

**Minutes of the Town of Perinton
Planning Board Meeting of January 21, 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

Ken Rainis
Chris Fredette

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.

Sign(s):

Mesagrande Taqueria – 6720 Pittsford-Palmyra Road

Jim Dadabbo presented the sign application to the Town that was submitted on 12/16/14 and showed the Board a picture of his existing store in Auburn to give them an idea of the quality. This will be their second store; they have had a lot of positive feedback on their Auburn store. He and his family have recently moved to Perinton. The sign is their brand. Aesthetics are very important to him. They worked with the DiMarco Group at Perinton Square to come up with the proposed signage. There is fierce competition for restaurants, especially if you are not a national chain and signage is very important. He states that he does not have the advertising and marketing dollars to promote the business if they are required to have a sign that is simpler. He feels that a nice sign says a lot about the business, as far as brand and image. The proposed sign is interesting and tasteful.

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

Mesagrande Taqueria–6720 Pittsford Palmyra Road (Perinton Square Mall)

Reference: Town Code Section 174-9 D (2): Commercial District :Building-mounted signs shall not exceed 1 1/2 square feet of area for each linear foot of the first 100 linear feet of building frontage, plus one square foot of sign area for each linear foot over 100 linear feet of building frontage. No such sign shall exceed 200 square feet in area.

Reference: Town Code Section 174-9 D (3) On commercial buildings housing more than one tenant or type of business, only one sign for each outside public entrance shall be permitted on the exterior of the building for the purpose of advertising either the name or nature of the businesses contained therein. Should said building front on more than one highway, the placement of duplicated signs or a second sign, of the nature defined above, on the second side fronting such a highway may be permitted at the discretion of the Planning Board.

The applicant is proposing two signs, one on the west elevation 36 sq. ft. and one on the south elevation 36 sq. ft.

The linear frontage for the west elevation is 36 feet and the building linear frontage on the south elevation is 23 feet, the total building linear frontage is 59 feet, the allowable signage would be 88.5 sq. ft. (59 x1.5) , the proposed is 72 sq. ft. (36 each x 2 signs) , the proposed sign meets code requirements.

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

Mr. Anderson welcomes the applicant to the Town. He states that this business is in a plaza and the Town Code states that the Planning Board should try to achieve an overall look and appearance that is harmonious in color or form or appearance. This plaza used to be much more restrictive with a sign package that said that everything had to be exactly the same. With Planning Board sign approvals the Board has been flexible and allowing applicant to bring a variety of colors and fonts, but primarily the unifying theme is channel letters. He likes the color, the font and even the green glow. It appears to be a cabinet style sign. The applicant states that it is channel letters. It is three dimensional and the letters are raised. Mr. Anderson inquired if the black will be unlit and the applicant states yes; the green is lit (glow) and there are light boxes behind it that gives it a floating effect and the letters are white and will be lit. Mr. Anderson states that the plaza is beige and there is a darker beige banner. The Planning Board has kept the signs to be within this darker banner. This appears to overlap that. The applicant states that signs are very costly and he was told by the DiMarco Group that they will be updating the look of the plaza. He doesn't want to buy a sign today that stays within that banner and when they renovate the plaza and remove the banner it won't work. This sign will be attractive and works now and will work in the future for when the plaza façade changes. Mr. Anderson inquires if he can make

the sign more rectangular to fit within the band. He states that the Planning Board has to deal with what exists today and they don't know what the plaza owner plans in the future. The applicant doesn't think it will look good from a branding standpoint as it will appear to be stretched out. What he is presenting is his logo. They already made many attempts to try to stay within the banner and none of them looked good. Mr. Anderson feels that it needs to stay within the band.

Ms. Neu feels that the proportions are wrong for its' placement. She thinks that the size is wrong for where they are trying to put it. The proportions are wrong because they overlap the band. The location is wrong because it is centered right over a column and it should be more centered between two columns as that typically says entry rather than placing it over a column. She states that they have a more horizontal look at the other store; why is the applicant showing it if that is not what he wants. The applicant states that he only showed that so they could see the overall look of trying to create a nice aesthetic. He states that DiMarco Group felt that the sign looked better over the column; he would prefer it to be centered. He states that AT & T logo is not restricted within the horizontal band. Ms. Neu states that they are not restricted within the band as they have a peak in that location. She doesn't support the sign as proposed.

Mr. Lewis inquires if there are two entrances to this business. The applicant states yes. Mr. Lewis asks if you can park on either side to enter the building and the applicant states yes. Mr. Lewis feels that justifies two signs. He feels that Town staff should meet with the property owner to try to determine what they are planning to do with the plaza. Is the property owner going to expect all of the tenants to change their sign once they change the look of the plaza? He prefers the sign to be more rectangular to fit into the band or make the sign smaller and remain square. The applicant states that there is a representative here tonight that the Board can speak with.

Mr. Brasley welcomes the applicant to Perinton. He feels that the sign should either be made a smaller square to fit into the band or make it more rectangular to fit into the band. He likes everything else about the sign but wants it in the band.

Mr. O'Brien welcomes the applicant to Perinton. He supports the sign as submitted.

Mr. Antonelli likes the sign but does not feel that the sign as submitted is proportional. He inquires if he could explore sharing space with AT & T on the building and moving AT & T to one side towards the gable end and this business on the other side. The applicant states that he would suggest that the Planning Board make that recommendation to DiMarco, as it would be up to them. He is not opposed to that suggestion.

Bill Derleth, President of Baldwin Real Estate. They are the leasing property management acquisition arm of the DiMarco Group. In fairness to the applicant, they like to give the tenants as much autonomy as possible to protect their brand. He was encouraged to lease the space and motivated to do so based on their sharing with him some of the plans for the plaza which are a work in progress right now for the repositioning and renewal of Perinton Square. He understands that they need to submit to the Board a comprehensive plan of building standard that is compatible with the renovations that they intend to make. They hope that this will dramatically change the appearance of Perinton Square and make it more relevant. Mr. Anderson inquires what the timing is for this. Mr. Derleth states that they have spent over 18 months working on this and exploring different possibilities. There is not a certain date it is a function of how the retail market responds to the plans. They will commence construction when they have validation from the retail market. They intend to present a façade redevelopment and major changes to the plaza that will enable some of the interior mall businesses to have greater exposure to the outside world. They have shared some of these ideas with this applicant who does not want to spend money twice for signage. He states that the applicant has to decide if there will be a substantive impact to his business by reducing the size of the sign by 3" to the top and 3" to the bottom and stay within the existing darker band. Once they have a plan that they believe is economically supported, they will share this with the Town and come to the Board. Tops Brighton Plaza (fka Loehmann's Plaza) on South Clinton Avenue and Bay Towne Plaza show a sense of direction they plan to take Perinton Square in.

Mr. Anderson inquires when the applicant plans to open this business. The applicant states that he is hoping to open in a couple of weeks, however at this point he will either pen with no signage or temporary signage. Mr. Anderson inquires if it is acceptable to the applicant if they made a motion to approve the sign as long as it stayed within the band by either making it smaller and maintaining the square look or making it more rectangular. The applicant states that he needs to have time to think about this. He needs to talk with the DiMarco Group. He is uncomfortable financially with installing a sign that is so costly that he will have to replace when the plaza changes its' look and the band goes away. He may just do red channel letters until this issue is resolved. He may just do something temporary knowing that he will have to toss it in the future. Mr. Anderson states that they want the applicant to be successful and support the sign as long as it stays within the band. He encourages the applicant to meet with him and Sandra New offline (sign sub-committee) to discuss options.

Mr. Place encourages the applicant to have something approved tonight and he can always come back in with a different application if that won't work for him.

Mr. Anderson made a motion to grant sign approval for sign application submitted to the Town on 12/16/14, subject to the following conditions:

1. Applicant to obtain a sign permit from Code Enforcement & Development prior to any sign installation.
2. The signage shall be sized so that it stays within the dark beige band that currently exists on Perinton Square and stays within the square footage as proposed (36 sf)
3. The signage shall not be centered on the columns on both the west and south side of the building.

Mr. Brasley seconds the motion.

Motion carries 4 – 2, with Messrs. Lewis and O'Brien opposed.

Mr. Anderson encourages the applicant to work with Town staff on temporary signage if that is what they want to pursue at this point if he doesn't feel that he can work with the signage that was approved tonight. He encourages the applicant to contact the sign sub-committee (himself and Ms. Neu)

New Application(s):

Malcho's Car Wash – 650 Moseley Road. LandTech Surveying & Planning, PLLC, as agent for Malcho's 650 Moseley Rd, LLC, requesting preliminary and final site plan approval to demolish the existing 1,005 sq. ft car wash and construct a new 2,240 sq. ft car wash with modifications to Moseley Road entrance and drive-thru entrance for property located at 650 Moseley Road and owned by JPC Holdings, LLC.

Presenter: Adam Freeman, LandTech Surveying & Planning, PLLC
Zoned: Commercial

Mr. Freeman and Ken Malcho presented the request to the Board. Mr. Freeman submits revised elevations and site drawings into the record. He states that they have already received a Special Use Permit from the Town Board. The layout of the building is different in that the original building outline will stay the same and the addition would go further to the south and be 28' wide and the total length will be 80'. The reason for doing this is that there is a large transformer at the one corner of the building and it is cost prohibitive to relocate that. They don't need the extra storage space in that area. They are now only proposing an addition to the existing carwash of additional width in the back area (pointing). He submits revised elevation drawings and site plan drawings into the record. They added some windows on the building facing the parking lot as was suggested at the previous meeting. The site layout hasn't changed very much. They are still proposing improvements to the entrance on Route 250. There is a little bit of a layout change on the curbing at the west end of the building to channel the traffic through the drive thru areas.

Mr. Place asks if the building is moving any further to the north. Mr. Freeman states no; the building will be in the same spot that it currently is now.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Rainis states that the Conservation Board has reviewed the project and is prepared to make a SEQR recommendation.

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

1. **Applicant is on Jan. 26 2015 Zoning Board of Appeals agenda for front and side setback variances.**
2. **New car wash building features architecture with attractive base, midsection and crown, which is a significant improvement over current car wash building. The gable roof will match the peaked roof of the convenience store.**
3. **Car wash colors should be in harmony with the convenience store colors.**
4. **New traffic configuration is a great improvement and should be safer for customers and pedestrians.**

CED supports NYS DOT suggestion regarding the elimination/consolidation of curb-cut on NYS Route 31. The Town does not recall any car accidents as a result of the curb cut being there. The Town is cognizant of making it safer for biking and pedestrian friendly development. The elimination and consolidation of a curb cut would aid in that.

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

DPW Comments:

General

1. **Show the location of the existing oil separator, and specify on the plans how it is to be abandoned.**
2. **Provide more detail as to how the proposed oil separator will connect to the existing sanitary sewer lateral. Show the existing record plan lateral and main location on the site plan.**
3. **Label proposed snow storage areas.**
4. **Provide a detail for the proposed retaining wall in the plans.**
5. **Show proposed grading along the east side of the new car wash building, and grade so that storm runoff will drain away from the structure.**
6. **At the modified Moseley Rd entrance, provide flush curb a distance of 2' from the back of existing sidewalk and taper to full reveal curb.**
7. **On the site plan, make proposed features bold to stand out from existing – especially the proposed curb replacement, landscaping and drive thru yellow pavement markings.**
8. **Show/label existing gas equipment and transformer to be relocated at the northeast corner of the existing car wash.**
9. **Label material to be placed between the proposed curb and proposed west side of car wash building.**
10. **To improve ease of vehicle movement at the drive thru entrance, move proposed curbed island with drive thru sign approximately 20' south and install supplemental signs on each side at the start of drive thru lane.**
11. **To maximize the benefit of the Moseley Rd entrance modifications, consider adding pavement marking arrows and the word "drive thru" to direct customers from the Rte 31 entrances around the west side of fuel station canopy.**
12. **Regarding Development Review Committee comments received 11/25/2014, DPW concurs with NYSDOT's opinion that consolidating access driveways on Rte 31 should be considered. Specifically, consider widening the easterly driveway as needed to accommodate turning movements and abandon the westerly driveway nearest Rte 250.**

He thanks the applicant for addressing the concerns of the DPW with a letter received by the Town this week and improving the internal circulation with the improvements to Route 250. The applicant's response to DPW comments regarding Route 31 access improvements is lacking in detail without providing the Town actual cost. There is an advantage to having two entrances; one on 250 and one on 31 and to have a similar layout as the gas station on the corner of Kreag Road and Route 96. This site functions very well from a traffic standpoint. The DPW would like to see a single consolidated access on Route 31 that will be consistent with all of the other corners at this busy intersection.

Mr. Anderson asked for questions or comments from Mr. Beck. Mr. Beck has no additional comment.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that the Town Board Road granted the Special Use Permit subject to the applicant receiving site plan approval from the Planning Board. The applicant is on the January 26th ZBA agenda for front & side setback variances.

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

Ms. Neu likes the elevations and the added windows. She inquires what color everything is; the colors are called out, but there is no sample or colored rendering. Mr. Freeman states that they will try to match the existing building as much as possible. It is like a sand/beige type color. Ms. Neu inquires if the brick is painted. Mr. Malcho states that the brick will be colored. There will be old and new brick. They can't just stay architectural block color so they will paint them. The middle section will be painted. The block is coming down to the top of the windows and the rest of the block is staying. Ms. Neu inquires if they will paint the split face block. Ms. Neu inquires what color that will be, and Mr. Malcho states it will be a beige color to match the building. Ms. Neu inquired what color the roof will be, and Mr. Malcho states black shingle. Ms. Neu feels that will be a good upgrade to the site.

Mr. Antonelli states that he thought they were going to knock down the old car wash and rebuild it. Mr. Malcho states that they can't do that because of the transformer location that can't be moved. They are adding on. Mr. Antonelli inquires if they are planning on moving the existing carwash building, and the applicant states no. Mr. Antonelli asks if the current building is set at 83.9' to the front property line. Mr. Freeman states that is correct; there was no various that was previously granted for that. Mr. Antonelli supports the request and the variances.

Mr. O'Brien supports the request, although he thought they were tearing down the existing one. He understands why they can't and is prepared to move forward.

Mr. Brasley supports the request and feels it will be a nice improvement. He does not feel that they need the variance for 83.9' from the front property line as on a four lane road you measure from the pavement edge and the minimum is 100' from the pavement edge. He thinks that is why there was no variance previously. He encourages the applicant to review this request with Town staff. He did not realize that they were going to renovate the building and add on to it either as he thought they were tearing it down. He is unsure what colors they are proposing. He states that he doesn't care what color they want it to be, but wants to know what the color is and have that be on the plans and so that Town staff can know when they are inspecting. If this was a brand new site two accesses out onto Route 31 would not be appropriate. The proposed project is not big enough to incur the expense of removing one. He is not sure that the State will agree with that. There have been two entrances out onto Route 31 for a very long time and people are used to the site. Mr. Malcho states that the other issue is with 18 wheelers and coming across the front of the building with parking and cars trying to ingress and egress it would be a problem. He inquires how the green space is going up. Mr. Freeman states that the narrowing of the entrance onto Route 250 and the change in the curb at the end of the building that tapers out has increased green space slightly. Mr. Brasley inquires if the retaining wall will change at all. Mr. Freeman states that will stay the same. Mr. Brasley is prepared to go forward and feels that the changes they are proposing will be an improvement to the intersection.

Mr. Lewis likes the elevations that were submitted this evening, and feels this will be an improvement to the site and is prepared to go forward. He supports the variances that are needed.

Mr. Anderson feels this will be a big improvement. He likes the windows being added. The improvements on Route 250 will help for better traffic control. If this were a brand new building going in, only one entrance would be allowed on Route 31, however there is no evidence of a safety problem from either Town staff or State DOT. Regardless of what the Board allows, the State can require them to change it to one entrance on Route 31. He states that he wouldn't object if they painted the convenience store building if they came up with a beige color. He doesn't think that a split face is aesthetically pleasing. He thinks that natural gray is dull. If they painted the convenience store and the carwash the same color it could be a new color scheme. He doesn't think they should dull down the new building to have it match the existing building. Mr. Malcho states the only color on the building is the beige trim; he said he will look into it.

Mr. Beck asks if the elevation that they submitted tonight depicts what they are going to do. The elevation calls out for brick veneer on top of 4' high split block. Mr. Malcho states it is a ledge; there is a break. Mr. Freeman states that they are going to remove a lot of the upper part of the existing. Mr. Anderson states that they are going to resurface the whole building so it is all one. Mr. Malcho agrees that they are resurfacing the building. Mr. Malcho states that the bottom 4' will be split face block and then there will be the ledge and then a painted brick. Mr. Beck asked if the solid window on the side was coming out and Mr. Malcho states yes. Mr. Beck asked if the peak will be a shake siding, and Mr. Freeman states yes.

Mr. Anderson asked the Conservation Board for a SEQR recommendation.

Mr. Rainis states that the Conservation Board 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 is a continuation of an existing use will result in no significant increase in impervious surface.
2. The proposed development will result in a slight increase of green space (35.5%).
3. The proposed development will utilize a lower wash volume (45 gallons per wash as compared to a current 55 gallons). However, wash cycles will increase due to traffic changes (improvements). A net increase of water usage (estimated to be 40K gallons / year) is not a significant water volume increase.
4. Waste water will be routed through a grit trap, followed by an oil separator, prior to discharge.
5. The site plan avoids intrusion into existing slope areas.
6. Modification of ingress / egress area for vehicles helps define and facilitate a safer traffic conditions.
7. Overall, the plan demonstrates sensitivity to the site through:

scale of replacement structures
placement of driving lanes
design of stormwater management practices that takes into account discharged grit and oil
modification of vehicular ingress / egress

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

Mr. Antonelli seconds the motion.

Motion carries 6 – 0

Mr. Brasley made a motion to grant preliminary site plan approval for modifications to Malcho's carwash for plans received by the Town on December 12, 2014 and revised drawings submitted tonight (1/21/15), which include the architectural elevations dated December 30, 2014 and revised site plan dated January 16, 2015, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant to obtain all necessary variances from the ZBA and list the variances and the date granted on the final plans submitted for signature.
3. Applicant shall recheck the Town Code to make sure the appropriate front setbacks are listed; particularly to be sure the front setback shall be from the edge of pavement rather than from the ROW line.
4. Final architectural elevations shall be submitted in color and show that both the convenience store and the car wash match in color and shall be submitted with final plans for review by Planning Board Chairman and CED.
5. Roof shingles shall be black.
6. There is no signage being approved tonight; any signage is a separate application to the Planning Board.
7. The proposed retaining wall shall be no higher than 5'.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant final site plan approval for modifications to Malcho's carwash for plans received by the Town on December 12, 2014 and revised drawings submitted tonight, including the architectural elevations dated December 30, 2014 and revised site plan dated January 16, 2015, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant to obtain all necessary variances from the ZBA and list the variances and the date granted on the final plans submitted for signature.
3. Applicant shall recheck the Town Code to make sure the appropriate front setbacks are listed; particularly to be sure the front setback shall be from the edge of pavement rather than from the ROW line.
4. Final architectural elevations shall be submitted in color and show that both the convenience store and the car wash match in color and shall be submitted with final plans for review by Planning Board Chairman and CED.
5. Roof shingles shall be black.
6. There is no signage being approved tonight; any signage is a separate application to the Planning Board.
7. The proposed retaining wall shall be no higher than 5'.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Creekstone Development (Pride Mark Homes, Inc.) Costich Engineering, as agent for PM Development of Rochester, LP, owner of property located at NYS Route 31 & Mason Road (tax id# 180.08-1-3.111), requesting a SEQR recommendation to the Perinton Town Board and modification of previously approved final site plan for a Planned Development District.

Presenter: Costich Engineering, Mike Montalto
Zoned: Zoned PDD

Ms. Neu excused herself from the meeting.

Mr. Montalto presented the application to the Board as per letter of intent as shown below. With him are Richard Wood, Pride Mark, and Jim Owen, Rochester Presbyterian Group.



Project No. 1978

**COSTICH
ENGINEERING, P.C.**

December 29, 2014

Ms. Lori Stid
Planning Board Secretary
Town of Perinton
1350 Turk Hill Road
Fairport, New York 14450

Re: Creekstone Development
NYS-Rt. 31 & Mason Road
Site Plan Approval Modification



Dear Lori:

On behalf of our client Pride Mark Homes, Inc, located at 1501 Pittsford-Victor Road, we are submitting revised materials to the Planning Board for amendment of the site plan approval for the Creekstone Development project. We are requesting the project be added to the Planning Board's January 21st, 2015 agenda for amendment of the site plan approval.

We are seeking to amend the Planning Board's site plan approval to address an error in the documents and to allow for a minor modification to the "Greenhouse" component for the project.

The single family units as depicted on the approval drawings were depicted incorrectly by our office. Due to a drafting error, the building footprints as supplied by the project's Architect to our office for the single family units were not updated. This resulted in the building footprints as depicted on the documents as being approximately ten-feet shorter than that planned for by Pride Mark and designed by the Architect. The error affects units 1 through 26. The plans have been revised to reflect the correct building footprints. The change in the building dimension has been reflected by centering the correct building footprint over the previously depicted footprint. The location of the single family units to the exterior property lines have not been reduced. The separation distance between units internal to the site have been reduced to accommodate the correct building footprint. To avoid placement of units within the sanitary sewer easement granted to the Town we are proposing to place the units, which front Pittsford-Palmyra Road, (units 25 & 26) approximately sixty feet (60') from the ROW. This placement still affords the units to be set back further than the adjoining community center (39') and cabana building (42') to the Pittsford-Palmyra Road ROW.

The "Greenhouse" component of the project has been revised to incorporate an additional two bedrooms per building (buildings 27-30). The increase in the number of bedrooms accounts for an additional unit for the project's density. The increase in the number of bedrooms does not increase staffing requirements for the greenhouses.

Application has been made to appear before the Town Board at its' January 14th, 2015 Town Board hearing to amend the PDD approval for the project to reflect the changes outlined above.

To aid in your review attached please find the following:

- Fifteen (15) Copies of this Letter of Intent
- Fifteen (15) Copies of the Planning Board Application
- Fifteen (15) Copies of the Revised Site & Pavement Marking Plan (Sheet CA110)
- Fifteen (15) Copies of the Approved Site & Pavement Marking Plan (Sheet CA110)

We look forward to appearing before the Board at its' January 21st hearing. In the meantime if you should have any comments, questions or require additional information please contact our office.

Mr. Montalto states that they were before the Town Board on 1/14/15 and the Conservation Board on 1/20/15. This is for an amendment to the site plan that was approved on 4/2/2014 and rezoning approved by Town Board on 4/23/14. The Special Use Permit is the vehicle for amending a PDD once it has been approved. This was a drafting error where the single family footprint didn't get updated as it had changed over the years. It is approximately 500 sf larger than what was originally intended. There is a 10' increase in the length of the units. They centered the accurate footprint over the homes as they were proposed. The distance between them internally and the driveways was reduced by 10'; 5' each way and 5' toward the yard. They are proposing 50' between the units internally, as opposed to 60' from previous approval. With the exceptions of units 25 and 26, they are asking for a decreased setback to Route 31, due to the fact there is a dedicated sanitary sewer that would put these units within the easement and on top of the sewer that has already been constructed. This error came to light as a result of the stakeout for foundations. Relative to Mason Road, the setback to Mason has been reduced. They had a front setback of 170.1' and they are now asking for that to be reduced to 162.8'. On Route 31 for unit 25 it was planned to be 70.6' from Route 31 and they are proposing it to be 61.4'. For building 26 that was scheduled to be 68.5' and they are asking for that to be 60'. They are still setback further from the adjoining home to the east and further than the community center building. The 26 single family residences are approximately 500 sf a piece larger than what was depicted on the plan. They are 10' longer. This is about 6500 sf for the project or .15 acres out of the 40 acre project. As far as the greenhouses they are going from 12 bedrooms per building to 14 bedrooms per building. This make the greenhouses go up by one unit. They have reduced some redundancy in terms of services that were in the building. This goes from 160 units to now 161 units. There is no change in staffing associated with the increase in square footage. The entrances are now directed to the parking lots and they have reconfigured the parking lots. The parking count is exactly the same. The change in impervious surface area for that is about 1600 sf or .05 acres. The total increase in impervious surface area associated with the revisions to the plan is .19 acres (about 1/2 of one percent of the overall project. They increased the number of units in the subtotals, but the final plans need to show 161. The distances represented between 24 and 26 need to be extended. The final plan should show the zoning to be PDD and reference the date that approval was obtained by the Town Board.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Rainis states that the applicant appeared before the Board last night and the Board has evaluated the proposed changes to ascertain whether they would give rise to potentially significant adverse environmental impacts and are prepared to make comment on that.

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

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

Creekstone Development
Requesting Final Approval of Modified Site Plan
General

- 1. The slope from Mason Road down to the driveway for Buildings 1 – 4 will increase from 1 on 4 to approximately 1 on 3.5 as a result of this change, which is acceptable. Provide DPW with a revised grading plan that reflects this change for the project files.**

Mr. Anderson asked for questions or comments from Mr. Beck. Mr. Beck inquired relative to the setbacks on 31 and Mason, is what they are asking for what they need? Mr. Montalto states that there is 1' built into the numbers for any variations. They want to allow for any difference relative to foundations and masonry work.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that there has already been a SEQR determination. The Conservation Board has evaluated the proposed changes to ascertain whether the proposed changes would give rise to potentially significant adverse environmental impacts. If the Planning Board determines that the proposed changes will not give rise to any significant adverse environmental impacts then the Planning Board will not have to take any further action under SEQR. Site plan approval should be conditioned upon the applicant receiving their special use permit from the Town Board.

Mr. Anderson states that the Town Board is the lead agency on SEQR

Mr. Anderson asked for questions or comments from the audience.

Darlene Wisnewski, 41 Broadmoor Trail inquired if the changes they are proposing will make any changes to the setback between the buildings they are proposing and to her property line. Mr. Montalto states that there will be no distance change to the eastern property line. Ms. Wisnewski inquired if the changes will bring the houses closer to the pond. Mr. Montalto states they will be 5' closer. Ms. Wisnewski inquired if the changes will change any of the alignments from her backyard to where the proposed driveways will be. Mr. Montalto states that the driveway locations remain unchanged. Ms. Wisnewski inquired about the topsoil pile that exists today and if it is part of the first phase. Mr. Montalto states it is part of the first phase. It is for the restoration of Section 1. Ms. Wisnewski feels she will be looking at a lot of roof and inquires if there is anything they could do to make that look more aesthetically pleasing. Mr. Montalto states that the photo simulations were correct; the site plan was incorrect. Mr. Anderson states that the visual won't change.

Mr. Anderson is disappointed that they have to go through this. Perhaps in the future the Town Code should be modified to allow for some minimal adjustments. The way the site works is relatively unchanged. The change in the setbacks isn't going to affect how it will look on Mason or 31. The site should function the same. The greenhouse modification will create a need for more parking but the proposed parking should be sufficient. Mr. Anderson inquired if the external building elevations will change for the greenhouses. Mr. Montalto states that it is the same building oriented 90 degrees. Mr. Anderson is prepared to go forward. He doesn't feel that there is any significant change that would impact their previous recommendation to the Town Board on SEQR.

Mr. Lewis feels the changes are minor and he doesn't feel there will be any visual impact. He is prepared to go forward.

Mr. Brasley doesn't feel that these changes will have any impact to the project and he is prepared to go forward.

Mr. O'Brien feels the changes are minimal and he is prepared to move forward.

Mr. Antonelli supports the project and is prepared to go forward.

Mr. Anderson asked the Conservation Board for a recommendation as to if these proposed changes will have a significant impact under SEQR.

Mr. Rainis states that the Town of Perinton Conservation Board (PCB) has reviewed the application by Pride Mark Homes regarding a modification(s) of the previously approved final site plan for the PDD:

1. Redrawing of 26 boundary footprints to match submitted architectural drawings
2. Change in Greenhouse assisted living footprint
These changes provide for a net increase of 1 unit (160 to 161) in the overall development

The approximately 40-acre site is located at NYS Route 31 and Mason Rd. 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. Change (increase) in boundary footprint area(s) (approx. 250 sq. Ft. / structure) adding impervious surface is approximately 0.19 acre (for 26 structures, plus the greenhouse) – a “de minimus” (not significant) environmental impact.
2. In the original (approved) design, the storm water management facility was “overdesigned” and thus will handle this insignificant increase in impervious surface.
3. The assisted living facility footprint will be altered (rotated 90°) with concomitant changes to parking orientation (no change in number of spaces) and building access points. These changes will have an insignificant environmental impact.
4. A net increase in units (160 to 161) will result.
5. A grading slope increase (1:4 to 1:3.5; buildings near Mason Rd – units 1 - 12.) will have an insignificant impact regarding the project or in maintenance.
6. Final building positions have setbacks (Route 31) that are no greater than the adjacent clubhouse

The PCB recommends that in the future a “minimum dimension to be maintained” statement is placed on the PDD plans to provide for de minimus modifications following PDD zoning approvals.

Mr. Anderson made a motion to accept the Conservation Board’s recommendation that the proposed changes regarding Creekstone PDD Development will have no significant adverse additional effects on the environment, and as a result there are no changes to the previous recommendation to the Town Board for SEQR.

Mr. Lewis seconds the motion.

Motion carries 5 – 0

Mr. Lewis made a motion to grant modification of previously approved final site plan for a Planned Development District for plans received by the Town on 12/30/14 and as outlined tonight by the engineer for the developer, subject to the following conditions:

1. Applicant to obtain Special Use Permit from the Town Board for modification to PDD zoning.

Mr. O'Brien seconds the motion.

Motion carries 5 – 0.

Mr. Anderson states that the Planning Board’s previous recommendation to the Town Board regarding SEQR remains unchanged and the applicant now has approval for modification to final site plan.

Discussion:

ZBA – 1/26/15

The Planning Board reviewed the agenda and has comments on the following:

LandTech Surveying & Planning, PLLC, as agent for Malcho’s 650 Moseley Rd, LLC, for property owned by JPC Holdings, LLC and located at 650 Moseley Road, requesting the following variances of the Town of Perinton Zoning Ordinance Section 208-42 D:

1. to allow a proposed new car wash to set 83.9 feet from the front property line instead of 85 feet, and
2. to allow a proposed new car wash to set 21 feet from the side property line instead of 30 feet.

Said property being located in a Commercial District

The Planning Board recommends approval of the aforementioned variances because the request for the setback changes is minimal and will not affect the site. This request is also consistent with our Site Plan approval.

- 1) Please confirm that the front setback measurement is not required to be from the edge of pavement, not the property line. If the front setback measurement is measured from the property line, then the request would be deemed a pre-existing, non conforming request because the existing building foundation at the front setback line is not moving.

- 2) The existing car wash is being renovated. The additional space that is being added is needed for the use of the new building and adding this space to the west of the building (opposed to the requested east end) will negatively affect the traffic site flow.

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 the following variances of the Town of Perinton Zoning Ordinance:

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).**

Said property being located in a Commercial District.

The Planning Board recommends approval of the aforementioned variances

- 1-3) The Planning Board recommends approval of the aforementioned variance because the Applicant designed the site with the anticipation of the upcoming Re-Zoning of the Fairport Road Corridor. This was done under the advisement of the Town Staff. The current zoning requires these aforementioned variance requests, however under the new Mixed Use Zoning, these dimensions and design will fall within the guideline and the requests would not require variances.
- 4) The Planning Board recommends approval of the aforementioned variance because the request is adequate for the application and previous similar requests have been granted in the past. This use will not be an intense use and we feel 9 spaces per lane will be adequate. It will also work well with the proposed traffic flow and site design.

Minutes 12/3/14

Mr. O'Brien made a motion to approve the minutes of 12/3/14 as submitted.

Mr. Brasley seconds the motion.

Motion carries 5 – 0

Minutes 1/7/15

Mr. Lewis made a motion to approve the minutes of 1/7/15 as amended.

Mr. Brasley seconds the motion.

Motion carries 5 - 0

There being no further business before the Board, the meeting adjourned at 9:12 PM.

Respectfully Submitted,

Lori L. Stid, Clerk