

**Minutes of the Town of Perinton
Planning Board Meeting of August 6, 2014**

Planning Board Members Present

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

Absent

Craig Antonelli

Conservation Board Members Present

David Belaskas
Barbara Wagner

Town Officials Present

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW
Robert Kozarits, Town Engineer
John Beck, Deputy Director Code Enforcement & Development & Zoning Officer
Lori Stid, Planning Board Clerk

Absent

Michael Doser, Director Code Enforcement & Development (CED)

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

New Application(s):

Stonefield Reserve – 61 Fishers Road. McMahon LaRue Associates, as agent for Schoenberger Associates, LP, as agent for William J. Babcock Jr., owner of property located at 61 Fishers Road (tax id # 193.01-1-80) and located at the northwest corner of the intersection of Fishers Road and Old Stonefield Way, requesting preliminary and final subdivision approval to subdivide an existing parcel of 9.667 acres of land into 6 lots with one of the parcels to be a 4.711 acre parcel which includes the existing home and the remaining development to occur on 4.956 acres with construction proposed to occur in 2 phases.

Presenter: McMahon LaRue Associates
Zoned: Residential A

Greg McMahon presented the application to the Board as per letter of intent as shown below:



Engineers & Surveyors

June 26, 2014

Town of Perinton
1350 Turk Hill Road
Fairport, NY 14450

ATTN: Town Planning Board

RE: Stonefield Reserve
Old Stonefield Way

Dear Mr. Chairman and Members of the Board,

Enclosed, please find our application to appear before the Town Planning Board on August 6, 2014 to present our preliminary/final plans for the development of the Stonfield Reserve Subdivision. The site is located at the northwest corner of the intersection of Fishers Road and Old Stonefield Way. The owner of the parcel, Mr. William Babcock, resides in an existing residence adjacent to Fishers Road. The developer, Schoenberger Associates, L.P.; intends to subdivide the existing parcel into 6 lots. The developer proposes to construct a private drive, along with the necessary utilities, and 5 new single-family residences.

The area of the site is 9.667 acres. The proposed development will occupy approximately 4.956 acres and the existing home at 61 Fishers Road will remain on a 4.711 acre parcel. Construction is proposed to occur in two phases. Phase 1 will include the construction of the private drive and development of Lots 1 and 2. Phase 2 will include development of Lots 3, 4 & 5.

There is an area of steep slopes along the north line of the parcel, which will not be disturbed by this development.

The proposed entrance to the development is located directly off Old Stonefield Way.

Public water, gas, and electric services are available along Old Stonefield Way.

Public sanitary sewer is not available to the site and each of the parcels will be developed with septic systems.

With him is Robert Schoenberger, who is the developer. He states that they were before this Board on 3/5/14 requesting concept approval. There is public water accessible on Old Stonefield Way. It will be served by on-site septic systems as are all of the homes on Old Stonefield Way. There is no HOA proposed for this project. They will get a letter from the State Attorney General for maintenance through deeds. There is steep slope LDD along the back portion of the lot which extends onto the property next door and onto the office buildings on the other side. There is a creek that runs through that. They attended last night's Conservation Board meeting. They have met with the Town Engineer and have reviewed the Town Engineer's comments. He acknowledges receipt of comments from MCWA and MC DOH on the septic systems. They have also received Monroe County DRC comments.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Belaskas states that they met with the applicant last night. Several members of the Conservation Board have walked the site. They are concerned with steep slopes on the back of the property. The slope is 40' – 50' in height. The soils are highly erosive. There is a stream bed that goes over the slope. There are rows of septic on top of the slope. The Board is concerned about the future stability of the slope and stability of the structures at the top of the slope. He inquires how stormwater will be managed coming over that slope. The Board would like to see more detail on how that will work. With the proximity of the septic system to the slope there may not be a lot of treatment before the septic eventually gets into the stream at the back of the property. It appears that the stormwater management plan needs to have more work completed. There are some significant trees on the site that they feel could be saved. The Board has some concerns with the density of the development given the steep slopes out back and the stability of that slope.

Mr. Anderson asked for questions or comments from CED. Mr. Beck states that no variances are required for this application and CED concerns are addressed in the DPW comments.

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

STONEFIELD RESERVE – 61 FISHERS ROAD
Requesting Preliminary and Final Subdivision Approval

orig



DPW Comments:

General

1. The existing property, proposed to be subdivided into 5 lots, contains many mature trees, a large portion of which are oak or other desirable hardwoods. During a previous discussion with the developer we were led to believe that an effort would be made to save some of these trees. Based on the grading plans, it appears that the entire site will be cleared of all existing vegetation to accommodate the house pads and proposed septic systems. Provide a sequence of construction on the plans, which includes a statement that the clearing limits are to be delineated in the field and approved by the DPW prior to start of clearing operations. The clearing limits and any mature trees to be saved should be clearly defined on the plans.
2. Delineate the parcel's west, north and east property lines with orange construction fence installed 1' inside property lines prior to start of clearing operations. Show this on the plans.
3. Some of the proposed septic systems are shown to be within 12' of the property lines of existing homes. The septic systems also allow little or no room for expansion of the homes or for pools. Due to the proposed lot sizes, any other use of the proposed yard areas will be limited by the size and location of the proposed septic systems. Furthermore, many of the aforementioned mature trees are currently growing in the areas of the proposed septic fields. The removal of the root systems of these trees will disturb these areas and alter the soils infiltration capability. As such, DPW recommends the applicant further investigate providing public sanitary sewers to this proposed development by connecting to the existing sanitary sewer on Fishers Road.
4. The proposed swale along the west property line of the parcel becomes narrower as it progresses downstream to the north. It is being constructed between leach fields and adjacent the property line. The grading in this area needs to be revised to ensure runoff is not pushed onto adjacent properties. The center of the swale should be offset 30' from the west property line.
5. Since all of the existing private drives adjoining Old Stonefield Way are paved, the plans should specify a paved surface for Stonefield Reserve's private drive as well.
6. Provide DPW with a description for the proposed access easement for review. The final document needs to be signed and submitted with a check for the filing fees to the Monroe County Clerk.
7. Provide DPW with an engineer's estimate for site construction. A Letter of Credit in an amount equal to the engineers estimate shall be furnished to the Town prior to obtaining signatures on the plans.
8. The applicant's engineer needs to provide a drawing showing that Emergency Vehicles (equivalent to an AASHTO BUS-40 design vehicle) can negotiate the proposed private drive and circular turn-around.
9. This project is located within a Town PED Zone and is part of the Babcock Subdivision which was approved in 1998. As part of that approval, the applicant was required to make a contribution to the Town's Sidewalk Fund for the lot located on the east side of Fishers Road and provide a 10' wide sidewalk easement along that lot's frontage. It was also determined that a sidewalk contribution and easement would be required on the remaining parcel if it was further subdivided or if development occurred on it. The sidewalk contribution required for this project is based on the parcels frontage along Fishers Road and Old Stonefield Way.

$$1208.54 \text{ L.F.} \times \$15.00/\text{L.F.} = \$18,128.10$$

The 10' sidewalk easement is required along the same frontages.

10. A restrictive covenant for the Steep Slope LDD area shall be provided to the Town by the applicant.
11. DPW will require that all proposed site work be completed prior to sale and development of individual lots.
12. Confirm whether the homes will be constructed with basements.
13. Confirm that gas service will be provided to all lots.
14. Will a Homeowners Association be established?
15. Confirm ownership of proposed street lighting – property owner or a homeowners association?
16. Since this is a residential project of 5 acres or less, and less than 25% impervious surface is proposed, a full SWPPP is not required. As such, DPW's review was limited to the pre and post development run off calculations, and erosion/ sediment control plans.
17. The applicant's engineer met with DPW to discuss concerns with the stormwater calculations included in the submittal. Once a revised analysis is provided, DPW will finalize comments related to stormwater on this site.
18. DPW is concerned with the existing erosion on the steep slope behind lots 4 and 5 that this development's site runoff will ultimately be conveyed to. A stoned line swale needs to be provided down this slope, with stone sized to accommodate the anticipated runoff volume and velocity, or a hard piped solution (i.e. catch basin, pipe and end section) needs to be developed.
19. DPW recommends installing a storm sewer that ties into the existing Town drainage system located within Old Stonefield Way. This would eliminate the need for large drywells, and would reduce the roadway surface runoff otherwise conveyed to the steep slope to the north.

20. Show/label the access easement to the 6" water main and hydrant located along the private drive west of this development.

They met with the applicant on Friday and felt that in general the comments were technical in nature. However, after meeting with the Conservation Board last night and making a field visit and looking at how severe that steep slope is; the DPW will feel more comfortable moving forward if there were some type of geo-technical recommendation on where a house and/or septic would be placed and not degrade the slope or create any type of a safety issue down the road. There are some stormwater concerns that need to be resolved. The DPW feels that sanitary sewer would serve the site better rather than septic systems from a marketing standpoint and an overall water quality concern. There is a tributary to Irondequoit Creek right below. It would be in the best interest of the development if it were serviced by a sanitary sewer. The DPW is not prepared to move forward with the proposal as it is laid out.

Mr. Beck states that it has been the policy of the Town that when a development is adjacent to an available sanitary sewer. This is a 6 lot subdivision, and even though the applicant is not proposing to purchase Lot 6, that lot is part of the subdivision. If this proposal goes forward in this fashion, the DPW feels that sanitary sewer should be installed and not septic. There is a sizeable sidewalk contribution that will occur.

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

Kraig Kummer, 5 Summerfield Circle, asks if the area where the drop off occurs is included in the 4.9 acres being proposed for development. Mr. Anderson states that a portion of it is. Mr. Kummer inquires if the 5 houses are on a much smaller area than 4.9 acres. Mr. Anderson asked the applicant what the acreage is outside of LDD. Mr. McMahon states that he can give an estimate. Lots 4 and 5 are the two lots impacted. Lot 4 is 1.725 acres and 2/3 is LDD, which would put it around 1/2 acre buildable. Lot 5 is a little bit less than one acre and 1/4 is LDD, which is about 3/4 acre buildable. Mr. Kummer expresses concern that the lots and the homes won't be consistent with the rest of the neighborhood. Most of the homes are about 3000 sf. Mr. Anderson states that this property is zoned Residential A, and the applicant can develop consistent with Residential A. If it is on septic, it would be 20,000 sf lot. These are proposed to be about 30 – 35,000 sq ft each. If the developer went to exactly Code, there could potentially be more homes. The Town does not consider the size of the homes; that is up to the developer. Mr. Anderson asks Mr. Schoenberger what his proposed plan is. Mr. Schoenberger states that he is thinking a cottage type home; perhaps a cape; two stories, but something small. They will likely have a master bedroom on the first floor and two bedrooms upstairs. He will likely lower the square footage to accommodate that. He feels that the average square footage might be around 20 – 22 hundred sf.

Mr. Anderson states that the Board reviewed this project back in March for a concept proposal and didn't take any formal action. At that time there were no engineering drawings. It appears that there is still a lot of engineering work that needs to be completed before this goes forward. He would like to see sewer in this location; the Town feels that there is a viable access point. He would like to see the applicant come back with a plan responding to that. There is a safety concern for Lots 4 and 5. It appears to be a cliff with highly erosive soils and to have leach fields next to them there is a potential for further erosion and pollution into the stream. The Town Engineer has requested a geo-technical report and that is needed before the Planning Board can take action. He would like to see a stormwater management plan. He feels that the applicant should submit a plan saving some of the large trees on site. The proposed plan shows the lot being clear cut. He is not sure that 5 additional lots are possible; perhaps it would have to go to 4 lots. They need to see further engineering work to determine that.

Mr. Lewis states that this is a beautiful neighborhood. He inquires who owns all of the property right now. Mr. Schoenberger states that Mr. Babcock owns and is proposing to sell a portion of it to him for development. There is a purchase contract. Mr. Babcock would continue to own 4.711 acre parcel with the existing home. Mr. Lewis asks if Mr. Babcock would agree to no further development on that acreage if this goes forward. Mr. Schoenberger states that he does not know. Mr. Schoenberger states that there is some steep area. Mr. Schoenberger states that he has done some sketch work with just 4 lots, but it was a big surprise to him to find out about the sidewalk fee, as this was not discussed when he purchased the property. The preliminary data that they were given was that this would be on septic and not sanitary sewer. Mr. McMahon states that they would need to get an easement from Mr. Babcock through his property to access the sanitary sewer. Mr. Lewis asks if the sale of his land to Mr. Schoenberger hinged on the need to provide ingress/egress over his land that would be a big factor. If Mr. Schoenberger has already purchased the land then he has landlocked himself to Old Stonefield Way. Mr. Lewis asks what power the Town has to tell Mr. Babcock that he has to let him access his property. Mr. Beck states that if this has occurred, an illegal subdivision has been created. Mr. Lewis states that the Planning Board is limited in their power to require larger lots than what the Code allows. The Code permits smaller houses than what currently exists today in this neighborhood. This is developable land; perhaps 4 additional lots. He would like to see information on where driveways and houses would be located. Mr. Schoenberger states that he is willing to do a 4 lot subdivision; however, with the costs of sidewalk fees, easements and sanitary sewers, he is not sure that would work out for him. When he originally optioned for this property, there was no thought of any of that. MC Pure Waters turned this down. He assumed that the same ground rules would continue to apply.

Mr. Brasley is ok with either 4 or 5 lots, however, he is not prepared to go forward until the DPW and Conservation Board's concerns have been adequately addressed.

Mr. O'Brien states that the steep slope is a big issue. Perhaps they could re-arrange the lots to have the same number, but a little smaller. He would like to see the concerns of the DPW and Conservation Board addressed prior to this moving forward.

Mr. Gardner states that at the time of concept, the proposed plans showed it to be treed with a stone like fence going up the private drive. The view from homes to Old Stonefield Way was a beautiful setting; however it did not translate to this proposed plan which is essentially a clear cutting. If you don't have the septic fields, the clear cutting is significantly less, the grading is significantly easier and steep slopes are less of a concern. He feels that 4 or 5 homes are ok. Perhaps they could be arranged differently.

Ms. Neu inquires if the 2200 sf average includes a basement. Mr. McMahon states that the homes will have basements, but it is not included in the square footage of the house. Ms. Neu would like to see some of the mature trees saved. The concept plan showed trees and she felt that plan was nice. They are only showing two light fixtures on the entire lot. The lighting detail that was shown at time of concept is what she would like to see proposed for this development or something similar.

Mr. Anderson states that at the time of concept, the plans showed a tree lined street with a treed neighborhood and that is something that he supports.

Mr. Anderson asked the Conservation Board if they are prepared to make a SEQR recommendation. Mr. Belaskas states that at this time the Conservation Board is not prepared to make a SEQR recommendation.

Mr. Anderson made a motion to defer preliminary and final subdivision approval to subdivide an existing parcel of 9.667 acres of land into 6 lots with one of the parcels to be a 4.711 acre parcel which includes the existing home and the remaining development to occur on 4.956 acres with construction proposed to occur in 2 phases, for plans received by the Town on 6/26/14, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant is to submit a geo-technical report of the area for Lots 4 and to determine feasibility of and location of proposed home sites in that area.
3. Applicant is to submit a stormwater management plan to the satisfaction of the Town Engineer.
4. Applicant, working with the Town, is to evaluate bringing a sewer into this site consistent with Town direction to create sewer into subdivisions where it is available.
4. The applicant is to re-evaluate the plan that is more similar to the plan that was presented to the Town at the time of concept, as this Board would like to avoid clear cutting and would like to see as many of the mature trees saved as possible.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Anderson encourages the applicant to schedule a subdivision review committee meeting and work with Town staff prior to discuss comments tonight prior to submitting revised plans. Mr. McMahon inquired how quickly they could get on an agenda and was advised to follow the submission deadline schedule that is posted.

Discussion:

Magnolia Manor Subdivision- Section 4 (f/k/a Packard-Waymon Subdivision - 6th 90 day extension with the extension to run from 7/16/14 – 10/16/14

Ryan Destro, BME, presented the extension request to the Board as per letter of intent as shown below:

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

July 17, 2014

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



Attn: Lori Stid

Re: Magnolia Manor, Section 4

2177E

Dear Board Members:

On behalf of Metrose Builders, we are requesting an additional 90-day extension for the Final Subdivision approval for Magnolia Manor, Section 4; originally granted by the Planning Board on October 3, 2012. Per request from the Town of Perinton DPW, the first phase of Section 2 construction was to be completed prior to obtaining Town signatures on the Section 4 plans and prior to the start of Section 4 construction. The 90-day extension is required due to the timing of the Section 2 construction. The first phase of Section 2 is now complete, and Metrose Builders intends to obtain the necessary Town signatures and begin construction on Section 4 in 2014. There have been no changes to the lot layout from the plan that was previously reviewed and approved by the Planning Board.

If you have any questions, please contact our office.

Sincerely,
BME ASSOCIATES

Mr. Destro states that a majority of the work on Section 2 is now done and they are ready to move ahead with Section 4. Section 4 has needed extensions as the developer has been waiting to close out a couple of Letter of Credit items with Section 2 first. The application was submitted today to the bank for a letter of credit for Section 4. They hope to move forward in September or soon after.

Mr. Anderson inquired if anything with this plan has changed that would affect their prior SEQR recommendation. Mr. Belaskas states that there is no change to SEQR recommendation, and the Board appreciates the applicant working with Town staff to get these items closed out so this project can move forward.

Mr. Beck states that the applicant has been working with the Town to work on the outstanding items and should be ready to move forward soon.

Mr. Gardner states that for a project of this size, this is not an inordinate amount of time and he has no issues with this.

Mr. Lewis expressed concern about this being the 6th extension.

Messrs Brasley and O'Brien and Ms. Neu are prepared to go forward with the extension.

Mr. Anderson is comfortable with the extension. This is a large complicated proposal and is not unusual for there to be timing issues.

Mr. Brasley made a motion to grant Magnolia Manor Subdivision- Section 4 (f/k/a Packard-Waymon Subdivision a 6th 90 day extension with the extension to run from 7/16/14 – 10/16/14.

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

Minutes – 7/16/14

Mr. Gardner made a motion to approve the minutes of 7/16/14 as amended.

Ms. Neu seconds the motion.

Motion carries 6 – 0.

There being no further business before the Board, the meeting adjourned at 8:06PM.

Respectfully Submitted,

Lori L. Stid, Clerk