

**Minutes of the Town of Perinton
Planning Board Meeting of June 5, 2013**

Planning Board Members Present

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

Conservation Board Members Present

Andrew Rodman
Robert Salmon

Town Officials Present

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW
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):

Keybank – 6716 Pittsford-Palmyra Road

Michael Mammano, Clinton Sign Company, presents the sign application to the Board. He states that Keybank owns this property. He reviewed each elevation that was submitted and the ground mounted signage. They propose to have signage on each elevation of the building, as well as a ground mounted sign. The building is set far back from the road and a ground mounted sign will give them recognition. They realize that it is an excessive request and there will likely be modifications/compromises. The ground monument sign is 15 sf and is 3' high internally illuminated. There is a slope on the main road, so the sign would be beyond the slope at the very edge of the property. He realizes that they are asking for a large quantity of signs, but the square footage is low. The south elevation has a different configuration as it is at a lower elevation. He states that the remainder of the signage does not require Town approval; ATM machine, internal directional signage, teller services & hours, some do not enter signs for traffic flow, and a couple of ground signs for traffic flow.

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

Reference Code: Commercial Section 174-9 D (2) states: 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.

The signage application is for four building-mounted signs and a freestanding sign. There would be three 58.8 sf building-mounted signs on the east, west and north elevations. There would be a 20.1 sf sign on the south elevation. Total building mounted signage to be 196.5 sf. Additionally, the proposal includes a freestanding sign (15 sf).

The building linear frontage is 67 feet. Code allows total building signage 100.5 sf (67 x 1.5).

The following variances would be required:

Section 174-9D (2): to allow the building mounted signage to be 196.5 sf instead of 100.5 sf.

Section 174-9 D (4) : to allow a freestanding sign in addition to building mounted signs, additional, the sign height must not exceed 5 feet above surrounding grade.

The CED Dept. would support the building-mounted sign variance. However, the CED Dept. would not support the variance for the freestanding sign because four building-mounted signs and a freestanding sign is an excessive number of signs.

Mr. Doser states that that any sign over 2 s.f. does require Town approval, and the Code does address them. The ATM signage is visible from the road; the Planning Board could address that.

Mr. Mammano asks if they decreased some square footage on the building signage, if they would be allowed to get the monument sign also. Mr. Doser states that they could ask for either a free standing sign or building mounted signs. The Planning Board could determine that. The applicant asks if they could apply for a variance. Mr. Doser states that they could ask for a variance, but building mounted is preferable. Mr. Place states that there are no banks in Town that have that, and it would set a precedent.

Mr. Anderson asked for questions or comments from the audience. Judith McNulty, 647 Thayer Road, feels that this signage is excessive.

Mr. Anderson feels that this request is very excessive. The applicant is almost asking for double than what code allows on the building mounted signage alone. He drove around the area and none of them have a monument sign. Canandaigua has two signs, Citizens has two signs, Chase has two, First Niagara has one, M & T has two, KeBank currently has two, and Fairport Savings & Loan has two. Mr. Anderson feels that two is a standard. The Town recognizes that identification is needed and he feels that two is sufficient without being excessive. He does not support signage on all four sides of a building. The applicant asks about

signage over the ATM side of the building. Mr. Anderson states that he supports 100.5 sf of signage on the building, comprised of two signs. With respect to the signs that the applicant feels are directional signs, those would have to be 2 sf or less, and anything larger than that is a sign, and he doesn't support those. All of the banks should have a level playing field.

Mr. Lewis asks if the sign company or Keybank has read the Perinton Code. The applicant states that they understand that this request is excessive. They are willing to negotiate to get what the Town is comfortable with. Mr. Lewis asks how many signs are on the building today. The applicant states two. Mr. Lewis asks if he knows how long they have been there. The applicant states that he does not know. Mr. Lewis asks if people have complained to Keybank that they couldn't locate them with the current signage. The applicant states that he does not know. The applicant states that they are asking for as much as they can ask for and are willing to negotiate. He states that some design thought has been put into this and they feel that the size of the building can handle the size of the proposed signage. Mr. Lewis is opposed to the sign application as submitted and feels that the applicant should come back in with another sign application that meets Code.

Mr. Brasley states that when an applicant comes in and needs so many variances, he questions what is so unique about this property compared to other properties. He doesn't see anything unique about this property compared to the other banks in the immediate area. The applicant states that when traveling west on Route 31 the building is setback and there are trees there and it is hard to see. The applicant states that they want the advantage of the traffic flow within the plaza. Mr. Brasley does not feel that signage on all four sides of the building is necessary for identification. He feels that every bank in Town will want signage on every side of their buildings. The Town does not want a proliferation of signage. He would support two building mounted signs. He does not support the ground mounted sign; the applicant either gets building mounted or ground mounted, but not both. The ATM does face Route 31, and he is not opposed to what they are asking for with the Keybank logo for the ATM. All directional signage should be less than 2 square feet without any logo.

Mr. O'Brien agrees with Mr. Brasley.

Mr. Antonelli agrees with Mr. Brasley. He doesn't care which four of the sides of the building the applicant chooses to sign, but only two sides.

Mr. Gardner feels the request is excessive. He doesn't see any need for a sign on the north side of the building. Any of the other sides should work; pick two. He feels that Code should be followed.

The Board discussed if they should approve any portion of the signage from what was submitted in the application, and it was determined that another sign application should be submitted to the Town Planning Board.

Mr. Lewis made a motion to deny without prejudice, the sign application submitted to the Town on 5/2/13, subject to the following conditions:

1. Applicant to submit a revised sign application that conforms to the Town of Perinton Code and to include a maximum of two building mounted signs, and any directional signage is to be no more than 2 s.f. each.

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

The Remodeling Showroom – 2600 Baird Road

James Kruger, owner of the Remodeling Showroom business, presented the application to the Board. Todd Nowak owns the building and he is renting out the space. The space used to be the Golfer's Edge. It is at the corner of Whitney & Baird (next to Fairfield's). They are using red color for the logo to match the red in Fairfield's. The lighting is consistent to Fairfield's. He points to the location on the photo where there will be three above the fascia bump out. He points out another location on the photo where there will be lighting. They are the exact same lighting fixtures as at Fairfield's. There are two signs. One will be on the fascia at the entry in the middle, and the other will be along Baird Road on the fascia. They are looking to open next week.

Mr. Doser states that CED issued comments as follows:

Reference Code: Commercial Section 174-9 D (3) states: 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.

1. **The signage application is for two building-mounted signs: a 22.5 sf sign on the building front and an 11.08 sf sign on the building side. The total signage to be 33.58 sf.**

2. **The total building linear frontage is 94 feet. The linear frontage for this tenant space is 44 feet, which would allow for signage up to 66 sf.**

3. **The CED Dept. has no concerns with this application. However, the applicant should clarify the lighting of the two signs: i.e. the number and location.**

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

Mr. Anderson welcomes the applicant to Perinton and feels that the applicant has done a good job of tying the sign and the lighting in to the signage for Fairfield's. He supports the request.

Mr. Lewis asks how the signage will be lit. The applicant states that it is the same as what are currently there; compact fluorescent. They are exterior lit – goosenecks.

Messrs. Brasley, O’Brien, Antonelli, and Gardner support the sign application, as submitted, and are prepared to go forward.

Mr. Brasley made a motion to approve the sign application submitted to the Town on 5/6/13, subject to the following conditions:

1. The signage application is for two building-mounted signs: a 22.5 s.f. sign on the building front and an 11.08 s.f. sign on the building side. The total signage to be 33.58 sf.
2. Signs are externally lit with gooseneck lighting. Applicant to clarify with Code Enforcement & Development, prior to a sign permit being issued, the lighting of both signs as to number and location.
3. Applicant to obtain sign permit from Code Enforcement & Development, prior to sign installation.

Mr. O’Brien seconds the motion.

Motion carries 6 – 0.

New Application(s):

14 Thayer Woods – Cain. Edwin Summerhays, Land Surveyor, as agent for Jeffrey & Loc Cain, owners of property located at 14 Thayer Woods (tax acct # 194.02-1-23), requesting preliminary and final site plan approval to construct a 2730 sq single family home in a residential sensitive district.

Presenter: Edwin Summerhays
Zoned: Residential Sensitive

Mr. Summerhays presents the application to the Board, as per letter of intent, as shown below. With him are his clients, Mr. & Mrs. Cain, the owners of this parcel.

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

Original



Lori Stid
Zoning & Planning Board Clerk
Town of Perinton
1350 Turk Hill Road
Fairport, NY 14450

Re: Lot 4, Thayer Woods, Upgraded Site Plan

Dear Lori:

Enclosed, please find fifteen copies the following items for an application to appear before the Planning Board for an updated approval for the construction of a single family residence on Lot 4 of the Thayer Woods Subdivision:

1. This letter of intent
2. Site plan map showing the proposed improvements
3. Application form
4. Site Plan check list
5. Environmental Assessment Form (short)
6. Copy of the deed conveying the subject property to Mr. and Mrs Cain.
7. Calculations for sizing the dry well shown on the plan
8. A letter dated November 29, 2012 from the health department extending the approval of the private disposal system approval to November 29, 2014.

The purpose of this application is to update the site plan for this property that was approved by the town in December of 1982. This property will be serviced by public water via an existing water service that was installed in 2004. The approval and permit for the private disposal system was extended by the Health Department in December 2012. A check for the application and review fees is also enclosed with this application.

Very truly yours,

Edwin A. Summerhays

This lot was approved in 1982, and since that time the zoning was changed to Residential Sensitive, which triggers site plan approval. The house has been moved a little bit northerly from the original placement of the house to get it away from the steep banks. They are not proposing any construction in the steep slope or LDD area. The house is about 2,730 s.f. in size. He acknowledges receipt of comments from DPW and has no issue with them. As to #5 (swale); they are going above and beyond that request. He met with Town staff today regarding this, and they are in support of the proposal to provide a curtain drain, rather than a swale. There will be two yard basins in it; one up close to the road to catch any drainage coming along the north side of the leech field. The 2nd is proposed to catch the runoff that is diverted around the leech field. The curtain drain will continue and stop short of the LDD; where they will have to take out a little bit to accommodate for daylight for the curtain drain, which is a stone filled trench, wrapped with a filter fabric so that it doesn't get infiltrated with silt and clog up. This will empty out into a rip-rap so that there is no erosion. Inside of that will be a 6" perforated pipe and be directed away. This is more drainage prevention than what is needed. The house roof runoff is being collected by downspouts and directed to a drywell. They will clear some lot for the construction of the leech field and the driveway and the curtain drain will be able to handle that. He acknowledges receipt of comments from some of the neighbors.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Rodman thanks the applicant for staking out the location of the house. They agree and support the proposal for drainage at the westerly boundary.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that the lot was approved in 1982.

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

General

1. **Fence Detail.** Label the silt fence indicated on the site plan and refer to Fabricate Silt
2. **around the topsoil stockpile.** Identify the location proposed for stockpiling topsoil. Show silt fence
3. **to the Detail.** Indicate the stabilized construction entrance on the site plan and refer
4. **Show the water service location.**
5. **Provide a swale along the westerly property line to intercept runoff and direct it towards the dry well and back of the property.**
6. **Add a note to the Grading Notes that Thayer Woods Drive is to be kept free of dirt and mud created by construction activities on this site. If dirt and mud occur, it is the contractor's responsibility to immediately clean the roadways.**

He states that they met with the applicant today and they are generally in favor of the infiltration trench instead of the swale. The Town Engineer has reviewed this proposal and he supports it. This is a private drive and the Town of Perinton doesn't enforce the private drive agreement that this community has in place. There is room for parking at the edge of the road. The Town is not allowing parking in the area of the septic system. There will be a construction drive entrance and there will be some parking available there.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states a SEQR determination is not required for this type II action, and he recommend making a park fund contribution determination.

Mr. Anderson acknowledges receipt of comments from neighbors, which are a part of the record, as shown below:

May 30, 2013

Ms. Lori Stid
Zoning & Planning Board Clerk
Town of Perinton
1350 Turk Hill Rd
Fairport NY 14450

To : Town of Perinton Planning Board Members,

Ref: Site Plan Application for Lot 4, No. 14 Thayer Woods Drive

We are writing with regard to the application for site plan approval for Lot 4, No.14 Thayer Woods Drive. We live at 16 Thayer Woods Drive (Lot 5 of Thayer Woods subdivision.) We would like to welcome the Cains to our neighborhood, and would respectfully request that the Planning Board consider addressing the concerns as stated below, during the approval process.

First , we would also like to draw the Board's attention when visiting the site, to the limited access to Lot 4, as it is situated very close to the entrance to three neighboring properties - no. 7. no. 12 and no.16 Thayer Woods drive. In 2004, the shared drive was widened to 16 ft. to allow access for emergency vehicles with the turnaround located on No. 7 Thayer Woods Drive (Lot 6). The remaining drive serving Lot 4 and 5 was not widened during this process and is only 13 ft. wide.

Limited Parking

- We would like to request that the contractor / builder create a parking area on Lot 4 for all construction vehicles .
- There should be no obstruction in Thayer Woods Driveway to both residents and emergency services during construction.
- Workers may park only in pullout areas on private drive, but not anywhere else on private drive.

Damage to Private Drive during Construction

The private drive was upgraded from loose stone to paved oil & stone surface in 2008 and resurfaced in 2011 at considerable expense to the home owners.

-To limit damage to our drive, we request that all heavy building equipment be delivered to Lot 4 by a vehicle transporter to limit damage to the road surface.

-We request that the contractor takes steps to limit damage by putting down heavy course of crusher run over the edge of the paved drive adjoining Lot 4 to prevent damage caused by heavy trucks entering & exiting building site, during construction.

No Dumping

Thayer Woods Drive is zoned Resident Sensitive within a LDD district. We request that all debris from construction material, tree felling and excess fill be trucked out.

Drainage & Flooding Concerns

Lot 4 site plan only shows one dry well at the rear of the site. Lot 4 slopes down towards the shared drive at the front towards No. 7 Thayer Woods (north) and sideways toward no.16 Thayer Woods (west). We are concerned that there is no drainage shown on site plan drawing to deal with any run off for ground water.

We would like to see more detail for drainage on the site plan drawing to prevent possible flooding to neighboring properties.

We invite members of the Planning Board to view Lot 4 from no.16 Thayer Woods during your site inspection to appreciate the significant slope towards our property, as no.16 is at the lowest point on this ridge.

We thank you in advance for your consideration.

Very truly yours,

Stephen and Cornelia Archer
16 Thayer Woods Drive
Fairport, New York 14450

Mark and Joanne Drexler
7 Thayer Woods Drive
Fairport, New York 14450

Ms. Lori Stid
Planning Board Clerk
1350 Turk Hill Road
Fairport, NY 14450

Re: Application for Site Plan Approval
Lot #4 Thayer Woods Drive

Dear Planning Board Members:

We are writing regarding the pending application for Site Plan approval for Lot 4 Thayer Woods Drive. We live at 7 Thayer Woods Drive (Lot 6 of the Thayer Woods Subdivision). We welcome our new neighbors, and request that you consider the following during the approval process:

1. The private drive is very narrow at that end of Thayer Woods Drive. To preserve access for residents and emergency vehicles during construction, please designate a parking area on Lot 4 for construction vehicles. Pullouts on the side of our private drive may also be used for parking, but not the rest of the private drive. Please note that our (Lot 6) personal driveway is designated as the turn-around for emergency vehicles, and not for general public use. Please see the attached excerpt from the April 7, 2004 Planning Board minutes.
2. The private drive surface is oil and stone and is delicate. It was paved in 2008 and resurfaced in 2011 at great expense to the residents of Thayer Woods Drive. We request that the contractor have and implement a plan for protecting the road surface from damage from construction vehicles and heavy equipment.
3. This neighborhood is zoned Residential Sensitive, and is partly within a Limited Development District. We request that all building debris, fill, and tree debris be removed, and that no dumping be permitted during construction.
4. We are concerned about drainage from lot #4. There is a slope in the front (north side) of the lot that directs water onto the road and also toward our property (7 Thayer Woods Drive). This will be exacerbated when the lot is excavated for building, and trees and ground cover are removed. There is also a significant slope which directs water from the west side of Lot 4 toward the Archers' home (16 Thayer Woods Drive). The site plan for Lot #4 has only one dry well, located at the rear of the lot. This may create a drainage problem on neighboring lots and flooding during heavy rains. We would like to see a more comprehensive plan for drainage from the lot, including an additional dry well in the front of the property.

Thank you in advance for your consideration.

Mark and Joanne Drexler

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

Judith McNulty, 647 Thayer Road, asks how far from Thayer Woods Road is the proposed house. Mr. Anderson states it is 103'.

Stephen Archer, 16 Thayer Woods Drive, thanks Mr. Cain for meeting with the neighbors as to the proposal. As to water runoff, it sounds like good efforts are being made. He inquires where they are proposing to put the propane tank. Mr. Summerhays states that generally, that information is not shown on a site plan. Mr. Cain states that it will be buried. Mr. Archer expressed concern about potential damage to the private drive that was paid for by the homeowners from construction. The road is narrow, and if emergency services are needed, they will need to be able to get in.

There were no other questions or comments from the audience.

Mr. Gardner supports the application. He states that he also lives on a private drive, and is fully aware of the costs that come from living on a private drive. He hopes that the Cain's understand the private drive agreement that exists for this residential community.

Mr. Antonelli feels that the house fits the site nicely. The DPW feels that drainage has been addressed. This lot was approved back in 1982 and he supports it today.

Mr. O'Brien supports the plan. The DPW feels that the drainage has been addressed.

Mr. Brasley states that a number of the Board members live on private drives. The Town does not get involved in the operations of private drives; that is up to the neighbors to enforce. The engineering for the drainage has been reviewed by the DPW and they are supportive of it.

Mr. Lewis feels that this is the best location for a house on this lot. The concern of the neighbors as to the private drive agreement is a Homeowners Association concern; not a Town concern. The Town will want to ensure that ambulances and fire trucks can get down there quickly and unencumbered. He doesn't know what the agreement says as to responsibility if one homeowner damages one section of the road; but that is an issue that the Town doesn't get involved with.

Mr. Anderson supports the request. The location of the house pad is appropriate. The potential drainage issues have been addressed by the applicant and the DPW. The applicant is staying out of LDD. He also lives on a private drive, and any concerns as to the private drive agreement are not a responsibility of the Town. He asks Mr. Cain if he understands the driveway agreement. Mr. Cain says he does.

Joanne Drexler, 7 Thayer Woods Drive, asks if the tank will be buried. Mr. Cain states it will be buried.

Mr. Anderson states that SEQR is not required on this action.

Mr. Anderson made a motion to require the applicant to make a contribution to the Town Park fund in an amount to be determined by the Town, given that there is no active or passive recreation provided with this plan.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant preliminary site plan approval to construct a 2730 sq single family home in a residential sensitive district, for plans received by the Town on 4/26/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Final plans submitted for signature are to show an infiltration trench (curtain drain), as discussed by the applicant this evening to the satisfaction of the DPW.
3. The propane tank shall be buried as agreed to by the applicant this evening.
4. The buried tank location is to be shown on the final plans submitted for signature.

Mr. Antonelli seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant final site plan approval to construct a 2730 sq single family home in a residential sensitive district, for plans received by the Town on 4/26/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Final plans submitted for signature are to show an infiltration trench (curtain drain), as discussed by the applicant this evening to the satisfaction of the DPW.
3. The propane tank shall be buried as agreed to by the applicant this evening.
4. The buried tank location is to be shown on the final plans submitted for signature.

Mr. Antonelli seconds the motion.

Motion carries 6 – 0.

Discussion:

Minutes – 5/15/13

Mr. Lewis made a motion to approve the minutes of 5/15/13 as submitted.

Mr. O'Brien seconds the motion.

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

There being no further business before the Board, the meeting adjourned at 8:30 PM.

Respectfully Submitted,

Lori L. Stid, Clerk