

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, September 8, 2010

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Carolyn H. Saum	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Jennifer A. West, Town Clerk; Jeffrey Myers, Commissioner of Recreation and Parks; Michael Doser, Director of Code Enforcement and Development; Carol S. Johnston, Deputy Town Clerk; T.C. Lewis, Planning Board.

Supervisor Smith called the meeting to order at 8:00 pm and introduced the Board and staff present.

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the minutes of the Town Board meeting of August 25, 2010 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

ORDER FOR HEARING
2011 TOWN BUDGET

Councilperson Knapp made a motion, seconded by Councilperson Havens, that October 13, 2010 at 8 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY 14450 be set as the date, time and place for a Public Hearing on the 2011 Town of Perinton budget.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

An Informational Hearing on the 2011 Budget will be held at the September 22, 2010 Town Board meeting.

ORDER FOR HEARING
AMENDMENT TO SECTION 208-52 OF THE CODE
OF THE TOWN OF PERINTON
PLANNED DEVELOPMENT DISTRICT

Director of Code Enforcement and Development Michael Doser presented the changes to Section 208-52 of the Code of the Town of Perinton. Mr. Doser stated that the purpose of a Planned Development District is to allow for zoning which is more harmonious with the sites features than might typically be allowed under conventional zoning. He stated that mixed use development is a good example of a planned development district as it includes both residential and commercial development. Mr. Doser stated that the reason for modifying the Code at this time is to clarify, enhance and improve the process for considering and approving Planned Development District projects. Key modifications to the Code are:

- To provide better organization so that this section of the code is more easily understandable
- Clarify the Town Board rezoning action as the final step in a multi-step Planning and Development process
- Mandate that significant site development must occur on the site or the land reverts back to the original zoning classification
- Define the time frame and manor for the SEQR determination. Replaces the requirement for a generic Environmental Impact Statement with the long form Environmental Assessment Form

The proposed changes to Section 208-52 of the Code of the Town of Perinton follow:

Add Text

Delete text

§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.
- (3) *It is the intent of this section to allow Planned Development Districts based on four phases of review.*
 - (a) *The first step is for the applicant to make an 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, the Town Board will refer the application to the Planning Board for site plan approval, if it determines that the application has merit.*
 - (c) *The third step in the development of a planned development project is obtaining site plan approval. 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, the applicant will return to the Town Board for final rezoning action based upon the approved site plan. Upon receiving final rezoning approval, the Town's Official Zoning Map shall be amended to reflect the change in zoning.*

- 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 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 filled*** 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 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 *by the Town Board* 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 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)., if it determines that the application has merit. 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.***
- (2) (1) An application in the form of a letter of intent and a concept plan shall be provided to the Town Board and Planning Board. Twenty (20) copies shall be provided for distribution and review. The Town Board, upon receipt of an application, 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.
- (3) (2) The application is expected to be accompanied by conceptual plans *in for* 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*.

(4) (3) *The application shall explain and show the following information.* 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 generic environmental impact statement pursuant to the provisions of 6 NYCRR 617.15 (to be paid for by the applicant) to accompany A **long-form environmental assessment form (EAF)** which addresses at least the following: **with a completed visual addendum.***

[1] The impact on community resources, including roads, traffic, sewers, water supply, public utilities, schools, emergency services, waste disposal and fire protection, including a comparison of the proposal over the existing zoning.

[2] The impact on the natural environment, stormwater management (including quantity and quality), groundwater, streams, wetlands, watershed, extent of filling and grading and aesthetics.

F. The Planning Board report and recommendation to the Town Board shall include the following findings:

- (1) 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.
- (2) The adequacy of major roads, utilities and other facilities and services to serve the development.
- (3) 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.
- (4) 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.

G. The Conservation Board's reports and recommendations, ***provided during preliminary review by the Planning Board***, should consider all pertinent environmental issues.

H. Following the receipt of the recommendations of the Planning Board and Conservation Board, the Town Board shall then hold a public hearing to consider the application for Planned Development District.

- (1) The Town Board may recommend the Planning Board consider site plan approval and ***subdivision approval (if requested)*** only after finding 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. The Town Board must also determine that there will be no significant environmentally damaging consequences and that the development area incentives or bonuses are compatible.
- (2) If the Planning Board grants final site plan approval ***and subdivision approval (if requested)***, the Town Board grants Planned Development District zoning, the Zoning Map shall be so revised to indicate a Planned Development District. The Town Board may, if it feels it necessary, in order to fully 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. *The Town Board shall also determine in each case the appropriate density and area requirements for the individual projects and shall consider any recommendation on the same from the Planning Board. The determination of land use density shall be documented, including all facts, opinions and judgments justifying the proposed project. The applicant shall accept the Board's conditions or requirements in writing in order for the application to move forward.*
- (3) A public hearing shall be held on any application submitted pursuant to this article, and public notice shall thereby be given thereof by the publication in the official newspaper of such hearing at least five days prior to the date thereof and a sign posted on the property in accordance with § 208-60E of this Code.

- I. *Once Town Board approval is given for Planned Development District zoning, the applicant shall submit his application to the Planning Board for preliminary and final subdivision and/or site plan approval pursuant to this chapter and Chapter 182, Subdivision of Land, of the Perinton Town Code.*
- I. J. Once the Town Board has granted the rezoning request, the applicant shall have one year to *obtain subdivision and/or site plan approval. commence significant development on the site.* Failure to *obtain these approvals commence significant site development within one year* shall cause the land to revert back to the original zoning classification(s).
- J. K. 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.

- K. L.* 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.
- L. M.* 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.

Judith McNulty, 647 Thayer Road, asked about the Longwell Development between Thayer and Loud Roads and whether it is a Planned Development District and whether it would now revert back to prior zoning since significant site work has not taken place within one year. Supervisor Smith stated that the Code did not state that at the time when the development received approval, however, he also stated that the site plan approval for this development has expired. This application would most likely need to come before the Town Board subsequent to getting new site plan approval, therefore, essentially what is in the new code is in the current law but the proposed changes make things clearer. Attorney Place will look into this to see if the new language in the Code states what will happen with existing projects and will share the determination at a subsequent Town Board meeting.

A motion was made by Councilperson Saum, seconded by Councilperson Havens, that 8:00 pm on October 27, 2010 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss the proposed changes to Chapter 208-52 to the Code of the Town of Perinton.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AWARD BID
KREAG ROAD AND FELLOWS ROAD PARKS
TENNIS COURTS MAINTENANCE AND REPAIR

Commissioner of Recreation and Parks Myers stated that the Town received a single bid for the court repairs at Fellows Road and Kreag Road Parks. The bid was received from Super Seal Sealcoating, which specializes in outdoor recreational court installation and repair, and has been contracted by the Town in the past for several projects. The breakout of the Bid is as follows:

Kreag Road Park Tennis Courts	\$20,000.00
Kreag Road Park Basketball Courts	\$8,760.00
Fellows Road Park M/P Courts	<u>\$28,710.00</u>
TOTAL OF BIDS	\$57,470.00

Parks Director Estrich is requesting the approval of the bid and to complete the maintenance to the Kreag Road Park Basketball courts and Fellows Road Park Multi-purpose courts. The total of those repairs are bid at \$37,470.00 and the funds for these projects are to be taken out of the Special Recreation Fund. The repairs to the Kreag Road Park Tennis Courts will be held off until 2011 and the current bid will be utilized at that time.

Councilperson Knapp made a motion, seconded by Councilperson Saum, to award the bid for the court repairs at Fellows Road and Kreag Road Parks to Super Seal Sealcoating in the amount of \$57,470.00.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

**AUTHORIZE SUPERVISOR TO ACCEPT COMMUNITY DEVELOPMENT BLOCK
GRANT FOR AND SIGN CONTRACT FOR
2007 ADA RESTROOM PROJECT AND 2009 ADA DOCK PROJECT**

Supervisor Smith stated that the Town has applied to Monroe County for Community Development Block Grants funding each year for the last several years. In 2007, the Town applied for an ADA grant for the restroom project associated with Bushnell's Basin and in 2009, the Town applied for an ADA grant for the docks at Bushnell's Basin. As those projects have never come to fruition until now, the contracts with the County have not been signed. The contracts now need to be signed to receive the money and proceed with the projects.

Councilperson Havens made a motion, seconded by Councilperson LaFay to authorize the Supervisor to accept the Community Block Grants for the 2007 ADA restroom project and the 2009 ADA dock project and to sign the contracts for those project grants.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved.

APPOINT CROSSING GUARD

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that Louis DiGuseppe, 24 Birch Lane, Fairport, NY 14450 be appointed a long-term substitute crossing guard.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of August 2010 be approved.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk