

**Minutes of the Town of Perinton
Planning Board Meeting of December 3, 2014**

Planning Board Members Present

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

Conservation Board Members Present

Dave Belaskas

Town Officials Present

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW
Robert Kozarits, Town Engineer
John Beck, Deputy Director, Code Enforcement & Development

Absent

Michael Doser, Director Code Enforcement & Development (CED)
Lori Stid, Planning Board Clerk

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

The Cottages at Woodcliff. BME Associates, as agent for Aristo Properties, for property owned by Woodcliff Hill Company, LLC and located at Woodcliff Drive, (tax id #'s 193.02-3-6 & 193.02-3-7) requesting concept subdivision approval under Section 278 of Town Law for 27 single family residential homes on 8.48 acres.

Presenter: BME Associates, Martin Janda
Zoned: Townhomes

Mr. Anderson states that back in the 1980's this project was granted concept and overall preliminary and is still in effect. This is really a re-approval of concept for this section. Originally, this section was approved for 60 lots for townhomes, and now they are requesting 27 single family homes. Overall concept and preliminary remains intact. The site was originally approved for 426 units. He believes that as each section has come through they have been lower and have not exceeded the maximum number. This proposal is half of what was originally approved for this section. Because they are asking for concept, they don't have an engineering report or drainage report. This will all come at time of preliminary. The Board will only be looking at if this lot will support 27 single family homes and if they are appropriate here. They will establish setbacks also. This is a cluster (278) proposal.

Mr. Janda states that with him tonight is Stacey Haralambides (Aristo) and presents the application to the Board as per letter of intent as shown below:

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

October 31, 2014

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



Re: The Cottages at Woodcliff

2429

Dear Board Members:

On behalf of Aristo Properties, Inc., we are pleased to submit an application for Concept Subdivision review for the above-referenced project. We request to appear at your December 3, 2014 meeting and have enclosed fifteen (15) copies of the following application materials:

- Letter of Intent
- Concept Plan
- Concept Subdivision Review Checklist
- Planning Board Application
- Authorization to Make Application Form
- Short Form Environmental Assessment Form
- Deed to Property
- Aerial Photograph Exhibit
- Setback Exhibit
- 60-Unit Townhome Concept Plan
- Planning Board Application Fee Check in the Amount of \$100

The proposal is for twenty seven (27) single-family residential lots. The project site totals 8.48 acres and is located within the TH-Townhome Zoning District. The overall Woodcliff Development received concept approval under then Section 281 of Town Law for single-family dwellings and townhouses on October 2, 1985, and overall preliminary approval on April 23, 1986. The preliminary approval was for a maximum of 426 units.

The 8.48 acres proposed for the development represents the final residential development parcel within the overall Woodcliff community. The subject parcel received concept and preliminary subdivision approval for 60 townhouse units as shown on the enclosed exhibit. This was also confirmed through review of the Planning Board resolutions dated 10/2/85 and 4/23/86, respectively. In lieu of the 60 approved units, the applicant is proposing 27 detached units. The proposed 27 unit density is allowed per the previously established approvals for the property. Under the provisions of now Section 278 of Town Law, the applicant is requesting that the residential units are detached individual units in lieu of the previously approved townhomes. Town Law Section 278.3(d) reads:

“In the case of a residential plat or plats, the dwelling units permitted may be, at the discretion of the Planning Board, in detached, semi-detached, attached, or multi-story structures.”

The access to the subdivision will be via a private drive from Woodcliff Drive, and utilities to serve the project are readily available along this road. The existing storm sewers and stormwater management pond were sized for the overall Woodcliff Development. The developer will form an HOA for the neighborhood and the HOA will be responsible for ownership and maintenance of the private drive and other common lands.

The applicant is requesting to construct detached units to create a patio home community similar to other successful neighborhoods in Woodcliff, like Bristol View and Horizon Point. The proposal results in an over 50% reduction in the approved density for this parcel, and maintains the vegetated buffer to Cathedral Oaks to the east. The Woodcliff Golf Course asphalt cart path is located on the applicant's property, and the applicant plans to swap lands with Widewaters ERA Hotel Property LLC as shown on the Concept Plan. No portion of Widewaters' land being swapped is currently being used for the golf course.

The lot standards proposed and requested for this subdivision are a minimum lot area of $\pm 6,679$ square feet, a minimum lot width of 58 feet, and a 30 foot front setback, a 0 foot side setback measured on one side and providing a minimum 15 foot building separation, and a 10 foot rear setback. These lot standards are listed on the submitted concept plan.

We have enclosed a Short Form EAF for the proposed plan. The project does not contain any mapped or observed L.D.D. As part of the previous approvals, the Town of Perinton also completed their SEQRA review for the overall Woodcliff development. The proposal at 50% reduction in density for the subject parcel, does not result in a potential adverse effect concerning the property or the previous SEQRA determination.

We would like to present this application at the December 3, 2014 Planning Board meeting.

Thank you for your consideration of this request. Please contact our office with any questions.

Sincerely,
BME ASSOCIATES



Rebecca R. Glitch

/RRG

Encl.

c: Stacey Haralambides; Aristo Properties

The project site is located north of the intersection of Woodcliff Drive and Lodgeview Lane and is zoned townhomes. It is currently developed at around 200 units which is about half of what was originally approved. The lot standards proposed are a minimum lot area of 6,680 sq feet, minimum lot width of 58' and a 30' front setback measured from the edge of private road, a 0' side setback measured on one side and providing a minimum 15' building separation, and a 10' rear setback. The lot standards are listed on the concept subdivision plan.

He acknowledges receipt of DPW comments and met with them yesterday to discuss them. They do not have any issues with the comments and will be addressed on preliminary and final plans.

Mr. Belaskas states that in general the Conservation Board supports the request. They have some concerns about the proposed request for 0' side setback, the road configuration and the overall handling of stormwater and the watershed. They would like some verification of the pond sizing. This includes the pipes that will bring the stormwater down to the pond. They have concerns about the golf course drainage and want to make sure it will not impact the back yards of the proposed development. They would like some verification on LDD. They have concern about the sizing of the perforated pipe between the homes and Cathedral Oaks and if it is the best location for the pipe. They would like to see the tree buffer between Cathedral Oaks and the proposed development maintained.

Mr. Anderson asked for questions or comments from DPW.

Mr. Kozarits states that DPW issued comments as follows:

DPW Comments:

General

1. This site received concept subdivision approval to develop under the Town's 281 Law for Cluster Development (now referred to as Town Law 278) on October 2, 1985, and preliminary subdivision approval was granted on April 23, 1986.
2. It appears the goal of the concept road layout was to avoid needing emergency access turnarounds (Per NYS Fire code, driveways 150' or less don't require turnarounds). However, this layout is confusing and will generate many conflicts between motorists, pedestrians and bicyclists. Furthermore, it is not appropriate to construct shared driveways on HOA lands. We recommend the roadway layout be modified to provide a main drive with side streets intersecting at right angles rather than multiple, large radius "Y-shaped" intersections. Turnarounds that meet NYS Code at the end of each drive should be provided as they will also benefit garbage/recycling trucks, postal trucks and other service vehicles operating within the proposed development.
3. Concrete gutter should be provided around the entire perimeter of the center island.
4. Easements will be required for emergency vehicle access, sanitary sewer main and storm sewer main. Catch basins and laterals will be privately owned and maintained.
5. Since preliminary subdivision approval was granted prior to March 1, 2011, provide a letter of concurrence from NYSDEC that the use of the existing stormwater management pond will satisfy project attenuation goals, that the project's water quality components can be designed in conformance with 2008 version of the Design Manual and that runoff reduction practices will not be required.
6. Provide stormwater calculations that compare the current proposal with what was previously included in the overall Woodcliff stormwater design to verify runoff volumes, existing pond capacity and existing pipe capacity.
7. Regarding the proposed perforated pipe and catch basin system in the rear yards of the Cottages: DPW would like to discuss this further with the applicant, as it is imperative that drainage concerns for the Cottages do not impact Cathedral Oaks properties.
8. On EAF Question 2, include NYSDEC on the list of agencies requiring permit (SPDES permit will be required for this project).
9. Check acreages of HOA lands labeled on plan as they don't appear to be measured correctly.
10. The detached homes have zero (0) foot setbacks on one side. This will make it difficult to route downspout conductors from the rear of the homes.

The DPW supports the concept.

Mr. Anderson inquired of Mr. Kozarits where the water will drain to off of this site. Mr. Kozarits states that a portion of the site will be serviced by the stormwater management ponds located off of Route 96 and Woodcliff Drive. There is already piping that will reach up to the top of the hill and these would be extended to join that system and ultimately be discharged and be attenuated by the existing pond that is there. Mr. Anderson inquired about the perforated storm sewer to the rear of Lots 19 through 27. Mr. Kozarits states that they spoke with the applicant and BME and the intent is to have it take on the soil characteristics on site, which is a permeable soil. It will provide some capacity reduction. They are looking for some information as to if the homes will be walkout or if there will be a basement and there is a concern of having those pipes that close to the foundation.

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

CED Comments:

1. The CED recommends 7.5-foot setbacks to achieve 15-foot separations between structures.
2. The applicant should clarify the front setback distances. They do not appear to be 30-feet from the front property lines.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that this project is part of the 281 Town Law approval which was previously given for Woodcliff. T.L. 281 is the precursor to T.L. 278. As part of that approval, permission was given to construct up to 426 residential units. This section of Woodcliff received approval for up to 60 townhouse units. This application is consistent with the previous approvals and it reduces the # of requested residential units to 27 detached units. You should establish the minimum lot sizes and setbacks.

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

Mr. Anderson states that he has reviewed the past minutes history of this project. This is a strong use of mixed use development, which has evolved to the changing needs. Sixty townhouses could be put in here and double the size of the density, so it is a benefit to have lower density. The site will tie into the existing stormwater management. He asked why they are proposing 0' setbacks. It allows for no maintenance or landscaping, discharge of gutters, etc. Mr. Janda states that they discussed this with DPW yesterday and they are proposing 5' and 10'; there will be 15' separation between the buildings. Mr. Anderson inquired if the 30' setback that they are proposing is from the edge of pavement on the private drive, and Mr. Janda states that is correct. Mr. Anderson feels it is a good idea to change the roadway and not have 13 houses off of 2 spurs. He inquired about the tree line between this project and Cathedral Oaks; are they planning to do a restrictive covenant to protect that tree line. Mr. Janda states that they haven't discussed that, but if that is what the Town wants, they can do that. Mr. Anderson inquired if they have given thought to the layout and potential conflict with errant golf balls. Mr. Haralambides feels that they are pulled back as far as they can be; there will be some golf balls that will be errant. There was a discussion about where people will tee off and where the 1st drive will be off of hole 9. Mr. Anderson inquired about potential fencing. Mr. Anderson supports the concept proposal. There are a lot of technical details to work out for when they ask for preliminary and final.

Mr. Lewis feels this is a good use and individual homes will be nice. He doesn't like the idea of a house sitting on a lot line as it could lead to some neighborhood problems. He inquires who will maintain the HOA lands. Mr. Haralambides states that the HOA will maintain the HOA lands. There was a discussion about grade change between Mr. Lewis and Mr. Haralambides. There was a discussion about road naming and numbering of the roads. Mr. Lewis supports individual names for the roads. Mr. Beck (CED) states that the Town assigns house numbers. He understands that there will be errant golf balls and anyone purchasing the land should realize that with a golf course behind them there will be some errant golf balls.

Mr. Brasley supports the application. He feels that individual detached houses will be more marketable than townhouses in this neighborhood. This is less dense than what was originally proposed. He inquires what size homes and cost are they proposing. Mr. Haralambides states between 1500 – 2500 sf and the cost would be approximately \$400,000. Mr. Brasley inquires if parking will be allowed on the private drive. Mr. Haralambides states that parking will be allowed on the private drive. Mr. Brasley supports parking on the private drive.

Mr. O'Brien supports the application. Mr. O'Brien inquires if the site distance is adequate for Woodcliff Drive. Mr. Janda states that the drive is located in the best spot for site distance. The intersection site distance to the south is 20' shorter than what is recommended; however, they are not concerned with that.

Mr. Antonelli supports the application. He inquires why they are not asking for more lots. Mr. Haralambides states that this is a hybrid between Bristol View and Horizon Point. Mr. Antonelli cautions the applicant to look at where they put the homes on the lot to see how close they will be to tree line in case they ever want to add a deck or anything. Mr. Haralambides states that they are incorporated but they may extend them and feel they will have room to do that. Mr. Antonelli feels that drainage can be controlled and will be reviewed by Town staff once they get more detailed information. Mr. Antonelli supports 30' front setback and would prefer at least 5' – 7 ½' setback on the side setback.

Mr. Gardner supports the application. It is an appropriate use of the land and the density is a significant reduction from what was originally thought to be appropriate. He thinks that 27 lots may be too many once the engineering work is done. He is concerned with the stormwater system being in the back and there being access to it in the future.

Ms. Neu asked if they have already looked at topography. Mr. Janda states that they did do detailed grading already to be sure that it will work. She expresses concern that they may not be able to fit 27 lots once the engineering work is done. She inquires if they have gotten some sort of approval from Woodcliff regarding the edge property line details. Mr. Haralambides states that they have already spoken with Woodcliff and they are going to work with them; they don't want to move the tee box. She also feels that different road names would be beneficial.

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

George Gaylo, 32 Charing Cross, inquired about utilities and when that would be addressed. Mr. Anderson states that at the time that preliminary is requested those details would be on the plans. Mr. Gaylo inquired if the electrical would be underground and Mr. Haralambides states yes.

Mr. Anderson made a motion to grant concept subdivision re-approval under Section 278 of Town Law for 27 single family residential homes on 8.48 acres, for plans received by the Town on 10/31/14, subject to the following conditions:

1. The concept is consistent with the general approvals of the original concept and overall preliminary granted for the site.
2. The maximum number of lots is 27.
3. Lot size is 6,679 sq ft.
4. Front setback from Woodcliff will be 50'
5. Front setback off the private drive will be 30' measured from the edge of pavement of the private drive.
6. Rear setbacks will be 10'.
7. Side setbacks will be a minimum of 5' and the total separation between houses will be 15'.
8. The applicant to consider addressing the road layout as proposed by the DPW.
9. Applicant to conduct further study of the perforated storm sewer pipeline that is being proposed in terms of its' hydrology and function and to identify who will maintain that.

10. Applicant to consider restrictive covenants to maintain the tree line of adjoining properties (Cathedral Oaks).
11. Applicant to re-verify the stormwater management calculations and the discharge capability to the existing stormwater management system.
12. Applicant to consider the discussion this evening regarding street names and numbering.

Mr. Lewis seconds the motion.

Motion carries 7 - 0

Discussion(s):

Recommendation to Town Board – 650 Moseley Road – Malcho’s Car Wash – to allow the demolition of existing car wash, construction of a new car wash, and modifications to the Moseley Road entrance.

Mr. Adam Freeman of Land Tech Engineering, accompanied by the owner Kenneth Malcho, provided an overview of the application to the Board as per letter of intent as shown below:

LANDTECH
SURVEYING & PLANNING P.L.L.C.

3708 St. Paul Boulevard
Rochester, NY 14617
Tel: (585) 442-9902
Fax: (585) 271-3012
www.landtechny.com

October 30, 2014

Project Number: 14212

Jennifer West
Town of Perinton
1350 Turk Hill Road
Fairport, NY 1496

RE: Malcho’s Car Wash
650 Moseley Road

On behalf of Kenneth Malcho, we submit the following for consideration of an amended Special Use Permit from the Town Board:

- Twelve (12) copies of the Application Form
- Twelve (12) copies of the Short EAF form
- Twelve (12) copies of the Concept Plan
- Twelve (12) copies of this Letter of Intent
- A check for \$30 for the application fee

The 1.5 acre parcel (tax account number 166.170-0002-029) is located at the southeast corner of the intersection of Pittsford Palmyra Road (NYS Route 31) and Moseley Road (NYS Route 250) and is zoned Commercial. The property has been operating as a gas station for more than 30 years and the car wash was added in 1985, after Area Variances and a Special Use Permit were granted by the Zoning Board. The site was completely re-constructed in 1997 to the current layout, with fuel pumps, convenience store with drive-thru and car wash, following Area Variances and a Special Use Permit from the Zoning Board and Town Board, respectively.

The proposal is to demolish the existing car wash and construct a new car wash in the same general location and modify the Moseley Road entrance and drive-thru entrance; the convenience store, drive-thru and fuel pumps will remain unchanged. The car wash is more than 15 years old and instead of replacing the old equipment with new equipment, in the same building, the operator would like to construct a new style of car wash. To allow construction of the new car wash, multiple Town approvals are required: a side setback variance from the Zoning Board of Appeals, Site Plan approval from the Planning Board and the subject of this application, a Special Use Permit from the Town Board.

The existing car wash is a 1,005 square foot block building that is unmanned and takes approximately 6 minutes per cycle. The new car wash will be a 2,240 square foot building that will be manned and take approximately 1 minute per vehicle. The new building will be constructed with the same front setback and separation to the fuel pump islands. It will be slightly wider than the existing building, reducing the

side setback from 22.7 feet to 21.0 feet, which isn't a significant change. The new building will be 67% longer, but won't negatively impact the queuing of cars because of the reduction in wash time.

To address a safety concern of Town staff and Planning Board and Town Board members, the entrance from Moseley Road, and the transition to the drive-thru entrance, will be modified to improve vehicular circulation through the site. Currently, the site entrance is very wide and has no pavement markings to channel traffic to the appropriate portion of the site. The revised entrance will be moved to the north, to better line up with the drive aisle between the convenience store and the pumps. It will also be made narrower, which creates a more defined entrance and limits the movements of motorists entering and exiting the site. Limiting movements through the entrance will reduce speed and allow motorists more time to react to each other's movements through the site. The re-aligned drive-thru entrance will line up with the end of the fuel pumps and, combined with the driveway entrance modification, will create a four-way intersection, further defining travel through the site.

We look forward to further discussing the merits of this proposal at the next available meeting. In the meantime, please contact me with any questions or comments.

Sincerely,



Adam E. Freeman, P.E

Mr. Freeman passed out a copy of the plans shown on 11 X 17.

Mr. Belaskas states that the Conservation Board will be writing a recommendation to the Town Board.

Mr. Beck inquired if the applicant has reviewed the comments from Monroe County (DOT) as to the Route 31 entrance, and the applicant states he did not. Mr. Beck states that the Town can get a copy to him.

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

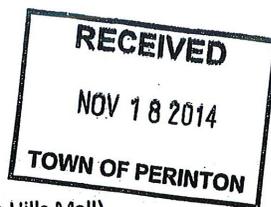
The Board discussed the proposal with the applicant. During an informal review with the Planning Board's Site Plan Subcommittee, the applicant was asked to address the Moseley Road entrance to improve vehicular circulation. The existing site is very wide with no pavement markings, which creates situations of unsafe vehicle movements.

The existing car wash is 15 years old with a wash cycle time of six minutes. The new operation will have a wash cycle time of about one minute which will reduce queuing wait times, maintains the existing front setback and separation to the fuel pumps. This will improve the car wash operations, maintain the existing drive lanes and support the 12 vehicle spots of the existing Special Use permit. The applicant presented proposed building elevations which represents a significant improvement from the existing structure. The Board supports these elevations but also asked the applicant to consider adding architectural elements such as faux windows on the east elevation to break up the building massing.

Mr. Anderson states that the Planning Board supports the proposed modifications which provide a more clearly defined entrance, facilitates safer movement in/out of the site, and improves internal movements to the pumps, convenience store and drive thru services. He will write a memo to the Town Board.

Recommendation to Town Board – Temporary relocation of Fairport Public Library to Perinton Hills Mall / 6687 Pittsford Palmyra Road

Betsy Gilbert, Director of Fairport Public Library presented the application to the Board as per letter of intent as shown below:



Fairport Public Library

Letter of Intent to Perinton Town Board

Temporary Relocation to 6687 Pittsford Palmyra Road (30 Perinton Hills Mall)

The voters of the Fairport Central School District approved a bond of \$4.314 million in May 2014 to renovate the Fairport Public Library. No major improvements had been made to the library in more than 16 years. The renovation will be comprehensive and require the library to relocate the staff, collection, and program/services for 8-10 months.

The Library board and staff has prepared this document to provide a clear understanding of what the library will be doing for the next year. We invite your feedback and questions and hope you will approve our special use permit to relocate the library to 6687 Pittsford Palmyra Road.

Sublease process:

We hired a commercial reator to assist us in finding acceptable locations for the library within the Fairport Central School District boundaries. There were few options that provided sufficient space in a "move in" condition. EBS was looking to move out before their lease ends November 31, 2015. We signed a contract to sublease their space starting in December through the end of November 2015.

Space:

This facility provides the library with approximately 14,000 sq. ft. of space. This is less than the current 25,000 sq. ft. There are sufficient amenities for safe public access to the site. The book stacks will be on concrete floors and there is access to sufficient telecommunications and data. There will be limited programs offered at this site.

Collection:

Approximately 80% of the collection (books, CD/DVD's) will be moved into the temporary facility. The remainder of collection and furniture will be placed in storage during the relocation.

Permits required:

We spoke the staff in the Town's CED office. They provided us a Special Use Permit form to complete as well as SEQR short form. The documents have been completed and returned to the CED office for review.

Timeline:

The Fairport Public Library Board met October 27 and approved a relocation schedule. The Library will be shut down from December 1 through Jan 1. The collection and staff will be moved to the temporary location during this period. The Library anticipates opening on Jan. 2 and will operate in this location until Fall 2015 when renovations are completed. It will take approximately one month to move back to the Village location.

Signage:

The Library would like to have a sign in front of the building to let residents know where we are. We will follow any applicable sign codes in effect in the Town. We are currently working with the building owner to develop the sign. Attached is a very preliminary sign design.

Book Drop:

The book drops at the current library location are very popular. We would like to put portable return in front of the relocated library. We will get permission from the owner and seek permission from the town as well. It will be emptied daily, including weekends and holidays. We are currently working with the building owner to establish the color, location, and foundation for the book return. Photographs of the book return are attached.

Parking:

The current tenants were approved for about 90 staff. We are sensitive to the parking in the mall and would require our staff use the parking spaces to north of the entrance where there is ample parking. This will leave parking spaces immediately in front of the entrance available to library patrons. The staff collected some parking information relative to the current site:

Attendance and head counts:

Staff and Public		
Thursday 8/21 1:45		23
Thursday 8/21 6:45		6
Friday 8/22 10:45		19
Friday 10/3 1:00		24
Saturday 10/4 12:30		67 (Friends Book Sale)
Sunday 10/5 3:00		10

Program locations:

While this location provides adequate collection space and room for some programs, many programs and services will be relocated to other facilities in the community. We have received positive responses to our request to relocate programs so far. We are also looking at the possibility of renting space in the Village Landing to allow us to conduct some programming, provide computer access to residents and handle a modest collection of materials. There is no replacement for the large meeting room at the relocated site so fewer parking spaces will be required and there will be fewer attendance spikes.

Hours of Operation:

- Mon-Th. 9 am – 9 pm
- Fri- 9 am – 6 pm
- Sat- 9 am – 5 pm
- Sunday-Seasonal Oct. – April 2 pm – 5 pm

The Perinton Hills location will house about 80% of the book collections with some public computers. There will not be any programs being done at the site. Parking will be significant less as they will not be doing any of the programs at this site. She states that they will paint the book drop white. Signage has been discussed with the landlord and they will be using what is an approved standard for signage. Mr. Anderson states that if the approved sign package is followed; they do not have to go to the Planning Board for any approval.

Mr. Belaskas states that the Conservation Board will be writing a recommendation to the Town Board.

There were no comments or concerns from any of the Town staff.

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

The Planning Board reviewed the proposed Special Use Permit for the Fairport Public Library to provide library services at 6687 Pittsford Palmyra Road during renovations of the Fairport Landing location.

The Fairport Public Library is faced with a very difficult situation in maintaining library services to the public while renovating their existing space. This Special Use Permit represents a good solution to that tough situation. The location they are renting will provide space for nearly 80% of the library’s collection, offer the ability for limited programs, adequate parking is available to service their patrons, and the site has good access to the public. In addition, the library will maintain a satellite facility in the village to conduct the majority of its programs which have high attendance thereby preventing any potential overuse of the Perinton Hills parking lot. The Planning Board also supports the placement of a book drop in front of the library. This is a very popular amenity and the library has worked with the landlord on an agreeable location, size and white color. In addition, The

Board was very pleased the library chose to use the plaza's existing sign package which will be consistent with the plaza appearance as well as providing an affordable, quick solution to their signage needs.

Mr. Anderson will write a memo to the Town Board.

Recommendation to Town Board – proposed Code Change to Section 208-54 – PDD Code

The Planning Board reviewed the proposed modification to Section 208-52 Planned Development District. Mr. Robert Place, Town Attorney, provided an overview and rationale for the modifications as per memo from Mike Doser to the Town Board dated 10/1/14 as shown below:

During the last two years, the Town Board has rezoned and approved two areas as Planned Development Districts: Creekstone (Pride Mark Homes) and Stonebrook (Longwell Custom Homes). Both projects required careful review by the Town Board, Planning Board, Conservation Board and the Historic Architecture Commission. The process for approving both projects was fairly lengthy, with numerous appearances before various boards during each step of the approval path.

The proposed modification of the Planned Development District code aims to clarify and streamline the process, eliminating an applicant's appearance before the appropriate boards, prior to formal acceptance of an application by the Town Board. The appropriate boards will still have ample time to review and study a proposed project under this proposal.

Chapter 208. ZONING

Article IX. Open Space Preservation/Planned Development Districts

§ 208-52. Planned Development District (PDD).

A. Intent.

- (1) The intent of this district is to permit the development of land for specialized purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis. Suitability of land proposed for such development shall be guided by the Comprehensive Plan, other plans and official policies used to guide development in the Town, and the existing and prospective character of surrounding land uses. The application of a planned development district shall result in development with certain advantages over that which would be obtained under conventional zoning; result in the preservation and enhancement of the natural, cultural or historic features of the site; result in land uses and physical site arrangements which are not contemplated under conventional zoning but which would further the development goals of the Town; reduce improvement costs through more efficient arrangement of varied land uses, buildings, circulation systems and infrastructure; and result in the promotion of the general health, safety and welfare of the Town.
- (2) Where planned development is deemed appropriate through the rezoning of land to a Planned Development District by the Town Board, the set of use and dimensional specifications elsewhere in the zoning regulations are herein replaced by an approval process in which an approved development plan becomes the basis for continuing land use controls.

B. Permitted uses. All uses allowed within an area designated as a PDD are determined by the provisions of this section and the approval of the project.

- (1) Residential uses. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with this article.
- (2) Accessory commercial, service and other nonresidential uses. Commercial, service and other nonresidential uses may be permitted in residential zones (or required) where such uses are scaled primarily to serve the residents of the PDD and the immediate surrounding area. In general the uses first identified within the **Limited Commercial Mixed Use** Zoning District are considered appropriate. Consideration shall be given to the project as it exists in its larger setting in determining the appropriateness of such uses. In addition to residential uses, if the proposed project is located in a nonresidential zone, then the uses permitted in those districts are considered appropriate.
- (3) Public building and grounds. Public buildings and grounds, as defined within this Code, shall be deemed to be a permitted use within the PDD.

C. Basic requirements.

- (1) Planned Development Districts may be established by amendment to the Official Zoning Map, and may be approved in any developed or undeveloped areas of the Town where appropriate conditions exist.
- (2) An application must be filed by the owner or jointly by owners of all properties to be included in the district. All approved plans shall be binding on all successors in interest of the applicants.
- (3) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil or other dangers, annoyances or inconveniences. Soil conditions, groundwater level, drainage and topography and other factors shall all be appropriate to support both the kind and pattern of the intended use.
- (4) All uses within an area designated as a Planned Development District are determined by the provisions of this section and the approved site plan of the subject project.

- (5) The appropriate types of uses within the Planned Development District shall be guided by the Comprehensive Plan goals and objectives.
- (6) The planned development regulations that follow shall apply generally to the initiation and regulation of all Planned Development Districts. The new regulations shall apply within the Planned Development District, where for a particular application, general zoning, subdivision or other regulations or requirements are waived or altered.

D. Design standards.

- (1) The Town of Perinton Design Criteria and Construction Specifications for land development are adopted herein by reference, and shall establish the standard for project design and construction as appropriate.
- (2) Tract perimeter standards. All dimensional requirements of conventional zoning districts shall apply to the perimeter of planned development projects on the sides where said planned development project abuts a conventional zoning district; these shall include setbacks and buffering requirements.
- (3) General site development guidelines. These guidelines provide some direction to the designer to understand the maximum intensity of lot coverage envisioned by this Code; if the designer exceeds these guidelines he must provide a written rationale supported by the Comprehensive Plan's goals and objectives to substantiate the design.
 - (a) Maximum building coverage shall not exceed 35% of the total site or parcel area.
 - (b) Maximum coverage by all buildings, structures, parking areas and impervious surfaces shall not exceed 65% of the total site or parcel area.
 - (c) Maximum building height shall be ~~30~~ **40** feet, unless the Town Board finds that some greater height is reasonable and appropriate given the location of the development, the terrain involved and the nature of the development.
 - (d) Setbacks from public rights-of-way, private drives, structures and interior lot lines etc., shall be proposed by the designer. The Town Board shall approve such setbacks and these shall become binding upon the district.
- (4) Standards for off-street parking, loading and signs for planned development district uses shall be guided by those for equivalent or similar uses in conventional zoning districts, but may be modified to better achieve site development objectives, during the site plan and subdivision approval process. If the designer proposes a variation from these conventional standards, they shall be presented as part of the district and approved by the Town Board.

E. Application procedure.

- (1) It is the intent of this section to allow Planned Development Districts based on ~~four~~ **three** phases of review.
 - ~~(a) The first step is for the applicant to make a concept application to the Town Board for rezoning to a Planned Development District. This application shall be forwarded for comment and recommendations to the Planning Board, the Conservation Board and other boards and agencies as determined by the Town Board, if the Town Board determines it wants to hold a public hearing(s) on the application.~~
 - ~~(b) After a public hearing is held, and it is determined that the application has merit, the second step is that the Town Board will refer the application to the Planning Board for preliminary site plan approval and subdivision approval (if requested). The Town Board shall make a SEQRA determination at this time, utilizing a coordinated review with the Planning Board.~~
 - (c) The third step in the development of a planned development project is obtaining final site plan approval and subdivision approval (if requested). If the project is in an historic district or includes a designated landmark, the applicant must also obtain a certificate of appropriateness from the Historic Architecture Commission.
 - (d) After receiving site plan approval and subdivision approval (if requested), the applicant will return to the Town Board for final rezoning action based upon the site plan and approved subdivision plat (if requested). Upon receiving final rezoning approval, the Town's Official Zoning Map shall be amended to reflect the change in zoning.
 - (a) The first step is for the applicant to make an application to the Town Board for rezoning to a Planned Development District.
 - [1] The application is expected to be accompanied by conceptual plans in which the uses, building footprints, internal vehicular and pedestrian circulation, utility layouts, architectural treatment, setbacks, existing and proposed grades, landscaping, parking, lighting, signing, and other design objectives and standards for the district are shown.
 - [2] The concept (or sketch) plan shall be to scale, though it need not be to the precision of a finished engineering drawing. The application shall explain and show the following information.

- (a) Location and extent of all proposed land uses, with areas in acres, as well as any proposed open space including the development guidelines proposed for setbacks, building size, lot coverage, parking, impervious surfaces and other similar land use restrictions found within the Zoning Code.
- (b) All interior streets, roads, easements and their planned public or private ownership, as well as all points of ingress and egress from existing public rights-of-way.
- (c) An area map showing the applicant's entire holdings and adjacent properties; that portion of the applicant's property under consideration; all properties, subdivisions, streets, easements, watercourses, LDD and other significant natural and built features within 500 feet of the applicant's property; and all uses and zoning of abutting lands.
- (d) If residential in nature, description of the number of residential units, their dwelling type, number of stories, the overall architectural style and the overall density of the proposal. If nonresidential in nature, the number of stories, the range of building footprints, the total impervious surface, the architectural style and guidelines and the overall density of the proposal.
- (e) The area water and sanitary sewer systems with proposed points of attachment to existing systems; the proposed storm water drainage system and its relation to existing systems.
- (f) Description of the manner in which any common areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and other considerations relevant to the proposal.
- (g) If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase.
- (h) A description of any covenants, easements, restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
- (i) A written statement by the applicant setting forth the reasons why, in their opinion, the proposal would be in the public interest and would be consistent with the Town's goals and objectives.
- (j) A long-form environmental assessment form (EAF) ~~with a completed visual addendum.~~

~~**B. If the Town Board accepts the application, it will hold a public hearing on the rezoning request. After the public hearing, the Town Board shall determine whether the application has merit and should be sent to the Planning Board for site plan approval and subdivision approval (if requested). The submission to the Planning Board may be made only after the Town Board finds that the proposed district has community value and that the development area has adequate resources and public facilities, including transportation, water supply, waste disposal and fire protection to handle the development being proposed.**~~

[3] If the Town Board accepts the application, it will hold a public hearing on the rezoning request. After the public hearing, the Town Board shall refer the application to the Planning Board for review and recommendation. When required by § 239-e et seq. of the General Municipal Law, the applications shall be forwarded to the County Planning Board for its review. The Town Board and/or Planning Board may also refer the application to the Conservation Board, Town Engineer and Historic Architecture Commission as well as other local and county officials, representatives of federal and state agencies and consultants.

- (a) The Planning Board report and recommendation to the Town Board shall include the following findings:
 - (i) The suitability of the tract(s) for the general type of development proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.
 - (ii) The adequacy of major roads, utilities and other facilities and services to serve the development.
 - (iii) That the proposal is conceptually sound and that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, hiking trail system and drainage system.
 - (iv) The plans are consistent with the Town's Comprehensive Plan's goals and objectives and/or other plans or policies used to guide development in the Town.
- (b) The Conservation Board's reports and recommendations, provided during preliminary review by the Planning Board, should consider all pertinent environmental issues.

(b) After receipt and review of any reports and recommendations, the Town Board shall determine whether the application has merit and should be sent to the Planning Board for site plan approval and subdivision approval (if requested). The submission to the Planning Board may be made only after the Town Board finds that the proposed district has community value and that the development area has adequate resources and public facilities, including transportation, water supply, waste disposal and fire protection to handle the development being proposed.

[1] After the Planning Board has had its initial public hearing, the Planning Board and the Conservation Board will make their SEQRA recommendations to the Town Board. The Town Board will then make a SEQRA determination utilizing coordinated review with the other involved Town Boards. Once the applicant has obtained a favorable SEQRA determination, the applicant will complete the site plan approval and subdivision approval process (if requested)

with the Planning Board. If the project is in an historic district or includes a designated landmark, the applicant must also obtain a certificate of appropriateness from the Historic Architecture Commission.

- (c) After the applicant receives the necessary site plan and subdivision approvals from the Planning Board and any required certificates from the Historic Architecture Commission, the applicant will return to the Town Board for final rezoning approval. Upon receiving final rezoning approval, the Town's Official Zoning Map shall be amended to reflect the change in zoning. The Town Board may, if it feels it is necessary, in order to protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet.
- G. Once the Town Board has granted the rezoning request, the applicant shall have one year to commence significant development on the site. Failure to commence significant site development within one year shall cause the land to revert to the original zoning classification(s).
- H. For the purpose of regulating development and use of Planned Development District property after initial construction and occupancy, any changes other than tenant changes shall be subject to site plan review by the Planning Board. If use changes, or modifications to the established zoning restrictions placed upon the district under the original amendment are requested, these shall be processed as special use permits granted by the Town Board in addition to site plan approval by the Planning Board. It shall be noted, however, that properties lying within planned development districts are unique and shall be so considered by the Planning Board or Town Board when evaluating these requests; and maintenance of the intent and function of the planned development shall be of primary importance.
- I. Required modifications during subdivision or site plan approval. If in the subdivision or site plan review process it becomes apparent that certain elements of the application, as it has been approved by the Town Board, are in need of modification, the applicant shall present a proposed solution. The Town Board shall then determine by resolution whether or not the modified plan is still in keeping with the intent of the zoning resolution.
- J. Minor building additions to single-family residential units within the PDD, up to 15% of the original footprint may be permitted through the normal permitting process. Additions in excess of 15% shall receive a site plan approval from the Planning Board.

The Planning Board discussed and based on recent experience applying the existing code for the Creekstone and Stonebrook projects, The Planning Board feels the elimination of the first step will streamline the process without impacting the Board's ability to review and approve appropriate plans consistent with Town goals. The first step was in fact very procedural with little contributing value to achieving a desirable plan. The Board also supports changing the height limit to 40 feet consistent with the overall Town code which was a recommendation by the Planning Board based on our experience with the Creekstone PDD. All members of the Planning Board unanimously support the changes to the PDD code.

There being no further business before the Board, the meeting adjourned at 8:45 PM.

Respectfully Submitted,

Lori L. Stid, Clerk
(As transcribed from audio recording_