

**Minutes of the Town of Perinton
Planning Board Meeting of September 18, 2013**

Planning Board Members Present

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

Absent

Norm Gardner

Conservation Board Members Present

David Belaskas
Barb Wagner

Town Officials Present

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW
Michael Doser, Director Code Enforcement & Development (CED)

Absent

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):

Allstate (Perinton Hills) – 6687 Pittsford-Palmyra Road

Nick Johnson, Sign & Lighting Services, presented the application to the Board. They are proposing a new sign for Allstate. They have 14' linear frontage. They are allowed 21 sf and they are asking for 17.3 sf. It is internally LED illuminated. Raceway will be painted to match the face of the existing building.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that the sign meets the dimensional requirements of the Town Code for the plaza. There are no concerns.

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

Mr. Anderson supports the request. It is consistent with other approved signage in the plaza.

Mr. Lewis inquires where the entrance to Allstate is. The applicant states that it is the first two doors to the left of the column. Mr. Lewis inquired why the lettering for Allstate isn't centered over the doors instead of the column. The applicant states that they can't do that because it encroaches onto the next tenant space. Mr. Lewis felt that if they moved the logo to the other side or even got rid of the logo it would work. The applicant states that Allstate branding requirements would force them to use the logo and it is always on the left. Mr. Lewis doesn't feel that the logo is necessary.

Mr. Brasley supports the sign as submitted.

Mr. O'Brien supports the sign as submitted.

Mr. Antonelli supports the sign as submitted.

Ms. Neu agrees that centering the sign might help a little bit as far as verifying where the entry is. She supports the sign request.

Mr. Anderson asked if Allstate would allow for the logo to be moved to the other side of the word, and the applicant states no.

Mr. Brasley made a motion to approve sign application for sign submitted to the Town on 8-15-13, as submitted, subject to the following conditions:

1. Sign is 8' 7 ¾ wide" X 2' high.
2. Lettering is blue.
3. Logo is blue
4. Sign is internally illuminated
5. Raceway to be painted to match the façade color of the existing building.
6. Sign permit to be issued within 6 months.

Mr. Antonelli seconds the motion.

Motion carries 6 – 0.

Tom Wahl's – 1333 Fairport Road

Mr. Anderson states that this application for signage will be heard at the same time as site plan later this evening.

Alliance Group of Western NY, Inc. – 1341 Fairport Road

Jim Diem, Alliance Group, presented the application to the Board. This is a replacement sign. They plan to have a flower bed at the base which will match some stone on the building, and eventually, the front of the building will also have the stone added.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that this sign meets the overall dimensional requirements the area. It is more than 5' in height and will require a variance, and the applicant is scheduled to appear at the 9/23/13 ZBA meeting.

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

Ms. Neu asked why they need a variance. The applicant states that the proposed sign is higher than what is there now and a variance is required according to Town Code. The height will match the height of the existing Tom Wahl's sign. Ms. Neu supports the sign application.

Mr. Antonelli inquired as to the differences between what exists today and what they are proposing. The applicant states that it is identical to what is on there now. The applicant explains. Mr. Antonelli asks about lighting. The applicant states the lighting will be two spot lights on each side shining up, just as it exists today.

Mr. O'Brien feels that the sign has too much information on it. He inquires if insurance is the only business in there. The applicant states yes. Mr. O'Brien doesn't feel that there is a need for the wording auto, home, business, and life. The applicant states that around the corner State Farms sign has all of those words, the Muffler Shop says brakes, mufflers, tires, Nationwide also has additional wording. The applicant states that the wording is the same as what is there today. Mr. O'Brien feels the sign is too cluttered with all of that information on it. Mr. O'Brien supports the height variance.

Mr. Brasley states that a variance was granted in 2002 for a 10' setback. He supports the sign as submitted. He supports the height variance also.

Mr. Lewis inquired if there is a sign on the building. The applicant states no. Mr. Lewis agrees with Mr. O'Brien; he feels it should only be the name of the business; the rest is advertising.

Mr. Anderson feels the sign is attractive. He inquires why they need the height increase. The applicant states that they want to add a base to tie it into the design of the building to match the stone on the building. They will have flowers in the base. The base is 18". Mr. Anderson supports the variance. Mr. Anderson will support the signage as shown on the application, as this Board approved it in the past. This is the same sign, just updated and more attractive. He would prefer it to not have all of the additional wording, but he can support it.

Mr. Brasley made a motion to approve sign application for sign submitted to the Town on 8/22/13, subject to the following conditions:

1. Applicant to obtain a height variance from the ZBA for a height of 6 ½ feet instead of 5'.
2. Applicant to obtain a sign permit from CED within 6 months from today.

Mr. Antonelli seconds the motion.

Motion carries 4 – 2, with Messrs. Lewis and O'Brien opposed.

Mr. Antonelli states that he has the information needed to write a recommendation to the ZBA for the height variance.

New Application(s):

575 Thayer Road – garage addition. Carl Lloyd, owner of property located at 575 Thayer Road (tax account #180.04-1-70.2), requesting preliminary and final site plan approval for garage addition, removal of existing deck on the north side of the existing garage, and deck addition along the west wall of new construction in a residential sensitive district.

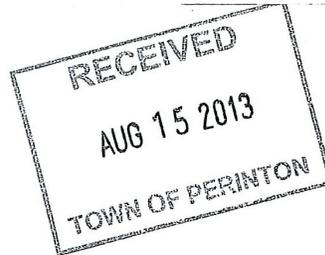
Presenter: Carl Lloyd
Zoned: Residential Sensitive

Mr. Lloyd presented his application to the Board, as per letter of intent as shown below:

August 14, 2013

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

From: Carl A. Lloyd
575 Thayer Rd
Fairport, NY 14450



Subject: Letter of Intent

It is our intent to expand the area of the garage attached to our residence. We currently have a garage which was represented as a two garage when we purchased the property in 2011. However, the dimensions of the garage are such that if two cars were in the garage, one could not open the doors of the cars. In addition, if there is one car in the garage, we cannot store a snow blower, lawn tractor, wheel barrows, or any other sizable equipment in the garage, making it necessary to keep the car(s) outside all year. Keeping the cars outside is an impediment to driveway plowing in the winter, and storing the maintenance equipment outside is unsightly and leads to deterioration of the items. We are therefore hoping to obtain a permit to expand the garage space to allow the parking of two cars in the new garage space, with room for maintenance equipment, a work bench, and storage of gardening tools and materials as well.

A related concern has come to light in the recent months because of thefts of items from homes in the area. Having equipment and cars stored inside a closed garage would improve the security of the property.

Because the garage expansion will require the removal of the small deck on the north side of the existing garage, we are also requesting approval of a new deck along the west wall of the new construction, as shown on the drawings.

Thank you for your consideration of this matter.

Carl A. Lloyd

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Belaskas inquired if the applicant is willing to add silt fence around the perimeter of construction during construction. The applicant states yes. Mr. Belaskas inquired about the low retaining wall along the driveway. The applicant states that there is a red maple about half way down the driveway and he doesn't want to dig it up, so he is proposing to put up a small retaining wall. Mr. Belaskas inquires how much fill is needed. The applicant states it won't be a lot; the maximum height that they have to fill is about 18" in the corner.

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

1. **Variations are required for proposed oversized garage. Applicant has applied for those variations and the application will be heard by the Zoning Board of Appeals on Sept. 23rd.**
2. **Clarify front setback dimension on site plan.**

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

1. **The DPW has reviewed the site plan and has no issues with the proposed garage addition.**

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that this is considered a type II SEQR application. Any approvals should be made subject to the applicant obtaining the necessary area variations.

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

Mr. Anderson asks if the existing garage will remain as a garage. The applicant states yes. This is for construction of a 2nd garage attached directly to it. The applicant states that they will enlarge a window that is in the existing wall towards the front of the garage to create an opening to pass through. They will add to the existing driveway. Mr. Anderson asks if it is one or two driveways, and the applicant states one. Mr. Anderson supports the site plan request and also the variance request. This is a large parcel and the addition will look nice and blend in well.

Mr. Lewis supports the request. He thinks that perhaps the Code should be amended to allow for a larger garage without obtaining a variance as so many people are asking for additional storage space. Mr. Lewis inquired about the addition to the

driveway and the applicant explained. Mr. Lewis asks if this is really a second garage or one garage; as it looks like two garages. Mr. Doser states that CED considers this an oversize garage. Mr. Lewis asks if he is asking for approval for the deck also, and the applicant states yes. Mr. Brasley states that the letter of intent and the drawing asks for both. Mr. Anderson states that the agenda calls for both. Mr. Place states that it is a part of the site plan request.

Mr. Brasley asks how large the lot is. The applicant states it is about 3.1 acres. Mr. Brasley feels that this lot can support a garage of this size easily in the location he is proposing. He supports the variance request.

Mr. O'Brien supports the request and the variance.

Mr. Antonelli feels the lot is large enough to support a garage of this size. It fits in nicely and the applicant has states that he needs additional storage space. He also supports the variance request.

Ms. Neu feels that there is a lot of asphalt in front of the house, but can support the request.

Mr. Anderson made a motion to grant preliminary site plan approval for garage addition, removal of existing deck on the north side of the existing garage, and deck addition along the west wall of new construction in a residential sensitive district, for plans received by the Town on 8-15-13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. The front setback dimensions on the site plan be clarified on final plans submitted for signature (as per CED comments).
3. The applicant is to receive any necessary variances from the ZBA for oversize garage.
4. It is noted that a deck addition is part of this site plan approval.
5. Applicant to add silt fence during construction and show it on the final plans submitted for signature.

Mr. Lewis seconds the motion.

Motion carries 6 - 0

Mr. Anderson made a motion to grant final site plan approval for garage addition, removal of existing deck on the north side of the existing garage, and deck addition along the west wall of new construction in a residential sensitive district, for plans received by the Town on 8-15-13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. The front setback dimensions on the site plan be clarified on final plans submitted for signature (as per CED comments).
3. The applicant is to receive any necessary variances from the ZBA for oversize garage.
4. It is noted that a deck addition is part of this site plan approval.
5. Applicant to add silt fence during construction and show it on the final plans submitted for signature.

Mr. Lewis seconds the motion.

Motion carries 6 – 0

Mr. Anderson states that the Planning Board will be making a favorable recommendation to the ZBA regarding the request for oversize garage.

Be Walters Retail Development. Parrone Engineering, as agent for Mamason's Perinton, LLC (Le Thi Be Walters), owner of properties located at:

721 Pittsford-Victor Road - 179.10-1-44
725 Pittsford-Victor Road - 179.10-1.43;
735 Pittsford-Victor Road- 179.10-1.42;
741 Pittsford-Victor Road - 179.10-1.41;
747 Pittsford-Victor Road - 179.10-1.40;
751 Pittsford-Victor Road - 179.10-1.39;
6 Laird Lane - 179.10-1.45,

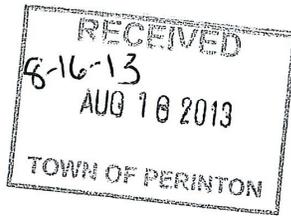
requesting preliminary and final site plan approval for the conversion of the single family residence at 721 Pittsford Victor Road to office space, the existing Subway building to remain unchanged, the church building to be lowered with a rear addition to facilitate handicap access to the building, construction of a 2,577 s.f. restaurant facility with a pick-up window and seasonal outdoor seating area for 9 patrons, construction of a 2,740 s.f. restaurant facility with a seasonal outdoor seating area for 14 patrons.

Presenter: Edward Parrone, Parrone Engineering
Zoned: Commercial

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

August 16, 2013

Mr. Mark Anderson
Planning Board Chairman
Town of Perinton
1350 Turk Hill Road
Fairport, New York 14450



PARRONE
engineering

ROCKSOLID

THE PIANO WORKS
349 W. COMMERCIAL STREET
SUITE 3200
EAST ROCHESTER, NY 14445
T 585.586.0200
F 585.586.6752
WWW.PARRONEENG.COM

Re: Be Walters Retail Development – Pittsford-Victor Road

Dear Mr. Anderson:

On behalf of our client, Mamasan's Perinton LLC (Le Thi Be Walters), we are submitting plans of the above referenced project for your review. We are requesting that this proposal be placed on the Town of Perinton's Planning Board Agenda of September 18, 2013 for Preliminary and Final Site Plan Approval. A Development Referral Form application has also been sent today to the Monroe County Department of Planning and Development, with a request for comments to be returned to the Town by September 10.

This project has been previously submitted to the Town in various stages of design, both in 2002 and 2005. Currently, the project involves properties located at 751, 747, 741, 735, 725 & 721 Pittsford-Victor Road and 6 Laird Lane. Under the current redevelopment plan, the single-family residence at 721 Pittsford-Victor Road is to be converted to office space. The existing Subway building is to remain unchanged. The church building is to be lowered and will have a new rear addition constructed to facilitate handicap accessible access to the building. Two restaurant facilities are to be constructed accounting for approximately 5,317 square-feet of restaurant space. Proposed Building #1 is to be a 2,577 square-foot building with a pick-up window and seasonal outdoor seating area for 9 patrons while Proposed Building #2 is to be a 2,740 square-foot building with a seasonal outdoor seating area for 14 patrons.

The property will be administratively combined into one lot to create one tax account and the resulting parcel area will be 3.784 acres. Currently the seven (7) lots are served by a total of eight (8) curb cuts on Pittsford-Victor Road. The redevelopment will eliminate seven (7) curb cuts. A new access point will be constructed east of the Proposed Building #2. A new exit-only driveway will be added for the drive-thru for Proposed Building #1. Two ingress/egress access points will serve the entire development. The consolidation of access points will serve to improve overall traffic patterns and flow within the Rt. 96 corridor in the Basin. Public sidewalks are to be constructed across the entire parcel frontage to enhance pedestrian access within the Basin.

We will be making an application to the Zoning Board of Appeals for area variances. Most of the area variances that will be requested will be to "clean-up" existing conditions

within the site. Area variances will be requested for front setbacks along Pittsford-Victor Road. Proposed Building #2 is located on the parcel with similar front setbacks as the existing structures. This is consistent with the Master Plan objectives to create a Village storefront along the Bushnell's Basin Rt. 96 corridor. No parking is proposed in front of any structures. An area variance will be requested to allow the parking areas south of the structures to be closer to the property line than provided for within the code. The parking areas are currently developed to the southern property line. The pavement edge will be moved away from the southern property line.

In anticipation of submitting to the Town for Preliminary approval, we had multiple meetings with Town staff to discuss the project background and changes made since the last approval was granted. The D.P.W. completed a review of the documents provided and responded with a comment letter, which we met to discuss. The following responses coincide with the numbers associated with the comments based on the D.P.W. review letter dated July 1, 2013 that is attached.

General

1. We acknowledge that a Stormwater Management Facilities maintenance agreement will be required. The Town's standard agreement and Schedule B checklist have been added to the SWPPP report in Appendix E.
2. We acknowledge that the infiltration basin area will need to be performance tested upon completion and a note has been added to Dwg. C7.0 stating so.
3. The reference for the Timber guide rail on the Layout Plan has been updated to C12.4.
4. Timber guide rail has been added along the edge of pavement behind the curb line for the steep slope created by the infiltration basin (re: Dwg. C5.0).
5. The infiltration rate tables, test pit table and test pit locations on Drawing C6.0 have been updated to identify the latest infiltration testing completed at the site on 6/17/13.
6. We acknowledge there is a discrepancy between the infiltration testing in 2002 and the most recently provided in 2013. Based on our discussion at the meeting we had with Town staff at the D.P.W. building on 7/23/13, we conclusively decided to keep the infiltration rate of 3 inch/hr for the design of the basin.

Utilities

1. The stormwater drainage plan (Dwg. C6.0) has been revised to remove long laterals and blind connections. Based on our discussion, blind connections have been removed from all building storm laterals and the pipe network updated to accommodate the Town's request.

2. We confirm in the Storm Structure Schedule on Dwg. C6.0 that ST-2.0 and ST-3.0 are 4'-diameter manholes with a catch basin inlet cover.
3. We confirm the 6-inch storm laterals are appropriately sized to handle run-off from multiple buildings. Rainfall data used in the storm piping network design is based on local rainfall data and is more stringent than required by Chapter 11 of the Plumbing Code of NYS. Refer to Appendix B of the SWPPP report for additional information concerning the pipe network design.
4. An attempt was made to field locate the existing sanitary manhole in the proposed exit-only drive next to Building #1. The manhole could not be located suggesting that it is buried. The current notes on the plan to field locate and raise the inlet to proposed grade with riser sections will remain as is.

Landscape

1. Additional landscape screening trees have been added to the northwest of the proposed stormwater management facility based on our discussion at the meeting.

Erosion & Sediment Control

1. Additional stone check dams have been added to the diversion swales on Dwgs. C7.0 and C8.0 for both before and after mass grading operations.
2. After discussion at the meeting, we determined that no additional silt fence would be required at the toe of the slope at the southwest corner of the property and that sufficient protection with silt fence was already provided in the area of concern.
3. Spillway locations have been added to each temporary sediment trap on Dwg. C8.0.
4. We acknowledge that the infiltration basin cannot be used as a sediment trap during the construction of the project. This was already taken into account when the mass-grading plan was updated. A diversion swale and silt fence are used to keep sediment from traveling into the proposed basin area. In addition, a sequence of construction note has been provided stating the site needs to be stabilized before the infiltration facilities can receive storm flows.

Stormwater Management

1. Detail 13 has been added to Dwg. C12.0 for the basin embankment, which includes notes on compaction and material type to be used in construction of the basin berm.

2. The forebay is sized appropriately based on the NYSDEC manual (Section 6.4.3) to treat 50% of the WQv.
3. We confirm that the first 3" orifice is already designed at elevation 453.50 and does not need to be changed at this time. All references to this orifice elevation within the design documents have been checked for an incorrect elevation (formerly 453.20) but none was located.

We believe that this project conforms to the Town's Master Plan objectives for the Bushnell's Basin sub-area. This proposal will improve the appearance of the neighborhood and Bushnell's Basin corridor along Rt. 96. This is a highly sensitive/visible area within one of the Town's premier areas and the redevelopment plans for the parcel will enhance the overall appearance of the area.

Enclosed with this submission is the following to aid in your review:

- Fifteen (15) copies of the Preliminary/Final Site Plans
- Fifteen (15) copies of Building Elevation Plans
- Fifteen (15) copies of this Letter of Intent
- Fifteen (15) copies of the Planning Board Application
- Fifteen (15) copies of the Preliminary Site Plan Review Checklist
- Fifteen (15) copies of the Final Site Plan Review Checklist
- Fifteen (15) copies of the Short Environmental Assessment Form
- One (1) copy of the Owner's Authorization Form
- One (1) copy of the property deeds
- Five (5) copies of the SWPPP Report
- Five (5) copies of the Engineer's Report
- One (1) check of \$500.00 for application fee

We believe that this project will be a benefit to the entire Bushnell's Basin community and look forward to presenting it to the Planning Board. In the meantime, if you should have any questions or require additional information, please contact our office.

With Mr. Parrone is Randy Peacock, architect for the project, Le Thi Be Walters, property owner, and Jonatha Meade, the project engineer. This project was approved in 2006 with a different layout. The economy slowed and the approval for the project lapsed. The buildings to the south (building #2) is for future retail/commercial and the last building which has the drive thru, is intended to be of a restaurant nature. The stormwater management has changed. They will have a traditional stormwater surface management facility. They meet all of the parking, buffer, and green space requirements. Variances were granted in the past. This project met with the Conservation Board last night and they have responded in writing to the concerns of the Conservation Board. He acknowledged comments of the DPW and CED. The floor plan that showed building 2 as a restaurant should not have been there. That is not the intent; it was an error, and that is what would have created an issue with parking. They are proposing 82 spaces with 70 spaces being required. The curb cuts have not changed. The NYS DOT will not honor the previous approval, as the time has lapsed on their approval; so they have to redo the process with the DPW for the same curb cuts as were approved last time. The intent of Ms. Walters is to build the project. She needs leases however. She wishes to build it not in phases, but as a project. The only way the banks are amenable is to make sure that there are signed leases. The project needs to be built so that she can get the leases so that the banks will provide the necessary funding for the improvements of the project.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Belaskas states that the applicant has responded in writing to the concerns of the Conservation Board from last night's meeting (see below)

September 18, 2013

Ms. Lori Stid
Town of Perinton
1350 Turk Hill Road
Fairport, New York 14450

Re: Be Walters Retail Development: 721-751 Pittsford-Victor Road
Letter requested by Conservation Board at 9-17-13 meeting

Dear Ms. Stid:

At the meeting last night, the Conservation Board requested a letter of verification to ensure the reduction of flow rates for the project. Based on the following table, there is a 30-45% reduction in the flow rates from existing to proposed for the 10, 25 and 100-year storm events. Additional documentation for complete stormwater management calculations are located in the Stormwater Pollution Prevention Plan.

Peak Run-off Rates					
10-year		25-year		100-year	
Existing Condition	Proposed Condition	Existing Condition	Proposed Condition	Existing Condition	Proposed Condition
0.90	0.38	1.93	0.58	3.95	1.82

In addition to this issue, a member of the Board expressed a concern for property appearance. Should this project not proceed, the property will be hydro-seeded where necessary and appropriately maintained.

We hope that this letter satisfies the Board's concern about stormwater management and property maintenance for the project. If you should have any questions or require additional information, please contact our office.

Respectfully submitted,

This project has been reviewed over a number of years. Stormwater management will be an improvement. This project is a redevelopment and includes the reuse and rehabilitation of an existing church. The Conservation Board is ready to move forward.

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

CED Comments:

1. The applicant identifies the proposed new buildings (buildings 1 and 2) as restaurants. The elevations are not expected to be finalized until the property owner reaches an agreement with tenants. However, the building footprints and the parking lot setup as shown on the overall site plan will remain the same. Any approvals should specify that architectural elevations for buildings 1 and 2 must receive formal site plan approval from the Planning Board and a Certificate of Appropriateness from the Historic Architecture Commission in the future. The remaining elevations for the church building and the office building (closest to Bruegger's) should be considered in your current approval.
2. Specify outside dining/patio area for building 1.
3. Consider making open area between current Subway building and proposed office building a patio for outside dining.
4. Proposed buildings should have pedestrian entrances at road to emphasize pedestrian-friendliness of district.
5. Parking:
 - a. The proposed Mixed Use District zoning code currently being considered by the Town Board is anticipated to be applied to this area. The code encourages shared parking to promote efficient use of land and resources.
 - i. The proposed plan indicates 82 total parking spaces. Each use and its individual parking requirement, when totaled together, would likely exceed 82 total parking spaces (based partly upon the rudimentary floor plans submitted for buildings 1 and 2). The Planning Board may approve shared parking:
 1. If it determines there are enough available spaces to accommodate each business during its hours of operation.
 2. If there are overlapping hours of operation among businesses, parking may be reduced by 10 percent with:
 - a. Convenient, visible pedestrian access to buildings
 - b. Directional signage
 3. Applicant should clarify hours of operation for each business and adjust parking calculation based on the above information.
 - b. Adjust Subway building's parking calculation to 12 spaces.
 - c. Identify on site plan data that building 2 is for restaurant, and not retail/office.
 - d. Double-hairpin striping detail should be shown on site plan or reference on plan where striping detail may be found.
 - e. Handicapped parking:
 - i. Clarify handicapped parking spaces, particularly the hashed pavement markings on site plan.
 - ii. Handicapped parking spots do not align with flushed sidewalk areas.
 - iii. Building 2 should have handicapped parking near main entrance.
 - iv. Handicapped signs must indicate "permit required."
 6. Provide materials, heights and colors for all elevations. Should final approval be granted, formal architectural elevations for the approved buildings are required to be incorporated in the plans submitted for signatures.
 7. The Zoning Board of Appeals approved the special permit for a drive-through facility on building 1 in 2006 without expiration.
 8. Multi-tenant sign must be removed at Subway.
 9. Signs are not part of this application.

Mr. Doser states that if building 2 is going to be office/retail, they are right at the threshold for parking. This parking will be fine as long as that building is not going to be a restaurant.

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

II. Be Walters Retail Development: 721 -751 Pittsford Victor Rd
Requesting Preliminary and Final Site Plan Approval

DPW Comments:

General

1. The applicant has acknowledged that an executed stormwater maintenance agreement between the Town of Perinton and the owner, which describes the type and frequency of inspection and maintenance, will have to be executed by the owner prior to final plan signatures.
2. The applicant has acknowledged that a Letter of Credit will be required for all site improvements, including landscaping, sanitary sewer facilities, stormwater drainage facilities and pavements.
3. The DPW is concerned with maintaining the integrity of the proposed retaining wall along the southerly exit drive when installing the guide rail and vinyl fence due to the number of penetrations that are required through the geo-grid reinforcing fabric. Provide additional detail as to how the fence post and guide rail posts will be installed.

Utilities

1. Revise the storm structure schedule to say inlet manhole and change S-4.0 to an inlet manhole.
2. Specify the height and composition of the chimney in the existing manhole that requires adjustment. Coordinate this work with DPW Staff.
3. Provide a reference to detail 10 on drawing C-12.2 for connecting the new 6-inch lateral to the existing sanitary main.
4. Include a note on the Utility Plan that prior to ordering the “dog house” manhole and pouring the bottom slab, the contractor shall coordinate with DPW Staff to discuss the installation of this structure.
5. All existing buildings connected to the sanitary sewer should be shown on the Utility Plan.

Stormwater Management

1. A cut-off trench is typically centered at the bottom of an earthen berm. Why do you show this trench at the toe of the embankment slope?
2. Provide a detail for the anti-seep collar.
3. The medium stone fill for the emergency spillway shall be grouted in place.

The applicant has been working with Town staff regarding this proposal. They have asked the applicant to update the traffic analysis that was done and the updated analysis indicates that traffic volumes on Route 96 have gone down since the last analysis. Mr. Beck states that striping on this portion of Route 96 has changed since this application was in the last time.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that the applicant has already received a special permit for a drive-thru for building #1. A new SEQR determination will be required for this unlisted action. Any approvals should be made subject to the applicant obtaining the necessary area variances and Certificates of Appropriateness from the HAC. This project is in a ped zone.

Mr. Anderson inquired if building 2 is now proposed to be commercial/retail use, can the Board make it a condition of approval that restricts the use to this. If in the future, this changes, and they propose a restaurant, the parking calculations would change. Mr. Place states that a change of use would trigger a site plan approval.

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

John Klink, Tim Hortons (across the street) inquired what type of restaurant would be in building #1 with the drive-thru. Mr. Parrone states that the owner is negotiating with a couple of different restaurants and there is no signed agreement.

Jim McGary, franchisee owner of the Subway that is located at this site. He found out about this a week ago. His business is the only active business on this site. He rents about 35% of the building he is in. Currently there is a one way entrance coming into the Subway shop with three parking spots that are utilized all of the time. This proposal eliminates that. The proposed trees will block the view of his Subway shop from traffic heading down the road. This business is his livelihood. He is concerned about accessibility and visibility of his business if this goes through. His signage is limited by Town Code. Currently there is a sign in the front. The other side of this building is two retail businesses that are unoccupied right now. There are proposed seating areas for the new restaurant. He would like to keep his entrance. The opening will be very tight. He would like a sign in the back so that people know that Subway is there. He would like to have outdoor seating in the open area and not trees. Mr. Anderson states that he should work with Ms. Walters and Parrone regarding outdoor seating. The Planning Board has always been receptive about outdoor seating for restaurants. Mr. Anderson asked Mr. Parrone to explain the entrance that exists now and how it compares to the new entrance. Mr. Parrone states that it will be a dual access and will be 24' wide. There will be a total of 2 in and out and one out. The DOT had concerns about traffic movement and that is why it is proposed this way. Mr. Parrone states that the Town Master Plan wants to have the number of curb cuts reduced and create more inter-connection of businesses. Mr. Anderson states that Mr. McGary can ask for a 2nd sign for the business; it would require a variance from the Zoning Board of Appeals. Mr. Parrone states that they are willing to discuss the possibility of outdoor seating. Mr. Doser states that the Town is trying to create a pedestrian friendly environment. Outside seating would accommodate Subway. Mr. Anderson states that the Town is willing to work with him regarding the outdoor seating. Mr. McGary asked Mr. Parrone if the entrance would be a little wider, as that has always been a complaint of customers. Mr. Parrone states it will be a little wider. Mr. McGary expressed concern that the proposal shows two restaurants and would handicap his business. Mr. McGary states that there is a lot of traffic on Route 96 and he feels that the entrance needs to be more open.

Mr. Anderson states that he has supported this project in its various forms since 1995. The appeal of this proposal is to take this large block of land and develop it all at once. If the traffic, drainage, and uses work with each other, it is better to deal with it as one parcel than seven different parcels. He questions if building #2 is going to be a restaurant. Mr. Parrone states that it will be commercial retail. Mr. Anderson asks if this project goes forward, there is a time frame tied to a site plan approval, and what is the owner's plan to go forward if this is approved. Mr. Parrone states that once final site plan approval is granted, they will have to wait for NYS DOT to approve. The earliest they would be able to start construction is February or March. Ms. Walters is working with a real estate company to try to formalize the potential leases. Once the leases have been negotiated and signed, the letter of credit will go in place and construction can begin. Mr. Anderson is concerned that the approval may lapse again. Mr. Parrone states that final approval must be obtained before the leases are signed. Mr. Anderson asks once there are two leases for the two new buildings, they will have to come back to the Planning Board for site plan approval for the elevations. Mr. Anderson likes that many of the curb cuts are eliminated and that sidewalks are being added as it makes it more pedestrian friendly. Mr. Parrone states that this will help to make the Basin more of a village community like it has been envisioned. Mr. Anderson supports the project and is ready to go forward.

Mr. Lewis states that this project will help clean up Bushnell's Basin. The church has deteriorated. He asks if the church can be lowered without it collapsing. Mr. Parrone states that Mr. Peacock feels it can be done. Mr. Lewis asks how much it will be lowered. Mr. Parrone states 3'. There was a discussion as to how that process works. Mr. Lewis states that it is hard already going in and out of the Subway shop. He asks if the owner of the building could agree to move Subway to the south side of the building; this would give him more visibility. He inquires why the two-way in can't be where the Subway entrance is now. Mr. Parrone states that they had to negotiate this with DOT who wants it further away from the intersection as there are turning lanes. Mr. Parrone states that if the Subway owner and Ms. Walters wanted to negotiate moving his shop within the site, they could discuss that. Mr. Lewis had questions about internal traffic movement within the site. Mr. Lewis expressed concern that the office building would be hard to rent the way the traffic movement is set up internally. Mr. Lewis asked why this was advertised as two restaurants if that is not what they want; does the Town need to re-advertise this. Mr. Place states that this request is less and it is ok. Mr. Lewis asks what Lot 1 is zoned as. Mr. Parrone states residential. Mr. Beck states that the stormwater management is there, and may be on residential. Mr. Lewis does not feel that he is prepared to go forward tonight as he is concerned about the issues that will be impacting Subway.

Mr. Brasley supports this project and has over all of the years. Mr. Brasley states that there is some confusion over what has been submitted to the Town and what was asked for, and what the applicant is saying that they want tonight. Mr. Brasley questions if building #1 is a restaurant with a drive-thru? Mr. Parrone states that is correct. Mr. Brasley asks if building #2 is retail/commercial. Mr. Parrone states correct. Mr. Brasley asks if the church is retail/commercial, and Mr. Parrone states correct. Mr. Brasley asked if the building that Subway is in will remain the same, and Mr. Parrone states yes. Mr. Brasley asked what the red house is proposed to be and Mr. Parrone states an office of some sort. Mr. Brasley asked Mr. Doser if this proposal will meet Code as to parking. Mr. Doser states that with these uses they will. Mr. Brasley would like to see the drawings corrected. Mr. Brasley sympathizes with the Subway franchisee. He supports Subway having some outdoor seating. He states that the Subway franchisee has made a good case for having a 2nd sign in the rear, and he would support that. Mr. Brasley feels that the new curb cuts, over time, will be better. He likes the building elevations. He asks about the height of the retaining wall along the driveway, and Ms. Meade states it is a little bit less than 8'. Mr. Brasley states that he would not want it to be any higher than 8' with that being a condition of approval. Mr. Brasley asks what the maximum height is of all the light pole fixtures. Ms. Meade states it is 14'. Mr. Brasley asks if there are any new variances required. Mr. Parrone states that there was no expiration date on the approved drive-thru and outdoor seating, but the ZBA put a time frame on the variances. They will re-apply for those. Mr. Brasley states that HAC will need to review for a Certificate of Appropriateness.

Mr. O'Brien asks Mr. McGary where the entrance to the Subway facility is. Mr. McGary explains by pointing on the plans. There was a discussion as to possibly moving the entrance into the Subway building. Mr. Peacock does not feel that is possible without destroying the other leasehold. Mr. O'Brien asks what is on top of the retaining wall. Mr. Parrone states it is a guard rail and a fence. It is a 6' fence. Mr. Parrone reviewed the grading in that location. Mr. Peacock explained that the fence is there to help to screen headlights towards Hidden Hollow. Mr. O'Brien expresses concern that this Board does not know what the building design is and is unsure that parking can really be calculated at this time. He feels that some of these issues need to be resolved before this project goes forward. There was significant conversation about who was going to lease the two restaurant facilities and why the specific elevations for those tenants are not provided. Mr. Parrone states that there are no assigned tenants at this time. The prospective tenants will have to live within the footprint. They will know this going in. When you are dealing with multiple buildings, it is rare that you know exactly what is going to go in there and the exact layout. Mr. Lewis asks what

will happen if the first building leased is the restaurant building, and they want it to be a little bit bigger; does that mean that you have to reduce the size of building 2? Mr. Parrone states that you would have to. Mr. Beck states that this would require a new site plan approval if that happens.

Mr. Antonelli inquired if the applicant has applied for a DEC permit. Mr. Parrone states that they are in the process of that. Mr. Antonelli states that he agrees with DOT in that if you put an ingress/egress next to the Subway shop it would not work, as it is too close to the intersection. He inquires why they are asking for a grease interceptor for building 2 if it is not a restaurant. Mr. Parrone states that they will remove that for final. Mr. Antonelli states that he supports outside dining for Subway. Mr. Antonelli states that he supports the project.

Ms. Neu appreciates that these sites will be developed as one project. Ms. Neu asks if the property owner has involved him in any of these proposed changes since 2006. Mr. McGary states that he did not know this was going on until the Notice of Application received signs were placed by the Town. Ms. Neu feels that with a little time and effort some of the concerns of Mr. McGary could be addressed by the applicant. Mr. Parrone states that as far as the signage and the outdoor seating; yes that is possible. As far as the access, that is not possible. Ms. Neu understands that.

Mr. Anderson asked for questions or comments from the audience. Mr. McGary wants to be sure and clear that the space between the existing "Subway" building and the church that there is enough space for two lanes to go in there, as he does not feel that there is enough space. Mr. Anderson agrees that is a good point. Mr. McGary inquires what that distance is supposed to be, and Mr. Parrone states 24'.

Mr. Belaskas states that the Town of Perinton Conservation Board recommends a negative SEQR declaration based on the following:

- The project plans include the necessary erosion control and storm water management measures;
- Stormwater is being managed with a pond located outside the wetland buffer area;
- There is some minimal grading in the wetland buffer that will be managed in accordance with DEC permit requirement
- The project is a redevelopment and includes the reuse and rehabilitation of an existing church; and
- The improvements are consistent with the development in the neighborhood.

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

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Lewis states that he will abstain from this vote, as he is opposed to preliminary being approved until such time as the property owner has attempted to work with the Subway owner regarding the changes to the curb cuts.

Mr. Brasley made a motion to grant preliminary site plan approval for properties located at:

721 Pittsford-Victor Road - 179.10-1-44
725 Pittsford-Victor Road - 179.10-1.43;
735 Pittsford-Victor Road- 179.10-1.42;
741 Pittsford-Victor Road - 179.10-1.41;
747 Pittsford-Victor Road - 179.10-1.40;
751 Pittsford-Victor Road - 179.10-1.39;
6 Laird Lane - 179.10-1.45,

for the conversion of the single family residence at 721 Pittsford Victor Road to office space, the existing Subway building to remain unchanged, the church building to be lowered with a rear addition to facilitate handicap access to the building, construction of a 2,577 s.f. restaurant facility with a pick-up window and seasonal outdoor seating area for 9 patrons, and construction of a 2,740 s.f. building for office/retail use for plans received by the Town on 8/16/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. The architectural building elevations for proposed building one and proposed building two are not finalized until formal tenants are secured.
3. The applicant is required to return to the Planning Board for site plan approval for the architectural elevations for proposed buildings 1 and two.
4. The applicant is required to combine all of the lots into one single lot.
5. There are no signs included as part of this approval, and the applicant will be required to return to both the Planning Board and the Historic Architecture Commission for signage.
6. Applicant shall correct the parking requirements and calculations to conform with the Town calculations as described by CED tonight, so that the buildings do meet Code for parking.
7. The drawings shall be changed to have proposed building #2 be labeled as Commercial Retail building and NOT a restaurant.
8. Application is to obtain a Certificate of Appropriateness from Historic Architecture Commission and any necessary variances from the Zoning Board of Appeals, and list the approvals and the dates of the approval on the final plans submitted for signature.
9. The retaining wall shall be a maximum of 8' above grade.
10. New proposed light fixtures shall be a maximum of 16' from grade to the highest point of the light fixture.
11. Applicant to eliminate the grease interceptor on proposed building #2.
12. Applicant to work with the Subway franchisee to consider some additional outdoor seating near the Subway restaurant and perhaps return to the Planning Board for additional signage on the rear of the Subway building.

Mr. Antonelli seconds the motion.

Motion carries 5 – 0, with one abstention of Mr. Lewis, due to his desire to defer preliminary at this time.

Mr. Anderson made a motion to defer final site plan approval for properties located at:

721 Pittsford-Victor Road - 179.10-1-44
725 Pittsford-Victor Road - 179.10-1.43;
735 Pittsford-Victor Road- 179.10-1.42;
741 Pittsford-Victor Road - 179.10-1.41;
747 Pittsford-Victor Road - 179.10-1.40;
751 Pittsford-Victor Road - 179.10-1.39;
6 Laird Lane - 179.10-1.45,

for the conversion of the single family residence at 721 Pittsford Victor Road to office space, the existing Subway building to remain unchanged, the church building to be lowered with a rear addition to facilitate handicap access to the building, construction of a 2,577 s.f. restaurant facility with a pick-up window and seasonal outdoor seating area for 9 patrons, and construction of a 2,740 s.f. building for office/retail use for plans received by the Town on 8/16/13, subject to the following conditions:

1. Until such time as the applicant has had time to address the conditions of preliminary site plan approval.
2. Review the plans with the Historic Architecture Commission and obtain their feedback.
3. Applicant is encouraged to work with the Subway owner to address the concerns that have been identified this evening.

Mr. Brasley seconds the motion.

Motion carries 6 – 0.

Mr. Anderson encourages the applicant to work with the site plan sub-committee before submitting revised plans.

Tom Wahl's – Fairport – 1333 Fairport Road. Bill Gray's Inc., as agent for DiPrima Properties, LLC, owner of property located at 1333 Fairport Road, requesting preliminary and final site plan approval for cosmetic renovations, signage, addition of center entrance and vestibule, and an exterior patio for seasonal outdoor dining.

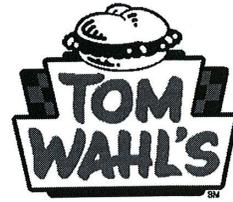
Presenter: Dan Gray, Bill Gray's Inc.
Zoned: Commercial

Signage - Tom Wahl's – 1333 Fairport Road

Mr. Gray presented the site plan and the signage request to the Board as per letter of intent as shown below:

Tom Wahl's

964 Ridge Road, Webster, NY 14580



Date: 8-15-2012

To: Town of Perinton

Subject: Letter of Intent, Tom Wahl's Fairport Project



Being that:

- * Tom Wahl's has been operating a 50's style quick service restaurant at 1333 Fairport Rd., the site of former McDonalds Restaurant.
- * Tom Wahl's has had very limited success in operating profitably due in large part to the fact that the restaurant looks very much like, and is perceived by the public to be, a McDonalds Restaurant.
- * Tom Wahl's wishes to project an updated image of its current restaurant.

Therefore it is Tom Wahl's intent to:

- * Renovate the north facing façade of the building.
- * Add signage to the building façade, consistent with the company logo, to further brand identity.
- * Add a center entrance and vestibule which will facilitate Handicap accessibility.
- * Add an exterior patio / seasonal dining area.

They originally submitted proposed façade modification in October, 2012 and were told by Town staff that what they were asking for was outside of the design of the Fairport Road Corridor. What the Planning Board sees tonight is the revision from that initial request. This is mostly just a face lift for the existing structure, except for the tower, which has an integrated logo that will identify this building as a Tom Wahl's while giving it some architectural appeal. They are adding area out front for outdoor seating. They are hoping to draw customers from the canal path and the park across the street. This will give it a very friendly pedestrian ingress/egress by incorporating a front entrance. The majority of the parking is in the rear of the building. They need this front entrance to be competitive. They have been struggling with this facility for over seven years.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Belaskas states that they are in favor of this project and are prepared to make a SEQR recommendation.

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

1. **Town architectural consultant Chris Lopez has reviewed the architectural elevations to determine whether they comply with the proposed Mixed-Use District code anticipated for the Fairport Road corridor. Mr. Lopez found that the elevations are appropriate and do comply with the proposed code.**
2. **The 2011 Comprehensive Plan encourages amenities that make the Fairport Road area more pedestrian-friendly. As a result, the applicant should extend the middle internal sidewalk and connect it to the street sidewalk.**
3. **Please provide parking lot detail and handicapped signage detail on site plan or reference page number of detail sheet where that information is located.**

4. **The restaurant grease trap has failed Town inspection in 2008, 2010 and 2011. It recently passed this year. Applicant should consider a larger grease trap facility to accommodate increased business that should result from façade modification.**
5. **Applicant needs a variance for additional building signage.**
6. **Identify location of existing freestanding sign on site plan.**
7. **Provide curb sidewalk detail for accessibility.**
8. **Colors, heights and materials must be identified on elevations.**

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

1. **Show the cross-access easements through the back portion of the property.**
2. **The plans should contain all site data (setbacks, current zoning, land use data, etc.), including parking requirements.**
3. **Label the existing sidewalk along Fairport Road.**
4. **Show the existing sanitary lateral connection.**

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place thinks the elevations are nice.

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

Ms. Neu feels the elevations are very attractive and supports the request. She states that the red coloring shows up differently on the drawings submitted and realizes that it could be from the scanner.

Mr. Antonelli asked if the four spots in front are handicap accessible. The applicant states yes. Mr. Antonelli asks that a note be added to those plans to show that. The applicant states that they have already made those revisions to the plans at the request of the DPW. Mr. Antonelli asked if there have been any issues with drainage on this site, and the applicant states no.

Mr. O'Brien likes the elevations and is pleased that the sidewalk has been extended. The outdoor dining is a very attractive feature.

Mr. Brasley feels that the elevations are very attractive. He likes the variety of the roof lines and the slope. He is also pleased that the sidewalk has been extended and outdoor dining will be offered. He asks if there are any specifications on the gooseneck lighting they are proposing. The applicant states that they project out from the building so that the light can shine back towards the building. They have used them successfully in both Tom Wahl's and Bill Gray's. They use LCD lights, which are energy efficient and the light washes the building instead of projecting outward. The outside housings are red. Mr. Brasley would like to see a spec sheet of this proposed lighting be submitted with the final plans for signature. Mr. Brasley asked what the maximum height of the tower is. The applicant states it is 24 1/2 feet tall to the peak. Mr. Brasley states that the current building is around 18 or 19' high. Mr. Brasley asks about the new sign on the tower. There is already an existing monument sign at Fairport Road. Mr. Brasley states that in this zoning district they don't normally permit two signs. Why does the applicant feel that this parcel requires two signs? The applicant states that they have been languishing there for years with no signage to identify the building and the signage that they have incorporated into the architecture of the building lends itself to the space and gives them a strong brand identity that they have been lacking for years. There are neighbors to the east and west of them that have both monument and building signage. They need this identification on the building to be able to push the brand forward in this location. It is only 55 square feet. Mr. Brasley agrees with him and supports the request for two signs as Dunkin Donuts next door has building mounted and a monument sign and across the street both 7-11 and Friendly's had both building mounted signage and a monument sign. The tower will look nice with the sign on it. There are no residences nearby and no one should be offended by this 2nd sign. It is a busy state highway.

Mr. Lewis feels that the proposal is very attractive. Mr. Lewis asks if all of those other signs that have both building mounted and monument signage have approvals for both. Mr. Doser states that they are approved with a variance. The applicant states that he is seeking a variance.

Mr. Anderson states that Tom Wahl's is a strong brand that is well known in this region. He agrees that this will further help to identify this business in this location much better than it does now. This is a heavily populated area of the Town. This will make the building stand out. This section of Fairport Road has been struggling for a long time and this should be helpful to improve the presence. Normally, he would be opposed to having two signs, but he feels that the applicant has made a good argument to have two signs with a languishing business. This is a busy highway. The sign on the tower is very attractive and will help the building to stand out.

All of the Board members support the sign on the Tower. Mr. Lewis states that the background of the sign is a ceramic tile. Is it translucent? The applicant states no. Mr. Lewis asks if there will be lighting within the tower. The applicant states that the only lighting will be the goosenecks shining down on the sign.

Mr. Belaskas states that the Town of Perinton Conservation Board recommends a negative SEQR declaration based on the following:

- The project is consistent with the Fairport Road sub area plan;
- The outside dining will be an amenity to the area; and
- This project does not impact the watershed area.

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

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

Mr. Anderson made a motion to grant preliminary site plan approval for cosmetic renovations, signage, addition of center entrance and vestibule, and an exterior patio for seasonal outdoor dining, for plans received by the Town on September 17, 2013, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Satisfaction of any remaining concerns of CED.
3. The final plans submitted for signature include the extension of the internal sidewalk to the street sidewalk.
4. This approval includes the signage on the tower.
5. Applicant to obtain a variance from the Zoning Board of Appeals to allow a 2nd sign, and applicant to list the variance obtained from the Zoning Board of Appeals and the date obtained on the final plans submitted for signature.
6. Signature block to be added to final plans submitted for signature. Applicant to contact CED to determine what signatures are required.

Mr. Brasley seconds the motion.

Motion carries 6 – 0.

Mr. Anderson made a motion to grant final site plan approval for cosmetic renovations, signage, addition of center entrance and vestibule, and an exterior patio for seasonal outdoor dining, for plans received by the Town on September 17, 2013, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Satisfaction of any remaining concerns of CED.
3. The final plans submitted for signature include the extension of the internal sidewalk to the street sidewalk.
4. This approval includes the signage on the tower.
5. Applicant to obtain a variance from the Zoning Board of Appeals to allow a 2nd sign, and applicant to list the variance obtained from the Zoning Board of Appeals and the date obtained on the final plans submitted for signature.
6. Signature block to be added to final plans submitted for signature. Applicant to contact CED to determine what signatures are required.

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

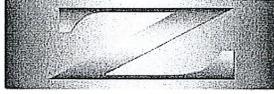
Mr. Anderson states that they will write comments to the ZBA supporting the variance for the 2nd sign.

Discussion:

Recommendation to Town Board – Special Use Permit – CVS Pharmacy – 1304 Fairport Road

Mr. Anderson states that there is a proposal before the Town Board for a Special Use Permit to allow retail operation in a stand alone structure greater than 8,000 square feet with the addition of a 13,225 square feet CVS Pharmacy. This is the site of the former 7-11 and Friendly's Restaurant. The existing structures on the site will be razed. The Town Board held a public hearing on 9-11-13 and referred the matter to both Planning and Conservation Boards for their comment.

Sean McDermott, Zaremba Group, made a presentation on behalf of the applicant. He reviewed the elevations and a site plan of the proposed CVS Pharmacy. The architecture is similar to the CVS in East Aurora, NY. They looked at the guidelines from the Fairport Road Corridor study and incorporated some of that into the architecture. It will be a two-story look in the front of the building. There will be a lot of glass. They will program the windows with graphics or photos or historical photos. There will be two different colors of brick. They met with the Conservation Board last night. The site is just over two acres at the northwest corner of Fairport and the future O'Connor Road intersection. They are proposing a 13,225 sf building with 60 parking spaces and seven land banked parking spaces at the request of Town staff. The plan gives emphasis to the corner entrance to the building and emphasizes pedestrian access with a diagonal entrance from the intersection to the building so that users can easily access the sidewalk. There have been numerous conversations with Town staff regarding architecture. There will not be any disturbance to the wetlands, which have been delineated. Stormwater will be handled with a surface bio-retention facility on the north end of the site. There are twelve standards that have to be met and he reviewed them with the Board as per letter submitted to the Town Clerk as shown below:



ZAREMBA GROUP

September 16, 2013

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

**RE: Special Use Permit
Proposed CVS Pharmacy – Store 10284
1304 Fairport Road**

Dear Ms. West,

At the September 11, 2013 Town Board meeting, a request was made of Zaremba Group to provide additional documentation in relation to the subject Special Use Permit application. Below please find a written narrative of how the proposed CVS project and the requested issuance of a Special Use Permit will meet the twelve prescribed standards found in Section 208-54.D of the Town of Perinton Zoning Code.

The code states: *Standards for special permits. Before granting approval to any special permit use, the approving board shall determine whether the proposed special use will, among other things, satisfy the following considerations:*

(1) The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. *The proposed 13,225 retail building and associated site plan will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The site plan is self-sufficient (i.e. ample parking, appropriate access points and alignments) and the building placement will compliment other existing structures to the west.*

(2) The public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location. *The public health, safety, general welfare and order of the Town will not be adversely affected by the proposed retail use in its location. Retail in this location is permitted by right. Additionally, allowing a 13,225 s.f. structure will not have any detriment to the Town or surrounding properties.*

(3) The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance. *Retail is a permitted use in the Commercial District Zoning Ordinance. Additionally, a 13,225 s.f. structure works appropriately with the scale of the surrounding and nearby structures on the Fairport Road corridor and will exist in general harmony with those uses and structures. The Comprehensive Plan references several key factors in improving the Fairport Road corridor, including increased pedestrian emphasis and appropriate architecture. The proposed CVS project incorporates many of the suggestions made in the Comprehensive Plan.*

(4) The proposed use will not interfere with the preservation of the general character of the neighborhood in which such building is to be placed or use is to be conducted and that the proposed use will, in fact, be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance. *The proposed retail use and redevelopment of the subject parcel will be compatible and complimentary of the neighborhood. Additionally, the architecture, site plan, and pedestrian emphasis will not only preserve but improve the general character of the neighborhood and surroundings. Lastly, the scale, massing, and overall appearance of the project will be an improvement to the existing conditions.*

(5) The physical characteristics and topography of the proposed site make it suitable for the proposed special use. *As evidenced by the prior development on the site, and the proposed site plan, the site is suitable and physically capable of handling the proposed special use.*

(6) The proposed special use provides sufficient landscaping and/or other forms of buffering to protect surrounding land uses. *As evidenced by the site plan, sufficient and appropriate landscape areas and buffers are proposed to protect surrounding land uses. Specific landscape species and treatments will be chosen during the site plan approval process, if the Special Use Permit is granted.*

(7) The property has sufficient, appropriate and adequate area for the use, as well as reasonably anticipated operation thereof. *As evidenced by the proposed lot coverage and parking count, the parcel adequately handles the proposed use. Additionally, environmentally sensitive areas on the northern section of the parcel can remain undisturbed.*

(8) Access to facilities is adequate for the estimated vehicular and pedestrian traffic generated by the proposed use on public streets and sidewalks, so as to assure public safety and to avoid traffic congestion. *Pedestrian emphasis is apparent on the proposed site plan. The building is situated to face the intersection and provide a clear and delineated dedicated pathway for pedestrians to access the structure. Vehicular access points have been located as far from the intersection as possible to allow for queuing and stacking. The roadway network will easily accommodate the traffic generated from the proposed use. Additionally, a restaurant and convenience retail use cease to generate traffic that formerly operated on the site.*

(9) Adequate parking and internal vehicular and pedestrian traffic circulation can be accommodated on the property in compliance with other sections of the Code, taking into account adequate buffering and landscaping. *As evidenced by the proposed site plan, safe internal vehicular circulation is achieved while also effectively achieving room for adequate buffering and landscaping. Additionally, adequate parking space is proposed while also landbanking several parking spaces if future demand dictates the need.*

(10) Adequate facilities exist or can be integrated into the site development to properly deal with stormwater runoff, sanitary sewers, fire protection, electrical power needs, refuse or other waste that may be generated, odors, noise or lights which may go beyond property boundaries. *Adequate public and private facilities exist to properly serve the needs of the proposed special use. Additionally, the parcel size and configuration provides for the use of appropriate stormwater management. Due to the proposed retail use, odors are not present and created. Lastly, noise levels are typical of a retail use and the lighting can be appropriately planned to meet the Town of Perinton's code.*

(11) The natural characteristics of the site are such that the proposed use may be introduced on the property without undue disturbance or disruption of important natural features, systems or processes and without negative impact to groundwater and surface waters on and off the site. *As evidenced on the site plan, the northern section of the parcel which contains environmentally sensitive areas is remaining relatively undisturbed. The redeveloped portion of the property will include a modern stormwater conveyance and treatment system. The redevelopment of the site will improve surface waters generated from the site and will have relatively no impact on groundwater.*

(12) The proposed use can and will comply with all provisions of this chapter and of the Code which are applicable to it and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation. *The proposed use can and will comply with those laws, ordinances, rules and regulations set forth by various jurisdictions which oversee this project. Although, several area variances or waivers will be needed to develop the site as depicted in the subject site plan that has been discussed with Town Staff.*

Mr. Anderson asked for questions or comments from the audience, and there were none.
Mr. Anderson states that the Conservation Board will write also write a recommendation to the Town Board.

The Board discussed the application.

The key points in support of the application include:

- The proposed size is consistent with other similar pharmacy retail operations.
- The concept plan combines two exiting lots creating an appropriate sized area to support the development. The proposal will be replacing two existing buildings with one structure.
- The building is oriented to construct the mass of the building to the rear of the property thereby reducing the building's viewscape on Fairport Road.
- The Board did not identify any barriers to developing the site consistent with Town standards.
- While the Board has an initial favorable view of the building design / elevations, it was felt further review and adjustments would be appropriate as the project moves into the Site Plan application phase.

The Fairport Road corridor is in need of redevelopment and has been the subject of several planning studies. This project is consistent with many of the recommendations of those studies and has the potential to become a cornerstone for future development.

The Planning Board gave unanimous support of the Special Use permit application.

ZBA – 9/23/13

Mr. Antonelli to write recommendation to ZBA based on the discussions that were held tonight for 575 Thayer Road and 1341 Fairport Road.

Mr. Anderson states that the 10/2/13 Planning Board meeting is cancelled as there were no applications submitted.

There being no further business before the Board, the meeting adjourned at 10:03 PM.

Respectfully Submitted,

Lori L. Stid, Clerk