

PERINTON TOWN BOARD MEETING
 1350 Turk Hill Road, Fairport, NY 14450
 Wednesday, July 10, 2013

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Joseph H. LaFay	Councilperson
	Stephen C. Van Vreede	Councilperson
ABSENT:	Peg S. Havens	Councilperson

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

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

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of June 26, 2013 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, LaFay, Van Vreede
 Nays: None
 Unanimously Approved

PUBLIC HEARING
 ABANDONMENT OF PORTION OF
 SHAGBARK WAY RIGHT-OF-WAY
 FROM PUBLIC HIGHWAY USE

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on June 20, 2013; affidavit of posting was also June 20, 2013.

DPW Commissioner Beck stated that he is requesting that the Town Board consider abandoning a portion of the Shagbark Way right-of-way for public highway use purposes, but retain ownership of the right-of-way.

He further stated that this portion of the right-of-way was deeded to the Town at the time Round Tree Subdivision was developed in the early 1970's. The property was intended to provide a future public road connection to an adjoining parcel of vacant land. The vacant land was never developed and this small portion of right-of-way has never been used for public highway purposes.

Commissioner Beck showed the property being discussed on a map. He stated that Aristo Development has received approval to construct a new development, Hickory Woods, on the former vacant property and that, from a planning and engineering perspective, it makes sense for the proposed private drive to connect with Shagbark Way at the existing Folkside Lane/Shagbark Way intersection. Abandoning this small portion of right-of-way will allow the Town to grant an easement to the Hickory Woods Homeowners Association to make this private road connection possible.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that the proposed abandonment of the portion of the right-of-way be given a

Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the change will in no way negatively affect the environment.

Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Unanimously Approved

Councilperson Knapp made a motion, seconded by Councilperson Van Vreede, that the Town abandon a portion of the Shagbark Way right-of-way for public highway use purposes, but retain ownership of the right-of-way and to grant an easement to the Hickory Woods Homeowners Association to make the private road connection possible.

Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Unanimously Approved

ORDER FOR HEARING
AMENDMENT TO SECTION 208 OF THE CODE OF THE TOWN OF PERINTON
OUTSIDE DINING

Director of Code Enforcement and Development Doser explained that the Zoning Board of Appeals is currently the approving board for Special Use Permit applications related to outside dining in a Commercial District. He further stated that currently the ZBA may also require site plan approval by the Planning Board. Outside dining is primarily a site-planning issue. The proposed modification seeks to streamline the approval process by making the Planning Board the sole approving board for outside dining through the use of site plan approval.

Mr. Doser asked the Board to set a date for a Public Hearing to consider the following proposed changes:

Add text

Delete text

§ 208-41. Commercial District...

A. Uses permitted...

(1) [NO CHANGES]

(2) [NO CHANGES]

(3) [NO CHANGES]

(4) The following uses, when conducted in connection to a completely enclosed building:

(a) Drive-through facilities. In addition to site plan approval and any other applicable provisions for special permits, the Board of Appeals may grant a permit for a drive-through window, provided the applicant prepares a plan that shows the location of at least 10 stacking spaces and demonstrates the use will not be detrimental to on-site traffic patterns, off-site traffic and adjacent properties. When a drive-through facility is located in a Town-designated historic district, see § 208-41A(5)(r).

(b) Outside dining. *The Board of Appeals may grant a special permit to allow outside dining subject to the provisions of § 208-54. The Board of Appeals may require a site plan approval from the Planning Board as part of its approval of the special*

permit. **The Planning Board shall approve outside dining through a site plan approval.** Preparation of food for catering purposes for consumption off the premises is permitted as an incidental use.

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay, that 8:00 pm on August 14, 2013 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 amendment to Section 208 of the Code of the Town of Perinton pertaining to outside dining.

Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Unanimously Approved

REFERRAL OF PRIDEMARK REZONING APPLICATION TO PERINTON PLANNING BOARD

Supervisor Smith stated that before the Board is a potential referral to the Planning Board, Conservation Board and the Historic Architecture Commission for the Pridemark application, which would be the next step in the process of a Planned Development District rezoning. Councilperson Havens was unable to attend this meeting and therefore Supervisor Smith read a statement provided by Ms. Havens that follows: "My primary request of the Planning Board is that they stipulate that the apartment building structures within the Creekstone development reflect only two stories above ground. If the inclusion of the elevators, given their investment, requires three stories and as the garages are on the first floor of each apartment structure, I request that the Planning Board stipulate no more than two stories of the apartment buildings appear above ground so that the garages would be built below ground level."

Supervisor Smith then read a proposed motion that follows:

Motion made by Councilperson Van Vreede and seconded by Councilperson Knapp to refer the Creekstone application for rezoning from Residential B zoning to a Planned Development District, for 39.9 acres located along Mason Road and Route 31, to the Planning Board for preliminary site plan review. This referral is based in part on the rationale and analysis provided by:

- a. The Perinton Planning Board (May 17, 2013), Conservation Board (May 17, 2013) and Historic Architecture Commission (May 16, 2013) in their recommendations to this Board to proceed in holding a public hearing, and
- b. Christopher P. Lopez, AIA, AICP, Principal, PLAN Architectural Studio, P.C. of this proposal and its conformity with Town plans and its impact (or non-impact) on the area.

This referral is conditioned upon any site plan approval adhering to the general layout shown the April 8, 2013 development plan, which shows the proposed "greenhouses" being located along Mason Road, the proposed apartment buildings being located on the low point on the site west of the Conservation Area, and townhouses being located west of the homes in Mason Valley and south of the Conservation Area. While the site is generally suitable for development in the manner proposed, careful scrutiny should be given to the treatment of drainage from the site. This development plan, with the proposed density, is consistent and compatible with the goals and objectives of the Town's 2011 Comprehensive Plan and the 2003 Egypt Subarea Plan, providing appropriate density, variety of housing and transition from the industrial uses along Mason Road and Route 31.

The proposed district has community value and 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 applicant provided a traffic report prepared by SRF Associates which was reviewed by Erdman Anthony on behalf of the Town. That traffic report shows the existing transportation network

can accommodate the Creekstone development with the traffic volume having minor impact at the intersections of Mason/Loud Roads- Route 31, Mason and Ayrault Roads.

Subject to further review and input from the Planning Board and Conservation Board, it does not appear that there will be any significant environmental consequences. This application is a Type I SEQR action. The Town Board declares its intent to act as lead agency and complete a coordinated review for this project.

Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Unanimously Approved

Supervisor Smith then added his personal comments which follow: "There is a lot of information in the material referred to in the motion that was provided by our consultant, Chris Lopez. I hope anyone interested in the project will access that information.

This application has evolved over time. It has been in the works for a decade. We, as a town, have done independent planning, working with the neighborhood, the developer and consultants to plan the hamlet and pending development. Pridemark has been involved with that process and have developed plans that were based on that planning. They have continued to be responsive by moving elements of the development in reaction to specific neighborhood concerns.

The density is compliant with the plan and has reduced substantially over the years to the point it is now. The gradation of the densities is supported by the plans and just makes sense. To envision single-family homes next to the existing industrial uses is not sound thinking. Comparable situations can be seen at all of our commercial cores where the zoning moves from Commercial at the core to multifamily/apartments or offices to single family.

The traffic has been analyzed and is virtually identical to what would occur if this parcel were developed under the present zoning. We need to recall that the improvements made to Route 31 and the Loud/Mason intersection were done, including the signalization, with the current proposal in mind.

The rental aspect of the proposal mirrors national and local trends in development. I recently heard a presentation by a NY State-sponsored organization devoted to planning for the future in New York that literally said none of us should ever build another traditional single-family home in our communities. To do so, based on the shifting demographics occurring, would be to the detriment of our existing housing stock and its values. Data provided in Mr. Lopez's report substantiates this and states that having a project such as the one proposed is preferable for adjacent housing values to having more single-family units there.

The process is not complete. Our referral will send this to the Planning Board, Conservation Board and Historic Architecture Commission for their review and approvals. Those processes are open to the public. All ultimate plan details are then subject to this board's final review and approval".

Councilperson Knapp added that as a member of the Fairport Senior Living Council, she knows of and concurs with the need for this type of housing. She further stated that she believes that the Town of Perinton needs to offer all types of housing to all people, feels that Pridemark has a good plan and that the site walk endorsed her feelings for what this will become and is very much in favor of the proposed rezoning.

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of June 2013 be approved.

Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Unanimously approved

The meeting adjourned at 8:15 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk