

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, September 25, 2013

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

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

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

Councilperson Havens made a motion, seconded by Councilperson Van Vreede, that the minutes of the Town Board meeting of September 11, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
AMENDMENT TO THE CODE OF THE TOWN OF PERINTON
LIMITED COMMERCIAL DISTRICT ZONING

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 September 12, 2013; affidavit of posting was also September 12, 2013.

Director of Code Enforcement and Development Doser stated that Limited Commercial is a zoning district that the Town introduced in 1990 as a way to emphasize small, more intimate, commercial development that provides convenient shopping and other personal services to nearby neighborhoods. He further stated that this zoning represented a departure from the standards of the Town's general Commercial zoning, which emphasizes larger commercial entities and complexes, automobile access and automobile-related amenities.

Over the years, the Town has rezoned 19 properties in Bushnell's Basin, the Baird/Whitney Road area and the Hamlet of Egypt to Limited Commercial. Mr. Doser stated that despite that small number, the basic concepts behind Limited Commercial are still relevant, and perhaps even more relevant today as society continues to struggle with rising fuel costs. At its core, Limited Commercial has always been about convenience, enabling people to walk or bike from their homes to retail areas. Now it can be pivotal in reducing household fuel expenses.

Mr. Doser said that Perinton's Limited Commercial zoning was visionary, and it meshes well with national market trends, but it needs to be adapted for today. Municipalities across the country have taken Perinton's essential Limited Commercial concept further with zoning that emphasizes retail convenience, while also relaxing rules on strict separation of uses and encouraging a blend.

The Town has been working with local planner Matt Ingalls on modifying Limited Commercial zoning. Mr. Ingalls recommends the Town keep the code's nucleus intact, but modify bulk area requirements, and add specific architectural and site plan standards. The most significant change is adding residential uses and renaming Limited Commercial to "Mixed Use District." He added that the idea is to create synergetic zoning where commercial, office and residential uses exist side-by-side, creating a thriving and lively pedestrian-friendly atmosphere that fosters a sense of community often seen in hamlets and villages. Mixed Use District zoning is most appropriate in pockets of the Town's most well-traveled roadways, such as Fairport Road, Baird/Whitney Road West, Pittsford-Victor Road and Pittsford-Palmyra Road.

The code proposal in its entirety follows:

§ 208-43. Mixed-use District

A. Intent

The intent of the district is as follows:

- (1) To foster a combination of appropriately scaled land uses and activities that support the goals and objectives contained in the Town's Comprehensive Plan as well as other land use and design plans.
- (2) To provide areas within the Town for locating a mix of commercial, office, civic, and residential uses serving the day-to-day convenient shopping and personal service needs of neighborhood areas and to assure the compatibility of such areas with nearby residential development.
- (3) To create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving, and shopping. It is the intent of the Mixed-use District to ensure that typical, "strip commercial" development is avoided and that future private development will actively and positively engage the public realm.

B. Uses and Restrictions

The following uses shall be permitted in the Mixed-use District:

- (1) All uses first permitted in Restricted Business District with the exception of hotels and motels, provided that such uses do not exceed 6,000 square feet in area.
- (2) The uses in Table 1, when conducted within a completely enclosed building. Such uses are not to exceed 2,500 square feet in total area and individual buildings are not to exceed 10,000 square feet in size.

Table 1

USE GROUP Use Category	Mixed-use District
P= permitted by-right, SP = special use permit required TB = special use permit by Town Board, ZBA = special use permit by Zoning Board of Appeals	
R E S I D E N T I A L	
Live/Work Space located above the ground floor	P
Live/Work Space, ground floor	SP (TB)
Dwelling Units located above the ground floor	P
Multi-unit (4 unit max) Residential	SP (TB)
Townhouse	SP (TB)
Two-Flat (two units only, one above the other)	SP (TB)

USE GROUP Use Category	Mixed-use District
PUBLIC AND CIVIC	
Public buildings and grounds	SP (TB)
Commercial schools	P
C O M M E R C I A L	
Grocery store	P
Apparel store	P
Drugstore	P
Antique and/or consignment store	P
Bookstore	P
Laundromat	P
Beauty parlor, barbershop	P
Apparel repair and alteration	P
Bakery	P
Florist shop	P
Artist studio	P
Restaurants, coffee shops or other similar places principally serving food and drink for inside consumption, provided that occupancy does not exceed 90 persons	P
Sporting goods store	P
Bicycle sales and repair	P
Bed and Breakfast	SP (TB)
Veterinary office and/or kennels, provided that there is no outside keeping of animals and adequate soundproofing is provided so that the ambient sound level at the property boundaries is not elevated more than 10 decibels on the A-weighted scale as measured at a fast response with an instrument satisfying the requirements of ANSI S1.2-1983.	SP (TB)
Drive-Through Facility (SP by TB if in Historic District)	SP (ZBA)
OTHER	
Outdoor entertainment.	SP (ZBA)
Any combination of permitted residential or non-residential uses.	P
Permitted uses exceeding the thresholds established in Subsection <u>B</u>	SP (TB)
Uses which are consistent with the intent of this district (see § <u>208-43A</u>) and which are similar to uses permitted in § <u>208-43B(2)</u> .	SP (TB)

- (3) All principal and accessory uses shall be conducted within completely enclosed structures, except for an outdoor eating area associated with a restaurant, provided that:
- (a) All structures and uses are contained within the setbacks.
 - (b) Total number of outdoor seats are approved by the Planning Board.

- (4) No business establishment in any Mixed-use Zone shall be open to the public, except during the hours of 5:00 a.m. to 12:00 midnight.
- (5) Site plan approval. No site preparation or construction shall commence until site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved. Site plan approval shall not be required for the expansion or modification of any existing single-family residential use as long as the proposed expansion or modification remains solely a single-family use.
- (6) No nonresidential use shall be established by the conversion of any structure or premises originally designed for a residential use unless the existing residential character of the building shall be retained. No design or structural changes, additions or extensions shall be made to the front of any such structure, except as necessary to provide required means of ingress, egress, light and ventilation. No additions or extensions shall be made to the side(s) of any such existing residential structure unless the residential character of the whole shall be retained and upon approval of a detailed site plan.

C. Dimensional Regulations

- (1) Lot areas greater than one acre shall require a special use permit issued by the Town Board.
- (2) Lot size. The minimum width of a lot shall be 80 feet, and the minimum area shall be 10,000 square feet.
- (3) There shall be no minimum size requirements for buildings or structures.
- (4) Setbacks shall be as follows:

Yard	Setback for Principal and Accessory Structures (feet)	
	Minimum	Maximum
Front, from right-of-way	10	30
Side, abutting nonresidential district*	15	-
Rear, abutting nonresidential district*	15	-
Side and rear, abutting residential* district	30	-

* Common wall buildings excluded.

On corner lots, both yards abutting streets shall be considered front yards.

See § 208-25 for buffer requirements.

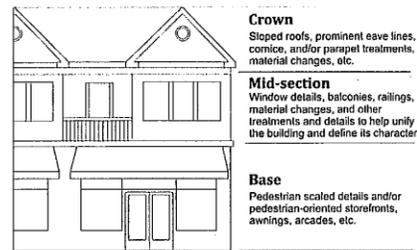
- (5) Maximum overall building height shall be two stories and not exceed 35 feet.
- (6) Minimum building height shall be 22 feet.
- (7) Lot coverage. Total lot coverage, including structures, parking areas and other impervious surfaces shall not occupy more than 75 percent of the total lot area. The remainder of the lot shall be landscaped area.
- (8) No more than three delivery vehicles shall be used in the operation of said business.
- (9) Parking, landscaping, buffering, signing and other special provisions shall be established per other sections of this chapter and constructed in accord with the design criteria and construction specifications of the Town of Perinton.
- (10) The Planning Board may, at its discretion, waive or modify requirements pertaining to provisions in Subsection C.

