

**Minutes of the Town of Perinton  
Planning Board Meeting of July 17, 2013**

**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**

Chris Fredette  
Andy Rodman

**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):**

**Haircuts for Peanuts – 6720 Pittsford-Palmyra Road (Perinton Square)**

Bill Durdel, Baldwin Real Estate Corporation, part of the DiMarco Group, owner of Perinton Square Mall, presented the sign application to the Board. The DiMarco Group is encouraging their tenants to “freshen up” their signage. The signage that currently exists there has been lost on the public as they have seen it for so long. They are looking to inject some life into the plaza and they will be before the Town with additional requests. He states that Aprile Mickys, the owner of the business Haircuts for Peanuts is also in attendance.

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 (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.**

- 1. The proposed sign application is to add a 30 sf multi-color sign.**
- 2. The CED Dept. supports this application, with the condition that a sign permit be issued within six months.**

Mr. Anderson states that this plaza has always had a very specific and defined sign package that for the most part has been adhered to. He states that there are so many signs in this plaza that it is hard to distinguish one from the other. A sign package allows the applicant to not have to attend a Planning Board meeting if they adhere to the approved sign package; they would only need to go into the Building Department to obtain a sign permit. If they want something different, then they are required to attend a Planning Board meeting for sign approval first before asking for a sign permit from the Building Department. The name and the nature of this particular business is different and the sign reflects that. He asks Ms. Mickys if there is currently a sign up for the business. Ms. Mickys states that she has an A frame sign; no building mounted sign as she did not like the look the approved sign package and felt that all of the signs blend in together and it would be hard to distinguish one business from another. Mr. Anderson asks if the sign is individual channel letters that are backlit and Mr. Durdel states yes. He asks the applicant what sort of changes the plaza may be proposing in the future for signage and if they plan to come in with a new sign package proposal. Mr. Durdel states that they currently do not have plans to do that; however, they will try to develop a building standard sign policy that is consistent dimensionally with the ordinance and meet with the Town to discuss.

Mr. Lewis asks the applicant if he is aware that there is currently a sign package in place, and Mr. Durdel states yes. Mr. Lewis asks if this particular business has an entrance to the outside. Mr. Durdel states yes. Mr. Lewis states that there may be some need for a change in the current sign package, but it still exists today and he feels it should be honored. He is opposed to this application.

Mr. Brasley states that he supported the sign package, and at the time it was developed it was appropriate. Today, in other towns and other plazas, they no longer support the same color and style. It is now 2013 and it is time that there be some more colors on the signs in this plaza, not just this business, but for all of them. He asks if the elephant is also lit up, and the applicant states yes. Mr. Brasley supports the sign application as submitted.

Mr. O'Brien supports the sign as submitted. It is good to see more colors in signs and will serve the purpose of this business well.

Mr. Antonelli supports the sign application as submitted. This Board granted approval for Hallmark which has different colors. He supports more colorful signs for this plaza.

Mr. Gardner likes the sign; however will vote against it as it does not meet the sign package that is currently in place. He feels that a sign package should be in place before this sign is approved.

Ms. Neu likes the sign. She likes the idea of getting away from all of the uniform letters in the plaza. She supports the signage being in the fascia band.

Mr. O'Brien made a motion to approve sign application as submitted to the Town on 6/19/13, subject to the following conditions:

1. Applicant to obtain sign permit within 6 months, and prior to sign being erected.
2. Sign Name (as it is to appear): Haircuts for Peanuts (elephant logo)
3. Sign Height above ground: building mounted - fascia
4. Sign Color: multi colored
5. Sign Size: 30 sq. ft
6. Sign Location: building mounted - fascia
7. Illumination: aluminum individual lit letters & elephant

Mr. Antonelli seconds the motion.

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

### **Keybank – 6716 Pittsford-Palmyra Road**

Mike Mammano, Clinton Sign Company, presented the application to the Board. He was here last month and the Board denied sign application. He went back to Keybank and they deleted the ground sign completely, they decreased the square footage of the signs; however, they are asking for three signs, but less than 100 sq. ft. There are three elevations and three signs. They are compliant as far as maximum square footage.

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.**

1. **This is a revised sign application. Key Bank sign application was originally heard on June 5, 2013, and was denied.**
2. **This signage application is for three building-mounted signs. There would be two 36.1 sf. building-mounted signs on the east and west elevations. There would be a 26.8 sf sign on the south elevation. Total building mounted signage would be 99 sf.**
3. **The building linear frontage is 67 feet. Code allows total building signage of 100.5 sf (67 x 1.5).**
4. **The directional signs are 2 sf.**
5. **The CED Dept. supports this application, with the condition that a sign permit to be issued within six months.**

Mr. Anderson states that at the June 5, 2013 Planning Board meeting, the Planning Board denied, 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.

The rationale for the Board not wanting any more than two building mounted signs was that they inventoried all of the banks in this area, and none of them have any more than two signs. These banks have been in business in this area for a long time and get by with no more than two signs. The applicant can choose which elevations he wants to put them on, but he does not support more than two building mounted signs that meet code for square footage allowed. He supports the ATM (this faces Route 31).

Mr. Lewis does not feel that this Board should support any more than two signs. If this bank were allowed three signs, they all would want three signs.

Mr. Brasley supports two signs and the ATM sign. This is what was told to the applicant at the last meeting.

Mr. O'Brien states that if they are limited to two signs; then they could make them a bit bigger to the maximum code would allow.

The applicant states that he did go back to Keybank and tell them what the Board wanted. They have authorized him to pursue two larger signs if that is all they can have.

Mr. Antonelli states that he would support two larger signs and the ATM sign which can be seen from Route 31 (either direction).

Mr. Gardner supports two signs only. He does not see any reason for signage on the south side.

Ms. Neu agrees with the other Board members.

The applicant asks if they would be allowed to have two signs with a little larger square footage (less than 100 sf). He does have additional drawings to submit into the record that shows two signs on the west and east elevation. He submits this proposal into the record.

Mr. Brasley made a motion to approve sign application submitted to the Town on June 28, 2013, with modification submitted tonight (July 17, 2013), subject to the following conditions:

1. There is to be only two building mounted signs, which shall total no greater than 100.5 sf.
2. Keybank logo is permitted on the ATM facing Pittsford Palmyra Road.
3. Directional signs less than 2 sf are approved as submitted.
4. There shall be no ground mounted signs.
5. Applicant to obtain sign permit within 6 months from Office of Code Enforcement & Development prior to signage being erected.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

#### **New Application(s):**

**Re-subdivision of 815 Furman Road. (Lot 6 Bortle Homestead Subdivision).** Edwin A. Summerhays, LS, as agent for Daniel McKenna, contract vendee for lot 2, and Stephen & Dorothy Maneen, owners of property located at 815 Furman Road (tax acct #'s – 141.03-1-11.001 & 141.03-1-11.002), requesting preliminary and final subdivision approval to subdivide 17.8 acre parcel into two lots. Lot R6-1 to be 15.5 acres in size and will be occupied by the existing structures, and Lot R6-2 to be 2.3 acres in size with a single family structure to be completed.

**Presenter:** Ed Summerhays, LC  
**Zoned:** RT 1-2-5

Mr. Summerhays presents the application to the Board. They have met with Planning Board subdivision review committee on March 2, 2012 to discuss this proposal. This proposal allows access to the rear property of Mr. Maneen's property, should he ever decide to sell or any further subdivision. There is some steep slope, which required the lot to be more square than rectangular. With the 60' access on the east side they can also access behind the rear lot to get up there. The lot is 2.3 acres in size and 2.2 acres is outside of LDD line. The Bortle subdivision, which was approved a number of years ago had some sight distances at the bottom of the hill to allow the proper and safe sight distance for a driveway entrance. This new application, there is a 60' strip to allow access to the rear line and will also be the access point for the driveway on this lot. The driveway access will be on the 60' strip that will be reserved to the Maneen's who will grant an easement for access to that. This spot matches the safe driving distance. The site percs well and there is no high water table. Mr. Place had asked him about the Bortle subdivision and a question on a drainage easement to the Town at the time it was approved, how the Town would access it. There was an easement granted to the Town which was filed in Liber 10266 of Deeds page 44. He states that he can give a copy of that to Mr. Place.

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

Mr. Anderson asked for questions or comments from the Conservation Board. Ms. Fredette states that during construction there be orange construction fencing so that the steep slope is not disturbed. Mr. Summerhays states that there will be orange construction fencing highlighting the limit of construction disturbance.

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

1. **Lot is located in RT 1-2-5 Zoning District. Property features public water and private sewer, so each lot must be minimum of two acres. Required setbacks are 100 feet front, 30 feet side and rear. Required width at setback line is 200 feet. Required width at street line is 160 feet. Proposed lots meet area zoning requirements for RT 1-2-5 zoning.**

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

#### **General**

1. **Show the location of the closest fire hydrant on the site plan.**
2. **Provide the calculations used to determine the size of the water service. Be sure to include the static pressure and flow.**
3. **Provide the calculations used to determine the size of the driveway culvert.**
4. **The water service shall be drilled or bored under Furman Road.**
5. **Show the alignment and discharge location for all down spout conductor pipes.**
6. **Identify the type of pipe to be used for the footer drain as well as for the septic system.**
7. **The design and construction details for the 6+ foot tall retaining wall are missing from the plan. This wall should be designed and stamped by a professional engineer.**
8. **This project appears to disturb more than 1-acre of land. As such, a Notice of Intent (NOI) must be filed with the NYSDEC and a basic Stormwater Pollution Prevention Plan must be prepared following the requirements set-forth in the NYSDEC General permit GP-0-10-001, Part III.**
9. **Show a stabilized construction entrance as well as the location of the topsoil stockpile.**
10. **Stone check dams should also be installed in the swales adjacent to the proposed septic system.**

Mr. Beck states that DPW spoke with Mr. Summerhays today and have come to agreement on all of the items.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that a SEQR determination is required and a Park fund determination will need to be made for the new lot.

Mr. Anderson states that he supports this project. It is well laid out and access has been thought of. There will not be landlocked parcels. He inquires when the Conservation easement expires. Mr. Summerhays states that it was for a 10 year easement and it expires in 2014. Mr. Maneen has already met with the Town Assessor. There is a penalty and everyone is aware of that.

Mr. Lewis supports the request and is prepared to go forward.

Mr. Brasley supports the request and is prepared to go forward.

Mr. O'Brien inquired about retaining wall detail. Mr. Summerhays states that an addendum will be submitted to the DPW by an engineer. Mr. Beck states that is ok.

Mr. Antonelli supports the project. The sight distance appears to be good and no variances are needed. The drainage works.

Mr. Gardner supports the subdivision. He questioned the 60' easement being right next to another 60' easement. Potentially, there could be two driveways that close together on a road with a posted 40 mph speed limit. Mr. Summerhays that in order to have one driveway service all of the lots; they would need to get permission from the adjacent owners. If he were to divide the rear portions of this property (pointing) and there is one lot on a common driveway and divide it into three more, the most they could have would be three lots without going for a HOA. Mr. Beck states that when the rest come in for approval, the Town would ask for common access of one driveway. Mr. Place states that a waiver from the State or a HOA would be needed to allow 5 homes on a common driveway.

Ms. Fredette states the Perinton Conservation Board (PCB) has reviewed this application and visited the site and discussed it with Mr. Maneen at the site. Based on our review the PCB makes the following findings:

- Construction will not impact the small area of steep LDD. The LDD area will be marked/surrounded by suitable construction fence.
- Proposal is consistent with RT 1-2-5 zoning.

Based on these findings the PCB recommends a Negative Declaration for purposes of SEQR for this unlisted action.

Mr. Anderson made a motion to grant a Negative Declaration of SEQR for the reasons as stated by the Conservation Board.

Mr. O'Brien seconds the motion.

Motion carries 7 – 0.

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 DPW, as there is no passive or active recreation offered.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

Mr. Lewis made a motion to grant preliminary subdivision approval to subdivide 17.8 acre parcel into two lots. Lot R6-1 to be 15.5 acres in size and will be occupied by the existing structures, and Lot R6-2 to be 2.3 acres in size with a single family structure to be completed, for plans received by the Town on 5/31/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Construction fencing is to be used during the period of construction to delineate LDD.
3. Any existing conservation easement be removed before construction begins.
4. Details of a retaining wall are to be submitted to the DPW for review and approval and also to be attached to the final plans submitted for signature.
5. There will be one shared driveway over the two access easements in the future.

Mr. O'Brien seconds the motion.

Mr. Gardner again expressed concern about the access points being so close together with two driveways right next to each other. Mr. Beck states that if this comes in again for any further development, the DPW would ask for a single access point. The applicant is required to get a permit from the DPW. Mr. Anderson feels that if the Planning Board made it a condition of approval that any future subdivision proposed would require these two parcels to have a common driveway. Mr. Summerhays states that the driveway being positioned where it is shown is to have the desirable sight distances and is what is called for. The speed limit is 40 mph and the sight distance to the left is 530' and they have 531'. This is the desired distance. At 45 mph the minimum stopping distance is 325'. Optimal is nice, but the minimum, is what is required. Perhaps he could move the driveway, so as not to interfere with a future driveway; would this be acceptable to the DPW. Mr. Beck states no; they have already sighted the driveway. Mr. Anderson states that the applicant could withdraw this current application and start the application process all over again. Mr. Anderson states that what the DPW is saying is that they don't want to have two driveways. The Planning Board does not feel that is good planning either. It is sighted properly. It is the desire of the Planning Board that if in the future, if those access easements are to be used, there will be a common driveway to access all of the sites. Mr. Summerhays asks his clients if

they support this, and they say yes. Mr. Maneen states that is ok. Mr. Place states that a driveway maintenance agreement should be pursued, and it would also allow for additional lots to be added to the agreement.

Motion carries 7 – 0.

Mr. Lewis made a motion to grant final subdivision approval to subdivide 17.8 acre parcel into two lots. Lot R6-1 to be 15.5 acres in size and will be occupied by the existing structures, and Lot R6-2 to be 2.3 acres in size with a single family structure to be completed, for plans received by the Town on 5/31/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Construction fencing is to be used during the period of construction to delineate LDD.
3. Any existing conservation easement be removed before construction begins.
4. Details of a retaining wall are to be submitted to the DPW for review and approval and also to be attached to the final plans submitted for signature.
5. There will be one shared driveway over the two access easements in the future.

Mr. O'Brien seconds the motion.

Motion carries 7 – 0.

**Whisperwood Estates – re-subdivision of Lot R-14 (20 Whisperwood Drive).** BME, as agent for Marcy Mathes, owner of property located at 20 Whisperwood Drive (tax id# 180.03-1-71.1), requesting preliminary and final subdivision approval to subdivide one lot into two single family residential lots.

**Presenter:** BME, Martin Janda  
**Zoned:** RT 2-5

Mr. Janda presents the application to the Board as per letter of intent as shown below.

# BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

June 14, 2013

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



**Re: Whisperwood Estates  
(Re-subdivision of Lot R-14)**

**8901**

Dear Board Members:

On behalf of Marcy Matthes, we submit Preliminary/Final Subdivision plans for the re-subdivision of Whisperwood Estates, Lot R-14, into two (2) single-family residential lots. We request to appear at your July 17, 2013 meeting and have enclosed fifteen (15) copies of the following application materials for your use:

- Preliminary/Final Re-subdivision Plans
- Planning Board Application
- Owner Authorization to Make Application
- SEQR Short Environmental Assessment Form
- Preliminary Plan Checklist
- Property Deeds
- Minor Subdivision Application Fee: \$250.00

The Whisperwood Estates overall subdivision was filed in July 1990. A re-subdivision to combine lots 14 and 15 was subsequently filed in July 2002; creating lot R-14. Lot R-14 includes an existing single-family residential home. The current proposal is to re-subdivide lot R-14 into two (2) single-family residential lots (AR-14 & R-15). The existing single-family residential home will be located on proposed lot AR-14. A new single-family home is to be located on lot R-15. The Whisperwood Estates subdivision is zoned Residential Transition (RT-2.5).

Proposed lots AR-14 and R-15 have been designed to be consistent with the original design of lots 14 and 15 and the approved lot standards of the overall Whisperwood Estates subdivision. Both proposed lots include a front setback of 90' along Whisperwood Drive, a side setback of 30', and a rear setback of 30'. Lots AR-14 and R-15 are also proposed to meet the minimum lot area of 2.0 acres per the requirements of the Residential Transition (RT-2.5) zoning. The proposed single-family residential house on Lot R-15 will utilize the existing water service provided for the original lot 15. The proposed house will include a storm lateral connection to the existing storm sewer located along Whisperwood Drive. The proposed house on lot R-15

also includes a proposed sanitary connection to an individual lot septic system which was designed for the original lot 15.

Please contact our office if any additional information is required prior to the July 17, 2013 Planning Board meeting.

Sincerely,  
BME ASSOCIATES

Ryan T. Destro

/RTD

Encl.

c: Marcy Matthes  
Jim Barbato Jr.; Pride Mark Homes, Inc.

He acknowledges receipt of comments from the DPW and have addressed them. They have addressed the concerns of the Conservation Board at yesterday's Conservation Board meeting which they attended.

Mr. Anderson asked for questions or comments from the audience. Marcy Mathes states that this application is time sensitive, as she is building this home for her mother who is very ill.

Mr. Anderson asked for questions or comments from Conservation Board. Ms. Fredette states that the concerns of the Conservation Board have been addressed.

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

- 1. Lot is located in RT 2-5 Zoning District. Property features public water, so each lot must be minimum of two acres. Required setbacks are 100 feet front, 30 feet side and rear. Required width at setback line is 200 feet. Required width at street line is 160 feet. Front setback line for Whisperwood Estates subdivision plan approved in 1990 was 90 feet. Proposed lots meet area zoning requirements for RT 2-5 zoning.**

Mr. Anderson asked if this proposal is essentially the same as what was approved originally. Mr. Doser states yes; the lot lines are the same.

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

### General

- 1. The covenant / restriction line should extend to the rear property line of proposed lot AR-14. The plat drawing needs to be revised to reflect the correct limits of the restricted area.**
- 2. The proposed plan will require an 8 to 10-foot fill in order to accommodate the northern garage and driveway. The plans originally approved in 1990 proposed a 4-foot fill in the same general area. How much fill material will have to be imported in order to accommodate the current design?**
- 3. Septic note number 3 should be revised to direct the contractor to direct the cellar, foundation and downspout drainage to the storm lateral.**
- 4. The design of the septic system is based on soil information and perc data from tests performed in 1990. Has the Monroe County Health Department reviewed septic design and perc information?**
- 5. Although the leach field is at health department minimum set-back distances from the property line, is there an opportunity to reduce the overall length of the 1.5" sanitary forcemain and move the leach field closer to of the center of the rear yard?**
- 6. The soil test results show that "seepage" and mineral deposits were observed at the approximate elevation of 766.00. A deep hole should be excavated at the proposed house location to ensure that the basement will not be constructed in groundwater or in wet soil conditions.**
- 7. The site, utility and grading plan should include a stabilized construction entrance as well as a topsoil stockpile area.**
- 8. The disturbance area is greater than 1-acre. As such, a Notice of Intent (NOI) must be filed with the NYSDEC and a basic Stormwater Pollution Prevention Plan must be prepared following the requirements set-forth in the NYSDEC General permit GP-0-10-001, Part III.**

Mr. Beck states that BME provided a written response to DPW concerns and they are prepared to go forward. The difference in this site plan and the original is that there is a garage on either side of the house and they will be bringing in about 2000 yards of cubic fill onto the site.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that a SEQR determination and a park fund determination are required on this application.

Mr. Anderson supports the request; this request is going back to the original approval.

Mr. Lewis has no concerns with this request. He asks if there are two driveways and two garages. Mr. Janda states that there is one entrance that splits into two driveways to each corner of the house. Mr. Lewis asks if it is a single family home that is being proposed and Mr. Janda states yes.

Messrs Brasley and O'Brien support the application as submitted and have no questions or comments.

Mr. Antonelli supports the request. He thinks it is a shame that they have to have septic.

Mr. Gardner asks Mr. Beck if the water service crosses over onto the adjacent lot. Mr. Beck states that it is in the ROW and it does happen from time to time. Mr. Gardner asks why that would happen. Mr. Janda states that the lot line shifted a little a bit and they are providing a private easement. Mr. Gardner asks if there is an easement for the water line to go across the lot, and Mr. Janda states yes. Mr. Place states that he would like to see a copy of that water easement for private water service. Mr. Janda states that he will provide that.

Ms. Neu asks what is north of the property line. Mr. Lewis states that is the Girl Scout camp.

Ms. Fredette states that the Perinton Conservation Board (PCB) has reviewed this application and visited the site, and talked with Ms. Mathes on site. Based on our review the PCB makes the following findings:

- The subdivision conforms with existing zoning;
- Applicant will deal with stormwater in an adequate manner;
- No variances are required.

Based on these findings the PCB recommends a Negative Declaration for purposes of SEQR.

Mr. Anderson made a motion to grant a Negative Declaration of SEQR for the reasons cited by the Conservation Board.

Mr. Gardner seconds the motion.

Motion carries 7 – 0.

Mr. Anderson made a motion to require a contribution to the Town Park fund for Lot R-15 in an amount to be determined by the DPW, given that the subdivision provides no active or passive recreation.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

Mr. Lewis made a motion to grant preliminary subdivision approval to subdivide one lot into two single family residential lots for plans received by the Town on 6/14/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Easement to be provided to the satisfaction of the Town Attorney for the water line crossing Lot R-14 to R-15.

Mr. Brasley seconds the motion.

Motion carries 7 – 0.

Mr. Lewis made a motion to grant final subdivision approval to subdivide one lot into two single family residential lots for plans received by the Town on 6/14/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Easement to be provided to the satisfaction of the Town Attorney for the water line crossing Lot R-14 to R-15.

Mr. Brasley seconds the motion.

Motion carries 7 – 0.

**Packard Lands fill.** BME, as agent for Metrose Builders, owner of property located at the northeast corner of NYS Route 31F and Wakeman Road (tax id#154.03-1-16.1), requesting preliminary and final site plan approval to place approximately 15,300 c.y. of fill material on the property.

**Presenter:** BME, Martin Janda  
**Zoned:** Residential B & RT 1-2-5

Mr. Janda presented the application to the Board as per letter of intent as shown below.

# BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

June 14, 2013

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



**Re: Packard Property**

Dear Board Members:

On behalf of Metrose Builders, we are submitting the following application for site plan approval for the placement of additional fill material on property located at the northeast corner of Wakeman Road and NYS Route 31F. We request to appear at your July 17, 2013 meeting and have enclosed fifteen (15) copies of the following application materials for your review:

- Site Plan
- Planning Board Application
- Preliminary Site Plan Review Checklist
- Final Site Plan Review Checklist
- Property Deed
- Short Environmental Assessment Form
- \$500 Application Fee (Preliminary & Final)

The applicant is requesting modification to the existing permit that was approved by the Planning Board on September 5, 2007. The applicant is requesting to place approximately 15,300 cy of additional material on the property in order to prepare it for future use. The material has become available from the current road reconstruction project in East Rochester and only clean fill material will be placed. The site plan includes erosion control design and a construction sequence schedule.

If any additional information is required prior to the meeting date, please contact our office.

Sincerely,  
BME ASSOCIATES

Michael O'Connor

MO

Encl.

c: Metrose Builders

Mr. Janda states that they have responded to the comments of the DPW as shown below.

# BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

July 16, 2013

Planning Board  
Town of Perinton DPW  
100 Cobbs Lane  
Fairport, NY 14450



Attn: Eric Williams

**Re: Packard Property  
Response to Comments**

2122

Dear Eric:

We have reviewed your comments for the above-referenced project in a review of meeting notes, dated July 12, 2013. We offer the following responses for the Planning Board's consideration:

1. A time limit needs to be agreed upon between the applicant and the DPW for completion of filling operations. This "cut-off" date shall be stipulated on the plans. A new application will need to be done to extend the agreed upon time limit.

**The applicant will discuss with the DPW a timeframe for the completion of the filing operations, and a note with this date will be added to the plans as requested.**

2. The sequence of construction shall be modified to direct the applicant to first grade, topsoil and seed a 150-foot buffer area along Wakeman Road from NYS Route 31F to the existing barn. This work shall be accomplished by 9/30/13. The second operation shall fill, grade and seed the proposed fill area parallel to Wakeman Road. The last operation shall fill, grade and seed the proposed fill area parallel to NYS Route 31F.

**We will modify the sequence of construction as requested.**

3. Provide permanent markers or monuments at the proposed toe of slope (elevation 494.0). These markers shall be 4x4 posts or similar, 5 feet above ground and set 3 feet below ground encased in concrete. These monuments shall be installed in conjunction with step no. 1 of the sequence of construction.

**We will provide permanent markers at the toe of the slope with an elevation 494.0 as requested. We will provide a detail on the plans prior to requesting final signatures.**

4. The applicant shall provide a letter of credit for the installation of the silt fence, the monuments, and the stabilized buffer area along Wakeman Road.

**The applicant will provide a letter of credit that includes silt fence, wooden monument, and buffer stabilization along Wakeman Road as requested.**

5. The existing stabilized construction entrances need to be re-stoned and extended to the location where the trucks are unloading.

**We will modify the plans to extend the existing construction entrance and add additional stone as requested.**

If you have any additional comments, please contact our office.

Sincerely,  
BME ASSOCIATES

A handwritten signature in black ink that reads "Michael O'Connor".

Michael O'Connor

Mr. Janda states that they have responded to the concerns of the Conservation Board as shown below.

# BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

July 17, 2013

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



**Re: Packard Property  
Fill Permit**

2122

Dear Board Members:

We are providing the following sequence of construction activities per your request from the July 16th Conservation Board meeting.

The applicant will install the following erosion controls and stabilization measures, and conduct fill work in the following order:

1. The existing two stabilized construction entrances will be re-stoned and extended to the limits of the new proposed fills.
2. Perimeter silt fence will be installed along the proposed fill limits.
3. Permanent markers will be provided at the proposed toe of the slope (elev. = 494.0). The markers will be 4" x 4" posts, 5' above ground.
4. Existing fills along NYS Route 31F and Wakeman Road to be fine graded to a 2 percent slope directed away from both roads.
5. Areas proposed to be filled to be stripped of topsoil. Topsoil to be utilized for topsoiling of 150' wide buffer area along Wakeman Road from NYS Route 31F to the existing barn. This area to be seeded by September 30, 2013. Completion of this work will be reported to the Town of Perinton.
6. Fill to be placed in proposed fill area parallel with Wakeman Road. Fill to be topsoiled and seeded.
7. The last operation shall fill, grade and seed the proposed fill area parallel to NYS Route 31F.

A Letter of Credit will be established in the amount covering installation of the silt fence, the monuments and stabilized buffer area. Also, a time limit to complete the proposed fill operation is being discussed with the Department of Public Works. It was tentatively discussed that the permit would have to be renewed after two years.

The fill area along Route 31F might be used for construction staging during the construction of the left turn lane to Magnolia Manor Route 31F entrance and associated utility pole relocations.

Please let me know if you have any additional questions.

Sincerely,  
BME ASSOCIATES



Martin Janda

MJ:blr

c: Eric Johnson; Metrose Builders  
Tabitha Casamento; Metrose Builders

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

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Rodman states that this is a valuable piece of property that could be developed in the future. In the short term it has reached a point of being filled up with the initial permit and there is no erosion controls at the base and it appears that dirt has been pushed into the water, although they realize the water is high because of the very wet summer that we have had. The Conservation Board would like BME to share with their client these concerns and ensure that they understand the importance of following erosion control. The EAF – part 2 asks if the project will alter the banks or body of water and the box no was checked. The Conservation Board would like some elaboration on that. Mr. Janda states that this area in the past was excavated and it was a pasture that Mr. Packard was using for his cows. Seasonally, water backs up from an area to the east of this site. When there is a lot of rain what can happen is that through a culvert water backs up. This was addressed in 2007 with the previous application when LDD was evaluated on the site. Wetland delineation was also performed on the site and the US Army Corps of Engineers commented and declared the site to be non-jurisdictional based on the findings. There is no wetland LDD.

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

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

#### General

- 1. A time limit needs to be agreed upon between the applicant and the DPW for completion of filling operations. This “cut-off” date shall be stipulated on the plans. A new application will need to be done to extend the agreed upon time limit.**
- 2. The sequence of construction shall be modified to direct the applicant to first grade, topsoil and seed a 150-foot buffer area along Wakeman Road from NYS Route 31F to the existing barn. This work shall be accomplished by 9/30/13. The second operation shall fill, grade and seed the proposed fill area parallel to Wakeman Road. The last operation shall fill, grade and seed the proposed fill area parallel to NYS Route 31F.**
- 3. Provide permanent markers or monuments at the proposed toe of slope (elevation 494.0). These markers shall be 4x4 posts or similar, 5-feet above ground and set 3-feet below ground encased in concrete. These monuments shall be installed in conjunction with step no. 1 of the sequence of construction.**
- 4. The applicant shall provide a letter of credit for the installation of the silt fence, the monuments, and the stabilized buffer area along Wakeman Road.**
- 5. The existing stabilized construction entrances need to be re-stoned and extended to the location where the trucks are unloading.**

Mr. Beck states that there is no designated wetland on the site, federal or state, but there is still LDD. The DPW has discussed with BME's client to be cognizant of this. Mr. Beck asked if they have discussed with their client what the time frame is proposed to be for the fill operation. The DPW feels that it would be reasonable to have this permit expire on 12/31/15, at which time the fill operation would be required to cease, and if it is not complete at that time, the applicant would be required to come back to the Planning Board. Mr. Janda states that this is acceptable to the client. He states that they are starting to work on some sketches for the development, and he believes that they will try to get this done as soon as possible.

Ms. Neu inquired why they are doing this, and where this is going. Mr. Janda states that the site was excavated, so there is big drop in grade so it was not developable because of that, so by leveling the site they are preparing the site for future construction. Ms. Neu inquired what type of construction is proposed. Mr. Janda states that there has been a lot of discussion about this, and he thinks it will be a transition from residential to commercial.

Mr. Gardner feels that LDD should be delineated with stone monument to keep bulldozers from wandering off into wetlands during the fill operation. Mr. Beck states that the DPW will address this. Mr. Gardner states that it is proposed that the disturbed areas be seeded with a lawn mix, and he is not sure that is appropriate for this site, and feels it would be more appropriate for a wildflower mix for restoration. Mr. Janda states that he can look into this.

Messrs. Antonelli, O'Brien, and Brasley are prepared to move forward and have no questions or comments.

Mr. Lewis commends Mr. Janda for his fine talents over the years at BME.

Mr. Anderson states that he supports this request, but has concerns about where we are going with this. He is concerned that by doing this, they may be precluded from taking certain actions when it is eventually developed. If they come back and ask for more fill, he would like to see a plan for how it is going to be developed; even just a concept plan. Mr. Janda feels that this should be the last request for fill. In 2007 they did a drainage study.

Mr. Rodman states that the Perinton Conservation Board (PCB) has reviewed this application and visited the site, as well as discussed the proposal with Martin Janda. We are in receipt of a letter from Mr. Janda addressing our concerns. Based on our review the PCB makes the following findings:

A program and time line for sequence of filling and stabilization will be provided;

Erosion control measures will be part of that plan;

Filling operations will be monitored by the applicant.

Based on these findings the PCB recommends a Negative Declaration for purposes of SEQR for this unlisted action.

Mr. Anderson made a motion to grant a Negative Declaration of SEQR for the reasons as stated by the Conservation Board.

Mr. Brasley seconds the motion.

Motion carries 7 – 0.

Mr. Brasley made a motion to grant preliminary site plan approval to place approximately 15,300 c.y. of fill material on the property, for plans received by the Town on 6/14/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. This permit will expire on 12/31/2015. If the applicant has not completed this project by that date, the applicant is required to come back to the Planning Board for either a new request or an extension of this approval.
3. Applicant to consider reseeded disturbed areas with a meadow mix instead of a lawn mix.
4. Any future increase beyond the 15,300 cy of fill will require submission to the Planning Board of a concept plan for future development.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

Mr. Brasley made a motion to grant final site plan approval to place approximately 15,300 c.y. of fill material on the property, for plans received by the Town on 6/14/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. This permit will expire on 12/31/2015. If the applicant has not completed this project by that date, the applicant is required to come back to the Planning Board for either a new request or an extension of this approval.
3. Applicant to consider reseeded disturbed areas with a meadow mix instead of a lawn mix.
4. Any future increase beyond the 15,300 cy of fill will require submission to the Planning Board of a concept plan for future development.

Mr. Lewis seconds the motion.

Motion carries 7 – 0.

#### **Discussion:**

#### **ZBA – 7/22/13**

The Planning Board has no comment on any of the applications before the ZBA for this agenda.

#### **Minutes – 6/19/13**

Mr. Brasley made a motion to approve the minutes of 6-19-13 as amended.

Mr. Lewis seconds the motion.

Motion carries 6 – 0, with one abstention of Mr. O'Brien due to absence.

There being no further business before the Board, the meeting adjourned at 8:50 PM.

Respectfully Submitted,

Lori L. Stid, Clerk