

**Minutes of the Town of Perinton  
Planning Board Meeting of March 19, 2014**

**Planning Board Members Present**

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

**Conservation Board Members Present**

Robert Salmon

**Town Officials Present**

Robert Place, Town Attorney  
Robert Kozarits, Town Engineer  
Michael Doser, Director Code Enforcement & Development (CED)

**Absent**

Lori Stid, Planning Board Clerk  
Thomas Beck, Commissioner, DPW

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

**Sign(s):**

**Just Solutions – 7300 Pittsford-Palmyra Road**

David Wolf, owner of Just Solutions and the property presented the application to the Board. He reviewed what exists today and what he is proposing today. It has been a multi-tenant sign and will continue to be a multi-tenant sign. The framework will be the same. Same copper roof. The slats will be removed and a box added that will have internal fluorescent bulbs that will be covered with the placards which can be switched as tenants move in and out. They will be internally lit and have a better contrast and easier to read. The tenants feel that people can't read the signs as they exist today and this should improve that.

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

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

**Just Solutions is proposing to replace the existing freestanding tenant sign with a new tenant sign. On June 20, 2001, the Planning Board approved a tenant sign with the following conditions:**

- 1. Subject to HAC approval.**
- 2. The site plan submitted by the applicant is being submitted to only show the location of the sign.**
- 3. Existing monument sign is to be removed at the time the new sign is installed.**
- 4. Uniform font, style, and scale on all signs.**
- 5. The sign consists of one permanent sign identifying the address, and no more than four tenants signs, all no more than eight inches in height, using the same font and color.**

**A sign permit was issued on August 28, 2001, as outlined per the approval above. The existing sign apparently was changed from the original approval in 2001, to what exists now, with no formal Town approval on record.**

**The CED Dept. has no concerns with the new proposed sign, and recommends approval of this application with the following conditions:**

- 1. Applicant to clarify the proposed lighting.**
- 2. A sign permit is to be issued within six months.**

Mr. Doser asked if the signs will now be internally lit. The applicant states yes; currently there are fluorescent bulbs in the top that shine down and they don't work well and will be taken out. They are putting in a box that will have fluorescent tubes inside of it.

Mr. Doser asks if the dimensions of the tenant signs are going to be the same as what exists today. The applicant states that he made his a little bigger as the main tenant. The applicant states that the total size is still less than what they are allowed to have. He also feels that the color scheme is going to work better than what exists today.

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

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

Mr. Anderson feels that the building is attractive and is maintained well. The Code says that the sign should identify the building and that would actually give him better visibility. He understands that the Town allowed the tenant signs, but he feels that is what the visibility issue is. Mr. Anderson states that a building mounted plaza sign that only shows the name of the plaza is easier for

people to see. The applicant states that the tenants do not want that. Mr. Anderson inquired if the tenants would be entitled to a building mounted sign and Mr. Doser states yes. The applicant states that he would likely lose his tenants if he tried to do that.

Mr. Lewis feels that the problems that the applicant is having is because he is not following the Code. He agrees that a multi tenant sign is hard to read traveling down that road. Mr. Lewis thinks that there should be a sign at the road for the name of the plaza and a sign at the door for each tenant.

Mr. Brasley says that there are some internally illuminated sign in historic Egypt; Hess, Fitch Construction, Budget Inn, but all of those pre-date making this area a historic district. This would be the first new internally illuminated sign in historic Egypt. He likes the sign, but doesn't think it should be internally illuminated. There are other solutions. He thinks the signs are still too small. They need a bigger sign.

Mr. O'Brien likes the sign. He likes that they show the #7300 on it. The internal lighting is acceptable to him.

Mr. Antonelli doesn't like to have all of the tenants shown on the ground mounted sign, but since it already exists today he is ok with the sign and it being internally illuminated.

Mr. Gardner feels that as long as the framework isn't changing, he doesn't see any issue with the proposal. He questions whether Nu Life has to have the wording "medical supplies" after their name. He is fine with the internal illumination.

Ms. Neu supports the sign and internally illuminated. She does think the sign is cluttered and it may not work for the benefit of the applicant and the tenants the way they are hoping it will. The applicant says that he is thinking of dropping the word "computers" after the name of his business. He feels that less is more in terms of making it more readable. Ms. Neu feels that the number 7300 should be made bigger.

Mr. O'Brien made a motion to approve sign application, as submitted to the Town on March 10, 2014, subject to the following conditions:

1. Applicant to obtain a sign permit within 6 months.

Mr. Antonelli seconds the motion.

Motion carries 5 – 2 with Messrs. Brasley and Lewis opposed.

#### **Discussion(s):**

#### **Recommendation to Town Board – proposed rezoning of 600 – 900 Perinton Hills (687 Moseley Road) (approximately 6.429 acres) from Commercial and Restricted Business to Apartments Zoning.**

Mike Montalto, Costich Engineering on behalf of Uniland Development states that they are requesting to rezone approximately 6.4 acres of property from Commercial and Restricted Business to Apartments. With him is Kevin Kirk of Uniland. They appeared before the Town Board on 2/12/14. They appeared before the Conservation Board on 3/4/14. Three office buildings have been removed in the office park. This is a shift in zoning lines. The properties under consideration are at the south end of the site and would abut the current apartments. Six apartment buildings would be constructed with 10 units in each building. They are propping attached garages with individual entrances for each unit. They are intended to be an upscale apartment building for empty nesters. The office buildings have a high rate of vacancy. The apartments are adjacent to existing apartments and other residential uses in the area. It is a nice transition and is a reduction in commercial space. If this is successful and there is further decline for a desire for office space in this area they could potentially propose the remaining buildings be converted to apartments. There are backyards and patios. There will be pedestrian links out to Moseley and to Route 31 and to the commercial plaza.

Mr. Anderson asked for questions or comments from the audience. Tom Newcomb, 1 Blackwatch Trail, asked where the ingress and egress would be for the apartment complex. Mr. Montalto states it would form a driveway to Moseley Road, adjacent to the bank and the office building; there will not be a new entrance. There are no new access points. Mr. Newcomb asked if they would ask the state for a light at this location. Mr. Montalto says no. They will generate trip generations to the State, but the reality is that residential use won't generate enough trip ends to meet any signal warrants for a state highway. There is inner connectivity and there is already a signal light. There will be additional landscaping installed to create a sense of arrival from the rest of the plaza.

Michael Cacaci, 17 Cambric Circle, inquired if these are rentals. Mr. Montalto states they are. Mr. Cacaci inquired what the rental pricing would be. Mr. Kirk states \$1.10 per square foot. There will be one, two and three bedroom apartments. Mr. Cacaci feels that people will not want to pay a high price to live around the shopping center. Mr. Kirk states that this is a mixed use. Living that close to Wegmans and the plaza is a draw for some people. Mr. Anderson states that there is a market for higher end rentals and that people like to be close to the action. There is a demand for it. It is not for everyone, but there are some who would support that.

Manuel Lopes, 67 Blackwatch, expresses concern about public safety with the proposed pedestrian links. He loves to walk and ride his bike, but he doesn't feel that what they are proposing will keep people safe. The timing for walking across the street with the signal is not long enough and is hazardous. People drive very aggressively through here. There are head on collisions here frequently. There are already a lot of sheriff's cars that go through here and it will get worse with more apartments. Mr. Anderson feels that this can be reviewed at site plan and perhaps the State should be looking at the timing of the cross walk. Mr. Lopes expresses concern that this will be low income housing. There are already issues in this area with the apartments with sheriff's being involved frequently. He expresses concern with the speed of traffic through this area.

A man inquired about the creek that runs through here. Mr. Montalto states it is on the adjoining property. Mr. Anderson states that if this goes forward, there will be a full site plan review and stormwater and drainage will be reviewed.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Salmon states that the Conservation Board issued comments to the Town Board as follows:

**The Perinton Conservation Board (PCB) has reviewed the application for the above project and met with the applicant. Based on our review we recommend approval of the application, based on:**

- **The new buildings and infrastructure will result in a net loss of impervious surface;**
- **Stormwater management for the entire Perinton Hills plaza will be improved and updated;**
- **The plan will result in walkable access to nearby commercial development;**
- **These apartment buildings will blend well with the adjacent existing apartment developments;**
- **Landscaping will be improved and updated;**
- **The plan is consistent with the recent Master Plan.**

Mr. Anderson asked for questions or comments from CED. Mr. Doser states the current Comprehensive Plan states that the Town should consider in its' land use decisions the emerging trend that Perinton's fastest growing population is the 55 and older segment. The Plan also perceives a decrease in the population of school age children and an overall decline in enrollment. Based on data from the 2010 census will mean a steady decrease in the typical suburban home development. We should anticipate an increase in the construction of townhomes and senior friendly homes. This proposed project is in line with those trends.

Mr. Anderson asked for questions or comments from DPW. Mr. Kozarits believes that this project will provide for benefits to stormwater management. Route 31 is a major arterial through Perinton, which is a State road. There are some opportunities to try to make some improvements for safety.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place expresses concern about traffic safety at the 31 intersection. Mr. Place feels that the ingress/egress should be reviewed from a safety stand point.

Ms. Neu inquired if any thought was given to accessing off of Boxwood Lane. Mr. Kirk states that they have not looked into that. They didn't think that a third access point would be a way to go. She supports the change to residential.

Mr. Gardner feels that this is a good use of the land. The issues that they should be looking at tonight are for the proposed rezoning. This will provide a more mixed use type and walkability of the area.

Mr. Antonelli feels that this proposal makes sense. Apartments next to apartments are good. There will be planning and engineering issues at the time of site plan.

Mr. O'Brien expresses concern that Perinton will have too many rental units. Mr. Montalto states that when the economy failed in 2008 a lot of people no longer want to own homes. Mr. O'Brien supports the rezoning and feels it is a good use. The neighbors support the idea of luxury apartments.

Mr. Brasley inquires if this proposal meets all the zoning requirements for apartments as far as green space, setbacks, etc. Mr. Montalto states that it meets all zoning. This is the plan that they will submit as site plan. Mr. Brasley supports the change to the zoning and will be a good use for the property. This provides a better variety of housing types. There will be a net decrease in impervious surface and a chance to improve the drainage and stormwater. Data supports that it is trending to rental rather than home ownership.

Mr. Lewis feels that rental is the new trend. Mr. Lewis inquires if school buses will drive in here to pick up children. He feels that this is a good solution.

Mr. Anderson feels that this is a less intense use of what has been here. It will improve the buffers to the adjoining apartments. The intensity of use will decrease. Land uses change over time. There has been a shift in demand. This project will provide more housing options which the Comprehensive Plan calls for. Demographics are changing and demand for housing is changing. It is a choice; he understands that it is not a choice that everyone will want. Walkability is also an important feature. There are a lot of people living in this area and this will help to connect them; however looking at the safety of crossing Route 31 is also important to review. There are a number of Site Plan type issues identified including access identification, stormwater management improvement opportunities, and pedestrian safety improvements. These issues should be adequately addressed in the Site Plan approval process.

Mr. Anderson states that he will write a memo to the Town Board offering input from this discussion.

**Recommendation to Town Board – proposed rezoning of 21 properties (approximately 16.11 acres) in Bushnell's Basin Hamlet from Residential B or Commercial to Mixed Use District. In proposed rezoning rescheduled to 4/16/14**

**Recommendation to Town Board - proposed Code change – Mixed Use District Sign Code**

Mr. Doser presented the request to the Board, as per memo to the Town Board as shown below:

The Town of Perinton recently modified its Limited Commercial zoning and renamed it “Mixed Use District” in anticipation that the zoning modifications would be expanded and applied to areas of Whitney Road, Fairport Road and Pittsford-Victor Road. Previously, Limited Commercial zoning never had its own sign code. However, with the projected expansion of Mixed Use District properties, it is an appropriate time to adjust the sign code to specifically accommodate Mixed Use District properties.

This code was reviewed and approved by the Perinton Codes Committee on Jan. 2. I have attached the proposed code and an FAQ that further explains how the code would be applied to certain situations. I am requesting an order-for-hearing on this proposed sign code.

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§ 174-9. Sign regulations by use and district.

The following shall apply to all signs for which a permit is required.

A. Apartment and Townhouse Districts.

(1) One or more signs per building shall be permitted, totaling 12 square feet per building. No one sign shall exceed four square feet. Such sign shall indicate only the name of the building and the address.

(2) All building-mounted signs shall be flush against the building and shall not project above the roof line nor above the second floor level.

(3) The top of a freestanding sign, including any part of the supporting members, shall not extend more than eight feet above the ground.

B. Restricted Business District, office buildings and complexes. One freestanding identification sign is permitted for each office complex. If there is one building or one tenant, there shall be only one identification sign. One directory or listing sign is permitted for each building within the complex. Where only one building is contained within a site and both an identification sign and a directory sign are desired, they must be combined into one sign. The location, area, height, color, style and lighting of each such sign must be approved by the Planning Board simultaneously or subsequent to site plan approval. The location of said sign, in compliance with applicable setbacks, is to be determined by the Planning Board and shall not exceed four feet in height and 24 square feet in area but may have lettering on two sides of the sign.

C. Gas/fuel stations. Signs commonly used by gas/fuel stations for the purpose of advertising retail gasoline/fuel prices shall be limited to one sign per fuel pump and shall be placed on top of the fuel pump. Said signs shall not exceed 12 inches in height and 18 inches in width. No other gas/fuel price signs shall be permitted.

D. Commercial District.

(1) One freestanding identification sign may be permitted for each commercial shopping plaza or enclosed shopping mall. Said sign shall contain the name of the plaza only. The location, area, height and style of such sign must be approved by the Planning Board as part of site plan approval.

(2) 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.

(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.

(4) On a property containing one business, in lieu of a building-mounted sign, a monument-style sign may be permitted by the Planning Board. Said sign shall be no larger than 32 square feet in size and no higher than five feet above the surrounding grade. The style, lighting and size of the sign shall be approved by the Planning Board.

(5) The bottom of all signs shall have a minimum clearance of 10 feet above a walkway and 15 feet above a driveway or alley.

(6) Signs shall be limited to identifying or advertising the property and the individual enterprises or services available on the same property where the sign is located.

E. Mixed Use District.

(1) Sign approval must be obtained from the Planning Board.

(2) 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.

- (3) **Businesses are permitted to have only one additional building-mounted sign in order to identify a public entrance that is at the side or rear of the property. The square footage of the additional sign and the square footage of the main sign shall not collectively exceed the permissible overall square footage calculation identified in paragraph (2).**
- (4) **Should a building front on more than one highway, the placement of duplicated signs or a second sign on the second side fronting such a highway may be permitted at the discretion of the Planning Board.**
- (5) **Freestanding signs are not permitted.**
- (6) **Replacement signs that alter the sign's size or content must receive new approval.**

E. Industrial District. F. Industrial District.

(1) Building-mounted signs shall not exceed a total area of 1 1/2 square feet for each linear foot of building frontage to a maximum total area of all signs permitted for each building of 200 square feet. Where the frontage is on more than one street, each sign area shall be computed with regard to the frontage on each street.

(2) The bottom of all signs shall have a minimum clearance of 10 feet above a walkway and 15 feet above a driveway or alley.

(3) One freestanding sign with a maximum area of 40 square feet may be erected for each building.

(4) No freestanding sign shall exceed a maximum height, including supports, of 12 feet.

(5) Signs allowed by this Subsection E E shall be limited to identifying or advertising the property and the individual enterprises or services available on the same property where the sign is located.

(6) In an area designated as an industrial park by the Planning Board, the following shall apply:

(a) One freestanding sign identifying the name of the industrial park. The location, area, height and style of such sign must be approved by the Planning Board as part of site plan approval.

(b) Inside an industrial park, only one freestanding sign per building is permitted to identify the names of the occupants of each building. Said sign is to be constructed within a radius of 50 feet, as measured from the main entrance to the building, and shall not exceed four feet in height and 24 square feet in area, but may have lettering on two sides of the sign.

(c) Building-mounted signs are not permitted.

F. Special exceptions and variances. Where a special exception or variance is sought with regard to height, area, number or location of signs, application must be brought before the Board of Appeals and approval obtained from this Board. Upon obtaining a variance, final approval of design and lighting must then be obtained from the Planning Board.

1. May I have a freestanding sign in a Mixed Use District?
  - a. No. Mixed Use District properties are only entitled to building-mounted signs.
2. How do you determine the maximum size of a building-mounted sign?
  - a. By using the traditional building-mounted sign formula that Perinton has used for decades: 1.5 square feet multiplied by the total linear building frontage for the first 100 feet of building, plus 1 square foot for every foot of frontage thereafter (not to exceed 200 sf).
    - i. i.e. A building that spans 110 feet along Fairport Road would be entitled to 160 sf of signage ( $1.5 \times 100 + 10 = 160$  sf)
    - ii. i.e. A building that spans 80 feet along Fairport Road would be entitled to 120 sf of signage ( $1.5 \times 80 = 120$  sf).
3. I have an entrance at the street and an entrance at the side. May I have two signs?
  - a. Yes, you may have two signs, as long as the total square footage does not collectively exceed the figure derived from the building-mounted sign formula.
4. I have an entrance at the street and an entrance at the rear. May I have two signs?
  - a. Yes, you may have two signs, as long as the total square footage does not collectively exceed the figure derived from the building-mounted sign formula.
5. I have an entrance at the street and entrances at the side and rear. May I have three signs?
  - a. That would require a variance from the Zoning Board of Appeals.
6. My store is on the corner of two public streets. May I have signs fronting each road?
  - a. Yes. The building-mounted sign formula would apply separately for each road frontage. Signs are not allowed to collectively exceed the figure derived from the building-mounted sign formula for frontage on each road.
    - i. i.e. A building that spans 80 feet on Fairport Road and 100 feet on new O'Connor Road would be entitled to 120 sf of signage on Fairport Road ( $1.5 \times 80$ ) and 150 sf of signage on new O'Connor Road ( $1.5 \times 100$ ).
7. May my building-mounted sign be illuminated?
  - a. Yes, but the signs must adhere to the general regulations of the Perinton sign code, §174-6. Lights can't flash or move. Lights must maintain constant intensity. Lights can't cause a traffic or pedestrian hazard.
8. May I have a neon sign in the window?
  - a. The only illuminated sign permitted in a window is an "Open" sign.

The Board discussed the proposal. Given that Limited Commercial zoning which has been replaced with Mixed Use District did not have a specific sign code the Board welcomes the addition to provide Code definition of Sign regulations in this new district. The Code as proposed is properly aligned with the goals of the new Mixed Use zoning, and ensures appropriate signage for business owners.

However, the Board noted there are a significant number of existing monument signs in the new Mixed Use Districts which are not permitted in the new Code. The Board felt it would be appropriate to clarify the future use of these existing signs to address concerns such as:

- Are these signs to be permanently “grandfathered” or will variances be required at some point in time?
- Guidelines for replace of or modifications to the existing monument sign structures.
- Language for replacement signs on the existing monument for both the existing business and future businesses.

Additional language clarifying the code for existing monuments signs would be appreciated to enable to Board to provide fair and consistent review for future applications.

Mr. Doser states that the idea is primarily for the new mixed use development, as the buildings will be closer to the road.

Mr. Anderson states that he will write a memo to the Town Board offering input from this discussion.

**ZBA – 3/24/14**

Mr. Antonelli states that the only item of interest is the Be Walters proposal that they have already commented on and those comments stand.

**Minutes – 2/19/14**

Mr. Brasley made a motion to approve the minutes of 2-19-14, as submitted.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

There being no further business before the Board, the meeting adjourned at 8:46 PM.

Respectfully Submitted,

Lori L. Stid, Clerk