D. Building Placement, Orientation, and Frontage

- (1) To the maximum extent practicable, buildings shall be arranged to orient to the streets and to frame the corner at the intersection of two streets.
- (2) All applications shall include a list of building materials with identified colors and dimensions to be approved by the Planning Board.
- (3) Common wall buildings are encouraged.
- (4) Street Frontage
 - (a) A minimum of 50 percent of the street frontage shall be occupied by one or more of the following design elements:
 1. Building frontage;
 2. Landscaped entryway signage or features; and/or
 3. Site amenities including, but not limited, to public sitting and/or gathering space, decorative walls, art, clocks, etc.
 - (b) Prohibited design elements
 1. Motor vehicle parking;
 2. Motor vehicle access drives, drive lanes or aisles, except those which are necessary to provide direct access to a public street.
- (5) Building Composition
 - (a) The design of the structure and signs shall be of a compatible architectural style and treatment with surroundings.
 - (b) Buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials and colors.

- (c) Architectural details or features such as dormers, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

A well articulated base, mid-section, and crown can be achieved in all building types and sizes including multi-story buildings, as depicted in the illustration to the right, and single-story buildings, as depicted directly below.



Crown
Sloped roofs, prominent eave lines, cornice, and/or parapet treatments, material changes, etc.

Mid-section
Window details, balconies, railings, material changes, and other treatments and details to help unify the building and define its character.

Base
Pedestrian scaled details and/or pedestrian-oriented storefronts, awnings, arcades, etc.



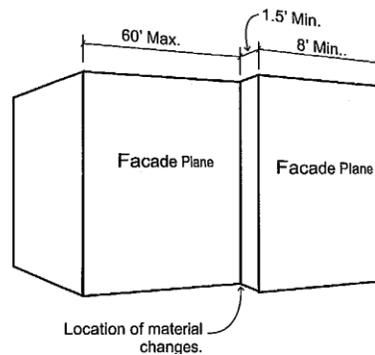
Crown

Mid-section

Base

(6) Facade Composition

- (a) All buildings shall have a prominent street level entrance visible and accessible from the public sidewalk.
- (b) Buildings located on corner lots shall have a building entrance located on the corner that faces the intersection of two public streets, to the extent practicable.
- (c) Varied building designs that avoid long, flat facades are required.
 1. The vertical plane of the building facade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies) especially at ground level.
 2. No facade shall exceed 60 feet in horizontal length without a change in facade plane. Changes in facade planes shall be no less than 1.5 feet in depth and no less than 8 feet in length.
 3. Any changes in exterior building material shall occur at interior corners.



4. All facades shall be designed to be consistent in regard to architectural style, materials, and details.

(d) Transparency

1. A minimum of 50 percent of the street-facing, ground floor facades for nonresidential uses shall be comprised of clear windows that allow views into the interior of the building.
2. Ground floor facades for residential uses shall provide a minimum transparency of 20 percent.
3. Ground floor transparency shall be measured between 2 feet and 10 feet above the adjacent sidewalk.

E. Mechanical Equipment and Dumpsters

- (1) Air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and other similar mechanical equipment and refuse storage containers and facilities shall be thoroughly screened from view from the public right-of-way and from adjacent properties. Screening shall be architecturally compatible with the style, materials, colors, and details of the building.

F. Pedestrian Access and Circulation

- (1) An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - (a) The primary entrance or entrances to each building, including pad site buildings;
 - (b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with non-residential development;
 - (c) The public sidewalk system along the perimeter streets adjacent to the development;
 - (d) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
 - (e) Where practicable and appropriate, any adjacent public park, greenway, hiking trail, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

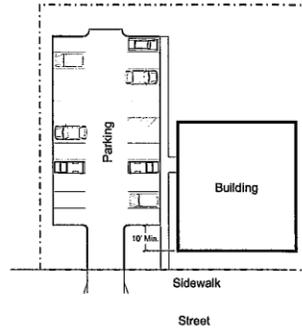
G. Vehicular Access and Circulation

- (1) Joint access with contiguous parcels shall be encouraged. Access points to public highways shall be spaced no closer than 150 feet (edge to edge).
- (2) To the extent practicable, non-residential and mixed-use sites shall be designed to provide cross access and a unified circulation pattern with adjacent sites. Techniques to achieve this include but are not limited to, shared driveways, shared access roads and cross access easements.
- (3) To the extent practicable, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.

- (4) Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.
- (5) Drive-up facilities and associated drive lanes shall be located in either the side yard or rear yard.

H. Off-street Parking Areas

- (1) Location
 - (a) No parking shall be permitted in the front yard.
 - (b) Off-street parking may be located in the rear yard or side yard. Side yard parking shall be located a minimum of 10 feet behind the front facade.
 - (c) Parking, or access to parking, shall not exceed 50 percent of lot frontage.

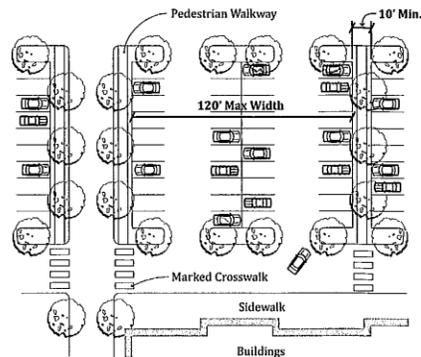


- (2) Number of Spaces
 - (a) Retail businesses shall provide 3 spaces per 1,000 square feet of gross floor area.
 - (b) All other uses shall be subject to the requirements in Section § 208-16.
 - (c) The maximum number of off-street parking spaces for any building or use shall not exceed 150 percent of the minimum parking requirement as indicated in Section §208-16.

(3) Parking Blocks

In order to reduce the scale of parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than 40 spaces.

- (a) Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least 10 feet wide, a landscaped median or berm at least 10 feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least 10 feet wide.
- (b) Each parking block shall have consistent design angles for all parking within the block. Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).



Parking Blocks
Parking blocks shall be compact, well landscaped with designated pedestrian facilities.

(4) Pedestrian Walkways

All parking blocks which contain more than 25 stalls, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance, public sidewalk along the street and/ or central location. At a minimum, walkways shall be provided between every parking block and meet the following standards:

- (a) Shall be designed and built in accordance to the Town's Design Criteria;
- (b) Shall be distinguishable from vehicular ways by pavement material, texture, or raised in elevation;
- (c) Shall have adequate lighting for security and safety;
- (d) Shall comply with the American with Disabilities Act (ADA).

(5) Shared Parking

Shared parking is encouraged in the Mixed-use District to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours.

- (a) General: The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:
 - 1. A convenient pedestrian connection between the properties exists; and
 - 2. The properties are within 1,000 feet of each other on the same side of the street; and
 - 3. The availability of parking for all affected properties is indicated by approved directional signs.
 - 4. The contractual agreement is approved between involved property owners.
- (b) Number of Spaces Required.
 - 1. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
 - 2. Where the uses to be served by shared parking have overlapping hours of operations, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total may be reduced by 10 percent:
 - a. The parking areas share a property line; and
 - b. A vehicular connection between the lots exists; and

- c. A convenient, visible pedestrian connection between the lots exists; and
- d. The availability of parking for all affected properties is indicated by approved directional signs.

(6) Bicycle Parking

- (a) Bicycle parking shall be provided at 10 percent of the motorized vehicle parking requirements but not less than 2 bicycle spaces and not more than 20 bicycle spaces for any use.
- (b) Bicycle parking shall be located and clearly designated in a safe and convenient location. Accessibility to bicycle parking shall be equivalent to the motor vehicle spaces provided.
- (c) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.
- (d) Bicycle parking sign shall be visible from the main entrance of the structure or facility.

