectural Elevations
- Lighting Cut Sheets

The proposal is for the development of the 1.16 acre site for a new 5,176 gross s.f. branch for Lyons National Bank. The property is located at the northeast corner of the NYS Route 31F and O'Connor Road intersection. The property is zoned CO- Commercial District.

Access to the property will be from existing curb cuts on NYS Route 31F and O'Connor Road. The proposal provides parking for 28 vehicles, and the proposed building will be served by public water and sewer. Other features of the proposal include a sidewalk connection from the site to the sidewalk along NYS Route 31F to allow for pedestrian access. The plans also include a landscaping and lighting plan.

Drainage will be collected and conveyed to an existing 12" storm sewer stub left for the site with the construction of O'Connor Road. The proposal represents a reduction of 25% impervious from the existing impervious area of the site.

We will be requesting area variances from the Zoning Board of Appeals from Articles V and Article VII as follows:

- 208-14E(2): Front setback reduction from 100' to 14'
- 208-42H: Reduction in front landscaping area from 50' to +/-4'
- 208-16C(1)(c): Parking screening in front setback
- 208-16A(11): Reduction of required ATM stacking spaces from the required 30 (10 per lane) to the proposed 9 (3 per lane)

We would look for the Planning Board to discuss this request at your January 7, 2015 meeting to provide the recommendation to the Zoning Board for their January 26, 2015 meeting.

We would also be requesting waivers from the Planning Board as part of the Site Plan approval process to allow reduction in the required Parking setbacks per 208-16C(2).

We have attached a memo dated December 4, 2014 providing a comparison with the Commercial (CO) and the Mixed Use (MU) zoning district as discussed with Town staff at a Site Plan Review Committee meeting on December 4, 2014.

We would like to appear before you on January 7, 2015. We would present the project and request you hold a public hearing for the proposal.

Thank you for your consideration and please contact our office if you require any additional information prior to the meeting.

# BME ASSOCIATES

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## MEMORANDUM

To: Town of Perinton Planning Board; c/o Mike Doser

From: Andrew Spencer; BME Associates *AS*

Date: December 5, 2014

**Re: Lyons National Bank Zoning Requirement Comparison 2438**  
**(C) Commercial and (MU) Mixed Use Districts**

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The following information is being provided to assist in the evaluation of the project between the current regulations required in the C (Commercial) District to the possible future requirements within the currently proposed MU (Mixed Use) District. The variances and waivers listed are based upon the current C zoning classification.

**Typical Lot Standards**

	<u>Required (C)</u>	<u>Required (MU)</u>	<u>Proposed</u>
<b>Minimum Lot Area</b>	40,000 SF	10,000 SF 1 Acre maximum*	1.16 Acres *
<b>Minimum Lot Width</b>	200 FT	80'	233' (Fairport Road) 346' (O'Connor Road)
<b>Minimum Lot Depth</b>	N/A	N/A	N/A
<b>Setbacks (Building)</b>			
Front	100'	Min 10'-Max 30'	14'***
Side	30'	15'	79'
Rear	30'	15'	N/A (corner lot)
<b>Max Building Height</b>	3 stories (40')	2 stories (35')	33' (32'-11")
<b>Min Building Height</b>	1 story	22'	33' (32'-11")
<b>Lot Coverage (Max Impervious)</b>	N/A	75%	+/- 48%
<b>Minimum Greenspace</b>	35%	25%	+/- 52%
<b>Maximum Building Coverage</b>	30%	N/A	+/- 10%
<b>Landscape Buffer</b>	50'	N/A	4'***

<b>Drive thru stacking spaces</b>	10 per lane (30)	10 per lane (30)	3 per lane (9)**
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**Parking Setbacks**

Front	100'	Not allowed	4'***
Side	15'	Allowed (10' behind front of Bldg.)	8'***
Rear	15'	Allowed (not enumerated)	N/A (corner lot)

<b>Parking Screening</b>	Front to be screened with 40' wide berm	N/A	N/A**
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\*Would require Special Permit to be issued by the Town Board under the possible future MU Zoning District.

\*\* Variances will be requested from the Town of Perinton Zoning Board of Appeals from Article V and Article VII as follows:

- 208-14E(2): Front setback reduction from 100' to 14'
- 208-42H: Reduction in front landscaping area from 50' to +/-4'
- 208-16C(1)(c): Parking screening in front setback
- 208-16A(11): Reduction of required stacking spaces from 30 (10 per lane) to 9 (3 per lane)

\*\*\* Waiver from the Planning Board will be requested as part of the Site Plan approval process to allow reduction in the required Parking setbacks per 208-16C(2)



December 9, 2014

Planning Board  
Town of Perinton  
1350 Turk Hill Road  
Fairport, NY 14450

Attn: Lori Stid

**Re: Lyons National Bank – Perinton Branch 2438**

Dear Board Members:

On behalf of Lyons National Bank, we have enclosed (15) fifteen copies of a revised Lighting Plan, BME drawing number 2438-07, manufacturers cut sheet, and a site photo from the Lyons National Bank Canandaigua site for your review. Upon further consideration, Lyons National Bank has decided to propose a different light fixture that is consistent with lighting at their other bank sites. The new fixture being proposed is the Phillips Aeroscape decorative LED fixture with an 80 LED driver and black powder coat finish. The Bank has had good success with this fixture and likes the more contemporary styling compared to the bell shaped fixture previously submitted. (Please see the attached information for further details.)

Thank you for your consideration and please contact our office if you require any additional information prior to the January 7<sup>th</sup> meeting.

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January 7, 2015

Town of Perinton DPW  
100 Cobbs Lane  
Fairport, New York 14450

Attn: Thomas C. Beck; Commissioner of Public Works

**Re: Lyons National Bank - Perinton**

**2438**

Dear Mr. Beck:

We have received your comments for the above-referenced project, in a letter dated January 2, 2015 and offer the following responses:

## General

1. Provide the Town with a Letter of Credit estimate for review using the DPW's estimate template. The approved amount shall be secured prior to obtaining final signatures on the plans.

**A copy of the Letter of Credit estimate will be provided under separate cover as requested.**

2. This project is located within a Town of Perinton Ped Zone and is required to make a contribution to the Town's sidewalk fund. Based on the length of project frontage along Rte 31F and O'Connor Road, the contribution would be  $(587.53' \times \$15/LF) = \$8,812.95$ .

**The applicant requests that the Town consider reducing or eliminating the requirement for a contribution to the sidewalk fund. The applicant has committed to a proposed "pocket park," hardscape and landscape feature on the southwestern corner of the site. The park connects the two sidewalks along NYS route 31F and O'Connor Road, as well as provide a feature identified by the Town's plans for this area. As stated on the Site Plan (BME dwg. #2438-01), the applicant will coordinate the final design of the proposed hardscape and landscape feature with the Town of Perinton staff.**

3. Due to potential exposure to contaminated material, modify Note 8 on drawing 1 to state that the Contractor shall develop a health and safety plan to protect worker safety and submit to the Town for review prior to commencing construction.

The site remediation work for NYSDEC Spill No. 97011335 (former Hess Gas Station @ 1314 Fairport Road) was completed and approved by the NYSDEC on July 27, 2011. Site Note #8 on the Site Plan (BME dwg. #2438-01) will be revised as requested, in the event that petroleum is encountered during construction. The applicant is not anticipating encountering contaminated material as the site has undergone testing. The applicant will be performing borings and soil testing for the proposed building foundation design. If any contaminated soil is encountered, it would most likely be discovered during this deeper excavation for soil testing prior to the start of the site construction.

4. The proposed skewed driveway onto Rte 31F will be a difficult maneuver for westbound exiting traffic without jumping the curb. Align driveway to be a right angle from the sidewalk and adjust drive aisle, parking stalls and/or 31F header curb accordingly.

**The proposed driveway onto NYS Route 31F has been centered on the existing curb cut. The existing curb cut is wide enough to provide access for the design vehicle to and from the site. Attached is a design turning template sketch showing that a Ford F150 SuperCab 4x4 truck with an 8' bed has the ability to exit the site heading west bound on NYS Route 31F, while utilizing the existing curb cut.**

5. Install a new cleanout on the existing 6" PVC sanitary lateral no farther than 90' from the sewer, and realign the proposed lateral connection to be downstream of this cleanout. Add a note to the utility plan that states the existing 6" lateral shall be cleaned and televised prior to making the connection to ensure that it is in good operating condition.

**The plans will be revised to show a new cleanout as requested. The requested note will also be added to the Utility Notes on the Utility Plan (BME dwg. #2438-03).**

6. Drainage structure D-5 would help collect runoff if located in pavement rather than in grass as shown. Confirm placement shown for DS-5 is intentional.

**Drainage Structure D-5 was only necessary to provide a turning point for the proposed storm sewer to head north around the proposed structure. However, we agree that Drainage Structure D-5 can be adjusted to the west to be located in the pavement. The revised plans will show the proposed relocation of Drainage Structure D-5.**

7. Adjust pavement marking detail to be double hairpin style.

**The Hairpin Striping Detail will be added to the Detail Sheet (BME dwg. #2438-09), replacing the previous striping detail.**

8. DPW acknowledges that impervious areas on this site will decrease by 26% and therefore water quality treatment is not required in accordance with NYSDEC guidelines. However, impervious surfaces did not previously drain directly into the wetland north of

the project site as they will after the proposed development. As such, DPW requests that the applicant consider including some type of water quality feature to treat the site runoff.

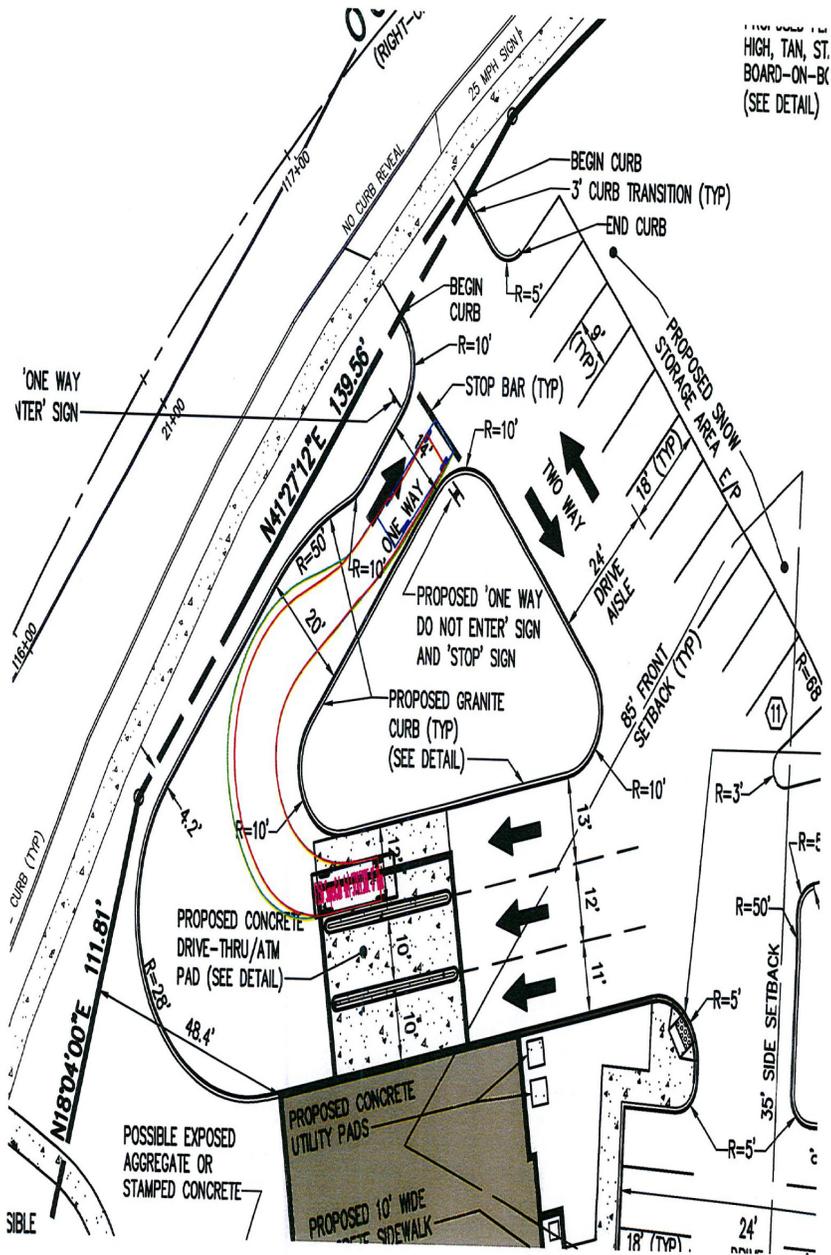
**A sketch showing a possible bio-retention area along the north side of the parking area for water quality purposes was sent to the Perinton DPW and Conservation Board for review on December 30, 2014.**

9. Confirm that a larger passenger vehicle (e.g. pickup truck or SUV) can make the turn around the 10' radius curbed island from the inside ATM lane.

**Attached is a design turning template sketch showing that a Ford F150 SuperCab 4x4 truck with an 8' bed can maneuver around the proposed 10' radius curbed island.**

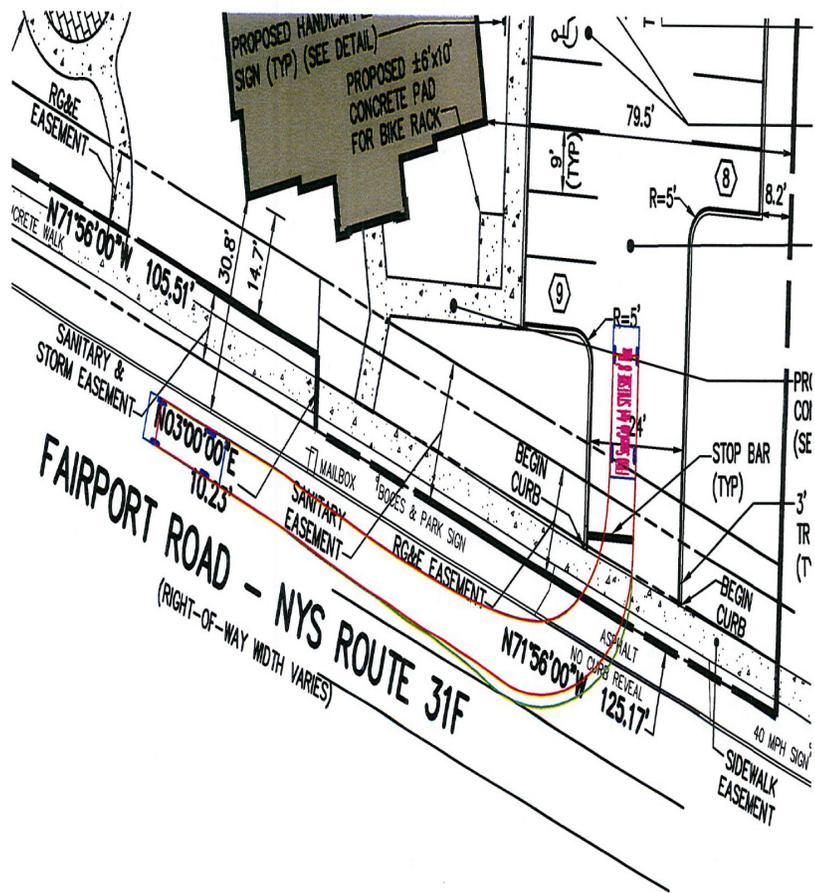
We look forward to appearing before the Planning Board on January 7, 2015 regarding this application.

Please contact our office prior to the January 7, 2015 meeting if you have any questions or require any additional information.



HIGH, TAN, ST.  
 BOARD-ON-BK  
 (SEE DETAIL)

Lyons National Bank-Perinton 01-05-15 1"=30'  
 (F150 SuperCab 4x4 with 8' Bed)



Lyons National Bank-Perinton 01-06-15 1"=30'  
 (F150 SuperCab 4x4 with 8' Bed)

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January 7, 2015

Town of Perinton  
Code Enforcement & Development  
1350 Turk Hill Road  
Fairport, New York 14450

Attn: Mike Doser; Director of Code Enforcement & Development

Re: **Lyons National Bank - Perinton**

2438

Dear Mr. Doser:

We have received your comments for the above-referenced project, in a letter dated January 2, 2015, and offer the following responses:

1. Applicant should request a Planning Board waiver for parking lot setbacks, per §208-16C(2).

**The applicant will be requesting a waiver from the Planning Board for parking lot setbacks, per §208-16C(2), as indicated in the Letter of Intent to the Planning Board, dated December 5, 2015.**

2. Applicant should list all variances on the final plan.

**The Site Notes on the Site Plan (BME dwg. #2438-01) currently indicate the variances required. The Site Notes will be updated to list all variances granted by the Zoning Board of Appeals following their January 26, 2015 meeting.**

3. Applicant should provide parking lot light pole detail.

**The Light Pole Detail is shown on the Lighting Plan (BME dwg. #2438-07).**

4. Applicant should clarify the proposed fence color and material: drawing #01 states the fence is a tan board-on-board fence, but the detail indicates it's a white vinyl fence.

**The title of the detail has been revised to be "Tan Vinyl Board-on-Board Fence Detail" in order to clarify that it is not a white vinyl fence. The board-on-board fence designation only indicates the arrangement of the vertical pickets which alternate from side to side.**

5. Full-size elevations (22" x 34") should be included with mylars for final signatures.

**Full-size elevations will be provided to the Town of Perinton along with the mylars as requested.**

6. The parking lot must be double hairpin-striped per Town Code, and applicant should provide detail on plan.

**The Hairpin Striping Detail has been added to the Detail Sheet (BME dwg. #2438-09), replacing the previous striping detail.**

7. Handicap signs must include "Permit Required".

**The "Handicap Parking Sign Detail" on the Detail Sheet (BME dwg. #2438-08) has been revised to include "Permit Required" per §194-7E of the Town Code.**

8. Handicap loading/unloading area should include sign indicating "No Parking Anytime".

**A label has been added to the Site Plan (BME dwg. #2438-01) indicating a "No Parking Anytime" sign in front of the handicap loading/unloading area.**

9. Both entrances must be handicap accessible.

**Both entrances to the proposed structure are handicap accessible via the proposed sidewalk and associated sidewalk ramps.**

We look forward to appearing before the Planning Board on January 7, 2015 regarding this application.

Please contact our office prior to the January 7, 2015 meeting if you have any questions or require any additional information.

Jeff Ashland, Mossien Architects reviewed the various building elevations with the board. It is very similar to the Canandaigua branch.

Mr. Anderson asked for questions or comments from the Conservation Board. Ms. Wagner states that the Conservation Board has reviewed the proposal and is prepared to go forward.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that CED issued comments as follows:

#### **LYONS NATIONAL BANK - FAIRPORT ROAD**

1. Applicant should request a Planning Board waiver for parking lot setbacks, per §208-16C(2) .
2. Applicant should list all variances on the final plan.
3. Applicant should provide parking lot light pole detail.
4. Applicant should clarify the proposed fence color and material: drawing #01 states the fence is a tan board-on-board fence, but the detail indicates it's a white vinyl fence.
5. Full-size elevations (22" x 34") should be included with mylars for final signatures.
6. The parking lot must be double hairpin-striped per Town Code, and applicant should provide detail on plan.
7. Handicap signs must include "Permit Required".
8. Handicap loading/unloading area should include sign indicating "No Parking Anytime".
9. Both entrances must be handicap accessible.

The Town anticipates that this corridor will be rezoned later this year to Mixed Use. This project was designed with mixed use district standards in mind with the elevations and the site plan, setbacks, etc. The applicant asking for variances under the current commercial zoning and the rationale for supporting is that the property will eventually be mixed use district and it would then comply under that zoning. The Town approved CVS in a similar manner. Stacking variances for a drive thru are typical for the Town.

Mr. Anderson inquired if mixed use zoning were in effect right now; would there be a need for variances, and Mr. Doser states no.

Mr. Anderson asked for questions or comments from DPW. Mr. Kozarits states that DPW issued comments as follows:

#### **DPW Comments:**

##### **General**

1. Provide the Town with a Letter of Credit estimate for review using the DPW's estimate template. The approved amount shall be secured prior to obtaining final signatures on the plans.
2. This project is located within a Town of Perinton Ped Zone and is required to make a contribution to the Town's sidewalk fund. Based on the length of project frontage along Rte 31F and O'Connor Road, the contribution would be  $(587.53' \times \$15/LF) = \$8,812.95$ .
3. Due to potential exposure to contaminated material, modify Note 8 on drawing 1 to state that the Contractor shall develop a health and safety plan to protect worker safety and submit to the Town for review prior to commencing construction.
4. The proposed skewed driveway onto Rte 31F will be a difficult maneuver for westbound exiting traffic without jumping the curb. Align driveway to be a right angle from the sidewalk and adjust drive aisle, parking stalls and/or 31F header curb accordingly.
5. Install a new cleanout on the existing 6" PVC sanitary lateral no farther than 90' from the sewer, and realign the proposed lateral connection to be downstream of this cleanout. Add a note to the utility plan that states the existing 6" lateral shall be cleaned and televised prior to making the connection to ensure that it is in good operating condition.
6. Drainage structure D-5 would help collect runoff if located in pavement rather than in grass as shown. Confirm placement shown for DS-5 is intentional.
7. Adjust pavement marking detail to be double hairpin style.
8. DPW acknowledges that impervious areas on this site will decrease by 26% and therefore water quality treatment is not required in accordance with NYSDEC guidelines. However, impervious surfaces did not previously drain directly into the wetland north of the project site as they will after the proposed development. As such, DPW requests that the applicant consider including some type of water quality feature to treat the site runoff.
9. Confirm that a larger passenger vehicle (e.g. pickup truck or SUV) can make the turn around the 10' radius curbed island from the inside ATM lane.

Mr. Kozarits thanks the applicant for their prompt response to questions and concerns. There is 2' off the back of walk and have them be tapered down and be flush to aid cars not dragging their tail end across the curb and not be an obstruction for snow plows. Mr. Swedrock states that they can work something out with DPW to accommodate the entrances better. Mr. Kozarits discusses the need for a highway work permit. MR. Swedrock states that they are tying in outside of the ROW. The sidewalk is in the easement and not in the ROW in that area. They have reviewed the plans with the DOT. MR. Kozarits states that the water quality is a good amenity.

Mr. Beck states that the Town looks forward to this new business. He thanks the applicant for their prompt response to questions and concerns. This project is located within a Town of Perinton Pedestrian Zone and is required to make a contribution to the Town's sidewalk fund. Based on the length of project frontage along Rte 31F and O'Connor Road, the contribution would be  $(587.53' \times \$15/LF) = \$8,812.95$ . He feels this is a good project and is prepared to go forward.

Mr. Anderson asked for questions or comments from Attorney Place. He thanks the applicant for the zoning comparison chart.

Mr. Anderson asked for questions or comments from the audience, and there were none.

Mr. Anderson welcomes the business into Town. He asked the applicant for a description of services provided at the bank. Mr. Kime provided a brief overview of services provided. Mr. Anderson inquired when they hope to open. Mr. Kime states that they would like to start construction in the spring of 2015 and generally build their offices in 90 – 110 days. They hope to be open in August or September 2015. Mr. Anderson inquires why the building is oriented the way it is and not square with Fairport Road. Mr. Swedrock states that they worked with Town staff through three different sketches and this was the best layout for turning movement. Mr. Anderson inquired what they have planned for the pocket park. Mr. Kime states that they will work with Town staff and advisory boards. They don't know exactly what that will be at this time. They want approval for the project overall and go back and review those details at a later time. Mr. Swedrock states that it will be a hardscape with a sidewalk connection. Mr. Anderson states that in order for this project to go forward those details will need to be provided. The site plan sub-committee can review that. Mr. Anderson likes the original light fixtures that were proposed and not what they are asking for now. He inquires why there are changing. Mr. Kime states that the fixture they are proposing now provides the correct amount of lumens around the ATM with less fixtures and is LED. The original fixtures will require them to have almost double the number of fixtures. They don't want to have so many fixtures to provide the required amount of lumens. Mr. Anderson feels the acorn type fixture is more complimentary than what they are requesting now which is more commercial. Mr. Kime states that generally municipalities want fewer poles. He inquires if the Town is ok with double the number of fixtures and Mr. Anderson states yes.

Mr. Beck states that the Town is looking for a different street light being used in this corridor.

Mr. Lewis inquires if the acorn type lighting comes in LED and Mr. Kime states yes. Mr. Lewis feels this project will serve the public that lives in the area and is a good location for this service.

Mr. Brasley supports the proposal and feels it is a good location. The building will be attractive and complies with mixed use zoning.

Mr. Swedrock states that they have asked the ZBA for the following variances (commercial zoning).

1. Section 208-14 E (2) to allow the front setback (Fairport Road) to be 30 feet from the pavement edge instead of 100 feet.
2. Section 208- 42D to allow the front setback (O'Connor Road) to be 48 feet instead of 85 feet.
3. Section 208-42 H to allow the front landscaping buffer to be 4 feet instead of 50 feet.
4. Section 208-16 C (1) (c) to not have front setback screening landscaped berm for parking instead of the required screened landscaped berm.
5. Section 208-16 A (11) to allow the drive up teller stacking space to be 9 reservoir spaces (3 per lane) instead of 30 reservoir spaces ( 10 per lane).

Mr. Brasley inquires what requires a waiver. Mr. Doser states that it is parking setback that requires a waiver. Mr. Brasley inquires what the request is for specifically. Mr. Swedrock states that it should be 25' off of pavement edge from Fairport Road and 10' off of the ROW line on O'Connor Road. Mr. Brasley would like to see details for the pocket park and is ok with the site plan committee reviewing that as long as it is in the same general scope and level of detail. He inquires if there will be a bike rack, and the applicant states yes. Mr. Brasley would like to see a note added to the plan for that. Mr. Brasley inquires if any easements are needed for the sidewalk and Mr. Beck states no. He supports the acorn lighting and is ok with an increase in number of poles to accomplish the lighting required.

Mr. O'Brien would like to see the number of light poles be minimal. He feels that LED lighting is good. He doesn't think that anyone will pay very much attention to even notice the light fixture on Fairport Road. He supports the project and is prepared to go forward.

Mr. Antonelli supports the project and feels it will be a good asset to the Town. Of the two proposals for the pocket park, he likes option 1. He supports all of the variances being requested. The variances are required because it is currently zoned commercial, but the project meets mixed use zoning. He likes the acorn lighting, although he feels that less number of poles is better. He informs the applicant that signage is a separate application. He inquires what color the brick is, and Mr. Swedrock states that it is the color on the board tonight; the smaller scale copy that was provided has the color faded out.

Ms. Neu likes the idea of continuity with the lighting plan on Fairport Road. She supports the variances being requested. Of the two proposals for the pocket park, she prefers option 1.

Mr. Anderson asks the Conservation Board for a SEQR recommendation. Ms. Wagner states that the Town of Perinton Conservation Board (PCB) has reviewed the application by Lyons National Bank requesting preliminary and final site approval for development of a 1.16 acre site for a new 5,176 square feet branch office of Lyons National Bank. The site is located at the northeastern corner of the O'Connor Road/Fairport Road intersection. The PCB recommends that this application receive a determination of no significant impacts under the State Environmental Quality Review Act (SEQRA) based on the following findings:

1. The proposed development will result in a 26% decrease in impervious surface.
2. The decrease in impervious surface by itself meets the state and Town requirements for stormwater management (quantity and quality). However, in light of the proximity of the site to a wetland area, the applicant proposes to provide additional treatment and control by means of a bioretention area.
3. Development of the site represents a beneficial re-use of a formerly petroleum-impacted site as well as redevelopment of a previously developed site.
4. The bioretention area has been designed to isolate infiltrating stormwater from potential residual contamination that may be present in the soil or groundwater at the site.
5. The site plan preserves existing trees to the extent practicable.

6. Setbacks and building placement generally follow the zoning overlay standards that the Town intends to implement for the 31F corridor.
7. The applicant is providing aesthetic amenities including a pocket park and a fence to provide visual screening at the rear of the property.
8. Overall, the design demonstrates sensitivity to the site through:
  - scale of structures and parking
  - location of structures and parking
  - design of stormwater management practices that takes into account the site history and proximity to a wetland
  - harmonization with the surrounding neighborhood plan

Mr. Lewis made a motion to grant a Negative Declaration of SEQRA for the reasons as cited by the Conservation Board.

Ms. Neu seconds the motion.

Motion carries 6 – 0.

Mr. Lewis made a motion to require the applicant to make a contribution to the Town sidewalk fund in an amount to be determined by the Commissioner of Public Works. (sidewalks have already been built in this location)

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant a parking setback waiver from 85' to 10' off of the ROW on O'Connor Road and from 100' from the pavement edge to 25' from pavement edge along Fairport Road.

This project conforms to the mixed use zoning that the Town is likely going to rezone this parcel to. It also conforms to recommendations of Fairport Road studies and the Comprehensive Plan.

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant preliminary site plan approval for proposed development of 1.16 acre site for a new 5,176 s.f. branch for Lyons National Bank, for plans received by the Town on 12/5/14, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant shall obtain any necessary variances from the Zoning Board of Appeals and list the variances and the date granted on the final plans submitted for signature.
3. Applicant shall add the drainage infiltration feature at the north end of the parking lot as recommended by the Town Engineer tonight.
4. The applicant shall complete the pocket park design at the corner of Fairport Road and O'Connor Road to the satisfaction of the Planning Board site plan committee and detail shall be shown on final plans submitted for signature.
5. Applicant shall change the curb cuts tapers at Fairport Road and O'Connor Road as recommended by the Town Engineer tonight.
6. Applicant shall change the lighting back to an acorn type fixture to the satisfaction of DPW.
7. Final drawings submitted for signature shall show a bike rack on the bike rack pad.
8. This approval includes no signage; any signage is a separate application which shall be reviewed by the Planning Board.
9. Applicant shall add a note to the final plans submitted for signature to show any waivers granted by the Planning Board and the date granted by the Planning Board.

Mr. Antonelli seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant final site plan approval for proposed development of 1.16 acre site for a new 5,176 s.f. branch for Lyons National Bank, for plans received by the Town on 12/5/14, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant shall obtain any necessary variances from the Zoning Board of Appeals and list the variances and the date granted on the final plans submitted for signature.
3. Applicant shall add the drainage infiltration feature at the north end of the parking lot as recommended by the Town Engineer tonight.
4. The applicant shall complete the pocket park design at the corner of Fairport Road and O'Connor Road to the satisfaction of the Planning Board site plan committee and detail shall be shown on final plans submitted for signature.
5. Applicant shall change the curb cuts tapers at Fairport Road and O'Connor Road as recommended by the Town Engineer tonight.
6. Applicant shall change the lighting back to an acorn type fixture to the satisfaction of DPW.
7. Final drawings submitted for signature shall show a bike rack on the bike rack pad.
8. This approval includes no signage; any signage is a separate application which shall be reviewed by the Planning Board.
9. Applicant shall add a note to the final plans submitted for signature to show any waivers granted by the Planning Board and the date granted by the Planning Board.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Anderson states that the Planning Board supports the variances being requested as this proposal complies with mixed use zoning and he will write a memo to the ZBA stating that.

**Discussion:**

Recommendation to Town Board – SUP- VanBortel Ford expansion of dealership – 99 Marsh Road

Frederick Mitchell, spoke on behalf of the applicant, VanBortel Ford and presented the application to the Board as per letter of intent as shown below.



December 3, 2014

Town of Perinton  
Attn: Mr. Michael Doser, MPA  
1350 Turk Hill Road  
Fairport, New York 14450

Re: 99 Marsh Road (VanBortel Ford)  
East Rochester, New York 14445

Dear Mr. Doser,

I communicate to clarify the ‘nature of the request’ for the Special Use Permit recently submitted for the above address.

I have not seen the existing special use permit that exists for the current Ford store location (next door) but my expectation was that it allowed for vehicle storage, sales and service as would be necessary for any automobile dealership. It was my further understanding that what was required for this additional building and property was simply an expansion of the existing permit to include this ‘geographical location’. I had no idea that the specific intended utilization of this facility would be of concern. For this reason, we listed the very general use as basically ‘more of the same’. After our discussion, I realize my error and I apologize.

The specific intended use for this facility is:

- 1. Truck Service - Truck service and repair in the Ford store sometimes is inconvenient due to the size and length of the vehicles. The intent is to isolate the truck repair into the subject building to reduce congestion in the main building.
- 2. Vehicle Washing - & Doll-Up - Currently, vehicles are sent to Victor for doll-up, vehicle washing takes up valuable mechanic space in the Ford service area. Exercising these functions in the subject building would save time and energy from traveling to Victor and would also isolate a wet function from an otherwise dry work area.
- 3. Storage - There would be miscellaneous storage of parts and supplies relative to the two items listed above.

There is no intended use of sales or any other customer related function. No modifications to the site or building exterior are planned.

The Owner is going to great extent and expense to get this site off the active NYSDEC contaminated site list. The sewers of this property were removed many years ago as a result of the contamination. The only exterior work anticipated is installing a new underground sewer in order to make the building usable.

I hope this provides the needed clarity required to allow approval of the requested use permit.

Should you have any questions regarding the above, please contact me.

Mr. Mitchell explained adjacent to the Van Bortel Ford business is a building which has been vacant for about 25 years. He states that the DEC has taken over jurisdictional control of the site as it is a State Superfund site and any disturbance to the property must be conducted according to an approved site management plan. Mr. Mitchell stated that the goal is to restore the site and building to an operable condition (in conjunction with the DEC). A new sanitary line would also need to be installed and connected to the public sewer. There are some asbestos and mold problems. The plumbing and the HVAC are not working. The Van Bortels would like to use the building for truck servicing and detailing of cars. They do not intend to use this location for customer related activities at this time. At this point in time they wish to use the back portion of the building for servicing trucks. If they wish to use the building in the future for customers it would be a second phase of development. They are not asking for that at this time. It will be very costly to bring this building back to where it is operational.

Mr. Anderson asked for questions or comments from the audience, and there were none.

Mr. Anderson asked for questions or comments from the Conservation Board. Ms. Wagner states that the Conservation Board has met with the applicant and will be submitting their comments in writing to the Town Board. They are interested in the DEC requirements.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that any expansion of an automobile sales business requires an amended Special Use Permit from the Town Board. The Town Board has referred this matter to the Planning & Conservation Boards for their comment on the use that they are proposing for the building is appropriate in relation to the car dealership business. The applicant met with the Conservation Board on 12/16/14. This is consistent with what the Town required for Dick Ide expansion of parking lot.

Mr. Anderson asked for questions or comments from DPW. Mr. Kozarits states that he has no comments for the proposed use. The DPW will have comments at the time of site plan.

Mr. Anderson asked for questions or comments from Attorney Place and there were none.

Mr. Anderson states that if a Special Use Permit is obtained from the Town Board the applicant will be required to come to the Planning Board to implement the proposed changes that have been discussed tonight for site plan review. Site plan issues will need to be reviewed, environmental and engineering issues will need to be addressed and a SEQR determination will be required. Mr. Anderson inquired if the entire building will be used. Mr. Mitchell states that the front portion of the building will be used and the rest vacant; it will be a step by step process. Mr. Anderson states that if it is done that way, then each time the applicant would be required to go back before the Town Board to modify the SUP and then the Planning Board for site plan review. If they are proposing this to be done in phases for additional services, it makes sense to address them all at once. VanBortel is a good corporate citizen and will work with them but need to understand what they plan to do with the site and not have it be done piece meal.

Mr. Place agrees that it would make sense to get approval up front. Normally a site plan would come in at the same time. Automotive use makes sense, but what is the actual automotive use going to be and what is the site going to look like.

Mr. Mitchell is not sure if they know what the 2<sup>nd</sup> step will be and when it will be at this time. Mr. Anderson states that if they don't ask for it now, they will have to go through this process again for the Town Board Special Use Permit and then site plan again. He asks Mr. Mitchell if this is the intent of the VanBortel's. Mr. Mitchell is not sure if there is a clear vision of the intent at this point. Mr. Anderson states that at the time of site plan review the Planning Board will ask for significant more detail. The Planning Board will be interested in the appearance of this building being improved. He inquires how many parking spaces exist today and how many vehicles they are proposing to store. Mr. Place states that the Town Board will want to know exactly what the use is going to be. Mr. Anderson expresses concern that the property will be used for vehicle storage with cars stacked. He feels that the property owner would be better served to have a more comprehensive plan for the site and share that information with the Town Board. Mr. Anderson supports the re-use of an abandoned building for this type of use, but feels that more details are needed.

Ms. Neu supports the re-use of an abandoned building and the building becomes useable again.

Mr. Antonelli inquires if this is a separate parcel from the existing VanBortel dealership and Mr. Mitchell states yes. Mr. Antonelli feels that there will be a long road ahead to make the building useable. He supports an automotive use at this location. He feels that there will need to be more detail for site plan review.

Mr. O'Brien is not in favor of making a recommendation to the Town Board at this time as the use is too loosely defined. He questions how asbestos could be removed in one part of the building and leave it in the rest of the building.

Mr. Brasley supports the use. This property is surrounded by car retail sales. There are a lot of questions that need to be answered. If the Town Board goes forward with the use, he feels that they should be specific with conditions of approval as the proposed use seems to be currently vague.

Mr. Lewis states that once a use is approved for this parcel, they will have to come back to the Planning Board for site plan review. He states that at that time the Board will want the appearance of the building to be improved. He inquires if perhaps it would be better to knock the building down and start over with all the problems it has currently. He gives credit to the VanBortel's to try to clean up the site. He feels that more comprehensive plans will need to be submitted for site plan.

Mr. Anderson will write a memo to the Town Board regarding the discussion.

Van Bortel Ford is a well established business in the Town, is a good corporate citizen, and recently underwent an extensive renovation in which it worked very cooperatively with the Town staff and Planning Board during the review process. The building for which the Special Use Permit is requested has been in an unsettled state of non-use and partial use for over twenty years. During this time the building condition and external site conditions have deteriorated including a lack of a sewer

connection. This site has also been on the active NYSDEC contaminated site list and the applicant has made efforts to remediate the site to have it removed from the active list.

In general, the Planning Board supports the proposed uses of this site for automotive services as it is adjacent to existing automotive facilities, has a history of auto services use, would enhance the capabilities of the existing Van Bortel Ford, and provides the opportunity for needed building / site improvements. While the proposed uses of truck service, vehicle washing / doll-up and inventory storage are appropriate, there were a number of planning concerns including:

- A significant portion of the building will remain vacant with undefined use.
- The building's roof and mechanical capabilities require extensive renovation.
- Environmental concerns and responses need to be adequately defined.
- There are no plans for building / elevation renovations nor external site improvements. Therefore, the existing site appearance will remain unchanged.
- Vehicle storage capacity and actual storage plans have not been identified.
- It is unclear if adjoining property owners and municipalities have been engaged.

As a result, one member did not support the application as the use and planning was too ill defined. A second member, while supporting the use, felt the applicant should raze the building and start anew. Although many of these items can be addressed during Site Plan review, the Town Board may wish to consider addressing these issues in the Special Use Permit conditions to ensure a desirable Site Plan outcome.

**Minutes: 12/17/14**

Mr. Lewis made a motion to approve the minutes of 12/17/14 as amended.

Mr. Brasley seconds the motion.

Motion carries 5 – 0 with one abstention of Mr. Antonelli due to absence.

Mr. Anderson states that the Board has not yet had an opportunity to review the minutes of 12/3/14 and will make a motion on those minutes on 1/21/15.

There being no further business before the Board, the meeting adjourned at 9:05 PM.

Respectfully Submitted,

Lori L. Stid, Clerk