

**Minutes of the Town of Perinton
Planning Board Meeting of April 15, 2015**

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

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.

Mr. Anderson asked Ms. Stid for proof of publication and proof of Notice of Application Received Sign posting (NOA). Ms. Stid states that proof of publication was given in the Fairport East Rochester Post on 4/9/15 and NOA signage was posted on 4/1/15.

New Application(s):

240 Loud Road – single family dwelling. Edwin Summerhays, Land Surveyor, as agent for Frank & Kara Denaro, owners of property located at 240 Loud Road (tax ID# 180.04-1-18), requesting preliminary and final site plan approval to construct a single family home in a residential sensitive district.

Presenter: Edwin Summerhays, Land Surveyor
Zoned: Residential Sensitive

Mr. Summerhays presents the application as per letter of intent as shown below.

EDWIN A. SUMMERHAYS
LAND SURVEYOR
2509 BROWNCROFT BLVD., SUITE 209
ROCHESTER, NY 14625
585/586-1450 (Phone/fax)

orig

March 2, 2015

Stephanie Stussman
Building and Planning Department
Town of Perinton
1350 Turk Hill Road
Fairport, NY 14450

Re: 240 Loud Road
Site Plan TA. no. 180.04-1-18

Dear Stephanie:

Enclosed, please find fifteen copies the following items for an application to construct a single family dwelling on the above referenced eleven acre parcel of land:

1. This letter of intent
2. Site plan showing proposed improvements
3. Application form
4. Site plan check list
5. Environmental Assessment Form
6. Copy of the deed conveying the subject property to Frank Denaro.

The purpose of this application is to update the town approval received September 25, 2000 to construct a single family dwelling on this parcel of land. The dwelling will be serviced by an existing water service and public sewers. The proposed building will be situated on a knoll, therefore drainage will be directed to west, north and east as shown on the plan.

Please call if you need additional information to process this approval.

Very truly yours,



Edwin A. Summerhays

cc. Frank Denaro

Mr. Summerhays states that his clients Frank and Kara Denaro are with him this evening. This is an existing lot in an approved filed subdivision (Fox Run – Lot 1). They tried to fit the house pad on the approved lot. He reviewed the limits of the LDD on the plans as shown on the bulletin board. They are staying out of the LDD except for the public sewer and water. The total disturbance is about 0.68 acres. He acknowledges receipt of the DPW/CED comments. He will work with the DPW and the Town attorney regarding emergency vehicle access easement. They will widen the existing stone driveway to meet Town standards for 2 lot subdivision. He states that there is room on the northwestern side, from the edge of the existing gravel there is about 6' to 8'. Mr. Anderson states that the Town engineer has identified an area where it can be widened. Mr. Anderson suggests that they have a conversation with the neighbor who shares the driveway as to sharing cost. Mr. Summerhays states that they will modify the turnaround for emergency vehicles. He states that the contribution to the Town sidewalk fund is a large fee. Mr. Anderson states that the Planning Board doesn't have any authority to waive or reduce that requirement. He encourages the applicant to work with the Commissioner of Public Works to see if there is some alternative or mitigation that can be worked out. Mr. Summerhays states that the topsoil stockpile will be shown and will be in an area that will not disturb the LDD. They would like to have splash blocks. They will take the westerly side of the house and take the downspouts through a conductor to an area where they can place some riprap to dissipate the water on the southwest side. On the north side they will do the same and direct it towards the riprap that they already have proposed to handle the foundation drains. They will show the conditions of approval from 8/2/00 in the projects general notes. They will provide permanent pavement restoration detail for any utility cuts required in Loud Road. Pavement repair shall be a minimum 2' wide and consist of 9" crushed stone sub base, 2.5" binder and 1.5" top course. They will install an inside drop sanitary lateral connection directly into the dead end manhole instead of a blind lateral connection to the main. This will eliminate the need for a 12' deep road cut in the center of Loud Road, and simplify the overall sewer connection. They will add a note to the plans that specifies that due to the steep slope LDD and mature tree growth present on this property, the water service and sanitary lateral should be installed by directional drilling. As far as sprinkler system, they would like to try to investigate to see if they can substitute the sprinkler system with a dry hydrant provide they meet NYS Code.

Mr. Anderson states that this is a Type 2 SEQR action. He asked the Conservation Board if they have any questions or comments. The Conservation Board thinks that dry wells or something similar would be better than splash blocks as they don't slow down the water. He encourages the applicant to work with the DPW. They support directional drilling. He states that where the road goes up and makes its' turn prior to the proposed entrance there is currently an area where you can park a car and they feel that for safety reasons it makes sense to keep that area and have it as a pull off area. It is a large site of about 10 acres and there is room for this proposed development.

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

CED Comments:

- 1. The previous approval for this lot from 2000 had a condition that a residential sprinkler system was required. Given the location of the house is over 600' from a hydrant and has significant access issues for fire apparatus, a residential sprinkler system should still be required based on the Town's Design Criteria.**

The dry hydrant is worth exploring.

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

240 Loud Road – Fox Run Lot 1

Requesting Preliminary and Final Site Plan Approval (Residential Sensitive Zoning)

DPW Comments:

- 1. Provide an emergency vehicle access easement to the Town over the common private drive.**
- 2. Widen existing stone driveway to 16' width up to the proposed residence (per Town standards for 2 lot subdivisions).**
- 3. Modify the proposed house driveway to accommodate the turnaround movement of an emergency vehicle.**
- 4. Since the property is located in a Town Pedestrian Zone, the project requires a contribution to the Town sidewalk fund for the length of Loud Road frontage (746.69 x \$15 = \$11,200.35).**
- 5. Indicate topsoil stockpile location on the plans, and protect with silt fence.**
- 6. For each proposed downspout conductor drain, provide outfall protection consisting of 6" thick light stone fill, 4' long.**
- 7. Remove the "Conditions of Approval: August 2, 2000" heading from the plan. Incorporate these notes into the projects general notes.**
- 8. Provide permanent pavement restoration detail for any utility cuts required in Loud Road. Pavement repair shall be a minimum 2' wide and consist of 9" crushed stone subbase, 2.5" binder and 1.5" top course.**
- 9. Install an inside drop sanitary lateral connection directly into the dead end manhole instead of a blind lateral connection to the main. This will eliminate the need for a 12' deep road cut in the center of Loud Road, and simplify the overall sewer connection.**
- 10. Due to the steep slope LDD and mature tree growth present on this property, the water service and sanitary lateral should be installed by directional drilling.**

He states that the DPW would like to meet with the applicant to go over these concerns, including ped. zone fee. They realize it is significant and are willing to have a discussion about it. If NYS Fire Code, Perinton Fire Marshal and CED are ok with a dry hydrant then the DPW would be willing to entertain that.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that this is a Type II SEQR action, and the Board needs to make park fund and sidewalk contribution determinations.

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

Mr. Anderson states that he supported the application in 2000 and supports it now. Site plan is required in residential sensitive lots because they are challenging sites. He agrees that access on the common drive needs to be modified so no one has to back down the driveway in case two cars are there at the same time going in different directions. He prefers sprinklers to a dry fire hydrant for safety reasons, but will support NYS Code. He is prepared to go forward.

Mr. Lewis states that this one lot is almost 11 acres but is split by a 20' strip that is owned by Wojick, which is a flag lot. He states that in 2000 the sidewalk fee was an issue. Mr. Place states that he doesn't think that they ever sought relief from the Town Board. Mr. Lewis feels that there are steep slopes and there may be some difficulty in putting a driveway in but feels it can be done. He supports the project.

Mr. Brasley states that he supported the proposal in 2000 and supports it now. It is a beautiful piece of property. He does not feel that there will be negative environmental impacts created by this project. He is prepared to go forward.

Mr. O'Brien supports the project and is prepared to go forward. He inquires who is responsible financially for making the road wider. Mr. Summerhays states that there is a driveway agreement, however at this time he needs to review it. Mr. Anderson states that the neighbor parcel isn't part of this lot; he inquires if the Town can impose that. Mr. Place states that he hasn't seen the driveway agreement or the abstract of title.

Mr. Antonelli supports the project provided the concerns of the DPW are satisfied. He is prepared to go forward.

Mr. Gardner supports the project and is prepared to go forward. He encourages the applicant to work with Town staff regarding their concerns.

Ms. Neu supports the project and is prepared to go forward.

There was a brief discussion on potential future subdivision of the land and Mr. Summerhays states that there is no plan right now to do so.

Mr. Anderson states that this is a Type 2 SEQR action and no SEQR determination is required.

Mr. Anderson made a motion to require the applicant to make a contribution to the Town of Perinton Park fund in an amount to be determined by the Commissioner of Public Works to support implementation of parks and recreation goals as identified in the Town Comprehensive Plan.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

Mr. Anderson made a motion to require the applicant to make a contribution to the Town of Perinton sidewalk fund in an amount to be determined by the Commissioner of Public Works.

Ms. Neu seconds the motion.

Mr. Anderson states that the Planning Board specifically did not identify the amount of the contribution and encourage the applicant to discuss this contribution amount with the Commissioner of Public Works to come up with a proposal that would be reviewed by the Town Board.

Motion carries 7 – 0.

Mr. Brasley made a motion to grant preliminary site plan approval to construct a single family home in a residential sensitive district for plans received by the Town on 3/16/15, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW, specifically including, but not limited to:
 - widening the existing stone driveway to 16' from Loud Road up to the proposed new residence
 - to pave the portion of the driveway that is in the Town ROW along Loud Road
 - to drill the utilities using the method recommended by the DPW
 - to work with the DPW to determine the appropriate way to discharge the storm drainage from the downspouts
 - to maintain the wide part of the existing driveway for a pull out area (in case two cars pass going in opposite directions)
2. The construction of the home is to meet NYS requirements for fire safety, either by interior sprinkler system or some other State approved system.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

Mr. Brasley made a motion to grant final site plan approval to construct a single family home in a residential sensitive district for plans received by the Town on 3/16/15, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW, specifically including, but not limited to:
 - widening the existing stone driveway to 16' from Loud Road up to the proposed new residence
 - to pave the portion of the driveway that is in the Town ROW along Loud Road
 - to drill the utilities using the method recommended by the DPW
 - to work with the DPW to determine the appropriate way to discharge the storm drainage from the downspouts
 - to maintain the wide part of the existing driveway for a pull out area (in case two cars pass going in opposite directions)
2. The construction of the home is to meet NYS requirements for fire safety, either by interior sprinkler system or some other State approved system.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

Discussion(s):

Recommendation to Town Board – 1669 Pittsford-Victor Road - proposed rezoning from Industrial to Commercial.

Ray Trotta of Holland Trotta, Inc. stated that he represents Arista Development for a project to rezone 7.9+ acres of land located at 1669 Pittsford-Victor Road, in the Town of Perinton, from Industrial to Commercial zoning. Mr. Trotta identified the property on a map and stated that it is outside Eastview Mall and the last property in Perinton abutting Victor and the western most entrance to the mall by 84 Lumber. He stated that there is a flood plain thorough the center of the property. He added that there is a Federal flood plain and a DEC flood plain and identified them on the map. Mr. Trotta stated that it is difficult to develop this property as one parcel due to the wetland area. He stated that they met with NYS DOT to identify where the driveways would be and two were approved on either side of the wetland, serving the two sides of the parcel. He provided an overview and rationale for the rezoning request, as per letter of intent that was submitted to the Town Board as shown below:



February 20, 2015

Town Clerk - Jennifer West
Town Board of Perinton
Town of Perinton
1350 Turk Hill Road
Fairport, NY 14450-8796

**Proposed Commercial Development Project
1669 Pittsford - Victor Road Rezoning, Town of Perinton, NY**

Dear Board Members:

On behalf of our client, Arista Development, we are pleased to submit eleven sets of our request to change the existing zoning of the lot identified by Tax ID #193.02-1-14 and located on 1669 Pittsford - Victor Road in the Town of Perinton for your review. The current zoning is IND - Industrial. The requested proposed zoning is CO-Commercial. The following Engineering report summarizes our request.

Introduction

Close proximity to Eastview Mall and other retail parcels make this site ideal for complementing adjoining retail space.

Our client looks to propose three new retail buildings on the subject parcel. The buildings will consist of 1-5,000± square foot building, 1-5,740± square foot building and 1-7,134± square foot building equating to 17,874± square feet of proposed retail space on site.

Parking is proposed for the 3 buildings. The drives around the proposed buildings will be designed to accommodate emergency vehicles, trucks for deliveries and refuse pick up. Full Site Design Plans will include: Utilities, Grading and Erosion Control, Lighting, Landscaping, and Stormwater Management Facilities. The project will include: combined domestic and fire protection water services as required, connection to the public wastewater sewer system, and stormwater drainage swales to direct stormwater to the stormwater management facilities. Buildings are planned for construction over a period of years as market demand fills each building.

To implement this project, the land must first be rezoned to CO - Commercial, followed by site plan approval by the Town Planning Board. Based on the specific commercial use a special use permit may be required by the Town Planning Board.

Due to the presents of federal and state wetland, only 3.39± acres of land can be developed.

This engineering report inventories environmental features of the land that affect the manner in which it is developed, as well as summarizing the infrastructure necessary to support development associated with the retail buildings

Planning and Environmental Review

A Full Environmental Assessment will be prepared in accordance with 6 NYCRR Part 617- State Environmental Quality Review Act (SEQRA) since it is assumed that this project will be processed as an Unlisted Action. It is also assumed that the Town of Perinton will act as Lead Agency for environmental review of the project, and will make the environmental determination of record.

The project is located in an area of IND - Industrial Zoning, which does not permit retail space. However, the proximity of other retail space adjoining on the South property line (Eastview Mall) is a natural extension of the Commercial zone. It also offers a better transition to the residential zone to the north of the subject parcel than the current Industrial zone does. A zoning change to permit this use is requested in addition to future site plan approval.

Portions of the subject parcel contains New York State DEC Wetlands and Federal Wetlands. These Wetlands have been field delineated by Environmental Resources, LLC. In developing a concept site plan, care has been taken to not disturb any State or Federal Wetlands. Thus, no wetland permitting is anticipated.

Stormwater Drainage

Since the proposed site is to disturb more than 1 acre of land, storm water mitigation has been designed into the project in accordance with the SPDES General Permit regulations for Storm water Phase II (GP-0-10-001). A Stormwater Pollution Prevention Plan (SWPPP) will be prepared concurrently with a final drainage design.

Water Supply

Public water is available on Moseley Road. Combined fire protection and domestic water services will be provided for the three proposed buildings. The proposed services are anticipated to connect to the existing Monroe County Water Authority watermain located on Moseley Road.

Sanitary Waste Disposal

Public sewers are available on Moseley Road. Individual force lines are planned for the three proposed buildings.

Private Utility Service

Pittsford - Victor Road is currently served with electric, telephone, and CaTV. Underground connections to these facilities will be made for each building.

Highway Access

It is anticipated that the site will be accessible with two full ingress/egress driveways off the public highway Pittsford - Victor Road. Due to an existing concrete median and the sensitivity to traffic safety, we have engaged in discussion with the New York State Department of Transportation to jointly develop the best highway curb cuts for traffic flow and safety. (See attached letter for NYSDOT requirements)

Permitting

The project was reviewed for agency permitting. Anticipated approvals/permits are summarized below.

Agency	Approval	Permit
Town of Perinton, Town Board	Zoning Change	
Town of Perinton, Planning Board	Site Plan Approval	
Monroe County Planning Department	Reviews Site Plan	
Monroe County Department of Health	Backflow Prevention/Water Service	
New York State Department of Transportation	Reviews driveway access	Utility and Non-Utility Permit
Monroe County Water Authority	Reviews water service connection	
New York State Dept. of Environmental Conservation	Stormwater	SPDES Permit for Construction
Town of Perinton Building Department	Building	Building Permits and inspections

You may contact me at 585-281-9897 with any questions.

Regards,

Fitzgerald Engineering, PLLC


Robert Fitzgerald, P.E.

He states that he met with the Conservation Board last night. The parcel is challenging as there is a very large State wetland and a Federal wetland. In the late 1970's to early 1980's the federal wetland went from federal to state, which requires a 100' buffer also. Route 96 existed before the wetland buffer was established. They are looking for a retail development and wish to disturb the wetland area only with access to the site through the buffer area, which is acceptable with the DEC. Basically, they split the site in half and there is a smaller parcel with a maximum of 5000 sf of retail in the front and just under 13000 sf of two different buildings on the larger parcel. He points out the buffer line on the plans. They have been asked repeatedly if they could have one driveway. These two driveways were established by the DOT and this is their recommendation. They recognize that the DEC will work with them on going into the buffer. The center point is where the culvert comes in and empties into the wetlands. If there were to be a single driveway they would have to expand it somehow to connect the two. A variance will be required because these driveways are closer than 350' apart from each other. He points out the Town line and the County line distinguishing the Town of Victor and the County of Ontario. He points out the stub and they are open to connecting it as an access, but in trying to work with the owner of the driveway they realized that was not going to be a reasonable option. They will look at treatment rather than containment and maintain the wetland at the recommendation of the Conservation Board. They are trying to encourage circulation from the front to back. The retailers will be small, boutique types. If they change the footprint, it will only get smaller. The site will balance.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Rainis states that the Conservation Board will be making a written recommendation to the Town Board. In regards to safety, they feel that a single entrance is the best solution to this. They will support working with the DPW for a solution. The watershed conditions will be a part of their review at the time of site plan.

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

Mr. Anderson asked for questions or comments from the DPW. Mr. Kozarits states that the DPW has no concerns with the rezoning request, however there will be additional review at the time of site plan, specifically relating to access. He feels it is odd that the DOT is promoting two separate accesses as close as they are together. There will be some challenges to work with the DEC on the environmental issues. Mr. Anderson inquires if he has had any discussion with NYS DOT, and Mr. Kozarits states that he has not.

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

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

Ms. Neu supports the proposed rezoning to commercial. She feels it will be a tough site to develop. She feels that the two driveway entrances will be very dangerous.

Mr. Gardner supports the proposed rezoning to commercial. He feels that they are a long way off from an approvable site plan. There may be an opportunity to work with the DEC to help fix the access issue. The wetlands, watershed and access are all issues that are concerns.

Mr. Antonelli supports the proposed rezoning to commercial. He feels that access is an issue and watershed is an issue. He doesn't support what they are proposing as a site plan.

Mr. O'Brien supports the proposed rezoning to commercial. He has concern with the access as proposed and feels it will be very dangerous. He feels that parking may be an issue with the larger parcel.

Mr. Brasley supports the proposed rezoning to commercial. It is not an appropriate use for Industrial or Residential. The size of the buildings they are proposing based on what they know today about the wetlands and traffic are likely appropriate. He does not support two separate entrances and will not at site plan. He inquires if they need any variances. Mr. Trotta states they don't need any parking variances. Mr. Trotta states that they would have to address a variance with the Town of Victor for the rear set back (backside of Target). He added that they have explored connecting to that access road but that they do not control that property and a wetland would have to be crossed to get from their property to the access road. They are trying to stay out of the wetland, which is driving the need for that variance. They will need a variance for the two driveways. They are willing to work with the DEC and have contacted them and have hired a wetland consultant for a study. The Town asked if they could have an access on Route 250, however the wetland consultant feels that is very unlikely due to the wetland. Mr. Brasley thinks that would be a good idea, but agrees that it would be unlikely to happen because of the wetland.

Mr. Place states that there may be an opportunity to provide some mitigation elsewhere. It could be cost prohibitive.

Mr. Lewis supports the proposed rezoning to commercial and expresses concern about the two proposed entrances.

Mr. Anderson supports the proposed rezoning to commercial. This is an entranceway to the Town and Industrial is not an appropriate use at this location. He does not support two entrances as it will create a safety issue that has the potential to cause significant accidents. He states that he won't support that at site plan. He inquires if they have had discussion with DEC about an access road at the eastern point with an access road crossing the wetland. The applicant states that they are not opposed to that at the most narrow point. Mr. Anderson encourages the applicant to work with the DPW towards a viable site plan. The applicant states that they intend to know who their tenants will be at the time of site plan approval and there is a proposed jeweler who won't need a lot of parking. Mr. Anderson feels that they should be sensitive to the type of tenant/tenant selection that they bring in due to parking concerns as there is no more room for parking.

Mr. Anderson states that he will write a memo to the Town Board. The Planning Board felt Industrial development would be inappropriate in this locale given the commercial development of adjoining parcels and along the Route 96 corridor, and in essence would result in spot zoning. Further, the parcel could be developed more sensitively with Commercial uses to protect the wetland LDD. The concept development appears to be scaled appropriately to the site, adequate space is available to support

storm water management and parking requirements, and the development will provide an increased variety of service offerings to Town residents.

A critical issue identified by the Board was the dual access to the site. While it was stated by Mr. Trotta that New York State DOT has given initial approval, every member of the Board opposed the design feeling two access points and their close proximity created dangerous ingress/egress conditions from both the west and east directions. Rather, the Board would support a single access point even though it would be built in Wetland LDD. The Board encouraged the developer to work with Town staff, NYS DEC, and NYS DOT to develop a safer access point and consider mitigation contributions elsewhere in the Town to offset Wetland LDD intrusions.

In addition, while the developer provided site plan level documentation, the Board and Town staff did not conduct a comprehensive site plan review. As a result, additional issues may arise resulting in adjustments to this plan as we proceed through the review process.

ZBA 4/27/15

The Board reviewed the agenda and had no comments on the agenda items.

Minutes:

3/18/15

Mr. O'Brien made a motion to approve the minutes of 3/18/15 as submitted.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

4/1/15

Mr. Brasley made a motion to approve the minutes of 4/1/15 as submitted.

Mr. Lewis seconds the motion.

Motion carries 5 – 0, with two abstentions of Messrs. Antonelli and Gardner due to absence.

There being no further business before the Board, the meeting adjourned at 8:31 PM.

Respectfully Submitted,

Lori L. Stid, Clerk