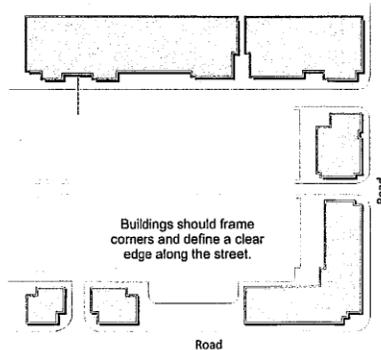
I. Multi-Building Developments

The following provisions are intended to ensure that traditional, “strip commercial” centers are avoided in the Mixed-use District.

(1) Overall Site Layout and Building Orientation

All primary and pad site buildings shall be arranged and grouped so that their primary orientation, typically the façade containing the primary customer entrance, complements adjacent development and frames and/or encloses on at least two sides:

- (a) the corner of an adjacent street intersection;
- (b) a primary pedestrian and/or vehicle access corridor within the development site; or
- (c) a public sidewalk, space or other public site amenity.



(2) Pad Sites and Buildings

- (a) The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of the primary development.
- (b) To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create usable places between

In the development pattern above, out-buildings front directly on the street and define a clear edge. The pad sites on the corners make a strong architectural statement and provide a sense of arrival to the development center. Parking is on the interior of the block and does not dominate the street frontage.

buildings. The even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is discouraged.

- (c) Wherever practicable, spaces between adjoining pad site buildings should be improved to provide small pockets of customer parking, pedestrian connections, small-scale site amenities, or focal points. Examples include but are not limited to:
 - 1. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
 - 2. A public seating or outdoor eating area;
 - 3. An area landscaped with a variety of plant materials emphasizing four-season colors, textures, and varieties; or
 - 4. Public art, fountains, or other special features.
 - (d) Pad site buildings shall incorporate the same materials and colors as those on the primary building(s) in the development or center. Significant departures from "off-the-shelf" standardized building design may be required to meet this standard.
 - (e) Pad site entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design elements.
- (3) Freestanding Kiosks and Automated Teller Machine (ATM) Structures
- (a) All kiosk-type buildings and structures shall be integrated with the overall commercial or center development, and shall be subject to the same guidelines as all other buildings within the development.
 - (b) Freestanding kiosks and drive-up ATM structures shall not be located along the primary access street frontage.
 - (c) Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.
 - (d) Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in section I.2.

J. Landscaping

- (1) Building Setback Landscaping
 - (a) Building setback areas along streets, access ways, or along private drives, shall be landscaped with a minimum of 1 shade tree per 40 feet of linear frontage.
 - (b) Building setback areas shall include compact massings of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
 - (c) Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.

- (2) Building Foundation Landscaping
 - (a) Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
 - (b) Plantings shall be massed and scaled as appropriate for the entryway size and space.
 - (c) Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.
- (3) Interior Parking Lot Landscaping
 - (a) The interior of all uncovered parking blocks containing 10 or more spaces shall be landscaped according to the provisions in this subsection.
 - (b) The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
 - (c) One shade tree shall be planted for every 5 parking spaces.
 - (d) Landscaped berms shall be at least 10 feet wide, a maximum of 3 feet high, and include a maximum slope of 3:1.

K. Lighting

These provisions are intended to limit the adverse impacts of light through spillover; provide attractive lighting fixtures and layout patterns that complement the architectural and landscape character of the development and contribute to unified exterior lighting design; and provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development.

- (1) Applicants shall submit a unified lighting plan and cut sheets of proposed lighting fixtures for review and approval by the Planning Board.
- (2) Fully Shielded and Full Cut-off Light Fixtures Are Required

The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off:

- (a) Public street and pedestrian lighting;
- (b) Parking lots;
- (c) Pathways;
- (d) Buildings and structures;
- (e) Recreational areas;
- (f) Billboards;
- (g) Product display area lighting; and
- (h) Building overhangs and open canopies.

(3) Building-Mounted Lighting

- (a) Lighting may be used only to highlight specific architectural features or primary customer or building entrances. General floodlighting of building facades is not permitted.

(4) Parking Area Lighting

- (a) Parking areas shall include the minimum lighting necessary to ensure adequate vision and comfort, and to not cause glare or direct illumination onto adjacent properties or streets or public/private rights-of-way.
- (b) No lighting with a greater intensity than 1/2 footcandle, measured at five feet above the ground at the property line, shall be installed adjacent to a residential district. All such lighting shall be approved by the Planning Board.
- (c) Lighting shall not exceed 16 feet high as measured to the top of the fixture from grade.
- (d) See § 208-16C for additional provisions.

(5) Pedestrian Area Lighting

- (a) Lighting fixtures for pedestrian walkways, outdoor plazas and similar public gathering places shall be decorative and compatible the architectural and landscape character in the development.
- (b) Lighting fixtures should be color-correct types such as halogen or metal halide to ensure true-color at night and ensure visual comfort for pedestrians.
- (c) Lighting shall be either low-level fixtures and/or a combination of bollards and uplighting in order to create a "human scale" environment.
 - 1. Pedestrian area lighting shall be between 12 feet and 14 feet high as measured to the top of the fixture from grade.
 - 2. Bollard-type lighting shall be no more than 4 feet high.

Mr. Doser summarized the changes in the proposed code with a PowerPoint FAQ presentation. He showed the intended "look" of the Mixed Use District with offices or living units above restaurants or stores on the first floor and more pedestrian friendly, walkable areas with a "hamlet" feel (e.g. Bushnell's Basin). He added that there are architectural components in the Mixed Use District. Each building should have a crown, mid-section and base. Mr. Doser stated that this proposed code section replaces the Limited Commercial zoning code and provides more development opportunities for existing property owners in that zoning classification. One of the major changes is to relax the residential unit requirements so that residential and commercial uses can exist with each other. Mr. Doser stated that lot sizes permitted range between 10,000 sq. ft. and one acre with a minimum of 80' width. Each lot would consist of at least 25% green space with total lot coverage of the structures and all impervious surfaces not to exceed 75%.

Mr. Doser stated that the front setback requirement of new buildings would be between 10 and 30 feet, thus creating the intended hamlet feel. Councilperson Van Vreede asked if that was the reason for placing the parking in the rear or side of the building and Mr. Doser said that was the intention. Mr. Doser added that buildings under the new code may not exceed 10,000 sq. ft with uses not to exceed 2,500 sq. ft. The height requirements for new buildings would be two stories and between 22 and 35 feet in height with the second floor used as living or working units.

Judy McNulty, 647 Thayer Road, asked whether the Creekstone development was Mixed Use zoning and Mr. Doser clarified that it was Planned Development District zoning.

Supervisor Smith clarified that this amendment to the Town code would apply to any property that is currently zoned Limited Commercial.

Jean Krym, 210 Whistle Stop, Fishers, NY, stated that she owns property in Bushnell's Basin that they have used like the mixed-use code proposed and that it works well. She asked about the second story of the Hitching Post Plaza and Supervisor

Smith stated that that is in a Commercial District zoning area and that the second story could not become residential given the current code.

There being no additional questions, and all those wishing to be heard having been heard, the Public Hearing was closed. Supervisor Smith stated that because this is a proposed change to Section 208 which is the Town's zoning code, the modification would be referred to the Town Planning Board for their comment, as required by NYS law.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to refer the proposed changes to Section 208-43 of the Code of the Town of Perinton to the Town Planning Board for their input.

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

ORDER FOR HEARING 2014 TOWN BUDGET

Councilperson LaFay made a motion, seconded by Councilperson Knapp, that October 23, 2013 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 2014 Town of Perinton budget.

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

An Informational Hearing on the 2014 Budget will be held at the October 9, 2013 Town Board meeting.

ORDER FOR HEARING SALE OF TOWN-OWNED LAND FAIRPORT ROAD

DPW Commissioner Beck stated that as part of the O'Connor Road Relocation Project, the Town had to acquire several properties on Fairport Road. One was the former Hess gas station property and Commissioner Beck stated that the new O'Connor road cuts a 60-foot swath through that property leaving two sections east and west of the new road that DiPrima Properties II, LLC would like to purchase from the Town. Supervisor Smith stated that Mr. DiPrima owns the adjacent property and the Town has entered into a sales contract with Mr. DiPrima to purchase the property for \$90,000. Supervisor Smith added that there are contingencies in the contract regarding what can be done with those properties so that there is some protection for the direction that the Town may want to go in for the future of those properties. In order to sell the properties, the Board needs to set a Public Hearing.

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp to set a Public Hearing for October 23, 2013 to consider the sale of Town-owned land on Fairport Road to DiPrima Properties II, LLC.

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

DECISION
SPECIAL USE PERMIT
CVS PHARMACY
1304 FAIRPORT ROAD

Supervisor Smith stated that the Town Board held a Public Hearing at the September 11, 2013 meeting regarding a Special Use Permit for CVS Pharmacy proposed for 1304 Fairport Road. The matter was then referred to both the Town Planning and Conservation Boards for their comment. Supervisor Smith stated that the Board has memos from the Conservation Board, dated September 24th and the Town Planning Board dated September 20th stating that they are in support of the proposed CVS and the issuance of the Special Use Permit.

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the issuance of the Special Use Permit to CVS Pharmacy, 1304 Fairport Road, be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) based upon the fact that this action will in no way negatively impact the environment.

Sean McDermott, Senior Development Manager, Zaremba Group LLC, stated that the walkway to the store should be called a “decorative walkway” in the conditions set forth in the proposed resolution. Mr. McDermott also stated that there is no issue with clear glazing on the first two sections of windows, however there may need to be some sort of shutter system to avoid looking at the back of a fixture/shelf from outside the store. Supervisor Smith stated that the Town’s intent was to see a lively retail space through those windows. Councilperson Havens asked how the shutter system would work and Mr. McDermott stated that the shutters would be movable, on the bottom of the window, and either white or cream in color. He also stated that in the front of the store, the shutter would not go to the top of the window. He further stated that they are able to comply with the clear/transparent glazing of all windows. Supervisor Smith stated that further details would be dealt with by the Planning Board.

RESOLUTION OF THE PERINTON TOWN BOARD

At a regular Town Board Meeting held September 25, 2013 at the Town Hall, 1350 Turk Hill Road, Perinton, New York, Councilperson LaFay moved to adopt the following Resolution; Seconded by Councilperson Van Vreede;

WHEREAS, Zaremba Group, LLC submitted an application to the Town Board requesting a Special Permit pursuant to Town Code §208-41 (A)(5)(p) to allow a CVS Pharmacy at 1304 Fairport Road at the location of the former Friendly’s Restaurant and 7-11 convenience store;

WHEREAS, a Public Hearing for the Special Permit was duly called and held on September 11, 2013 at the Town Hall, and the Town Board referred the application to the Planning Board and Conservation Board for their recommendation on the Special Permit;

WHEREAS, at a regular meeting of the Planning Board held on September 18, 2013, the Planning Board recommended the issuance of a Special Permit;

WHEREAS, at a regular meeting of the Conservation Board held on September 17, 2013, the Conservation Board recommended the issuance of a Special Permit;

WHEREAS, the Town has retained an architectural consultant to review the plans submitted by the applicant for the CVS building;

WHEREAS, the applicant’s representatives and the Town’s representatives and consultant have worked collectively to modify the proposed building elevations and site plan to achieve the goal of minimizing the aesthetic impact of the proposed CVS building according to Town Code;

WHEREAS, the Town Board has considered the Special Permit standards contained in Code §208-54(D).

NOW, THEREFORE, BE IT

RESOLVED, that the application for a Special Permit to allow a CVS building on the property located at 1304 Fairport Road be, is hereby approved as follows:

1. The Town Board finds that the application is in conformance with the standards for Special Permit set forth in Code §208-54(D).
2. The Special Permit is being granted for the construction of a 13,225 square foot CVS building subject to the following modifications to the architectural renderings submitted to the Town entitled “CVS Pharmacy, CVS #10284 Perinton, NY 09-03-2013;
 - a. Creation of a three-level parapet with the area over the store entrance being the highest level, resulting in a tower element that focuses the eye on entry to the store
 - b. Differentiating the tower element from the rest of the structure using a lighter colored ground-face block or cast stone
 - c. Featuring clear/transparent glazing on at least the first two sections of windows nearest the entrance on the south and east elevations, thereby providing a look inside building that indicates a lively retail space
 - d. Making a number of upper floor windows serve as light wells to provide natural light into the structure
 - e. Using a building base that is set apart from the red brick with ground face concrete that matches the proposed pre-cast concrete string-coursing and window sills
3. The sketch site plan “SK-1” prepared by Zaremba Group LLC dated 7/24/13, which results in two rows of parking fronting Fairport Road, and two rows of parking fronting O’Connor Road; seven land-banked parking spots in the northeast corner of the parking lot; a decorative walkway from the corner of Fairport and O’Connor, leading to the store entrance enhancement; and building setbacks as shown.
4. This approval is conditioned upon receipt of site plan approval including elevations from the Town Planning Board.
5. This approval is subject to the applicant obtaining a building permit within one year from the date of this decision.

Upon being put to a vote, the following vote adopted the foregoing resolution:

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

VOLUNTEER BOARD APPOINTMENT

Supervisor Smith stated that Patrick Cahill has completed a five-year term as a member of the Board of Assessment Review (BAR). Mr. Cahill’s term expires at the end of September 2013. Town Assessor Morabito stated in his memo to the Town Board

that Mr. Cahill is a Partner at Bruckner, Tillett, Rossi, Cahill & Associates, has both residential and commercial experience and is a well-respected member of the BAR. Supervisor Smith recommended that the Town Board approve the appointment of Patrick Cahill to an additional five-year term on the Board of Assessment Review.

The following resolution was offered by Councilperson LaFay, seconded by Councilperson Havens:

BE IT RESOLVED, that Patrick Cahill, 9 Sanibel Drive, Fairport, NY, be appointed as a member of the Board of Assessment Review, with a term to expire on September 30, 2018.

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

APPROVE CHANGES TO THE MEMBERSHIP
OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC

A motion was made by Councilperson Van Vreede, seconded by Councilperson Knapp, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Resident Active Life Firefighter To Exempt In-Active Life Member	Mr. Dick Houlihan 1111 Mosley Road Fairport, NY 14450
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Resident In-Active Life Member To Active Life Firefighter	Mr. Mike Broderick 26 Little Brook Pittsford, NY 14534
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Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #9 for September 2013 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

SEPTEMBER PRIMARY ELECTION

General Fund	\$9,700.00
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The above item was paid with checks #91114-91193.

SEPTEMBER AUDIT

General Fund	50,271.34
Town Outside of Village	55,938.91
Recreation	98,108.48
Highway General Repair	515,476.48
Highway Snow & Miscellaneous	34,108.08
Joint Sewer	15,651.51
Debt Service Sewer	3,083.00

Perinton Ambulance Service	71.40
B Basin Fire Protect Dist	123.51
Fairmont Hills Maint Dist	1,770.00
O'Connor Rd Relocation Proj	400.00
Woolston Road Proj	24,746.88
RS&E Ped Bridge Project	50,408.44
Indian Valley Sewer Project	<u>171,936.71</u>
	\$1,022,094.74 Total

The above items were numbers 91196-91432.

SEPTEMBER MANUAL

General Fund	87,558.38
Town Outside of Village	5,092.96
Recreation	29,198.87
Joint Sewer	8,150.97
Forest Hills Fire Protect Dist	41,378.50
Midlands Lighting Dist	437.96
Lake Lacombe Lighting Dist	15.37
Meadows Lighting Dist	461.84
Deer Run Lighting Dist	1,515.03
Misty Meadows Lighting Dist	<u>118.37</u>
	\$173,928.25 Total

The above items were numbers 91074-91079, 91083, 91094-91095, 91097-91099, 91113, 91194.

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

There being no further business before the Board and no further questions from the audience, the Board adjourned at 8:35 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk